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Department Generated Correspondence (Y)

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Our ref: PP_2010_HORNS_005_00 (10/23224)
Your ref: F2010/00623

Mr Robert Ball
General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Dear Mr Ball,

Re: Planning Proposal to establish a Heritage Conservation Area in Wahroonga North

I am writing in response to your Council's letter dated 9 November 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Hornsby Local Environmental Plan 1994 to establish a Heritage Conservation Area in Wahroonga (North) generally in accordance with the recommendations of the "Wahroonga (North) Heritage Conservation Area Review".

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

As part of the review and ongoing implementation of its Housing Strategy, Council is encouraged to consider the broader implications of identifying residential areas within close proximity to railway stations as heritage conservation areas. It is essential that Council adequately demonstrate how it intends to achieve its identified housing targets across the LGA by providing infill development opportunities in a variety of locations, including Wahroonga. The Department would therefore encourage Council to undertake additional urban design and streetscape planning work to identify how increased housing densities may be achieved in areas such as Wahroonga (North) in a manner that is sympathetic to the existing built form and to the potential listing of the area as a heritage conservation area. Any future planning proposals by Council relating to the introduction of heritage conservation areas within the Hornsby LGA should also include this information to ensure an appropriate assessment of the impacts of the proposal on meeting housing target can be undertaken.

The amending Local Environmental Plan (LEP) is to be finalised within **9 months** of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tan Tai Ta of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Neil McGaffin
A/Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_HORNS_005_00): to establish a Heritage Conservation Area in Wahroonga (North) generally in accordance with the recommendations of the "Wahroonga (North) Heritage Conservation Area Review".

I, the A/Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Hornsby Local Environmental Plan 1994 to establish a Heritage Conservation Area in Wahroonga (North) generally in accordance with the recommendations of the "Wahroonga (North) Heritage Conservation Area Review", should proceed subject to the following conditions:

1. To supplement the outcomes of its existing housing strategy, Council is to demonstrate how it intends to achieve its identified long term Metropolitan Strategy housing targets in the proposed heritage conservation area by identifying future potential infill development and redevelopment opportunities as part of this planning proposal. This information is to be exhibited as part of this planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Aboriginal Land Council
 - Department of Lands
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

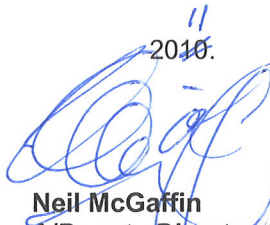
Dated

10th

day of

January

2010.



Neil McGaffin
A/Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning