



New South Wales

Hornsby Local Environmental Plan 2013

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

Contents

	Page
Part 1 Preliminary	
1.1 Name of Plan	4
1.1AA Commencement	4
1.2 Aims of Plan	4
1.3 Land to which Plan applies	5
1.4 Definitions	5
1.5 Notes	5
1.6 Consent authority	5
1.7 Maps	5
1.8 Repeal of planning instruments applying to land	6
1.8A Savings provision relating to development applications	6
1.9 Application of SEPPs	6
1.9A Suspension of covenants, agreements and instruments	7
Part 2 Permitted or prohibited development	
2.1 Land use zones	8
2.2 Zoning of land to which Plan applies	9
2.3 Zone objectives and Land Use Table	9
2.4 Unzoned land	10
2.5 Additional permitted uses for particular land	10
2.6 Subdivision—consent requirements	10
2.7 Demolition requires development consent	11
2.8 Temporary use of land	11
Land Use Table	12
Part 3 Exempt and complying development	
3.1 Exempt development	33
3.2 Complying development	34
3.3 Environmentally sensitive areas excluded	35
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	37
4.1AA Minimum subdivision lot size for community title schemes	37
4.1A Minimum subdivision lot size for strata plan schemes in certain zones	38
4.1B Minimum lot size for certain split zone lots	39
4.2 Rural subdivision	39

	Page	
4.3	Height of buildings	40
4.4	Floor space ratio	40
4.5	Calculation of floor space ratio and site area	41
4.6	Exceptions to development standards	43
Part 5	Miscellaneous provisions	
5.1	Relevant acquisition authority	46
5.1A	Development on land intended to be acquired for public purposes	47
5.2	Classification and reclassification of public land	47
5.3	Development near zone boundaries	48
5.4	Controls relating to miscellaneous permissible uses	49
5.5	Development within the coastal zone	50
5.6	Architectural roof features	53
5.7	Development below mean high water mark	53
5.8	Conversion of fire alarms	53
5.9	Preservation of trees or vegetation	54
5.9AA	Trees or vegetation not prescribed by development control plan	56
5.10	Heritage conservation	56
5.11	Bush fire hazard reduction	60
5.12	Infrastructure development and use of existing buildings of the Crown	60
5.13	Eco-tourist facilities	60
Part 6	Additional local provisions	
6.1	Acid sulfate soils	62
6.2	Earthworks	63
6.3	Flood planning	64
6.4	Terrestrial biodiversity	65
6.5	Limited development on foreshore area	66
6.6	Restrictions on certain development in Dural Village	67
6.7	Location of sex services premises	67
Schedule 1	Additional permitted uses	69
Schedule 2	Exempt development	71
Schedule 3	Complying development	77
Schedule 4	Classification and reclassification of public land	81
Schedule 5	Environmental heritage	82
Dictionary		141

2013 No 569

Clause 1.1 Hornsby Local Environmental Plan 2013

Part 1 Preliminary

Hornsby Local Environmental Plan 2013

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Hornsby Local Environmental Plan 2013*.

1.1AA Commencement

This Plan commences 14 days after it is published on the NSW legislation website.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Hornsby in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to facilitate development that creates:
 - (i) progressive town centres, thriving rural areas and abundant recreation spaces connected by efficient infrastructure and transport systems, and
 - (ii) a well-planned area with managed growth to provide for the needs of future generations and people enriched by diversity of cultures, the beauty of the environment and a strong economy,
 - (b) to guide the orderly and sustainable development of Hornsby, balancing its economic, environmental and social needs,
 - (c) to permit a mix of housing types that provide for the future housing needs of the community near employment centres, transport nodes and services,
 - (d) to permit business and industrial development that meets the needs of the community near housing, transport and services, and is consistent with and reinforces the role of centres within the subregional commercial centres hierarchy,

- (e) to maintain and protect rural activities, resource lands, rural landscapes and biodiversity values of rural areas,
- (f) to provide a range of quality passive and active recreational areas and facilities that meet the leisure needs of both the local and regional community,
- (g) to facilitate the equitable provision of community services and cultural opportunities to promote the well being of the population of Hornsby,
- (h) to protect and enhance the scenic and biodiversity values of environmentally sensitive land, including bushland, river settlements, river catchments, wetlands and waterways,
- (i) to protect and enhance the heritage of Hornsby, including places of historic, aesthetic, architectural, natural, cultural and Aboriginal significance,
- (j) to minimise risk to the community in areas subject to environmental hazards, including flooding and bush fires.

1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

2013 No 569

Clause 1.8 Hornsby Local Environmental Plan 2013

Part 1 Preliminary

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

1.8 Repeal of planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:

Hornsby Shire Local Environmental Plan 1994

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.

- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

2013 No 569

Clause 2.1 Hornsby Local Environmental Plan 2013

Part 2 Permitted or prohibited development

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

RU1 Primary Production

RU2 Rural Landscape

RU4 Primary Production Small Lots

RU5 Village

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B6 Enterprise Corridor

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

IN4 Working Waterfront

Special Purpose Zones

SP2 Infrastructure

SP3 Tourist

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

Waterway Zones

W1 Natural Waterways

W2 Recreational Waterways

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development. (See, in particular, clauses 5.7–5.10.)

2013 No 569

Clause 2.4 Hornsby Local Environmental Plan 2013

Part 2 Permitted or prohibited development

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
 - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- 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.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Livestock processing industries; Sawmill or log processing works; Serviced apartments; Any other development not specified in item 2 or 3

Zone RU2 Rural Landscape**1 Objectives of zone**

- 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.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises;

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

Child care centres; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Garden centres; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Livestock processing industries; Sawmill or log processing works; Serviced apartments; Stock and sale yards; Any other development not specified in item 2 or 3

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- 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.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Garden centres; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems; Water storage facilities

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Livestock processing industries; Sawmill or log processing works; Serviced apartments; Stock and sale yards; Any other development not specified in item 2 or 3

Zone RU5 Village**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide for the housing needs of the rural community within a village environment.
- To permit low-scale, low-intensity development that does not unreasonably increase the demand for public infrastructure, services or facilities.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Flood mitigation works; Group homes; Home-based child care; Home businesses; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

cafes; Roads; Schools; Secondary dwellings; Shop top housing; Take away food and drink premises; Tourist and visitor accommodation; Water reticulation systems

4 Prohibited

Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems

4 Prohibited

Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Flood mitigation works; Group homes; Home-based child care; Home occupations; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Flood mitigation works; Home-based child care; Home occupations; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Shop top housing; Water reticulation systems

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Attached dwellings; Building identification signs; Business identification signs; Boarding houses; Business premises; Child care centres; Community facilities; Group homes; Health consulting rooms; Medical centres; Multi dwelling housing; Neighbourhood shops; Residential flat buildings; Respite day care centres; Roads; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Pubs; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Sewage treatment plants; Sex services premises; Signage; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations;

Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

recreation structures; Water supply systems; Wharf or boating facilities;
Wholesale supplies

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Backpackers' accommodation; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste

disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Bulky goods premises; Child care centres; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Research stations; Residential accommodation; Resource recovery facilities; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.

- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Bulky goods premises; Business premises; Community facilities; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Roads; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Research stations; Residential accommodation; Resource recovery facilities; Retail premises; Rural industries; Serviced apartments; Sewage treatment plants; Sex services premises; Truck depots; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

- To support and protect industrial land for industrial uses.
- To permit other land uses that provide facilities or services to meet the day-to-day needs of workers in the area.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Freight transport facilities; General industries; Industrial training facilities; Kiosks; Light industries; Neighbourhood shops; Roads; Sawmill or log processing works; Warehouse or distribution centres; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Signage; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

- To support and protect industrial land for industrial uses.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Health services facilities; Highway service centres; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Signage; Tourist and visitor accommodation; Truck depots; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Zone IN4 Working Waterfront

1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

- To minimise any adverse effect of development on land uses in other zones.
- To accommodate the retail, commercial, service and social needs of the community that uses the Hawkesbury River and its tributaries.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Building identification signs; Business identification signs; Business premises; Food and drink premises; Group homes; Health consulting rooms; Jetties; Kiosks; Light industries; Medical centres; Neighbourhood shops; Office premises; Roads; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Educational establishments; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Helipads; Home businesses; Home occupations (sex services); Highway service centres; Industries; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wholesale supplies

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To enable low-density housing that does not unreasonably impact on tourist-oriented development.
- To enable low-scale, low-intensity development that does not unreasonably increase the demand for public infrastructure, services or facilities.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boat building and repair facilities; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Emergency services facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Group homes; Home-based child care; Home businesses; Information and education facilities; Marinas; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Tourist and visitor accommodation; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and maintain areas of bushland that have ecological value.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Kiosks; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves**1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To maintain and improve water quality in the Hawkesbury River.

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Flood mitigation works

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- 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.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Dwelling houses; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Recreation areas; Recreation facilities (outdoor); Roads; Tourist and visitor accommodation; Water reticulation systems; Water storage facilities

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To permit development that is compatible with the character, infrastructure capacity and access limitations of the area.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Dwelling houses; Flood mitigation works; Group homes; Home-based child care; Roads; Tourist and visitor accommodation; Water reticulation systems

4 Prohibited

Backpackers' accommodation; Farm stay accommodation; Hotel or motel accommodation; Industries; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for a limited range of development that facilitates access to the waterways.

2 Permitted without consent

Environmental protection works; Moorings

3 Permitted with consent

Aquaculture; Boat launching ramps; Environmental facilities; Jetties; Water recreation structures; Water reticulation systems

2013 No 569

Clause 2.8 Hornsby Local Environmental Plan 2013

Part 2 Land Use Table

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for a range of development that facilitates access to the waterways.

2 Permitted without consent

Environmental protection works; Moorings

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Environmental facilities; Jetties; Kiosks; Marinas; Mooring pens; Water recreation structures; Water reticulation systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (e) (Repealed)
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and

2013 No 569

Clause 3.2 Hornsby Local Environmental Plan 2013

Part 3 Exempt and complying development

- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

-
- (3) To be complying development, the development must:
- (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
- (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

2013 No 569

Clause 3.3 Hornsby Local Environmental Plan 2013

Part 3 Exempt and complying development

- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

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 individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of land under a community title scheme at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land,
 - (b) to ensure that community title lots are of a sufficient size to accommodate development.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU5 Village,
 - (e) Zone R2 Low Density Residential,
 - (f) Zone SP3 Tourist,
 - (g) Zone E2 Environmental Conservation,

2013 No 569

Clause 4.1A Hornsby Local Environmental Plan 2013

Part 4 Principal development standards

- (h) Zone E3 Environmental Management,
 - (i) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) 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.

4.1A Minimum subdivision lot size for strata plan schemes in certain zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
- (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU5 Village,
 - (e) Zone R2 Low Density Residential,
 - (f) Zone SP3 Tourist,
 - (g) Zone E2 Environmental Conservation,
 - (h) Zone E3 Environmental Management,
 - (i) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.
- (4) 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.

4.1B Minimum lot size for certain split zone lots

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clauses 4.1, 4.1AA or 4.1A,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a rural, residential, business, industrial, special purpose or recreation zone, and
 - (b) land in Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clauses 4.1, 4.1AA and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a rural, residential, business, industrial, special purpose or recreation zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.

Note. When this Plan was made it did not include all of these zones.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create

2013 No 569

Clause 4.3 Hornsby Local Environmental Plan 2013

Part 4 Principal development standards

a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the floor space ratio for residential accommodation in an area specified in Column 1 of the Table to this subclause and identified on the Floor Space Ratio Map must not exceed the ratio specified opposite in Column 2 of the Table.

Column 1	Column 2
Area	Floor space ratio
Area 1	2:1
Area 2	2:1
Area 3	1:1
Area 6	0.6:1
Area 7	3:1

-
- (2B) Despite subclause (2), the maximum floor space ratio for development on land identified as “Area 4” on the Floor Space Ratio Map is 1:1 if the lot has an area of less than 1,000 square metres.
- (2C) Despite subclause (2), the floor space ratio for development on land identified as “Area 5” on the Floor Space Ratio Map may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if the development is for the purposes of:
- (a) shop top housing, and
 - (b) any other land use permitted in the zone, other than residential accommodation, that comprises a floor space ratio of at least 0.5:1.

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be

2013 No 569

Clause 4.5 Hornsby Local Environmental Plan 2013

Part 4 Principal development standards

carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent

quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

2013 No 569

Clause 4.6 Hornsby Local Environmental Plan 2013

Part 4 Principal development standards

- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include of these zones.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,

-
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.

2013 No 569

Clause 5.1 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone R2 Low Density Residential and marked "Local road"	Council
Zone R4 High Density Residential and marked "Local road"	Council
Zone B3 Commercial Core and marked "Local road"	Council
Zone B4 Mixed Use and marked "Local road"	Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the

purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

Column 1	Column 2
Land	Development
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zone R2 Low Density Residential and marked "Local road"	Roads
Zone R4 High Density Residential and marked "Local road"	Roads
Zone B3 Commercial Core and marked "Local road"	Roads
Zone B4 Mixed Use and marked "Local road"	Roads

5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge

2013 No 569

Clause 5.3 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

- (3) This clause does not apply to:
- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) Zone W2 Recreational Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
- (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 200 square metres of floor area.

2013 No 569

Clause 5.5 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 100 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of the principal dwelling.

5.5 **Development within the coastal zone**

(1) The objectives of this clause are as follows:

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,

-
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
- (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and
 - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and
 - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and
 - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and

2013 No 569

Clause 5.5 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

- (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and
 - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and
 - (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
 - (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
 - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (d) the proposed development will not:
 - (i) be significantly affected by coastal hazards, or
 - (ii) have a significant impact on coastal hazards, or

- (iii) increase the risk of coastal hazards in relation to any other land.

5.6 Architectural roof features

- (1) The objectives of this clause are as follows:
 - (a) to permit variations to maximum building height standards for roof features of visual interest,
 - (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

2013 No 569

Clause 5.9 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

-
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
- unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the

2013 No 569

Clause 5.9AA Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

- (9) [Not adopted]

5.9AA Trees or vegetation not prescribed by development control plan

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Hornsby,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a

building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
 - (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (d) disturbing or excavating an Aboriginal place of heritage significance,
 - (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
 - (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

2013 No 569

Clause 5.10 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than

land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

2013 No 569

Clause 5.11 Hornsby Local Environmental Plan 2013

Part 5 Miscellaneous provisions

- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

-
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
 - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
 - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
 - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
 - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

2013 No 569

Clause 6.1 Hornsby Local Environmental Plan 2013

Part 6 Additional local provisions

Part 6 Additional local provisions

6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

-
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) the works involve the disturbance of less than 1 tonne of soil, and
 - (b) the works are not likely to lower the watertable.

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless:
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,

2013 No 569

Clause 6.3 Hornsby Local Environmental Plan 2013

Part 6 Additional local provisions

- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

6.3 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land identified as "Flood Planning Area" on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

-
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause, ***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

6.4 Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by:
- (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
- (a) whether the development is likely to have:
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

2013 No 569

Clause 6.5 Hornsby Local Environmental Plan 2013

Part 6 Additional local provisions

6.5 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted to development on land in the foreshore area except for the following purposes:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

6.6 Restrictions on certain development in Dural Village

- (1) The objectives of this clause are as follows:
 - (a) to ensure that certain commercial land uses are low-scale and service the local community,
 - (b) to ensure that the development of land for certain commercial uses maintains the character and amenity of Dural Village.
- (2) This clause applies to development comprising any one or more of the following types of development on land in Zone RU5 Village:
 - (a) health consulting rooms,
 - (b) medical centres,
 - (c) office premises,
 - (d) restaurants or cafes,
 - (e) take away food and drink premises.
- (3) Development consent must not be granted for development to which this clause applies unless:
 - (a) the development will result in each lot on which the development is located being used for no more than 3 types of development referred to in subclause (2), and
 - (b) the development comprises a maximum gross floor area of 100 square metres for each type of development referred to in subclause (2).
- (4) Despite subclause (3) (b), development consent may be granted for development to which this clause applies that includes a type of development referred to in subclause (2) with a gross floor area of more than 100 square metres if that type of development is located wholly within the external walls of a dwelling that existed prior to 21 February 2003.

6.7 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - (a) that adjoins the proposed development, or
 - (b) that can be viewed from the proposed development, or

2013 No 569

Clause 6.7 Hornsby Local Environmental Plan 2013

Part 6 Additional local provisions

- (c) from which a person can view the proposed development.
- (3) In addition to subclause (2), the consent authority must consider the impact of the proposed development and its hours of operation if the premises will be located on land that adjoins, or that is separated only by a road, other than a classified road, from land:
 - (a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (b) used for the purposes of a child care centre, a community facility, a school or a place of public worship.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 69–73 Bay Road, Berrilee

- (1) This clause applies to land identified as “Area 1” on the Additional Permitted Uses Map, being Lot 2, DP 610018, 69–73 Bay Road, Berrilee.
- (2) Development for the purpose of a car park is permitted with development consent.

2 Use of certain land at Brooklyn

- (1) This clause applies to land identified as “Area 2” on the Additional Permitted Uses Map.
- (2) Development for the purpose of home industries is permitted with development consent.

3 Use of certain land at Brooklyn

- (1) This clause applies to land identified as “Area 3” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent:
 - (a) boat launching ramps,
 - (b) charter and tourism boating facilities,
 - (c) information and education facilities,
 - (d) jetties,
 - (e) marinas,
 - (f) passenger transport facilities,
 - (g) restaurants or cafes,
 - (h) take away food and drink premises,
 - (i) water recreation structures.

4 Use of certain land at 1 St Judes Terrace, Dural

- (1) This clause applies to land identified as “Area 4” on the Additional Permitted Uses Map, being Lot 21, DP 1104018, 1 St Judes Terrace, Dural.
- (2) Development for the purpose of a car park is permitted with development consent.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 1 Additional permitted uses

5 Use of certain land at Dural

- (1) This clause applies to land identified as “Area 5” on the Additional Permitted Uses Map.
- (2) Development for the purpose of bulky goods premises is permitted with development consent.

6 Use of certain land at Hornsby and Waitara

- (1) This clause applies to land identified as “Area 6” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent:
 - (a) business premises,
 - (b) restaurants or cafes,
 - (c) shops,
 - (d) take away food and drink premises.

7 Use of certain land at Wisemans Ferry

- (1) This clause applies to land identified as “Area 7” on the Additional Permitted Uses Map.
- (2) Development for the purposes of camping grounds and caravan parks is permitted with development consent.

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Clothing bins

- (1) Must not be located on a site occupied by a heritage item or draft heritage item, or on land comprising a heritage item.
- (2) Must be associated with a registered charity.
- (3) Must not be located on a road reserve.
- (4) Must be at least 1m from any registered easement or sewer main.
- (5) Must not alter the drainage of the land.
- (6) Must not restrict vehicular or pedestrian access to or from the land, or to or from any adjacent land.

Outdoor dining in business zones, Zone IN2, Zone IN4 or Zone SP3

- (1) Must be associated with an adjacent food and drink premises being carried out with lawful consent.
- (2) Must not alter the drainage of the land.
- (3) Must not be located on a site occupied by a heritage item or draft heritage item, or on land comprising a heritage item.
- (4) Must not be located on land steeper than 1:10 gradient.
- (5) Must not obstruct pedestrian or vehicular access to or from the premises or to or from any adjacent premises.
- (6) Must not involve construction work.
- (7) Must not involve the broadcasting of any live or recorded entertainment, including music, broadcast programs, flashing lights or the like.
- (8) Must be located at least 1m from any registered easement or sewer main.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 2 Exempt development

- (9) Furniture must be powder coated or polished aluminium, brushed or stainless steel, stained or painted timber, or a combination of such materials.
- (10) Furniture must be temporary and removed from the footpath when premises is closed.
- (11) Maximum height of removable screens or planter boxes—900mm.
- (12) Maximum length of removable screens or planter boxes—1.8m.
- (13) Must leave an unobstructed footpath at least 2m wide, unless otherwise specified in this clause.
- (14) Maximum area—4m², unless otherwise specified in this clause.
- (15) If located on Coronation Street, Hornsby, Hillcrest Avenue, Pennant Hills or Oxford Street, Epping:
 - (a) maximum area—8m², and
 - (b) must be at least 600mm from kerb.
- (16) If located in Florence Street Mall, Hornsby:
 - (a) maximum area—12m², and
 - (b) must leave an unobstructed footpath at least 3m wide.
- (17) Must not be located adjacent to, or within 10m of, a bus stop or the intersection of 2 roads, unless in a fenced area designated by Council.
- (18) Must not involve any permanent structures, unless approved by Council.
- (19) Umbrellas must comply with the following:
 - (a) must be located wholly within the outdoor dining area,
 - (b) maximum diameter—4m,
 - (c) must be securely fixed,
 - (d) minimum height above ground—2m.
- (20) Portable freestanding heaters must comply with the following:
 - (a) must be certified by the Australian Gas Association,
 - (b) must be positioned and secured wholly within the outdoor dining area.
- (21) Must not involve the placement of a bain-marie or cash register on footpath.

Signage—general requirements

- (1) Must relate to the lawful use of the building (except for temporary signs).
- (2) Must be located at least 600mm from any public road.
- (3) Must be located within the boundary of the property to which it relates, unless in a business or industrial zone.
- (4) Must not be moving, illuminated or flashing.
- (5) Must not be an “A” frame sign.
- (6) Must not cover mechanical ventilation inlet or outlet vents.
- (7) Must not restrict vehicular or pedestrian access to or from the land, or to or from any adjacent land.

Signage—business identification signs in business and industrial zones (other than on restricted premises and sex services premises)

- (1) Must meet the general requirements for signage.
- (2) Must not be located on a site occupied by a heritage item or draft heritage item, or on land comprising a heritage item.
- (3) Must not be located on a property on land in a heritage conservation area, unless using existing approved fixings.

(4) Flush wall signs

Signs attached to the wall of a building (other than the transom of a doorway or display window) must comply with the following:

- (a) maximum area—2.5m²,
- (b) must be suspended horizontally at least 2.6m above ground or pavement level, whichever is higher,
- (c) must not extend laterally beyond the wall of the building to which it is attached,
- (d) must not project above the top of the wall to which it is attached,
- (e) must not cover any window or architectural projection.

(5) Top hamper signs

Signs attached to the transom of a doorway or display window must comply with the following:

- (a) maximum area—5m²,
- (b) must not extend beyond any building alignment,
- (c) maximum height—600mm,

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 2 Exempt development

- (d) must be suspended at least 3.7m above ground or pavement level, whichever is higher,
- (e) must not extend below the top of the doorway or above the window to which it is attached.

(6) **Underawning signs**

Signs attached to the underside of an awning (other than a fascia or return end) must comply with the following:

- (a) maximum 1 sign per premises,
- (b) maximum length—2.5m,
- (c) maximum width—80mm,
- (d) maximum area—1.25m²,
- (e) must not project beyond edge of awning,
- (f) must be securely fixed by metal supports with width or diameter of no more than 50mm,
- (g) must be suspended horizontally at least 2.6m above ground or pavement level, whichever is higher.

Signage—business identification signs in rural, residential, special purpose and environment protection zones

- (1) Must meet the general requirements for signage.
- (2) Maximum 1 sign per premises.
- (3) Maximum area—0.5m².

Signage—real estate signs advertising premises or land for sale or lease in business or industrial zones

- (1) Must meet the general requirements for signage.
- (2) Must be within the boundary of the property to which it relates.
- (3) Must be removed within 10 days of sale or lease.
- (4) Maximum 1 sign per agent per property.
- (5) Maximum 2 signs per property.
- (6) Maximum area—4.5m².

Signage—real estate signs advertising premises or land for sale or lease in rural, residential, special purpose or environment protection zones

- (1) Must meet the general requirements for signage.

-
- (2) Must be within the boundary of the property to which it relates.
 - (3) Must be removed within 10 days of sale or lease.
 - (4) Maximum 1 sign per agent per property.
 - (5) Maximum 2 signs per property.
 - (6) Maximum area—1.25m² if sign advertising sale or lease.
 - (7) Maximum area—2.25m² if sign advertising auction, with maximum return of 180mm where the word “auction” appears.

Signage—signs behind glass line of shop window in business zones (other than in restricted premises and sex services premises)

- (1) Must meet the general requirements for signage.
- (2) Maximum area—4m².

Signage—temporary signs for religious, cultural, political, social or recreational events

- (1) Must meet the general requirements for signage.
- (2) Must not be displayed earlier than 28 days before, or later than 7 days after, the event.
- (3) Must not include commercial advertising, other than name of event sponsors comprising no more than 20% of total area of sign.
- (4) Maximum 6 signs at various locations, including the site of the event.
- (5) Must not be attached to any tree.
- (6) Maximum area—4m².
- (7) Must be erected in Council-designated areas for temporary signs.

Note. A list of locations designated by Council for the display of temporary signs is available on Council's website.

Temporary use of buildings

- (1) Must not exceed 72 hours.
- (2) Must not alter provision of car parking on the premises.
- (3) Must not be on land used for restricted premises or sex services premises.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 2 Exempt development

Temporary use of public land by Council or not-for-profit organisation and installation of temporary structures

Must not exceed 72 hours.

Note. The temporary use may involve activities that require approvals under the *Local Government Act 1993*. Such activities include closure of public roads, temporary structures, food stalls, mobile food vendors, activities on community land, certain amusement devices and public entertainment. Consultation with the Council will assist in identifying any requirements before organising such activities.

Schedule 3 Complying development

(Clause 3.2)

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

Dams

- (1) Maximum capacity—0.4ML.
- (2) Must be on land that has a slope of less than 13.5°.
- (3) Must not be located:
 - (a) on land identified as Class 1 or 2 on the Acid Sulfate Soils Map, or
 - (b) on land in Zone E3 Environmental Management, or
 - (c) on land identified as “Biodiversity” on the Terrestrial Biodiversity Map, or
 - (d) on land within a foreshore area, or
 - (e) on a site occupied by a heritage item or draft heritage item, or on land comprising a heritage item.
- (4) Must not involve fill material from outside property or removal of excavated material from property.
- (5) Must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- (6) Minimum height from top of water level to crest of dam—1m.
- (7) Spillway must not direct excess water onto adjoining properties.
- (8) Spillway must be adequate for a 1 in 20-year storm event.

Signage

- (1) If site has 1 road frontage, maximum area—0.5m² per linear metre of frontage, unless otherwise specified in this Schedule.
- (2) If site has 2 road frontages, maximum area—0.25m² per linear metre of frontage, unless otherwise specified in this Schedule.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 3 Complying development

- (3) Must not restrict vehicular or pedestrian access to or from the land, or to or from any adjacent land.
- (4) Must not be moving, illuminated or flashing.
- (5) Must not be located on a site occupied by a heritage item or draft heritage item, or on land comprising a heritage item.
- (6) Must not be located on a property on land in a heritage conservation area.
- (7) **A-frame and sandwich board signs (2-sided) in business zones in Hornsby Town Centre (other than in the Hunter or Florence Street malls)**
Must also comply with the following:
 - (a) maximum area—1.2m² per side,
 - (b) maximum width—0.6m,
 - (c) if on private land—maximum 4 signs per 6m frontage located at least 4.5m apart,
 - (d) if on public land—maximum 1 sign on minimum 3m-wide footpath located directly adjacent to main entrance of property.
- (8) **Advertising panels in business zones (other than restricted premises and sex services premises)**
Must also comply with the following:
 - (a) maximum area—4m²,
 - (b) maximum width of border—0.5m,
 - (c) must not project over a public place,
 - (d) must not extend laterally beyond wall to which it is attached,
 - (e) if panel has border, must be one colour and contain no advertising,
 - (f) must not cover any window or architectural projection,
 - (g) must not project above top of wall to which it is attached.
- (9) **Fascia signs**
Signs attached to an awning must also comply with the following:
 - (a) maximum area—4m²,
 - (b) must not extend beyond fascia or return end of awning,
 - (c) must not project above or below the fascia or return end of the awning to which it is attached,
 - (d) must not project beyond 600mm of vertical projection of kerb line,

(e) must not cover any window or architectural projection.

(10) **Flush wall signs—advertisements in business zones**

Signs and advertisements attached to the wall of a building (other than the transom of a doorway or display window) must also comply with the following:

- (a) maximum area—4m²,
- (b) must not extend laterally beyond the wall of the building to which it is attached,
- (c) must be at least 2.6m above ground or pavement level, whichever is higher,
- (d) must not project above the top of the wall to which it is attached,
- (e) must not cover any window or architectural projection.

(11) **Painted wall signs—advertisements in business zones**

Signs and advertisements painted on the walls of buildings must also comply with the following:

- (a) maximum area—4m²,
- (b) must not cover any window or architectural projection,
- (c) must be at least 2.6m above ground or pavement level, whichever is higher.

(12) **Pole or pylon signs**

Signs attached to a pole or pylon must also comply with the following:

- (a) maximum 1 sign per pole or pylon,
- (b) maximum height—8m,
- (c) maximum area—4.5m²,
- (d) must not project over the boundary of the premises,
- (e) must be at least 2.6m above ground or pavement level, whichever is higher.

(13) **Temporary signs for religious, cultural, political, social or recreational events**

Temporary signs must also comply with the following:

- (a) maximum area—4m²,
 - (b) must not include commercial advertising, other than name of event sponsors comprising no more than 20% of total area of sign,
 - (c) must not be displayed earlier than 28 days before, or later than 7 days after, the event,
-

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 3 Complying development

- (d) maximum 6 signs at various locations, including the site of the event,
- (e) must not be attached to a tree.

Part 2 Complying development certificate conditions

Note. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Nil	

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Schedule 5 Environmental heritage

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Arcadia	Arcadia General Store	89–91 Arcadia Road	Lot 201, DP 752048	Local	1
Arcadia	“Weerona” and garden	109 Arcadia Road	Lot 1, DP 533940	Local	2
Arcadia	Mobb’s house	123 Arcadia Road	Lot 1, DP 744525	Local	3
Arcadia	Arcadia Community Hall	136 Arcadia Road	Lot 1, DP 995461	Local	4
Arcadia	St. Columb’s Anglican Church and grounds	138 Arcadia Road	Lot 1, DP 598637	Local	5
Arcadia	Arcadia Public School—original building (excluding other buildings and grounds)	140 Arcadia Road	Lot 1, DP 797478; Lot 1, DP 597328	Local	6
Arcadia	House	26 Blacks Road	Lots 1 and 3, DP 587065	Local	7
Arcadia	House	3 Cobah Road	Lot 1, DP 210810	Local	9
Arcadia	House	15 Cobah Road	Lot 2, DP 609304	Local	10
Arcadia	House	9A Geelans Road	Lot 10, DP 594595	Local	11
Arcadia	Windbreak	Halls Road	Road reserve (south of Wylds Road)	Local	12
Arcadia	House	1 Halls Road	Lot D, DP 369476	Local	13
Arcadia	House	2 Smalls Road	Lot 3, DP 563428	Local	14
Arcadia	House and outbuildings	10–12 Smalls Road	Lot 2, DP 874443	Local	15

Suburb	Item name	Address	Property description	Significance	Item no
Arcadia	House	15 Smalls Road	Lot 2, DP 564660	Local	16
Arcadia	Windbreak	8–12 Sunnyridge Road	Lots 1–3, DP 245531	Local	17
Arcadia	Windbreak	15–17 Sunnyridge Road	Lots 2 and 3, DP 619485	Local	18
Asquith	Mills Park	2X Chelmsford Road	Lot 1114, DP 822293	Local	19
Asquith	House	5 Dudley Street	Lot A, DP 375534	Local	20
Asquith	Street trees	Haldane Street—Asquith Station	Road reserve	Local	21
Asquith	House	419 Pacific Highway	Lot 11, DP 666335	Local	22
Asquith	House	466A Pacific Highway	Lot 10, DP 845796	Local	23
Asquith	House	480 Pacific Highway	Lot 14, DP 16107	Local	24
Asquith	Garden tree	21 Queens Road	Lot 9, DP 8494	Local	25
Asquith	St Patrick's Church—grounds	1 Royston Parade	Lot 1, DP 702242	Local	26
Asquith	House and garden	26 Royston Parade	Lot 1, DP 502358	Local	27
Asquith	Garden	27 Royston Parade	Lot 100, DP 1024088	Local	28
Asquith	House	32 Royston Parade	Lot 26, DP 10405	Local	29
Asquith	Street tree	Corner Sherbrook Road and Baldwin Avenue	Road reserve	Local	30

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Asquith	Street trees	Sherbrook Road	Road reserve (between Lockwood Street and Salisbury Road)	Local	31
Asquith	House	121 Sherbrook Road	Lot 34, DP 8797	Local	32
Asquith	House	178 Sherbrook Road	Lot A, DP 317667	Local	33
Asquith	Asquith Park	1X Wall Avenue	Lot 1, DP 656401	Local	531
Beecroft	Blue gum in rear garden	9 Albert Road	Lot 5, DP 18182	Local	34
Beecroft	House and garden	29B Albert Road	Lot 105, DP 601734	Local	35
Beecroft	Gardens	2, 2A and 4 Beecroft Road	Lots 5-7, DP 237733	Local	36
Beecroft	Blackwood House and garden	8 Beecroft Road	Lot 1, DP 236171	Local	37
Beecroft	“Red Hill”	21 Beecroft Road	Lot 2, DP 232683	Local	38
Beecroft	House and garden	44 Beecroft Road	Lot 1, DP 407029	Local	39
Beecroft	House and garden	45 Beecroft Road	Lot A, DP 377005	Local	40
Beecroft	“Glenbower”	52C Beecroft Road	Lot 2, DP 522487	Local	41
Beecroft	House	59 Beecroft Road	Lot 1, DP 7380	Local	42
Beecroft	House	61 Beecroft Road	Lot 10, DP 565264	Local	43
Beecroft	“Lorne”	63 Beecroft Road	Lot 21, DP 553564	Local	44

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	Garden	68 Beecroft Road	Lot 3, Section 7, DP 758074	Local	45
Beecroft	House	83 Beecroft Road	Lot 12, DP 758074	Local	46
Beecroft	“Waveney”	84 Beecroft Road	Lot A, DP 317698	Local	47
Beecroft	House	86 Beecroft Road	Lot C, DP 434825	Local	48
Beecroft	Beecroft Public School (excluding grounds)	90–96 Beecroft Road	Lots 1–5, Section 3, DP 758074; Lot 1, DP 323129; Lot 1, DP 384982; Lot 1, DP 104459; Lot 1, DP 122581; Lot A, DP 100859; Lots 2 and 3, DP 539122; Lot 1, DP 122580	Local	49
Beecroft	“Vintage Cellars” building	100 Beecroft Road	Lot A, DP 356769	Local	50
Beecroft	“Nakinda”	104 Beecroft Road	Lot 2, DP 609098	Local	51
Beecroft	House and garden	110 Beecroft Road	Lots 5 and 6, Section 1, DP 758074	Local	52
Beecroft	Beecroft Community Centre	111 Beecroft Road	Lot 1, DP 121947	Local	53
Beecroft	The Village Green, Boer War Memorial, World War I and II Memorials	111X Beecroft Road	Lot 979, DP 822292	Local	54
Beecroft	House and garden	112 Beecroft Road	Lots 1 and 2, DP 455469	Local	55
Beecroft	“Ravenhurst” and garden	114 Beecroft Road	Lot 6, DP 221391	Local	56

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	“Carmel”	115 Beecroft Road	Lots 1–5, DP 2073	Local	57
Beecroft	Garden, fence and hedge	116 Beecroft Road	Lot 5, DP 214705	Local	58
Beecroft	House	118 Beecroft Road	Lot 1, DP 501547	Local	59
Beecroft	Garden	128 Beecroft Road	Lot 5, DP 6280	Local	60
Beecroft	“Romana House” and garden	130 Beecroft Road	Lot A, DP 15298	Local	61
Beecroft	Garden	136 Beecroft Road	Lot 136, DP 1059157	Local	62
Beecroft	“Combanning”	140 Beecroft Road	Lot 1, DP 504734	Local	63
Beecroft	Fence, posts and garden	142 Beecroft Road	Lot 114, DP 1136664	Local	64
Beecroft	“Brunoy” (Chesalon Nursing Home)	144–146 Beecroft Road	Lots 15–17 and 34, DP 6280	Local	65
Beecroft	Street trees	Boronia Avenue	Road reserve (between Kirkham Street and Mason Avenue)	Local	66
Beecroft	Gardens	2–4 Boronia Avenue	Lots 1 and 2, DP 360108	Local	67
Beecroft	Street trees	Cardinal Avenue	Road reserve (between Copeland Road and Pennant Hills Road)	Local	68
Beecroft	Street trees	Castle Howard Road	Road reserve	Local	69

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	Bushland reserve— Beecroft and Cheltenham Parks	23X Castle Howard Road	Lots 537–539, DP 752028; Part Lot 540, DP 752028; Lots 541–544, DP 752028; Lot 931, DP 752028; Lot 13, DP 842090	Local	70
Beecroft	Street trees	Chapman Avenue	Road reserve (between Cardinal Avenue and Beecroft Road)	Local	71
Beecroft	St. John's Anglican Church	9 Chapman Avenue	Lot 1, DP 1052911	Local	72
Beecroft	House	41 Chapman Avenue	Lot 41, DP 1105341	Local	73
Beecroft	Footpath	Copeland Road (east— between 138–154 Copeland Road)	Road reserve	Local	74
Beecroft	House and garden	71 Copeland Road	Lot 3, DP 219007	Local	75
Beecroft	House	84 Copeland Road	Lot 4, DP 7931	Local	76
Beecroft	House	106 Copeland Road	Lot X, DP 417346	Local	77
Beecroft	House	116 Copeland Road	Lot C, DP 4369	Local	78
Beecroft	Fence and garden	121 Copeland Road	Lot 241, DP 1142973	Local	79
Beecroft	House	127 Copeland Road	Lot 101, DP 842903	Local	80
Beecroft	“Chetwynd”	138 Copeland Road	Lots A and E, DP 385708	Local	81

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	House	148 Copeland Road	Lot 1, DP 205047	Local	82
Beecroft	Garden	149 Copeland Road	Lot 1, DP 12464	Local	83
Beecroft	House and garden	151 Copeland Road	Lot 2, DP 12464	Local	84
Beecroft	House	153 Copeland Road	Lot 7, DP 1014512	Local	85
Beecroft	House and garden	154 Copeland Road	Lot 2, DP 596145	Local	86
Beecroft	“Holme Lacey” and garden	155 Copeland Road	Lot 1, DP 1014512	Local	87
Beecroft	Garden	156A Copeland Road	Lot 14, DP 604271	Local	88
Beecroft	House	157 Copeland Road	Lot 5A, DP 382779	Local	89
Beecroft	House	159 Copeland Road	Lot 11, DP 556232	Local	90
Beecroft	House and garden	161 Copeland Road	Lot 6, DP 242297	Local	91
Beecroft	“Aston”	162 Copeland Road	Lot 1, DP 622711	Local	92
Beecroft	House and garden	163 Copeland Road	Lot 81, DP 577380	Local	93
Beecroft	Munitions shed	177E Copeland Road	Lot 111, DP 1027063	Local	94
Beecroft	House	188 Copeland Road	Lot 3, DP 368286	Local	95
Beecroft	House	190 Copeland Road	Lot 4, DP 368286	Local	96
Beecroft	House	23 Fiona Road	Lot 1, DP 873791	Local	97

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	Street trees	Hannah Street	Road reserve (between Pennant Hills Road and Beecroft Road)	Local	98
Beecroft	“Eltham” and garden	5A Hannah Street	Lot 101, DP 775322	Local	100
Beecroft	Beecroft Post Office	5B Hannah Street	Part Lot 6, SP 72498	Local	101
Beecroft	House, garden and outbuilding	28 Hannah Street	Lot 1, DP 959289	Local	102
Beecroft	House	29 Hannah Street	Lot A, DP 398222	Local	103
Beecroft	House	30 Hannah Street	Lot C, DP 960213	Local	104
Beecroft	House	38 Hannah Street	Lot 1, DP 200138	Local	105
Beecroft	House	40 Hannah Street	Lot 5, DP 514026	Local	106
Beecroft	House	42 Hannah Street	Lot 1, DP 133587; Lot 20, Section 7, DP 7788	Local	107
Beecroft	House	44 Hannah Street	Lot 18, Section 7, DP 7788; Lot 1, DP 168952	Local	108
Beecroft	“Twilight House/Sheen”	46 Hannah Street	Lot 1, DP 9786	Local	155
Beecroft	House	51 Hannah Street	Lot A, DP 963616	Local	109
Beecroft	Fearnley Park	86X Hannah Street	Lot 28, DP 23858	Local	110
Beecroft	Street trees	Hull Road	Road reserve	Local	111
Beecroft	House	8 Kirkham Street	Lot 8, DP 1089650	Local	112

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	Lyndon Way Reserve and street trees	Lyndon Way	Public reserve and road reserve	Local	113
Beecroft	Street trees and bushland	Malton Road	Road reserve	Local	114
Beecroft	House	2 Malton Road	Lot A, DP 354398	Local	115
Beecroft	House	5 Malton Road	Lot 3, DP 340956	Local	116
Beecroft	“Kunaware” and garden	11 Malton Road	Lot 42, DP 596659	Local	117
Beecroft	“Lynwood”	12 Malton Road	Lot 2, DP 504423	Local	118
Beecroft	“Mindaribba”	14–18 Malton Road	Lot A, DP 349021; Lot 1, DP 652953	Local	119
Beecroft	“Eureka”	17 Malton Road	Lot 1, DP 924640	Local	120
Beecroft	“Cloonycarn”	27 Malton Road	Lot 1, DP 628007	Local	121
Beecroft	House	28 Malton Road	Lot 1, DP 537665	Local	122
Beecroft	“Notrella”	31A Malton Road	Lot 111, DP 108393	Local	123
Beecroft	House	37 Malton Road	Lot 101, DP 713750	Local	124
Beecroft	House	49 Malton Road	Lot 602, DP 793873	Local	125
Beecroft	“Linthorpe”	7–9 Mangiri Road	Lots 19 and 20, DP 715454	Local	126
Beecroft	Presbyterian Church	1 Mary Street	Lot B, DP 356769	Local	127
Beecroft	House and garden	3 Mary Street	Lots 5 and 6, Section 2, DP 758074	Local	128

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	Chilworth Reserve	11X and 14X Mary Street	Lots 10–14, Section 2, DP 758074; Lot 7016, DP 93823	Local	129
Beecroft	Street trees	Murray Road	Road reserve (east of Beecroft Road)	Local	130
Beecroft	House	1 Murray Road	Lots 8 and 9, DP 7132	Local	131
Beecroft	“Maitai” trees and garden	31 Murray Road	Lot B, DP 349965	Local	132
Beecroft	House	66 Murray Farm Road	Lot 42, DP 16525	Local	133
Beecroft	House	107A Murray Farm Road	Lot 2, DP 512307	Local	134
Beecroft	Devlins Creek Bushland Reserve	Orchard Road	Lot 12, DP 202546; Lot 1, DP 841495; Lot 66, DP 218185; Lot 72, DP 503715; Lots 2 and 46, DP 217863; Lot 75, DP 506963	Local	135
Beecroft	Street trees	Orchard Road	Road reserve	Local	136
Beecroft	Garden	6 Parker Close	Lot 1, DP 357713	Local	137
Beecroft	Pennant Hills Golf Club—grounds	589 Pennant Hills Road	Lot 10, DP 801176	Local	138
Beecroft	Bushland	Railway land—Beecroft to Pennant Hills		Local	139
Beecroft	Bushland Reserve	Sutherland Road—Byles Creek Valley		Local	140

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Beecroft	Booth Park	82X Sutherland Road	Lots 640 and 641, DP 752028	Local	141
Beecroft	“Beveren” and garden	110–112 Sutherland Road	Lot 1, DP 949337	Local	143
Beecroft	House	122 Sutherland Road	Lot 2, DP 619164	Local	144
Beecroft	House	24A The Crescent	Lot 2, DP 626649	Local	145
Beecroft	House	1 Wandeen Avenue	Lot 14, DP 7154	Local	146
Beecroft	House	2 Wandeen Avenue	Lot 3, DP 523327	Local	147
Beecroft	House and garden	3 Wandeen Avenue	Lot 1, DP 546219	Local	148
Beecroft	“Chilworth”	24 Welham Street	Lot 4, DP 25486	Local	149
Beecroft	Beecroft Railway Station and garden	Wongala Crescent and Great Northern Railway	Lot 1, DP 869477; Lots 2, 79 and 86, DP 41000	Local	142
Beecroft	“Treasure House”	1–3 Wongala Crescent	Lot 1, DP 1134589	Local	150
Beecroft	Garden	25 Wongala Crescent	Lots 1 and 2, DP 133462	Local	151
Beecroft	House and garden	33 Wongala Crescent	Lot B, DP 315312	Local	152
Beecroft	Fence	37 Wongala Crescent	Lot 12, DP 607771	Local	153
Beecroft	House	39–41 Wongala Crescent	Lot B, DP 368137	Local	154
Berowra	House	21A Anembo Road	Lot 408, DP 1008994	Local	156

Suburb	Item name	Address	Property description	Significance	Item no
Berowra	House	4 Arcadia Crescent	Lot 31, DP 853409	Local	157
Berowra	Berowra Park	14X Berowra Waters Road	Lot 7003, DP 1110371	Local	158
Berowra	House and garden	24 Berowra Waters Road	Lot 2, DP 851097	Local	159
Berowra	House	29 Berowra Waters Road	Lot 21, Section 1, DP 6107	Local	160
Berowra	Community hall and grounds	41 Berowra Waters Road (within recreation reserve)	Lot 475, DP 822294	Local	161
Berowra	“Bungalow”	48 Berowra Waters Road	Lot 13, DP 509198	Local	162
Berowra	House	75 Berowra Waters Road	Lot 12, DP 562850	Local	163
Berowra	“Sunbeam”	83 Berowra Waters Road	Lot A, DP 419283	Local	164
Berowra	Street trees	Crowley Road	Road reserve (north side)	Local	165
Berowra	House	3A Crowley Road	Lot 2, DP 509204	Local	166
Berowra	Hall	14 Crowley Road	Lot 10, DP 1013648	Local	167
Berowra	House	15 Crowley Road	Lot 6, Section 1, DP 6107	Local	168
Berowra	House	25 Goodwyn Road	Lot 2, DP 578390	Local	169
Berowra	Garden	2–4 Hillcrest Road	Lot B, DP 373120	Local	170
Berowra	Trees associated with 7 Wanill Place	22 Hillcrest Road	Lot 6, DP 217164	Local	171
Berowra	House	5 Wanill Place	Lot 23, DP 218655	Local	174
Berowra	Former servant’s quarters	7 Wanill Place	Lot 22, DP 218655	Local	175

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Berowra	Street trees	Waratah Road	Road reserve (between Anembo Road and Goodwyn Road)	Local	176
Berowra	Garden	2A and 2E Waratah Road	Lot 2, DP 1149563; Lot 1, DP 11498563	Local	177
Berowra	Garden	15 Yallambee Road	Lot 2, DP 1022539	Local	178
Berowra Creek	“Capo di Monte”	Collingridge Point	Lot 17, DP 26377	Local	182
Berowra Creek	“Berowra Waters Inn”	Dusthole Point	Lot 22, DP 18039	Local	183
Berowra Creek	“Taracoonee”	Sunny Corner	Lot 3, DP 926260; Lot 0, DP 752026	Local	186
Berowra Heights	Scenic road through bushland	Berowra Waters Road	Crown land	Local	187
Berowra Heights	“Whitianga”	24 Turner Road	Lot 1, DP 213153	Local	188
Berowra Waters	Rex Jones Memorial	Berowra Waters Road	Crown land	Local	193
Berrilee	“Sandown”	70–72 Bay Road	Lot A, DP 399112	Local	195
Berrilee	“Mt Orient”	106 Bay Road	Lot 3, DP 224685	Local	196
Brooklyn	Shop	1–3 Bridge Street	Lots 1 and 2, DP 543112	Local	197
Brooklyn	Shop	5 Bridge Street	Lot 1, DP 936486	Local	198
Brooklyn	Shop	7 Bridge Street	Lot 1, DP 946143	Local	199
Brooklyn	Brooklyn Police Station	11 Bridge Street	Lots 15, 17 and 19, Section B, DP 2746	Local	200

Suburb	Item name	Address	Property description	Significance	Item no
Brooklyn	Brooklyn Post Office and residence	13 Bridge Street	Lot 2, DP 830845	Local	201
Brooklyn	House	19 Bridge Street	Lots 29–31, Section B, DP 5043	Local	202
Brooklyn	Brooklyn cemetery	Brooklyn Road	Lot 7031, DP 1076532; Lot 7049 and 7050, DP 1076533; Lot 395, DP 46975	Local	204
Brooklyn	Seymours Creek Mangrove wetland	Brooklyn Road	Waterway	Local	205
Brooklyn	House	51 Brooklyn Road	Lot 3, Section A, DP 5527	Local	206
Brooklyn	House	52 Brooklyn Road	Lot 11, Section 2, DP 2002	Local	207
Brooklyn	Boatshed	53 Brooklyn Road	Lot 2, DP 5527	Local	208
Brooklyn	Brooklyn Park	87X Brooklyn Road	Lot 7036, DP 1060366; Lot 7011, DP 1075612	Local	209
Brooklyn	“Rossmoor”	91 Brooklyn Road	Lot 10, DP 884327	Local	210
Brooklyn	House	95 Brooklyn Road	Lot 20, DP 849201	Local	211
Brooklyn	“Ross Homestead” and garden	96 Brooklyn Road	Lot 41, DP 1055964	Local	212
Brooklyn	Brooklyn Public School (excluding grounds)	106 Brooklyn Road	Lots 1, 2, 11 and 12, Section C, DP 758166; Lots 1–3, 5 and 6, Section 2, DP 758166	Local	213
Brooklyn	House	117 Brooklyn Road	Lot 41, DP 1009746	Local	214

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Brooklyn	War Memorial Hall	120 Brooklyn Road	Lot 1, DP 358297	Local	215
Brooklyn	House	121 Brooklyn Road	Lot 3, DP 629260	Local	216
Brooklyn	House	129 Brooklyn Road	Lot 1, DP 227335	Local	217
Brooklyn	“Melville”	140 Brooklyn Road	Lot B, DP 310389	Local	218
Brooklyn	Old St Mary’s Church	156A Brooklyn Road	Lot 9, Section 2, DP 2105	Local	219
Brooklyn	House	176 Brooklyn Road	Lot 18, DP 41000	Local	220
Brooklyn	“Blinkbonnie”	206 Brooklyn Road	Lot 11, DP 1183; Lot 12, DP 2746	Local	222
Brooklyn	House	208 Brooklyn Road	Lot 1, DP 554808	Local	223
Brooklyn	Shopfronts	212–214 Brooklyn Road	Lots 16–18, Section A, DP 2746	Local	224
Brooklyn	McKell Park—lower, upper, cabbage palms and World War II gun and emplacements	Dangar Road	Lot 1, DP 62933; Lot 1, DP 1005081; Lots 7015 and 7016, DP 1058527	Local	225
Brooklyn	Hawkesbury River Railway Station group (Brooklyn Railway Platform and Station)	Main Northern Railway—Dangar Road to Brooklyn Harbour	Transport corridor	State	227
Brooklyn	Railway shelter shed	6 Dangar Road	Lot 52, DP 876183	Local	228
Brooklyn	House	10 Dangar Road	Lot 54, DP 876183	Local	229
Brooklyn	House	5 George Street	Lot 1, DP 972865	Local	230

Suburb	Item name	Address	Property description	Significance	Item no
Brooklyn	House	7 George Street	Lot 8, DP 651384; Lots 9 and 10, Section C, DP 5043	Local	231
Brooklyn	Footpath	Karoola Street	Road reserve	Local	233
Brooklyn	House	1 Karoola Street	Lots 1 and 2, Section F, DP 2746	Local	234
Brooklyn	House	2 Karoola Street	Lot 1, DP 853918	Local	235
Brooklyn	House	3 Karoola Street	Lots 3–5, Section F, DP 2746	Local	236
Brooklyn	House	5 Karoola Street	Lots 6 and 7, Section F, DP 2746	Local	237
Brooklyn	House	8 Karoola Street	Lots 28 and 29, Section C, DP 5043	Local	238
Brooklyn	House	12 Karoola Street	Lot A, DP 357358	Local	239
Brooklyn	House	23 Karoola Street	Lot 2, DP 32963	Local	240
Brooklyn	Nature Reserve—bushland	Long Island	Crown land	Local	245
Brooklyn	Kangaroo Point	Pacific Highway	Lot 1, DP 740853; public reserve and Crown land	Local	99
Brooklyn	Rest Park	Pacific Highway	Lots 238 and 250, DP 752026	Local	248
Brooklyn	Station Master cottage	1 William Street	Lot 1, DP 431327	Local	249
Brooklyn	Telephone exchange	8 William Street	Lot 1, DP 830845	Local	250

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Canoelands	“Gentleman’s Halt”	Gentleman’s Halt	Lot 1, DP 368108	Local	251
Carlingford	House	557A North Rocks Road	Lot 1, DP 827063	Local	253
Carlingford	Street trees	Plympton Road	Road reserve (between Calool Road and Coverdale Street)	Local	254
Carlingford	Ray Park	26X Plympton Road	Part Lot 2, DP 500461; Lot 12, DP 237797	Local	402
Castle Hill	Mowll Village group including “Lober House”, “Tower House”, “Gate House” entry gates, dairy, stables and grounds	284, 296, 300–302 and 304 Castle Hill Road and 146–200 David Road	Lots A and B, DP 410898; Lot 1, DP 654242; Lot 2, DP 309991; Lot D, DP 369584; Lot 10, DP 135926; Lot 2005, DP 1088072; Lot 1, DP 177433; Lots C and E, DP 369584; Lots 72–74, DP 1067989	Local	255
Castle Hill	Mary Mercy Centre—grounds	36–56 David Road	Lot 2, DP 565458	Local	256
Castle Hill	Garden	121–123 David Road	Lots 9820 and 9821, DP 785153	Local	257
Castle Hill	“Glenowen” and garden	3, 5 and 7 Glenowen Way	Lots 2, 3 and 9, DP 286138	Local	258
Castle Hill	Oakhill College, original building, gate house and grounds	423–521 Old Northern Road	Lot 1370, DP 1063007	Local	259

Suburb	Item name	Address	Property description	Significance	Item no
Castle Hill	Public Reserve	1X Westminster Drive	Lot 15, DP 771565	Local	312
Cheltenham	“Lauriston”	150 Beecroft Road	Lot 2, DP 373724	Local	260
Cheltenham	“Quambi”	152 Beecroft Road	Lot 102, DP 600100	Local	261
Cheltenham	“Mosbrae”	157 Beecroft Road	Lots 2 and 3, DP 71323	Local	262
Cheltenham	House	158 Beecroft Road	Lot 4, DP 530116	Local	263
Cheltenham	House	170 Beecroft Road	Lot 2, DP 931641	Local	264
Cheltenham	House	174 Beecroft Road	Lot 1, DP 527556	Local	265
Cheltenham	Former church and grounds	179 Beecroft Road	Lots 83 and 84, DP 9085	Local	266
Cheltenham	Garden	183 Beecroft Road	Lots 79–81, DP 9085	Local	267
Cheltenham	“Edensor”, garden, stable and wall	203 Beecroft Road	Lot 13, DP 844078	Local	268
Cheltenham	House	24 Boronia Avenue	Lot 1, DP 391071	Local	269
Cheltenham	House	32 Boronia Avenue	Lot 1, DP 556740	Local	270
Cheltenham	House	8 Cheltenham Road	Lots 138 and 139, DP 12364	Local	271
Cheltenham	House	10 Cheltenham Road	Lots 136 and 137, DP 12364	Local	272
Cheltenham	Garden	22 Cheltenham Road	Lot 9, DP 18542	Local	273
Cheltenham	House	76 Cheltenham Road	Lot 8, DP 1062651	Local	274

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Cheltenham	House	15 Chorley Avenue	Lot 128, DP 12364	Local	275
Cheltenham	“Ahimsa” and grounds	67 Cobran Road	Lots A and B, DP 393708	State	276
Cheltenham	House	6 Mason Avenue	Lot 3, DP 332084	Local	277
Cheltenham	“Boonga”	12 Mason Avenue	Lot 1, DP 537455	Local	278
Cheltenham	House	19 Norma Crescent	Lot 1, DP 523362	Local	279
Cheltenham	Bushland	Sutherland Road	Public reserve (southern end—along Devlin’s Creek)	Local	416
Cheltenham	Trees	1 The Boulevarde	Lot 1, DP 576233	Local	280
Cheltenham	House and garden	5 The Boulevarde	Lot 1, DP 580847	Local	281
Cheltenham	Gardens	10–12 The Boulevarde	Lots 25 and 26, DP 5440	Local	282
Cheltenham	House	11 The Boulevarde	Lot 2, DP 540033	Local	283
Cheltenham	House and garden	14 The Boulevarde	Lot B, DP 302976	Local	284
Cheltenham	House	15 The Boulevarde	Lot 1, DP 807998	Local	285
Cheltenham	House and garden	18 The Boulevarde	Lot 1, DP 526173	Local	286
Cheltenham	House	24 The Boulevarde	Lot 18, DP 5440	Local	287
Cheltenham	House	26 The Boulevarde	Lot 17, DP 5440	Local	288
Cheltenham	Garden	44 The Crescent	Lot 1, DP 18542	Local	289
Cheltenham	Garden	46 The Crescent	Lot 2, DP 18542	Local	290

Suburb	Item name	Address	Property description	Significance	Item no
Cheltenham	Garden	48 The Crescent	Lot 3, DP 18542	Local	291
Cheltenham	House and garden	50 The Crescent	Lots 35–37, DP 5440	Local	292
Cheltenham	House	52 The Crescent	Lot 34, DP 5440	Local	293
Cheltenham	House	54 The Crescent	Lot 33, DP 5440	Local	294
Cheltenham	House	56 The Crescent	Lot 32, DP 5440	Local	295
Cheltenham	Grounds— Cheltenham Recreation Club	60–74 The Crescent	Lots 1–5, DP 5440; Lot C, DP 306966; Lot C, DP 328704; Lot 1, DP 335423; Lot G, DP 360935; Lot J, DP 373758; Lot A, DP 303812	Local	296
Cheltenham	“Ashby”	94 The Crescent	Lot 5, DP 9207	Local	297
Cheltenham	Street trees	The Promenade	Road reserve	Local	298
Cheltenham	Garden	7 The Promenade	Lot 112, DP 9085	Local	299
Cherrybrook	“Boldrewood” and garden	19 Boldrewood Place	Lot 22, DP 846115	Local	300
Cherrybrook	Street trees	Boundary Road	Road reserve (west of Kitchener Road intersection)	Local	301
Cherrybrook	House	150 Castle Hill Road	Lot 402, DP 259853	Local	302
Cherrybrook	“Inala School” (original house)	160–168 Castle Hill Road	Lot 1, DP 511824	Local	303

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Cherrybrook	The Lakes of Cherrybrook, "Kenburn Hall" and garden	10 Kenburn Avenue	Lot 122, DP 635280	Local	304
Cherrybrook	Cherrybrook Uniting Church, hall and cemetery	134 New Line Road	Lot 100, DP 1102533	Local	305
Cherrybrook	"Gumnut Hall"—Cherrybrook Pre-School and Community Centre	144 New Line Road	Lot 1, DP 619447	Local	306
Cherrybrook	House	175 New Line Road	Lot 1, DP 818155	Local	307
Cherrybrook	"Hillcrest"	16 Sanctuary Close	Lot 1021, DP 785501	Local	309
Cherrybrook	"The Lakes of Cherrybrook Reserve"	54X Shepherds Drive	Lot 4205, DP 706256; Lot 1, DP 738083	Local	311
Cherrybrook	Greenway Park	69–85X Shepherds Drive	Lot 1, DP 263752; Part Lot 24, DP 1123287	Local	310
Cowan	House	26 Alberta Avenue	Lot 41, DP 10403	Local	313
Cowan	Street trees	Pacific Highway	Road reserve	Local	314
Cowan	Glendale Farm	1069 Pacific Highway (Glendale Road)	Lot 339, DP 752026	Local	315
Cowan	House	1177 Pacific Highway	Lot 15, DP 10403	Local	320
Dangar Island	Pedestrian street	Baroona Street	Road reserve	Local	323
Dangar Island	Recreation Reserve	15–17 Baroona Street (corner Grantham Crescent)	Lots 1 and 3, DP 597242	Local	325

Suburb	Item name	Address	Property description	Significance	Item no
Dangar Island	Blackbutt trees	Grantham Crescent	Road reserve	Local	327
Dangar Island	Pedestrian street	Grantham Crescent	Road reserve	Local	326
Dangar Island	Pedestrian street	Neotsfield Avenue	Road reserve	Local	330
Dangar Island	Sandstone tower	9 Neotsfield Avenue	Lot 62, DP 872117	Local	331
Dangar Island	Waterfront, seawall, wharf, trees and 1889 Railway Bridge construction site	Northern foreshore	Waterway	Local	332
Dangar Island	Roadworks	Riverview Avenue	Road reserve	Local	333
Dangar Island	Kiparra Park bushland	35–127 Riverview Avenue	Lots 129–135, DP 11921; Lots 157–195, DP 19921; Lot 2, DP 537659	Local	334
Dural	“Koombahla”	429 Galston Road	Lot 9, DP 573049	Local	336
Dural	House	431 Galston Road	Lot 1, DP 194542	Local	337
Dural	“Shamrock Vale”	432 Galston Road	Lot 4, DP 554002	Local	338
Dural	Garden	452 Galston Road	Lot 1, DP 610404	Local	339
Dural	Kelvin Park—grounds	454 Galston Road	Lot 2, DP 610404	Local	340
Dural	Swanes Nursery	490–498 Galston Road	Lot 2, DP 504406; Lot 1, DP 87092; Lot X, DP 414599	Local	341
Dural	“The Croft”	11 Harris Road	Lot 1, DP 507580	Local	342
Dural	Original alignment of New Line Road (Elouera estate)	New Line Road	Lockyer Close	Local	344

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Dural	Street trees and bushland	New Line Road	Road Reserve (between Pyes Creek and Old Northern Road)	Local	343
Dural	House	208 New Line Road	Lot 11, DP 1041210	Local	345
Dural	“Terranova”	260–266 New Line Road	Lot 84, DP 752053	Local	346
Dural	House	671–673 Old Northern Road	Lot 1, DP 393694	Local	347
Dural	House	857 Old Northern Road	Part Lot C, DP 349226	Local	348
Dural	House	873 Old Northern Road	Lot 2, DP 541989	Local	349
Dural	House (former Uniting Church and chapel)	925–935 and 937 Old Northern Road	Lots 1 and 2, DP 618271	Local	351
Dural	St Jude’s Anglican Church and grounds	951–965 Old Northern Road	Lot 1, DP 589402	Local	352
Dural	“The Trees”	1169–1171 Old Northern Road	Lot 6, DP 239758	Local	353
Epping	“Kooringa” and garden	8 Abuklea Road	Lot 1, DP 19798	Local	354
Epping	House	21–23 Abuklea Road	Lot 14, DP 209831	Local	355
Epping	House	32 Abuklea Road	Lot A, DP 411486	Local	356

Suburb	Item name	Address	Property description	Significance	Item no
Epping	Bushland	Beecroft Road	Road reserve (between Carlingford Road and Kandy Avenue)	Local	357
Epping	Forest Park	723X Blaxland Road	Lots 365 and 366, DP 752028	Local	359
Epping	“Araluen”	2–4 Brigadoon Court	Lot 8, DP 221577; Lot 102, DP 869433	Local	360
Epping	House	34 Carlingford Road	Lot C, DP 101970	Local	361
Epping	House	72 Carlingford Road	Lot 1, DP 223691	Local	362
Epping	“Armagh”	82 Carlingford Road	Lot A, DP 346625	Local	363
Epping	House	88 Carlingford Road	Lot 2, DP 7370	Local	364
Epping	Epping West Public School—original building dated 1927 (excluding other buildings and grounds)	96–104 Carlingford Road	Lot 1, DP 161495; Lot 1, DP 122509; Lot 11, DP 1099882	Local	365
Epping	Street trees	Chester Street	Road reserve (east of Norfolk Street)	Local	366
Epping	House and garden	21 Chester Street	Lot 31, DP 850660	Local	367
Epping	House and garden	23 Chester Street	Lot 21, DP 262348	Local	368
Epping	Garden	27A Chester Street	Lot 2, DP 541220	Local	369

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Epping	“Snaresbrook”	45 Chester Street	Lot 1, DP 536152	Local	370
Epping	House	57 Chester Street	Lot 1, DP 943999	Local	371
Epping	House	70 Chester Street	Lot 2, DP 519149	Local	372
Epping	Street trees	Dorset Street	Road reserve	Local	373
Epping	House	5 Dorset Street	Lot G, DP 443977	Local	374
Epping	House	15 Dorset Street	Lot 2, DP 1101289	Local	375
Epping	Street trees and bushland	Epping Road	Road reserve (between Terry’s Creek and Pembroke Street)	Local	376
Epping	Rockleigh Park—public reserve	5X Essex Street	Lot 3, DP 847018	Local	377
Epping	“Asheldom”	47 Essex Street	Lot 100, DP 860370	Local	378
Epping	House	76 Essex Street	Lot A, DP 371633	Local	379
Epping	House	84 Essex Street	Lot 44, DP 6719	Local	380
Epping	Terry’s Creek crossing and bushland	“Vimiera Park”—121X Essex Street	Lot 7304, DP 1145642	Local	381
Epping	Slab hut	78 Kent Street	Lot 1, DP 350308	Local	382
Epping	Garden	132 Midson Road	Lot 1, DP 832987	Local	383
Epping	House	167 Midson Road	Lot 1, DP 362225	Local	384

Suburb	Item name	Address	Property description	Significance	Item no
Epping	Epping Public School—original building dated 1901 (excluding other buildings and grounds)	2–16 Norfolk Road	Lots 4–13, Section 13, DP 758390	Local	385
Epping	House and garden	9 Norfolk Road	Lot 1, DP 1012652	Local	386
Epping	House	33 Norfolk Road	Lot 3, DP 19844; Lot B, DP 356130	Local	387
Epping	“Gwydir”	40 Norfolk Road	Lot 1, DP 942564	Local	388
Epping	“Glenorie”	44 Norfolk Road	Lot 3, DP 554665	Local	389
Epping	Garden—The Poplars	64–66 Norfolk Road	Lot 3, DP 828636	Local	390
Epping	“School of Arts” and garden	9 Oxford Street	Lots 2–4, DP 1118567; Lot 1, DP 173145	Local	391
Epping	Shops	10–16 Oxford Street	Lots B–D, DP 385600; Lot 102, DP 800177	Local	392
Epping	Our Lady Help of Christians Church	31 Oxford Street	Lot 24, Section 1, DP 758390	Local	393
Epping	House	48 Oxford Street	Lot 1, DP 206646	Local	394
Epping	Chester Street Uniting Church and grounds	56A Oxford Street	Lots A and D, DP 936032	Local	395
Epping	House	73A Oxford Street	Lot 2, DP 840716	Local	396
Epping	“Folkestone”	87 Oxford Street	Lot 2, DP 203268	Local	397
Epping	House and garden	93 Oxford Street	Lot 11, Section 9, DP 758390	Local	398

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Epping	St Alban's Anglican Church and grounds	3-5 Pembroke Street	Lots 1 and 2, DP 398835	Local	399
Epping	"Stanley House"	58 Pembroke Street	Lot 1, DP 418743	Local	400
Epping	House	108 Pennant Parade	Lot 3, DP 27715	Local	401
Epping	"Woodlands"	25 Ray Road	Lot 2, DP 1158694	Local	403
Epping	House	80 Ray Road	Lot 2, DP 501642	Local	404
Epping	House	142-144 Ray Road	Lot 21, DP 619827	Local	405
Epping	House	166 Ray Road	Lot 2, DP 218333	Local	406
Epping	House	184 Ray Road	Lot 4, DP 218235	Local	407
Epping	House	9 Rosebank Avenue	Lot B, DP 334278	Local	408
Epping	House	10 Rosebank Avenue	Lot 14, DP 16580	Local	409
Epping	Dence Park	26X Stanley Road	Lots A-C, DP 417846; Lot 1, DP 1083761; Lot 1, DP 441025; Lot 2, DP 1083761; Lot B, DP 417995; Lot A, DP 403412	Local	410
Epping	"Tallwood Lodge"	35-37 Stanley Road	Lots 3 and 4, DP 203273	Local	411
Epping	House	40 Surrey Street	Lot 29, Section 12, DP 758390	Local	412
Epping	House	9 Sussex Street	Lot 2, DP 513929	Local	413
Epping	House	11 Sussex Street	Lot 3, DP 100909	Local	414

Suburb	Item name	Address	Property description	Significance	Item no
Epping	House	15 Sussex Street	Lot A, DP 412678	Local	415
Epping	Street trees	York Street	Road reserve	Local	417
Epping	House	20 York Street	Lot 251, DP 861299	Local	418
Fiddletown	Windbreak and garden	40–44 Cobah Road	Lots 1–3, DP 203756	Local	419
Galston	Galston Community Centre	37 Arcadia Road	Lot 1, DP 632865	Local	420
Galston	Fagan Park group, including Netherby, farm buildings, packing shed, brick kiln site, clay pit and bushland	38–50X Arcadia Road	Lot 1, DP 558731; Lots 12–14 and 16–18, Section 2, DP 975148	Local	421
Galston	Galston Public School—original building, former teacher’s residence and grounds (excluding other buildings)	39–45 Arcadia Road	Lot 10, DP 717345	Local	422
Galston	“Geelans House”	69 Arcadia Road	Lot 14, DP 577251	Local	423
Galston	House	70 Arcadia Road	Lot 3, DP 574791	Local	424
Galston	Stone wall	71–73 Arcadia Road	Lots 2 and 3, DP 227732	Local	425
Galston	“Dumbrell House”	79 Arcadia Road	Lot 1, DP 565107	Local	426
Galston	Windbreak	Bayfield Road	Road reserve (south of Mansfield Road)	Local	428
Galston	House (includes original slab cottage within)	2 Crosslands Road	Lot 100, DP 1022554	Local	430
Galston	Windbreak	29 Crosslands Road	Lot 1, DP 581060	Local	431

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Galston	House	295 Galston Road	Lot 64, DP 774512	Local	436
Galston	Galston Branch Library (former church)	357 Galston Road	Lot 1, DP 136221	Local	437
Galston	Galston High School—"Waddell Cottage" and water trough (excluding grounds)	403 Galston Road	Lot 1, DP 591136	Local	438
Galston	Galston Park and memorial	412X Galston Road	Lots 181, 197 and 216, DP 752048	Local	439
Galston	"Linden"	24 Johnson Road	Lot 201, DP 594075	Local	440
Galston	House	61 Knights Road	Lot 3, DP 517203	Local	441
Galston	House	4 Mid-Dural Road	Lot 1, DP 789383	Local	442
Galston	House	10 Mid-Dural Road	Lot 4, DP 789383	Local	443
Galston	Stone house	3-5 Sallaway Road	Lot A, DP 441669	Local	446
Galston	Pipe organ	11 School Road	Lot 3, DP 2926	State	447
Glenhaven	Roadside trees	Old Northern Road	Road reserve (east of Round Corner shops to reservoirs)	Local	448
Glenorie	Original weatherboard house	1319-1321 Old Northern Road	Lot 4, DP 831026	Local	449
Glenorie	Glenorie Mission Hall	1409 Old Northern Road	Lot 5, DP 1139208	Local	451
Glenorie	House	1475 Old Northern Road	Lot 1, DP 212137	Local	452

Suburb	Item name	Address	Property description	Significance	Item no
Glenorie	Former church	1477 Old Northern Road	Part Lot A, DP 344063	Local	453
Glenorie	“Hazlehurst”	1509–1517 Old Northern Road	Lot 2, DP 542209	Local	454
Glenorie	“The Manor”	1523 Old Northern Road	Lot 2, DP 570784	Local	455
Glenorie	Glenorie Memorial Hall and war memorial precinct	1729 Old Northern Road	Lot 94, DP 752014	Local	456
Glenorie	House	2895—2931 Old Northern Road	Lots 64 and 65, DP 752014	Local	457
Hornsby	House	3 Bridge Road	Lot 1, DP 17334	Local	459
Hornsby	House	21 Bridge Road	Lot 1, DP 981706	Local	460
Hornsby	House	33 Bridge Road	Lot 11, DP 1052853	Local	461
Hornsby	“The Glen”	47 Burdett Street	Lot 31, DP 840973	Local	462
Hornsby	Edgeworth David House (“Coringah”) and grounds	49 Burdett Street	Lot C, DP 103069	Local	463
Hornsby	“House O’Hill Cottage”	62 Burdett Street	Lot 100, DP 847306	Local	464
Hornsby	Barker College Junior school	College Crescent	Lot 1, DP 1146779	Local	465
Hornsby	Sandstone fence	2 Dilker Close	Lot 4, DP 231944	Local	466
Hornsby	House	4 Dilker Close	Lot 5, DP 231944	Local	467
Hornsby	Street trees	Dural Street	Road reserve	Local	468
Hornsby	“Norwood”	6 Dural Street	Lot 9, Section 1, DP 1880	Local	469

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	Christian Science Church	19 Dural Street	Lot 1, DP 936819	Local	470
Hornsby	“Wyuni” and gardens	23 Dural Street	Lot A, DP 339640	Local	471
Hornsby	Garden, fence and paths	32 Dural Street	Lot 2, DP 414827	Local	472
Hornsby	House	33 Dural Street	Lot 1, DP 971152	Local	473
Hornsby	House	39 Dural Street	Lot 1, DP 971374	Local	474
Hornsby	Street trees	Edgeworth David Avenue	Road reserve	Local	475
Hornsby	Hornsby Girls’ High School—buildings (excluding other school structures and grounds)	12 Edgeworth David Avenue	Lots 1–12, Section 2, DP 2669; Lots 16–30, Section 2, DP 2669; Lots 1–15, Section 3, DP 2669	Local	476
Hornsby	“Wallarobba” and Willow Park	25–27 Edgeworth David Avenue	Lot G, DP 364260; Lot 5, DP 35377	Local	477
Hornsby	Garden trees	19C Ethel Avenue	Lot 11, DP 853365	Local	478
Hornsby	“Wirruna” and gardens	33 Frederick Street	Lot 2, DP 881170	Local	479
Hornsby	House	1 Galston Road	Lot 2, DP 610671	Local	480
Hornsby	House	9 Galston Road	Lot 11, DP 882923	Local	481
Hornsby	House	10 Galston Road	Lot 1, DP 574472	Local	482
Hornsby	Hornsby War Memorial Hall	2 High Street	Lot 1, DP 585721	Local	483
Hornsby	Railway cloak room buildings	Jersey Street	Lot 164, DP 1043781	Local	552

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	Railway station	Jersey Street	Lot 164, DP 1043781	Local	551
Hornsby	SRA electricity plant and signal box	Jersey Street	Lot 164, DP 1043781	Local	485
Hornsby	Street trees	Jersey Street	Road reserve (east side)	Local	484
Hornsby	Shops	1–3 Jersey Street	Lot 4, Section 12, DP 2947	Local	486
Hornsby	“The Browsery Cottage”	5 Jersey Street	Lot 5, Section 12, DP 2947; Lot 1, DP 618775	Local	487
Hornsby	Garden	4 Lisgar Road	Lot 2, DP 556814	Local	488
Hornsby	Garden	6 Lisgar Road	Lot A, DP 315299; Lot 12, DP 7679	Local	489
Hornsby	Garden	8 Lisgar Road	Lot 4, DP 505370	Local	490
Hornsby	House and garden	10 Lisgar Road	Lot 5, DP 508064	Local	491
Hornsby	Lisgar Gardens	23, 27X and 35X Lisgar Road	Lot 2, DP 421280; Lot 54, DP 4242	Local	492
Hornsby	“The Lodge”	31 Lodge Street	Lot 2, DP 419084	Local	493
Hornsby	Street trees	Manor Road	Road reserve	Local	494
Hornsby	“Mount Wilga” and grounds	2A Manor Road	Lot 12, DP 1079875	State	495
Hornsby	“Wyreema”	8 Maranta Street	Lot 2, DP 219033	Local	497
Hornsby	Former Hornsby Ku-ring-gai Hospital and Community Health Service	8A Northcote Road	Lot A, DP 399538	Local	536
Hornsby	Neal Park and bushland	31X Northcote Road	Lot 1, DP 23533	Local	549

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	House	27 Old Berowra Road	Lot 4, Section 1, DP 2053	Local	498
Hornsby	House	29 Old Berowra Road	Lot 5, Section 1, DP 2053	Local	499
Hornsby	Road median, lights and palms	Pacific Highway	Road reserve	Local	500
Hornsby	Barker College—group of buildings, grounds and gate	91 Pacific Highway	Lot 1, DP 1146779; Part Lot 1, DP 135493	Local	501
Hornsby	Barker College—Centenary Design Centre, McCaskill Music Centre and Development Office	91 Pacific Highway (2, 4, 6 and 8–10 The Avenue and 2–6 Unwin Road)	Lot 1, DP 1146779	Local	782
Hornsby	Hornsby Cinema	155 Pacific Highway	Lots 1 and 2, DP 928791	Local	502
Hornsby	War Memorial and Palms	155X Pacific Highway	Road reserve	Local	503
Hornsby	Shop	165–167 Pacific Highway	Lot C, DP 317651	Local	504
Hornsby	Shop	169 Pacific Highway	Lot B, DP 317651	Local	505
Hornsby	Shop	171 Pacific Highway	Part Lot A, DP 317651	Local	506
Hornsby	“The Junction Stores”	173 Pacific Highway	Lot A, DP 29328	Local	507
Hornsby	Shop	175 Pacific Highway	Lot B, DP 29328	Local	508
Hornsby	Shop	183–183A Pacific Highway	Lot D, DP 418320	Local	509
Hornsby	Bank	185 Pacific Highway	Lot 1, Section 2, DP 1880	Local	510

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	Shop	187 Pacific Highway	Lot C, DP 367580	Local	511
Hornsby	Bank	193 Pacific Highway	Lot B, DP 384707	Local	512
Hornsby	Hornsby Park— Lone Pine and sandstone steps	203X Pacific Highway	Lot 7306, DP 1157797	Local	513
Hornsby	St. Peter's Anglican Church and hall	207–207A Pacific Highway	Lot 2, DP 600146; Lot 296, DP 752053	Local	514
Hornsby	House	237 Pacific Highway	Lot X, DP 415267	Local	515
Hornsby	“Belmont”	241 Pacific Highway	Lot 6, DP 659126	Local	516
Hornsby	House	249 Pacific Highway	Lot A, DP 384457	Local	517
Hornsby	“Bingley Hall”	269 Pacific Highway	Lot X, DP 372202	Local	518
Hornsby	Hornsby Court House	292 Pacific Highway	Lot 299, DP 752053	Local	519
Hornsby	Hornsby Shire Council Chambers	296 Pacific Highway	Lot 300, DP 752053; Lot 1, DP 564600; Lot 1, DP 564599	Local	520
Hornsby	TAFE College— Buildings “K” and “M” and grounds (excluding other buildings)	298–300 Pacific Highway	Part Lot 1, DP 855847	Local	521
Hornsby	House	344 Pacific Highway	Lot 2, DP 864336	Local	522
Hornsby	House and garden	352 Pacific Highway	Lot 101, DP 629769	Local	523
Hornsby	“Carnralla”	368 Pacific Highway	Lot 73, DP 545124	Local	524
Hornsby	“Hovenden”	384 Pacific Highway	Lot A, DP 397663	Local	525

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	House	394 Pacific Highway	Lot B, DP 396653	Local	526
Hornsby	Street trees	Palmerston Road	Road reserve	Local	528
Hornsby	Hornsby Hospital— “Collingridge House” (excluding grounds)	38–76 Palmerston Road	Lot 3, DP 580023	Local	529
Hornsby	Street trees	Pretoria Parade	Road reserve	Local	530
Hornsby	House	38 Pretoria Parade	Lot 320, DP 1052207	Local	533
Hornsby	Reddy Park	53–61X Pretoria Parade	Lot 1, DP 6629	Local	532
Hornsby	Gardens	61–63 Pretoria Parade	Lot 12, DP 816043	Local	534
Hornsby	House	64 Pretoria Parade	Lot F, DP 102630	Local	535
Hornsby	Sandstone steps	Quarry Road	Lot 7306, DP 1157797; adjacent road reserve	Local	537
Hornsby	Diatreme Hornsby Quarry and surrounding vegetation	1X Quarry Road	Lot 1, DP 926103; Lots A and D, DP 318676	Local	538
Hornsby	House	34 Rosamond Street	Lot 301, DP 1085755	Local	540
Hornsby	House	45 Rosamond Street	Lot 21, Section C, DP 2053	Local	541
Hornsby	House	48 Rosamond Street	Lot 3, DP 29726	Local	542
Hornsby	Hornsby Rifle Range	64 and 64X Rosamond Street	Lot 932, DP 75253; Lot 232, DP 752048	Local	543

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	Street trees	Rosemead Road	Road reserve (upper eastern section)	Local	544
Hornsby	“Mt. Errington” and gardens	1 Rosemead Road	Lot A, DP 327582	Local	545
Hornsby	House	4 Rosemead Road	Lot 51B, DP 412118	Local	546
Hornsby	Garden tree	12 Rosemead Road	Lot 1, DP 620465	Local	547
Hornsby	House	18 Rosemead Road	Lot 22, DP 7679	Local	548
Hornsby	Cottage	2 Station Street	Lot 2, DP 773994	Local	550
Hornsby	Street trees	William Street	Road reserve	Local	553
Hornsby	House	24 William Street	Lot 1, DP 869009	Local	554
Hornsby	House	32 William Street	Lot 36, Section 2, DP 1880	Local	555
Hornsby	“Brinawa” and garden	44 William Street	Lot A, DP 306626; Lot 1, DP 125654	Local	556
Hornsby	House	52 William Street	Lot 5, DP 17856	Local	557
Hornsby Heights	Street trees	Galston Road	Road reserve (between Ryan Avenue and Montview Parade)	Local	558
Hornsby Heights	Rofe Park	100X Galston Road	Lots 364, 405–420, 684 and 882, DP 752053; Lots 7013 and 7014, DP 1124511; Lot 7063, DP 93660; Lot 23, DP 40000	Local	559

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby Heights	Hopeville Park	11X Marine Crescent	Lot 1022, DP 752053	Local	560
Hornsby Heights	“Binbrook”	7 Rofe Crescent	Lot A, DP 368246	Local	561
Hornsby Heights	Indigenous vegetation	Somerville Road	Road reserve (between 137 and 213 Somerville Road)	Local	562
Hornsby Heights	Public Reserve	264–266X Somerville Road	Lots 3, 4 and 8, DP 248320	Local	563
Hornsby Heights	Crosslands Reserve	441 Somerville Road	Lot 311, DP 752053; Lot 1, DP 995496	Local	564
Laughtondale	“White Rock”, house	422 Singleton Road	Lot 2, DP 506876	Local	565
Laughtondale	Fords Farm	1275 Singleton Road	Lot 40, DP 752029	Local	566
Middle Dural	“Mountain View”	1229 Old Northern Road	Lot A, DP 154144	Local	570
Middle Dural	“Spring Hill” and garden	1231 Old Northern Road	Lot 31, DP 864916	Local	571
Middle Dural	Bushland reserve	18—20 Sallaway Road	Lot 90, DP 752048	Local	572
Milsons Passage	Prison building	Milson Island	Lot 13, DP 752026	Local	573
Mount Colah	Peat Park	31X Amaroo Avenue	Lot 887, DP 752053	Local	574
Mount Colah	Hunt Reserve	1X Beryl Avenue	Lot 7007, DP 93674	Local	575
Mount Colah	“Bobbin Inn” (Ku-ring-gai Chase National Park)	Ku-ring-gai Chase Road	Crown land	Local	576

Suburb	Item name	Address	Property description	Significance	Item no
Mount Colah	Berry Park	39X–41X Ku-ring-gai Chase Road and 36X Berowra Road	Lot 10, DP 285197; Lot 25, DP 285203; Lot 102, DP 830951	Local	577
Mount Colah	“The Lodge”	59X Ku-ring-gai Chase Road	Lot 108, DP 40000	Local	578
Mount Colah	Asquith Golf Course	2–46 Lord Street	Lot 2, DP 586331; Lot 100, DP 706375; Lot 15, DP 702566; Lot 1097, DP 704598	Local	579
Mount Colah	House	534 Pacific Highway	Lot B, DP 350949	Local	580
Mount Colah	Garden	547 Pacific Highway	Lot 5, DP 22580	Local	581
Mount Colah	Mount Colah Public School—grounds (excluding buildings)	19–21 Telopea Street	Lots 1 and 2, DP 380552; Lot B, DP 369944; Lot 1, DP 391270; Lot 1, DP 205103; Lots 1 and 2, DP 7172	Local	582
Mount Kuring-gai	House	18 Crawford Road	Lot A, DP 407497	Local	583
Mount Kuring-gai	House	3 Glenview Road	Lot A, DP 393171	Local	584

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Mount Kuring-gai	Mount Kuring-gai Public School—grounds	5–9 King Street	Lot 1, DP 410642; Lots A and B, DP 322811; Lot 13, Section 3, DP 1226; Lot 1, DP 387185; Lot 1, DP 438966; Lots A and B, DP 373625; Lots 10–12, DP 774997	Local	585
Mount Kuring-gai	Pedestrian bridge	Newcastle Freeway	Road reserve	Local	586
Mount Kuring-gai	Mount Kuring-gai Railway Station	790 Pacific Highway	Transport corridor	Local	587
Normanhurst	Gardens	2, 3, 5, 6 and 7 Bluegum Street	Lots 6–8, 10 and 11, DP 28826	Local	588
Normanhurst	Street trees	Calga Avenue	Road reserve	Local	589
Normanhurst	Street trees	Campbell Avenue	Road reserve	Local	590
Normanhurst	Rear gardens	7, 9, 11, 15 and 17 Capella Place	Lots 7–11, DP 227308	Local	591
Normanhurst	Davidson Park	9X Denman Parade	Lot 1, DP 9413; Lot F, DP 350516	Local	592
Normanhurst	Street trees	Ferndale Road	Road reserve	Local	593
Normanhurst	Street trees	Fraser Road	Road reserve (east side)	Local	594
Normanhurst	House	3 Fraser Road	Lot 11, DP 9413	Local	595
Normanhurst	Garden	1–7 Frith Avenue	Lot 3, DP 1077836	Local	596
Normanhurst	Street trees	Harris Road	Road reserve (east side)	Local	597

Suburb	Item name	Address	Property description	Significance	Item no
Normanhurst	Street trees	Malsbury Road	Road reserve	Local	598
Normanhurst	House	40 Malsbury Road	Lot 1, DP 219370	Local	599
Normanhurst	House	44 Malsbury Road	Lot X, DP 413792	Local	600
Normanhurst	House	62 Malsbury Road	Lot 1, DP 211880	Local	601
Normanhurst	Roadside trees and bushland	Milson Parade	Road reserve (east side)	Local	602
Normanhurst	House	4 Mount Pleasant Avenue	Lot D, DP 366271	Local	603
Normanhurst	Roadside trees and bushland	Nanowie Avenue	Road reserve (including lower end of Hinemoa Avenue)	Local	604
Normanhurst	House	45 Pennant Hills Road	Lot 16, DP 735131	Local	605
Normanhurst	“Gilligaloola” and garden	82 Pennant Hills Road	Lot 100, DP 1063959	State	606
Normanhurst	Loretto Convent group—grounds, gates and cemetery	91–93 Pennant Hills Road and 16–22 Mount Pleasant Avenue	Lot 1, DP 734965; Lots 15 and 16, DP 6612	Local	607
Normanhurst	Kenley Park and Hornsby Shire Historical Society drill hall	136–140X Pennant Hills Road	Lot 1, DP 391288	Local	608
North Epping	House	57 Norfolk Road	Lot 7, DP 1046298	Local	609
North Epping	House	61 Norfolk Road	Lot 4, DP 1046298	Local	610

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
North Epping	Epping Park	66X Norfolk Road	Lots 11 and 12, DP 842167; Lots 439 and 440, DP 752028	Local	611
North Epping	House	70 Norfolk Road	Lot 1, DP 540890	Local	612
Pennant Hills	House	7 Albion Street	Lot 2, DP 404428	Local	613
Pennant Hills	House	8 Albion Street	Lot 1, DP 861075	Local	614
Pennant Hills	“Windermere”	12 Albion Street	Lot F, DP 32940	Local	615
Pennant Hills	House	68 Bellamy Street	Lot A, DP 421252	Local	617
Pennant Hills	St. Agatha’s Primary School—grounds (excluding buildings)	18–26 Boundary Road	Lot 1, DP 1040701	Local	618
Pennant Hills	“Cheddington” and stables (formerly “Niara”)	27 Boundary Road	Lot 5, DP 16057; Lot 4, DP 622198	Local	619
Pennant Hills	House and garden	84–86 Boundary Road	Lot 10, DP 220263	Local	620
Pennant Hills	Pennant Hills High School—grounds (excluding buildings)	90 Boundary Road	Lot 21, DP 1071913; Lot 5, DP 508385; Lot 1, DP 210730; Lots 4–7, DP 220263	Local	621
Pennant Hills	Public reserve	1X Briddon Close	Lots 12–14, DP 216312	Local	622
Pennant Hills	“Gordan”	8 Britannia Street	Lot A, DP 404573	Local	623
Pennant Hills	House	12 Britannia Street	Lot 1, DP 207118	Local	624
Pennant Hills	House	18 Britannia Street	Lot 1, DP 233176	Local	625

Suburb	Item name	Address	Property description	Significance	Item no
Pennant Hills	House	7 Fulbourne Avenue	Lot 14, DP 10203	Local	626
Pennant Hills	House	6 George Street	Lot 50, DP 13079	Local	627
Pennant Hills	House	43 George Street	Lot 1, DP 1017264	Local	628
Pennant Hills	House	6 Greycliffe Avenue	Lot 192, DP 865189	Local	629
Pennant Hills	House	17 Greycliffe Avenue	Lot 87, DP 11134	Local	630
Pennant Hills	House	28 Greycliffe Avenue	Lot 11, DP 864507	Local	631
Pennant Hills	“Doonba”	1A Hampden Road	Lot 1, DP 222072	Local	632
Pennant Hills	House	11 Hampden Road	Lot A, DP 357865	Local	633
Pennant Hills	House	36 Hampden Road	Lot 2, DP 590517	Local	634
Pennant Hills	House	40 Hampden Road	Lot 261, DP 591168	Local	635
Pennant Hills	House	4 Harold Avenue	Lot 8, DP 13079	Local	636
Pennant Hills	House	18 Hillcrest Road	Lot 24, Section 2, DP 6740	Local	637
Pennant Hills	Street trees	Laurence Street	Road reserve	Local	638
Pennant Hills	Lillian Frazer Gardens	1 Laurence Street	Lots 1 and 2, DP 527529	Local	639
Pennant Hills	Street trees	Lilla Road	Road reserve (lower southern end)	Local	640
Pennant Hills	“Eudora” and garden	1B Lilla Road	Lot 11, DP 839054	Local	641
Pennant Hills	“The Glen”	16 Lilla Road	Lot 1, DP 512282	Local	642

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Pennant Hills	Street trees	Loftus Road	Road reserve (adjacent to 8B Loftus Road and 46 Victoria Road)	Local	679
Pennant Hills	House	27 Loftus Road	Lot 4, DP 204012	Local	643
Pennant Hills	House and grounds, including convict brick paths, stone love seat, palm tree, remnant circular drive and beehive well	41 Loftus Road	Lot 9, DP 208266	Local	644
Pennant Hills	House	16 Maple Avenue	Lot 26, DP 11939	Local	645
Pennant Hills	Baden Powell Scout Centre—buildings, gate and grounds	19 Orchard Street	Lot 514, DP 752053	Local	646
Pennant Hills	House	317–321 Pennant Hills Road	Lot 1, DP 882348	Local	647
Pennant Hills	St Luke's Church Hall	323 Pennant Hills Road	Lot 26, DP 263536	Local	648
Pennant Hills	House and fence	327 Pennant Hills Road	Lot 24, DP 263536	Local	649
Pennant Hills	"Pomona" and garden	333A Pennant Hills Road	Lot 18, DP 263536	Local	650
Pennant Hills	Westpac	370 Pennant Hills Road	Part Lot 23, DP 11134	Local	651
Pennant Hills	"Camira"	418 Pennant Hills Road	Lot 102, DP 263746	Local	652
Pennant Hills	Mount St. Benedict's Convent and grounds	449D Pennant Hills Road	Lot 2, DP 1042630	Local	653
Pennant Hills	Observatory Park—Observatory site and park	449X Pennant Hills Road	Lot 7, DP 828179	Local	654

Suburb	Item name	Address	Property description	Significance	Item no
Pennant Hills	House	12–14 Pomona Street	Lot 1, DP 531756	Local	655
Pennant Hills	House	15 Pomona Street	Lot 75, DP 660810	Local	656
Pennant Hills	House	17 Pomona Street	Lot 11, DP 1091326	Local	657
Pennant Hills	House	22 Pomona Street	Lot 2, DP 507663	Local	658
Pennant Hills	House	23 Pomona Street	Lot 1, DP 882503	Local	659
Pennant Hills	Fence	34 Ramsay Road	Lot 78, DP 11134	Local	660
Pennant Hills	Fence	35 Ramsay Road	Lot 1, DP 317985	Local	661
Pennant Hills	House and fence	37 Ramsay Road	Lot A, DP 364826	Local	662
Pennant Hills	House	49 Ramsay Road	Lot 44, DP 11135	Local	663
Pennant Hills	House	22 Rosemount Avenue	Lot 1, DP 208583	Local	664
Pennant Hills	“Lallewoon”	5 Stevens Street	Lot 3, DP 25833	Local	665
Pennant Hills	“Bushloe”	25–27 Stevens Street	Lot A, DP 401750	Local	666
Pennant Hills	House	26 Stevens Street	Lot B, DP 414512	Local	667
Pennant Hills	House and garden	3 The Crescent	Lot 1, DP 882838	Local	668
Pennant Hills	House	4 The Crescent	Lot 1, DP 1160935	Local	669
Pennant Hills	House	6 The Crescent	Lot A, DP 358523	Local	670
Pennant Hills	House and garden	7 The Crescent	Lot 4, DP 942925; Lot 1, DP 80733	Local	671

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Pennant Hills	House	10 The Crescent	Lot 1, DP 212400	Local	672
Pennant Hills	“Abbotsleigh” and garden	11–15 The Crescent	Lot 4A, DP 4592; Lot 5, DP 942925; Lot A, DP 13079	Local	673
Pennant Hills	House	14 The Crescent	Lot 1, DP 26729	Local	674
Pennant Hills	“Barncleuth” and grounds	17 The Crescent	Lot 5, DP 4592	Local	675
Pennant Hills	“Glen Ayr”	23 The Crescent	Lot Y, DP 388521	Local	676
Pennant Hills	“Limona”	23 Thompson Close (470–472 Pennant Hills Road)	Lot 4, DP 1062109	Local	677
Pennant Hills	House	6 Thorn Street	Lot 1, DP 1120368	Local	678
Pennant Hills	House	20 Warne Street	Lot 16, DP 5158	Local	680
Pennant Hills	House	24 Warne Street	Lot 2, DP 501154	Local	681
Pennant Hills	House	9 Weemala Road	Lot 60, DP 11134	Local	682
Pennant Hills	“Hillcourt”	9 Werona Street	Lot 1, DP 524506	Local	683
Pennant Hills	“Karoola”	14 Werona Street	Lot 1, DP 533036	Local	684
Pennant Hills	“Sillaton”	4 Westwood Street	Lot 11, DP 7505	Local	685
Pennant Hills	House	6 Westwood Street	Lot 12, DP 7505	Local	686
Pennant Hills	House	22 Westwood Street	Lot 2, DP 229929	Local	687
Pennant Hills	Bushland	Wongala Crescent	Road reserve	Local	688

Suburb	Item name	Address	Property description	Significance	Item no
Pennant Hills	House	4 Yarrara Road	Lot 3, Section 15, DP 2097	Local	689
Pennant Hills	House	6 Yarrara Road	Lot 4, Section 15, DP 2097	Local	690
Pennant Hills	“The Maze”	18–20 Yarrara Road	Lot 1, DP 10203	Local	691
Pennant Hills	Wollundry Park	60–62X Yarrara Road	Lots 8 and 9, DP 5158; Warne Street road reserve	Local	692
Thornleigh	House	37 Bellevue Street	Lot 10, Section 13, DP 2033	Local	694
Thornleigh	House	4 Clifford Avenue	Lot 23, Section A, DP 7921	Local	695
Thornleigh	House	24 Dartford Road	Lot 1, DP 101091	Local	696
Thornleigh	House	36 Dartford Road	Lot 1, DP 506283	Local	697
Thornleigh	“The Laurels”—house and garden	41 Dartford Road	Lot 2, DP 512933	Local	698
Thornleigh	House and garden	92 Dartford Road	Lot 67, DP 14631	Local	699
Thornleigh	Sandstone kerb and gutter	Dawson Avenue	Road reserve	Local	700
Thornleigh	“Hilton”	4 Dawson Avenue	Lot 19, Section B, DP 7921	Local	701
Thornleigh	“Woodlands”	15–17 Duffy Avenue	Lot 1, DP 200291	Local	703
Thornleigh	House	28 Duffy Avenue	Lot 4, DP 657592	Local	704
Thornleigh	“Windyhaugh” and grounds	50 Duffy Avenue	Lot 114, DP 878707	Local	705
Thornleigh	Street trees	Giblett Avenue	Road reserve	Local	706

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Thornleigh	Oakleigh Park	15X Giblett Avenue	Lot 465, DP 752053	Local	707
Thornleigh	Thornleigh West Public School— grounds (excluding buildings)	18 Giblett Avenue	Lot 1, DP 122888; Lot 1, DP 122887	Local	708
Thornleigh	Trees	22–56 Hillmont Avenue	Lots 25, 26 and 30–39, DP 28362; Lots A and B, DP 403196; Lots 4, 5 and 7, DP 30002; Lots 61 and 62, DP 1111312	Local	709
Thornleigh	Street trees	Loch-Maree Avenue	Road reserve	Local	710
Thornleigh	House	1 Orchard Street	Lot X, DP 415964	Local	711
Thornleigh	“Wallumeda”	5 Orchard Street	Lot 22, Section B, DP 7921	Local	712
Thornleigh	Brickworks wall and bushland	142 –178 Pennant Hills Road	Lot 1, DP 633292	Local	713
Thornleigh	“Loch Maree House” and garden	237 Pennant Hills Road	Lot 1, DP 245272	Local	714
Thornleigh	Garden tree	253 Pennant Hills Road	Lot 43, DP 263535	Local	715
Thornleigh	House	3 Pritchard Street	Lot 5, Section 14, DP 2097	Local	716
Thornleigh	House	9 Station Street	Lots 22 and 23, Section 3, DP 1854	Local	718
Thornleigh	House	14 The Comenarra Parkway	Lot 141, DP 882346	Local	720
Thornleigh	House	17 The Esplanade	Lot 1, DP 10930	Local	722

Suburb	Item name	Address	Property description	Significance	Item no
Thornleigh	House	80 The Esplanade	Lot 12, DP 1008101	Local	723
Thornleigh	Gardens	17, 19, 21, 23 and 23A Trelawney Street	Lot K, DP 389092; Lots A and B, DP 373698; Lots 1 and 2, DP 1034977	Local	724
Thornleigh	House	17 Wells Street	Lot 14, Section 15, DP 2097	Local	725
Thornleigh	House	33 Yaralla Crescent	Lot 40, DP 31286	Local	726
Wahroonga	House and fence	79 Alexandria Parade	Lot 6, DP 412076	Local	727
Wahroonga	Street trees	Bundarra Avenue	Road reserve	Local	728
Wahroonga	Garden	43 Bundarra Avenue	Lot 43, DP 1046911	Local	729
Wahroonga	Garden and fence	44 Bundarra Avenue	Lot 2, DP 611318	Local	730
Wahroonga	Garden	45 Bundarra Avenue	Lot 9, DP 667410	Local	731
Wahroonga	Tree and fence	46 Bundarra Avenue	Lot 1, DP 611318	Local	732
Wahroonga	“Landskrona”—garden	48 Bundarra Avenue	Lot 1, DP 538770	Local	733
Wahroonga	House	50 Bundarra Avenue	Lot 16, DP 17375	Local	734
Wahroonga	Garden	51 Bundarra Avenue	Lot 117, DP 555779	Local	735
Wahroonga	Garden	54 Bundarra Avenue	Lot 15, DP 17375	Local	736
Wahroonga	Garden	55, 57 and 57A Bundarra Avenue	Lots 141–143, DP 881238	Local	737

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Wahroonga	House and garden	58–60 Bundarra Avenue	Lot 3, DP 212804	Local	738
Wahroonga	House	64 Bundarra Avenue	Lot Y, DP 386164	Local	739
Wahroonga	Trees in playground	1X Carden Avenue	Lot 1, DP 212506	Local	740
Wahroonga	House	27 Churchill Avenue	Lot 2, DP 7038	Local	741
Wahroonga	Uniting Church	79 Edgeworth David Avenue	Lot 1, DP 962870; Lot 1, DP 131944	Local	742
Wahroonga	Street trees	Edwards Road	Road reserve	Local	743
Wahroonga	Street trees	Fern Avenue	Road reserve	Local	744
Wahroonga	“Highlands House” and garden	9 Highlands Avenue	Lot 5, DP 258247	Local	745
Wahroonga	House	34 Highlands Avenue	Lots 37 and 38, DP 18606	Local	746
Wahroonga	House and garden	15 Ingalara Avenue	Lot A, DP 392066	Local	747
Wahroonga	House	22 Ingalara Avenue	Lot 50, DP 13934	Local	748
Wahroonga	House	31–33 Ingalara Avenue	Lot B, DP 333577	Local	749
Wahroonga	Street trees	Ingram Road	Road reserve	Local	750
Wahroonga	House	14 Ingram Road	Lot 6, Section 3, DP 2753	Local	751
Wahroonga	House	16 Ingram Road	Lot 5, Section 3, DP 2753	Local	752
Wahroonga	House	52 Ingram Road	Lot 5, Section 1, DP 2753	Local	753
Wahroonga	House	62 Ingram Road	Lot A, DP 311754	Local	754
Wahroonga	House	6 John Hughes Place	Lot 26, DP 703961	Local	755

Suburb	Item name	Address	Property description	Significance	Item no
Wahroonga	“Roselands”	12 John Hughes Place	Lot 10, Section 2, DP 2870	Local	756
Wahroonga	Mercy Family Life Centre—garden and trees	28–32 McAuley Place	Lots 1–3, DP 1122662	Local	757
Wahroonga	Street trees	Myra Street	Road reserve	Local	758
Wahroonga	“Tenterfield” and garden	7–9 Myra Street	Lots A and B, DP 405476	Local	759
Wahroonga	Waitara Public School—grounds (excluding buildings)	48–58 Myra Street	Lots 11–13, DP 17375; Lot A, DP 309739; Lot 1, DP 333142	Local	760
Wahroonga	“Brierdence”	55 Myra Street	Lots 1 and 2, DP 379794	Local	761
Wahroonga	Garden	1 Pacific Highway	Part Lot A, DP 9921	Local	762
Wahroonga	House	8A Pacific Highway	Lot 2, DP 854532	Local	763
Wahroonga	House	23 Pacific Highway	Lot 1, DP 1058248	Local	764
Wahroonga	House	25 Pacific Highway	Part Lot B, DP 306729	Local	765
Wahroonga	“Strathnoon”	31 Pacific Highway	Part Lot 1, DP 315877	Local	766
Wahroonga	St. Paul’s Church (Pearce’s Corner) and grounds	1711 Pacific Highway	Lots A–C, DP 323414	Local	767
Wahroonga	Street trees	Russell Avenue	Road reserve	Local	768
Wahroonga	Street trees	Woonona Avenue	Road reserve	Local	769
Wahroonga	“Cherrygarth” and garden	42 Woonona Avenue	Lot 11, DP 706260	Local	770
Wahroonga	“Neringala” and garden	46 Woonona Avenue	Lot 1, DP 563185	Local	771

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Waitara	Street trees and bushland	Alexandria Parade	Road reserve	Local	772
Waitara	Shop	11–37 Alexandria Parade	Lot 100, DP 848501	Local	773
Waitara	Gardens	28–34 Balmoral Street	Lots 1 and 2, DP 1102086; Lots 30 and 31, DP 1064660; Lot C, DP 388844; Lot 2, DP 542749	Local	774
Waitara	Garden trees	52 Balmoral Street	Lot A, DP 311111	Local	775
Waitara	House	56 Balmoral Street	Lot 6, DP 14823	Local	776
Waitara	House	75 Balmoral Street	Lot 2, DP 513859	Local	777
Waitara	House	1A Clarke Road	Lot 4, DP 26794	Local	778
Waitara	House and garden	27–31 Clarke Road	Lot 1, DP 857049	Local	779
Waitara	House	59 Edgeworth David Avenue	Lot 2, DP 524141	Local	780
Waitara	House	33 Palmerston Road	Lot 1, DP 930782	Local	781
Waitara	Waitara Park	20X Waitara Avenue	Lot 300, DP 832745	Local	783
West Pennant Hills	Street trees	Cardinal Avenue	Road reserve (north of Pennant Hills Road)	Local	784
West Pennant Hills	House	106 Cardinal Avenue	Lot 2, DP 528360	Local	785
West Pennant Hills	Koala Park	74–78 and 80–82 Castle Hill Road	Lots 1–3, DP 357453; Lot 1, DP 135392	Local	786

Suburb	Item name	Address	Property description	Significance	Item no
West Pennant Hills	Street trees	Dean Street	Road reserve	Local	787
West Pennant Hills	House	5 Fairburn Avenue	Lot 5, DP 1025115	Local	788
West Pennant Hills	New Farm Road Bushland Reserve	24X John Savage Crescent, 8X Leumeah Close and 52X New Farm Road	Lot 16, DP 212664; Lot 26, DP 220781; Lot 2, DP 605749	Local	789
West Pennant Hills	House	37 New Line Road	Lot 31, DP 857912	Local	790
West Pennant Hills	House	587 Pennant Hills Road	Lot 5, DP 801996	Local	791
West Pennant Hills	House	75 Victoria Road	Lot A, DP 385479	Local	792
West Pennant Hills	Campbell Park	3X Wilga Street	Lots 1 and 2, DP 1015022	Local	793
Wisemans Ferry	Road, stone wall, bridge, escarpment and drain	Old Northern Road	Road reserve	Local	794
Wisemans Ferry	Wiseman's Ferry Inn, including grounds	River Road	Lot 1, DP 733879	Local	795
Wisemans Ferry	Cable ferry	River Road	Waterway	Local	796

Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Barker College Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
Beecroft—Cheltenham Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Name of heritage conservation area	Identification on Heritage Map	Significance
Mount Errington Precinct, Hornsby West Side Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local
Pretoria Parade Precinct, Hornsby West Side Heritage Conservation Area	Shown by red hatching and labelled "C4"	Local
Peats Ferry Road Precinct, Hornsby West Side Heritage Conservation Area	Shown by red hatching and labelled "C5"	Local
The Crescent, Pennant Hills Heritage Conservation Area	Shown by red hatching and labelled "C6"	Local
Wahroonga Heritage Conservation Area	Shown by red hatching and labelled "C7"	Local
Wahroonga North Heritage Conservation Area	Shown by red hatching and labelled "C8"	Local

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Arcadia	Waddell Ridge group—dwelling remains, cistern, benchmark, rock inscription, field terracing, road terracing, fenceline and footings	Calabash Road and Calabash Creek	Lots 146, 160 and 178, DP 752048; Crown land	Local	A1
Berowra	Depression era sites	Sam's Creek, Berowra Valley Regional Park		Local	A2
Berowra Creek	Cemetery, church ruins and memorial	Bar Island	Lots 22A, 23A and 24, DP 752040	Local	A3
Berowra Creek	Jetty	Bennets Bay	Waterway	Local	A4

Suburb	Item name	Address	Property description	Significance	Item no
Berowra Creek	Ballast heap	Berowra Creek and Murrumurra Creek junction	Waterway	Local	A5
Berowra Creek	Fire trail	McCallums Avenue	Lot 2, DP 882783; Lot 163, DP 1113746; Lots 78, 168, 185 and 194, DP 752048	Local	A6
Berowra Creek	Fretus Hotel ruins	McCallums Avenue fire trail	Lot 3, DP 882783	Local	A7
Berowra Waters	Vehicular cable ferry	Berowra Waters Road and Bay Road	Waterway	Local	A8
Berowra Waters	Boat shed	Berowra Waters Road	Lot 466, DP 727082	Local	A9
Berowra Waters	Kiosk—teahouse	Berowra Waters Road	Crown land	Local	A10
Berowra Waters	Toilet block	Berowra Waters Road	Crown land	Local	A11
Berowra Waters	Tidal bath remains	Franks Bight adjacent to Kirkpatrick Way	Crown land and waterway	Local	A12
Brooklyn	Brooklyn Cemetery	Brooklyn Road	Lot 7031, DP 1076532; Lots 7049 and 7050, DP 1076533; Lot 395, DP 46975	Local	A13
Brooklyn	Governor Phillip Memorial	Dangar Road	Lot 415, DP 52026	Local	A15
Brooklyn	McKell Park—lower, upper, cabbage palms and World War II gun and emplacements	Dangar Road	Lot 1, DP 62933; Lot 1, DP 1005081; Lots 7015 and 7016, DP 1058527	Local	A14
Brooklyn	Brown's boat shed	10–16 James Road	Lots H, J and K, DP 19744	Local	A17

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Brooklyn	Old railway dams	Ku-ring-gai Chase National Park	Lot 2, DP 545639	Local	A18
Brooklyn	Hawkesbury River Railway Station group—Brooklyn Railway Station, including platform	Main Northern Railway—Dangar Road to Brooklyn Harbour	Transport corridor	State	A16
Brooklyn	Hawkesbury River Rail Bridge and Long Island group	Main Northern Railway—Long Island	Lots 1 and 2, DP 1002941	State	A19
Brooklyn	Road remains	Old Peats Ferry Road (disused)	Road reserve	Local	A20
Brooklyn	Kangaroo Point	Pacific Highway	Lot 1, DP 740853; Public Reserve; Crown land	Local	A21
Brooklyn	Peats Ferry Road bridge	Pacific Highway	Crown land	Local	A22
Canoelands	Gentleman's Halt Inn ruins	Gentleman's Halt	Lot 8, DP 90421	Local	A23
Cherrybrook	Cherrybrook Uniting Church—hall and cemetery	134 New Line Road	Lot 100, DP 1102533	State	A24
Cherrybrook	Bridge, approaches and quarry	Pyes Creek near Woodlark Place	Lot 163, DP 775483	Local	A25
Cowan	House ruins near quarry	1245 and 1247 Pacific Highway	Part Lots 262 and 359, DP 752026	Local	A26
Cowan	Original quarry	Pacific Highway	Mining Lease 10	Local	A27
Cowan	Railway Station	Pacific Highway	Lot 10, DP 1112249	Local	A28
Cowan	Peats Ferry Road remains	Pacific Highway (Muogamarra Nature Reserve)		Local	A29

Suburb	Item name	Address	Property description	Significance	Item no
Cowan	Remains of George Peat's farmhouse	Peats Bight	Lot 8, DP 752026	Local	A30
Cowan	Old road	Peats Bight (Muogamarra Nature Reserve)		Local	A31
Dangar Island	Tyneside House	8 Baroona Street	Lot 47, DP 101902	Local	A32
Dangar Island	House	36 Grantham Crescent	Lot 65, DP 10902	Local	A33
Dangar Island	Bradleys Beach	43X Grantham Crescent	Lot 78, DP 10902	Local	A34
Dangar Island	Sandstone tower	9 Neotsfield Avenue	Lot 62, DP 872117	Local	A35
Dangar Island	Waterfront, seawall, wharf, trees and 1889 railway bridge construction site	Northern foreshore	Waterway	Local	A36
Dangar Island	"The Pavilion"	9 Yallaroi Parade	Lot 2, DP 521484	Local	A37
Dural	Cemetery	885–887 Old Northern Road	Lot 1, DP 616947	Local	A38
Dural	St Jude's Anglican Church and grounds	951–965 Old Northern Road	Lot 1, DP 589402	Local	A39
Epping	Stone causeway over Devlins Creek	Beecroft Road	Road reserve (near southern end of Old Beecroft Road)	Local	A40
Galston	Fagan Park group—Netherby, farm buildings, packing shed, brick kiln site, clay pit and bushland	38–50X Arcadia Road	Lot 1, DP 558731; Lots 12–14, 16 and 18, Section 2, DP 975148	Local	A41
Galston	Roadworks	Crosslands Road	Road reserve	Local	A42

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Galston	Galston Gorge culvert	Galston Road	Road reserve	Local	A44
Galston	Galston Gorge sandstone buttressing	Galston Road	Road reserve	Local	A43
Galston	Galston Gorge timber bridge	Galston Road	Road reserve	State	A46
Galston	Galston Gorge water troughs	Galston Road	Road reserve	Local	A45
Galston	Banksia cottage quarry	40 Mid-Dural Road	Lot 4, DP 583876; Lot 261, DP 859029; Road reserve	Local	A47
Galston	Culvert	Salloway Road	Road reserve	Local	A48
Glenorie	House and stone sheds	1355 Old Northern Road	Lot 1, DP 615183	Local	A49
Hornsby	Railway cloak room buildings	Jersey Street	Lot 164, DP 1043781	Local	A52
Hornsby	Railway station	Jersey Street	Lot 164, DP 1043781	Local	A51
Hornsby	SRA electricity plant and signal box	Jersey Street	Lot 164, DP 1043781	Local	A50
Hornsby	Suspension bridge	5 Manor Road	Lot 13, DP 15427	Local	A53
Hornsby	Diatreme Hornsby Quarry and surrounding vegetation	1X Quarry Road	Lot 1, DP 926103; Lots A and D, DP 318676	Local	A54

Suburb	Item name	Address	Property description	Significance	Item no
Hornsby	Old Man's Valley Cemetery, including Higgins' Family Cemetery, sandstone receptacle, cool room and site of Higgins homestead on which the Higgins Family Memorial is located	1X Quarry Road	Lot D, DP 318676; Lots 1 and 2, DP 169188	State	A55
Laughtondale	Chimney	890 Singleton Road	Lot 50, DP 752029	Local	A57
Laughtondale	Singleton's Mill	1457 Singleton Road	Lots 17 and 44, DP 752029	Local	A56
Maroota	Great North Road relics	Old Telegraph Road	Road reserve	Local	A58
Mount Kuring-gai	Mount Kuring-gai Railway Station	790 Pacific Highway	Transport corridor	Local	A59
Normanhurst	Loretto Convent group—grounds, gates and cemetery	91–93 Pennant Hills Road and 16–22 Mount Pleasant Avenue	Lot 1, DP 734965; Lots 15 and 16, DP 6612	Local	A60
Pennant Hills	Blackwood Memorial Sanctuary, including North Road culvert	2X Beecroft Road	Lot 6, DP 828179	Local	A61
Pennant Hills	Observatory Park—Observatory site and park	449X Pennant Hills Road	Lot 7, DP 828179	Local	A62
Singletons Mill	House ruins	Singleton Road	Lot 8, DP 752029	Local	A63
Thornleigh	Quarry and zig zag railway track	De Saxe Close (near end)	Part Lots 847 and 569, DP 752053	Local	A64

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Environmental heritage

Suburb	Item name	Address	Property description	Significance	Item no
Thornleigh	Brickworks wall and bushland	142–178 Pennant Hills Road	Lot 1, DP 633292	Local	A65
Thornleigh	Remains of maltworks	1 Pioneer Avenue	Lot 12, DP 235680; Lot 1, DP 542202	Local	A66
Thornleigh	1830s road remains	The Comenarra Parkway	Road reserve	Local	A67
Thornleigh	Pennant Hills Park—Lorna Pass within Thornleigh	40X The Comenarra Parkway	Lot 7301, DP 1131003	Local	A68
Wisemans Ferry	Road, stone wall, bridge, escarpment and drain	Old Northern Road	Road reserve	Local	A69
Wisemans Ferry	Wiseman's Ferry Cemetery	Singleton Road	Lot 7004, DP 93995	Local	A71
Wisemans Ferry	Sandstone well/soak	80 Singleton Road	Lot 20, DP 856306	Local	A73
Wisemans Ferry	Mill Creek Mill ruins	174 Singleton Road	Lot 1, DP 59266	Local	A70
Wisemans Ferry	The Lodge	292 Singleton Road	Lot 301, DP 629539	Local	A72

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the Hornsby Local Environmental Plan 2013 Acid Sulfate Soils Map.

Additional Permitted Uses Map means the Hornsby Local Environmental Plan 2013 Additional Permitted Uses Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note. Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note. Biosolids treatment facilities are a type of ***sewerage system***—see the definition of that term in this Dictionary.

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of ***residential accommodation***—see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note. This definition is relevant to the definitions of ***home occupation (sex services)*** and ***sex services premises*** in this Dictionary.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of ***signage***—see the definition of that term in this Dictionary.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
- (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note. Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and

-
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
 - (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Hornsby Shire Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note. Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods

such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of *industry*—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

Flood Planning Map means the Hornsby Local Environmental Plan 2013 Flood Planning Map.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Hornsby Local Environmental Plan 2013 Floor Space Ratio Map.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.

Foreshore Building Line Map means the Hornsby Local Environmental Plan 2013 Foreshore Building Line Map.

forestry has the same meaning as **forestry operations** has for the purposes of Part 5A of the *Forestry Act 2012*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) the harvesting of forest products, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note. Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the Hornsby Local Environmental Plan 2013 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or

(b) facilities for the parking, storage or repair of helicopters.

Note. Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the Hornsby Local Environmental Plan 2013 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note. Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of ***agriculture***—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of ***agriculture***—see the definition of that term in this Dictionary.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of ***retail premises***—see the definition of that term in this Dictionary.

Land Application Map means the Hornsby Local Environmental Plan 2013 Land Application Map.

Land Reservation Acquisition Map means the Hornsby Local Environmental Plan 2013 Land Reservation Acquisition Map.

Land Zoning Map means the Hornsby Local Environmental Plan 2013 Land Zoning Map.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of ***retail premises***—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of **industry**—see the definition of that term in this Dictionary.

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

Lot Size Map means the Hornsby Local Environmental Plan 2013 Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note. Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

people who are socially disadvantaged means:

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of ***retail premises***—see the definition of that term in this Dictionary.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley,

ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the

effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall 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.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of *industry*—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of *rural industry*—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of *educational establishment*—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the *principal dwelling*), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of *storage premises*—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

(f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note. Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

Terrestrial Biodiversity Map means the Hornsby Local Environmental Plan 2013 Terrestrial Biodiversity Map.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,

-
- (c) a water treatment facility,
 - (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,

2013 No 569

Hornsby Local Environmental Plan 2013

Schedule 5 Dictionary

- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.