



New South Wales

The Hills Local Environmental Plan 2019 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**MICHAEL EDGAR, GENERAL MANAGER
THE HILLS SHIRE COUNCIL**
As delegate for the local plan-making authority

The Hills Local Environmental Plan 2019 (Amendment No 32)

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Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *The Hills Local Environmental Plan 2019 (Amendment No 32)*.

2 Commencement

This plan commences on the day on which it is published on the NSW legislation website.

3 Land to which plan applies

This plan applies to land to which *The Hills Local Environmental Plan 2019* applies.

Schedule 1 Amendment of The Hills Local Environmental Plan 2019

[1] Land Use Table

Omit “Cellar door premises;” from Zone RU6, item 3.

Insert “Farm gate premises;” in appropriate order.

[2] Clause 5.24

Omit the clause. Insert instead—

5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure that development does not have an adverse impact on the rural character of the locality.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or
 - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the development, and

- (e) the compatibility of the development with nearby land uses.

[3] Clause 5.25

Omit the clause. Insert instead—

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.