

On 10 May 2024, Part 6 Subdivision of the Hornsby Development Control Plan 2013 was amended to incorporate changes outlined in Council's adopted Rural Lands Strategy. The DCP changes were endorsed by Council at its 14 February 2024 General Meeting.

The changes have also been incorporated into this exhibition copy of the Hornsby DCP 2024.

Please see <https://yoursay.hornsby.nsw.gov.au/rural-lands-study-implementation/RLS-planning-proposal> for further information.

# Hornsby Development Control Plan 2024

## Part 6 Subdivision



# 6 Subdivision

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Tracked changes are used to show the differences between the Hornsby DCP 2013 and the draft Hornsby DCP 2024.

For accessibility, **ORANGE** is used for additions and **BLUE STRIKETHROUGH** text is used for deletions.

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## Introduction

This Part of the DCP applies to all land within the Hornsby Local Government Area and provides specific controls for the subdivision of land.

The planning controls are informed by the NSW Housing Code, the Hornsby Shire Housing Strategy (2010), the [Hornsby Local Housing Strategy \(2020\)](#), the [Hornsby Shire Rural Lands Planning Provisions \(2009\)](#) and the [Hornsby Shire Rural Lands Strategy \(2022\)](#). ~~and the [Hornsby Shire Rural Lands Planning Provisions \(2009\)](#).~~

The Hornsby Shire Housing Strategy identified areas suitable for the provision of additional housing to assist meet Council's housing obligations into the future. A concentrated housing model has been adopted, with housing located in planned precincts rather than dispersed.

Subdivision of land is to be designed to ensure development relates to site conditions, is consistent with the existing or desired future character of the area, is located in areas where services and related infrastructure are available and protects the natural and built environment.

Note that environmental controls relating to subdivision applications are also provided in Part 1 'General' of the DCP.

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## 6.1 General

### 6.1.1 General Provisions

These general provisions apply to all subdivision applications.

#### Desired Outcomes

- a. Subdivision design that provides usable allotments that relate to site conditions.
- b. Subdivision design that provides for the retention of significant landscape features and respects site constraints including:
  - significant trees,
  - remnant bushland,
  - steep topography,
  - watercourses, riparian land and stormwater overland flow paths, and
  - bushfire hazard asset protection zones.
- c. Subdivision design that provides for all necessary services and facilities, including any required extension or amplification to Council infrastructure.

#### Prescriptive Measures

##### General

- a. Where subdivision is a permitted landuse within the zone, any proposed subdivision should demonstrate that the newly created allotments would be capable of accommodating the construction of landuses permitted within that zone and in accordance with the controls within this DCP.

##### Retention of Landscape Features

- b. Developable areas and accessways should be setback:
  - in accordance with the 'Watercourses' element in Section 1.3.1.3~~C.1.3~~ of this DCP,
  - 10-20 metres to significant bushland as detailed in the 'Biodiversity' element in Section 1.3.1.1~~C.1.1~~ of this DCP, and
  - in accordance with the requirements of AS 4970 for significant trees to be retained.

##### Water Management

- c. Stormwater from any new lot should be gravity drained to Council's drainage system and in accordance with the 'Stormwater Management' element in Section 1.3.1.2~~C.1.2~~ of this DCP.

- d. Proponents may require creation of easements over downstream properties for drainage purposes. In this circumstance, a letter of consent from the owner(s) of the downstream properties is to be submitted with the development application.

##### Flood Prone Land

- e. Potential developable areas and ancillary driveways to any new lot should be above the 1:100 ARI (average recurrent interval) flood event.

##### Bushfire Asset Protection Zones (APZs)

- f. Subdivision design and the siting of building envelopes should accommodate required bushfire APZs on the site as described in the 'Bushfire' element in Section 1.3.3.1~~C.3.1~~ of this DCP.
- g. APZs should be located within buffer areas that protect significant vegetation, threatened species and populations as prescribed in the 'Biodiversity' element in Section 1.3.1.1~~C.1.1~~ of this DCP.

Notes:

A developable area incorporates:

- a building envelope, and
- an on-site waste water disposal area (where required), and
- area for disposal of stormwater, and
- a principal private open space area (for residential uses), and
- carparking areas.

Design controls for accessways and public roads are provided in Sections 6.4 and 6.5 of this DCP.

Other general environmental controls relating to subdivision applications are also provided in Part 1 'General' of the DCP.

## 6.2 Urban Subdivision

### 6.2.1 Residential Lands Subdivision

The following provides controls for subdivision in the R2 Low Density Residential Zone.

#### Desired Outcomes

- a. Subdivision design should maintain appropriately shaped lots to accommodate a dwelling and associated development that is compatible with a low-density residential environment.
- b. Subdivision design should provide setbacks to developable areas that will:
  - complement the streetscape,
  - provide for landscaping,
  - protect landscape features, and
  - provide separation between existing and future dwellings.

#### Prescriptive Measures

##### Lot Size

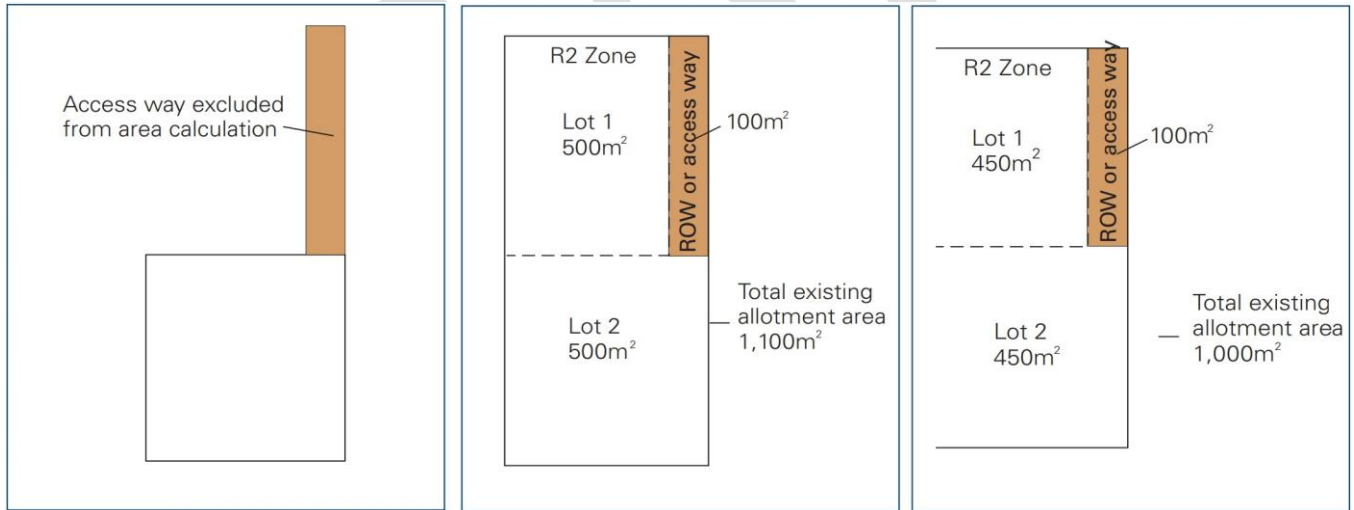
- a. The minimum lot size is depicted on the Minimum Lot Size map, as summarised in the following:

Table 6.2.1-a6.2(a): Minimum Lot Size – R2 Zone

HLEP Area	Minimum Lot Size
I	500m <sup>2</sup>
M	600m <sup>2</sup>

- b. In calculating the area of a lot resulting from a subdivision of land, the area of any accessway, right of carriageway or the like is to be excluded.
- c. The size of the proposed lot may need to be greater than the area prescribed in the table above in order to achieve the minimum setbacks required from significant landscape features or to address site constraints.

Figure 6.2-a6.2(a): Illustration of lot size controls in the R2 zone, within area I on the HLEP Lot Size Map. (I)



Battle-axe or other allotment with accessway

Complying subdivision

Noncomplying subdivision

**Lot Shape**

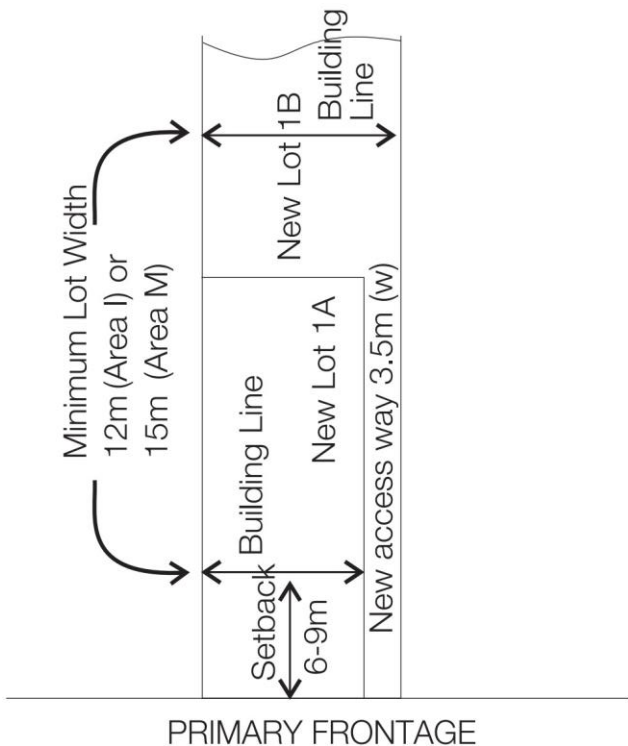
- d. Lot design should maintain a minimum lot width that is compatible with the subdivision pattern, as detailed in Table 6.2.1-b-6.2(b). In accordance with Figure 6.2-b-6.2(b), lot width is measured at:
  - The building line adjacent to the primary street frontage, or
  - Across the front of a building envelope within battle-axe allotments.

**Table 6.2.1-b-6.2(b): Minimum Lot Width – R2 Zone**

HLEP Area	Minimum Lot Size	Minimum Lot Width
I	500m <sup>2</sup>	12m
M	600m <sup>2</sup>	15m

- e. Lots should be designed to allow the construction of a building, principal private open space area and carriageway with a maximum cut and fill of 1 metre from natural ground level.

**Figure 6.2-b-6.2(b): Minimum lot width required for all allotments. (l)**

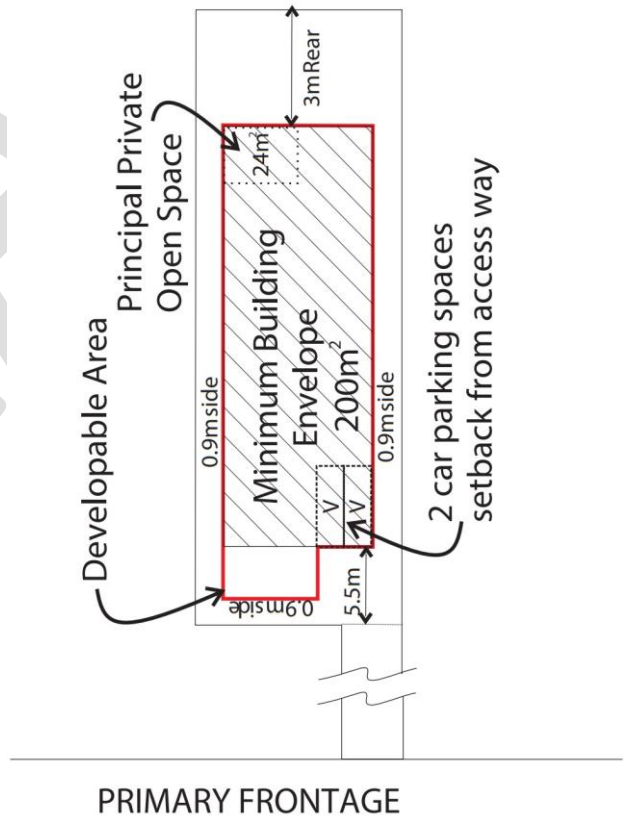


- f. Lot design should identify a potential developable area, as detailed in Figure 6.2-c-6.2(c). This area is to accommodate the following:
  - a building envelope of 200m<sup>2</sup> with a minimum dimension of 10 metres.
  - a principal private open space area,
  - area for parking 2 cars behind the building line, and
  - comply with the general provisions in Section 6.1.
- g. If an existing dwelling is to be retained, the proposed lot should be of sufficient size and design so that the dwelling complies with the 'Dwelling House' element in Section 3.1 of this DCP.

Note:

A **building envelope** is the area of land identified for the purpose of the future erection of a dwelling and its immediate curtilage.

**Figure 6.2-c-6.2(c): Proposed subdivision plans should identify a potential developable area for each new lot. (l)**



Setbacks

h. Setbacks to the proposed building envelope and ancillary structures should comply with Table 6.2.1-c-6.2(e).

Table 6.2.1-c-6.2(e): Minimum Boundary Setbacks

Setbacks	Minimum Building Envelope Setback
Front boundary (primary frontage)	6m to local roads and 9m to designated roads, except for the following: <ul style="list-style-type: none"> <li>on local roads, where an existing setback of 7.6m or greater exists, it may be necessary to conform to this setback to maintain the streetscape character, and</li> <li>3m to Brooklyn Road, Brooklyn, and</li> <li>9m to roads in Cherrybrook</li> </ul>
Waterfront Setback	See Clause 6.1 of HLEP Foreshore Building Line Map
Secondary boundary (corner lots)	3m
Setbacks from internal accessways	5.5m to a garage/carport
Side boundary	0.9m
Rear boundary	3m

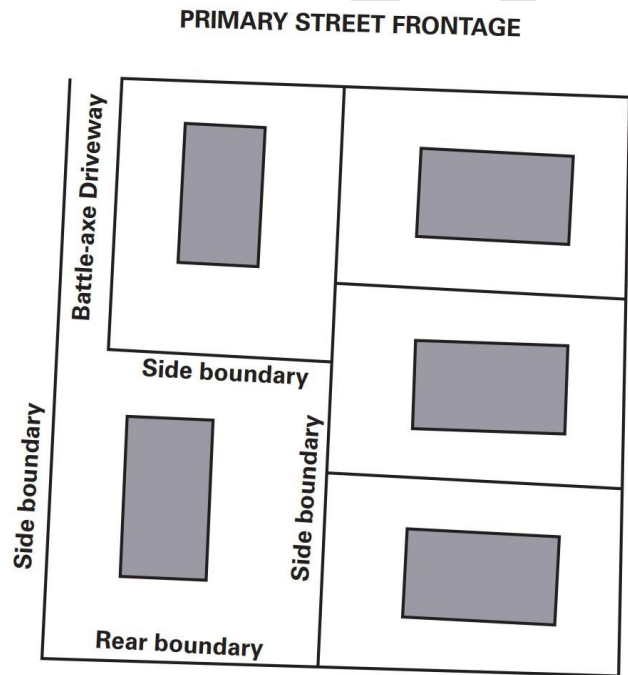
- i. For a site that:
  - Adjoins parallel roads, the front boundary setback control applies to both the primary frontage and the parallel road boundary.
  - Is a battle-axe lot, the setback on the opposite side of the lot to the rear setback, is taken to be a side setback (refer to Figure 6.2-d-6.2(d)).
- j. The setback of the building envelope and ancillary structures from the property boundary may need to be increased to comply with the general provisions in Part 1 and Section 6.1 of this DCP.

Note:

**Designated roads**

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

Figure 6.2-d-6.2(d): Setbacks on battle-axe lots. (I)



## Open Space and Landscaping

- a. Subdivision design should provide a principal private open space area of 24m<sup>2</sup> for each lot. This area is to be generally level, with a minimum width of 3 metres, sited adjacent to the building envelope and behind the front setback.
- b. Subdivision design should demonstrate that the minimum landscaped area on a property complies with Table 6.2.1-c-6.2(d):

**Table 6.2.1-c-6.2(d): Minimum Landscaped Area**

Lot Size	Minimum Landscaped Area(% of the lot size)
Up to 599m <sup>2</sup>	20%
600m <sup>2</sup> to 899m <sup>2</sup>	30%
900m <sup>2</sup> to 1499m <sup>2</sup>	40%
1500m <sup>2</sup> or larger	45%

- c. Areas included as part of the minimum landscaped area should have a minimum width of 1.5 metres.
- d. At least 50 percent of the minimum landscaped area should be located behind the building line to the primary road frontage.
- e. A proportion of the front yard should be maintained as landscaped area as follows:
  - 25 percent of the front yard for lots less than 18 metres wide, and
  - 50 percent of the front yard for lots greater than 18 metres wide.

Note:

**Landscaped area** refers to a permeable area capable of growing plants, grasses, and trees. It does not include the 200m<sup>2</sup> building envelope, the principle private open space area, clothes drying areas, driveways, and other structures or hard paved areas.

**Lot size (or site area)** in relation to development, means the area of the lot to which an application for consent to carry out the development relates, excluding:

- (a) any land on which the development is not permitted under an environmental planning instrument, and
- (b) if a lot is a battle-axe or other lot with an access handle, the minimum lot size excludes the area of the access handle.



## 6.3 Rural Subdivision

### 6.3.1 Rural Lands Subdivision

The following provides controls for subdivision in the rural areas of Hornsby Shire, including land within the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C2 Environmental Conservation and C3 Environmental Management.

#### Desired Outcomes

- a. Subdivision density that maintains the character of the area and is consistent with the zone objectives.
- b. Subdivision design that provides setbacks to developable areas that will:
  - provide sufficient boundary setbacks to maintain the open rural character of the area,
  - protect landscape features, and
  - minimise potential landuse conflicts with existing rural activities.

#### Prescriptive Measures

##### Lot Size

- c. The minimum allotment size for land within the rural areas of the Shire shall be in accordance with the HLEP Minimum Lot Size map as summarised in Table 6.3.1-a-6.3(a).

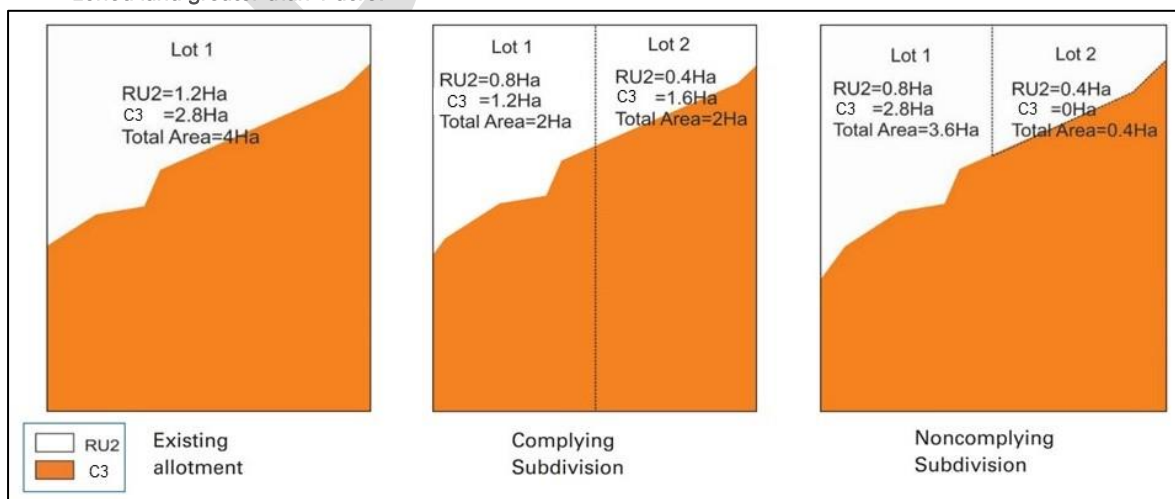
On 10 May 2024, prescriptive measure 6.3.1(d) was amended in the Hornsby DCP 2013 as part of changes outlined in Council's adopted Rural Lands Strategy. See note on cover page.

Table 6.3.1-a-6.3(a): Minimum Lot Size – Rural Area

HLEP Area	Minimum Lot Size
U	1,000m <sup>2</sup>
X	5,000m <sup>2</sup>
Z	2ha
AA	5ha
AB	10ha
AB1	40ha

- d. In calculating the area of a lot resulting from a subdivision of land, the area of any accessway, right of carriageway or the like is to be:
  - Excluded for subdivisions involving C2 Environmental Conservation zoned land.
  - Included for subdivisions involving RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management zoned land.
- e. Some lots in the rural area have a split zoning, such as a rural zone (e.g. RU2) and an Environmental Protection Zone (e.g. C3). Subdivision of such land is to ensure that:
  - The total area of each new lot is equal to or greater than the minimum rural zone lot size over land; and
  - Includes a component of rural zoned land equal to or greater than 20% of the minimum lot size.

Figure 6.3-a-6.3(a): Application of minimum lot size controls to land within different zones and different areas in the HLEP Maps. (e.g. in the below example, the complying subdivision creates 2 lots both of which comply with the minimum lot size as they have both a total area in excess of the minimum rural zone lot size of 2 hectares and both include a component of rural zoned land greater than 1 acre.



- f. In addition, subdivision layout should generally provide for equal sized split zone lots with regular division lines. Such a layout would promote orderly subdivision where the burden of managing the environmentally sensitive land (eg. C3 zoned land) is shared amongst a number of property owners, as illustrated in Figure 6.3-a-6.3(a), and in accordance with Clause 4.1B of the HLEP.
- g. The size of the proposed lot may need to be greater than the area prescribed in the table above in order to achieve the minimum setbacks required to significant landscape features or to address site constraints.

**Lot Shape**

- h. Lot design should identify a suitable developable area. This area is to accommodate the following:
  - a minimum building envelope of 200m<sup>2</sup> with a minimum dimension of 10 metres,
  - area for an-on site waste water disposal system area that complies with Section 1.3.2.4-1C-2.4 of this DCP,
  - area for disposal of stormwater,
  - a principal private open space area,
  - area for parking 2 cars behind the building line, and
  - comply with the general provisions in Section 6.1.
- i. Accessways should be located so as not to require more than 1 metre of cut and fill.
- j. If existing rural buildings are to be retained, the proposed lot should be of sufficient size and design so that the development complies with the rural building controls in Section 2.1 of this DCP.

**Notes:**

A **building envelope** is the area of land identified for the purpose of the future erection of a rural dwelling and its immediate curtilage.

**Open Space**

- k. Subdivision design should provide a principal private open space area of 24m<sup>2</sup> for each lot. This area is to be generally level, with a minimum depth of 3 metres, sited adjacent to the building envelope and behind the front setback.

**Setbacks**

- l. Setbacks to the proposed building envelope should comply with Table 6.3.1-b-6.3(b):

**Table 6.3.1-b-6.3(b): Minimum Boundary Setbacks**

Minimum Setbacks	HLEP Lot Size Map Areas U and X	HLEP Lot Size Map Areas Z, AA, AB and AB1
Front Boundary (primary frontage)	10m or the average of the front setbacks of the nearest two neighbouring houses, whichever is the greater	15m to local roads 30m to designated roads
Secondary boundary (on corner lots)	5m	10m
Side boundary	5m	10m
Rear boundary	10m	15m

- m. For a lot that adjoins parallel roads, the front boundary setback control applies to both the primary frontage and the parallel road boundary.
- n. The proposed building envelope should comply with the minimum separations to intensive rural activities as detailed in Part 2 of the DCP.
- o. The setback of the building envelope and ancillary structures from the property boundary may need to be increased to comply with the general provisions in Part 1 and Section 6.1 of this DCP.

**Notes:**

**Designated roads**

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

### Primary Production Lots

- p. Council may grant consent for a subdivision upon land zoned RU1 Primary Production, RU2 Rural Landscape or RU4 Rural Small Holdings which is less than the minimum allotment size requirement as shown on the Lot Size Map contained in HLEP, where it can be demonstrated that the purpose of the subdivision is for primary production purposes only.
- q. The following additional provisions relate to applications for primary production lots:
- Any lot created for the purpose of primary production only is to demonstrate that the land is of sufficient size and shape to accommodate viable primary production use.
  - All applications should be accompanied by a letter from NSW Department of Primary Industries or financial documentation certifying that the agricultural activity on the allotment justifies the demand for a separate lot.
- r. Any proposed lot for primary production purposes must not be created so as to permit an existing dwelling to be situated on the lot.
- s. A dwelling-house or dwelling (including a rural workers dwelling) is prohibited to be erected on any primary production lot.

## 6.4 Accessway Design

### 6.4.1 Residential and Rural Lands Accessway Design

The following provides controls for the accessway design of subdivisions in the low-density residential areas and rural areas of Hornsby Shire. For other localities refer to the applicable parts of the DCP. For example, for subdivision in an Industrial Area the provisions of Section 5.1 Industrial Land will apply.

#### Desired Outcomes

- a. To ensure access along private accessways to all new lots is simple, safe and direct.
- b. Driveways should not be visually intrusive to the existing streetscape.
- c. To limit the number of driveway crossings and additional dwellings with direct access to main roads to limit the cumulative impacts on traffic flows and safety.

#### Prescriptive Measures

##### Location

- a. Accessways should connect to local roads. No new direct vehicle access should be provided to the following main roads:
  - Castle Hill Road (between Old Northern Road and Edward Bennett Drive, Cherrybrook)
  - Old Northern Road (between Castle Hill Road and New Line Road, Cherrybrook)
  - New Line Road (between New Farm Road and Sebastian Drive, West Pennant Hills, Cherrybrook and Dural)
  - Boundary Road (between New Line Road and Cherrybrook Road, Cherrybrook)
- b. Additional vehicle crossings should be limited to all other main roads.
- c. The distance between adjacent driveways should be less than 3 metres or more than 6 metres, to avoid the creation of an undersized on street parking space.
- d. On the eastern side of Arcadia Road between Galston Road and Gribbenmount Road:
  - vehicular crossings and driveways should be consolidated where possible, and
  - street tree planting should be provided within the road reserve.

Notes:

Refer to AS 2890.1:2004 for sight distance at driveway access exits.

Refer to Section 1.3.2.11.4.1 of the DCP for general design requirements related to transport and parking.

#### General Design

- e. The dimensions of an accessway should comply with Table 6.4.1-a6-4(a).

Table 6.4.1-a6-4(a): Accessways to Low Density Residential and Rural Lots

Lots and/or dwellings	Accessway width (min)	Carriageway width (min)	Landscape verge (min total)
1 – 3	3.5m	3.0m including kerbs	0.5m
4 – 6	4m	3.0m including kerbs	1m
7 – 24	6.65m	5.65m including kerbs	1m
>24	Comply with Council’s H.S.C. Civil Works Design and Construction Specification		

- f. Carriageways should have a maximum grade of 25% at any point with a maximum average grade of 20% over the length of the carriageway for subdivisions of 1 to 3 lots. For subdivisions of 4 or more lots, the maximum gradient is 20%.

Note:

The **carriageway** is an unencumbered pavement with no building encroachments (including eaves) with a minimum height clearance of 4.5 metres.

### Common Turning Areas

- g. Accessways serving 2 or more lots should incorporate a common turning area, designed to allow the 85% Design Car Turning Path in accordance with AS 2890.1 and AS 2890.2, where:
- the site has a slope greater than 15%,
  - the accessway fronts a main road or highly pedestrianised area, or
  - where vehicles would otherwise have to reverse more than 50 metres.

Note:

#### Main roads

Development adjoining roads that are subject to Section 2.119 of the Transport and Infrastructure SEPP require separate approval from [Transport for NSW \(TfNSW\)](#) ~~the RMS~~ for access to State and Regional Roads as classified by [TfNSW](#) ~~the Roads and Maritime Services (RMS)~~. A list of classified and unclassified main roads for Hornsby Shire ~~as of September 2016~~ is provided in Annexure C.

**A highly pedestrianised area** includes sites located in close proximity to schools, shopping centres, bus stops, places of worship and other busy community facilities.

### Passing Bays

- h. A passing bay with a minimum width of 5.5 metres and depth of 6 metres and transition of 4 metres should be provided adjacent to the street boundary where the accessway:
- serves 7 or more lots, or
  - serves 2 or more lots and fronts a main road.
- i. A passing bay with a minimum width of 5.5 metres should be provided every 40 metres where a long common driveway is proposed.

### Waste Collection Vehicles

- j. Waste collection vehicles should be accommodated on-site if the accessway serves 7 or more lots, or where site constraints require.
- k. When an on-site waste collection area is required, the development should:
- identify a bin collection area inside the property,
  - enable waste collection vehicles to enter and exit the site in a forward direction, and
  - be designed to accommodate Council's large waste collection vehicle per Section [1.3.2.3](#) ~~C.2.3~~ of the DCP.

Note:

The requirement to accommodate a large waste collection vehicle may result in the maximum carriageway gradient of 20-25% as prescribed in the general design controls, being unachievable.

### Pedestrian and Bicycle Links

- l. The subdivision design should provide convenient, obvious, and safe pedestrian and bicycle links from the site to public transport facilities and local facilities.

### Street Lighting

- m. Accessways serving 7 or more properties should provide street lighting per AS 1158.3.1 and AS 4282.

Note:

Compliance with AS 1158.3.1 and AS 4282 may require bollard style lighting along private accessways to provide for lighting whilst limiting light spill into residential dwellings.

## 6.5 Road Design

### 6.5.1 Public Road Design

These provisions apply to all subdivision applications.

#### Desired Outcomes

- a. To ensure vehicular access along new public roads is simple, safe, direct and creates a pleasant environment.
- b. Roads should be designed to allow on-street car parking.
- c. Roads in new urban areas should be designed to provide for safe, convenient, and efficient bus routes and the needs of cyclists/pedestrians.

#### Prescriptive Measures

- a. The design of public roads should comply with Council's Civil Design and Construction Specification.

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## 6.6 Subdivision Masterplans

### 6.6.1 Subdivision Masterplans General

#### Desired Outcomes

- a. Orderly development that is consistent with the principles in the Subdivision Masterplans.

#### Prescriptive Measures

- a. Subdivision Masterplans apply to the following localities:
  - \* Cherrybrook Precinct
- b. Vehicular access should be provided in accordance with the principles of the relevant Masterplan.

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# Cherrybrook Precinct Masterplan

