



New South Wales

# **Hornsby Local Environmental Plan 2013 (Amendment No 15)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

JAMES FARRINGTON, DIRECTOR, PLANNING AND COMPLIANCE  
HORNSBY SHIRE COUNCIL  
As delegate for the local plan-making authority

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**1 Name of plan**

This plan is *Hornsby Local Environmental Plan 2013 (Amendment No 15)*.

**2 Commencement**

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

**3 Land to which plan applies**

This plan applies to land to which *Hornsby Local Environmental Plan 2013* applies.

## **Schedule 1      Amendment of Hornsby Local Environmental Plan 2013**

### **[1] Land Use Table**

Omit the fifth dot point from Zone RU1, item 1. Insert instead—

- To encourage land uses that support primary industry and align with the rural character of the area, including agritourism and tourist and visitor accommodation.

### **[2] Land Use Table, Zones RU2 and RU4, item 1**

Omit the fourth dot point wherever occurring. Insert instead—

- To encourage land uses that support primary industry and align with the rural character of the area, including agritourism and tourist and visitor accommodation.

### **[3] Land Use Table, Zone C3, item 1**

Insert at the end of the item—

- To enable low impact agritourism and tourist and visitor accommodation that is compatible with the environmental values of the zone.

### **[4] Clause 4.1 Minimum subdivision lot size**

Omit clause 4.1(3A). Insert instead—

- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle must not be included in calculating the lot size, except in the following zones—
- Zone RU1 Primary Production,
  - Zone RU2 Rural Landscape,
  - Zone RU4 Primary Production Small Lots,
  - Zone C3 Environmental Management.

### **[5] Clause 5.16**

Omit the clause. Insert instead—

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
  - Zone RU1 Primary Production,
  - Zone RU2 Rural Landscape,
  - Zone RU4 Primary Production Small Lots,
  - Zone C2 Environmental Conservation,
  - Zone C3 Environmental Management,
  - Zone C4 Environmental Living.

- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
  - (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

**[6] Clause 6.9 Dual occupancies (attached) on land in certain rural zones**

Omit clause 6.9(3). Insert instead—

- (3) Development consent must not be granted to development for the purposes of dual occupancies (attached) on a lot on land to which this clause applies if the lot is less than the minimum lot size shown on the Lot Size Map for the land.
- (4) Development consent must not be granted to development for the purposes of dual occupancies (attached) on land to which this clause applies unless the gross floor area of at least 1 of the dwellings is less than 200m<sup>2</sup>.