



New South Wales

Hornsby Shire Local Environmental Plan 1994 (Amendment No 64)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/01389/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Hornsby Shire Local Environmental Plan 1994 (Amendment No 64)

1 Name of plan

This plan is *Hornsby Shire Local Environmental Plan 1994 (Amendment No 64)*.

2 Aims of plan

This plan aims:

- (a) to implement the amendments to the *Hornsby Shire Local Environmental Plan 1994* that were recommended in the Berowra Waters Plan of Management, and
- (b) to introduce a new zone that covers the river settlements located along Berowra Creek and Hawkesbury River, so as to ensure that the controls applying to that land are consistent with the characteristics of the settlements, and
- (c) to rezone three sites owned by Hornsby Shire Council to the Open Space A (Public Recreation—Local) Zone, so as to retain the land as public open space, and
- (d) to permit, with the consent of the Council:
 - (i) development for the purpose of a restaurant and holiday cabins on the property at Sunny Corner known as Peats Bite Restaurant, and
 - (ii) development for the purposes of an eco-tourism facility on the property at Fishermans Point known as Melvy's Wharf, and
- (e) to update the list of heritage items in the *Hornsby Shire Local Environmental Plan 1994*.

3 Land to which plan applies

This plan applies to land within the Hornsby local government area, within the localities known as Berowra Waters, Neverfail Bay, Calabash Point, Coba Point, Marramarra Creek, Sunny Corner, Fishermans Point and Milsons Passage, as shown by distinctive colouring on the map marked “Hornsby Shire Local Environment Plan 1994 (Amendment No 64)” deposited in the office of Hornsby Council.

4 Amendment of Hornsby Shire Local Environmental Plan 1994

The *Hornsby Shire Local Environmental Plan 1994* is amended as set out in Schedule 1.

2003 No 122

Hornsby Shire Local Environmental Plan 1994 (Amendment No 64)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Zoning control table

Insert in order of zones in clause 7 (1):

Environmental Protection E (River Settlement) Zone

[2] Clause 7 (2)

Insert in order of zones in the Table to the subclause:

Environmental Protection E (River Settlement) Zone

Objectives of Zone

- (a) to protect the natural environment of sensitive areas within the catchment of the Hawkesbury River.
- (b) to accommodate low density housing that is consistent with the environmental sensitivity, infrastructure limitations and access limitations of the area.
- (c) to protect the scenic quality and water quality of the area and promote development that is within the environmental capacity of the area.

Without Development Consent

Development for the purpose of:

Home occupations; special care homes.

Exempt development.

Only With Development Consent

Development for the purpose of:

Bushfire hazard reduction (except ancillary buildings);
communications facilities; demolition; dwelling-houses;
group homes; utility installations.

Subdivision.

Prohibited

Development that is not permitted without development consent or permitted only with development consent.

Description on Map

Coloured orange with red edging and lettered "E".

[3] Clause 14 Density

Insert at the end of the Minimum Allotment Size Table to clause 14 (1):

Environmental Protection E (River Settlement) 40ha

[4] Clause 15 Floorspace ratio

Insert at the end of the Floorspace Ratio Table to clause 15 (1):

Environmental Protection E (River Settlement) 0.4:1

[5] Clause 18 Heritage

Omit "Environmental Protection A, B, C or D" from clause 18 (9) (b) (iv).
Insert instead "Environmental Protection A, B, C, D or E".

[6] Clause 22 Exceptions

Insert at the end of the Table to clause 22 (1):

Lot No 1 Sunny Corner, Berowra Creek	Lot 1 DP 901023 Lot A DP 319646 Lot 1 DP 1003363 Lot 0 DP 752026	Restaurant and holiday cabins
Lot No 99 Fishermans Point, Berowra Creek	Lot 99 DP 132067 Lot B DP 363636 Lot 1 DP 659848	Eco-tourism facility

[7] Clause 23 Dictionary

Insert in appropriate order in the definition of *the map* in clause 23 (1):

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No 64)

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Schedule 1 Amendments

[8] Schedule D

Insert at the end of the matter relating to Berowra Waters:

Berowra Waters Road	Rex Jones Memorial	L
Franks Bight adjacent to Kirkpatrick Way	Tidal Bath remains	L

BY AUTHORITY