



*creating a living environment*



# Comprehensive LEP Explanatory Notes

# Contents

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|  |    |
|--|----|
| INTRODUCTION.....                                | 3  |
| ABOUT THE PLAN.....                              | 3  |
| PART 1 PRELIMINARY.....                          | 5  |
| PART 2 PERMITTED OR PROHIBITED DEVELOPMENT ..... | 8  |
| PART 3 EXEMPT & COMPLYING DEVELOPMENT.....       | 13 |
| PART 4 PRINCIPAL DEVELOPMENT STANDARDS .....     | 14 |
| PART 5 MISCELLANEOUS PROVISIONS.....             | 19 |
| PART 6 LOCAL PROVISIONS.....                     | 22 |
| SCHEDULES.....                                   | 24 |
| DICTIONARY.....                                  | 24 |
| APPENDIX.....                                    | 25 |
| CLAUSE TRANSLATION.....                          | 25 |
| LAND USE MATRIX.....                             | 26 |
| LAND USE TABLE COMPARISON.....                   | 44 |

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*Officeworks* by Allan Torrens (left)  
*Station Guard* by Meg Nurse (right)

# Introduction

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This document has been prepared to assist in the understanding of the Hornsby Shire Comprehensive Local Environmental Plan (CLEP) 2011. It provides a plain english explanation of the provisions of the new CLEP, along with the background to its preparation and the requirements of the NSW State Government in the preparation of the Plan.

In September 2005, the NSW Government introduced a range of reforms aimed at streamlining the planning system. Under the reforms, all NSW councils are required to prepare a new CLEP in accordance with the State Government's standard Local Environmental Plan (LEP) template (*Standard Instrument*), which specifies the form and content of CLEPs for a local government area. The *Standard Instrument (LEPs) Order 2006* came into effect on 31 March 2006. Council was given five years to prepare its CLEP. In February 2007, Council resolved to prepare a new comprehensive LEP based on the *Standard Instrument* and that it principally be a process of transferring Council's adopted strategies and existing planning instrument (the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*) into the new CLEP format.

The *Standard Instrument* identifies the standard zones and zone objectives, mandates certain permitted and prohibited uses in zones, and identifies compulsory and optional provisions. Other provisions relevant to local planning issues can be added but only with the approval of the NSW Department of Planning and Infrastructure (DP&I) and the Minister.

These explanatory notes set out each clause in the CLEP and provide a brief explanation of what the clause aims to do. Where relevant, it also explains any significant changes from the existing *HSLEP*. Appearing in brackets after each clause is an indication of whether the clause is compulsory or optional, or whether Council has added it as a local provision. For the purposes of exhibition of the draft LEP, compulsory and optional provisions are identified in black, local provisions are identified in red. Notes do not have legal force but must be included for interpretation.

## About the Plan

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The CLEP will control development and guide planning decisions made by Council. It also aims to ensure that new development is sustainable and compatible with the character of the Shire.

In accordance with Council's resolution in 2007, the planning provisions of the *HSLEP* have formed the basis of the new CLEP. These provisions have been supplemented by local planning studies prepared by Council to meet its obligations under regional planning strategies. These local planning studies include:

- Waterways Review 2006
- River Settlements and Foreshores Review 2007
- Rural Lands Planning Provisions Review 2009
- Ku-ring-gai & Hornsby Subregional Employment Study 2010
- Dural Service Centre Study 2010
- Hornsby Shire Housing Strategy 2010

- Native Vegetation Planning Review 2010

The CLEP has been prepared based on the *Standard Instrument*, the Practice Notes and Circulars issued by the Department of Planning and Infrastructure, and Council's existing adopted strategies. The *Order*, the *Standard Instrument* and Practice Notes and Circulars can be found on the NSW Department of Planning website, [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au). The DP&I also released mapping guidelines which specify the map templates, scale and grid, colours, lines, symbols, codes and naming protocols.

The preparation of the CLEP has involved extensive consultation, including consultation with relevant public authorities and review by key staff and Councillors through a series of workshops. Regular workshops were also held with representatives of the DP&I throughout the preparation of the Plan.

The Plan is divided into 6 parts, being Part 1 - Preliminary, Part 2 - Permitted or Prohibited Development, Part 3 Exempt and Complying Development, Part 4 - Principal Development Standards, Part 5 - Miscellaneous Provisions, and Part 6 - Local Provisions. The Plan also includes a Dictionary and a number of Schedules. As with the existing *HSLEP*, the Plan is intended to be used as a land use policy plan and not a definitive statement for detailed development control. Council is also preparing a Comprehensive Development Control Plan (DCP) which will amalgamate the existing 31 DCPs into one and provide more detailed controls relating to the type of development proposed.

# Part 1 Preliminary

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## Clause 1.1 Name of Plan (compulsory)

This Clause identifies that the name of the Plan is *Hornsby Local Environmental Plan 2011*.

## Clause 1.1AA Commencement (compulsory)

This Clause indicates that the Plan commences when it is published on the NSW legislation website.

## Clause 1.2 Aims of Plan (compulsory)

This Clause outlines the overall aims of the Plan, which have been written based on the aims and objectives of the existing *HSLEP* and the aims of adopted Council studies which inform the new LEP. The aims of the Plan reflect the following ten themes:

- Vision
- Method - Triple Bottom Line
- Residential
- Employment
- Rural
- Recreational
- Social/Cultural
- Environmental
- Heritage
- Hazards/Risks

## Clause 1.3 Land to which Plan applies (compulsory)

This Clause identifies that the Plan applies to land which is shown on the Map accompanying the Plan, called the Land Application Map.

## Clause 1.4 Definitions (compulsory)

This Clause specifies that the Dictionary at the end of the Plan is to be referred to for definitions of words and terms used in the Plan.

## Clause 1.5 Notes (compulsory)

This Clause explains that notes in the Plan are explanatory notes to provide guidance and are not formally part of the Plan.

#### Clause 1.6 Consent authority (compulsory)

This Clause explains that Hornsby Shire Council is the consent authority for development applications for land affected by the Plan (unless otherwise stated by the *Environmental Planning and Assessment Act 1979*)

#### Clause 1.7 Maps (compulsory)

This Clause identifies the maps referenced in the Plan, which include the:

- Land Application Map
- Land Zoning Map
- Additional Permitted Uses Map
- Lot Size Map
- Floor Space Ratio Map
- Height of Buildings Map
- Land Reservation Acquisition Map
- Heritage Map
- Acid Sulfate Soils Map
- Flood Planning Map
- Foreshore Building Line Map
- Natural Resource Biodiversity Map

All maps have been prepared at a scale of 1:20,000 in a consistent map grid comprised of a maximum of 33 maps to cover the relevant parts of the Shire for each map theme.

#### Clause 1.8 Repeal of planning instruments applying to land (compulsory)

This Clause repeals all local planning instruments and deemed environmental planning instruments applying to the land covered by the Plan, namely the *Hornsby Shire Local Environmental Plan 1994*.

#### Clause 1.8A Savings provisions relating to development applications (local)

This Clause allows a development application lodged before the commencement of the Plan to be determined under the *Hornsby Shire Local Environmental Plan 1994*, with consideration given to this Plan as if it has been exhibited but not commenced.

#### Clause 1.9 Application of SEPPs (compulsory)

This Clause outlines that the provisions of applicable State Environmental Planning Policies (SEPPs) apply and prevail over the Plan. However, the Clause also outlines the following SEPPs which do not apply to land to which this Plan applies.

- *State Environmental Planning Policy No 1 – Development Standards*
- *State Environmental Planning Policy No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)*
- *State Environmental Planning Policy No 60 – Exempt and Complying Development*

|             |  |
|-------------|--|
| Clause 1.9A | Suspensions of covenants, agreements and instruments (local) |
|-------------|--|

This Clause suspends any private agreement, covenant or other similar instrument that would restrict the carrying out of development. Certain circumstances in which the Clause does not apply are also listed, to ensure that public authorities can carry out their duties.

## Part 2 - Permitted or Prohibited Development

### Clause 2.1 Land use zones (compulsory)

This Clause lists the different land use zones identified in the Plan.

### Clause 2.2 Zoning of land to which Plan applies (compulsory)

This Clause specifies that land is zoned in accordance with the particular zone shown on the Land Zoning Map.

### Clause 2.3 Zone objectives and land use table (compulsory)

This Clause specifies that the Land Use Table at the end of the part outlines which land uses are allowed in each zone. It nominates whether the land uses are allowed without consent (i.e. without the need for applying for a development application), with consent (i.e. a development application is required to be approved first) or prohibited (i.e. not allowed at all). The Land Use Table also identifies the objectives of each zone. The objectives have been drafted based on a combination of mandated objectives and existing zone objectives under the *HSLEP*. The Clause specifies that Council must consider the objectives of the zone when deciding whether to approve a development application.

The Land Use Table has been prepared based on the translation of 34 existing zones to one of the 34 mandated zones within the *Standard Instrument*. The existing zones have been amalgamated (where required) into 26 equivalent zones chosen from the *Standard Instrument*, as shown in the table below:

| Hornsby Shire LEP 1994 (existing zone)              | Comprehensive LEP 2011 (new zone)   |
|---|---|
| Rural AA (Large Holdings - Agricultural Landscapes) | RU1 - Primary Production  |
| Rural AE (Large Holdings - Extraction)              | RU1 - Primary Production  |
| Rural AR (Large Holdings - Rural Landscapes)        | RU1 - Primary Production  |
| Rural BA (Small Holdings - Agricultural Landscapes) | RU2 - Rural Landscape (north of Galston Village)<br>RU4 - Primary Production Small Lots (south of Galston Village)                      |
| Rural BR (Small Holdings - Rural Landscapes)        | RU2 - Rural Landscape (north of Galston Village)<br>RU4 - Primary Production Small Lots (south of Galston Village)                      |
| Residential A (Low Density)                         | R2 - Low Density Residential  |
| Residential AA (Low Density - Aquaculture)          | R2 - Low Density Residential + CI 2.5 Additional permitted uses   |
| Residential AM (Low Density - Medical Support)      | SP2 - Infrastructure - Health Services Facility   |
| Residential AR (Low Density - Rural Village)        | R2 - Low Density Residential (Arcadia, Galston & Glenorie Villages)<br>RU5 - Village + CI 2.5 Additional permitted uses (Dural Village) |
| Residential AS (Low Density - Sensitive Lands)      | R2 - Low Density Residential  |

|  |   |
|--|---|
| Residential AT (Low Density - Tourist Village)   | SP3 - Tourist   |
| Residential B (Medium Density)   | R3 - Medium Density Residential   |
| Residential C (Medium/High Density)  | R4 - High Density Residential   |
| Residential D (High Density)   | R4 - High Density Residential   |
| Business A (General)   | B2 - Local Centre   |
| Business B (Special)   | B5 - Business Development   |
| Business C (Neighbourhood)   | B1 - Neighbourhood Centre   |
| Business D (Aquatic Service Centre)  | IN4 - Working Waterfront  |
| Business E (Service Centre)  | IN2 - Light Industrial + CI 2.5 Additional permitted uses + B2 - Local Centre   |
| Business F (Town Centre)   | B3 - Commercial Core  |
| Business G (Town Centre Support)   | B4 - Mixed Use  |
| Business A (General) + Business B (Special) + Business C (Neighbourhood) + Business G (Town Centre Support) + Industrial B (Light) | B6 - Enterprise Corridor  |
| Industrial A (General)   | IN1 - General Industrial  |
| Industrial B (Light)   | IN2 - Light Industrial  |
| Special Uses A (Community Purposes)  | Generally in accordance with adjacent land  |
| Special Uses B (Transport Corridor)  | SP2 - Infrastructure  |
| Open Space A (Public Recreation - Local)   | RE1 - Public Recreation   |
| Open Space B (Public Recreation - District)  | RE1 - Public Recreation   |
| Open Space C (Private Recreation)  | RE2 - Private Recreation  |
| National Parks and Nature Reserves   | E1 - National Parks and Nature Reserves   |
| Environmental Protection A (Wetlands)  | E2 - Environmental Conservation   |
| Environmental Protection B (River Catchment)   | E3 - Environmental Management   |
| Environmental Protection C (Tourist)   | SP3 - Tourist   |
| Environmental Protection D (Recreation)  | E3 - Environmental Management + CI 2.5 Additional permitted uses  |
| Environmental Protection E (River Settlement)  | E4 Environmental Living   |
| Unzoned Waterways  | E1 - National Parks and Nature Reserves<br>E2 - Environmental Conservation<br>W1 - Natural Waterways<br>W2 - Recreational Waterways |

The zones from the *Standard Instrument* do not exactly correlate with the zones from the existing *HSLEP*. A number of amalgamations have occurred to ensure “best fit” with the *Standard Instrument*. Details of the zone translations are as follows:

### **Rural zones**

The existing *HSLEP* contains 5 rural zones. However, there are only 3 equivalent zones which have been used from the *Standard Instrument*. The RU1 - Primary Production, RU2 - Rural Landscape and RU4 - Primary Production Small Lots zones have been applied generally in accordance with the recommendations of the *Rural Lands Planning Provisions Review 2009*. The Review updated the findings of Council's *Rural Lands Study 1995* and *Rural Resource Lands Study 2006* and included a land audit to identify land with the highest agricultural potential. The RU4 zone has been applied to land north of Galston Village and south of Glenorie Village in recognition that the land is most suitable for agriculture and characterised by a two hectare subdivision pattern. The RU1 - Primary Production zone applies to land north of Glenorie Village in recognition that the land is most suitable for agriculture and is characterised by a ten hectare subdivision pattern. The RU2 - Rural Landscape zone has been applied to areas south of Galston Village as the zone best recognises the rural-residential nature of the land.

### **Residential zones**

The existing *HSLEP* contains 6 different forms of low density residential zoning. However, there is only 1 low density zone in the *Standard Instrument*, the R2 - Low Density Residential zone. This has been applied to the various existing low density residential zones. Similarly, the existing *HSLEP* contains 3 higher density zonings ranging from medium, medium/high, to high density. However, there are only 2 equivalent zones in the *Standard Instrument*, medium and high density zones. The R3 - Medium Density Residential zone has been applied for the existing Medium Density zone. The R4 - High Density Residential zone has been applied to two existing zones, the Medium/High and High Density zones. The difference between medium/high and high density development will continue to be distinguished through development controls in the *CLEP* and Council's DCP.

### **Business and Industrial zones**

Land Use Tables in the existing *HSLEP* are prohibition based, which means that all permitted land uses are listed as being permitted with or without consent, and those not listed are prohibited. The DP&I requires that the Land Use Tables for business and industrial zones be prepared as permissibility based rather than prohibition based to permit newly emerging undefined commercial land uses of merit without the need for a rezoning. Accordingly, the Land Use Tables for the business and industrial zones have been formatted to identify development which is not permitted. All other development would be permissible with consent. 6 business zones (B1 - Neighbourhood Centre, B2 - Local Centre, B3 - Commercial Core, B4 - Mixed Use, B5 - Business Development and B6 - Enterprise Corridor) and 3 industrial zones (IN1 - General Industrial, IN2 - Light Industrial and IN4 - Working Waterfront) are proposed to be used in the commercial centres and will replace the existing 7 business and 2 industrial zones from the *HSLEP*. The zones have been applied generally in accordance with the findings of the *Ku-ring-gai and Hornsby Subregional Employment Study 2010*, the *Dural Service Centre Study 2010* and advice from the DP&I.

### **Special Purpose zones**

Currently, the *HSLEP* includes a Special Uses A (Community Purposes) and Special Uses B (Transport Corridor) zone. The Special Uses A zone applies to hospitals, schools, telecommunication facilities, water reservoirs and electricity substations. The Special Uses B zone applied to regional roads and railway corridors.

The DP&I has developed a new zoning approach for Special Uses sites to promote the opportunity for a change of use after the cessation of use for infrastructure without the need for rezoning. In accordance with this approach, most of the 234 sites currently zoned Special Uses under the HSLEP have been zoned generally in accordance with the zone applied to the adjoining land. However, there are 11 existing special uses sites which have been zoned SP2 - Infrastructure. Additional potential contamination clearance processes are required to be undertaken in accordance with the *SEPP 55 – Remediation of Land* prior to these sites being zoned in accordance with adjoining zones that permit residential and other sensitive land uses.

### Recreation zones

Currently, the *HSLEP* includes 3 open space zones, namely, Open Space A (Public Recreation - Local), Open Space B (Public Recreation - District) and Open Space C (Private Recreation). However, there are only 2 equivalent zones in the *Standard Instrument*, the RE1 - Public Recreation and RE2 - Private Recreation zones. Previously, the public recreation zones were split to differentiate between local or district open space and to identify the relevant acquisition authority. Land reserved for acquisition and the relevant acquisition authority is now identified on a Land Reservation Acquisition Map. Therefore, lands previously zoned local and district public recreation have now been amalgamated into the RE1 - Public Recreation zone.

### Environmental Protection zones

Currently, the *HSLEP* includes 5 environmental protection zones and a National Parks and Nature Reserves zone. However, there are only 4 Environment Protection zones (including a National Parks zone) in the *Standard Instrument*. The *Rural Lands Planning Provisions Review 2009* and the *Waterways Review 2006* provide recommendations concerning the translation of the zones into the *Standard Instrument* format. The Environmental Protection B and D zones from the existing *HSLEP* have been amalgamated into the E3 Environmental Management zone from the *Standard Instrument*. Additional uses are permitted by Clause 2.5 where there is a strategic need. The Environmental Protection C zone from the existing *HSLEP* has been zoned SP3 - Tourist.

### Unzoned Waterways

The waterways in the Shire are currently unzoned. The waterways have been zoned in accordance with the recommendations of the *Waterways Review 2005*. The majority of the waterways have been zoned W1 - Natural Waterways. Parts of Brooklyn and Berowra Waters have been zoned W2 Recreational Waterways which permits a number of tourism uses. Gazetted National Parks extending over the waterway have been zoned E1 National Parks and Nature Reserves, and protected mangrove, saltmarsh and seagrass communities below mean high water mark have been zoned E2 - Environmental Conservation.

### Determining the Permissibility of Development in a Zone

Types of development are defined in the draft CLEP by land use terms and group terms. Group terms, as the name suggests, group more than one related land use term together. Land use terms and group terms may be listed in different parts of the same land use table. Therefore, to determine whether something is permissible in a zone the entire land use table needs to be read.

For example, “tourist and visitor accommodation” is a group term and groups a number of related land use terms including “hotel or motel accommodation”, “serviced apartments”, “bed and breakfast accommodation”, “backpacker’s

accommodation” and “farmstay accommodation”. Where “tourist and visitor accommodation” is listed as being permitted with consent under Item 3 of the land use table, you would still need to check the land uses listed as being prohibited under Item 4 of the land use table because some of the land uses may be pulled out of the group and be prohibited. If “hotel or motel accommodation”, “serviced apartments” and “backpacker’s accommodation” are listed as being prohibited under Item 4 of the land use table, the land use table should be read as permitting all types of “tourist and visitor accommodation” (including undefined types such as short term rental accommodation) except “hotel or motel accommodation”, “serviced apartments” and “backpacker’s accommodation”.

A Land Use Matrix is contained in the Appendix to these notes which will also assist in determining the permissibility of development in a zone.

#### Clause 2.4 Unzoned land (compulsory)

This Clause clarifies that any development on land which is unzoned may only be carried out with development consent. The Clause states that when deciding whether to grant consent, Council must consider whether the development will impact on adjoining land and be satisfied that development is appropriate and compatible with adjoining land uses.

#### Clause 2.5 Additional permitted uses for particular land (compulsory)

This Clause refers to a Schedule at the end of the Plan and states that certain development on certain land nominated in the Schedule is permitted even though the development is not included in the Land Use Table for the zone. This is similar to that previously identified in Clause 22 of the *HSLEP*.

#### Clause 2.6 Subdivision - consent requirements (compulsory)

This Clause states that development consent is required for subdivision. The Clause includes a Note clarifying that if a subdivision is identified as exempt development, it can be carried out without development consent. The Clause also clarifies that the subdivision of a principal dwelling and a secondary dwelling into separate lots is only permissible if each lot created is not less than the minimum size shown on the Lot Size Map.

#### Clause 2.7 Demolition requires consent (compulsory)

This Clause states that consent is required for the demolition of buildings or works.

#### Clause 2.8 Temporary use of land (optional)

This Clause allows for the temporary use of land, subject to development consent, where it does not compromise future development of the land or have detrimental impacts. The temporary use of land (other than for a sales office) has been limited to 28 days in total, which could be consecutive (ie. a period of one month) or nonconsecutive (ie. one day every two weeks a year). The type of development anticipated to be considered under this Clause would be circuses, special market days or other short term or intermittent community activities.

## Part 3 - Exempt and Complying Development

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### Clause 3.1 Exempt development (compulsory)

This Clause allows certain minor development to be undertaken without development consent, in addition to development specified by the State Government's Exempt and Complying Development Policy. The Clause refers to a Schedule at the back of the Plan which lists development considered to have minimal environmental impact. The development listed in the Schedule is permitted without the need to obtain development consent, provided that it meets certain standards.

### Clause 3.2 Complying development (compulsory)

This Clause allows certain development (in addition to development specified by the State Government's Exempt and Complying Development Policy) to be undertaken by obtaining prompt certification by Council or an Accredited Certifier, instead of going through the more time consuming development application process. The Clause refers to a Schedule at the back of the Plan which lists development which is considered to be routine, low impact development. The development listed in the Schedule can be assessed as Complying Development provided that it meets certain standards.

### Clause 3.3 Environmentally sensitive areas excluded (compulsory)

This Clause specifies that exempt or complying development cannot be carried out on land within an environmentally sensitive area. An environmentally sensitive area is defined and includes wetlands, conservation areas and critical habitat.

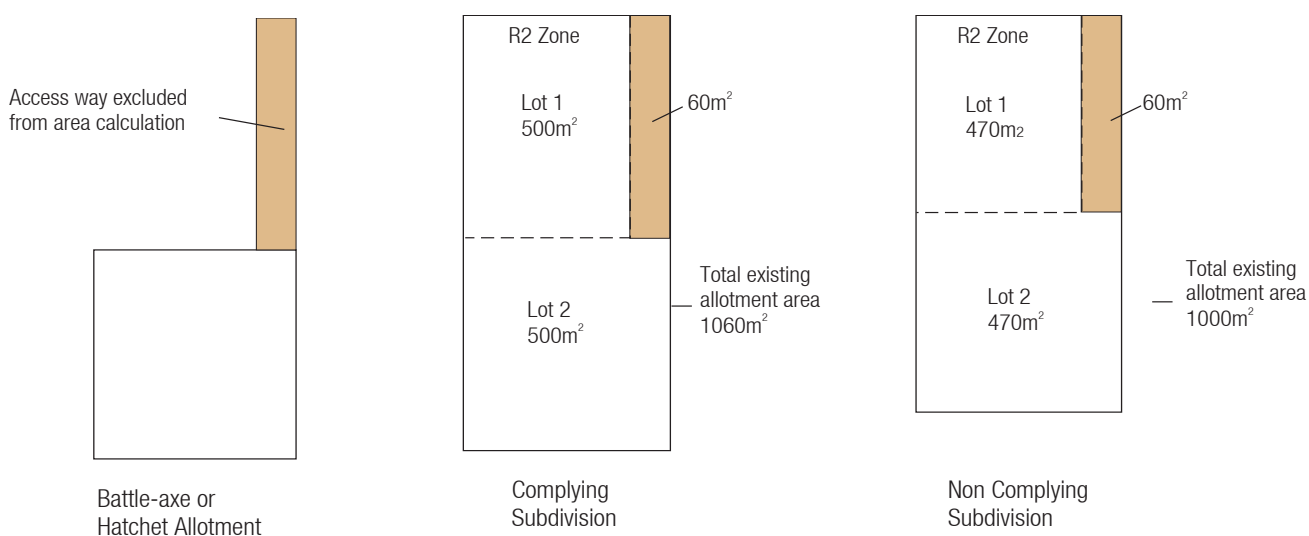
# Part 4 - Principal Development Standards

## Clause 4.1 Minimum subdivision lot size (optional)

This Clause indicates that there are minimum lot size requirements for the subdivision of land. The various minimum lot sizes are shown on the Lot Size Map. The minimum lot sizes reflect the existing standards from Clause 14 in the *HSLEP*.

A local subclause has been added to reflect existing provisions in the *HSLEP* clarifying that the access handle of a battleaxe allotment is to be excluded in lot size calculations.

Figure 1 - Exclusion of battleaxe handle in lot size calculation



A local subclause has been added to include the exceptions to minimum lot sizes currently contained in Schedule BA of the *HSLEP* for a site in Dural (i.e. Pacific Hills Christian School).

The existing *HSLEP* currently permits multi-unit housing at a density of 350sqm and 400sqm (without subdivision) in the low density residential zones. The standards were included in the *HSLEP* in 1994 to obtain exemption from the State Government dual occupancy policy at the time and were retained to provide opportunities for relative accommodation, investment rental properties and multi unit housing proposals by the Department of Housing in which dwellings are not sold. The *Affordable Housing SEPP* was gazetted in 2009 and now permits secondary dwellings (i.e. granny flats), in-fill affordable housing and residential development by the Land and Housing Corporation. Accordingly, the existing provisions in the *HSLEP* allowing smaller lot sizes without subdivision in low density zones have not been carried over into the new *CLEP*.

## Clause 4.1A Minimum subdivision lot size for community title schemes (optional)

This Clause specifies that minimum lot sizes shown on the Lot Size Map also apply to subdivision involving community title schemes.

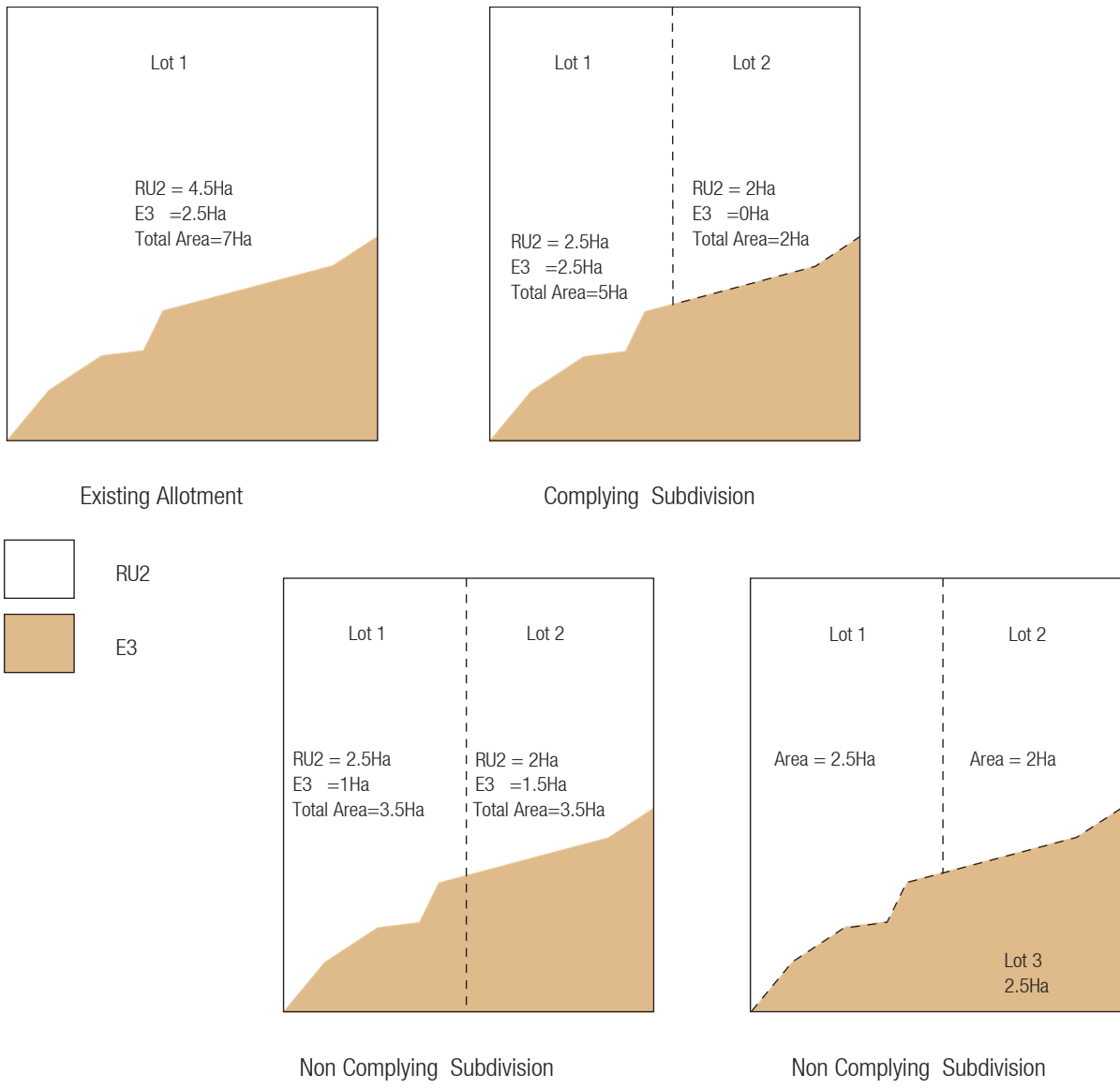
**Clause 4.1B Minimum subdivision lot size for a strata plan (local)**

This Clause specifies that minimum lot sizes shown on the Lot Size Map also apply to subdivision involving strata title plans.

**Clause 4.1C Minimum subdivision lot sizes for certain split zones (local)**

This Clause explains the methodology for calculating lot sizes for the subdivision of properties with two zonings.

**Figure 2 - Calculating lots sizes for properties with two zonings**



Clause 4.2 Rural subdivision (compulsory)

This Clause applies to certain rural zones and allows the creation of a lot smaller than the minimum shown on the Lot Size Map for the purpose of primary production. However, a dwelling is not permitted on the lot.

Clause 4.3 Height of buildings (optional)

This Clause specifies that development must not exceed the height shown on the Height of Buildings Map. Heights are shown in metres on the Height of Buildings Map, as required in the *Standard Instrument*. The equivalent height in storeys will be identified in Council's DCP.

Height requirements have been transferred from existing DCP provisions. Where heights are specified in storeys in an existing DCP, the height in metres has been extrapolated by an urban design consultant for insertion into the Height of Buildings Map.

Height limits in storeys have been translated (where required) into heights in metres as shown in the table below:

DWELLINGS

| Height in storeys                          | Height in metres  |
|--|---|
| 2 storey                                   | 8.5m  |
| 2 storey (in E4 Environmental Living zone) | 10m (to accommodate sloping sites in River Settlements) |

TOWNHOUSES

| Height in storeys   | Height in metres |
|---------------------|------------------|
| 2 storey plus attic | 10m              |

WALK UP FLATS

| Height in storeys | Height in metres |
|-------------------|------------------|
| 3 storey          | 12m              |

MULTI STOREY APARTMENTS

| Height in storeys | Height in metres |
|-------------------|------------------|
| 4 storey          | 14.5m            |
| 5 storey          | 17.5m            |
| 6 storey          | 20.5m            |
| 7 storey          | 23.5m            |
| 8 storey          | 26.5m            |
| 9 storey          | 29.5m            |
| 10 storey         | 32.5m            |
| 11 storey         | 35.5m            |
| 12 storey         | 38.5m            |
| 13 storey         | 41.5m            |

In general, dwelling-houses have been identified on the Height of Buildings Map at a maximum height of 9m (excluding the E4 zone - see below). However, the existing dwelling-house controls restrict the height of dwelling-houses on battleaxe lots to single storey. This cannot be incorporated on the Building Height Map as it is impractical to map every battleaxe lot and newly subdivided battleaxe lots would not be included. Accordingly, the 2 storey/9m building height limit has been applied and Council's DCP will include controls to manage impacts associated with dwellings on battleaxe lots.

Dwelling-houses in the E4 - Environmental Living zone (properties within the River Settlements) have been identified on the Height of Buildings Map at a maximum height of 10m for a two storey building. This is in accordance with the findings of the *River Settlements and Foreshores Review 2007*, in recognition of steeply sloping sites and the need to minimise cut and fill.

#### MIXED USE (BUSINESS AND RESIDENTIAL) DEVELOPMENT

| Height in storeys | Height in metres |
|-------------------|------------------|
| 2 storey          | 8.5m             |
| 3 storey          | 12m              |
| 4 storey          | 14.5m            |
| 5 storey          | 17.5m            |
| 6 storey          | 20.5m            |
| 7 storey          | 23.5m            |
| 8 storey          | 26.5m            |
| 9 storey          | 29.5m            |
| 10 storey         | 32.5m            |
| 12 storey         | 38.5m            |

#### BUSINESS AND INDUSTRIAL DEVELOPMENT

| Height in storeys | Height in metres |
|-------------------|------------------|
| 2 storey          | 8.5m             |
| 3 storey          | 12m              |
| 4 storey          | 16m              |
| 5 storey          | 20.5m            |
| 6 storey          | 23.5m            |
| 7 storey          | 29.5m            |
| 8 storey          | 32.5m            |
| 9 storey          | 35.5m            |
| 10 storey         | 40m              |
| 12 storey         | 48m              |

#### Clause 4.4 Floor space ratio (optional)

This Clause specifies that development must not exceed the maximum floor space ratio (FSR) shown on the Floor Space Ratio Map.

As required by the DP&I, the Floor Space Ratio Map includes FSR controls for commercial centres (business and industrial zones). It also shows FSR controls for riverside development (environment protection zones) in accordance with the findings of the *River Settlements and Foreshores Review 2007*. However, there are no FSR controls for residential zones. Instead, a suite of controls to manage bulk and scale, including site coverage, building heights, setbacks, landscaped area and outdoor living area will be included in Council's Comprehensive DCP. This is consistent with the approach adopted by Council for new five and ten storey housing forms in Housing Strategy precincts and the State Government's Housing Code.

The existing *HSLEP* includes FSR bonus provisions on certain sites where a community benefit is provided. A local subclause has been included to translate the bonus provisions for certain sites in Hornsby Town Centre, Epping, Pennant Hills, Berowra and Housing Strategy precinct locations where the specified requirement is met.

#### Clause 4.5 Calculation of floor space ratio and site area (optional)

This Clause provides the definition of FSR and explains how FSR is calculated. The *Standard Instrument* mandates the method of calculating FSR and site area which does not exclude the access handle. Accordingly, Council has not been able to retain the existing control included in the *HSLEP* to exclude the area of the access handle for the purpose of calculating FSR on battleaxe lots. However, the suite of building envelope controls included in Council's DCP will ensure bulk and scale of development is commensurate with the size of the development site.

#### Clause 4.6 Exceptions to development standards (compulsory)

This Clause allows some flexibility to development standards to allow consent in certain circumstances where a development standard has not been met. The Clause requires the applicant to demonstrate in writing that compliance with the development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify the non-compliance. The consent authority must also consider the public interest, the objectives of the standard and the objectives of the zone.

This Clause replaces *State Environmental Planning Policy 1 – Development Standards* which was previously available to applicants to demonstrate circumstances where a development standard has not been met.

## Part 5 - Miscellaneous Provisions

### Clause 5.1 Relevant acquisition authority (compulsory)

This Clause identifies the relevant authority responsible for the acquisition of land reserved for certain public purposes. The Clause also specifies that development for any purpose permitted in the zone may be carried out by a public authority with the consent of Council before it is used for the purpose for which it is reserved.

### Clause 5.1A Development on land intended to be acquired for a public purpose (local)

This is a local provision which has been inserted to control the scale of development on land intended to be acquired for a public purpose. The Clause clarifies that development consent must not be granted on land intended to be acquired unless it is for a purpose specified in the Clause (i.e roads or recreation areas).

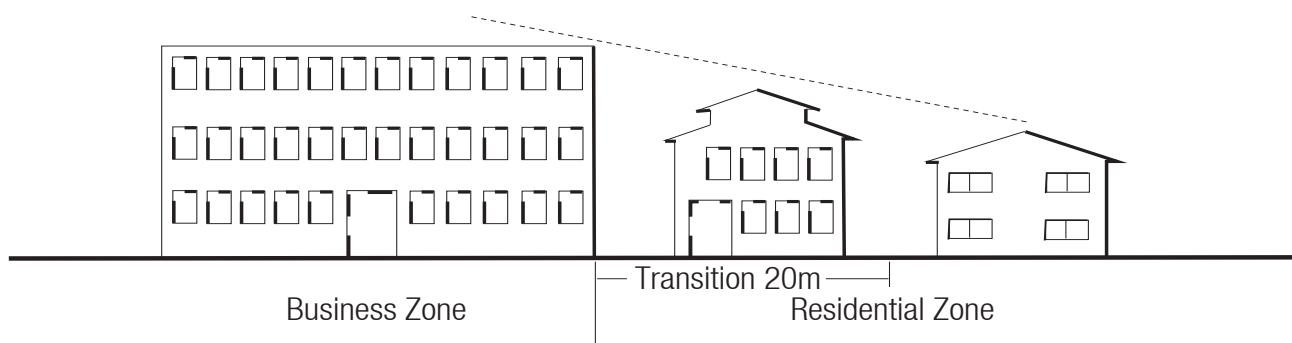
### Clause 5.2 Classification and reclassification of public land (compulsory)

This Clause enables Council to classify or reclassify land. All Council land is required to be classified as “community” or “operational” land. Community land refers to land which should be kept for the use of the general public, such as a public park. Operational land refers to land which is not kept for public use, such as a works depot or a Council garage. The *CLEP* does not propose to reclassify Council owned land for operational purposes.

### Clause 5.3 Development near zone boundaries (optional)

This Clause reflects an existing provision (Clause 11) in the *HSLEP* and allows flexibility between the boundary of two zones. The Clause applies to land within 20m of a boundary between two zones and allows consent to be granted for a use allowed on the other side of a zone boundary if it would enable a more logical and appropriate form of development. The Clause does not apply to land zoned RE1 - Public Recreation, E1 - National Parks and Nature Reserves, E2 - Environmental Conservation, E3 - Environmental Management, W1 - Natural Waterways, or W2 - Recreational Waterway.

Figure 3 - Development near zone boundaries



Clause 5.4 Controls relating to miscellaneous permissible uses (compulsory)

This Clause provides numerical standards for various land uses (which are defined in the dictionary). The Clause specifies the number of bedrooms or provides square metre limits for bed and breakfast accommodation, home businesses, home industries, industrial retail outlets, farm stay accommodation, kiosks, neighbourhood shops, roadside stalls and secondary dwellings.

Clause 5.5 Development within the coastal zone (compulsory if land to which Plan applies includes land in the coastal zone)

The *Coastal Protection and Other Legislation Amendment Act 2010* (the *Act*) was made in October 2010 and largely commenced on 1 January 2011. The *Act* inserts a definition of “coastal council” in the *Environmental Planning and Assessment Regulations 2000* which identifies that Hornsby Council is a coastal council.

Clause 5.6 Architectural roof features (optional)

This Clause specifies that roof features which are decorative elements are permitted, with consent, even if they exceed the heights shown on the Height of Buildings Map. Any roof feature must not include floor space area. This optional Clause has been included as height is now a development standard in the Plan and Council’s existing height limits do not include plant and lift overruns.

Clause 5.7 Development below mean high water mark (compulsory if land to which Plan applies contains tidal waters)

This Clause requires consent for any development proposed below mean high water mark.

Clause 5.8 Conversion of fire alarms (compulsory)

This Clause requires consent for converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades or a private service provider to connection with another private service provider or a different alarm system.

Clause 5.9 Preservation of trees or vegetation (compulsory, except subclause (9) optional)

This Clause is similar to the existing Clause 8 in the *HSLEP*. The Clause aims to preserve trees and vegetation within the area by requiring consent or a permit to prune or remove any tree or other vegetation. However, the Clause specifies that to prune or remove any tree or vegetation that is or forms part of a heritage item, or is within a heritage conservation area, is only permissible with consent (not a permit) unless Council is satisfied that it is of a minor nature or for maintenance of the item and would not adversely affect the heritage significance of the item. The Clause is required to be supplemented by a DCP which prescribes whether an approval or development consent is required based on significance, species, size, and location.

Subclause (9) of the *Standard Instrument* has not been included, as it refers to a clause concerning the *Native Vegetation Act 2003* which does not apply in Hornsby Shire.

Clause 5.9AA Trees or vegetation not prescribed by development control plan (compulsory)

This Clause states that damage to, or removal of, any tree or vegetation not prescribed by a development control plan under Clause 5.9 is permitted without development consent.

Clause 5.10 Heritage conservation (compulsory)

This Clause is similar to the existing Clause 18 in the *HSLEP* and provides for the protection of heritage items, conservation areas and Aboriginal objects and places by requiring consent for certain activities that may harm an item or an area. A heritage item or area is any item or area listed in Schedule 5 may also be shown on the Heritage Map. The Clause also lists instances where consent is not required, including minor works for maintenance or the creation of a new grave or monument in a cemetery. The new Clause means that consent is required for interior and exterior changes, instead of exterior changes only as was previously required in the *HSLEP*. The new Clause also only allows items of State and local significance. Accordingly, items of State significance (not listed on the State Heritage Register) and regional significance under the *HSLEP* default to items of local significance in the CLEP.

The Clause also includes conservation incentives, allowing development otherwise not permitted, provided it meets conservation criteria and is undertaken in accordance with a heritage conservation management plan.

Clause 5.11 Bush fire hazard reduction (compulsory)

This Clause allows bushfire hazard reduction work authorised by the *Rural Fires Act 1997* to be carried out on any land without consent.

Clause 5.12 Infrastructure development and use of existing buildings of the Crown (compulsory)

This Clause clarifies that the Plan does not prohibit development by or on behalf of a public authority that is permitted to be carried out without consent under the *Infrastructure SEPP*.

Clause 5.13 Eco-tourist facilities (compulsory if eco-tourist facilities permitted with consent)

This Clause requires the consent authority to be satisfied that the eco-tourist facility is sympathetic to and maintains the environmental and cultural values of the land, and is designed and managed to have minimal impact on the environment.

## Part 6 - Local provisions - general

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### Clause 6.1 Foreshore building line (local)

This Clause establishes that a foreshore building line applies and is shown on the Foreshore Building Line Map. The Clause specifies that only certain development is permissible in the foreshore area (between the foreshore building line and the mean high water mark). Foreshore Building Lines apply at Brooklyn, Dangar Island, Wisemans Ferry and along the River Settlements. This Clause reflects the existing Clause 20 in the *HSLEP*. However, a Foreshore Building Line has been added for the River Settlements in accordance with the *River Settlements and Foreshores Review 2007*.

### Clause 6.2 Location of sex services premises (local)

This Clause specifies locations where sex services premises are permitted (with consent) to minimise land use conflicts and amenity impacts. The Clause requires consideration of the impacts of the proposed development on land that adjoins residential zones or any place likely to be frequented by children.

### Clause 6.3 Acid sulfate soils (local)

This Clause aims to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. This Clause reflects the existing Clause 20A in the *HSLEP*. The Acid Sulfate Soils Map identifies classes of acid sulfate soil and the Clause specifies what type of works require consent and an acid sulfate soils management plan.

### Clause 6.4 Natural resource - biodiversity (local)

This Clause aims to protect native flora and fauna and their habitats. The Clause refers to land mapped as “Significant Vegetation - Biodiversity” on the Natural Resource - Biodiversity Map. Development consent must not be granted on the land unless potential adverse impacts are considered and the development is designed to avoid or minimise adverse impact and includes restoration of disturbed or modified areas. The inclusion of this Clause was recommended by the *Native Vegetation Planning Review 2010* and will work in concert with the trees and vegetation management provisions of Council’s DCP.

### Clause 6.5 High risk flood planning areas (local)

This Clause aims to minimise the risk of flood to life and property. The Clause applies to land shown as “High risk flood planning area” on the Flood Planning Map, as well as other land at or below the flood planning level. The Clause requires that development be compatible with the flood risk of the land and not affect flood behaviour.

### Clause 6.6 Stormwater (local)

This Clause aims to minimise the impacts of stormwater on land to which the development applies, adjoining properties, waterways, groundwater systems and native bushland, by requiring development that maximises the use of water permeable surfaces and provides on site stormwater retention.

Clause 6.7 Earthworks (local)

This Clause has been included as a local provision to replace the existing Clause 9 Landform Modification in the *HSLEP*. Council recognises that earthworks (the filling or excavation of land) has the potential for significant negative impacts in terms of soil erosion, sedimentation, tree loss and drainage impacts. The Clause requires consent for earthworks in appropriate zones so that impacts may be lessened or avoided, it being noted that earthworks in sensitive environments such as wetlands and the waterways are prohibited. Accordingly, Clause 21 in the existing *HSLEP* declaring dredging as designated development has not been transferred to the *CLEP*.

# Schedules

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## Schedule 1 Additional permitted uses

This Schedule lists land uses which are permitted on certain land in addition to those permitted in the Land Use Tables.

## Schedule 2 Exempt development

This Schedule lists development considered to have minimal environmental impact. The listed development may be carried out without the need to obtain development consent, provided that it meets the standards outlined.

## Schedule 3 Complying development

This Schedule lists development considered to be routine, low impact. The listed development can be assessed as Complying Development provided that it meets the standards outlined.

## Schedule 4 Classification and reclassification of public land

This Schedule lists Council land which is proposed to be reclassified as operational or community land under the *Local Government Act 1993*. No land is proposed to be reclassified under the Plan.

## Schedule 5 Environmental heritage

This Schedule identifies heritage items and heritage conservation areas within the Shire. The items and areas are also identified on the Heritage Map.

# Dictionary

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The Dictionary defines words and expressions used in the Plan. There are a total of 285 terms listed (compared to 127 definitions listed under the HSLEP dictionary). Council cannot add, delete or replace any of the terms listed in the *Standard Instrument*.

Types of development are defined by land use terms and group terms. Land use terms and group terms may be listed in different parts of the same land use table, therefore the entire land use table needs to be read to determine if something is permissible (see Determining the Permissibility of Development in a Zone on page 11 of this document or the land use Matrix in the Appendix for further details).

# Appendix

## CLAUSE TRANSLATION

| Existing Clause in HSLEP 1994                | Equivalent Clause(s) in new LEP   |
|--|---|
| 1 Name of Plan                               | 1.1 Name of Plan  |
| 2 Aims and Objectives of the plan            | 1.2 Aims of Plan  |
| 3 Land to which the plan applies             | 1.3 Land to which Plan applies  |
| 4 Relationship to other planning instruments | 1.8 Repeal of other local planning instruments applying to land<br>1.9 Application of SEPPs |
| 5 Consent authority                          | 1.6 Consent authority   |
| 6 Savings                                    | 1.8A Savings provisions relating to development applications                                |
| 7 Zoning control table                       | 2.1 Land use zones<br>Land Use Table  |
| 7A Exempt Development                        | 3.1 Exempt development  |
| 7B Complying Development                     | 3.2 Complying development   |
| 8 Tree Preservation                          | 5.9 Preservation of trees or vegetation   |
| 9 Landform Modification                      | 6.7 Earthworks  |
| 10 Services                                  | N/A   |
| 11 Development near zone boundaries          | 5.3 Development near zone boundaries  |
| 12 Temporary Use of Land                     | 2.8 Temporary use of land   |
| 13 Suspension of restrictions on land        | 1.9A Suspension of covenants, agreements and instruments                                    |
| 14 Density                                   | 4.1 Minimum subdivision lot size  |
| 15 Floorspace Ratio                          | 4.4 Floor space ratio   |
| 16 Council Land                              | 5.2 Classification and reclassification of public land                                      |
| 17 Land Acquisition                          | 5.1 Relevant acquisition authority  |
| 18 Heritage                                  | 5.10 Heritage conservation  |
| 19 Bushland Protection                       | 6.4 Natural resource - biodiversity   |
| 20 Waterways                                 | 6.1 Foreshore building line<br>6.5 High risk flood planning areas                           |
| 20A Acid Sulfate Soils                       | 6.3 Acid sulfate soils  |
| 21 Designated Development                    | N/A   |
| 22 Exceptions                                | 2.5 Additional permitted uses for particular land<br>Schedule 1 Additional permitted uses   |
| 23 Dictionary                                | Dictionary  |

# LAND USE MATRIX

| Hornsby Local Environmental Plan 2011<br>Land Use Matrix [DoP version 3.0] |  | Is the zone used? [please select Y/N for each zone] |    |    |    |    |             |    |    |    |    |          |    |     |     |            |     |     |     |     |       |    |    |           |    |           |    |
|--|--|---|----|----|----|----|-------------|----|----|----|----|----------|----|-----|-----|------------|-----|-----|-----|-----|-------|----|----|-----------|----|-----------|----|
|  |  | Rural   |    |    |    |    | Residential |    |    |    |    | Business |    |     |     | Industrial |     |     | SP3 |     | Recrn |    |    | Env Protn |    | Waterways |    |
|  |  | R1  | R2 | R3 | R4 | R5 | B1          | B2 | B3 | B4 | B5 | B6       | B7 | IN1 | IN2 | IN3        | IN4 | SP3 | RE1 | RE2 | E1    | E2 | E3 | E4        | W1 | W2        | W3 |
| <b>agriculture</b>   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| aquaculture  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| extensive agriculture [eg. grazing of livestock, etc.]                     |  | O   | O  | O  | O  | O  | O           | O  | O  | O  | O  | O        | O  | O   | O   | O          | O   | O   | O   | O   | O     | O  | O  | O         | O  | O         | O  |
| bee keeping  |  | O   | O  | O  | O  | O  | O           | O  | O  | O  | O  | O        | O  | O   | O   | O          | O   | O   | O   | O   | O     | O  | O  | O         | O  | O         | O  |
| dairy (pasture-based)  |  | O   | O  | O  | O  | O  | O           | O  | O  | O  | O  | O        | O  | O   | O   | O          | O   | O   | O   | O   | O     | O  | O  | O         | O  | O         | O  |
| intensive livestock agriculture [eg. poultry farms, etc.]                  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| feedlots   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| dairies (restricted)   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| intensive plant agriculture [eg. cultivation of irrigated crops]           |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| horticulture   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| turf farming   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| viticulture  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| (LAND USE terms OUTSIDE agriculture group term)                            |  |   |    |    |    |    |             |    |    |    |    |          |    |     |     |            |     |     |     |     |       |    |    |           |    |           |    |
| animal boarding or training establishments                                 |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| farm buildings   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| forestry   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| (LAND USE terms WITHIN residential accommodation group term)               |  |   |    |    |    |    |             |    |    |    |    |          |    |     |     |            |     |     |     |     |       |    |    |           |    |           |    |
| <b>residential accommodation</b>   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| attached dwellings   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| boarding houses  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| dual occupancies   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| dual occupancies (attached)  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| dual occupancies (detached)  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| dwelling houses  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| group homes  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| group homes (permanent)  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| group homes (transitional)   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| hostels  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| multi dwelling housing   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| residential flat buildings   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| rural worker's dwellings   |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| secondary dwellings  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| semi-detached dwellings  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| seniors housing  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| residential care facilities  |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| shop top housing   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |
| (LAND USE terms OUTSIDE residential accommodation group term)              |  |   |    |    |    |    |             |    |    |    |    |          |    |     |     |            |     |     |     |     |       |    |    |           |    |           |    |
| home-based child care  |  | O   | O  | O  | O  | O  | O           | O  | O  | O  | O  | O        | O  | O   | O   | O          | O   | O   | O   | O   | O     | O  | O  | O         | O  | O         | O  |
| home business  |  | C   | C  | C  | C  | C  | C           | C  | C  | C  | C  | C        | C  | C   | C   | C          | C   | C   | C   | C   | C     | C  | C  | C         | C  | C         | C  |
| home occupations   |  | O   | O  | O  | O  | O  | O           | O  | O  | O  | O  | O        | O  | O   | O   | O          | O   | O   | O   | O   | O     | O  | O  | O         | O  | O         | O  |
| home occupation (sex services)   |  | X   | X  | X  | X  | X  | X           | X  | X  | X  | X  | X        | X  | X   | X   | X          | X   | X   | X   | X   | X     | X  | X  | X         | X  | X         | X  |

# Hornsby Local Environmental Plan 2011

## Land Use Matrix [DoP version 3.0]

### Legend

- o** permitted without consent [mandated under the SI].
- o** permitted without consent.
- c** permitted with consent [mandated under the SI].
- c** permitted with consent.
- x** prohibited [mandated under the SI].
- x** prohibited.
- A** permitted under SEPP (Affordable Rental Housing) 2009.
- I** permitted under SEPP (Infrastructure) 2007.
- fill colours in green or red** mandated under the SI.
- fill colour in purple** public infrastructure permitted under a SEPP.

Is the zone used? [please select Y/N for each zone]

### (LAND USE terms WITHIN tourist and visitor accommodation group term)

|  | R1 | R2 | R3 | R4 | R5 | B1 | B2 | B3 | B4 | B5 | B6 | B7 | IN1 | IN2 | IN3 | IN4 | SP3 | RE1 | RE2 | E2 | E3 | E4 | W1 | W2 | W3 |  |
|--|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|----|----|----|----|----|----|--|
| <b>tourist and visitor accommodation</b> |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |    |    |    |    |    |    |  |
| backpackers' accommodation               |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |    |    |    |    |    |    |  |
| bed & breakfast accommodation            |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |    |    |    |    |    |    |  |
| farm stay accommodation                  |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |    |    |    |    |    |    |  |
| hotel or motel accommodation             |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |    |    |    |    |    |    |  |
| serviced apartments                      |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |    |    |    |    |    |    |  |

### (LAND USE terms OUTSIDE tourist and visitor accommodation group term)

|                        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| camping grounds        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| caravan parks          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| eco-tourist facilities |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

### (LAND USE terms WITHIN commercial premises group term)

|   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| <b>commercial premises</b>                                      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| business premises (eg. banks, post offices, hairdressers, etc.) |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| funeral homes   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| office premises   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| retail premises   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| bulky goods premises  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| cellar door premises  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| food & drink premises   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| pubs  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| restaurants or cafes  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| take-away food & drink premises                                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| garden centres  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| hardware & building supplies                                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| kiosks  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| landscaping material supplies                                   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| markets   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| plant nurseries   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| roadside stalls   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| rural supplies  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| shops   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| neighbourhood shops   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| timber yards  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| vehicle sales or hire premises                                  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

### (LAND USE terms OUTSIDE commercial premises group term)

|                           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| amusement centres         |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| entertainment facilities  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| function centres          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| highway service centres   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| industrial retail outlets |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| registered clubs          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |



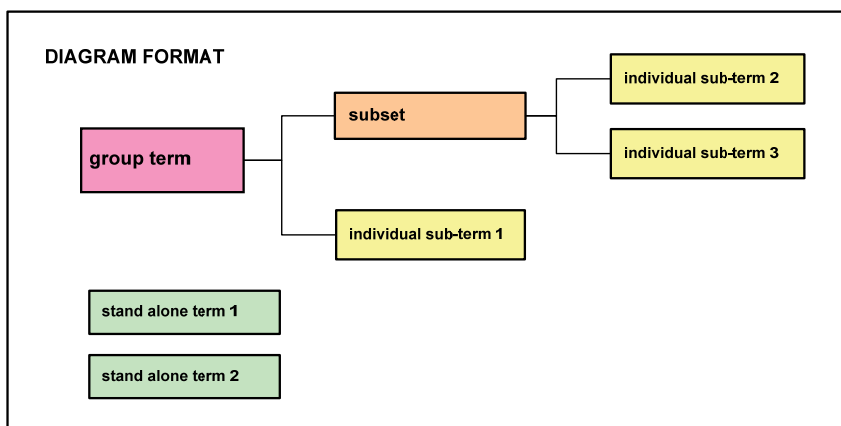
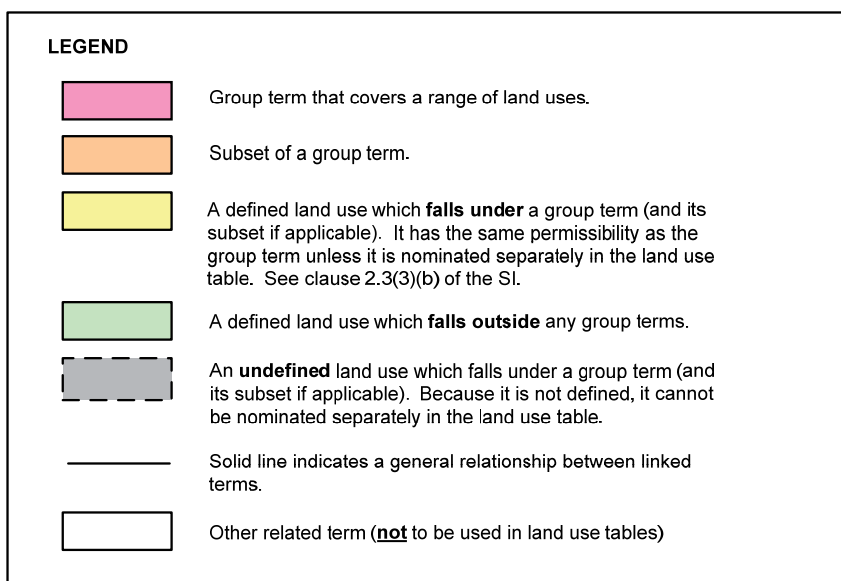






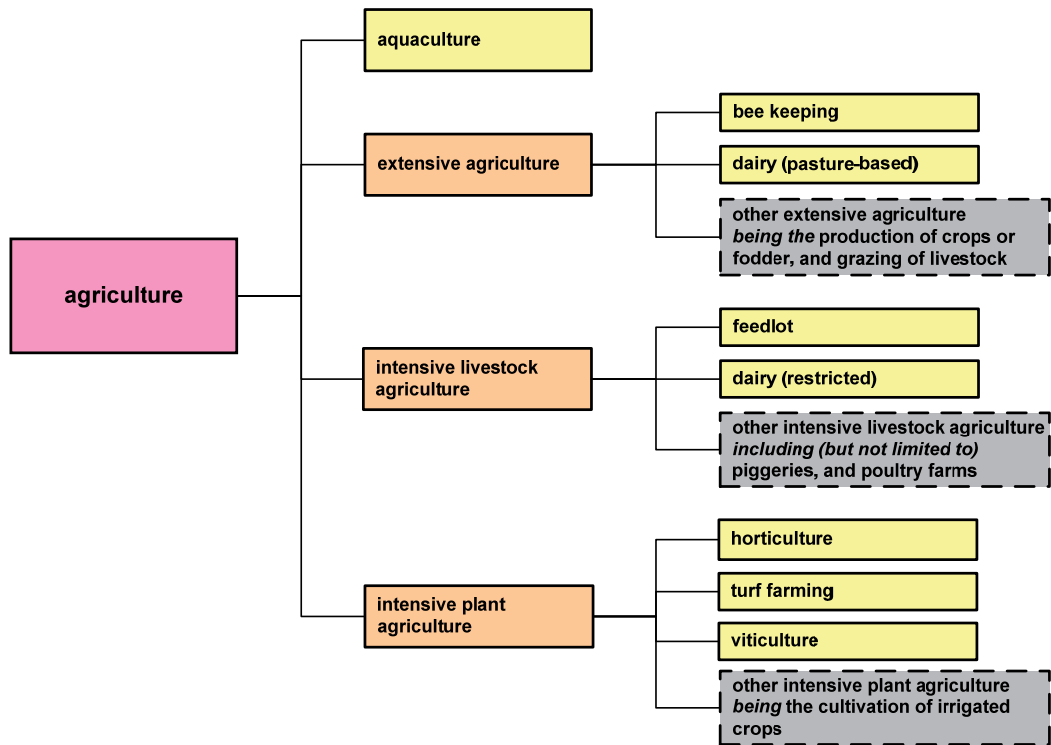
The following diagrams show the relationships between group terms and land use terms which will assist with determining the permissibility of development in a zone. Group terms, as the name suggests, group more than one related land use term together. Land use terms and group terms may be listed in different parts of the same land use table. Therefore, to determine if something is permissible in a zone the entire land use table needs to be read.

The diagrams have been extracted from a Practice Note (PN11-004) issued by the Department of Planning. The full practice note can be viewed at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under “Local Planning” > “LEP Practice Notes and Planning Circulars”.



# AGRICULTURE

LAND USE terms WITHIN agriculture group term:



## LAND USE terms OUTSIDE agriculture group term

Examples:

- animal boarding or training establishment
- farm building
- forestry

Any sub-terms WITHIN residential accommodation group term:

Examples:

rural worker's dwelling

Any sub-terms WITHIN tourist and visitor accommodation group term:

Examples:

farm stay accommodation

Any sub-terms WITHIN commercial premises group term:

Examples:

cellar door premises

roadside stall

Any sub-terms WITHIN rural industry group term:

Examples:

agricultural produce industry

livestock processing industry

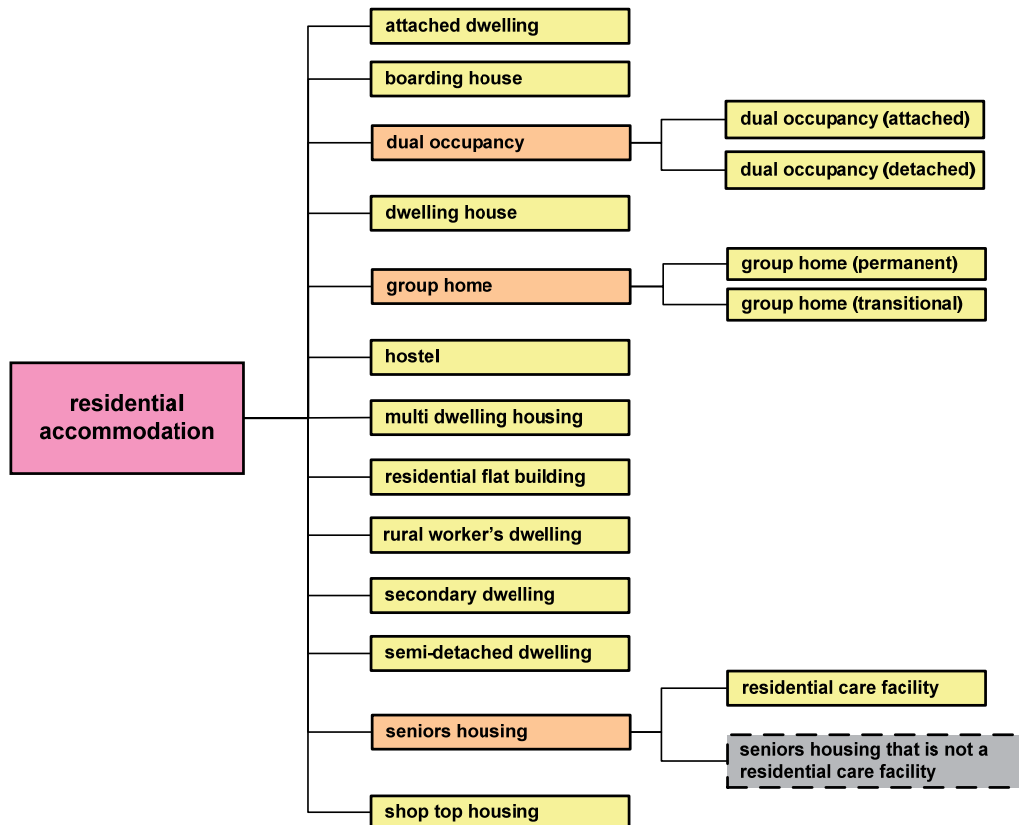
Other related terms NOT to be used in LAND USE TABLES

Examples:

restriction facilities

# RESIDENTIAL ACCOMMODATION

LAND USE terms WITHIN residential accommodation group term:



## LAND USE terms OUTSIDE residential accommodation group term

|   |  |   |
|---|--|---|
| <p>Examples:</p> <ul style="list-style-type: none"> <li>camping ground</li> <li>caravan park</li> <li>exhibition home</li> <li>exhibition village</li> <li>home-based child care</li> </ul> | <p>Any sub-terms WITHIN <b>health services facility</b> group term:</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>health consulting rooms</li> <li>home business</li> <li>home occupation</li> <li>home occupation (sex services)</li> </ul> | <p>Any sub-terms WITHIN <b>industry</b> group term:</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>home industry</li> </ul>  |
|   |  | <p>Any sub-terms WITHIN <b>tourist and visitor accommodation</b> group term:</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>bed and breakfast accommodation</li> <li>serviced apartment</li> </ul> |

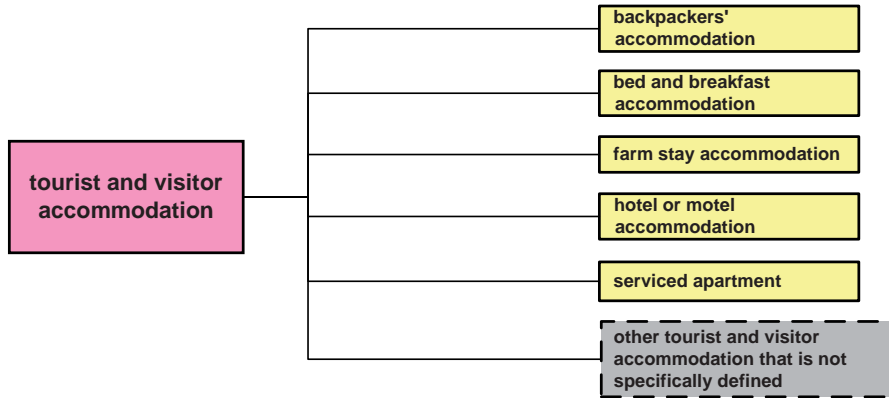
## Other related terms NOT to be used in LAND USE TABLES

Examples:

- affordable housing
- dwelling
- mixed use development
- moveable dwelling

# TOURIST AND VISITOR ACCOMMODATION

LAND USE terms WITHIN tourist and visitor accommodation group term:



LAND USE terms OUTSIDE tourist and visitor accommodation group term

Examples:

camping ground

caravan park

eco-tourist facility

Any sub-terms WITHIN residential accommodation group term:

Examples:

boarding house

residential flat building

dwelling house

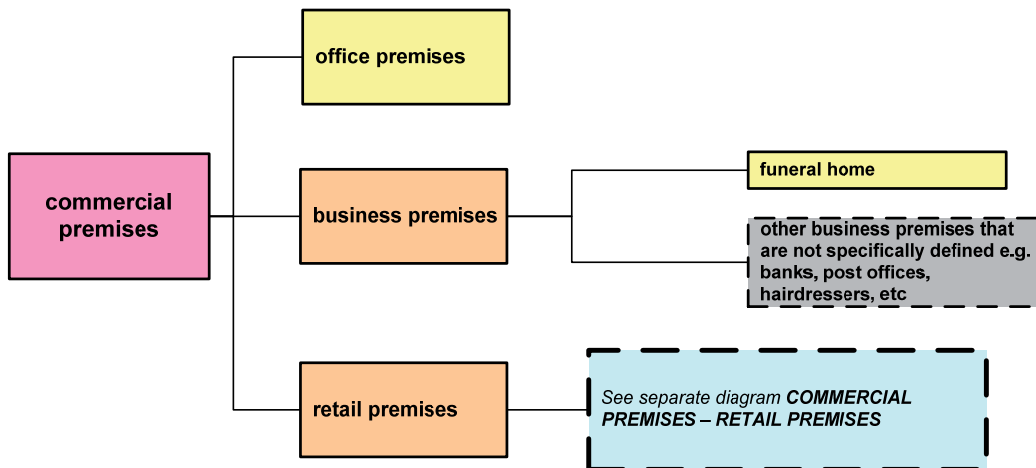
Other related terms NOT to be used in LAND USE TABLES

Examples:

mixed use development

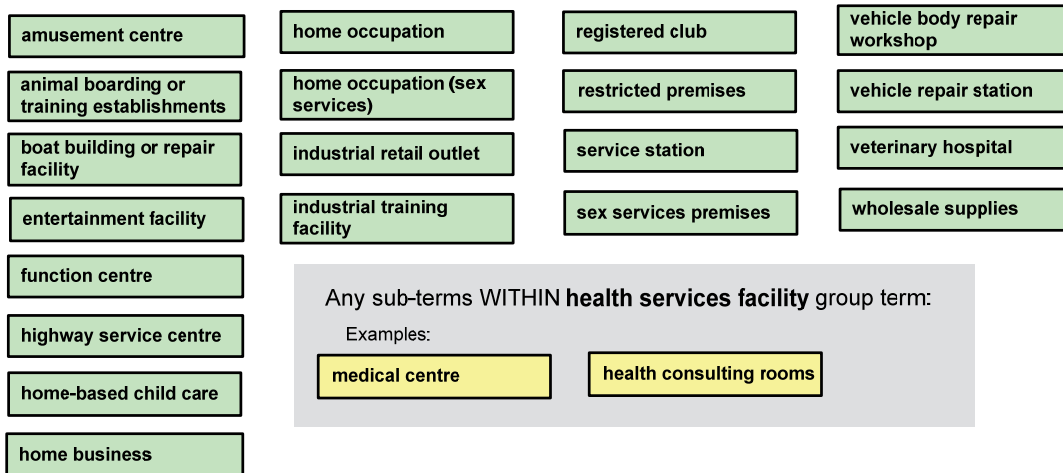
# COMMERCIAL PREMISES

LAND USE terms WITHIN commercial premises group term:



## LAND USE terms OUTSIDE commercial premises group term

Examples:



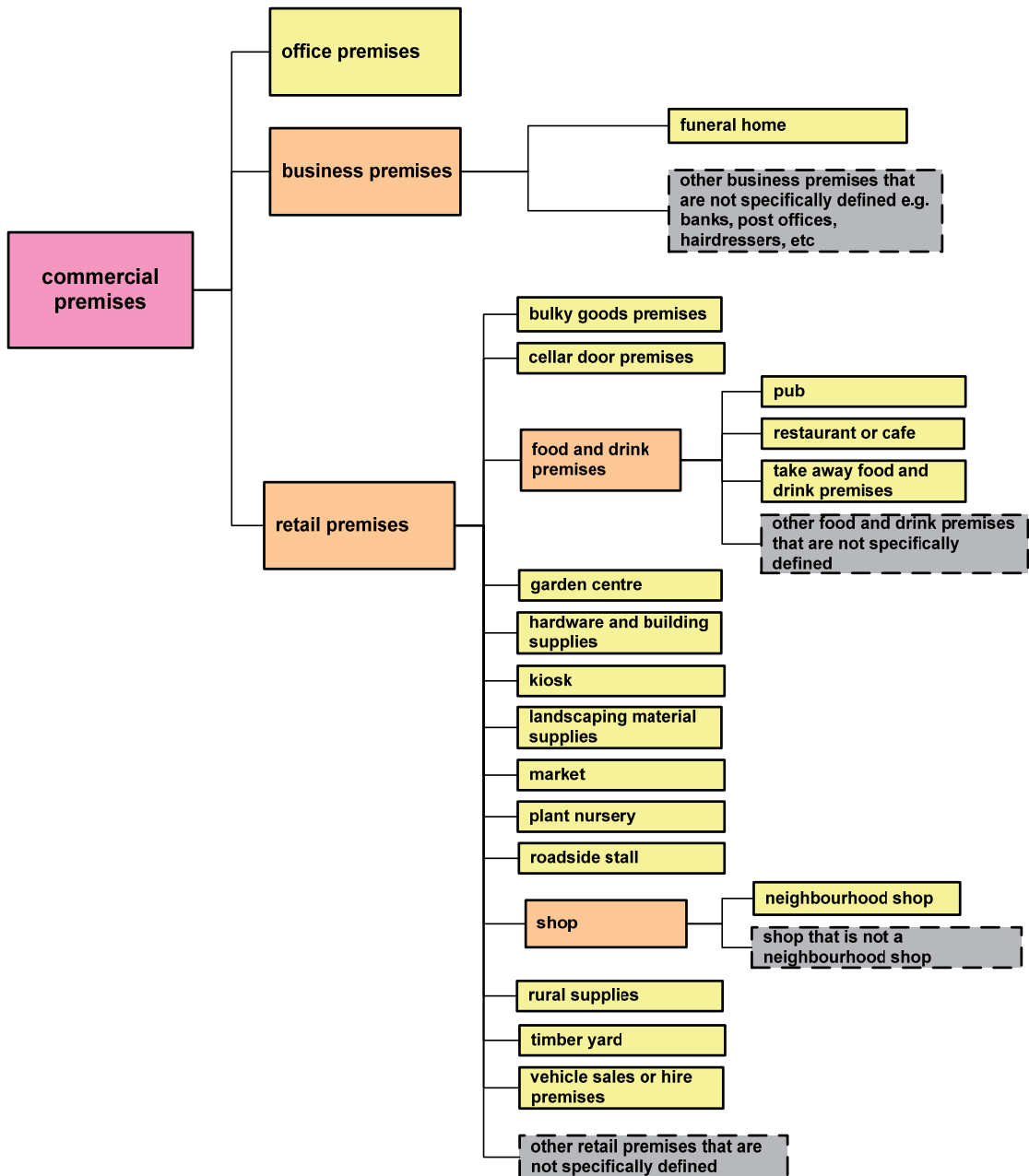
Other related terms NOT to be used in LAND USE TABLES

Examples:



# COMMERCIAL PREMISES – RETAIL

LAND USE terms WITHIN commercial premises group term:



LAND USE terms OUTSIDE commercial premises group term

Examples:

highway service centre

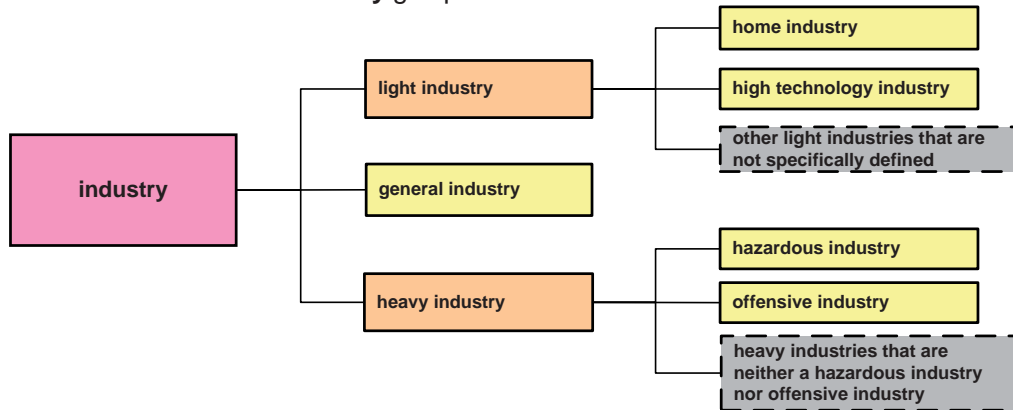
industrial retail outlet

restricted premises

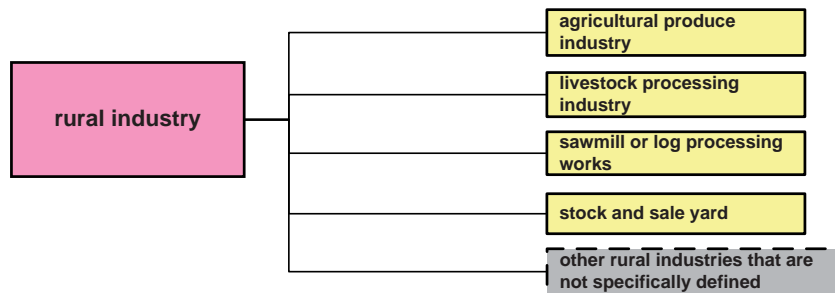
service station

# INDUSTRY & RURAL INDUSTRY

LAND USE terms WITHIN industry group term:



LAND USE terms WITHIN rural industry group term:



## LAND USE terms OUTSIDE BOTH industry & rural industry group terms

Examples:

boat building or repair facility

industrial training facility

warehouse or distribution centre

wholesale supplies

depot

open cut mining

Miscellaneous related group term:

Examples:

extractive industry

vehicle body repair workshop

storage premises

heavy industrial storage establishment

industrial retail outlet

vehicle repair station

Other related terms NOT to be used in LAND USE TABLES

Examples:

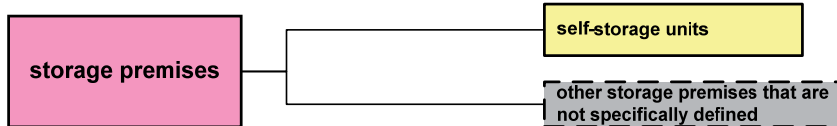
industrial activity

mining

underground mining

# STORAGE LAND USES

**LAND USE** terms WITHIN **storage premises** group term:



**LAND USE** terms WITHIN **heavy industrial storage establishment** group term:



## LAND USE terms OUTSIDE BOTH **storage premises** & **heavy industrial storage establishment** group terms

Examples:

depot

warehouse or distribution centre

industrial retail outlet

wholesale supplies

Miscellaneous related group term:

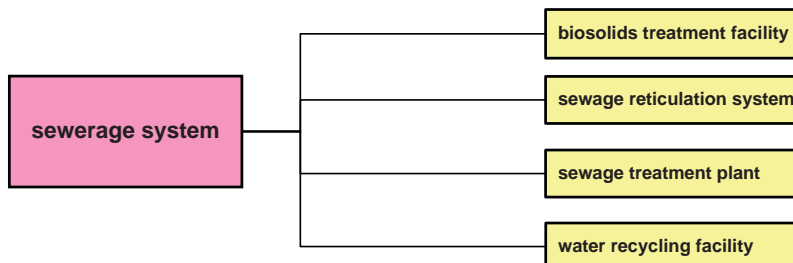
Examples only:

industry

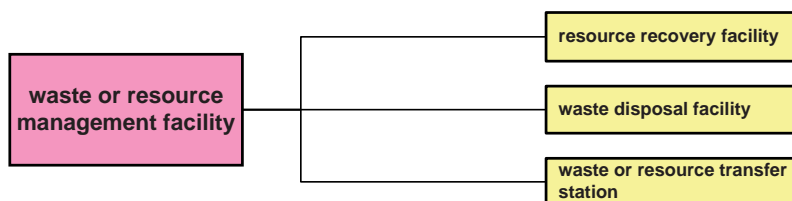
rural industry

# INFRASTRUCTURE – WATER & WASTE

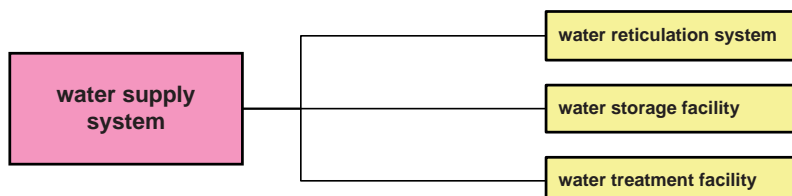
LAND USE terms WITHIN **sewerage system** group term:



LAND USE terms WITHIN **waste or resource management facility** group term:



LAND USE terms WITHIN **water supply system** group term:



## Other LAND USE terms relating to public utility infrastructure

Examples:

electricity generating works

## Other related terms NOT to be used in LAND USE TABLES

Examples:

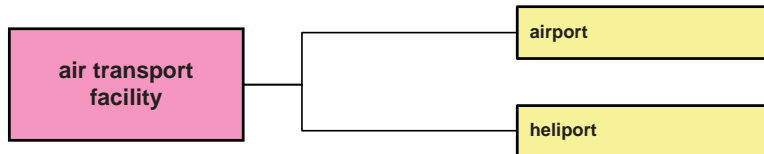
public utility undertaking

telecommunications facility

telecommunications network

# INFRASTRUCTURE – TRANSPORT

**LAND USE** terms WITHIN **air transport facility** group term:



## LAND USE terms OUTSIDE air transport facility group term

Examples:

airstrip

helipad

## Other LAND USE terms relating to transport infrastructure

Examples:

boat shed

passenger transport facility

transport depot

car park

port facilities

truck depot

freight transport facility

road

wharf or boating facilities

## Other related terms NOT to be used in LAND USE TABLES

Examples:

classified road

navigable waterway

waterbody (artificial)

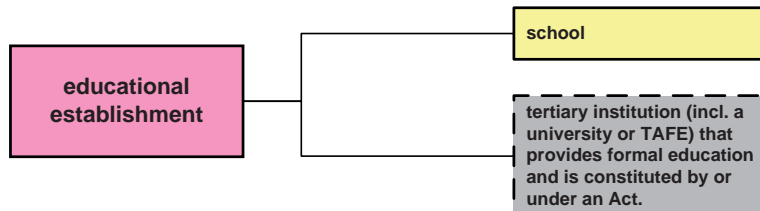
parking space

public utility undertaking

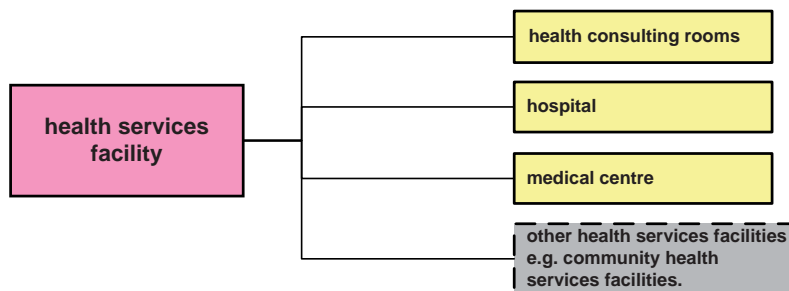
waterway

# INFRASTRUCTURE – COMMUNITY

LAND USE terms WITHIN educational establishment group term:

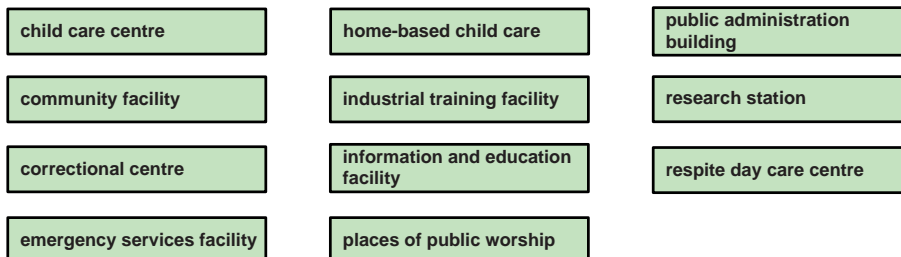


LAND USE terms WITHIN health services facility group term:



## Other LAND USE terms relating to community infrastructure

Examples:



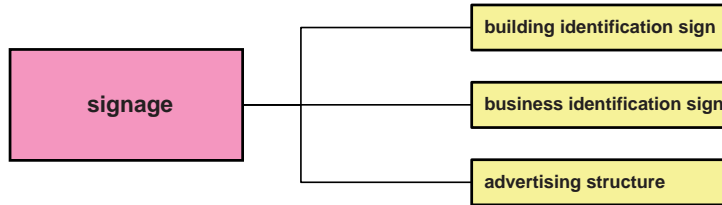
## Other related terms NOT to be used in LAND USE TABLES

Examples:



# OTHER MISCELLANEOUS LAND USES

LAND USE terms WITHIN **signage** group term:



## LAND USE terms relating to recreation

Examples:

|                                      |             |                               |                            |
|--------------------------------------|-------------|-------------------------------|----------------------------|
| boat launching ramp                  | jetty       | recreation area               | water recreation structure |
| boat shed                            | marina      | recreation facility (indoor)  |                            |
| charter and tourism boating facility | mooring     | recreation facility (major)   |                            |
| environmental facility               | mooring pen | recreation facility (outdoor) |                            |

## Other miscellaneous LAND USE terms

Examples:

|             |                                |          |
|-------------|--------------------------------|----------|
| cemetery    | environmental protection works | mortuary |
| crematorium | flood mitigation works         |          |

## Other related terms NOT to be used in LAND USE TABLES

Examples:

|                            |                          |                                      |                        |
|----------------------------|--------------------------|--------------------------------------|------------------------|
| advertisement              | coastal protection works | earthworks                           | waterbody (artificial) |
| clearing native vegetation | drainage                 | ecologically sustainable development |                        |

## LAND USE TABLE COMPARISON

The following tables provide a comparison between the permitted land uses in the *HSLEP* and the permitted land uses in the new *CLEP*. The tables identify land uses that have become “permitted with consent”, “permitted without consent”, and “prohibited” in translating the zones from the *HSLEP* to the *CLEP*. To compare the change in land uses for a particular property, identify the relevant *HSLEP* zone on the left and the proposed *CLEP* zone on the top (as identified on the Land Zoning Map).

|          | RU1 - Primary Production  | RU2 - Rural Landscapes | RU4 - Rural Small Holdings |
|----------|---|------------------------|----------------------------|
| Rural AA | <p><i>Permitted without consent</i></p> <ul style="list-style-type: none"> <li>Environmental protection works</li> </ul> <p><i>Permitted with consent</i></p> <ul style="list-style-type: none"> <li>Tourist and visitor accommodation (ie. short term accommodation)</li> <li>Garden centres</li> <li>Landscaping material supplies</li> <li>Plant nurseries</li> <li>Cellar door premises</li> <li>Flood mitigation works</li> </ul> <p><i>Prohibited</i></p> <ul style="list-style-type: none"> <li>Farm management plan</li> <li>Places of public worship</li> </ul>  |                        |                            |
| Rural AE | <p><i>Permitted without consent</i></p> <ul style="list-style-type: none"> <li>Environmental protection works</li> </ul> <p><i>Permitted with consent</i></p> <ul style="list-style-type: none"> <li>Information and education facilities</li> <li>Tourist and visitor accommodation (other than hotels or motels, serviced apartments and backpackers)</li> <li>Child care centres</li> <li>Respite day care centres</li> <li>Community facilities</li> <li>Ecotourist facilities</li> <li>Environmental facilities</li> <li>Garden centres</li> <li>Landscaping material supplies</li> <li>Plant nurseries</li> <li>Veterinary hospitals</li> <li>Cellar door premises</li> <li>Flood mitigation works</li> </ul> <p><i>Prohibited</i></p> <ul style="list-style-type: none"> <li>Farm management plan</li> </ul> |                        |                            |

|          | RU1 - Primary Production  | RU2 - Rural Landscapes  | RU4 - Rural Small Holdings  |
|----------|---|---|---|
| Rural AR | <p><i>Permitted without consent</i></p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Garden centres</p> <p>Landscaping material supplies</p> <p>Plant nurseries</p> <p>Cellar door premises</p> <p>Flood mitigation works</p> <p><i>Prohibited</i></p> <p>Farm management plan</p> <p>Places of public worship</p> |   |   |
| Rural BA |   | <p><i>Permitted without consent</i></p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Garden centres</p> <p>Landscaping material supplies</p> <p>Plant nurseries</p> <p>Cellar door premises</p> <p>Flood mitigation works</p> <p><i>Prohibited</i></p> <p>Farm management plan</p> | <p><i>Permitted without consent</i></p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Garden centres</p> <p>Landscaping material supplies</p> <p>Plant nurseries</p> <p>Cellar door premises</p> <p>Flood mitigation works</p> <p><i>Prohibited</i></p> <p>Farm management plan</p> <p>Places of public worship</p> |

|          |                          |   |   |
|----------|--------------------------|---|---|
| Rural BR | RU1 - Primary Production | RU2 - Rural Landscapes  | RU4 - Rural Small Holdings  |
|          |                          | <p><i>Permitted without consent</i></p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Garden centres</p> <p>Landscaping material supplies</p> <p>Plant nurseries</p> <p>Cellar door premises</p> <p>Flood mitigation works</p> <p><i>Prohibited</i></p> <p>Farm management plan</p> | <p><i>Permitted without consent</i></p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Garden centres</p> <p>Landscaping material supplies</p> <p>Plant nurseries</p> <p>Cellar door premises</p> <p>Flood mitigation works</p> <p><i>Prohibited</i></p> <p>Farm management plan</p> <p>Places of public worship</p> |

|                | R2 -<br>Low Density  | R3 -<br>Medium Density | R4 -<br>High Density | RU5 - Village | SP2 - Infrastructure | SP3 - Tourist |
|----------------|--|------------------------|----------------------|---------------|----------------------|---------------|
| Residential A  | <p><i>Permitted without consent</i></p> <p>Commercial home catering</p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Flood mitigation works</p> <p>Boarding houses</p> <p><i>Prohibited</i></p> <p>Dual occupancies</p> <p>Multi dwelling housing</p>                         |                        |                      |               |                      |               |
| Residential AA | <p><i>Permitted without consent</i></p> <p>Commercial home catering</p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)</p> <p>Exhibition homes</p> <p>Flood mitigation works</p> <p>Boarding houses</p> <p><i>Prohibited</i></p> <p>Dual occupancies</p> <p>Multi dwelling housing</p> |                        |                      |               |                      |               |

|                   | R2 -<br>Low Density | R3 -<br>Medium Density | R4 -<br>High Density | RU5 - Village | SP2 - Infrastructure   | SP3 - Tourist |
|-------------------|---------------------|------------------------|----------------------|---------------|--|---------------|
| Residential<br>AM |                     |                        |                      |               | <i>Permitted without consent</i><br>Environmental protection works<br><br><i>Permitted with consent</i><br>Helipads<br><br><i>Prohibited</i><br>Child care centres<br>Respite day care centres<br>Home occupations<br>Dwelling houses<br>Educational establishments<br>Information and education facilities<br>Group homes<br>Home occupations<br>Home based child care<br>Home businesses<br>Dual occupancies<br>Multi dwelling housing<br>Places of public worship<br>Public administration buildings<br>Recreation areas<br>Recreation facilities (indoor)<br>Recreation facilities (outdoor)<br>Veterinary hospitals |               |

|                   | R2 -<br>Low Density  | R3 -<br>Medium Density | R4 -<br>High Density | RU5 - Village  | SP2 - Infrastructure | SP3 - Tourist |
|-------------------|--|------------------------|----------------------|--|----------------------|---------------|
| Residential<br>AR | <p><i>Permitted without consent</i></p> <p>Commercial home catering<br/>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie.short term accommodation)<br/>Educational establishments<br/>Information and education facilities<br/>Exhibition homes<br/>Home businesses<br/>Places of public worship<br/>Public administration buildings<br/>Veterinary hospitals<br/>Flood mitigation works<br/>Boarding houses</p> |                        |                      | <p><i>Permitted without consent</i></p> <p>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (ie. short term accommodation)<br/>Schools<br/>Places of public worship<br/>Neighbourhood shops<br/>Flood mitigation works</p> |                      |               |
| Residential<br>AS | <p><i>Permitted without consent</i></p> <p>Commercial home catering<br/>Environmental protection works</p> <p><i>Permitted with consent</i></p> <p>Tourist and visitor accommodation (other than hotel or motels,</p>  |                        |                      |  |                      |               |

|                | R2 -<br>Low Density  | R3 -<br>Medium Density | R4 -<br>High Density | RU5 - Village | SP2 - Infrastructure | SP3 - Tourist  |
|----------------|--|------------------------|----------------------|---------------|----------------------|--|
|                | serviced apartments,<br>farm stays and<br>backpackers)<br>Educational<br>establishments<br>Information and<br>education facilities<br>Exhibition homes<br>Places of public worship<br>Public administration<br>buildings<br>Veterinary hospitals<br>Flood mitigation works<br>Boarding houses<br><i>Prohibited</i><br>Dual occupancies<br>Multi dwelling housing |                        |                      |               |                      |  |
| Residential AT |  |                        |                      |               |                      | <i>Permissible without consent</i><br>Commercial home catering<br><i>Permitted with consent</i><br>Car parks<br>Food and drink premises<br>Flood mitigation works<br><i>Prohibited</i><br>Dual occupancies<br>Multi dwelling housing<br>Registered clubs |

|               | R2 -<br>Low Density | R3 -<br>Medium Density  | R4 -<br>High Density   | RU5 - Village | SP2 - Infrastructure | SP3 - Tourist |
|---------------|---------------------|---|--|---------------|----------------------|---------------|
| Residential B |                     | <i>Permitted with consent</i><br>Boarding houses<br>Places of public worship<br>Neighbourhood shops<br>Flood mitigation works |  |               |                      |               |
| Residential C |                     |   | <i>Permitted with consent</i><br>Places of public worship<br>Neighbourhood shops<br>Flood mitigation works |               |                      |               |
| Residential D |                     |   | <i>Permitted with consent</i><br>Places of public worship<br>Neighbourhood shops<br>Flood mitigation works |               |                      |               |

|            | B1<br>Neighbourhood<br>Centre | B2 - Local<br>Centre  | B3<br>Commercial<br>Core | B4 Mixed Use | B5 - Business<br>Development | B6 - Enterprise<br>Corridor  | IN2 - Light<br>Industrial | IN4 - Working<br>Waterfront |
|------------|-------------------------------|---|--------------------------|--------------|------------------------------|--|---------------------------|-----------------------------|
| Business A |                               | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Tourist and visitor accommodation<br/>Boarding houses<br/>Flood mitigation works<br/>Rural supplies<br/>Vehicle sales or hire premises</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Sex services premises</p> |                          |              |                              | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Animal boarding or training establishments<br/>Depots<br/>Light industries<br/>Vehicle sales or hire premises<br/>Tourist and visitor accommodation (other than serviced apartments)<br/>Vehicle body repair workshops<br/>Vehicle repair stations<br/>Warehouse or distribution centres<br/>Storage premises<br/>Industry retail outlets<br/>Wholesale supplies<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Commercial premises<br/>Sex services premises</p> |                           |                             |

|            | B1 - Neighbourhood Centre   | B2 - Local Centre | B3 - Commercial Core | B4 Mixed Use | B5 - Business Development   | B6 - Enterprise Corridor  | IN2 - Industrial | IN4 - Working Waterfront |
|------------|---|-------------------|----------------------|--------------|---|---|------------------|--------------------------|
| Business B |   |                   |                      |              | <i>Permitted without consent</i><br>Environmental protection works<br><i>Permitted with consent</i><br>Light industries<br>Industry retail outlets<br>Flood mitigation works<br><i>Prohibited</i><br>Dwelling houses<br>Sex services premises | <i>Permitted without consent</i><br>Environmental protection works<br><i>Permitted with consent</i><br>Animal boarding or training establishments<br>Hospitals<br>Tourist and visitor accommodation (other than serviced apartments)<br>Neighbourhood shops<br>Kiosks<br>Vehicle body repair workshop<br>Industry retail outlets<br>Wholesale supplies<br>Flood mitigation works<br><i>Prohibited</i><br>Dwelling houses<br>Sex services premises |                  |                          |
| Business C | <i>Permitted with consent</i><br>Medical centres<br>Boarding houses<br>Flood mitigation works |                   |                      |              |   |   |                  |                          |



|            |                           |                   |                      |              |                           |  |                        |   |
|------------|---------------------------|-------------------|----------------------|--------------|---------------------------|--|------------------------|---|
|            | B1 - Neighbourhood Centre | B2 - Local Centre | B3 - Commercial Core | B4 Mixed Use | B5 - Business Development | B6 - Enterprise Corridor   | IN2 - Light Industrial | IN4 - Working Waterfront  |
|            |                           |                   |                      |              |                           | serviced apartments)<br>Vehicle body repair workshops<br>Vehicle repair stations<br>Warehouse or distribution centres<br>Storage premises<br>Industry retail outlets<br>Wholesale supplies<br>Flood mitigation works<br><i>Prohibited</i><br>Dwelling houses<br>Retail premises<br>Sex services premises |                        |   |
| Business D |                           |                   |                      |              |                           |  |                        | <i>Permitted without consent</i><br>Environmental protection works<br><i>Permitted with consent</i><br>Information and education facilities<br>Entertainment facilities<br>Light industries<br>Industrial retail outlets<br>Industrial training facilities<br>Food and drink premises (e. pubs) |

|            | B1<br>Neighbourhood<br>Centre | B2 - Local Centre  | B3<br>Commercial<br>Core | B4 Mixed Use | B5 - Business<br>Development | B6<br>Enterprise<br>Corridor | IN2 - Light<br>Industrial  | IN4 - Working<br>Waterfront |
|------------|-------------------------------|--|--------------------------|--------------|------------------------------|------------------------------|--|-----------------------------|
| Business E |                               | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Advertising structures<br/>Boarding houses<br/>Commercial premises<br/>Restricted premises<br/>Funeral homes<br/>Car park<br/>Service station<br/>Educational establishment<br/>Information and education facility<br/>Home occupation<br/>Home based child care<br/>Pub<br/>Hotel or motel accommodation<br/>Shop top housing<br/>Restaurants<br/>Tourist and visitor accommodation<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Farm buildings<br/>Extensive agriculture<br/>Animal boarding or training establishments<br/>Aquaculture<br/>Intensive livestock agriculture</p> |                          |              |                              |                              | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Car parks<br/>Educational establishments<br/>Information and education facilities<br/>Home occupations<br/>Home based child care<br/>Food and drink premises<br/>Vehicle sales or hire premises<br/>Flood mitigation works<br/>Sex services premises</p> <p><i>Prohibited</i><br/>Farm buildings<br/>Extensive agriculture<br/>Animal boarding or training establishments<br/>Seniors housing<br/>Intensive livestock agriculture<br/>Intensive plant agriculture<br/>Stock and sale yards</p> |                             |

|            | B1 - Neighbourhood Centre | B2 - Local Centre   | B3 - Commercial Core  | B4 Mixed Use  | B5 - Business Development | B6 - Enterprise Corridor | IN2 - Light Industrial | IN4 - Working Waterfront |
|------------|---------------------------|---|---|---|---------------------------|--------------------------|------------------------|--------------------------|
| Business F |                           | Intensive plant agriculture<br>Light industries<br>Waste or resource management facility<br>Agricultural produce industry<br>Stock and sale yards<br>Vehicle body repair workshops<br>Vehicle repair stations<br>Warehouse or distribution centres<br>Storage premises<br>Dwelling houses |   |   |                           |                          |                        |                          |
|            |                           |   | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Backpackers accommodation<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Sex services premises</p> | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Boarding houses<br/>Depots<br/>Light industries<br/>Tourist and visitor accommodation<br/>Vehicle repair stations<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Sex services premises</p> |                           |                          |                        |                          |

|            | B1<br>Neighbourhood<br>Centre | B2 -<br>Local<br>Centre | B3<br>Commercial<br>Core | B4 Mixed Use  | B5 - Business<br>Development   | B6 - Enterprise<br>Corridor   | IN2 - Light<br>Industrial | IN4 - Working<br>Waterfront |
|------------|-------------------------------|-------------------------|--------------------------|---|--|---|---------------------------|-----------------------------|
| Business G |                               |                         |                          | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Boarding houses<br/>Retail premises<br/>Industrial retail outlets<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Sex services premises</p> | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Industrial retail outlets<br/>Vehicle sales or hire premises<br/>Industrial training facilities<br/>Wholesale supplies<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Sex services premises<br/>Tourist and visitor accommodation (other than hotel or motel accommodation)</p> | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Vehicle sales or hire premises<br/>Vehicle body repair workshops<br/>Industry retail outlets<br/>Wholesale supplies<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Sex services premises</p> |                           |                             |

|              | B1 - Neighbourhood Centre | B2 - Local Centre | B3 - Commercial Core | B4 Mixed Use | B5 - Business Development  | B6 - Enterprise Corridor   | IN2 - Light Industrial | IN4 - Working Waterfront |
|--------------|---------------------------|-------------------|----------------------|--------------|--|--|------------------------|--------------------------|
| Industrial B |                           |                   |                      |              | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Signage (i.e advertising structures)<br/>Bulky goods premises<br/>Hardware and building supplies<br/>Timber yards<br/>Business premises<br/>Amusement centres<br/>Function centres<br/>Restricted premises<br/>Home occupations<br/>Service stations<br/>Industrial retail outlets<br/>Industrial training facilities<br/>Shop top housing<br/>Office premises<br/>Food and drink premises</p> | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Advertising structures<br/>Bulky goods premises<br/>Hardware and buildings supplies<br/>Timber yards<br/>Business premises<br/>Restricted premises<br/>Funeral homes<br/>Home occupations<br/>Home based child care<br/>Service stations<br/>Health consulting rooms<br/>Food and drink premises<br/>Seniors housing<br/>Hotel or motel accommodation<br/>Shop top housing<br/>Office premises</p> |                        |                          |

|                 | B1<br>Neighbourhood<br>Centre | B2 - Local<br>Centre | B3<br>Commercial<br>Core | B4 Mixed Use | B5 - Business<br>Development  | B6 - Enterprise<br>Corridor   | IN2 - Light<br>Industrial | IN4 - Working<br>Waterfront |
|-----------------|-------------------------------|----------------------|--------------------------|--------------|---|---|---------------------------|-----------------------------|
| Industrial<br>B |                               |                      |                          |              | Garden centres<br>Landscape<br>material supplies<br>Plant nurseries<br>Storage premises<br>Hotel or motel<br>accommodation<br>Flood mitigation<br>works<br><br>Prohibited<br>Dwelling houses<br>Waste or resource<br>management<br>facility<br>Agricultural<br>produce industries<br>Vehicle body repair<br>workshops | Tourist and visitor<br>accommodation<br>(other than serviced<br>apartments)<br>Garden centres<br>Landscaping material<br>supplies<br>Plant nurseries<br>Rural supplies<br>Industry retail outlets<br>Wholesale supplies<br>Storage premises<br>Flood mitigation<br>works<br><br><i>Prohibited</i><br>Waste or resource<br>management facility<br>Agricultural produce<br>industries |                           |                             |

|              | IN1 - General Industrial  | IN2 - Light Industrial   |
|--------------|---|--|
| Industrial A | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Freight transport facilities<br/>Industry retail outlets<br/>Industry training facilities<br/>Storage premises<br/>Flood mitigation works<br/>Sex services premises</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Group homes<br/>Home based child care<br/>Home occupations</p>   |  |
| Industrial B | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Electricity generating works<br/>General industries<br/>Industrial training facilities<br/>Freight transport facilities<br/>Sawmill or log processing works<br/>Service stations<br/>Industrial retail outlets<br/>Storage premises<br/>Flood mitigation works<br/>Sex services premises</p> <p><i>Prohibited</i><br/>Vehicle sales or hire premises<br/>Dwelling houses<br/>Group homes<br/>Home occupations<br/>Home based child care</p> | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Hardware and building supplies<br/>Timber yards<br/>Food and drink premises<br/>Garden centres<br/>Landscaping material supplies<br/>Plant nurseries<br/>Rural supplies<br/>Industry retail outlets<br/>Industrial training facilities<br/>Storage premises<br/>Flood mitigation works<br/>Sex services premises</p> <p><i>Prohibited</i><br/>Dwelling houses<br/>Group homes<br/>Home occupations<br/>Home based child care</p> |

|              | RE1 - Public Recreation  | RE2 - Private Recreation |
|--------------|--|--------------------------|
| Open Space A | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Environmental facilities<br/>Kiosks<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Aquaculture<br/>Cemeteries<br/>Crematoria<br/>Extensive agriculture<br/>Farm buildings<br/>Forestry<br/>Intensive livestock agriculture<br/>Intensive plant agriculture<br/>Water storage facilities</p> |                          |
| Open Space B | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Environmental facilities<br/>Kiosks<br/>Flood mitigation works</p> <p><i>Prohibited</i><br/>Aquaculture<br/>Cemeteries<br/>Crematoria<br/>Extensive agriculture<br/>Farm buildings<br/>Forestry<br/>Intensive livestock agriculture<br/>Intensive plant agriculture<br/>Water storage facilities</p> |                          |

|              |                         |   |
|--------------|-------------------------|---|
|              | RE1 - Public Recreation | RE2 - Private Recreation  |
| Open Space C |                         | <p><i>Permitted without consent</i><br/>Environmental protection works</p> <p><i>Permitted with consent</i><br/>Environmental facilities<br/>Kiosks<br/>Flood mitigation works</p> <p>Prohibited<br/>Aquaculture<br/>Cemeteries<br/>Crematoria<br/>Extensive agriculture<br/>Farm buildings<br/>Forestry<br/>Intensive livestock agriculture<br/>Intensive plant agriculture<br/>Water storage facilities</p> |

|                                    | E1 - National Parks and Nature Reserves | E2 - Environmental Conservation   | E3 - Environmental Management   | E4 - Environmental Living | SP3 - Tourist |
|------------------------------------|---|---|---|---------------------------|---------------|
| National Parks and Nature Reserves | Nil                                     |   |   |                           |               |
| Environmental Protection A         |   | <i>Permitted without consent</i><br>Nil<br><i>Permitted with consent</i><br>Environmental protection works<br>Environmental facilities<br><i>Prohibited</i><br>Extensive agriculture<br>Aquaculture<br>Intensive livestock agriculture<br>Intensive plant agriculture<br>Drainage |   |                           |               |
| Environmental Protection B         |   |   | <i>Permitted without consent</i><br>Nil<br><i>Permitted with consent</i><br>Tourist and visitor accommodation (ie. short term accommodation)<br>Emergency services facilities<br>Environmental facilities<br>Flood mitigation works<br><i>Prohibited</i><br>Dual occupancies (attached)<br>Intensive livestock agriculture<br>Intensive plant agriculture |                           |               |

|                            | E1 - National Parks and Nature Reserves | E2 - Environmental Conservation | E3 - Environmental Management  | E4 - Environmental Living | SP3 - Tourist  |
|----------------------------|---|---------------------------------|--|---------------------------|--|
| Environmental Protection C |   |                                 |  |                           | <p><i>Permitted without consent</i></p> <ul style="list-style-type: none"> <li>Tourist and visitor accommodation</li> <li>Child care centres</li> <li>Respite day care centres</li> <li>Community facilities</li> <li>Educational establishments</li> <li>Home businesses</li> <li>Food and drink premises</li> <li>Seniors housing</li> <li>Marinas</li> <li>Boat building and repair facilities</li> <li>Places of public worship</li> <li>Public administration buildings</li> </ul> <p><i>Prohibited</i></p> <ul style="list-style-type: none"> <li>Farm buildings</li> <li>Extensive agriculture</li> <li>Aquaculture</li> <li>Dual occupancies (attached)</li> <li>Water storage facilities</li> <li>Intensive livestock agriculture</li> <li>Intensive plant agriculture</li> </ul> |
| Environmental Protection D |   |                                 | <p><i>Permitted without consent</i></p> <p>Nil</p> <p><i>Permitted with consent</i></p> <ul style="list-style-type: none"> <li>Tourist and visitor accommodation (ie. short term accommodation)</li> <li>Emergency services facilities</li> <li>Recreation facility (indoor)</li> <li>Recreation facilities (outdoor)</li> <li>Environmental facilities</li> <li>Group homes</li> <li>Flood mitigation works</li> </ul> <p><i>Prohibited</i></p> <ul style="list-style-type: none"> <li>Dual occupancies (attached)</li> </ul> |                           |  |

|                            | E1 - National Parks and Nature Reserves | E2 - Environmental Conservation | E3 - Environmental Management                                  | E4 - Environmental Living   | SP3 - Tourist |
|----------------------------|---|---------------------------------|--|---|---------------|
| Environmental Protection D |   |                                 | Intensive livestock agriculture<br>Intensive plant agriculture |   |               |
| Environmental Protection E |   |                                 |  | <i>Permitted without consent</i><br>Environmental protection works<br><i>Permitted with consent</i><br>Tourist and visitor accommodation (ie. short term accommodation)<br>Flood mitigation works |               |

## For More Information

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### Phone

Contact Council on 9847 6726

### Online

View the Comprehensive LEP

[www.hornsby.nsw.gov.au/clep](http://www.hornsby.nsw.gov.au/clep)

View the Standard Instrument

[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under “Local Planning” > “Standard Instrument”

View DOP Practice Notes

[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under “Local Planning” > “LEP Practice Notes and Planning Circulars”



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**Town Planning Services Branch**

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