

PLANNING PROPOSAL

Housekeeping

July 2015

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BACKGROUND

The *Hornsby Local Environmental Plan (HLEP) 2013* came into force on 11 October 2013.

Prior to the LEP being finalised, on 19 December 2012, Council considered Group Manager's Report PL54/12. The report presented submissions received in response to the public exhibition of the draft *HLEP*. Council resolved that issues identified in submissions on the draft LEP that would delay the making of the Plan be dealt with through a separate amending Planning Proposal.

This *Housekeeping Planning Proposal* seeks to amend the *HLEP 2013* to address Council's resolution and resolve some of the identified issues raised during the exhibition period. The *Planning Proposal* also seeks to rectify a number of anomalies and mapping issues that have been identified since the Plan came into force in October 2013.

The *Planning Proposal* includes the removal of the reservation of land for public purposes of three parcels of land. One parcel is identified for acquisition by the State Government for regional open space and is proposed to be removed from the Land Reservation Acquisition Map at the request of the Office of Strategic Lands. Another parcel is identified for acquisition by the State Government for regional open space and is proposed to be removed with in-principle support from the Office of Strategic Lands. The third parcel is identified for acquisition by Council for a local road and is proposed to be removed as it is no longer required for the purpose for which it was identified.

Council is seeking the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) in accordance with Section 117 Direction 6.2 Reserving Land for Public Purposes.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The purpose of this *Planning Proposal* is to amend the *HLEP 2013* to ensure that it is up to date, accurate and consistent with Council's strategic direction.

The key objectives are to:

- 1) Correct minor anomalies or discrepancies;
- 2) Address Council's resolution from 19 December 2012 to:
 - a) Apply a 40ha minimum lot size over E2 Environmental Conservation zoned lands above MHWL to correspond with the previous lot size for the equivalent zone (Environmental Protection A) under the *Hornsby Shire Local Environmental Plan 1994*;
 - b) Amend the Land Reservation Acquisition Map to remove certain State Government acquisition obligations;
 - c) Reclassify land which is surplus to Council needs from community to operational and make associated land zoning changes;
- 3) Address other issues which have been identified since the Plan came into force in October 2013, including:
 - a) Amend the Lot Size Map and Land Zoning Map to correspond with the changes to the Land Zoning Map and Height of Buildings Map that were made by State Environmental Planning Policy Amendment (Epping Town Centre) 2013;
 - b) Update the Heritage Schedule to correct property addresses and item descriptions;
 - c) Permit jetties in the E2 Environmental Conservation zone
 - d) Clarify that consent is required for moorings;
 - e) Prohibit recreation facilities (indoor) in the R2 Low Density Residential Zone;
 - f) Amend the legend for the Height of Buildings Map to reconcile the heights recently introduced for Hornsby West Side and Epping; and
 - g) Amend the Land Reservation Acquisition Map to remove the acquisition obligation from a property in accordance with concept designs for traffic improvements in Asquith which indicate it is no longer required for public road.

PART 2 - EXPLANATION OF THE PROVISIONS

Amendment of the *Hornsby Local Environmental Plan 2013* as follows:

Provision	Amendment	Relevant Objective (from Part 1)
Land Use Tables	Add Jetties to the list of uses Permitted with consent in the E2 Environmental Management zone	3) c)
	Remove Moorings from the list of uses Permitted without consent in the W1 Natural Waterways and W2 Recreational Waterways zones	3) d)
	Remove Recreation facilities (indoor) from the list of uses Permitted with consent in the R2 Low Density Residential Zone	3) e)
Schedule 2 - Exempt Development	Remove the signage types that are listed in the Exempt and Complying Development Codes SEPP	1)
	Remove temporary use of buildings and temporary use of public land by Council or not-for-profit organisation which are listed in the Exempt and Complying Development Codes SEPP	1)
	Remove outdoor dining which is listed in the Exempt and Complying Development Codes SEPP	1)
	Remove clothing bins which are Exempt and Complying Development Codes SEPP	1)
Schedule 3 - Complying Development	Remove the signage types that are listed in the Exempt and Complying Development Codes SEPP	1)
Schedule 4 - Classification and Reclassification of Public Land	Insert into Part 2 the following site to be reclassified from community to operational land – interests changed 111X New Line Road, Cherrybrook	2) c)
Schedule 5 - Environmental Heritage	Amend listings in Part 1 – Heritage Items to reflect the correct property addresses and item descriptions (see Attachment B)	3) b)
Land Zoning Map	Rezone 1069 Pacific Highway, Cowan from RE1 Public Recreation to E3 Environmental Management	2) b)
	Realign zoning boundary anomaly at Lots 1 & 2 DP1199578 Calabash Point, Berowra Creek so that Lot 1 is entirely zoned RE1 Public Recreation	1)
	Realign the W2 Recreational Waterways zone to be adjacent to the IN4 Working Waterfront zone in Berowra Waters to correspond with the existing permissive occupancies at Berowra Waters Boatshed	1)
	Realign zoning and cadastre for 22X Higgins Place, Westleigh (RE1 Public Recreation)	1)
	Realign the zoning of 25 Blackbutt Avenue, Pennant Hills as entirely R2 Low Density Residential	1)
	Rezone 295 Galston Road, Galston from RU1 Primary Production to RU4 Primary Production Small Lot	1)
	Realign zoning at 25 Ray Road Epping	1)
	Rezone 111X New Line Road, Cherrybrook from RE1 Public Recreation to RE2 Private Recreation	2) c)
Lot Size Map	Remove the minimum lot size for land rezoned R3 Medium Density Residential and R4 High Density Residential	3) a)
	Apply a 500sqm minimum lot size for 56A Oxford Street, Epping	3) a)
	Apply a 40ha minimum lot size over land zoned E2 Environmental Conservation that is above MHW	2) a)
	Apply 40ha minimum lot size to 1069 Pacific Highway, Cowan in accordance with rezoning to E3 Environmental Management	2) b)
	Remove the minimum lot size for the portion of Lot 1 DP 1199578 in accordance with the rezoning anomaly	1)
	Remove the minimum lot size for a portion of 22x Higgins	1)

	Place, Westleigh in accordance with the zoning and cadastre realignment	
	Realign the 12m height limit to apply to all of 25 Ray Road Epping in accordance with the realignment of zoning	1)
Land Reservation Acquisition Map	Remove the acquisition obligation from Lot 2683 DP 40000 (Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235) at Cowan	2) b)
	Remove the acquisition obligation from 1069 Pacific Highway, Cowan	2) b)
	Remove the acquisition obligation from 5 Amore Street, Asquith	3) g)
Height of Buildings Map	Amend the legend to correctly correspond with the heights introduced for Hornsby West Side and Epping UAP	3) f)
	Apply a 10.5m height limit to 1069 Pacific Highway, Cowan in accordance with the rezoning to E3 Environmental Management	2) b)
	Remove the height limit for the portion of Lot 1 DP 1199578 in accordance with the rezoning anomaly	1)
	Remove the height limit for a portion of 22x Higgins Place, Westleigh in accordance with the zoning and cadastre realignment	1)
	Realign the 8.5m height limit to apply to all of 25 Blackbutt Avenue, Pennant Hills in accordance with the correction of the zoning anomaly for R2 Low Density Residential	1)
	Apply a 10.5m height limit to 295 Galston Road, Galston in accordance with the rezoning to RU4 Primary Production Small Lot	1)
	Remove the minimum lot size for 25 Ray Road Epping in accordance with the realignment of zoning	1)

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is not a result of any strategic study or report. However, at its meeting on 19 December 2012, Council considered Group Manager's Report No. PL54/12 (copy attached) concerning the exhibition of the draft Hornsby Local Environmental Plan. Council resolved (in part) to:

1. Endorse the draft Hornsby Local Environmental Plan for its making;
2. Prepare a Planning Proposal to progress amendments listed in Schedule A – Items 3.1 to 3.6 attached to the report;
3. To undertake further analysis of Items listed in Schedule A – Items 4.1 to 4.9 attached to the report.

The Planning Proposal is required to assist implement Council's resolution from 19 December 2012 and to correct written and mapping anomalies and improve the accuracy and consistency of the Hornsby Local Environmental Plan 2013 since its implementation in October 2013.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The Planning Proposal is the best means of achieving the intended outcome.

3. *(In respect of the reclassification of public land) If the provisions of the planning proposal include the extinguishment of any interest in the land, an explanation of the reasons why the interests are proposed to be extinguished.*

Property No. 111X New Line Road, Cherrybrook, was vested to Council in 1982 as a Public Reserve.

The Planning Proposal makes provision to the effect that, on commencement of the LEP, the subject site will be discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.

The extinguishment of such interest from the land is necessary to provide Council with the opportunity to dispose of the surplus property and to remove restrictions from the site to facilitate redevelopment of the site in accordance with an RE2 zoning.

Section B - Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The Planning Proposal is consistent with the State Government's Sydney Metropolitan Plan. The proposed amendments are predominantly administrative in nature and the Planning Proposal aims to ensure quality outcomes for the long term benefit of the Shire through ensuring the accuracy and consistency of our planning controls.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

Yes. The Planning Proposal is consistent with Council's Community Strategic Plan. *Your Community Plan 2013 – 2033* aims to achieve a harmonious natural and built environment by monitoring and reviewing existing planning controls to ensure quality outcomes for the long term benefit of the Shire.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. See Appendix A for details.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes. The *Planning Proposal* is consistent with applicable s117 Ministerial Directions. See Appendix B for details.

Section C - Environmental, social and economic impact

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

8. *Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?*

No.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal is not anticipated to have any negative social or economic impacts. The aim of the planning proposal is to ensure that the HLEP 2013 is accurate and remains consistent with Council's strategic policy direction.

Section D - State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

This proposal is unlikely to have any impacts on infrastructure provision.

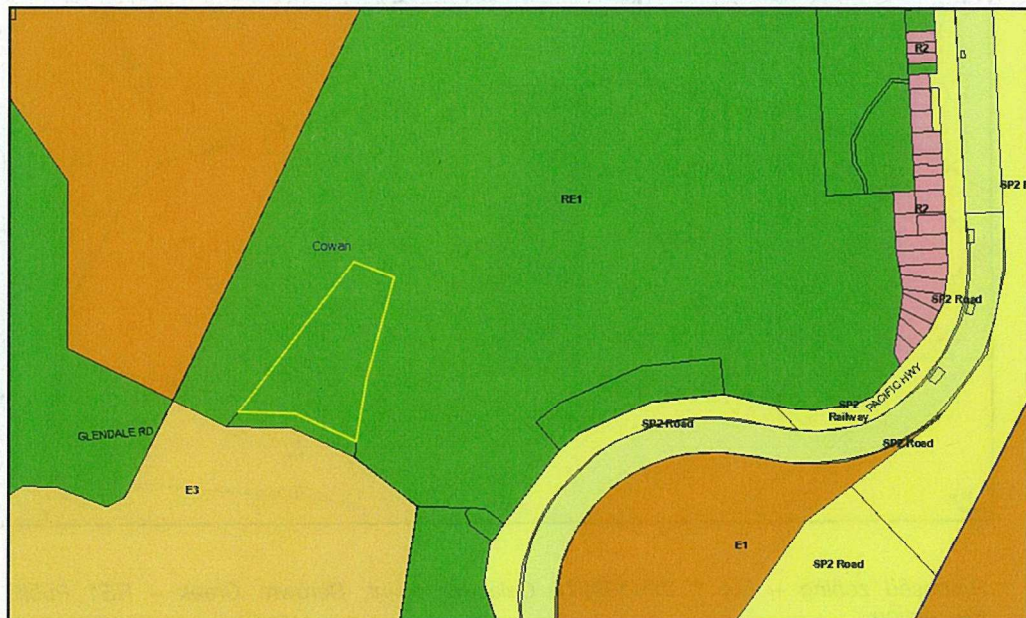
11. *What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?*

The views of the State agencies will be sought through consultation in accordance with the Gateway Determination. However, preliminary advice was sought from the Office of Strategic Lands (OSL) concerning their position on the strategic need for acquisition of property No. 1069 Pacific Highway, Cowan. The OSL has confirmed that it would support the rezoning of the property and the removal of any planned acquisition. Further consultation will occur with OSL upon receipt of the Gateway Determination.

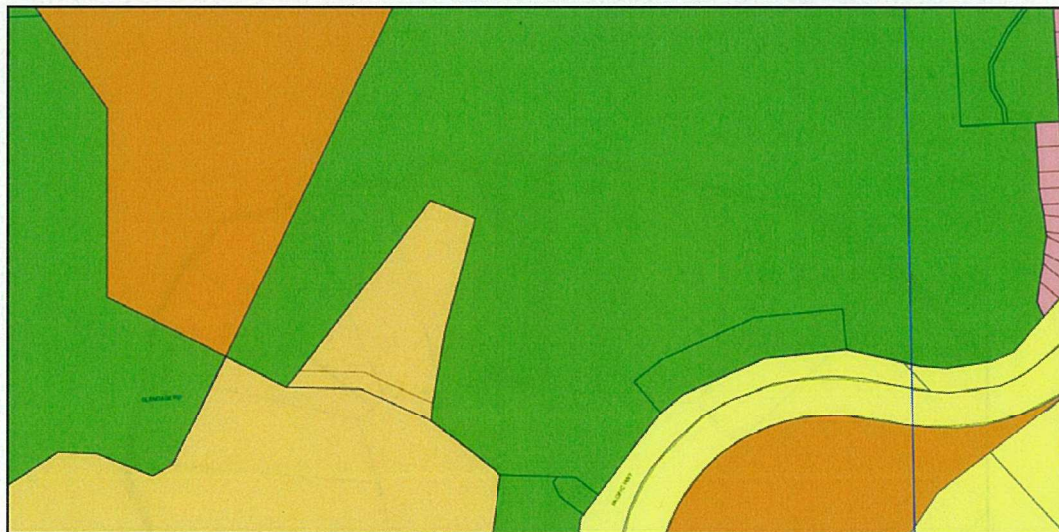
PART 4 - MAPS

A) LAND ZONING MAP CHANGES

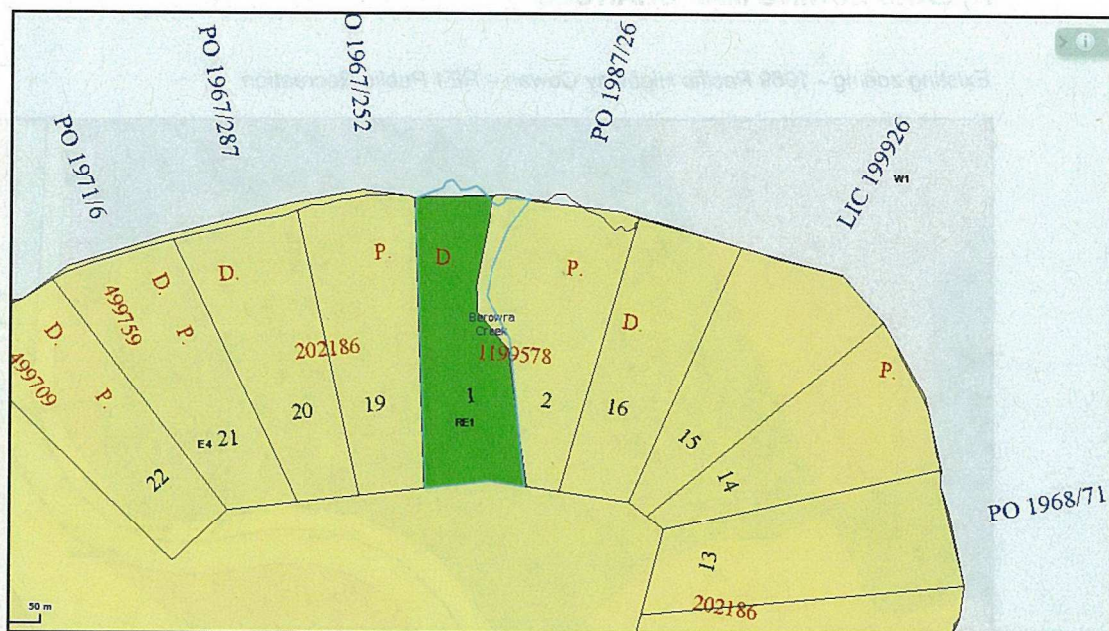
Existing zoning - 1069 Pacific Highway Cowan – RE1 Public Recreation



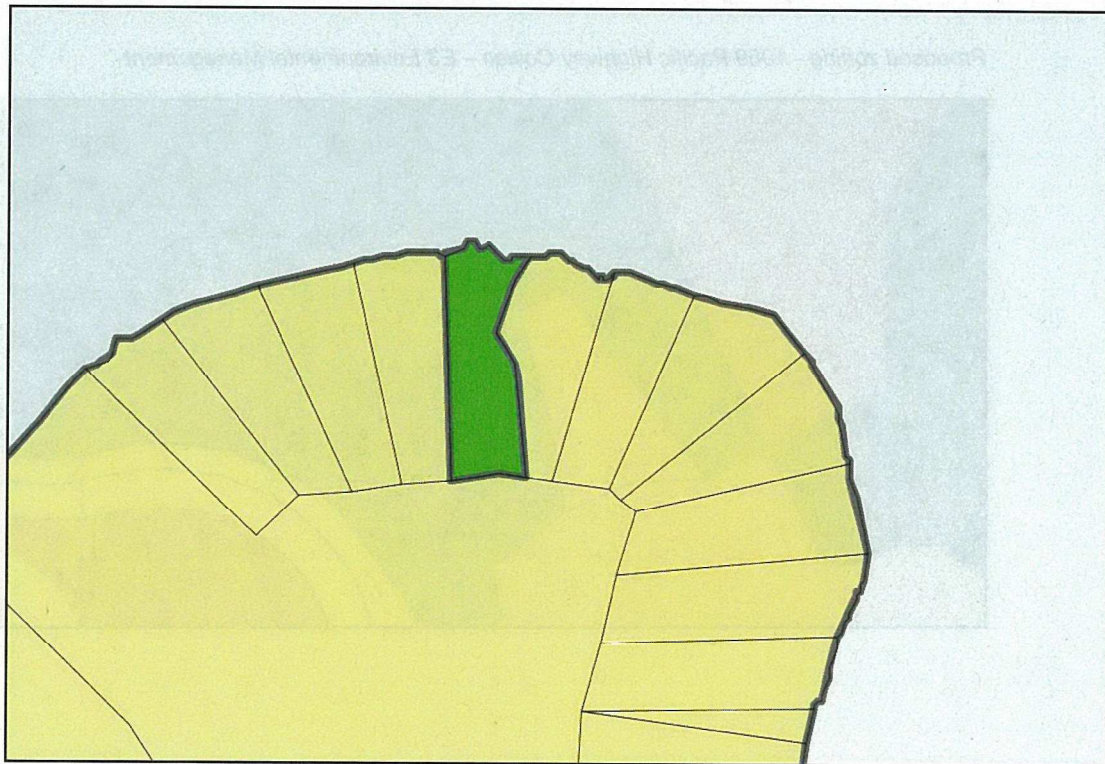
Proposed zoning - 1069 Pacific Highway Cowan – E3 Environmental Management



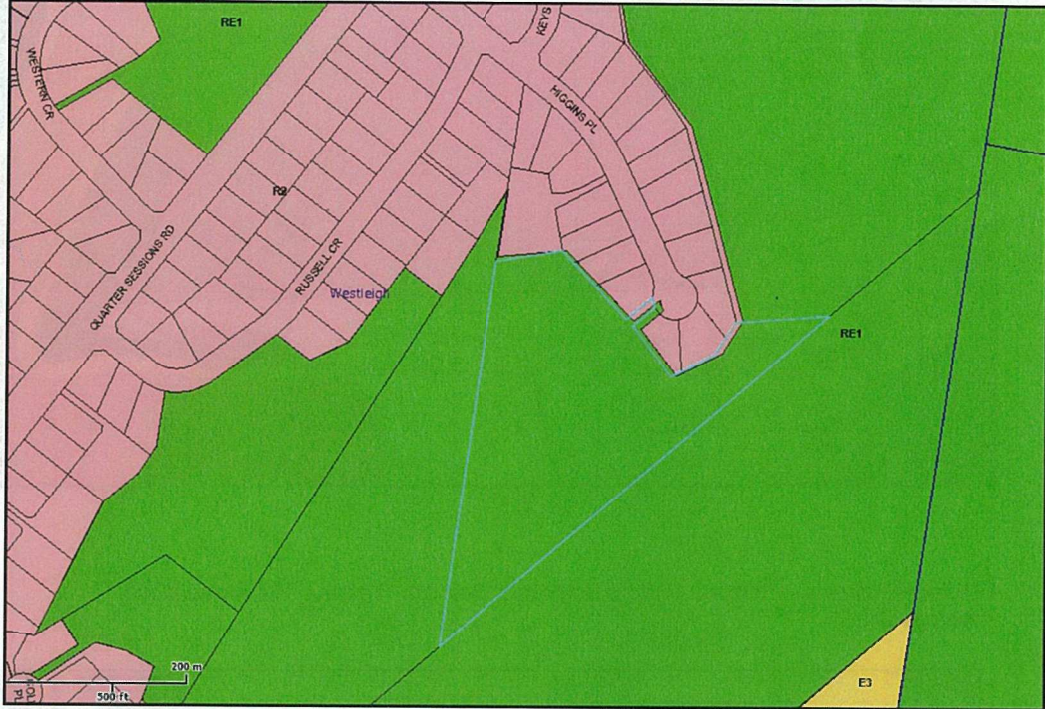
Existing zoning – Lot 1 DP1199578 Calabash Point, Berowra Creek – part RE1 Public Recreation and part E4 Environmental Living



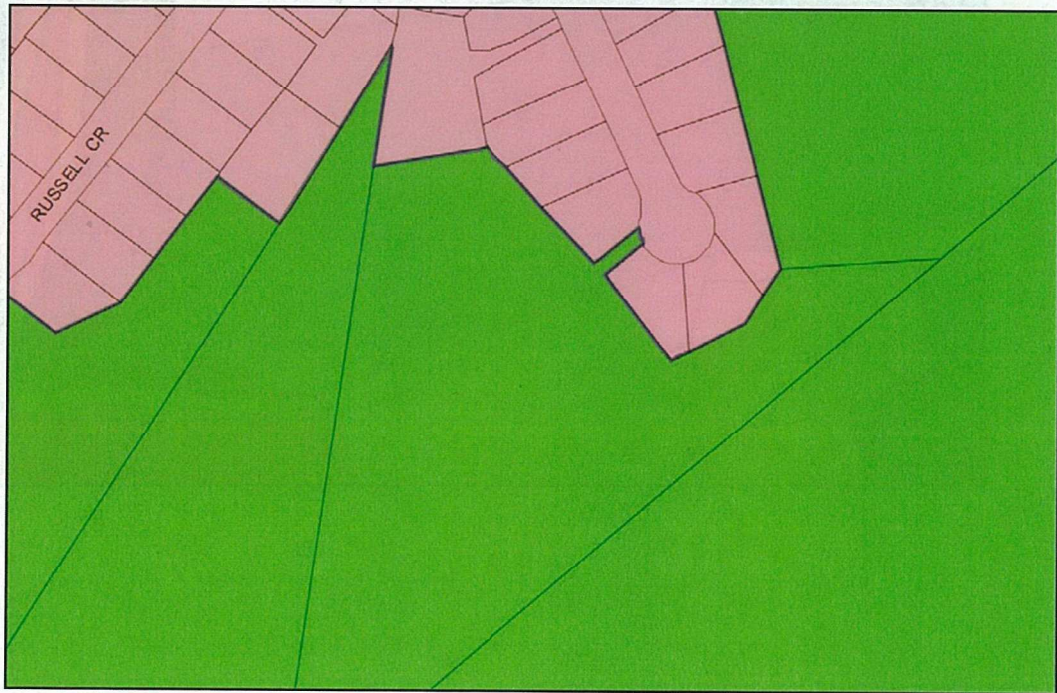
Proposed zoning – Lot 1 DP1199578 Calabash Point, Berowra Creek – RE1 Public Recreation



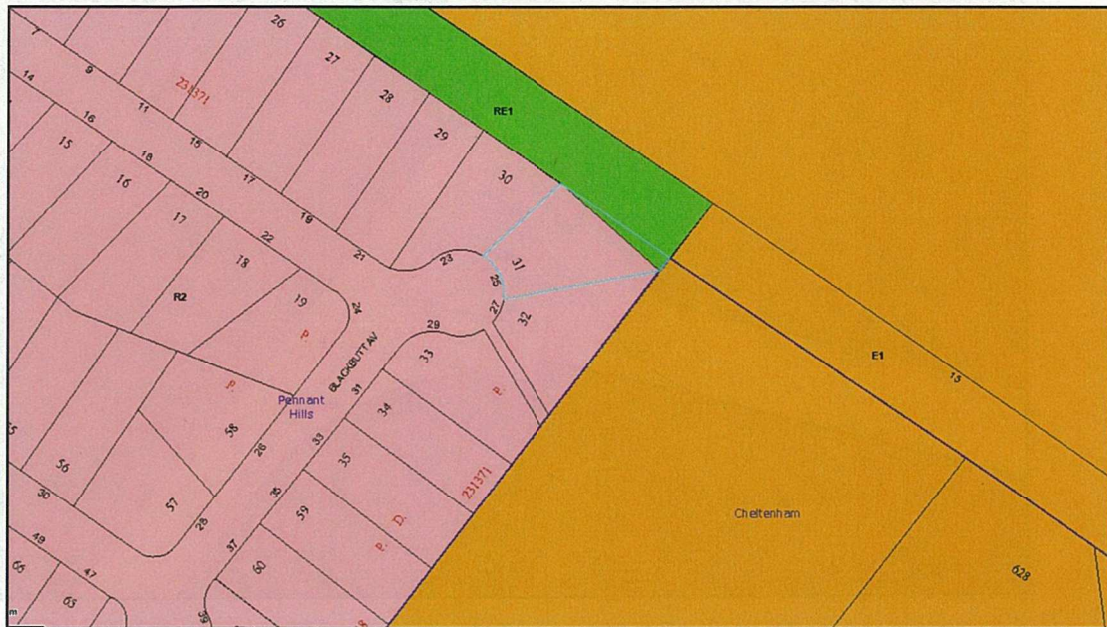
Existing zoning –22X Higgins Place, Westleigh – part RE1 Public Recreation, part R2 Low Density Residential



Proposed zoning –22X Higgins Place, Westleigh – RE1 Public Recreation –adjust cadastre



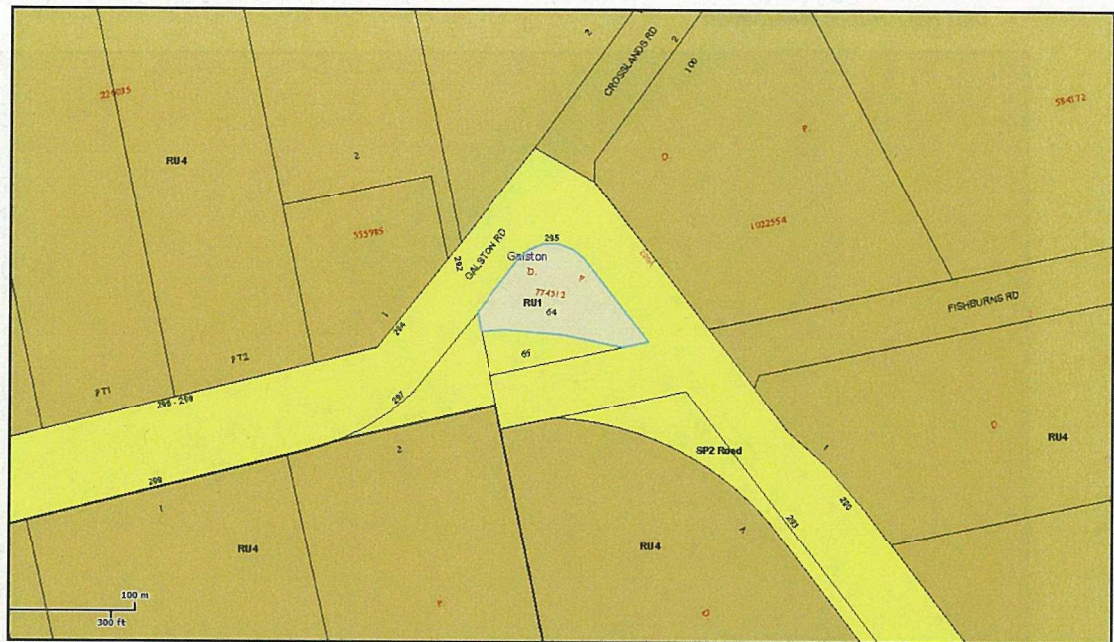
Existing zoning – 25 Blackbutt Avenue, Pennant Hills – part R2 Low Density Residential and part RE1 Public Recreation



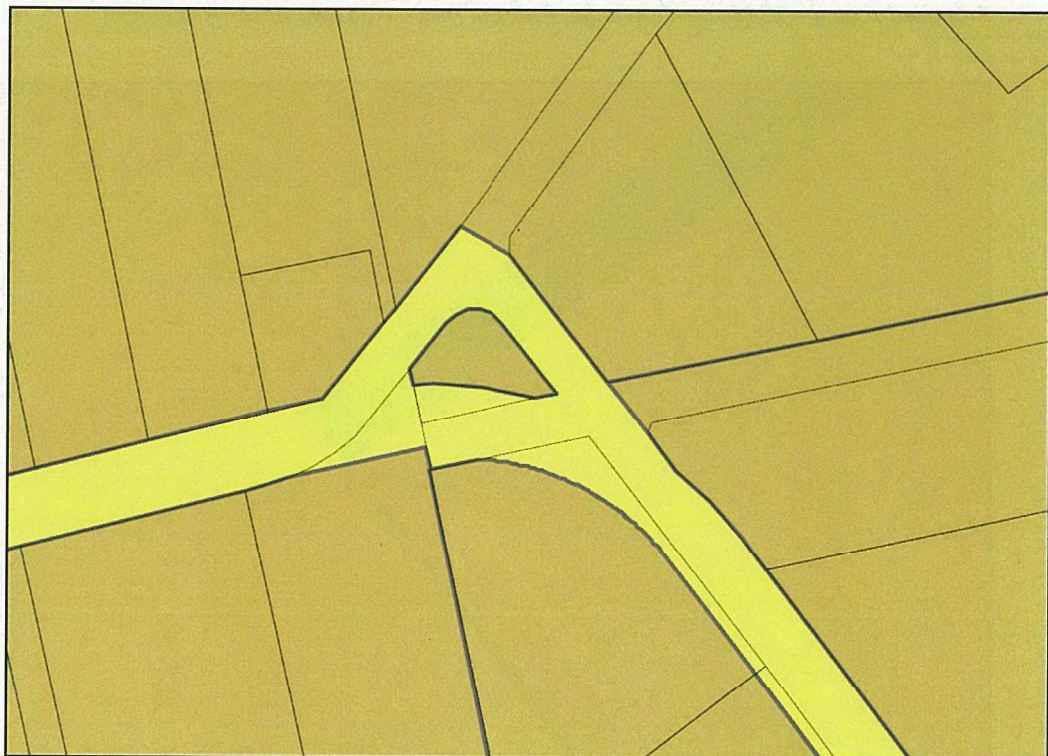
Proposed zoning – 25 Blackbutt Avenue, Pennant Hills – R2 Low Density Residential



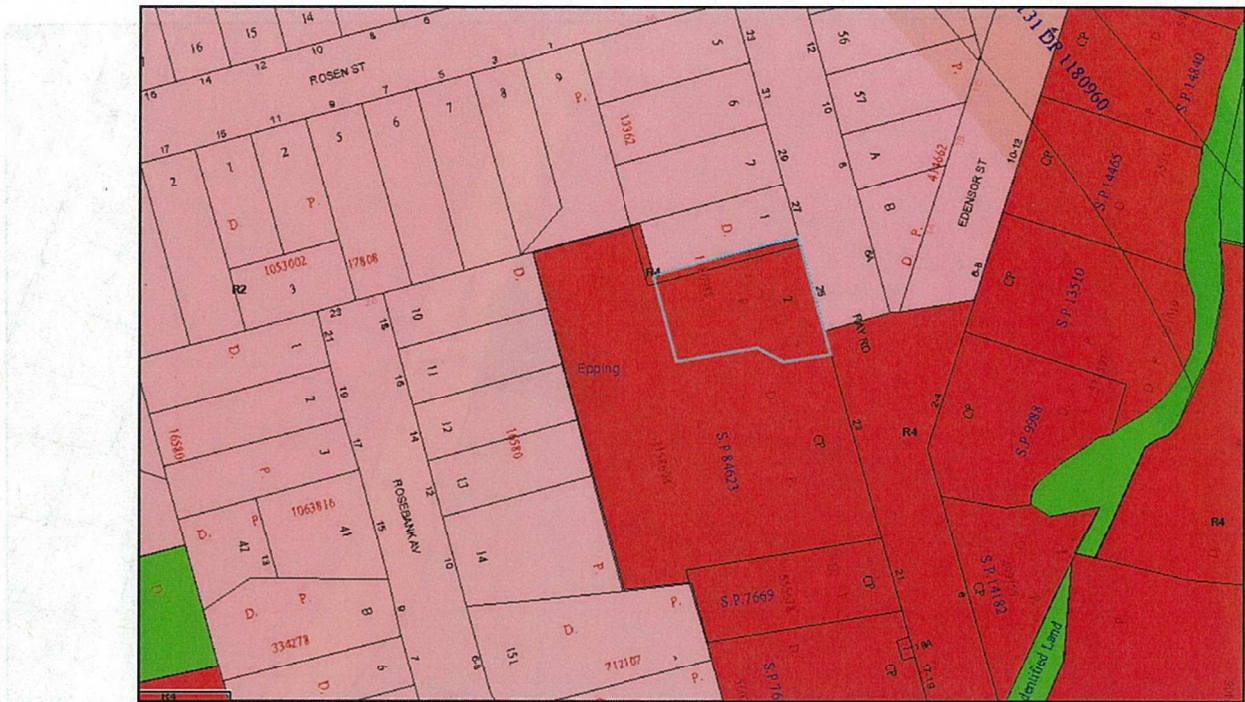
Existing zoning - 295 Galston Road, Galston, RU1 Primary Production



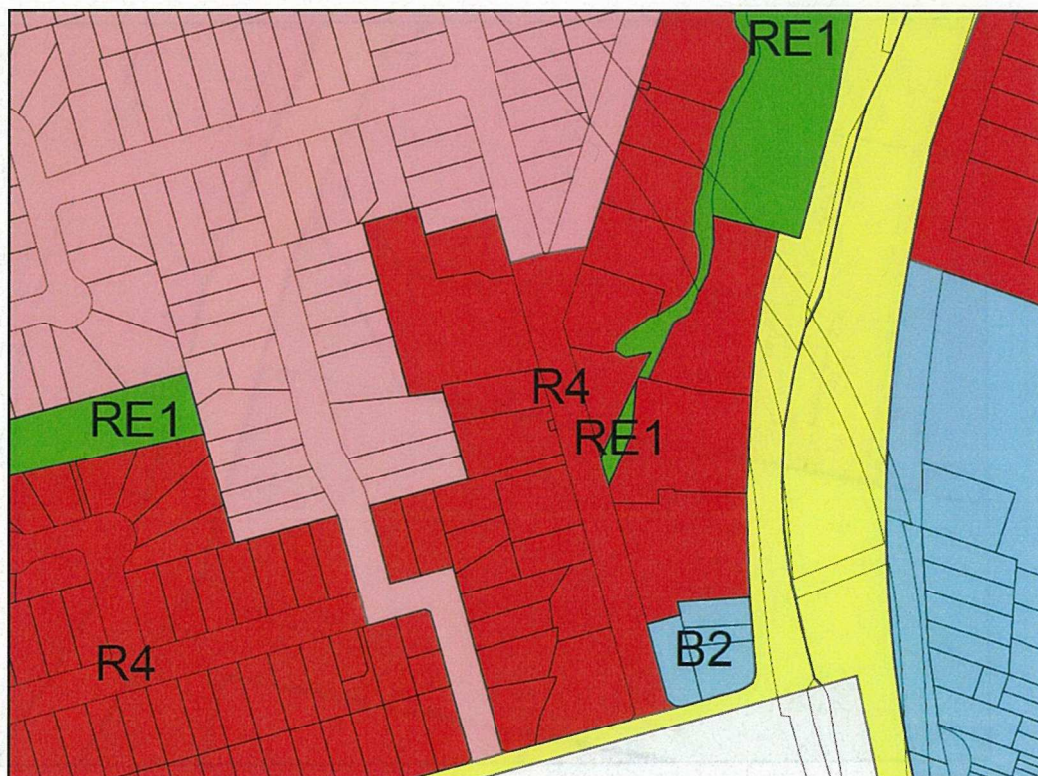
Proposed zoning - 295 Galston Road, Galston – RU4 Primary Production Small Lots



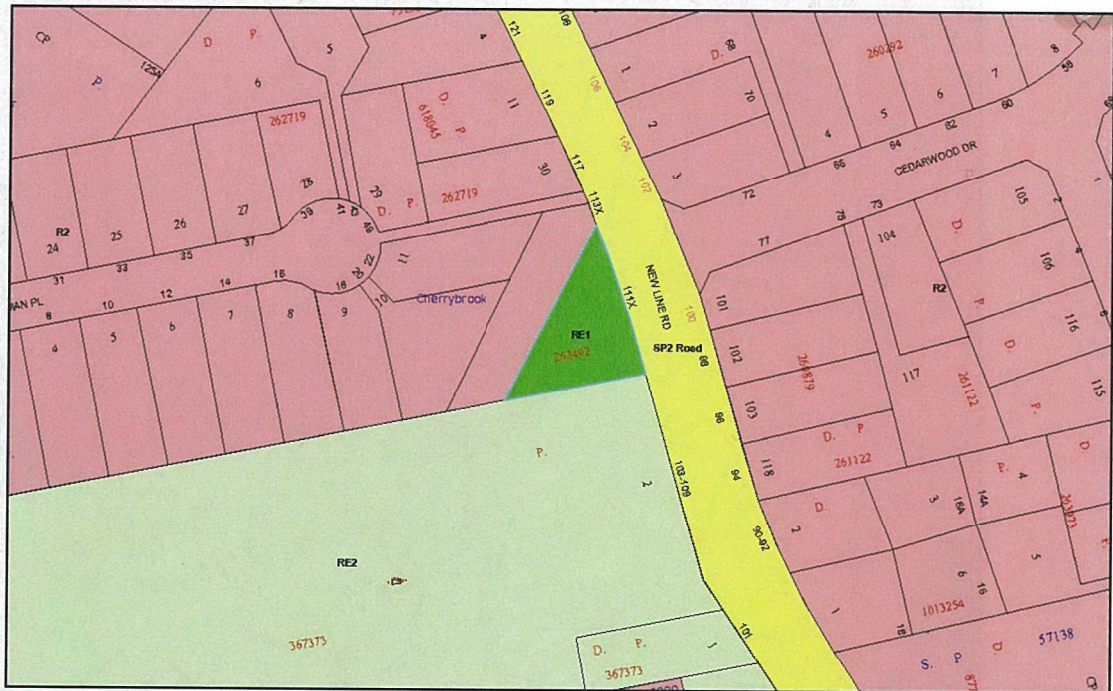
Existing zoning/cadastre – 25 Ray Road, Epping – incorrect cadastre boundary shown within R4 zoning



Proposed zoning/cadastre – 25 Ray Road, Epping – cadastre corrected



Existing zoning – 111X New Line Road, Cherrybrook – RE1 Public Recreation

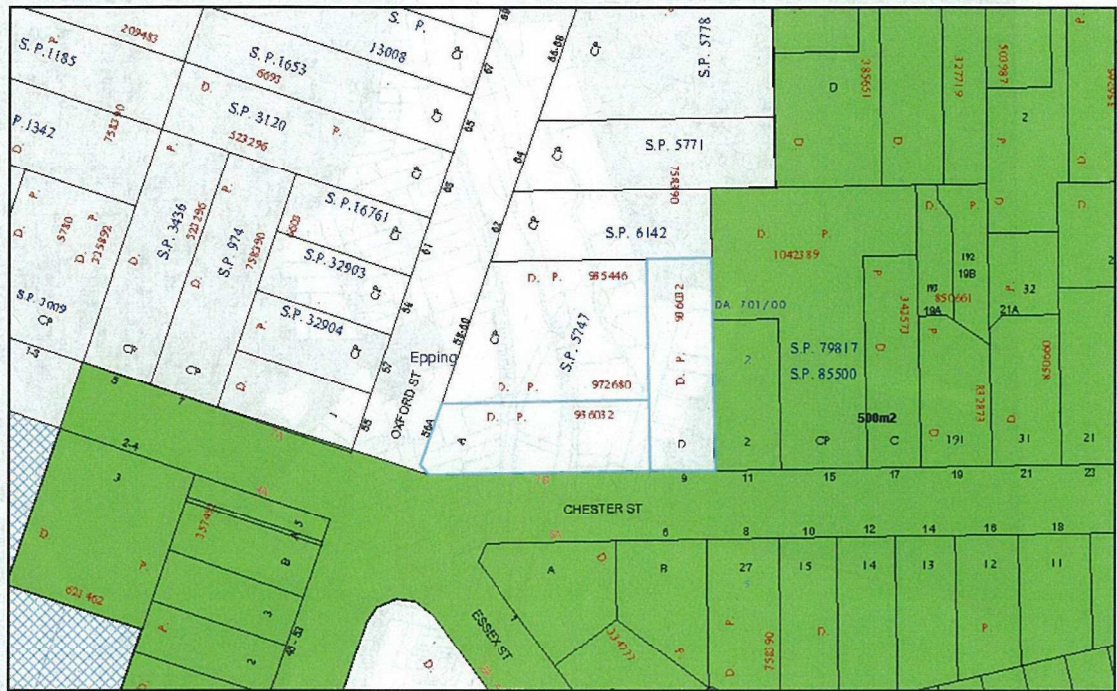


Proposed zoning – 111X New Line Road, Cherrybrook – RE2 Private Recreation



B) LOT SIZE MAP CHANGES

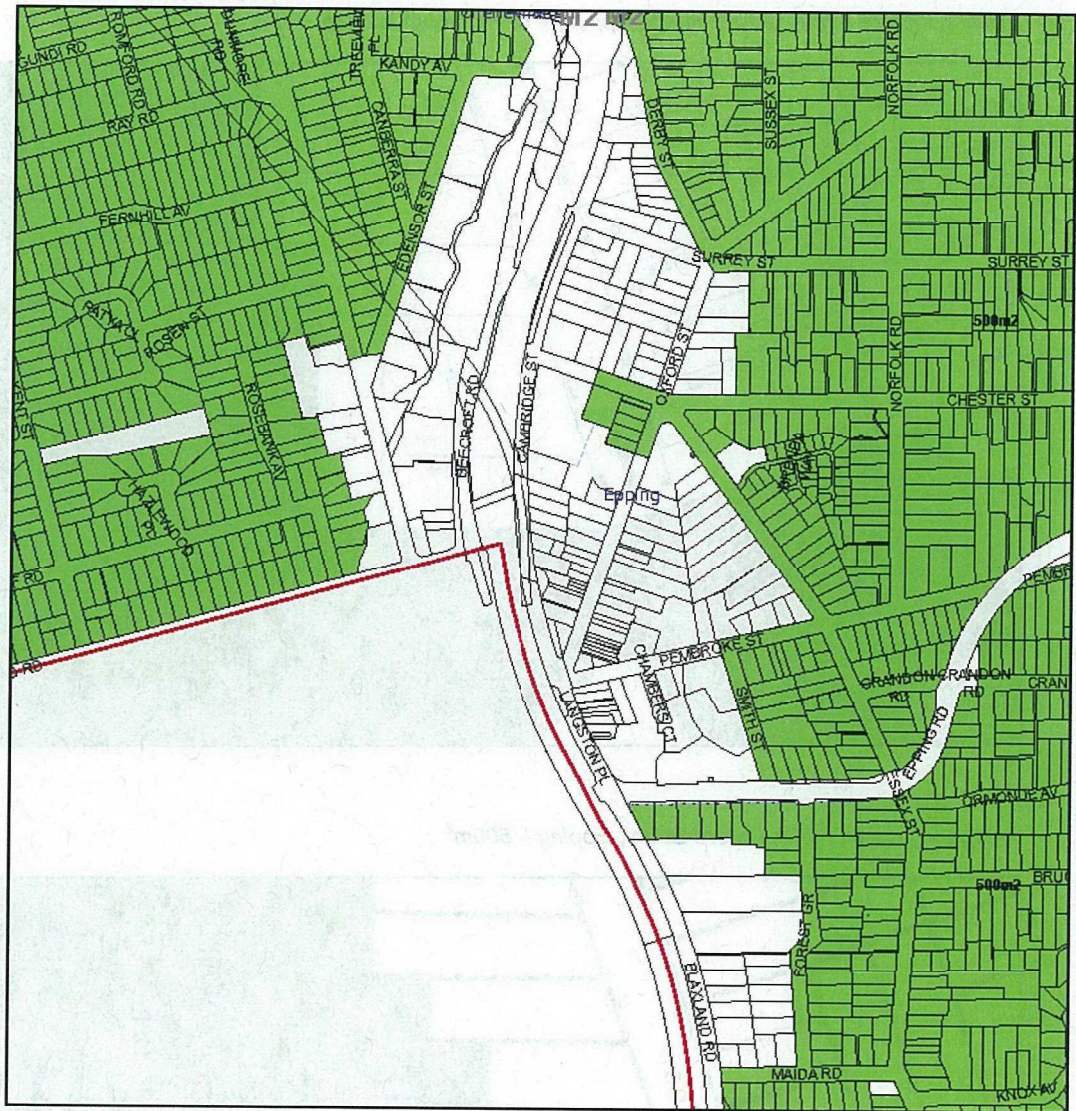
Existing lot size – 56A Oxford Street, Epping – no minimum lot size



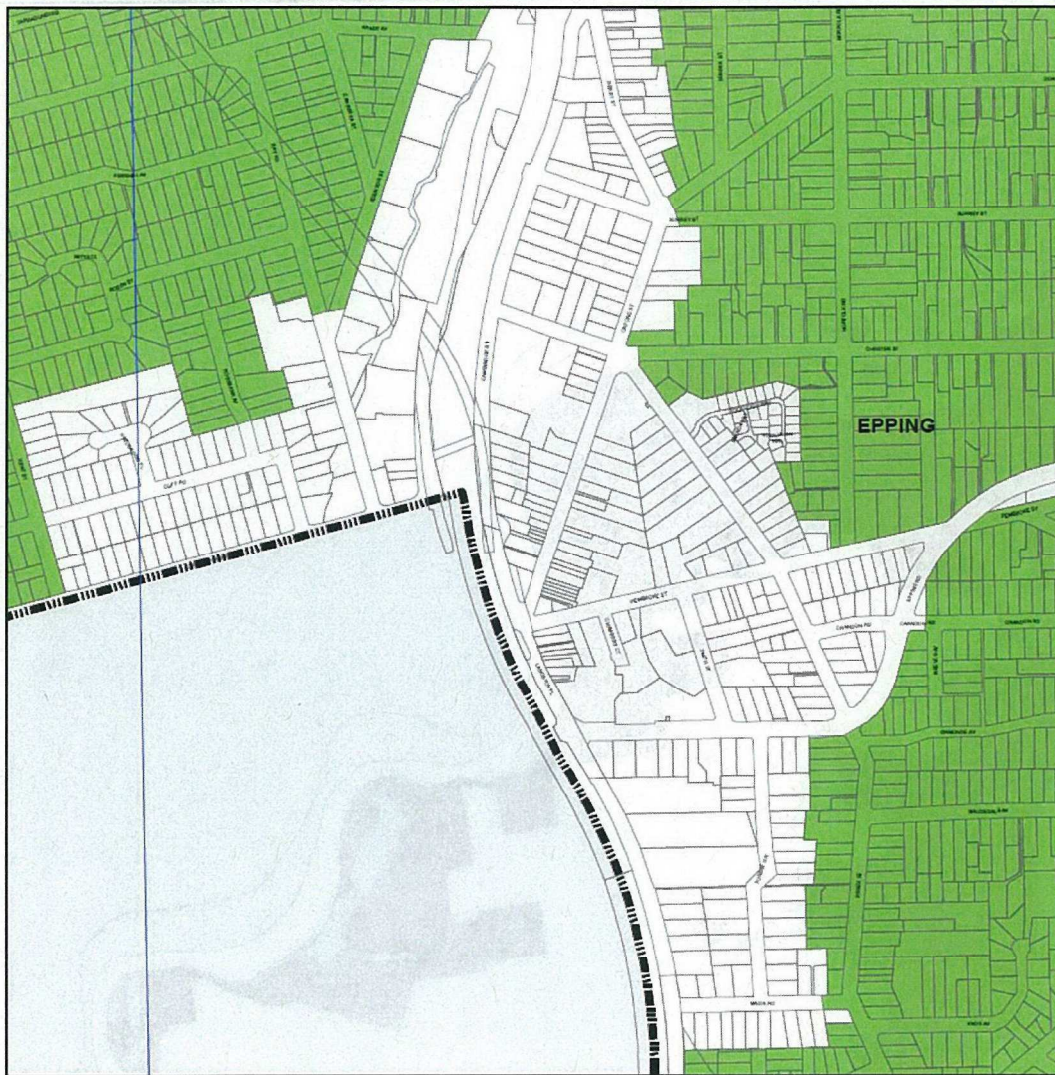
Proposed lot size – 56A Oxford Street, Epping – 500m²



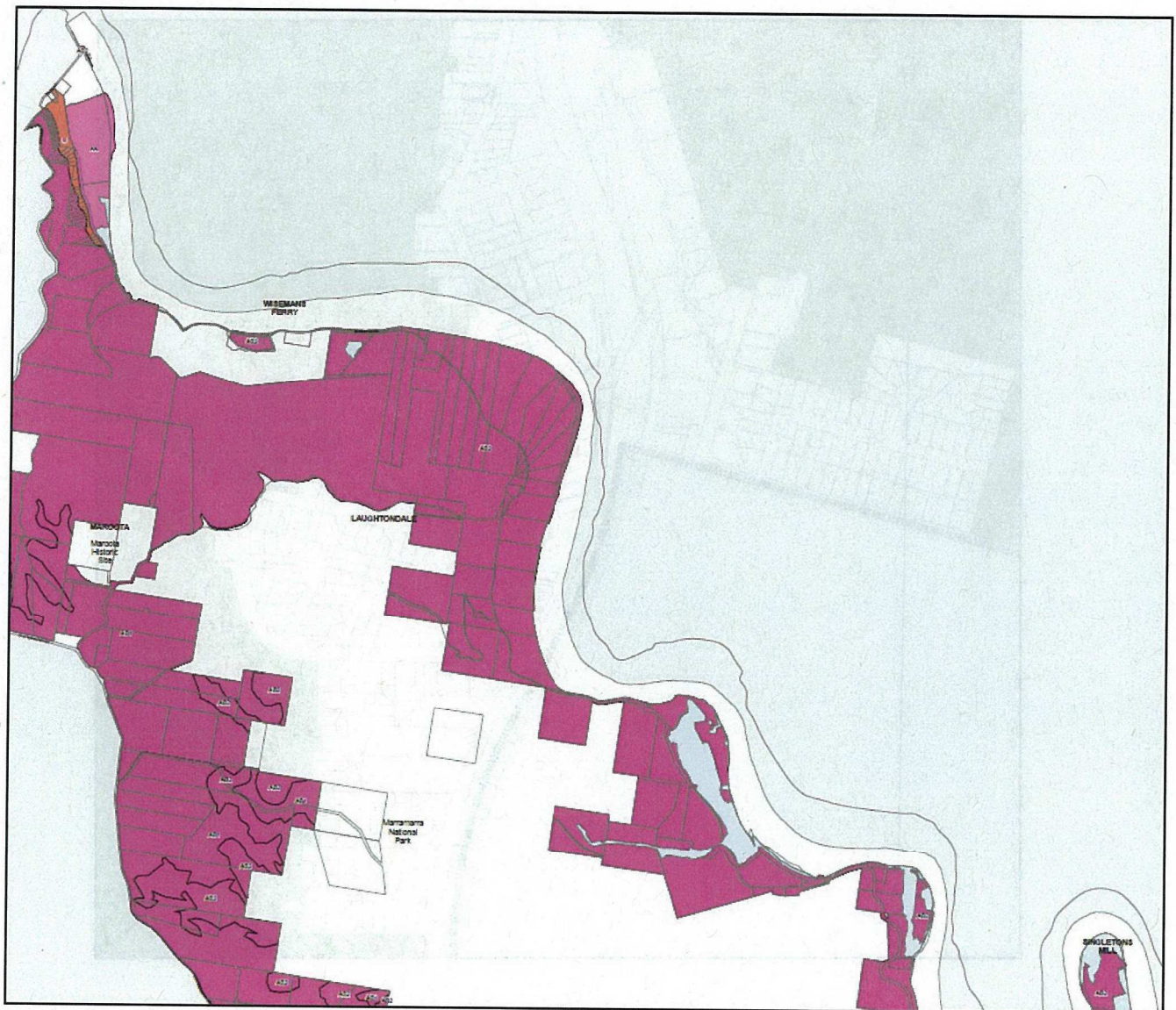
Existing lot size – various R3 and R4 zoned land, Epping – 500m²



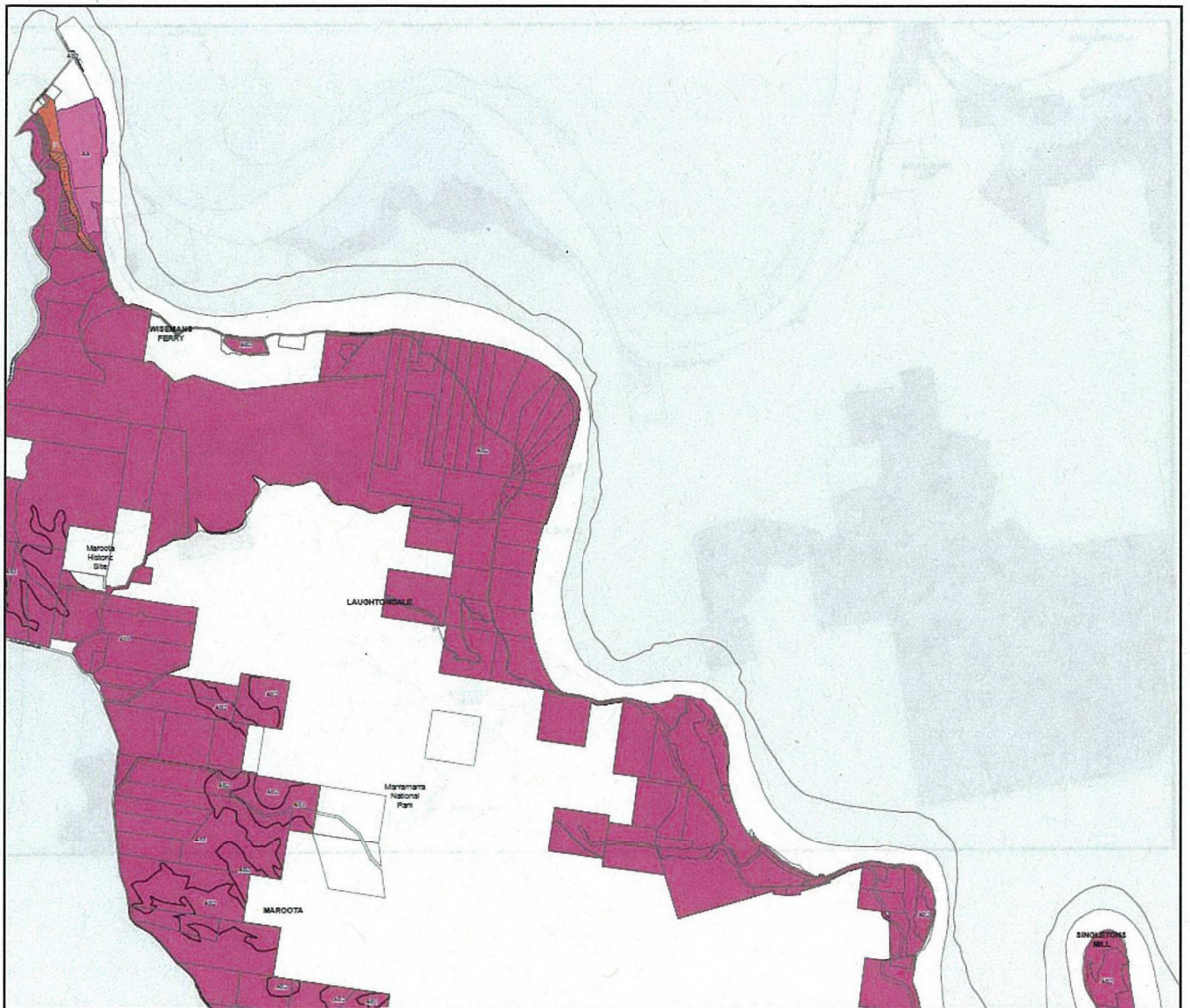
Proposed lot size – various R3 and R4 zoned land, Epping – no minimum lot size



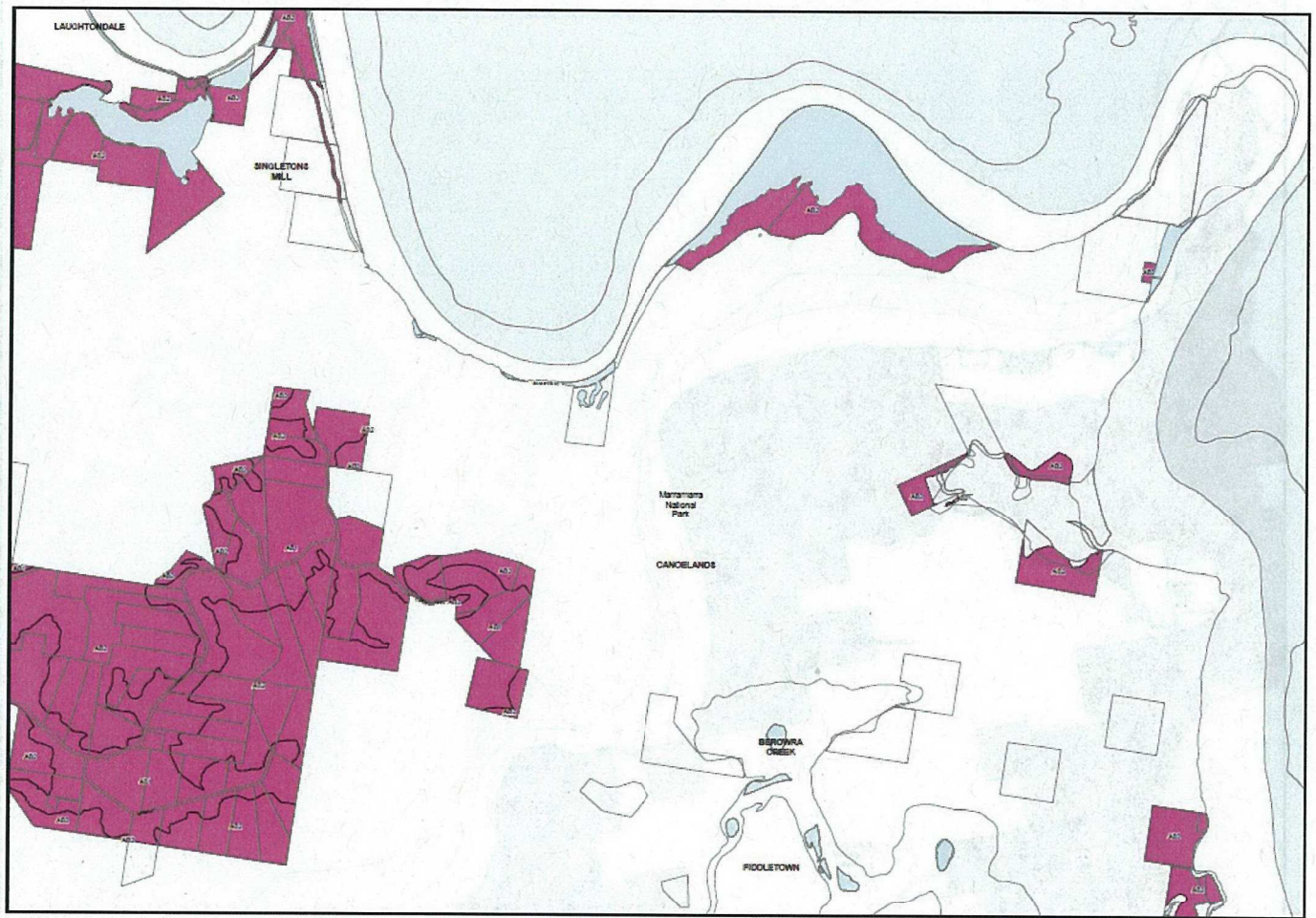
Existing lot size - E2 zoned land, Wisemans Ferry / Laughtondale - Blue coloured land indicates no lot size



Proposed lot size - E2 zoned land, Wisemans Ferry / Laughtondale – 40ha minimum



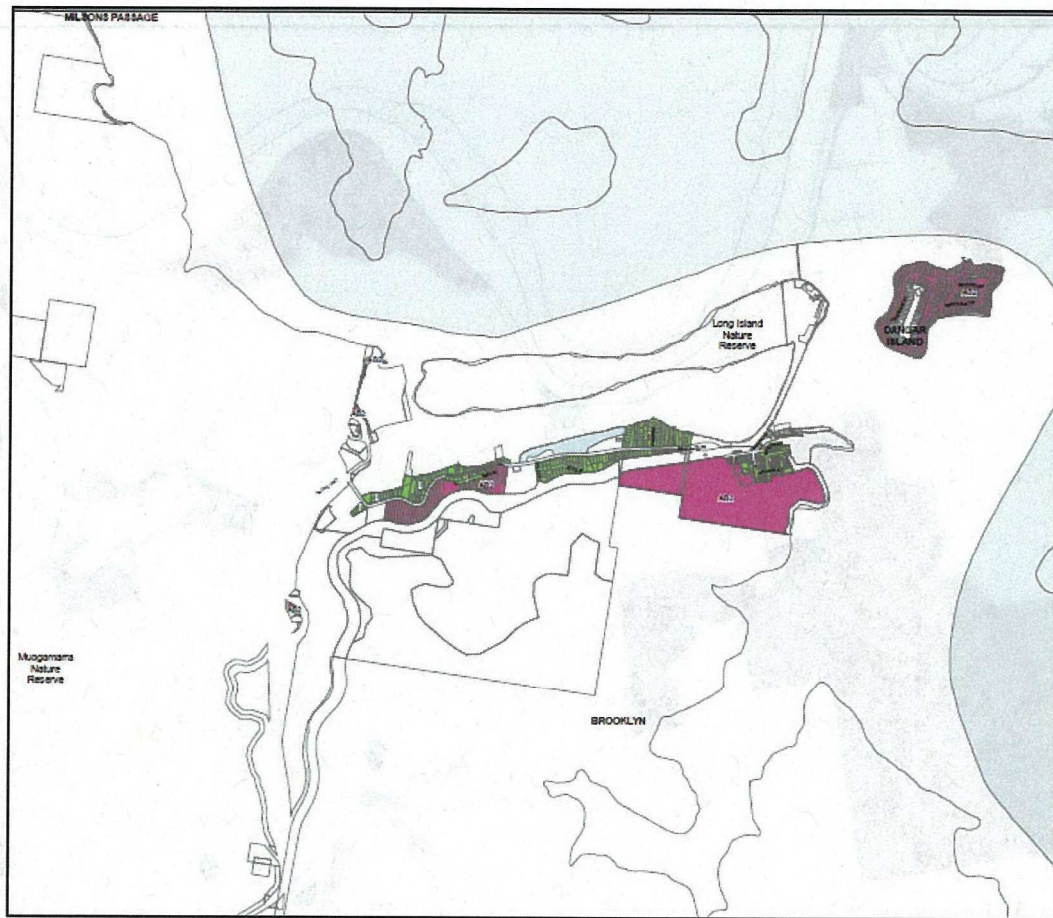
Existing lot size - E2 zoned land, Singletons Mill / Canoelands- Blue coloured land indicates no lot size



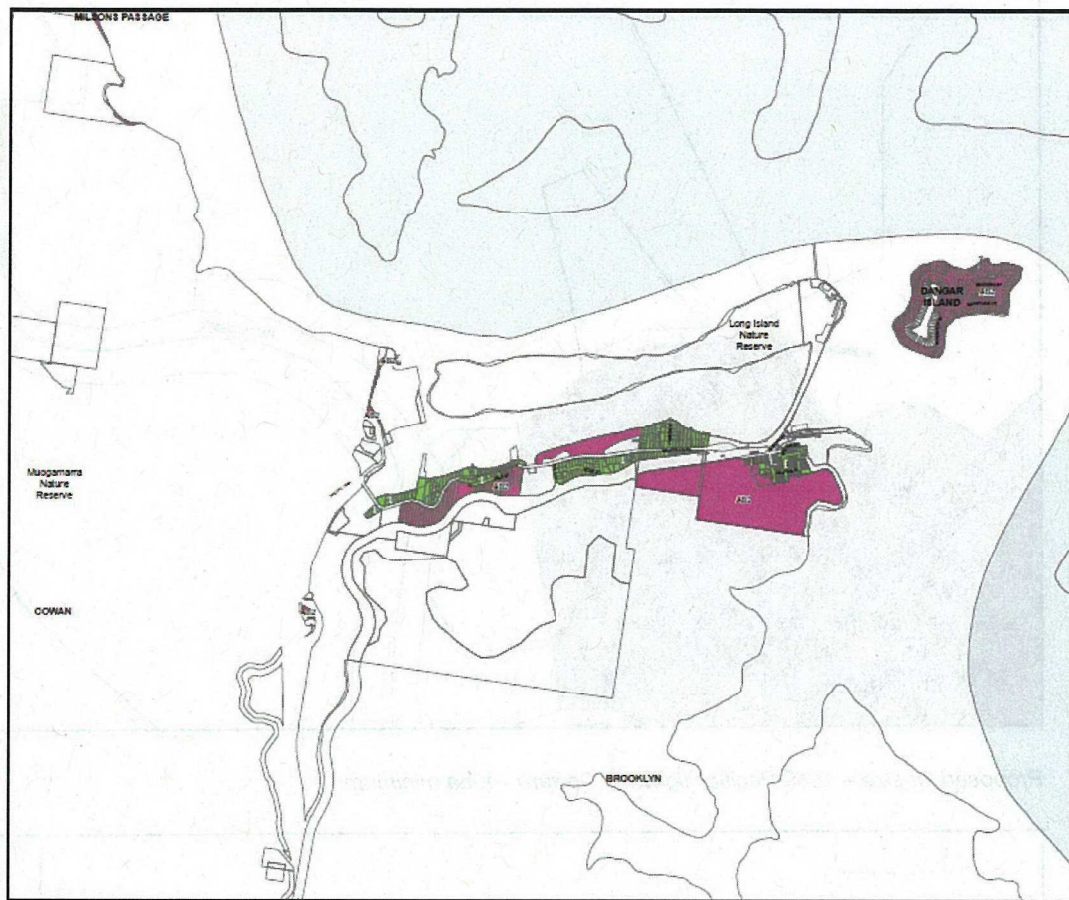
Proposed lot size - E2 zoned land, Singletons Mill / Canoelands – 40ha minimum



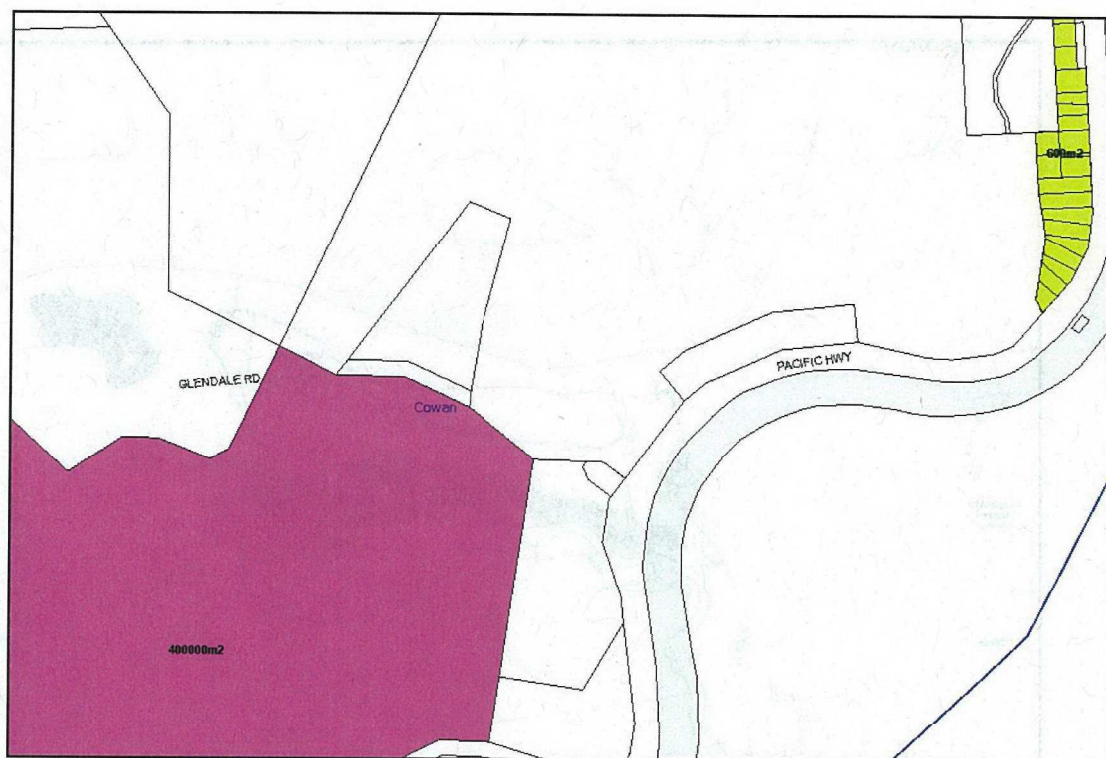
Existing lot size - E2 zoned land, Brooklyn - Blue coloured land indicates no lot size



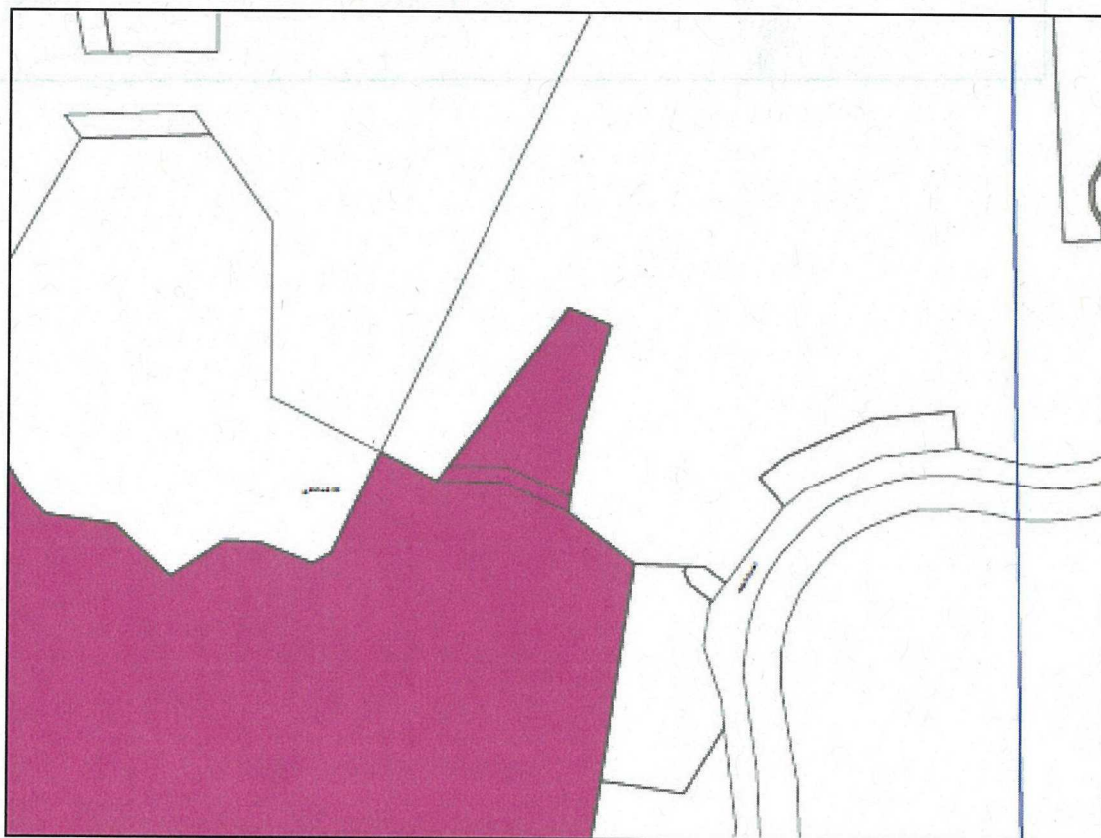
Proposed lot size - E2 zoned land, Brooklyn – 40ha minimum



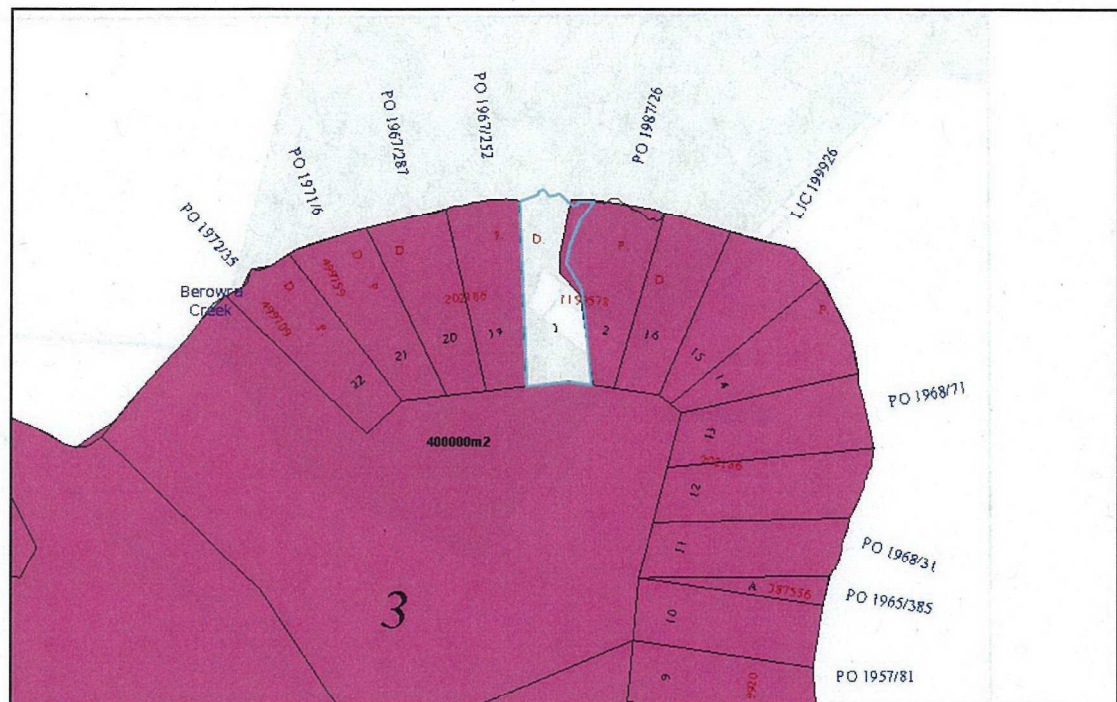
Existing lot size – 1069 Pacific Highway, Cowan – no minimum lot size



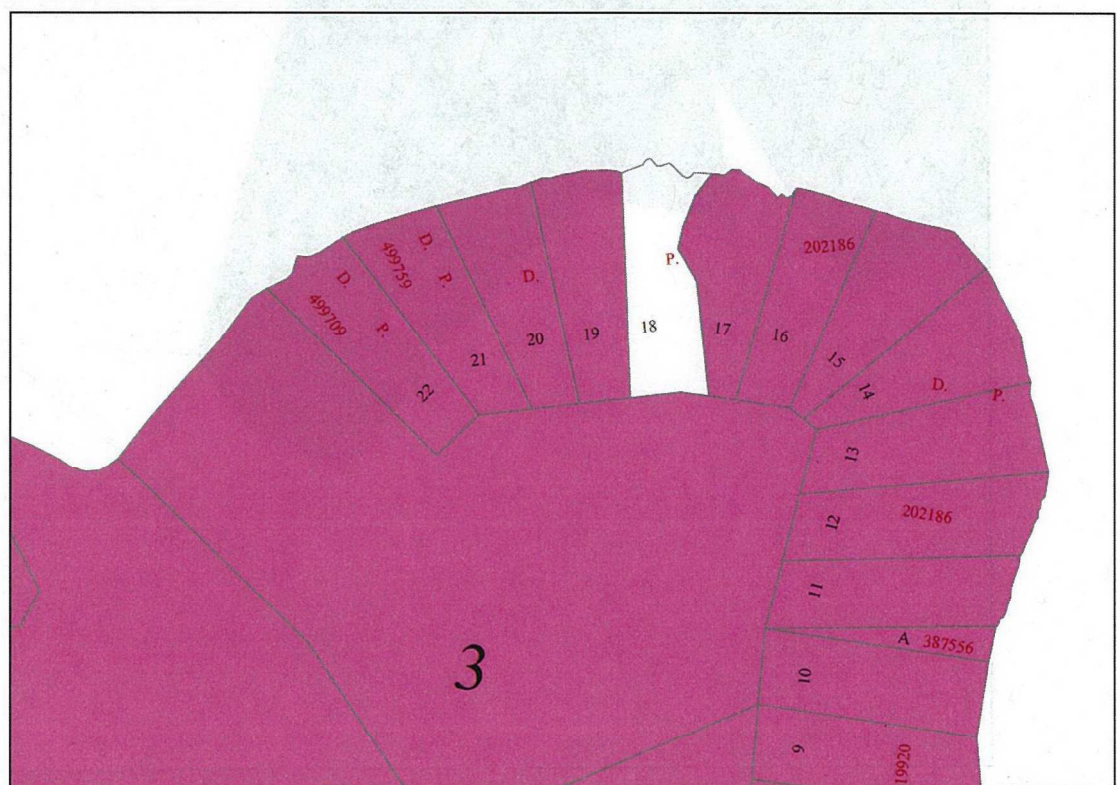
Proposed lot size – 1069 Pacific Highway, Cowan – 40ha minimum



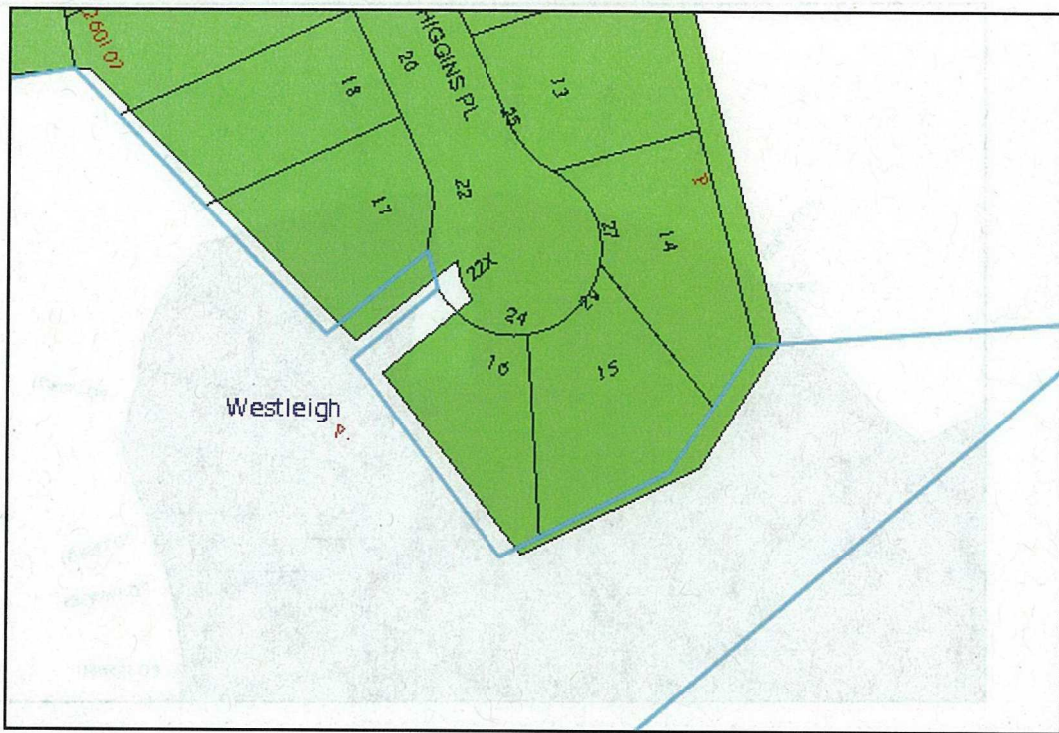
Existing lot size – Lot 1 DP 1199578 – part no lot size, part 40ha minimum -



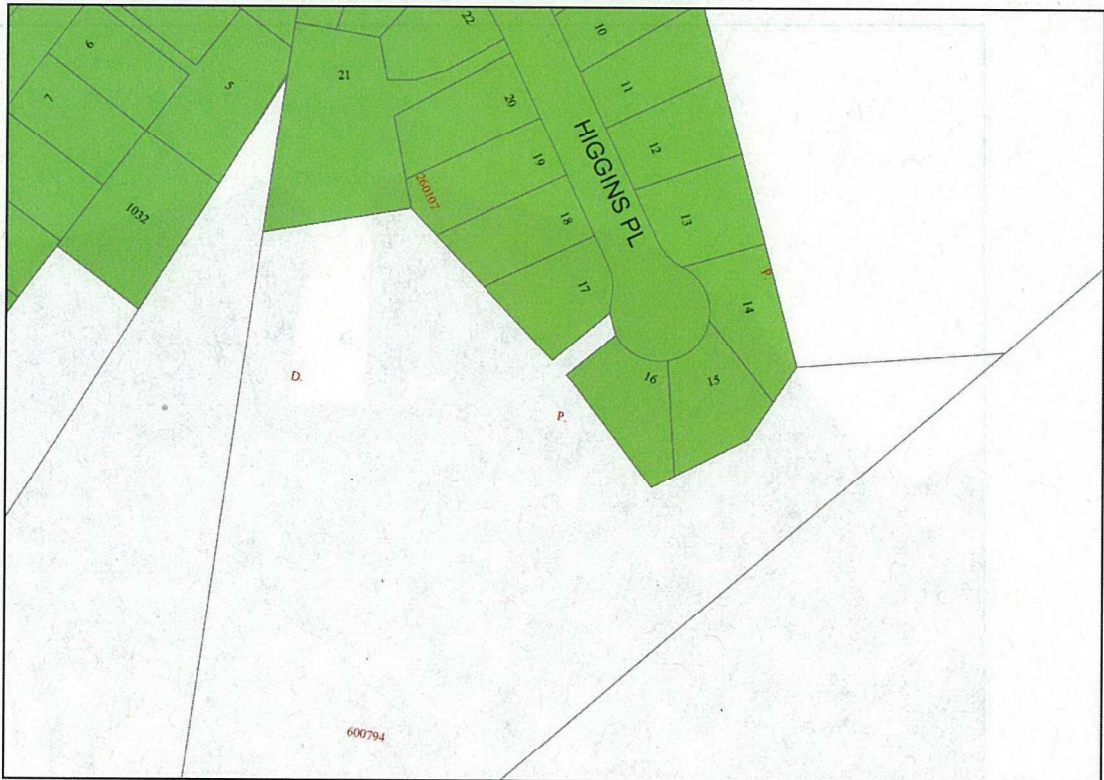
Proposed lot size – Lot 1 DP1199578 – no lot size



Existing lot size – 22x Higgins Place, Westleigh – part no lot size, part 500sqm minimum -
cadastre out of alignment



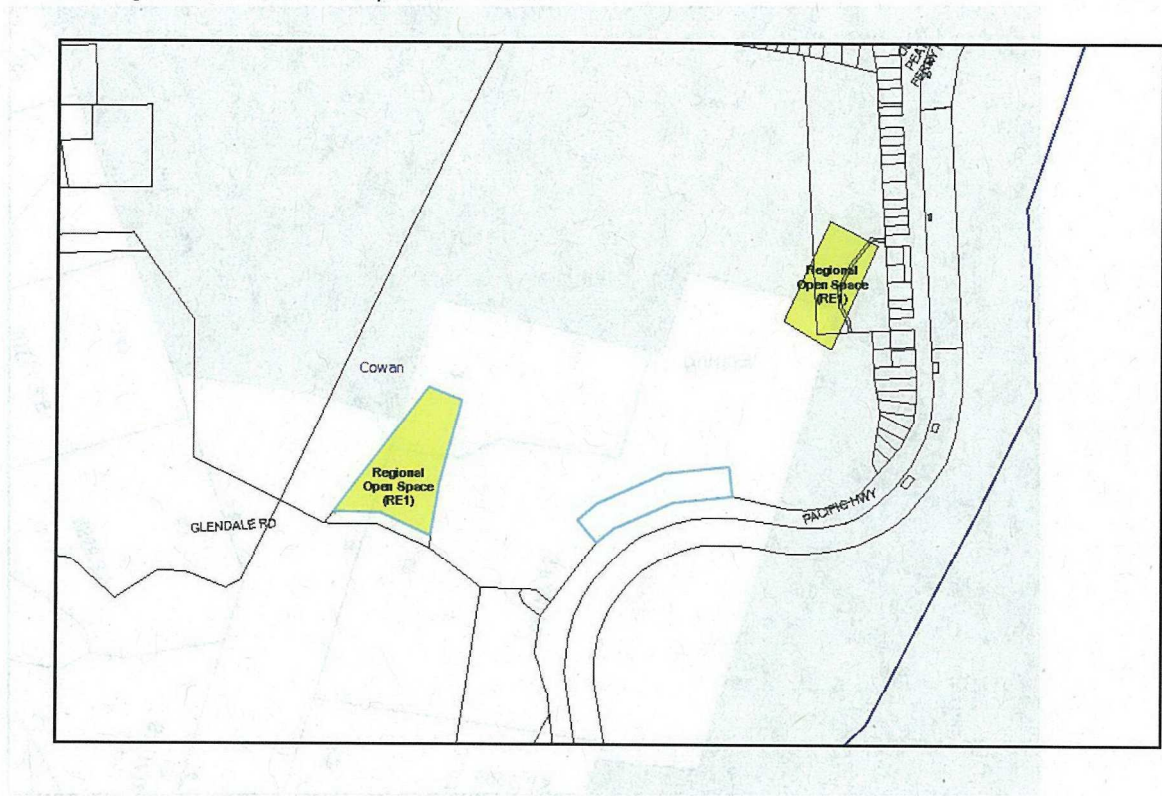
Proposed lot size – 22x Higgins Place, Westleigh – no lot size – adjust cadastre



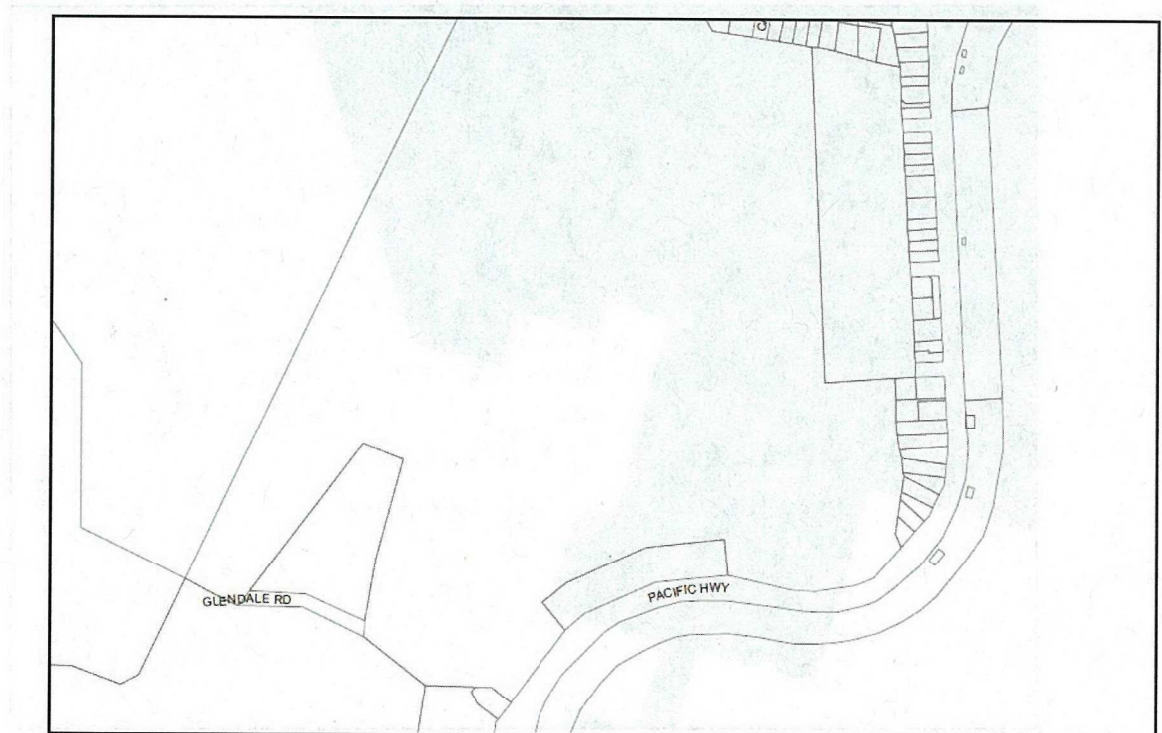
This is a detailed street map of a residential area in Cambridge, Massachusetts. The map shows a grid of streets including Rosebank Av, Rosen St, Edensor St, Beecroft Rd, and Cambridge St. Numerous individual lots are outlined and numbered. Some lots are shaded in green, while others are white. The map also shows a river or stream running along the right side, and a large white area in the center, possibly a park or undeveloped land.

C) LAND RESERVATION ACQUISITION MAP CHANGES

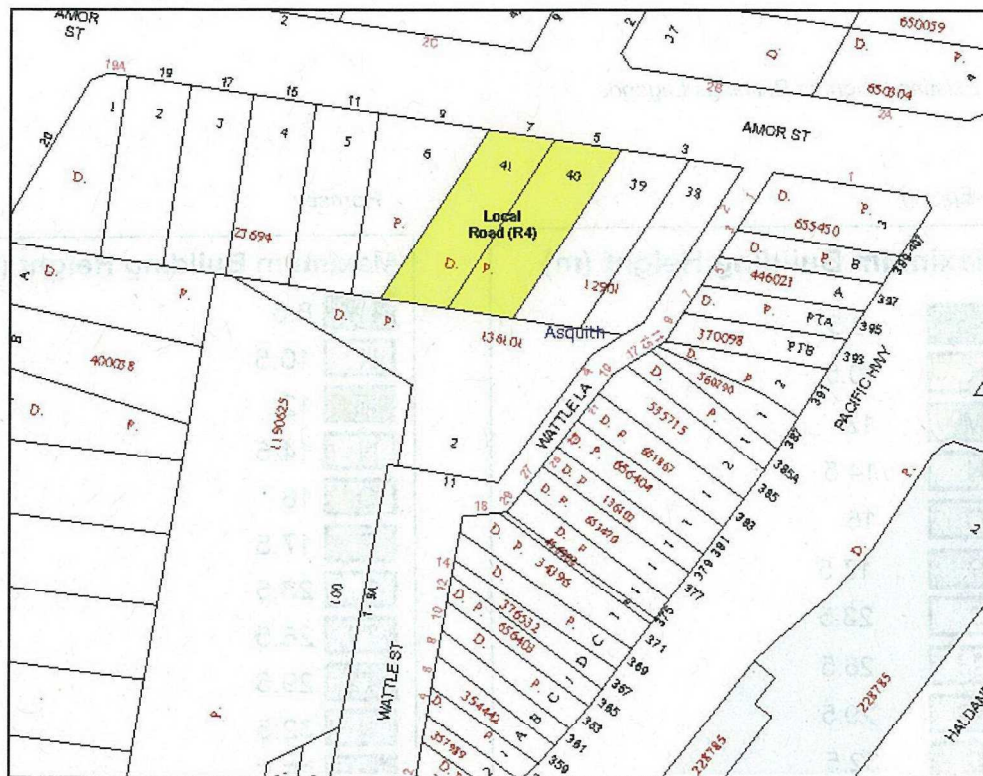
Existing Land Reservation Acquisition – Cowan



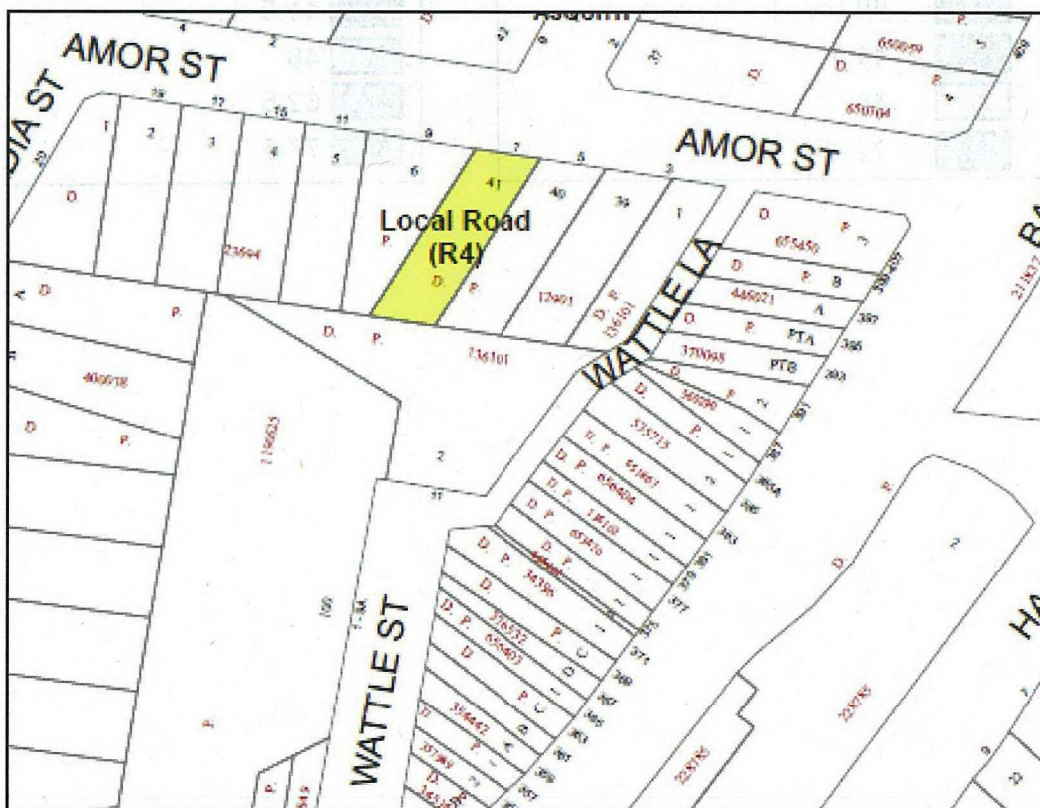
Proposed Land Reservation Acquisition – Cowan



Existing Land Reservation Acquisition – 5 Amor Street, Asquith



Proposed Land Reservation Acquisition – 5 Amor Street, Asquith



D) HEIGHT OF BUILDINGS MAP CHANGES

Existing Height of Buildings Legends

Epping

Maximum Building Height (m)

I	8.5
K	10.5
M	12
N	14.5
O	16
P	17.5
S	23.5
T1	26.5
T2	29.5
U	32.5
V1	35.5
V2	38.5
W1	40
W2	41.5
X	48
AA	72

Hornsby

Maximum Building Height (m)

I	8.5
K	10.5
M	12
N	14.5
O	16
P	17.5
S	23.5
T1	26.5
T2	29.5
U	32.5
V1	35.5
V2	38.5
W1	40
W2	41.5
X	48
AA1	62.5
AA2	77.5

Proposed Height of Buildings Legend

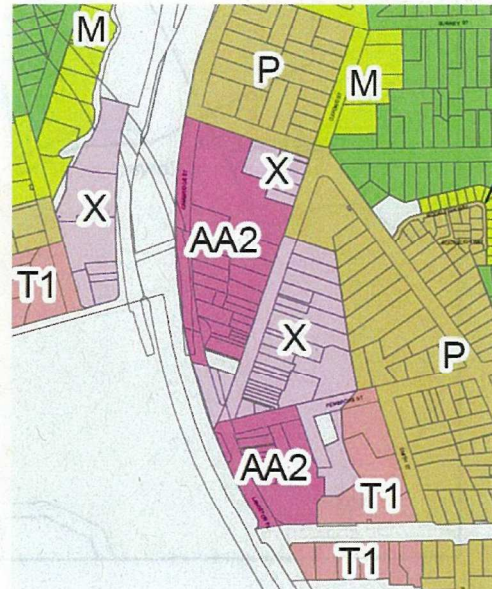
Corresponding Map Changes

Epping and Hornsby

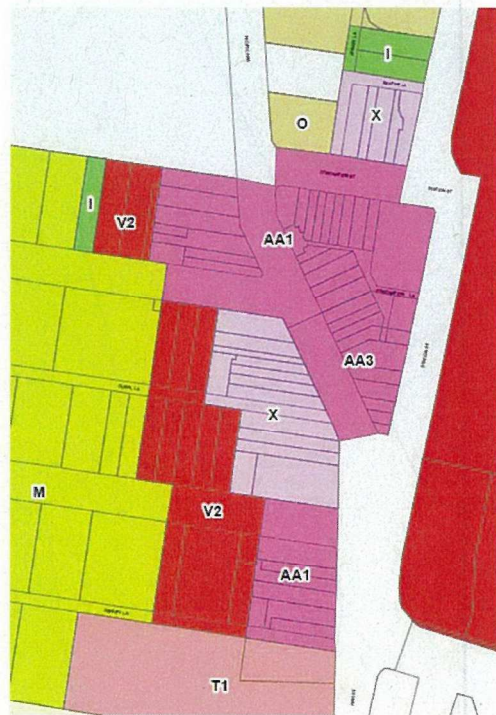
Maximum Building Height (m)

I	8.5
K	10.5
M	12
N	14.5
O	16
P	17.5
S	23.5
T1	26.5
T2	29.5
U	32.5
V1	35.5
V2	38.5
W1	40
W2	41.5
X	48
AA1	62.5
AA2	72
AA3	77.5

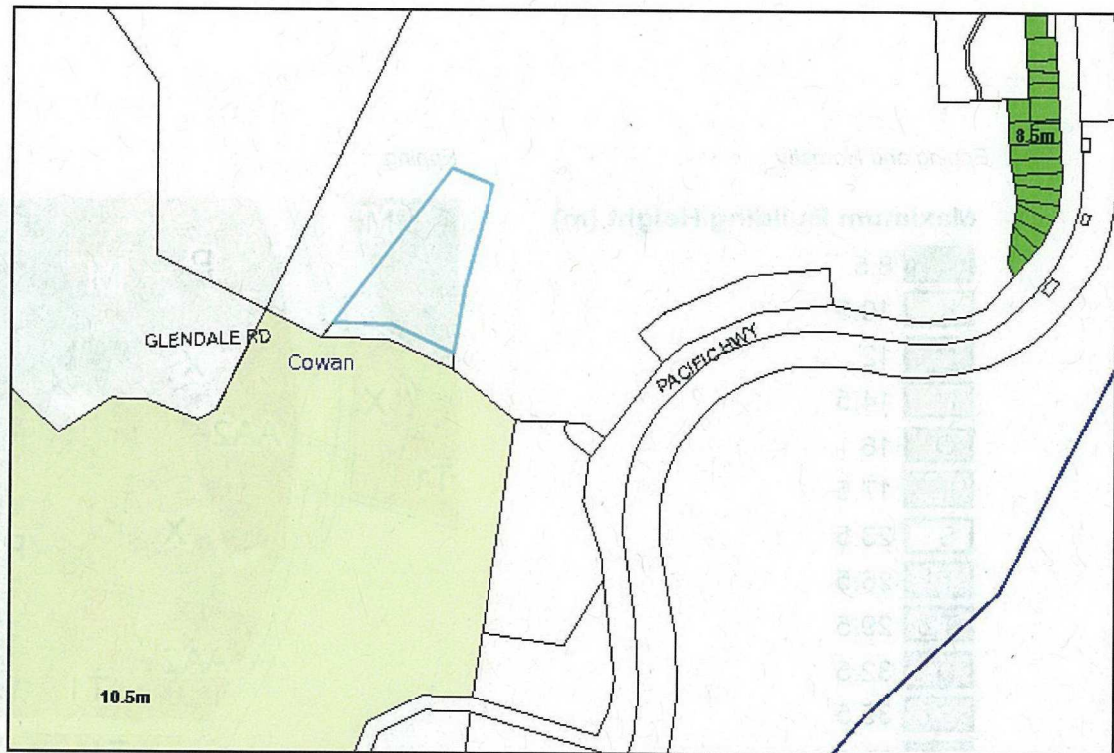
Epping



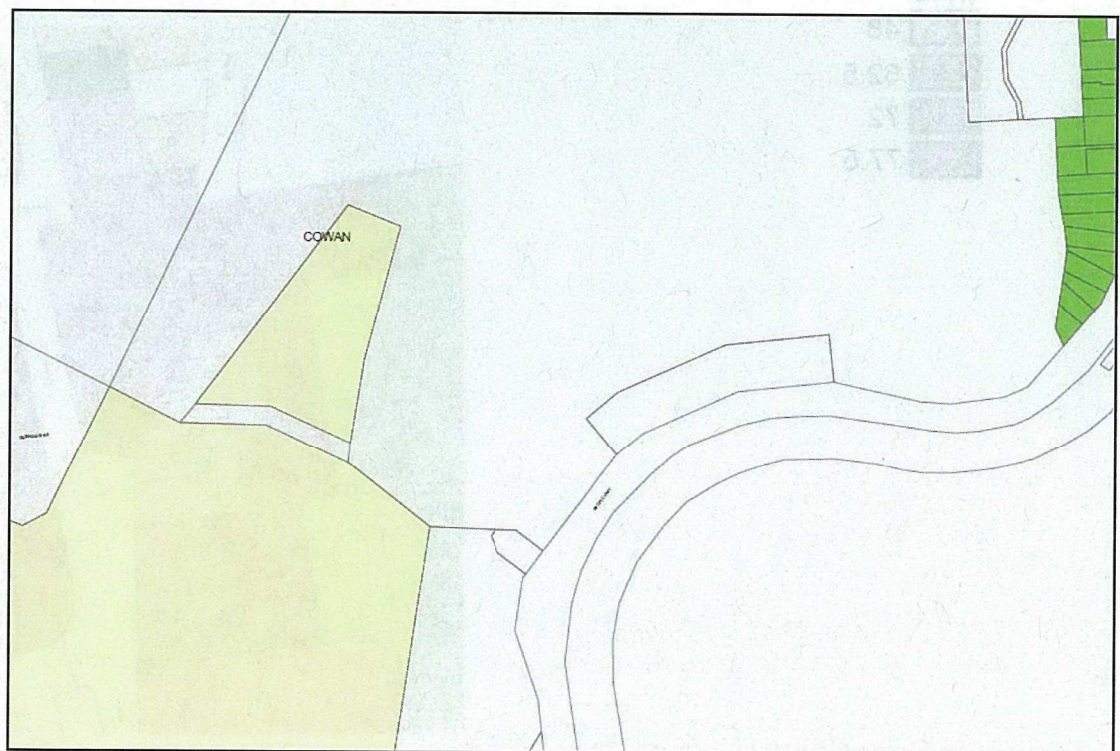
Hornsby



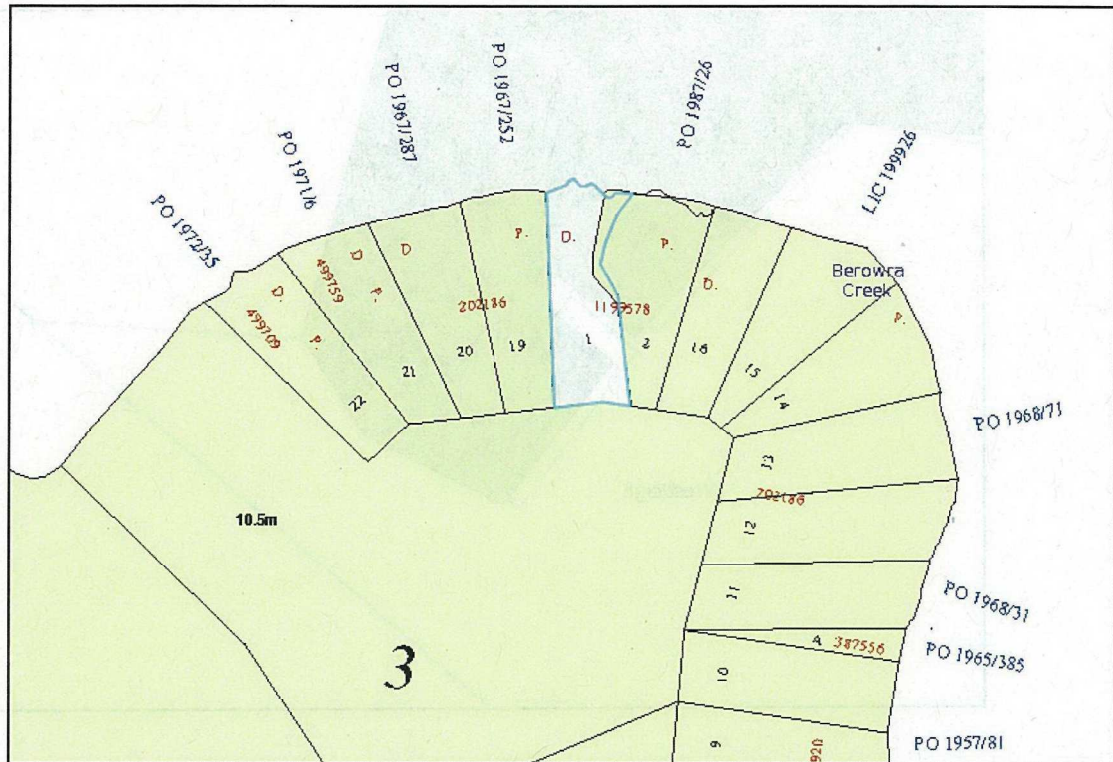
Existing Height of Buildings – 1069 Pacific Highway, Cowan – no height limit



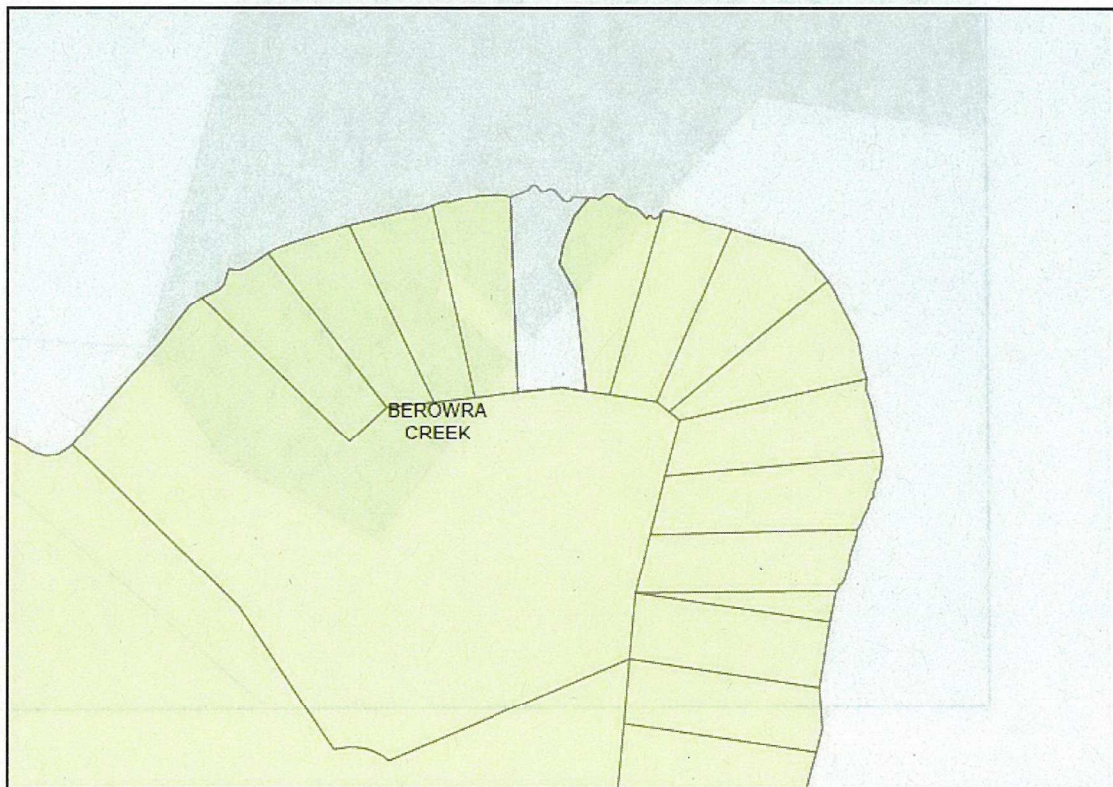
Proposed Height of Buildings – 1069 Pacific Highway, Cowan – 10.5m



Existing Height of Buildings – Lot 1 DP1199578 – part no height limit, part 10.5m – cadastre out of alignment



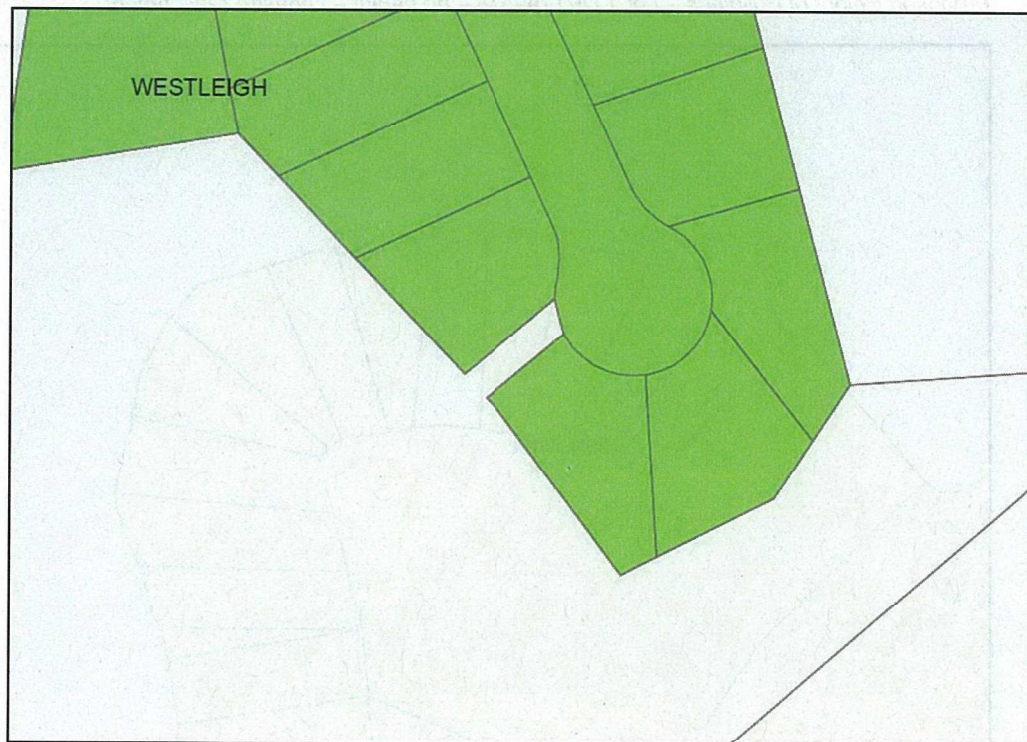
Proposed Height of Buildings – Lot 1 DP1199578 – no height – cadastre realignment



Existing Height of Buildings – 22x Higgins Place, Westleigh – part no height limit, part 8.5m – cadastre out of alignment



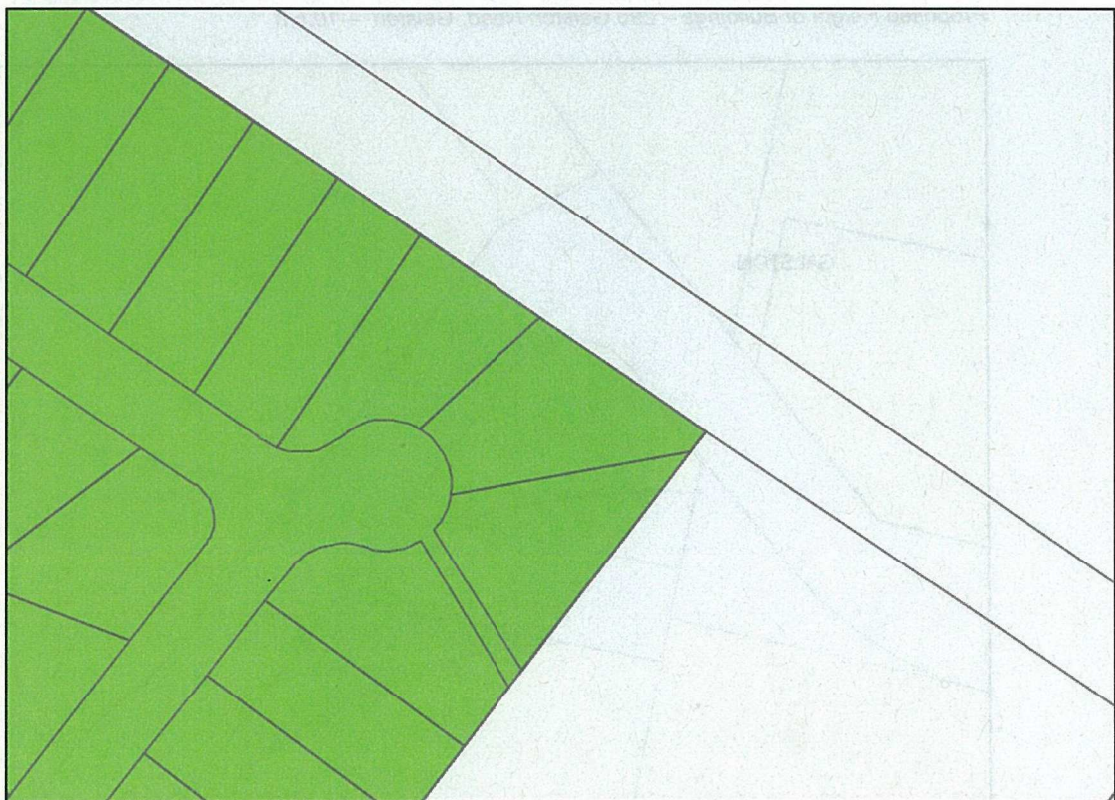
Existing Height of Buildings – 22x Higgins Place, Westleigh – no height limit – cadastre realignment



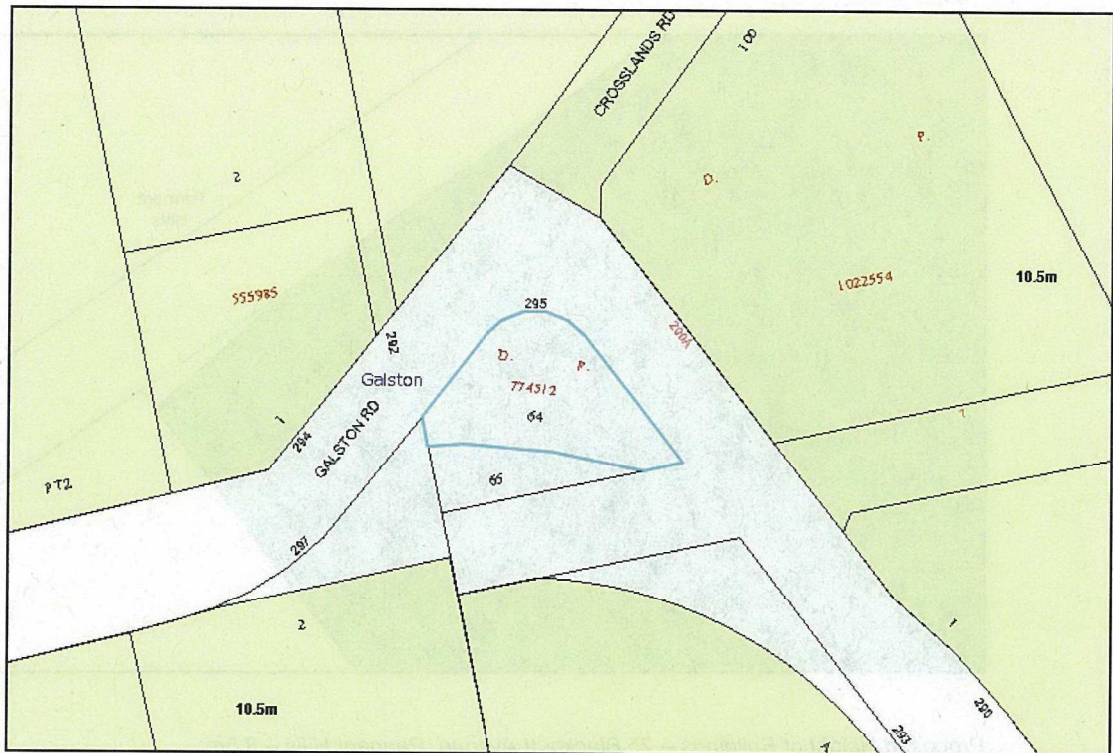
Existing Height of Buildings – 25 Blackbutt Avenue, Pennant Hills – part 8.5m, part no height limit



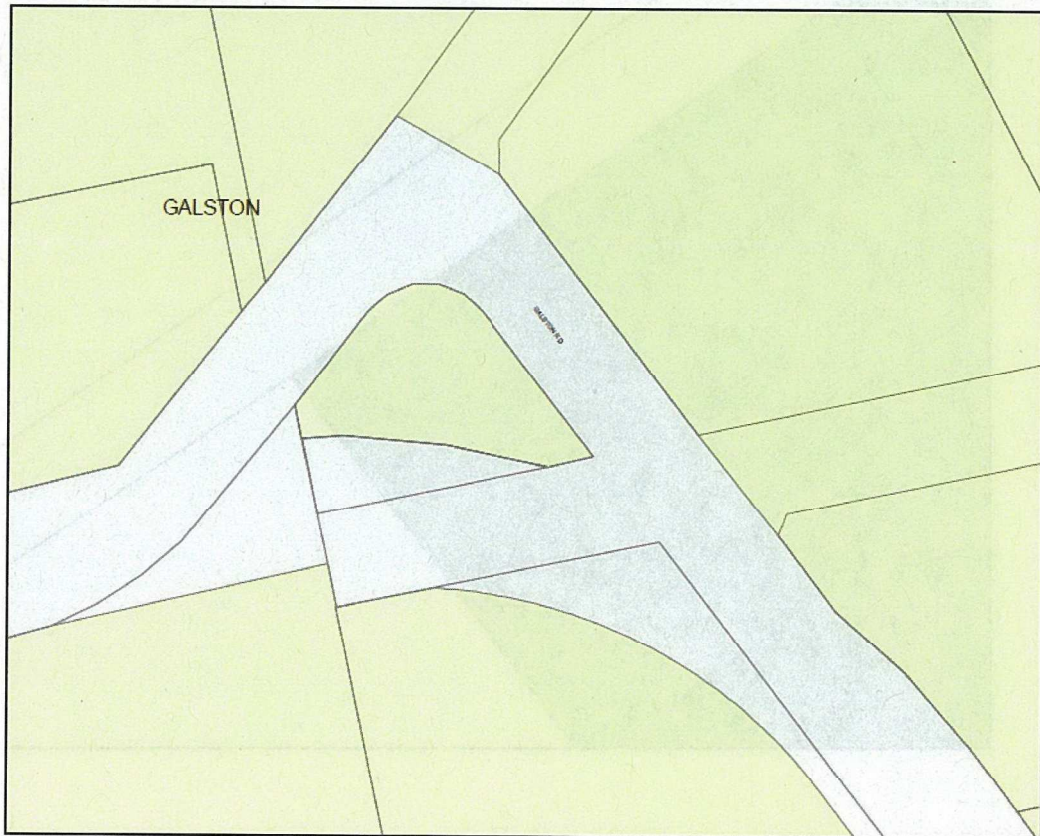
Proposed Height of Buildings – 25 Blackbutt Avenue, Pennant Hills – 8.5m



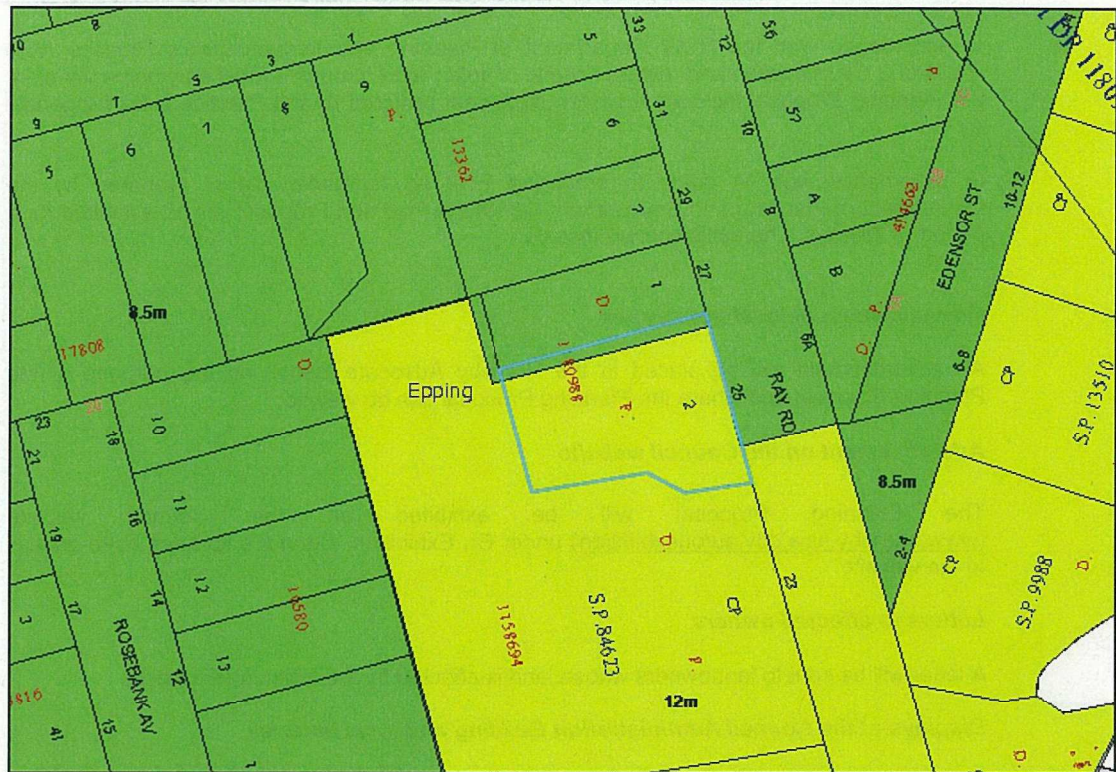
Existing Height of Buildings – 295 Galston Road, Galston – no height limit



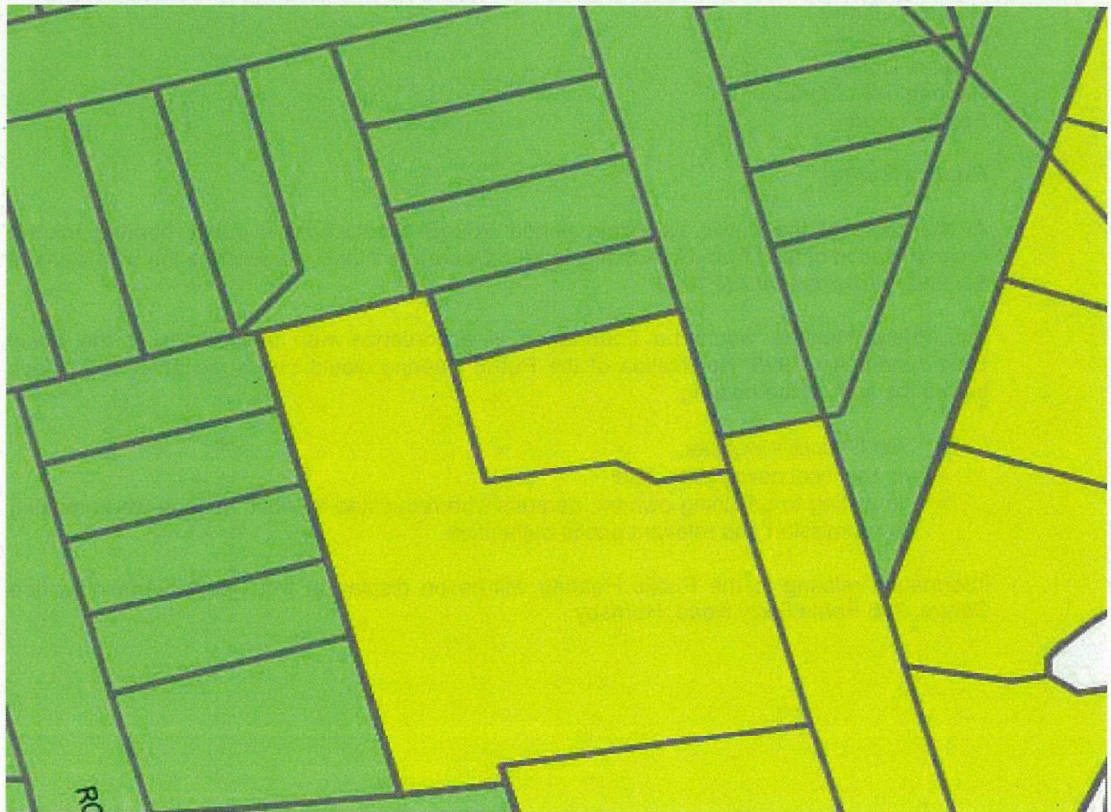
Proposed Height of Buildings – 295 Galston Road, Galston – 10.5m



Existing Height of Buildings – 25 Ray Road Epping – part 12m and part 8.5m – cadastre out of alignment



Proposed Height of Buildings – 25 Ray Road Epping – 12m – cadastre realignment



PART 5 - COMMUNITY CONSULTATION

In accordance with the NSW Department of Planning and Infrastructure's *Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan*, the Planning Proposal includes a written statement required by the Practice Note (Appendix A)

In accordance with "A guide to preparing local environmental plans" prepared by the Department of Planning and Environment (2013) the Planning Proposal will be exhibited for a period of 28 days. The exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in the Hornsby Advocate identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council website (www.hornsby.nsw.gov.au/onexhibition) under On Exhibition. Council's libraries have access to the website.

Letters to affected owners

A letter will be sent to landowners whose land is affected by the Planning Proposal.

Displays at the Council Administration Building and local libraries

The Planning Proposal will be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and the following libraries:

Hornsby Library
Berowra Library
Galston Library
Pennant Hills Library
Epping Library

Public Hearing

At the close of the public exhibition period Council would hold a public hearing for the reclassification of land from Community land to Operational land, pursuant to the provisions of the *Local Government Act 1993*.

The Public Hearing would be undertaken in accordance with section 29 of the *Local Government Act 1993*. Notification of the Public Hearing would be issued at least 21 days before the start of the hearing:

- On Council's website;
- In the local newspaper; and
- In writing to adjoining owners, persons who requested a public hearing when making a submission and relevant public authorities.

Information relating to the Public Hearing will be on display at the Council Administration Centre, 296 Peats Ferry Road, Hornsby.

PROPOSED TIMELINE

Weeks after endorsement from DP&I for exhibition	Item
0	Gateway Determination – August 2015
4	Consultation with RFS – September 2015
8	Exhibition Start – October 2015
12	Exhibition end – November 2015
24	Public Hearing – February 2016
28	Consideration of submissions – March/April 2016
36	Report to Council on submissions – May 2016
40	Request draft instrument be prepared – June 2016

APPENDICES

Appendix A

LEP Practice Note PN 09-003 – Written Statement

As part of the Planning Proposal, Council must provide a written statement which addresses specific requirements for the reclassification of public land. These requirements are contained within the Department of Planning and Infrastructure's LEP Practice Note PN09-003 'Classification and reclassification of public land through a local environmental plan'.

Property No. 111x New Line Road, Cherrybrook

Council intends to reclassify property No. 111X New Line Road, Cherrybrook (Lot 13 DP 262492) from Community land to Operational land via the planning proposal process. The Planning Proposal also proposes that the land be rezoned from RE1 Public Recreation to RE2 Private Recreation.

The changes resulting from the reclassifications are addressed in the table below.

LEP Practice Note: PN 09-003	
Classification and reclassification of public land through a local environmental plan	
<u>111x New Line Road, Cherrybrook</u>	
Requirement	Response
Reason why the planning proposal is being prepared	The Planning Proposal is being prepared so that the land can be classified as Operational and allow Council the option of selling the subject site.
Current and proposed classification	The land is currently classified as Community land and it is proposed that the land be classified as Operational land.
Reason for the classification	The reclassification would enable the opportunity for the integration of the site within the West Pennant Hills Sports Club located to the south who has inquired about Council's intentions for the land over the past 16 years.
Council's ownership of the land	The subject site is owned by Council.
Nature of Council's interest in the land	The subject site is owned by Council.
How and when the interest was first acquired	The land was vested in Council as a reserve in 1982.
The reasons Council acquired an interest in the land	The land was dedicated to Council as public reserve as part of the subdivision and extension of Bowerman Place, Cherrybrook
Any agreements over the land	There are no agreements over the land.
An indication of any financial loss or gain from the reclassification	A 1999 valuation indicated a price per square metre of \$150 for the site. Although outdated, this is an indication of the financial benefit that Council may gain.

Requirement	Response
The asset management objectives being pursued	Disposal of surplus land, no longer required for the purpose it is held. If the site was sold, Council would not be responsible for ongoing maintenance costs.
Whether there has been an agreement for the sale or lease of the land	There has been no legal agreement entered into for the sale or lease of the land.
Relevant matters required in plan making under the <i>Environmental Planning and Assessment Act</i>	The reclassification is proposed to be carried out in accordance with: S55 Relevant Authority to prepare a planning proposal S56 Gateway Determination S57 Community Consultation
A copy of the practice note	Attached. Council is seeking to reclassify land via the process in Column 2 of Attachment 1 entitled "Requirements after commencement of the 2009 Part 3 amendment to the EP&A Act when it applies to a proposal".

Appendix B

Amendments to Heritage Schedule

Suburb	Item name	Address	Property description	Significance	Item no	Comments
Beecroft	Fence, Gates and Garden	2, 2A and 4 Beecroft Road	Lots 5-7, DP 2377333	Local	36	Gates are part of the original fence
Beecroft	Footpath	Copeland Road (east between 138 154 Copeland Road)	Road reserve		74	
Beecroft	Garden	156A Copeland Road 156 Copeland Road	Lot 14, DP 604271 Lot 13, DP 604271	Local	88	Incorrect address in HLEP
Beecroft	Presbyterian Church	1 Mary Street 1A Mary Street	Lot B, DP 356769 Lot 4, Sec 2, DP 758074	Local	127	Incorrect address in HLEP
Beecroft	Bushland Reserve	Sutherland Road—Byles Creek Valley	Lot 3 DP 540850, Lot 14 DP 562351, Lot 3 DP 530227, Lot 15 DP 237044, Lot 80 DP 1150971, Lot 23 DP 614741 and Lot 6 DP 229639	Local	140	Insert Property Description
Brooklyn	House	52 Brooklyn Road	Lot 11, Section 2, DP 2002	Local	207 208	To match GIS Map
Brooklyn	Boatshed	53 Brooklyn Road	Lot 2, DP 5527	Local	208 207	To match GIS Map
Castle Hill	"Glenowen" and garden	3, 5 and 7 Glenowen Way	Lot 2, 3 and 9, DP 286138	Local	258	Amend GIS Map to match listing
Cheltenham	Mosbrae	157 Beecroft Road	Lots 2 and 3 DP 74323 Lot 1 DP 311458		262	Incorrect address
Cheltenham	Trees	1 The Boulevard	Lot 1 DP 576233		280	Spelling error
Cheltenham	House and garden	5 The Boulevard	Lot 1 DP 580847		281	Spelling error
Cheltenham	Gardens	10-12 The Boulevard	Lots 25 and 26 DP 5440		282	Spelling error
Cheltenham	House	11 The Boulevard	Lot 2 DP 540033		283	Spelling error
Cheltenham	House and garden	14 The Boulevard	Lot B.DP 302976		284	Spelling error
Cheltenham	House	15 The Boulevard	Lot 1 DP 807998		285	Spelling error
Cheltenham	House and garden	18 The Boulevard	Lot 1 DP 526173		286	Spelling error
Cheltenham	House	24 The Boulevard	Lot 18 DP 5440		287	Spelling error
Cheltenham	House	26 The Boulevard	Lot 17 DP 5540		288	Spelling error
Cherrybrook	The Lakes of Cherrybrook "Kenburn Hall" and garden	10 Kenburn Avenue 59-61 Macquarie Drive	Lot 122, DP 635280 SP 21343	Local	304	Incorrect Address in HLEP
Dural	House, (former Uniting Church and chapel) House, former Uniting Church and chapel	925-935 and 937 Old Northern Road	Lots 1 and 2, DP 618271	Local	351	Incorrect item name in HLEP
Epping	House Boy Scout Hall	6 Essex Street	Lot 25, Section 4, DP 758390	Local	799	Improvement to item name
Epping	House "Wurundjer"	42 Essex Street	Lot B, DP 300119	Local	800	Improvement to item name
Epping	Epping Public School—original building dated	2-16 Norfolk Road 27-33 Pembroke Street	Lots 4 - 13, Section 13 DP 758390	Local	385	Incorrect Address in HLEP

Suburb	Item name	Address	Property description	Significance	Item no	Comments
Epping	1901 (excluding other buildings and grounds) House "Montrose"	43 Norfolk Road	Lot 6, DP 5910	Local	803	Improvement to Item name
Epping	"Woodlands"	25 Ray Road	Lot 2, DP 1158694 Lot 2, DP 1180988	Local	403	Recent subdivision
Glenorie	Glenorie Mission Hall	1409 Old Northern Road	Lot 5, DP 1139208	Local	451	Incorrect item name in HLEP
Glenorie	Glenorie Memorial Hall and war memorial precinct	1729 Old Northern Road	Lot 94, DP 752014	Local	456	Incorrect item name in HLEP
Waitara	House and garden	27-31 Clarke Road	Lot 1, DP 857049	Local	779	Incorrect Suburb in HLEP
Hornsby	Hornsby Girls' High School—buildings and fence (excluding other school structures and grounds)	12 Edgeworth David Avenue	Lots 1-12, Section 2, DP 2669; Lots 16-30 Section 2, DP 2669; Lots 1-15 Section 3 DP 2669	Local	476	Improvement to Item name to include original fence
Hornsby	Cottage House	2 Station Street 317-321 Pennant Hills Road	Lot 2, DP 773994 Lot 1, DP 882348 SP 58495	Local Local	550 647	Demolished Incorrect Address in HLEP
Thornleigh	"Westpac"	2A Paling Street	Part Lot 23, DP 11134	Local	651	Improvement to Item name
Pennant Hills	"Former Bank of New South Wales"	370 Pennant Hills Road				
Wahroonga	Tree and fence Fence	46 Bundarra Avenue	Lot 1, DP 611318	Local	732	Tree was removed c2000
Wahroonga	"Highlands House" and garden	9 Highlands Avenue	Lot 5, DP 258247	Local State	745	Listed on the State Heritage Register

Appendix C

State Environmental Planning Policy Checklist

State Environmental Planning Policies		
SEPP Title	Compliance	Comment
1. Development Standards	N/A	
2. Minimum Standards for Residential Flat Development	Repealed	
3. Castlereagh Liquid Waste Disposal Depot	Repealed	
4. Development Without Consent and Miscellaneous Complying Development	N/A	
6. Number of Storeys in a Building	N/A	
7. Port Kembla Coal Loader	Repealed	
8. Surplus Public Land	Repealed	
9. Group Homes	Repealed	
10. Retention of Low-Cost Rental Accommodation	Repealed	
11. Traffic Generating Developments	Repealed	
12. Public Housing (Dwelling Houses)	Repealed	
13. Sydney Heliport	Repealed	
14. Coastal Wetlands	N/A	
16. Tertiary Institutions	Repealed	
17. Design of Building in Certain Business Centres	Not Made	
18. Public Housing	Not Made	
19. Bushland in Urban Areas	N/A	
20. Minimum Standards for Residential Flat Development	Repealed	
21. Moveable Dwellings	N/A	
22. Shops and Commercial Premises	N/A	
24. State Roads	Not Made	
25. Residential Allotment Sizes	Repealed	
26. Littoral Rainforests	N/A	
27. Prison Sites	Repealed	
28. Town Houses and Villa Houses	Repealed	
29. Western Sydney Recreational Area	N/A	
30. Intensive Agriculture	N/A	
31. Sydney (Kingsford Smith) Airport	Repealed	
32. Urban Consolidation (Redevelopment of Urban Land)	N/A	
33. Hazardous and Offensive Development	N/A	
34. Major Employment Generating Industrial Development	Repealed	
35. Maintenance Dredging of Tidal Waterways	Repealed	
36. Manufactured Home Estates	N/A	
37. Continued Mines and Extractive Industries	Repealed	
38. Olympic Games and Related Development Proposals	Repealed	
39. Spit Island Bird Habitat	N/A	
40. Sewerage Works	Not Made	
41. Casino/Entertainment Complex	N/A	
42. Multiple Occupancy and Rural Land (Repeal)	Repealed	
43. New Southern Railway	Repealed	

44. Koala Habitat Protection	N/A	
45. Permissibility of Mining	Repealed	
46. Protection and Management of Native Vegetation	Repealed	
47. Moore Park Showground	N/A	
48. Major Putrescible Landfill sites	Repealed	
49. Tourism Accommodation in Private Homes	Draft	
50. Canal Estates	N/A	
51. Eastern Distributor	Repealed	
52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
53. Metropolitan Residential Development	Repealed	
54. Northside Storage Tunnel	Repealed	
55. Remediation of Land	Yes	The Planning Proposal is consistent with SEPP 55.
56. Sydney Harbour Foreshores and Tributaries	Repealed	
58. Protecting Sydney's Water Supply	Repealed	
59. Central Western Sydney Economic and Employment Area	N/A	
60. Exempt and Complying Development	N/A	
61. Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed	
62. Sustainable Aquaculture	N/A	
63. Major Transport Projects	Repealed	
64. Advertising and Signage	N/A	
65. Design Quality of Residential Flat Development	N/A	
66. Integration of Land Use and Transport	Draft	
67. Macquarie Generation Industrial Development	Repealed	
68. Not Allocated		
69. Major Electricity Supply Projects	Repealed	
70. Affordable Housing (Revised Schemes)	N/A	
71. Coastal Protection	N/A	
72. Linear Telecommunications Development – Broadband	Repealed	
73. Kosciuszko Ski Resorts	Repealed	
74. Newcastle Port and Employment Lands	Repealed	
SEPP 1989. Penrith Lakes Scheme	N/A	
SEPP 2004. Housing for Seniors or People with a Disability	N/A	
SEPP 2004. Building Sustainability Index: BASIX	N/A	
SEPP 2004. ARTC Rail Infrastructure	Repealed	
SEPP 2004. Sydney Metropolitan Water Supply	Repealed	
SEPP 2005. Development on Kurnell Peninsula	N/A	
SEPP 2005. Major Development	N/A	
SEPP 2006. Sydney Region Growth Centres	N/A	
SEPP 2007. Mining, Petroleum Production and Extractive Industries	N/A	
SEPP 2007. Temporary Structures	N/A	

SEPP 2007. Infrastructure	N/A	
SEPP 2007. Kosciuszko National Park – Alpine Resorts	N/A	
SEPP 2008. Rural Lands	N/A	
SEPP 2008. Exempt and Complying Development Codes	N/A	
SEPP 2009. Western Sydney Parklands	N/A	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2009. Western Sydney Employment Area	N/A	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2010. Urban Renewal	N/A	
SEPP 2011. Sydney Drinking Water Catchment	N/A	
SEPP 2011. State and Regional Development	N/A	
Sydney Regional Plans (deemed SEPPs)		
SREP 1. Dual Occupancy	Repealed	
SREP 2. Dual Occupancy	Repealed	
SREP 3. Kurnell Peninsula	Repealed	
SREP 4. Homebush Bay	Repealed	
SREP 5. Chatswood Town Centre	N/A	
SREP 6. Gosford Coastal Areas	Repealed	
SREP 7. Multi-Unit Housing – Surplus Government Sites	Repealed	
SREP 8. Central Coast Plateau Areas	N/A	
SREP 9. Extractive Industry (No. 2)	N/A	
SREP 10. Blue Mountains Regional Open Space	Repealed	
SREP 11. Penrith Lakes Scheme	N/A	
SREP 12. Dual Occupancy	Repealed	
SREP 13. Mulgoa Valley	N/A	
SREP 14. Eastern Beaches	Repealed	
SREP 15. Terrey Hills	Repealed	
SREP 16. Walsh Bay	N/A	
SREP 17. Kurnell Peninsula	N/A	
SREP 18. Public Transport Corridor	N/A	
SREP 19. Rouse Hill Development Area	N/A	
SREP 20. Hawkesbury Nepean River (No. 2 – 1997)	Yes	The Planning Proposal will not contradict or hinder application of this SREP.
SREP 21. Warringah Urban Release Area	Repealed	
SREP 22. Parramatta River	Repealed	
SREP 23. Sydney and Middle Harbours	Repealed	
SREP 24. Homebush Bay Area	N/A	
SREP 25. Orchard Hills	N/A	
SREP 26. City West	N/A	
SREP 27. Wollondilly Regional Open Space	Repealed	
SREP 28. Parramatta	N/A	
SREP 29. Rhodes Peninsula	N/A	
SREP 30. St Marys	N/A	
SREP 31. Regional Parklands	Repealed	
SREP 33. Cooks Cove	N/A	
SREP 2005. Sydney Harbour Catchment	Yes	The Planning Proposal will not contradict or hinder application of this SREP.

Appendix D

Local Planning Directions (s117) Checklist

Ministerial Directions (s117)		
S117 Direction Title & Summary	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	Yes	The PP proposes to rezone rural land from RU1 Primary Production to RU4 Primary Production Small Lot. This does not increase the permissible density of the land.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environmental Protection Zones	Yes	The PP does not reduce the environmental protection standards that apply to land with an environmental protection zone.
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	Yes	The PP proposes to update the Heritage Schedule to correctly reflect the property and item descriptions of heritage items within the Shire.
2.4 Recreation Vehicle Areas	N/A	
3. Housing Infrastructure and Urban Development		
3.1 Residential Zones	Yes	The PP does not affect the provision of housing which broadens the choice of housing type and location in Hornsby Shire.
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
3.4 Integrating Land Use and Transport	Yes	The PP does not relocate zones for urban purposes. The rezonings relate to boundary/cadastre anomalies.
3.5 Development Near Licensed Aerodromes	N/A	

3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The PP applies to land above MHWM zoned E2, which are identified on the Acid Sulfate Planning Map as having a probability of Acid Sulfate Soils being present. However, the PP does not propose an intensification of land uses.
4.2 Mine Subsidence and Unstable Land	N/A	Direction applies to all councils that contain a mine subsidence district proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961 or that contain unstable land. Clarification was sought from the Department of Planning in late 2005 as to the meaning of 'unstable land'. A formal response has not been received. However, a Department representative advised by email 29 November 2005 that unstable land is land that is subject to land slip because of slope and soil/geological conditions.
4.3 Flood Prone Land	Yes	The Planning Proposal does not contradict or hinder flood prone land provisions.
4.4 Planning for Bushfire Protection	Yes	The PP applies to land which is mapped as bushfire prone land. However, the changes do not introduce development in hazardous areas. In accordance with this Direction, Council will consult with the Commissioner of the NSW RFS following receipt of the Gateway Determination and prior to undertaking community consultation.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA))	Revoked	
5.6 Sydney to Canberra Corridor	Revoked	
5.7 Central Coast	Revoked	
5.8 Sydney Second Airport: Badgerys Creek	N/A	

5.9 North West Rail Link Corridor Strategy	Yes	The PP does not affect the future character of the NWRL Cherrybrook precinct and is consistent with the NWRL Corridor Strategy
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The PP does not contain provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes	Yes	The PP proposes to remove the reservation of land for public purposes of three parcels of land. One parcel (Lot 2683 DP 40000 (Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235) at Cowan is identified for acquisition by the State Government for regional open space and is proposed to be removed from the Land Reservation Acquisition Map at the request of the Office of Strategic Lands – see Appendix E. Another parcel (1069 Pacific Highway, Cowan) is identified for acquisition by the State Government for regional open space and is proposed to be removed with in-principle support from the Office of Strategic Lands – see Appendix F. The third parcel (5 Amor Street, Asquith) is identified for acquisition by Council for a local road and is proposed to be removed as it is no longer required for the purpose for which it was identified. Council seeks approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) in accordance with this direction.
6.3 Site Specific Provisions	N/A	
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Yes	The PP does not contradict or hinder the achievement the planning principles, directions and priorities of the NSW Government's <i>A Plan for Growing Sydney</i> .

Appendix E

Correspondence from Office of Strategic

Lands - Lot 2683 DP 40000 (Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235) at Cowan



**Planning &
Infrastructure**

General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 2077

7 August 2012

Contact: Ashley West
Phone: 9860 1486
Fax: 9687 6610
Email: ashley.west@planning.nsw.gov.au

RECEIVED

10 AUG 2012

RECORDED

Dear Mr Phillips

Subject: Exhibition of draft Hornsby Local Environmental Plan 2011

The Office of Strategic Lands (OSL) makes the following submission on behalf of the *Minister administering the Environmental Planning and Assessment Act, 1979* as part of the exhibition of the draft Hornsby Local Environmental Plan 2011.

OSL is a branch within the Department of Planning and Infrastructure and is responsible for the management of "Corporation Sole EPA Act", the company set up on behalf of the *Minister administering the Environmental Planning and Assessment Act, 1979* by clause 8(1) of the *Environmental Planning and Assessment Act, 1979*. Part of our responsibilities on behalf of the Minister is to comment on land owned or to be acquired by the Minister under environmental planning instruments.

The following is a list of specific sites we wish to comment on as part of the review of the draft documentation:

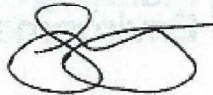
- 1. Land off Pacific Highway, Cowan (known to Council as Lot 2683 DP40000)**
As previously mentioned, advice has been provided in relation to the acquisition of land that has been subject to Aboriginal land claims. As indicated the acquisition of such land for a public purpose can only be acquired by an Act of Parliament (s42 of *Aboriginal Land Rights Act, 1983*). This was overlooked in our previous response. It is also noted that the land in this location is identified on the Land and Property Information records as being Lot 7323 and 7324 in DP1165579 and is in the ownership of The State of New South Wales with the responsible agency for the land being Crown Land.

Therefore, in reviewing the acquisition requirement for this parcel of land, it is advised that the acquisition requirement should be removed.
- 2. 8 Crusader Road, Galston (Lot 159 DP752048)**
The owners of this land, Crusader Union of Australia, has recently approach both OSL and Council with a proposal for the future development of this land. OSL is happy to consider this proposal on its merits with Council. It is understood that Council has indicated that this matter would be reviewed after the current LEP has been gazetted.

Finally, further to the abovementioned specific issues, in reviewing the draft documentation OSL can confirm that all other proposed land zonings for land owned by the Minister are appropriate. OSL can also confirm that the Minister agrees to be the acquisition authority for all properties identified for acquisition for regional open space purposes on the land acquisition maps.

Thank you for the opportunity to review and make a submission on Council's LEP, should you have any queries relating to this submission please contact Ashley West, Project Manager Divestments on 9860 1486 or Stephen Dewick, Senior Manager Divestments on 9860 1406.

Yours sincerely



for Carl Malmberg
Director
Office of Strategic Lands

cc: Peter Goth, Regional Director, Sydney Region East, Department of Planning and Infrastructure

Appendix F

Correspondence from Office of Strategic Lands — Property No. 1069 Pacific Highway, Cowan



Planning &
Environment

7 May 2015

Mr Fletcher Rayner
Manager Strategic Planning
Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

RECEIVED

14 MAY 2015

RECORDS

Dear Mr Rayner

Property No. 1069 Pacific Highway, Cowan

Thank you for Council's recent letter of the 15 April 2015 requesting clarification of the Office of Strategic Lands' (OSL) future intent for the above property.

The review and consideration of the appropriate long term zoning and use of the property has had a long history. For many years under Council's former LEP the site was identified as district recreation open space, with the Planning Minister's 'corporation sole' as the relevant acquiring authority for the privately owned property.

When Council began the preparation of their new standard instrument LEP, it was agreed between our two agencies that OSL would engage an independent town planning firm to guide the recommendations of future zonings for OSL related property. OSL engaged McKenzie Land Planning Services to undertake the assessment and a final report dated May 2013 was submitted to Council.

The McKenzie report recommended that the subject property be zoned RE1 Public Recreation and that the acquisition responsibility of the 'corporation sole' is retained. The main justification behind this recommendation was that the property was an isolated privately owned parcel within a large area of Berowra Creek regional park and that in the longer term its acquisition would aid the management of the regional park.

Having now reviewed the submission of the landowner, OSL and our consultant McKenzie Land Planning Services were unaware the property is heritage listed under Council's LEP and referred to as 'Glendale Farm', an item of local significance. The significance is as a farm landscape and a good example of a small scale farm set within a bushland setting. Clearly this factor is important and the acquisition of the property by Government would impact on its ongoing heritage significance and should be avoided unless there were other planning considerations that outweighed this factor. In our view the heritage value of the property warrants its retention in its current form.

Given that the current owners has indicated their desire to remain on site and continue the agricultural and rural uses it is on balance reasonable to support a change of use and remove an acquisition clause over the property. This would be on the understanding that a satisfactory replacement zone that reflects its current use is applied. Council's suggested application of an E3 Environmental Management is something OSL would support.

Please be aware that OSL sits within the non-statutory section of the Department and any final zoning will need to be discussed with the Regional Planning team. We note however that this will be done as part of the Gateway Determination process and that you are just seeking OSL's early support.

In conclusion OSL would support the rezoning of the property and the removal of any planned acquisition.

Should you have any questions regarding the above please contact myself on 9860 1406 or alternatively Ashley West Project Manager, Divestments on 9860 1486.

Yours sincerely



Stephen Dewick
Senior Manager, Divestments
Office of Strategic Lands

cc: Terry Doran, Team Leader Metro Planning