



New South Wales

Hornsby Shire Local Environmental Plan 1994 (Amendment No 97)

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*. (P08/00168/PC-1)

TONY KELLY, MLC
Minister for Planning

2009 No 627

Clause 1 Hornsby Shire Local Environmental Plan 1994 (Amendment No 97)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Hornsby Shire Local Environmental Plan 1994 (Amendment No 97)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Aims of Plan

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

- (a) to rezone part of the land to which this Plan applies to the Business A (General) Zone and to permit a maximum floorspace ratio of 1.5:1 for buildings on that land,
- (b) to rezone parts of the land to:
 - (i) the Industrial B (Light) Zone, and
 - (ii) the Industrial A (General) Zone, and
 - (iii) the Environmental Protection B (River Catchment) Zone, and
 - (iv) the Residential A (Low Density) Zone,
so as to implement the recommendations of the Hornsby Shire Council's *Open Space Land Acquisition Review*,
- (c) to rezone part of the land to the Business B (Special) Zone (and consequentially to remove certain additional uses from part of the land),
- (d) to rezone part of the land to the Environmental Protection E (River Settlement) Zone,
- (e) to rezone part of the land to the Residential A (Low Density) Zone so as to facilitate amalgamation with adjoining land,

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- (f) to permit, with development consent, bed and breakfast accommodation on land in river settlements and on low density residential land,
 - (g) to reduce from 0.4:1 to 0.3:1 the maximum floorspace ratio for buildings on land within the Environmental Protection E (River Settlement) Zone,
 - (h) to establish a foreshore building line in respect of part of the land.

4 Land to which Plan applies

- (1) In respect of the aim set out in clause 3 (a), this Plan applies to land known as 5 Thornleigh Street, Thornleigh, as shown coloured light blue and lettered "A" on Sheet 1 of the map marked "Hornsby Shire Local Environmental Plan 1994 (Amendment No 97)" deposited in the office of Hornsby Shire Council, and as shown edged heavy black on Diagram 22 set out in Schedule 1 [8] to this Plan.
- (2) In respect of the aim set out in clause 3 (b) (i), this Plan applies to certain land in the vicinity of Kelray Place and Salisbury Road, Asquith, as shown coloured purple, edged red and lettered "B" on Sheet 2 of that map.
- (3) In respect of the aim set out in clause 3 (b) (ii), this Plan applies to certain land in the vicinity of Chelmsford Road, Asquith, as shown coloured purple and lettered "A" on Sheet 3 of that map.
- (4) In respect of the aim set out in clause 3 (b) (iii), this Plan applies to certain land fronting the Pacific Highway, Cowan, as shown coloured orange, edged red and lettered "B" on Sheet 7 of that map.
- (5) In respect of the aim set out in clause 3 (b) (iv), this Plan applies to certain land in the vicinity of or fronting Koloona Street, Kona Close and McCready Place, Berowra, Lyndelle Avenue, Carlingford, New Line Road, Castle Hill, Parkhill Crescent, Cherrybrook, Downes Street, North Epping and Clovelly Road, Hornsby, as shown coloured pink and lettered "A", respectively, on Sheets 4–6 and 8–12 of that map.
- (6) In respect of the aim set out in clause 3 (c), this Plan applies to land known as 180–190 Pennant Hills Road and Terra Street, Thornleigh, as shown coloured blue and lettered "B" on Sheet 15 of that map.
- (7) In respect of the aim set out in clause 3 (d), this Plan applies to certain land on Dangar Island, as shown coloured orange, edged red and lettered "E" on Sheet 16 of that map.
- (8) In respect of the aim set out in clause 3 (e), this Plan applies to certain land fronting Berowra Waters Road, Berowra Heights and Lot 100, DP 1053594, Pennant Hills Road, Normanhurst, as shown coloured pink and lettered "A", respectively, on Sheets 13 and 14 of that map.

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- (9) In respect of the aim set out in clause 3 (f), this Plan applies to land within the Residential A (Low Density), Residential AA (Low Density—Aquaculture), Residential AT (Low Density—Tourist Village), Environmental Protection B (River Catchment), Environmental Protection C (Tourist), Environmental Protection D (Recreation) and Environmental Protection E (River Settlement) Zones.
- (10) In respect of the aim set out in clause 3 (g), this Plan applies to land within the Environmental Protection E (River Settlement) Zone.
- (11) In respect of the aim set out in clause 3 (h), this Plan applies to certain land on Dangar Island, as shown with a broken black line on Sheet 16 of the map referred to in subclause (1).

Schedule 1 Amendment of Hornsby Shire Local Environmental Plan 1994

[1] Clause 7 Zoning control table

Omit “Child care centres” wherever occurring under the heading “**Only With Development Consent**” from the matter relating to the Residential A (Low Density) and Residential AT (Low Density—Tourist Village) Zones in the table.

Insert instead “Bed and breakfast accommodation; child care centres”.

[2] Clause 7, table

Insert “bed and breakfast accommodation;” in alphabetical order under the heading “**Only With Development Consent**” in the matter relating to the Residential AA (Low Density—Aquaculture), Environmental Protection B (River Catchment), Environmental Protection C (Tourist) and Environmental Protection D (Recreation) Zones.

[3] Clause 7, table

Omit “Bushfire hazard reduction” under the heading “**Only With Development Consent**” from the matter relating to the Environmental Protection E (River Settlement) Zone.

Insert instead “Bed and breakfast accommodation; bushfire hazard reduction”.

[4] Clause 15 Floorspace ratio

Omit “0.4:1” from the matter relating to the Environmental Protection E (River Settlement) Zone in the table to clause 15 (1).

Insert instead “0.3:1”.

[5] Clause 22 Exceptions

Omit the matter relating to Nos 180–184 Pennant Hills Road, Thornleigh, from the Table to clause 22 (1).

Insert instead under the headings “**Address/Area**”, “**Land Description**” and “**Permitted Land Use or Other Development**”, respectively:

Nos 180–184 Pennant Hills Road, Thornleigh	Lot 1 DP 1093419 Lot 1 DP 650531 Lot 1 DP 937677 Lot 1 DP 779936	Boarding kennels
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Schedule 1 Amendment of Hornsby Shire Local Environmental Plan 1994

[6] Clause 22 (1), Table

Omit the matter relating to Nos 186–190 Pennant Hills Road, Thornleigh.

[7] Clause 23 Dictionary

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

Hornsby Shire Local Environmental Plan 1994 (Amendment No 97)

[8] **Schedule B**

Insert after Diagram 21:

Diagram 22



THORNLEIGH

The floorspace ratio in respect of the land shown edged heavy black on Diagram 22 must not exceed 1.5:1.