Submission No 60

INQUIRY INTO RURAL HOUSING AND SECOND DWELLINGS REFORM

Organisation: Hornsby Shire Council

Date Received: 9 October 2025

OFFICE OF THE GENERAL MANAGER

10 October 2025

The Hon. John Ruddick MLC
Chair, Select Committee on Rural Housing and Second Dwellings Reform
Parliament House, Macquarie Street
SYDNEY NSW 2000
Via submission portal

Dear Chair

Submission – Inquiry into rural housing and second dwellings reform

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Thank you for the opportunity to make a submission to the inquiry into rural housing and second dwellings.

The terms of reference discuss a range of matters related to expanding the permissibility of second dwellings in rural and conservation zones across the state. However, the terms of reference suggest that the potential reforms be excluded from Greater Sydney, which is supported.

Hornsby Shire Council is part of the Greater Sydney Region within the North District, as defined by the Greater Sydney Region Plan. As such, the Shire and its planning controls under Hornsby Local Environmental Plan 2013 (HLEP) are assumed to be outside of the scope of this inquiry. Accordingly, this submission focuses on how Council manages rural land and the impact of reform if it were to apply.

Hornsby Rural Lands Management and Rural Second Dwelling Planning Controls

As a peri-urban council in Greater Sydney, Hornsby Shire Council's management of rural lands is guided by its Rural Lands Study. The study provides key principles and recommendations for managing rural lands into the future. Under the HLEP, dual occupancy (attached) and secondary dwellings are permitted within the following rural zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots

The HLEP regulates the size of second dwellings in the following ways:

- Secondary dwellings: The floor area of the secondary dwelling must not exceed 120sqm or 33% of the floor area of the principal dwelling, whichever is greater (Clause 5.5); and
- Dual occupancy (attached): The floor area of one of the dwellings is to be less than 200sqm (Clause 6.9).

These controls allow for second dwellings of around two to four bedrooms, achieving housing diversity outcomes, in addition to principal dwellings, which can be larger. Limiting the size and/or location of additional dwellings on rural land balances the opportunity for additional dwellings in rural areas with the objective of maintaining rural character and the objectives of rural zones.

State-wide Approach

Concern would be raised with a state-wide one size fits all blanket approach to the policy framework on second dwellings in rural areas if Greater Sydney were not excluded. As demonstrated by the HLEP and

Rural Lands Study discussed above, local councils are able to permit a range of second dwellings in rural areas to respond to local conditions and objectives for those zones. Local planning controls, such as Standard Instrument clause 5.5, HLEP 2013 local provision 6.9 and other supporting controls, are already available to Councils to decide on permissibility and controls appropriate for their own areas.

Second Dwellings in Conservation Zones

Council does not permit secondary dwellings or dual occupancy development in conservation zones. These zones are purposefully designated to reflect their special ecological, scientific, cultural or aesthetic values, limiting development to types that would not have an adverse effect on those values. They include steep lands and floodplains within the catchment of the Hawkesbury River and may be impacted by hazards such as flood and bushfire. C3 Environmental Management and C4 Environmental Living zones in Hornsby Shire permit dwelling houses (one per lot), allowing for some residential development where conditions are suitable.

Expanding second dwelling permissibility in conservation zones would have wide-ranging implications. New residential dwellings in these sensitive areas would likely increase exposure to bushfire risk for new residents and the potential for land clearing along interfaces. Such an outcome would be contrary to the objectives of these zones and Council's strategies. It is recommended that the Committee obtain specialist advice from State agencies, including the Department of Planning, Housing and Infrastructure, Rural Fire Service and NSW Department of Climate Change, Energy, the Environment and Water in this regard.

Title arrangements

It is unclear what is meant in the terms of reference about legal frameworks for tenancy in common, co-ownership or strata-like arrangement. Any title arrangements explored should not give rise to fragmentation of rural lands or subdivision. While the draft amending legislation provided with the terms of reference does not suggest subdivision would be permissible, any potential risk of land fragmentation could reduce the certainty of long-term policy commitments for rural areas and potentially reduce agricultural investment.

Complying Development Pathways

A Complying Development pathway for second dwellings in rural areas would not allow local planning constraints to be addressed. Rural areas have a number of matters that need to be addressed by a merit assessment including flooding, bushfire and evacuation, on-site sewerage management, and land use conflicts.

In summary, we understand that the reforms being explored in this inquiry would not relate to Greater Sydney, which is supported. As outlined in this letter, Hornsby Council’s place-based approach, as a peri-urban Council within Greater Sydney, allows a local alignment and context to managing rural lands, permissibility and the application of nuanced local controls.

Should you wish to discuss the above, do not hesitate to contact me on or Council's Acting Director, Planning and Compliance, Ms Katherine Vickery on or

Yours faithfully

Glen Magus

Acting General Manager