



New South Wales

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

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*. (S01/00250/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 474

Clause 1 Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)*.

2 Aims of plan

This plan aims to amend *Hornsby Shire Local Environmental Plan 1994*:

- (a) to amend the floorspace ratio provisions relevant to the Hornsby Town Centre, and
- (b) to promote commercial development in the Hornsby Town Centre, and
- (c) to rezone certain land in and surrounding the Hornsby Town Centre to partly Residential D (High Density), partly Business F (Town Centre) and partly Industrial B (Light) zones.

3 Land to which plan applies

This plan applies:

- (a) in relation to the amendment made by Schedule 1 [2], to land bounded by the Main Northern Railway, Pretoria Parade, the Pacific Highway and Government Road, Hornsby, as shown edged heavy black on the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 36)” deposited in the office of Hornsby Shire Council, and
- (b) in relation to the amendment made by Schedule 1 [3]:
 - (i) to land bounded by Thomas, Romsey and Leonard Streets, Waitara, and Nos 208–226 Pacific Highway, Hornsby (Lot 100, DP 847663), as shown edged heavy black or distinctively coloured and edged on Sheets 1 and 2, respectively, of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)” deposited in the office of Hornsby Shire Council, and

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- (ii) to Lot 2, DP 584634, Lots 3 and 4, DP 591823, Lot 2, DP 598268, Lot 1, DP 623263, Lot 2, DP 570371, Lot 1, DP 552773, Lot 1, DP 550272 and Lot 2, DP 579617, known as 63, 65–67, 69, 71–73, 75, 77, 79–81 and 81A Hunter Street, Hornsby, and
 - (c) in relation to the amendments made by Schedule 1 [1] and [4], to all land to which *Hornsby Shire Local Environmental Plan 1994* applies, and
 - (d) in relation to the amendment made by Schedule 1 [5], to land shown distinctively coloured and edged on Sheet 2 of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)” deposited in the office of Hornsby Shire Council, and
 - (e) in relation to the amendment made by Schedule 1 [6], to land shown edged heavy black on the diagrams identified as “Diagram 10” and “Diagram 11” appearing in Schedule 1 [6], and
 - (f) in relation to the amendment made by Schedule 1 [7], to land shown edged heavy black on the diagram identified as “Diagram 15” appearing in Schedule B to *Hornsby Shire Local Environmental Plan 1994*.

4 Amendment of Hornsby Shire Local Environmental Plan 1994

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

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Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Savings

Insert after clause 6 (5):

- (6) A development application lodged, but not finally determined, before the commencement of *Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)* is to be determined as if that plan had been exhibited but had not been made.

[2] Clause 22 Exceptions

Omit “Business premises; office premises; restaurants; shops located on the ground floor” under the heading “**Permitted Land Use or Other Development**” from the Table to clause 22 (1) in the matter relating to the land bounded by the Main Northern Railway, Pretoria Parade, Pacific Highway and Government Road, Hornsby.

Insert instead “Use of ground floor premises for business premises; office premises; restaurants; shops”.

[3] Clause 22 (1), Table

Insert at the end of the Table in Columns 1, 2 and 3, respectively:

Nos 208–226 Pacific Highway, Hornsby	Lot 100, DP 847663, as shown distinctively coloured and edged on Sheet 2 of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)”	Use of ground floor premises for business premises; office premises; restaurants; shops.
The land bounded by Thomas, Romsey and Leonard Streets, Waitara	Land shown edged heavy black on Sheet 1 of the map marked “Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)”	Use of ground floor premises for business premises; office premises; restaurants; shops.

63, 65-67, 69, 71-73, 75, 77, 79-81 and 81A Hunter Street, Hornsby	Lot 2, DP 584634 Lots 3 and 4, DP 591823 Lot 2, DP 598268 Lot 1, DP 623263 Lot 2, DP 570371 Lot 1, DP 552773 Lot 1, DP 550272 Lot 2, DP 579617	Development authorised by a development consent in force immediately before the commencement of <i>Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)</i> , being a development consent that is still in force.
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[4] Clause 23 Dictionary

Insert after paragraph (c) in the definition of *gross floor area* in clause 23 (1):

- (c1) car parking provided for the community by a public authority, and

[5] Clause 23 (1), definition of “the map”

Insert in appropriate order:

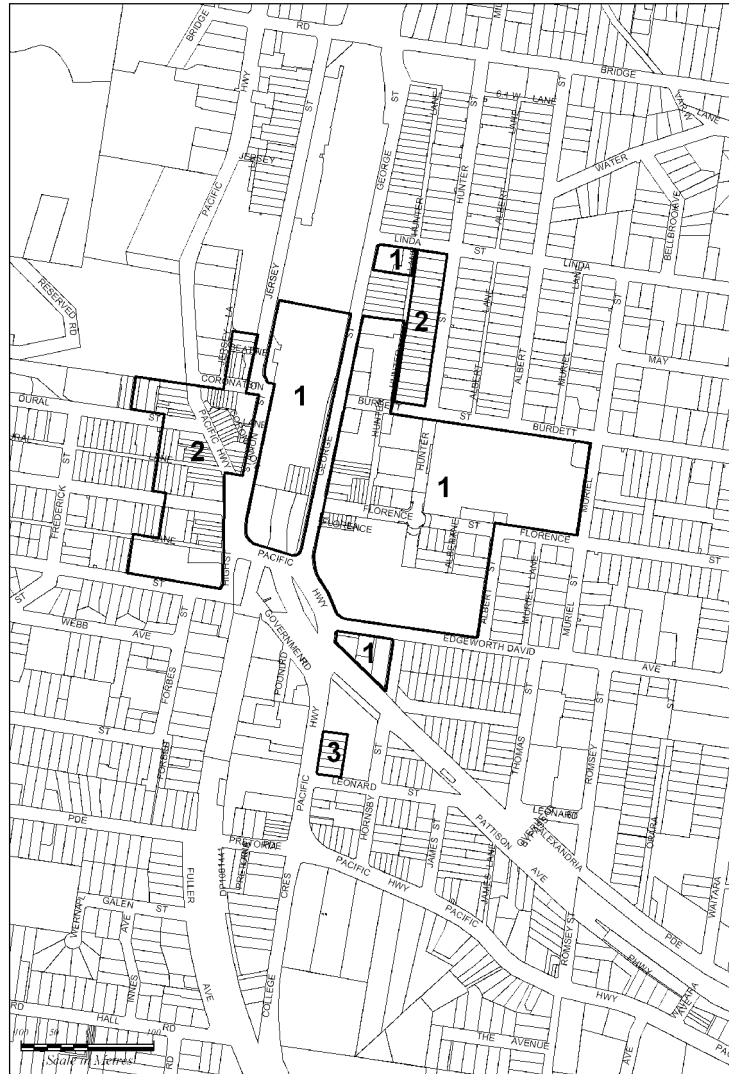
Hornsby Shire Local Environmental Plan 1994 (Amendment No 78)—Sheet 2

[6] Schedule B

Omit Diagrams 10-12, the text supporting diagram 10 and the matter relating to Land described in diagram 11 and Land described in diagram 12.

Insert instead:

Diagram 10

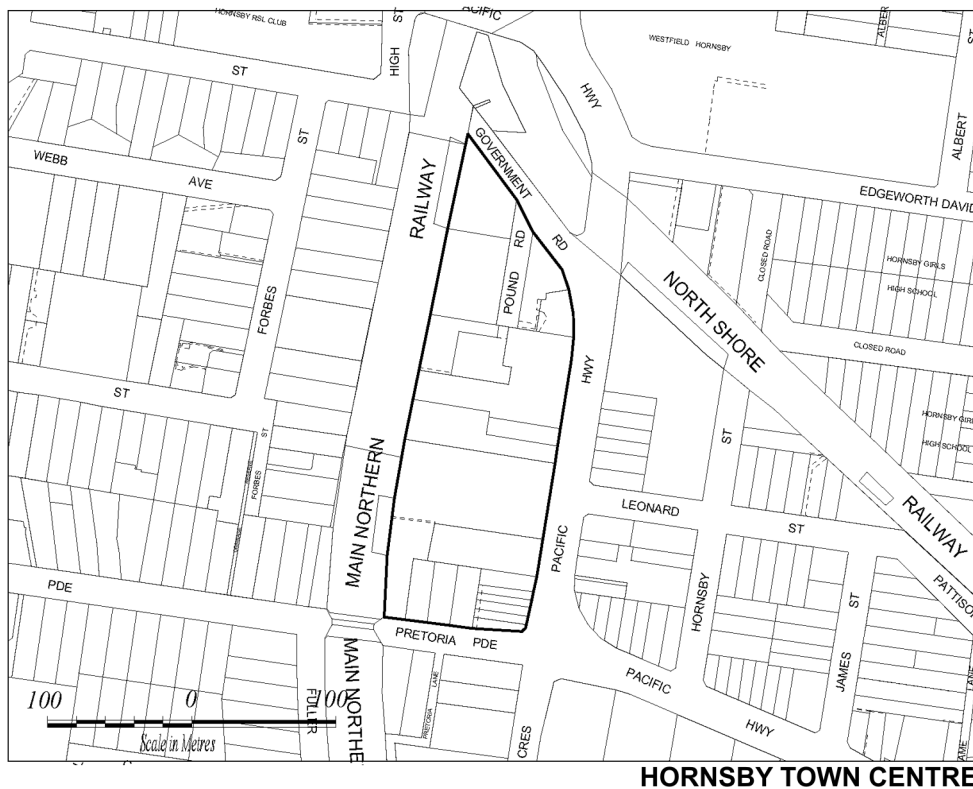


HORNSBY TOWN CENTRE

- 1 In respect of the land marked “1” and shown edged heavy black on Diagram 10, the Council may consent to development that results in a floorspace ratio that exceeds 2:1, but does not exceed 5:1, if the gross floor area that results in a floorspace ratio in excess of 2:1 is used, or is

- proposed to be used, exclusively for the purpose of employment generating development.
- 2 In respect of the land marked “2” and shown edged heavy black on Diagram 10, the Council may consent to development that results in a floorspace ratio that exceeds 2:1, but does not exceed 3:1, if the gross floor area that results in a floorspace ratio in excess of 2:1 is used, or is proposed to be used, exclusively for the purpose of employment generating development.
 - 3 In respect of the land marked “3” and shown edged heavy black on Diagram 10, the Council may consent to development that results in a floorspace ratio that exceeds 1:1, but does not exceed 5:1, if the gross floor area that results in a floorspace ratio in excess of 1:1 is used, or is proposed to be used, exclusively for the purpose of employment generating development.

Diagram 11



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Schedule 1 Amendments

The Council may consent to development that results in a floorspace ratio greater than 1.6:1 in respect of the land shown edged heavy black on Diagram 11 if the gross floor area that results in a floorspace ratio in excess of 1.6:1 is used, or is proposed to be used, exclusively for the purpose of multi-unit housing and if the total floorspace ratio for the development does not exceed 4:1.

[7] Schedule B, under the heading “Land described in diagram 15”

Omit “approve a floorspace ratio” wherever occurring.

Insert instead “consent to development that results in a floorspace ratio”.

BY AUTHORITY
