

Planning Proposal: Rural Lands Study

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Introduction

Background

In June 2022, The *Hornsby Shire Rural Lands Study* (Hornsby RLS) was finalised by Council (Appendix B). The Hornsby RLS is the result of a multi-year, place-based planning project focused on the rural lands of Hornsby Shire as outlined in Figure 1. The Hornsby RLS reviews the planning controls, existing character and land use patterns in the rural lands to provide parameters for future land use planning and set a vision for rural areas. The Hornsby RLS was undertaken within the planning context of the *Greater Sydney Region Plan* (Region Plan) and the *North District Plan* (District Plan), reflecting the relevant strategies and actions of the plans in the planning recommendations.

The vision for Hornsby's rural areas, as outlined in the Hornsby RLS is that:

- *Hornsby Shire's rural area is valued for its unique landscapes, its biodiversity, and the lives it supports.*
- *Primary production in the rural area is protected, and supported by opportunities for value-adding that leverage Hornsby Shire's farming, scenic landscapes, rural amenity and proximity to bushland.*
- *Planning in the rural area manages environmental risk and development constraints*

The vision for rural lands is supported by key principles and recommendations that seek to improve the viability of rural lands, support existing commercial agriculture, avoid land use conflict and protect landscape and biodiversity values.

The Hornsby RLS provided recommendations for the future management of Hornsby's rural areas, with key principles of the recommendations relevant to this planning proposal being:

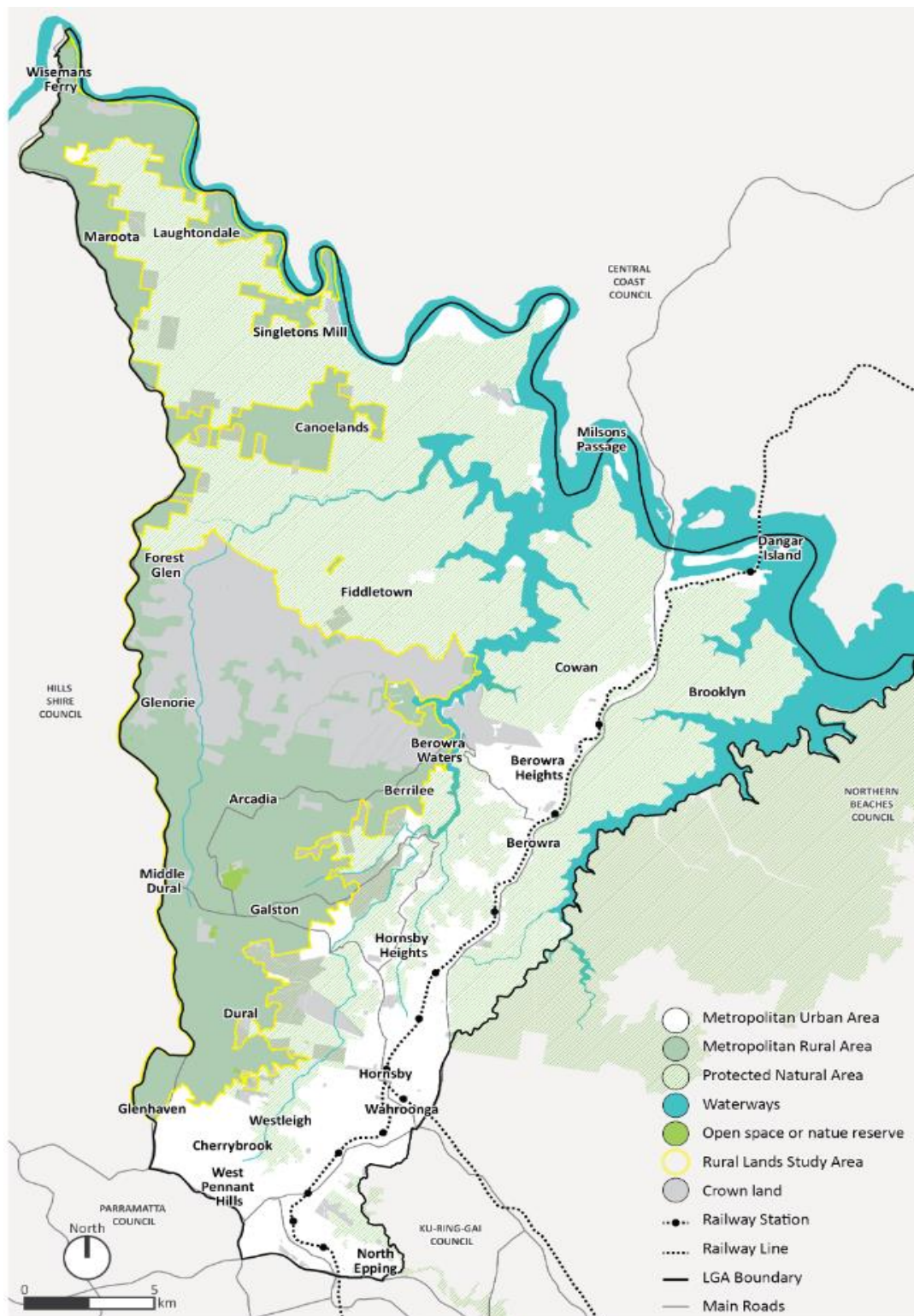
- *Retain and enhance opportunities for productive land use.*
- *Encourage ancillary land uses that support productive activities related to tourism.*
- *Limit further fragmentation of rural land.*
- *Plan for rural villages as great places that support the rural area.*
- *Manage the interface between urban and rural areas, especially in the southern parts of the rural area near New Line Road and Old Northern Road.*
- *Ensure development respects and enhances identified landscape and biodiversity values across the rural area.*

Council finalised the Hornsby RLS and adopted a two-part implementation plan. This planning proposal relates to Implementation Plan A (Appendix C), which focuses on short term amendments to Council's planning controls that can be immediately implemented.

Concurrent to the completion of the Hornsby RLS, the NSW Government, via the Department of Primary Industries and Department of Planning and Environment have progressed state wide planning reforms related to agritourism. The intent of the reforms is to diversify farming incomes and improve the resilience of rural communities, with a focus on natural disasters such as drought, bushfire and COVID. The agritourism reforms overlapped with, and in some instances implemented, short term recommendations of the Hornsby RLS.

This planning proposal gives effect to the remaining actions within the Hornsby RLS Implementation Plan A and aligns with the strategies and actions of the Region Plan and the District Plan that relate to the rural areas of Hornsby Shire. The planning proposal is consistent with the ongoing agritourism planning reforms and is seeking amendments to the Hornsby Local Environmental Plan 2013 (Hornsby LEP) and the Standard Instrument Principal Local Environmental Plan as detailed in this report.

Figure 1: Study area



Supporting reports

- Hornsby Shire Rural Lands Study 2022
- Hornsby Shire Rural Lands Study – Background Report 2022

1 Objectives or intended outcomes

Objective

The objective of the planning proposal is to amend the Hornsby LEP to give effect to the short term recommendations of the Hornsby RLS that seek to improve the viability of rural lands, support existing commercial agriculture, avoid land use conflict and protect landscape and biodiversity values of the rural area.

Intended Outcomes

- To protect primary production within the Metropolitan Rural Area of Hornsby Shire by amending the objectives of the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 – Environmental Management zones in the Hornsby LEP to reflect the intent of the zones to support value-adding activities for agriculture.
- To minimise land use conflict in rural areas by including the optional Standard Instrument Principal Local Environmental Plan Clause 5.16 into the Hornsby LEP.
- To clarify existing controls for attached dual occupancies under Clause 6.9 of the Hornsby LEP to ensure that planning controls for this land use are widely understood by the public.
- To remove unnecessary red tape that restricts the sale of products from a roadside stall to the site on which it is located or an adjoining property.
- To remove planning controls restricting the subdivision of rural allotments with access handles by allowing the area of an access handle to be counted in the minimum lot size calculation.

2 Explanation of the provisions

2.1 Overview

This planning proposal incorporates five amendments to the Hornsby LEP intended to enhance the viability of commercial farms whilst avoiding land use conflict and protecting rural scenic character:

- **Amendment 1:** Amend Hornsby LEP RU1 Primary Production, RU2 Rural Landscape RU4 Primary Production and C3 Environmental Management zone objectives to reflect the intent of the zones to support value adding activities for agriculture.
- **Amendment 2:** Include optional Standard Instrument Clause 5.16 into the Hornsby LEP to require consideration of land use conflicts.
- **Amendment 3:** Amend the wording of Hornsby LEP Clause 6.9 to clarify existing controls for attached dual occupancies.
- **Amendment 4:** Permit roadside stalls to sell produce and locally made items from area generally (instead of being restricted to the site and adjoining properties).
- **Amendment 5:** Amend the requirements for lot size calculation in Hornsby LEP Clause 4.1 so that access handles are included in lot size calculations in rural areas.

2.2 The Provisions Explained

The proposed amendments are discussed below.

Amendment 1: Amend zone objectives of RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management in Hornsby LEP to reflect the intent of the zones to support value adding activities for agriculture.

The Hornsby LEP includes bespoke objectives for its RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small lots zones, in addition to the standard objectives included in the Standard Instrument. The Hornsby RLS recommends amending one of the bespoke objectives to support the agricultural and tourism industries in rural zones.

In addition to the above zones, on 14 December 2022, Council resolved to include the C3 Environmental Management zone as a zone in which farm experience premises and farm gate premises are permitted with development consent. This amendment to the Hornsby LEP is being led by DPE and is anticipated to be completed mid-2023.

The C3 Environmental Management zone, while applied to Hornsby's rural areas, does not currently have objectives that would support agritourism and accommodation type land uses. A new objective is proposed to be added to the C3 Environmental Management Zone that reflects the intent of the zone to allow low impact agritourism and tourist and visitor accommodation development that is compatible with the environmental values of the zone

Potential wording for the amended and additional zone objectives is presented in the table below. The objectives have been developed based on the recommendations of the Hornsby RLS and existing zone objectives implemented by other Sydney Metropolitan and rural councils, including councils within the Metropolitan Rural Area.

Table 1: Comparison of existing and proposed zone amendments.

Existing Objectives RU1 Primary Production	Proposed objectives
<ul style="list-style-type: none"> » To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. » To encourage diversity in primary industry enterprises and systems appropriate for the area. » To minimise the fragmentation and alienation of resource lands. » To minimise conflict between land uses within this zone and land uses within adjoining zones. » To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public. » To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities. 	<ul style="list-style-type: none"> » To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. » To encourage diversity in primary industry enterprises and systems appropriate for the area. » To minimise the fragmentation and alienation of resource lands. » To minimise conflict between land uses within this zone and land uses within adjoining zones. » To encourage agritourism and tourist and visitor accommodation land uses that support agricultural industries and align with the rural character of the area. » To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.
RU2 Rural Landscape – Existing Objectives	Proposed objectives
<ul style="list-style-type: none"> » To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. » To maintain the rural landscape character of the land. » To provide for a range of compatible land uses, including extensive agriculture. » To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public. » To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities. 	<ul style="list-style-type: none"> » To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. » To maintain the rural landscape character of the land. » To provide for a range of compatible land uses, including extensive agriculture. » To encourage agritourism and tourist and visitor accommodation land uses that support agricultural industries and align with the rural character of the area. » To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.
RU4 Primary Production Small Lots – Existing Objectives	Proposed Objectives
<ul style="list-style-type: none"> » To enable sustainable primary industry and other compatible land uses. » To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. » To minimise conflict between land uses within this zone and land uses within adjoining zones. » To encourage land uses that support primary production, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public. » To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities. 	<ul style="list-style-type: none"> » To enable sustainable primary industry and other compatible land uses. » To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. » To minimise conflict between land uses within this zone and land uses within adjoining zones. » To encourage agritourism and tourist and visitor accommodation land uses that support agricultural industries and align with the rural character of the area. » To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.

C3 Environmental Objectives – Existing Objectives	Proposed Objectives
<ul style="list-style-type: none"> » To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. » To provide for a limited range of development that does not have an adverse effect on those values. » To protect the natural environment of steep lands and floodplains within the catchment of the Hawkesbury River. 	<ul style="list-style-type: none"> » To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. » To provide for a limited range of development that does not have an adverse effect on those values. » To enable low impact agritourism and tourist and visitor accommodation development that is compatible with the environmental values of the zone. » To protect the natural environment of steep lands and floodplains within the catchment of the Hawkesbury River.

Amendment 2: Include optional SI LEP Clause 5.16 into the Hornsby LEP to require consideration of land use conflicts.

The Hornsby RLS identified land use conflict as a major concern in Hornsby Shire’s rural areas. Smaller average allotment sizes and high land values in the metropolitan rural area more readily support the use of land for non-agricultural “rural residential” or “hobby farm” uses. This trend complicates the ongoing operation of commercial farms, as it places more sensitive residential receivers near existing farming operations.

The Hornsby RLS recommends that development and rural settlement in rural areas should be sited and designed so it does not interfere with legitimate and routine land uses on adjoining lands.

The Standard Instrument contains the optional Clause 5.16 “Subdivision of, or dwellings on, land in certain rural, residential or conservation zones”, extracted below. The insertion of Standard Instrument Clause 5.16 into the Hornsby LEP would require development assessments for the subdivision of land or the erection of a dwelling to consider the avoidance of land use conflict, achieving the intent of the Hornsby RLS recommendation. Standard Instrument Section 5.16 states (as relevant for this planning proposal):

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone C3 Environmental Management

(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—

(a) subdivision of land proposed to be used for the purposes of a dwelling,

(b) erection of a dwelling.

(4) The following matters are to be taken into account—

(a) the existing uses and approved uses of land in the vicinity of the development,

(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,

(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

Amendment 3: Amend Hornsby LEP Clause 6.9 to clarify controls for attached dual occupancies.

Hornsby LEP Clause 6.9 seeks to minimise unplanned rural residential development and limit the gross floor area of dual occupancies (attached) to ensure rural residential development maintains rural character.

The existing wording of the clause has the potential to be misinterpreted as prohibiting a development where both dwellings in an attached dual occupancy arrangement are greater than 200m². This misinterpretation has the potential to result in underutilisation of rural zones.

An amendment to Hornsby LEP Clause 6.9 is sought to provide greater clarity on the controls relating to the maximum permissible gross floor area for dual occupancies (attached) on land zoned RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots.

Potential wording for the amendment is provided in **Table 2** below. The proposed amendment does not seek to alter the restriction that at least one of the dual occupancy dwellings must be no more than 200m².

Table 2: Hornsby LEP Clause 6.9 (existing and proposed)

Hornsby LEP Clause 6.9 (Existing)	Hornsby LEP Clause 6.9 (Proposed - example only)
<p>6.9 Dual occupancies (attached) on land in certain rural zones</p> <p><i>(1) The objectives of this clause are—</i></p> <p><i>(a) to minimise unplanned rural residential development, and</i></p> <p><i>(b) to limit the gross floor area of dual occupancies (attached) to ensure rural residential development maintains rural character.</i></p> <p><i>(2) This clause applies to land in the following zones—</i></p> <p><i>(a) Zone RU1 Primary Production,</i></p> <p><i>(b) Zone RU2 Rural Landscape,</i></p> <p><i>(c) Zone RU4 Primary Production Small Lots.</i></p> <p><i>(3) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies if—</i></p> <p><i>(a) the land is a lot that is less than the minimum lot size shown on the Lot Size Map in relation to that land, or</i></p> <p><i>(b) the gross floor area of each of the dwellings is more than 200 square metres.</i></p>	<p>6.9 Dual occupancies (attached) on land in certain rural zones</p> <p><i>(1) The objectives of this clause are—</i></p> <p><i>(a) to minimise unplanned rural residential development, and</i></p> <p><i>(b) to limit the gross floor area of dual occupancies (attached) to ensure rural residential development maintains rural character.</i></p> <p><i>(2) This clause applies to land in the following zones—</i></p> <p><i>(a) Zone RU1 Primary Production,</i></p> <p><i>(b) Zone RU2 Rural Landscape,</i></p> <p><i>(c) Zone RU4 Primary Production Small Lots.</i></p> <p><i>(3) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies if the land is a lot that is less than the minimum lot size shown on the Lot Size Map in relation to that land.</i></p> <p><i>(4) Development consent must not be granted to development for the purposes of a dual occupancy (attached) on land to which this clause applies unless the gross floor area of at least one of the dwellings is less than 200 square metres.</i></p>

Amendment 4: To permit roadside stalls to sell produce and locally made items from area generally (instead of being restricted to the site and adjoining properties).

The Hornsby RLS identifies that roadside stalls are an underutilised opportunity to help support the ongoing viability of the agricultural industry. The Hornsby RLS provides that the existing definition for roadside stalls under the Standard Instrument is restrictive as it only permits stalls to sell produce from the property or from an adjacent property. The existing definition doesn't allow for multiple smaller operators to consolidate sales at a nearby roadside stall that is not their direct neighbour, which is considered to be overly restrictive.

The Hornsby RLS identifies that permitting roadside stalls to sell produce and hand crafted goods from the local region, rather than the property or adjoining property, would help support the ongoing viability of the agricultural industry. The change would simplify the passive sale of items for farming communities, support the agricultural use of land and add value to existing roadside stalls by allowing them to be operated by multiple properties, not necessarily adjacent to a site.

Further, permitting roadside stalls to sell produce from a wider local area would be consistent with the intent of the ongoing state-wide agritourism planning reforms which seek to assist landowners to add value to their existing agricultural operations, improving resilience to the economic impacts of natural disasters and unexpected events.

The most straight forward method for unlocking the ability for roadside stalls to better support the ongoing viability of commercial farming operations may be to remove restrictive language directly from the Standard Instrument definition. Removing the restriction that roadside stalls be used for the retail sale of agricultural produce "from the property on which the stall is situated or from an adjacent property" in favour of "from the property on which the stall is situated or from a rural property in the **local region**" would greatly expand the ability of roadside stalls to service multiple properties.

An example of how an amended definition may be worded is provided below:

Table 3: Example roadside stalls definition

Existing Definition	Example Definition
<i>roadside stalls</i> means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.	<i>roadside stalls</i> means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) primarily produced from the property on which the stall is situated or from a rural property in the local region.

Notwithstanding that this request is being raised through a Council Planning Proposal, the above change (or similar) would have State-wide application for areas where roadside stalls are permitted and would be consistent with the intent of the State-wide agritourism reform's farm gate premises land use definition. The land use definition for farm gate premises states that the land use is "used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region". Adopting a similar "local region" restriction for the roadside stalls land use definition would allow for a similar retail outcome, but within a smaller built form than a farm gate premises.

Another method by which the desired change could be implemented is via an additional local provision in Part 6 of the Hornsby LEP. A new local provision could provide that roadside stalls can sell produce from a broader area. However, such a provision would have to be drafted in a way that does not undermine the definition of roadside stalls contained in the Standard Instrument.

Council anticipates that further discussion with DPE post gateway would inform the most appropriate implementation process for this amendment.

Amendment 5: Amend requirements for lot size calculation in Clause 4.1 of the Hornsby LEP so that access handles are included in lot size calculations in rural areas.

Hornsby LEP Clause 4.1 requires that area of an ‘access handle’ for battle-axe or similar lots be excluded for the purpose of calculating lot size in a proposal for subdivision. While the exclusion is appropriate in urban areas, subdivision proposals in rural areas involve large lots with the area of a driveway being substantial.

The Hornsby RLS recommends that access handles be included in lot size calculation as it would not compromise rural landscape character.

Access handles in rural areas would occupy a relatively small percentage of site frontages compared to urban zones with minor streetscape impacts. Further, they would have negligible impact on lot pattern or character of rural areas, as the space that they occupy is generally linear. Vegetative screening, required as per part 2.1.5 of Hornsby DCP, would also mitigate impacts.

An amendment is proposed to Hornsby LEP Clause 4.1 to exclude the application of Clause 3A to any land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots or C3 Environmental Management. Council has identified approximately 30-40 sites in the rural area that may be able to subdivide (subject to other constraints) if access handles are included in lot size as proposed under this amendment.

Amending the Hornsby LEP in this manner would represent the most straightforward method of achieving the desired change. Alternative options have been considered, but would have unintended consequences as outlined below:

Alternative 1 – Reduce minimum lot sizes across rural zones

Reducing minimum lot size requirements for rural areas would be inconsistent with the desired intention of this amendment and the recommendations of the RLS. The intention of this amendment is to preserve existing lot size across the rural area whilst providing a subdivision pathway for a small number of allotments that may otherwise be meritorious except for the fact that they are undersized by access handles. The Hornsby RLS identifies that existing minimum allotment sizes should be maintained across the rural area, to preserve rural character, subdivision pattern, rural amenity and opportunities for commercial farming. Changing minimum lot sizes across the entire rural area would be inconsistent with the recommendations of the Study.

Additionally, reducing minimum lot sizes would not solve the issue of access handles in rural areas occupying a proportionally large amount of site area. Access handles would continue to occupy a larger site area compared to urban zones and consequently, decreasing minimum lot size would transfer the existing problem to smaller allotments. Widespread changes to minimum lot sizes are therefore considered to be an ineffective solution, whilst introducing significant risk of unintended consequences from sweeping changes to lot sizes.

Alternative 2 – Rely on Clause 4.6 variations

Relying upon Clause 4.6 variation requests was not seen as the preferred implementation method as the Hornsby RLS has identified that including access handles in site calculation is a change that has merit across all landscape areas in the rural area, thus establishing the merit for a change to the existing controls. Requiring applicants to further demonstrate site specific merit at development application stage is unnecessarily onerous.

Further, it is not considered to be a good planning outcome to rely on Clause 4.6 to implement the recommendations of the Hornsby RLS. Relying on Clause 4.6 to implement the recommendations of a planning study would likely have unintended consequences such as undermining the objectives of Clause 4.1 or exposing Council to contentions that granting consent to undersized subdivisions has virtually abandoned or destroyed the development standard.

An example of how the preferred amendment to Clause 4.1 may be implemented is outlined in the table below, however it is anticipated that the exact wording would be determined with DPE.

Table 4: Hornsby LEP Clause 4.1 (existing and proposed)

Hornsby LEP Clause 4.1 (Existing)	Hornsby LEP Clause 4.1 (Proposed – example only)
4.1 Minimum subdivision lot size (1) The objectives of this clause are as follows—	4.1 Minimum subdivision lot size (1) The objectives of this clause are as follows—

(a) to provide for the subdivision of land at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land,

(b) to ensure that lots are of a sufficient size to accommodate development.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 2021.

(a) to provide for the subdivision of land at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land,

(b) to ensure that lots are of a sufficient size to accommodate development.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size unless the allotment is zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots or C3 Environmental Management.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 2021.

3 Justification

This section of the planning proposal provides the rationale for the proposed amendments and responds to the questions set out in the *Local Environmental Plan Making Guideline* (September 2022).

3.1 Section A: Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes, the planning proposal is a result of the *Hornsby Local Strategic Planning Statement* (Hornsby LSPS) and the finalised Hornsby RLS as discussed below.

Hornsby LSPS

The Hornsby LSPS (endorsed March 2020) is the 20 year vision for land use; the special character and values that are to be preserved; shared community values; and how Hornsby Shire Council will manage growth and change. It includes priorities and actions to enable the delivery of that vision.

Priority SP8 of the LSPS seeks to *maintain and enhance the environmental, economic and scenic values of the Metropolitan Rural Areas of Hornsby*. Priority SP8 contains action SA11 which is to finalise the Hornsby Rural Lands Study.

The planning proposal is consistent with priority SP8 of the LSPS as it seeks to enhance the economic value of the Metropolitan rural area in a way that does not degrade the environmental, economic or scenic values of the area.

Further, the planning proposal seeks to implement the RLS, which is consistent with the intent of action SA11.

Hornsby RLS

The Hornsby RLS (finalised May 2022) takes a place-based approach to rural lands planning, dividing the rural lands of Hornsby Shire into 13 landscape areas with shared characteristics, such as landform, vegetation and land uses. The Hornsby RLS was extensively researched, exhibited and developed in consultation with the Hornsby community, including those that live and work in Hornsby Shire's rural areas.

This place-based approach is supported by Region Plan Objective 29 which states that place-based approaches for landscape units within the Metropolitan Rural Area will help manage its environmental, social and economic values and maximise the productive use of land. The Hornsby RLS further addresses the applicable actions of the District Plan to limit urban development in rural areas and undertake place-based planning to deliver targeted environmental, social and economic outcomes, as discussed in Section B of this report.

This planning proposal seeks to give effect to Hornsby RLS Implementation Plan A which prioritises shorter term recommendations of the Hornsby RLS and is consistent with the recommendations of the plan.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the best means of achieving the objectives of the Hornsby RLS.

This planning proposal would achieve the recommendations of the Hornsby RLS and associated implementation plan, assisting in supporting agricultural industry in the rural area. The planning proposal seeks to introduce controls to minimise land use conflict impacts, amend the objectives of the rural zones to better support the agricultural use of land and provide clarity in the assessment of dual occupancy residential development. These amendments would not restrict other types of development in the rural zone or impact existing environmental protections.

Amending the Hornsby LEP would provide a greater level of certainty for the community and commercial agricultural operators as to the future of the rural area.

This planning proposal would be supported by complementary amendments to the Hornsby Development Control Plan 2013 (Hornsby DCP) however the intent of this proposal could not be achieved by Hornsby DCP amendments alone.

3.2 Section B: Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

An assessment of the planning proposal against the relevant objectives of the Region Plan and the planning priorities of the District Plan is provided below:

Table 5: Greater Sydney Regional Plan Review

Metropolis of Three Cities Objective	Strategy	Response
<p>Objective 28 Scenic and cultural landscapes are protected</p>	<p>28.1 Identify and protect scenic cultural landscapes 28.2 Enhance and protect views of scenic and cultural landscapes from the public realm</p>	<p>The planning proposal would offer additional support to continue the use of traditional agricultural enterprise within the Metropolitan Rural Area of Hornsby Shire, protecting the scenic and cultural landscapes of the area.</p> <p>The planning proposal is the result of the Hornsby RLS, which identified scenic cultural landscapes within the rural area and proposed planning strategies for the protection of these areas. The planning proposal would therefore be consistent with regional plan strategies 28.1 and 28.2.</p>
<p>Objective 29 Environmental, social and economic values in rural areas are protected and enhanced</p>	<p>29.1 Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes. 29.2 Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham.</p>	<p>The planning proposal would support the economic viability of the metropolitan rural area by supporting commercial farms to diversify income streams.</p> <p>The planning proposal would assist rural villages by promoting recreation and tourism in surrounding areas. The planning proposal directly assists in realising Strategy 29.1 to maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes. Further the planning proposal does not propose any expansion to urban development in the rural area in accordance with Strategy 29.2.</p>

Table 6: North District Plan Review

Planning Priority	Applicable Actions	Response
<p>Planning Priority N13 Supporting growth of targeted industry sectors</p>	<p>55. When preparing plans for tourism and visitation, consider:</p> <ul style="list-style-type: none"> a. encouraging the development of a range of well-designed and located facilities. b. enhancing the amenity, vibrancy and safety of centres and township precincts c. supporting the development of places for artistic and cultural activities. d. improving public facilities and access e. protecting heritage and biodiversity to enhance cultural and eco-tourism f. supporting appropriate growth of the night-time economy g. developing industry skills critical to growing the visitor economy. h. incorporating transport planning to serve the transport access needs of tourists <p>56. Protect and support agricultural production and mineral resources (in particular, construction materials) by preventing inappropriately dispersed urban activities in rural areas.</p> <p>57. Provide a regulatory environment that enables economic opportunities created by changing technologies</p> <p>58. Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions</p> <p>59. Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.</p>	<p>The planning proposal would assist in leveraging the natural assets and landscape character of the rural areas via low impact tourist oriented ancillary uses on commercial farms. The amendments proposed under this Planning Proposal are aimed at supporting the viability of the agricultural industry by promoting diversified income streams and protecting productive commercial activity from land use conflict arising from non-productive rural-residential uses.</p> <p>The Hornsby RLS identified that expanding low impact agritourism opportunities assists in enhancing the vibrancy of rural villages and regions in a manner that is considerate of the existing rural character, without overwhelming public infrastructure. Further, providing tourist opportunities linked to agriculture assists in reinforcing the sense of place for rural landscapes and villages. The planning proposal is therefore considered to be consistent with Actions 55, 58 and 59.</p> <p>By providing support to diversified land uses on existing commercial farms, the planning proposal aims to create a better regulatory environment for the agricultural industry where traditionally, land use pressures and competition by less constrained rural areas have prevented growth and sustainment of agricultural activities. Further, the introduction of Clause 5.16 would elevate the importance of land use conflict considerations and assist in preventing residential oriented development in proximity to existing agricultural uses. The planning proposal is therefore considered to be consistent with Action 56 and 57.</p>
<p>Planning Priority N17 Protecting and enhancing scenic and cultural landscapes</p>	<p>67. Identify and protect scenic and cultural landscapes</p> <p>68. Enhance and protect views of scenic and cultural landscapes from the public realm</p>	<p>The planning proposal supports the Metropolitan Rural Area by supporting the viability of commercial farming operations, protecting rural landscapes and historic locations such as Glenorie and Arcadia. The Hornsby RLS identified scenic and cultural landscapes within the rural area (Action 67) and this planning proposal will assist to maintain and protect the scenic qualities of rural lands from the public realm (Action 68).</p>

Planning Priority	Applicable Actions	Response
<p>Planning Priority N18 Better Managing Rural Areas</p>	<p>69. Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.</p> <p>70. Limit urban development to within the Urban Area</p>	<p>The planning proposal will deliver targeted economic outcomes arising from the place-based planning approach outlined in the Hornsby RLS, which is consistent with Action 69 of Planning Priority N18.</p> <p>Supporting the economic viability of agriculture in the metropolitan rural area will provide positive societal benefit by supporting employment opportunities and the economic viability of rural villages. The economic benefits proposed under this planning proposal do not come at the expense of the environment or the rural scenic character of Hornsby’s diverse rural landscapes.</p>

Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the planning proposal is consistent with the Hornsby LSPS and the Hornsby RLS as discussed below.

Hornsby LSPS

Key Priority No. 7 of the Hornsby LSPS seeks to protect and enhance the environmental value and economic productivity of the Metropolitan Rural Lands in the Shire. The rural lands of Hornsby contain a mixture of productive agricultural land, extractive industries, rural residential development, rural villages, scenic rural landscapes, native vegetation and biodiversity corridors. They play a critical role for Hornsby's environment and local economy through the expansive natural areas, and diversity of land uses.

This planning proposal seeks to support the economic productivity of the Metropolitan Rural Lands of Hornsby, whilst minimising land use conflicts and maintaining existing environmental protections. The planning proposal is therefore consistent with Key Priority No 7 of the LSPS.

Hornsby Rural Lands Study

The Hornsby RLS was finalised in accordance with Strategic Action 11 of the LSPS. The Hornsby RLS outlines the vision for the rural areas and includes:

- Strategies to promote the retention of the Metropolitan Rural Area as a key part of Hornsby and the Greater Sydney Region;
- Analysis and consideration of drivers of change in agricultural and rural areas;
- A vision for Hornsby Shire's rural area;
- Principles for better managing rural areas in Hornsby Shire; and
- Recommendations for changes to planning controls to implement the findings of the Hornsby RLS.

The Hornsby RLS identified that the Metropolitan Rural Areas of Hornsby are facing significant pressures on traditional rural use of land. The proximity to Sydney's urban fringe is a major determinant of land values, which makes the expansion of commercial agricultural production prohibitively expensive. Rural lands around Sydney are primarily in demand as rural lifestyle properties, with less and less commercial and agricultural activity occurring. This change is driving land use conflict and pressure to subdivide rural areas to increase rural lifestyle opportunities. Traditional commercial farming enterprise in the rural area of Hornsby Shire is challenged by high land values, increasing land use conflict and competition from other regions of NSW where land and water is cheaper and more readily available, which offers regional farmers opportunities to scale up commercial agriculture operations.

The proximity to Sydney's urban population also presents opportunities for value adding activities to diversify the income base of commercial farms through tourism and farm related experiences, providing locally relevant alternatives to rural lifestyle land uses. The Hornsby RLS identifies the challenges and opportunities for Hornsby's Metropolitan Rural Area, providing principles and recommendations for managing rural lands into the future. The Hornsby RLS will inform amendments to future versions of the LSPS and informs changes to Council's LEP and the HDCP.

This planning proposal seeks to implement the short-term recommendations of the Hornsby RLS. The short-term recommendations are fully formed actions that have been researched, publicly exhibited and ultimately recommended for implementation during the course of the Hornsby RLS strategic planning study.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The *Planning for Agriculture in Rural Land Use Strategies* guidelines were released by the Department of Primary Industries in July 2022. While the RLS was prepared prior to the publication of the guidelines, it responds to the objectives and provides a comprehensive strategic foundation for the planning proposal.

The objectives of the guidelines are:

- To ensure that the needs of agriculture are considered in the strategic planning process;

- To ensure that opportunities for the growth of agricultural industries are considered through the strategic planning framework; and
- To ensure the strategic planning process gives careful consideration to land uses in rural areas that are incompatible with agriculture.

As noted in this report, the Hornsby RLS identified a need to support the agricultural industry via the diversification of income streams, regulatory and legislative support, and improved protections against land use conflict.

While the Hornsby RLS was prepared separately to the *Planning for Agriculture in Rural Land Use Strategies* guidelines, the study is generally consistent with the objectives of the guidelines. As such, the proposed amendments under this planning proposal are likewise consistent with the intent of the guidelines.

Is the planning proposal consistent with applicable SEPPs?

The consistency of the planning proposal with applicable SEPPs is detailed in the table below:

Table 7: State Environmental Planning Policies

State Environmental Planning Policy	Requirement	Response
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Part 2.5 Clearing of Native Vegetation on primary production land.	The planning proposal does not alter, and is not inconsistent with, any of the provisions of Part 2.5.
	Chapter 4 Koala habitat protection	Chapter 4 applies to the rural lands of Hornsby Shire. The planning proposal would not have a detrimental impact on the potential koala habitat and would not alter or be inconsistent with the relevant requirements of Chapter 4.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Part 2 Exempt Development Provisions	The planning proposal would not be inconsistent with any of the exempt development provisions listed in Part 2 of the SEPP. The proposed change to the roadside stall land use definition is not inconsistent with any of the requirements for roadside stalls listed under Subdivision 33AA and would not alter the functionality of this clause.
	Part 3A Rural Housing Code	The planning proposal would not be inconsistent with any of the complying development requirements listed under the Rural Housing Code. The adoption of Clause 5.16 and the amendments to Clause 6.9 of the Hornsby LEP proposed under this planning proposal would only apply to development applications.
	Part 3B Low Rise Housing Diversity Code	The complying development provisions for dual occupancies located in Part 3B of the SEPP are not applicable to land zoned RU1, RU2 or RU4.
	Part 6 Subdivisions Code	The proposed change to Clause 4.1 of the Hornsby LEP is not inconsistent with Part 6 of the SEPP.

State Environmental Planning Policy	Requirement	Response
	Part 9 Agritourism and Farm Stay Accommodation Code	The proposed changes to the Hornsby LEP are consistent with Part 9 of the SEPP. As discussed in Section 1 of this report, this planning proposal has been prepared alongside the DPE agritourism reforms and seeks to implement recommendations of the Hornsby RLS that support diversification of commercial farming incomes without seeking to duplicate the planning reforms provided under the agritourism changes. Changes to zone objectives proposed under this planning proposal would provide further legislative support to the agritourism reforms.
State Environmental Planning Policy (Housing) 2021	N/A	The planning proposal is not inconsistent with any of the requirements of the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	N/A	The planning proposal is not inconsistent with any of the requirements of the SEPP. The introduction of Clause 5.16 to the Hornsby LEP may assist in minimising land use conflict from the placement of dwellings in proximity to existing regionally and state significant developments.
State Environmental Planning Policy (Primary Production) 2021	Chapter 2 Primary production and rural development	The planning proposal is consistent with the aims of Chapter 2 of the SEPP as it seeks to facilitate the orderly and economic use of rural lands and reduce instances of land use conflict. The introduction of Clause 5.16 Hornsby LEP would require that applicants consider land use conflict in proposing dwelling house applications which will assist in avoiding further land sterilisation in the metropolitan rural area.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 Coastal Management	The proposed change to Clause 4.1 to include lot handles in minimum subdivision size calculation would apply to C3 Environmental Management zoned land located within the Coastal Use Area and Coastal Environmental Area. The proposed change under the planning proposal is not inconsistent with any of the considerations listed under Chapter 2 of the SEPP.

Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

Local Planning Directions

The consistency of the planning proposal with the requirements of the relevant Local Planning Directions (ministerial directions) is discussed in the table contained within Appendix A.

The planning proposal is consistent with the Ministerial Directions that are relevant to the proposed amendments. Specifically, it is consistent with the most relevant directions, being Directions 1.1 Implementation of Regional Plans and 9.1 Rural Zones.

The respective objectives of Directions 1.1 and 9.1 are to ensure planning proposals are consistent with the regional plans and that the agricultural production value of rural land is protected.

As outlined in this report, this Planning Proposal seeks to implement the recommendations of the Hornsby RLS which was prepared in accordance with the North District Plan. The progression of this planning proposal would therefore be consistent with the North District Plan and the objective of Ministerial Direction 1.1.

Further, the planning proposal would assist in protecting the agricultural production value of rural land by providing support for existing commercial agriculture, which is consistent with the Objective of Ministerial Direction 9.1.

Local Planning Panels Direction – Planning Proposals

The Ministerial Direction “Local Planning Panels Direction – Planning Proposals” outlines the types of planning proposals that a Council is required to refer to the Local Planning for advice. Planning Proposals must be referred to the Local Planning Panel for advice prior to Council considering whether or not to forward the proposal to the Minister or Greater Sydney Commission.

On 31 May 2023, the Hornsby Shire Local Planning Panel considered an assessment report and draft version of this Planning Proposal. The Panel was supportive of the progression of the Planning Proposal to gateway determination and provided advice on the following aspects of the proposal:

- Zone objectives should be clearly drafted to provide certainty for Council and the community; and
- The proposed amended roadside stall definition should ensure that roadside stalls don't become “shops” that sell items from unrelated regions or areas.

The advice of the panel has been incorporated into the draft Planning Proposal with clear objectives provided for zones and roadside stalls having a requirement to sell goods from the “local region”. A copy of the full minutes of the Planning Panel is attached to this report.

3.3 Section C: Environmental social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The rural lands of Hornsby shire contain endangered ecological communities and habitats for threatened species of flora and fauna. Communities of the greatest conservation significance include the critically endangered Turpentine-Ironbark Forest, Blue Gum Shale Forest and Blue Gum Diatreme Forest.

The planning proposal seeks to improve economic viability of commercial farms and support value adding activities for rural lands. The amendments are not expected to adversely affect any critical habitat or endangered or threatened species.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other environmental effects are considered likely beyond those discussed in the scope of this planning proposal. The planning proposal comprises amendments to support commercial farming operations, improve comprehension of Hornsby LEP controls and avoid land use conflicts. These amendments are not considered to have significant or detrimental environmental effects and are low impact in their design.

Has the planning proposal adequately addressed any social and economic effects?

The Hornsby RLS has identified that the land value of agricultural areas in Hornsby Shire is driven by the proximity to the Sydney Metropolitan Area and the rising demand for rural lifestyle properties. Land that has been historically used for agricultural activities is increasingly being purchased for "rural lifestyle" uses, including rural residential uses and non-productive hobby farms. When productive rural lands are purchased for rural lifestyle uses, they rarely convert back into an agricultural use, as the cost of the land makes this an uneconomical exercise.

The Hornsby RLS also identified that the rural lands of Hornsby are highly fragmented, with more capable agricultural allotments having a lot size of <2 – 10 hectares. Globalisation and trade between agricultural regions of Australia has put downward pressure on the prices of produce and lead to a trend of fewer, but larger farms in regional areas. Commercial farms in Hornsby purchasing adjoining land to expand agricultural enterprise is generally not possible due to higher land values. As a consequence, the viability of farming the metropolitan rural areas is diminished and outcompeted by other regions.

The recommendations of the Hornsby RLS seek to improve the economic viability of agricultural activity in the rural area whilst reducing land use conflict, balancing natural hazards, supporting rural villages and protecting the unique environment of the rural area. Hornsby RLS recommendations relevant to this planning proposal include:

- Retain and enhance opportunities for productive land use.
- Encourage ancillary land uses that support productive activities related to tourism.
- Plan for rural villages as great places that support the rural area.
- Ensure development respects and enhances identified landscape and biodiversity values across the rural area.

This planning proposal seeks to implement the positive economic and social opportunities identified in the Hornsby RLS to address the challenges faced by commercial farms, by supporting economic diversification and land use conflict reduction. The planning proposal would have a positive economic and social impact on the rural lands of Hornsby and the wider Metropolitan Rural Area.

3.4 Section D: Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

Yes, the planning proposal is unlikely to require provision of any specific infrastructure or increase demand on existing infrastructure.

3.5 Section E: State and Commonwealth interests

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

During the public exhibition of the Hornsby RLS, NSW state agencies were contacted for comment and submissions were received from NSW Department of Primary Industries (DPI) and NSW Rural Fire Service (RFS). The agencies provided comments on the Hornsby RLS project as a whole and included specific comments on aspects of the project, where the relevant agency held concerns. Concerns raised by DPI and RFS in response to the public exhibition of the Hornsby RLS do not relate to the proposed planning changes detailed in this planning proposal.

State and Commonwealth public authorities have not yet been contacted directly about the planning proposal.

Public authorities will be contacted in accordance with the requirements of the gateway determination.

4 Mapping

There are no amended LEP maps required to support this planning proposal.

5 Consultation

As this planning proposal is the result of the completion of the Hornsby RLS, community consultation has been previously undertaken with affected communities on proposed amendments to planning legislation. Community consultation undertaken during the Hornsby RLS strategic planning programme included:

- 3,320 letters sent to rural landowners;
- The creation of a Rural Lands Study website that received 987 unique visits during the project;
- Online surveys with 269 responses;
- Four community workshops;
- Over 2,200 combined comments from online surveys and community workshops;
- 323 submissions in response to the formal public notification of the draft strategy; and
- 40 informal submissions received during the general course of the project outside of submission periods.

Community feedback received during consultation informed and shaped the finalised Hornsby RLS. Since finalisation in May 2022, Council has continued to receive enquiries from the community regarding the progress of the implementation phase of the Hornsby RLS.

To ensure that the community is informed of this planning proposal, the planning proposal will be publicly exhibited in accordance with the requirements of the Gateway Determination and Council's Community Engagement Plan 2021. Public exhibition will include:

Public authorities

Notification letters and a copy of the planning proposal will be sent to public authorities identified in the Gateway Determination. Council considers potential interested stakeholders as the NSW Department of Primary Industries and NSW Rural Fire Service.

Letters to affected property owners

Notification letters will be sent to affected property owners advising of the exhibition of the planning proposal.

Advertisement in newspaper

An advertisement will be placed in relevant rural publications, such as Living Heritage, Galston Glenorie News and Dooral Roundup. The public notice will identify the purpose of the planning proposal, exhibition dates and where the proposal can be viewed.

Advertisement on the Council website

The planning proposal will be exhibited on Council's 'Your Say Hornsby' webpage.

(<https://yoursay.hornsby.nsw.gov.au/>)

E-News

An advertisement would be placed in Council's electronic newsletter.

Displays at the Council Administration Building and local libraries

The planning proposal will be displayed at the Council Chambers, No. 296 Peats Ferry Road, Hornsby, with additional copies at all Council libraries.

Following community consultation, a report summarising the submissions will be prepared to Council for its consideration.

6 Project timeline

Table 8: Project Timeline

Stage	Timeframe
Council decision	July 2023
Gateway assessment	August 2023
Gateway determination	September 2023
Gateway analysis and consultation prior to exhibition	October - November 2023
Public/agency exhibition	November - December 2024
Submission analysis	February / April 2024
Council decision	May 2024
Finalisation	June- July 2024

Appendices

Appendix A - Assessment Against Applicable Ministerial Directions

Appendix B - Hornsby Shire Rural Lands Study

Appendix C - Hornsby Shire Rural Lands Study – Background Report

Appendix D - Implementation Action Plan A

Appendix E – Hornsby Local Planning Panel Meeting Minutes

Appendix F – Accompanying Hornsby Development Control Plan Changes

A Appendix A - Assessment Against Applicable Ministerial Directions

Table 9: Assessment of Planning Proposal against applicable Ministerial Directions

Ministerial Direction	Objective and Direction	Response
1.1 Implementation of Regional Plans	<p><u>Objective</u></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans</p> <p><u>Direction</u></p> <p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	<p>Consistent.</p> <p>The planning proposal is generally consistent with the objectives and priorities of the Greater Sydney Region Plan and North District Plan as demonstrated in Part 3 Section B of this planning proposal.</p>
1.3 Approval and Referral Requirements	<p><u>Objective</u></p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><u>Direction</u></p> <p>(1) A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p>	<p>Consistent.</p> <p>The planning proposal does not include any concurrence, consultation or referral provisions to a Minister or a Public Authority.</p>

Ministerial Direction	Objective and Direction	Response
	<p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p>	
<p>3.1 Conservation Zones</p>	<p><u>Objective</u> The objective of this direction is to protect and conserve environmentally sensitive areas</p> <p><u>Direction</u> (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”</p>	<p>Generally Consistent</p> <p>Due to the broad application of the planning proposal to the rural area of Hornsby Shire, the proposal would apply to land within the C3 Environmental Management Zone and lands identified as Terrestrial Biodiversity under Section 6.4 of the Hornsby LEP.</p> <p>The planning proposal does not seek to intensify any development in the C3 zone or in any lands identified as terrestrial biodiversity, would not introduce any additional permissible land uses and would not degrade any existing environmental protections in place for environmentally sensitive areas.</p> <p>As a result, the planning proposal is considered consistent with the objective of the direction and the existing development controls contained within the Hornsby LEP and Hornsby DCP are sufficient to ensure that environmentally sensitive areas are protected and conserved.</p>
<p>3.2 Heritage Conservation</p>	<p><u>Objective</u> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>Direction</u> (1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or</p>	<p>Generally Consistent</p> <p>Due to the broad application of the planning proposal to the rural area of Hornsby Shire, the proposal would apply to land that contains heritage listed items as listed in Schedule 5 of the Hornsby LEP.</p> <p>The existing provisions contained within the Hornsby LEP and HDPC adequately conserve the heritage significance of listed items in the rural area. No further provisions would be required under this planning proposal to facilitate the conservation of heritage items due to the minor nature of this planning proposal and the broad rural wide focus of the proposed amendments.</p>

Ministerial Direction	Objective and Direction	Response
	<p>on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	
<p>3.5 Recreation Vehicle Areas</p>	<p><u>Objective</u> The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p><u>Direction</u> (1) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <ul style="list-style-type: none"> (a) where the land is within a conservation zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration: <ul style="list-style-type: none"> i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. 	<p>Consistent.</p> <p>The planning proposal would not permit the development of recreational vehicle areas.</p>
<p>3.7 Public Bushland</p>	<p><u>Objective</u> The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by:</p> <ul style="list-style-type: none"> (a) preserving: <ul style="list-style-type: none"> i. biodiversity and habitat corridors, ii. links between public bushland and other nearby bushland, iii. bushland as a natural stabiliser of the soil surface, 	<p>Consistent.</p> <p>The planning proposal would not impact on any public bushland within the urban area of Hornsby Shire. Further, the planning proposal does not seek to reduce environmental protections for bushland on public or private lands.</p>

Ministerial Direction	Objective and Direction	Response
	<p>iv. existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, v. the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and (b) mitigating disturbance caused by development, (c) giving priority to retaining public bushland.</p> <p><u>Direction</u></p> <p>(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal: (a) is consistent with the objectives of this direction, and (b) gives priority to retaining public bushland, unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p>	
<p>3.10 Water Catchment Protection</p>	<p><u>Objective</u></p> <p>The objectives of this direction are to:</p> <p>(a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution (b) protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity (c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users (d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</p> <p><u>Direction</u></p> <p>(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following: (a) is consistent with the objectives of this direction, (b) is consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, as published by Water Quality</p>	<p>Consistent.</p> <p>The planning proposal applies to land that is located within the water catchment of the Hawkesbury River. The planning proposal would have negligible impact on the ongoing water quality, habitats, groundwater, natural drainage lines or any other natural processes associated with the Hawkesbury River or its tributaries.</p>

Ministerial Direction	Objective and Direction	Response
	<p>Australia, and any water quality management plan prepared in accordance with those guidelines,</p> <p>(c) includes documentation, prepared by a suitably qualified person(s), indicating whether the planning proposal:</p> <ul style="list-style-type: none"> i. is likely to have an adverse direct, indirect or cumulative impact on terrestrial, aquatic or migratory animals or vegetation, and any steps taken to minimise such impacts ii. is likely to have an impact on periodic flooding that may affect wetlands and other riverine ecosystems iii. is likely to have an adverse impact on recreational land uses within the regulated catchment <p>(d) identifies and considers the cumulative impact of the planning proposal on water quality (including groundwater) and flows of natural waterbodies and on the environment more generally, including on land adjacent to or downstream of the area to which this direction applies,</p> <p>(e) identifies how the planning proposal will:</p> <ul style="list-style-type: none"> i. protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater), ii. impact the scenic quality of the natural waterbodies and the social, economic and environmental interests of the community, iii. protect and rehabilitate land from current and future urban salinity, and prevent or restore land degradation, <p>(f) considers any feasible alternatives to the planning proposal.</p> <p>(2) When preparing a planning proposal, the planning proposal authority must:</p> <ul style="list-style-type: none"> (a) consult with the councils of adjacent or downstream local government areas where the planning proposal is likely to have an adverse environmental impact on land in that local government area, and (b) as far as is practicable, give effect to any requests of the adjacent or downstream council. 	
4.2 Coastal Management	<u>Objective</u>	Consistent.

Ministerial Direction	Objective and Direction	Response
	<p>The objective of this direction is to protect and manage coastal areas of NSW</p> <p><u>Direction</u></p> <p>(1) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</p> <p>(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</p> <p>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p> <p>(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</p>	<p>The planning proposal would include land identified as being located within the Coastal Use Area and the Coastal Environment Area as defined by <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The planning proposal does not seek to rezone any land, change the extent of any of the coastal maps contained within the Resilience and Hazards SEPP and would not permit any additional intensive land use within the coastal zone. Whilst the planning proposal includes rural land within the coastal use and coastal environment areas, it does not seek any reduced environmental or land use planning protections for these areas.</p>

Ministerial Direction	Objective and Direction	Response
	<p>(a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map.</p> <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</p>	
<p>4.3 Planning for Bushfire Protection</p>	<p><u>Objective</u> The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.</p> <p><u>Direction</u></p> <p>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p> <p>(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for</p>	<p>Consistent.</p> <p>The rural area of Hornsby shire contains significant areas of bushfire prone land due to the extensive natural areas of bushland. This planning proposal does not seek to rezone any land, provide provisions for any additional permissible land use zones or increase any residential densities on any bushfire prone allotments by way of a reduction in the minimum allotment size.</p> <p>Direction 4.3 states that the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following the receipt of any gateway and this is reflected in the Consultation requirements listed in Part 5 of this report. Any comments made by the Commissioner will be considered as per the requirements of Direction 4.3</p>

Ministerial Direction	Objective and Direction	Response
	<p>development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
<p>4.4 Remediation of Contaminated Land</p>	<p><u>Objective</u></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p><u>Direction</u></p> <p>(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p>	<p>Consistent.</p> <p>The rural area of Hornsby Shire is known to have been used for agricultural and horticultural activities which is a potentially contaminating activity. The planning proposal does not seek a change of use of any agricultural land. Development on any agricultural land that is subject to a change of use application would be assessed at the time a development application is received. The Hornsby LEP and HDCP contain provisions to this effect and no further contamination requirements are required under this planning proposal.</p>

Ministerial Direction	Objective and Direction	Response
	<p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>	
<p>4.5 Acid Sulfate Soils</p>	<p><u>Objective</u> The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p><u>Direction</u></p> <p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking</p>	<p>Consistent.</p> <p>The rural area of Hornsby Shire contains land identified as potentially containing Acid Sulfate Soils (ASS), which comprise low lying areas around the Hawkesbury River. The planning proposal would not alter existing ASS development controls contained within the Hornsby LEP or HDCCP, does not propose the intensification of development on any potential ASS land and does not seek to allow for the disturbance of any potential ASS.</p>

Ministerial Direction	Objective and Direction	Response
	<p>community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	
<p>5.2 Reserving Land for Public Purposes</p>	<p><u>Objective</u></p> <p>The objectives of this direction are to:</p> <p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p><u>Direction</u></p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p>	<p>Consistent.</p> <p>The planning proposal does not seek to reserve land for a public purpose or remove any existing reservations.</p>

Ministerial Direction	Objective and Direction	Response
	<p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
<p>6.2 Caravan Parks and Manufactured Home Estates</p>	<p><u>Objective</u> The objectives of this direction are to:</p> <p>(a) provide for a variety of housing types, and</p> <p>(b) provide opportunities for caravan parks and manufactured home estates.</p> <p><u>Direction</u></p> <p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p>	<p>Consistent.</p> <p>The planning proposal does not seek to alter the permissibility of caravan parks or manufactured home estates in any zone.</p>

Ministerial Direction	Objective and Direction	Response
	(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.	
9.1 Rural Zones	<p><u>Objective</u> The objective of this direction is to protect the agricultural production value of rural land.</p> <p><u>Direction</u> (1) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>	<p>Consistent.</p> <p>The planning proposal does not seek to alter the existing extent of rural zoned land in the rural area. Further, the proposal does not contain provisions that will increase the permissible density of land within a rural zone.</p>

B Appendix B - Hornsby Shire Rural Lands Study

To download a copy please visit: <https://secureservercdn.net/104.238.71.33/j4m.914.myftpupload.com/wp-content/uploads/2022/06/D08416358-Hornsby-Shire-Rural-Lands-Strategy-June-2022-Final.pdf>

C Appendix C - Hornsby Shire Rural Lands Study – Background Report

To download a copy please visit: <https://secureservercdn.net/104.238.71.33/j4m.914.myftpupload.com/wp-content/uploads/2022/06/D08416351-Rural-Lands-Study-Background-Report-June-2022-Final.pdf>

D Appendix D - Implementation Action Plan A

To download a copy please visit:

https://businesspapers.hornsby.nsw.gov.au/Open/2022/06/GM_08062022_AGN_WEB.htm

E Appendix E – Hornsby Local Planning Panel Meeting Minutes

F Appendix F – Accompanying Hornsby Development Control Plan Changes

