



New South Wales

# **State Environmental Planning Policy Amendment (Hornsby Transport Oriented Development Precinct) 2024**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

**PAUL SCULLY, MP**  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy Amendment (Hornsby Transport Oriented Development Precinct) 2024**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of policy**

This policy is *State Environmental Planning Policy Amendment (Hornsby Transport Oriented Development Precinct) 2024*.

### **2 Commencement**

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

### **3 Repeal of policy**

This policy is repealed at the beginning of the day following the day on which this policy commences.

### **4 Maps**

The maps adopted by *Hornsby Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy.

## Schedule 1 Amendment of Hornsby Local Environmental Plan 2013

### [1] Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A(3)—

- (4) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Hornsby Transport Oriented Development Precinct) 2024* must be determined as if that policy had not commenced.

### [2] Clause 4.4 Floor space ratio

Omit the matters relating to “Area 1”, “Area 2” and “Area 7” from clause 4.4(2A), table.

### [3] Part 8

Insert after Part 7—

## Part 8 Hornsby Transport Oriented Development Precinct

### Division 1 General

#### 8.1 Definitions

In this part—

***Hornsby Precinct Design Guide*** means the *Hornsby Precinct Design Guide* published by the Department in November 2024.

***Hornsby Transport Oriented Development Precinct*** means the land to which this part applies.

#### 8.2 Objectives

The objectives of this part are to—

- (a) encourage additional residential development, including affordable housing, in the Hornsby Transport Oriented Development Precinct, while retaining commercial floor space, and
- (b) ensure that development in the Precinct occurs in accordance with the *Hornsby Precinct Design Guide*.

#### 8.3 Application of part

This part applies to land identified as “Hornsby TOD Precinct” on the Key Sites Map.

#### 8.4 Design guide

Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development will be consistent with the *Hornsby Precinct Design Guide*.

#### 8.5 Minimum non-residential floor space ratio

- (1) Development consent must not be granted for development on land identified as “Minimum Non-Residential Floor Space Ratio” on the Non-Residential Floor Space Ratio Map unless the consent authority is satisfied that the non-residential floor space ratio will be at least the non-residential floor space ratio shown on the map for the land.

- (2) In this clause—
- non-residential floor space ratio*** means the ratio of the gross floor area of the parts of buildings on a site used or proposed to be used for non-residential development to the site area.
- non-residential development*** means development other than development for the following purposes—
- (a) residential accommodation,
  - (b) tourist and visitor accommodation,
  - (c) car parks.

### 8.6 Affordable housing contributions scheme

- (1) This clause applies to development on land identified as an “Affordable Housing Contributions Area” on the Affordable Housing Map resulting in—
  - (a) the erection of a new building with more than 200m<sup>2</sup> of gross floor area used for the purposes of residential accommodation, or
  - (b) alterations to an existing building that results in at least 200m<sup>2</sup> of additional gross floor area used for the purposes of residential accommodation.
- (2) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (3) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (4).
- (4) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Map, of the gross floor area of the residential component of the development.
- (5) A condition imposed under this clause must permit a person to satisfy the condition by—
  - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of more than 50m<sup>2</sup>, and a monetary contribution, paid to the Council, for any remainder, or
  - (b) a monetary contribution, paid to the Council, of equivalent value to the gross floor area specified in subclause (4).
- (6) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause is to be calculated in accordance with the *Hornsby Precinct Affordable Housing Scheme* published by the Department in November 2024.
- (7) In this section—

***community housing*** has the same meaning as in the *Community Housing Providers National Law (NSW)*.

***public housing*** has the same meaning as in the *Housing Act 2001*.

## **Division 2 Development on key sites**

### **8.7 Objective**

The objective of this division is to promote residential development on certain sites in the Hornsby Transport Oriented Development Precinct, coordinated with adequate community facilities, recreation areas and access networks.

### **8.8 Development on land in “Hornsby TOD Precinct—Area 1”**

- (1) This clause applies to land identified as “Hornsby TOD Precinct—Area 1” on the Key Sites Map.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development includes adequate provision for a community facility, library and access network, and
  - (b) the community facility and library will be designed and located in a way that will appropriately facilitate activities for the local community, and
  - (c) the configuration and location of the access network will provide a suitable level of connectivity in the Hornsby Transport Oriented Development Precinct, and
  - (d) the development will result in the consolidation of all lots in “Hornsby TOD Precinct—Area 1”.

### **8.9 Development on land in “Hornsby TOD Precinct—Area 2”**

- (1) This clause applies to land identified as “Hornsby TOD Precinct—Area 2” on the Key Sites Map.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development includes adequate provision for a recreation area and the landing of a pedestrian concourse, and
  - (b) the recreation area will be designed and located in a way that will appropriately facilitate recreational activities for the Hornsby Transport Oriented Development Precinct, and
  - (c) the development will result in the consolidation of all lots in “Hornsby TOD Precinct—Area 2”.

### **8.10 Development on land in “Hornsby TOD Precinct—Area 3”**

- (1) This clause applies to land identified as “Hornsby TOD Precinct—Area 3” on the Key Sites Map.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development includes adequate provision for a recreation area and an access network, and
  - (b) the recreation area will be designed and located in a way that will appropriately facilitate recreational activities for the Hornsby Transport Oriented Development Precinct, and
  - (c) the configuration and location of the access network will provide a suitable level of connectivity in the Hornsby Transport Oriented Development Precinct, and

- (d) the development includes adequate provision for a community facility or library, and
- (e) the community facility or library will be designed and located in a way that will appropriately facilitate activities for the local community.

**8.11 Development on land in “Hornsby TOD Precinct—Area 4”**

- (1) This clause applies to land identified as “Hornsby TOD Precinct—Area 4” on the Key Sites Map.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development includes adequate provision for a recreation area and access network, and
  - (b) the recreation area will be designed and located in a way that will appropriately facilitate recreational activities for the Hornsby Transport Oriented Development Precinct, and
  - (c) the access network will—
    - (i) be configured and located to provide a suitable level of connectivity in the Hornsby Transport Oriented Development Precinct, and
    - (ii) include a pedestrian concourse over the rail corridor located on the land.

**[4] Dictionary**

Insert in alphabetical order—

***Affordable Housing Map*** means the Hornsby Local Environmental Plan 2013 Affordable Housing Map.

***Hornsby Precinct Design Guide***, for Part 8—see clause 8.1.

***Hornsby Transport Oriented Development Precinct***, for Part 8—see clause 8.1.

***Non-Residential Floor Space Ratio Map*** means the Hornsby Local Environmental Plan 2013 Non-Residential Floor Space Ratio Map.