

Hornsby LEP 2013 Housekeeping Amendments 2015

Proposal Title : **Hornsby LEP 2013 Housekeeping Amendments 2015**

Proposal Summary : **This Housekeeping Planning Proposal seeks to amend Hornsby Local Environmental Plan 2013 to attend to a number of issues raised in submissions received during initial public exhibition of the draft plan in 2012. 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.**

PP Number : **PP_2015_HORNS_002_00** Dop File No : **15/12436**

Proposal Details

Date Planning Proposal Received : **15-Oct-2015** LGA covered : **Hornsby**

Region : **Metro(Parra)** RPA : **The Council of the Shire of Hornsby**

State Electorate : **EPPING
HAWKESBURY
HORNSBY
KU-RING-GAI** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **E2 Environmental Conservation Zone - Add Jetties to the list of uses permitted with consent**

Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **W1 Natural Waterways and W2 Recreational Waterways Zones - Remove Moorings from uses permitted without consent**

Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **R2 Low Density Residential Zone - Remove Recreation Facilities (Indoor) from uses permitted with consent**

Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **Schedule 2 - Exempt Development - Remove uses that are listed in the Exempt and Complying Development Codes SEPP, including (i) nominated signage types, (ii) temporary use of buildings and public land, (iii) outdoor dining and (iv) clothing bins**

Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **Schedule 3 - Complying Development - Remove signage types that are listed in the Exempt and Complying Development Codes SEPP**

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Street :	Whole of LGA		
Suburb :		City :	Postcode :
Land Parcel :	Schedule 5 - Items of Environmental Heritage - Amend listings in Part 1 to reflect the correct property addresses and item descriptions		
Street :	111X		
Suburb :	New Line Road	City :	Cherrybrook Postcode :
Land Parcel :	Lot 13 DP 262492 zoned RE1 - to be reclassified from Community Land to Operational Land and rezoned from RE1 Public Recreation to RE2 Private Recreation		
Street :	1069		
Suburb :	Pacific Highway	City :	Cowan Postcode :
Land Parcel :	Rezone Lot 339 DP752026 at No 1069 Pacific Highway, Cowan from RE1 Public Recreation to E3 Environmental Management and (i) Remove the acquisition obligation for this land (ii) Apply a 40ha minimum lot size to this land (iii) Apply a 10.5 height limit to this land		
Street :	Calabash Point		
Suburb :	Berowra Creek	City :	Postcode :
Land Parcel :	Lot 1 DP 1199578 - Adjust RE1 Public Recreation zone boundary to align with cadastral boundary, remove the height limit over the relevant portion of Lot 1 DP 1199578 in accordance with the rezoning anomaly and adjust the Lot Size and Height of Building Maps to suit		
Street :	Berowra Waters Boatshed		
Suburb :		City :	Postcode :
Land Parcel :	Realign the W2 Recreational Waterways zone to be adjacent to the IN4 Working Waterfront Zone		
Street :	22x Higgins Place		
Suburb :	Westleigh	City :	Postcode :
Land Parcel :	Lot 191 DP 600794 - Realign zoning to conform with the cadastre at 22X Higgins Place, Westleigh (RE1 Public Recreation), and make corresponding adjustments to the Lot Size and Height of Buildings Maps		
Street :	25 Blackbutt Avenue		
Suburb :	Pennant Hills	City :	Postcode :
Land Parcel :	Lot 31 DP 231371 - Realign the zoning of 25 Blackbutt Avenue, Pennant Hills as entirely R2 Low Density Residential, with corresponding adjustments to the Lot Size and Height of Buildings Maps		
Street :	295 Galston Road		
Suburb :	Galston	City :	Postcode :
Land Parcel :	Lot 64 DP 774512 - Rezone 295 Galston Road, Galston from RU1 Primary Production to RU4 Primary Production Small Lot and apply a 10.5m height limit		
Street :	25 Ray Road		
Suburb :	Epping	City :	Postcode :
Land Parcel :	Lot 2 DP 1180988 - Realign the R4 Zone boundary to align with the cadastral boundary and adjust the Lot Size and Height of Buildings Maps to suit		
Street :	Epping Town Centre		
Suburb :		City :	Postcode :
Land Parcel :	Land within the Epping Town Centre - 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		
Street :	56A Oxford Street		
Suburb :	Epping	City :	Postcode :
Land Parcel :	Lots A and D in DP 936032 - Apply a 500sqm minimum lot size to land at 56A Oxford Street, Epping		

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Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **Zone E2 - Environmental Conservation - Apply a 40ha minimum lot size over land zoned E2 Environmental Conservation that is above Mean High Water Mark**

Street : **Land at Pacific Highway**

Suburb : **Cowan** City : Postcode :

Land Parcel : **Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235 - Remove the acquisition obligation from Lot 2683 DP 40000 (Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235) at Cowan**

Street : **5 Amor Street**

Suburb : **Asquith** City : Postcode :

Land Parcel : **Lot 40 DP 12901 - Remove the acquisition obligation from 5 Amor Street, Asquith**

Street : **Whole of LGA**

Suburb : City : Postcode :

Land Parcel : **Amend the Map legend to correctly correspond with the heights introduced for Hornsby West Side and Epping Town Centre Map**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	N/A

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government **Yes**

Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? **No**

If Yes, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

Receipt Date:

The receipt date of the planning proposal has been amended to reflect recent discussions with council officers.

Summary:

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.

Acquisition Matters:

The Planning Proposal also includes the proposed removal of the reservation of land for public purposes of three parcels of land, as follows:

Lot 2683 DP 40000 (and part lots) at Cowan

- * The land is identified for acquisition by the State Government for regional open space purposes.
- * The acquisition responsibility is proposed to be removed from the Land Reservation Acquisition Map within the planning proposal.
- * Appendix E of the planning proposal is a letter from The Department's Office of Strategic Lands (dated 7/8/12). In summary, this letter advises that the land is subject to an Aboriginal land claim and is in State ownership. In these circumstances, it is appropriate for the acquisition responsibility to be removed.

1069 Pacific Highway, Cowan

- * Identified for acquisition by the State Government for regional open space purposes.
- * Proposed to remove acquisition responsibility.
- * Appendix F (Office of Strategic Lands' letter of 7 May 2015) to the planning proposal refers.
- * No objection raised in that letter in view of the heritage listing of the property and its associated on-going agricultural use and to the rezoning of the land to an appropriate zone, such as E3 Environmental Management zone.
- * The above zone is proposed in the planning proposal.

111X New Line Road, Cherrybrook

- * The acquisition responsible lies with council.
- * Identified for acquisition by Council for a local road.
- * Acquisition is proposed to be removed, as the road 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.

External Supporting
Notes :

This Housekeeping Planning Proposal seeks to Amend the HLEP 2013 to resolve some of the identified issues raised during the initial exhibition of the Draft Plan in 2012. 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.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : 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) Incorporate the additional measures previously identified by Council as being desirable, these being to:
 - (a) apply a 40ha minimum lot size over E2 Environmental Conservation zoned lands above the Mean High Water Mark (MHWM) 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.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

LAND USE TABLE AMENDMENTS:

1. **E2 Environmental Conservation Zone**
Add Jetties to the list of uses permitted with consent
2. **W1 Natural Waterways and W2 Recreational Waterways Zones**
Remove Moorings from uses permitted without consent
3. **R2 Low Density Residential Zone**
Remove Recreation Facilities (Indoor) from uses permitted with consent

WRITTEN INSTRUMENT AMENDMENTS:

4. **Schedule 2 - Exempt Development**
Remove uses that are listed in the Exempt and Complying Development Codes SEPP, including (i) nominated signage types, (ii) temporary use of buildings and public land, (iii) outdoor dining and (iv) clothing bins
5. **Schedule 3 - Complying Development**
Remove signage types that are listed in the Exempt and Complying Development Codes SEPP
6. **Schedule 5 - Items of Environmental Heritage**
Amend listings in Part 1 to reflect the correct property addresses and item descriptions

RECLASSIFICATION OF COUNCIL OWNED LAND

7. **Land at 111x New Line Road (Lot 13 DP 262492) zoned RE1**
to be reclassified from Community Land to Operational Land and rezoned from RE1 Public Recreation to RE2 Private Recreation

MAPPING AND ZONING AMENDMENTS

8. **Rezone land at No 1069 Pacific Highway, Cowan (Lot 339 DP752026)**
from RE1 Public Recreation to E3 Environmental Management and:
(i) remove the acquisition obligation for this land
(ii) apply a 40ha minimum lot size to this land
(iii) apply a 10.5 height limit to this land.
9. **Land at Calabash Point, Berowra Creek**
Adjust RE1 Public Recreation zone boundary to align with cadastral boundary, remove the height limit over the relevant portion of Lot 1 DP 1199578 in accordance with the rezoning anomaly and adjust the Lot Size and Height of Building Maps to suit
10. **Realign the W2 Recreational Waterways zone at Berowra Waters**
to be adjacent to the IN4 Working Waterfront Zone to correspond with existing permissive occupancies
11. **Land at Higgins Place, Westleigh - Lot 191 DP 600794**
Realign zoning to conform with the cadastre at 22x Higgins Place, (RE1 Public Recreation), and make corresponding adjustments to the Lot Size

and Height of Buildings Maps

12. Land at 25 Blackbutt Avenue, Pennant Hills (Lot 31 DP 231371)
Realign the zoning boundary as to zone the site entirely R2 Low Density Residential, with corresponding adjustments to the Lot Size and Height of Buildings Maps.
13. Rezone land at 295 Galston Road, Galston
from RU1 Primary Production to RU4 Primary Production Small Lot and apply a 10.5m height limit Lot 64 DP 774512
14. Land at No. 25 Ray Road, Epping - Lot 2 DP 1180988
Realign the R4 Zone boundary to align with the cadastral boundary and adjust the Lot Size and Height of Buildings Maps to suit
15. Land within the Epping Town Centre
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
16. Land at 56A Oxford Street, Epping Lots A and D in DP 936032
Apply a 500sqm minimum lot size to land at 56A Oxford Street, Epping
17. Zone E2 - Environmental Conservation
Apply a 40ha minimum lot size over land zoned E2 Environmental Conservation that is above Mean High Water Mark
18. Land at Pacific Highway, Cowan, comprising Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235
Remove the acquisition obligation from Lot 2683 DP 40000 (Part Lot 7323 DP 1165579 and Part Lot 1 DP 1198235)
19. Land at 5 Amor Street, Asquith Lot 40 DP 12901
Remove the acquisition obligation from 5 Amor Street, Asquith
20. Amend the Height of Buildings Map map legend generally
to correctly correspond with the heights introduced for Hornsby West Side and the Epping Town Centre Map

Department Comment:

For clarity, it is recommended that under each proposed amendment item in Part 2 - Explanation of Provisions, a short explanation of each amendment item is provided.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SREP (Sydney Harbour Catchment) 2005

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

A number of section 117 directions are relevant, however, given the nature of the planning proposal, any inconsistencies that arise are considered to be of a minor nature. Discussed, as follows:

1.2 RURAL ZONES

The Planning Proposal includes a provision to rezone a small parcel of rural land from RU1 Primary Production to RU4 Primary Production Small Lot at 295 Galston Road, Galston.

This does not increase the permissible density of the land and is not considered to be inconsistent with clause (4)(a) and (b) of the direction.

2.1 ENVIRONMENTAL PROTECTION ZONES

While the Planning Proposal does not propose to reduce the environmental protection standards that apply to land with an environmental protection zone, it does seek to extend the RE1 Public Recreation Zone to a small section of land currently zoned E4 Environmental Living at Lot 1 DP 1199578 Calabash Point, Berowra Creek.

Further, it is proposed to amend the lot size map to include a 40 ha minimum lot size over E2 Conservation zoned land at Wisemans Ferry/Laughtondale, Singletons Mill/Canoelands and Brooklyn. This proposal is address the possibility of inappropriate subdivision.

Any inconsistency with the direction is considered to be of minor significance.

2.3 HERITAGE CONSERVATION

The Planning Proposal includes the intention to update the Heritage Schedule of the LEP to correctly identify certain property and item descriptions of heritage items within the Shire. These proposed amendments are shown at Appendix B to the planning proposal.

Given the nature of the proposed amendments, it is considered that the proposal is not inconsistent with this Direction

3.1 RESIDENTIAL ZONES

The Planning Proposal does not affect the provision of housing which broadens the choice of housing type and location in Hornsby Shire. However, it is noted that minor map amendments are proposed for the adjustment of residential boundaries at:

- * Higgins Place, Westleigh;**
- * 25 Blackbutt Avenue, Pennant Hills; and**
- * 25 Ray Road, Epping.**

Further, the proposal amends certain lot size standards for residential zoned land in accordance with amendments made under State Environmental Planning Policy Amendment (Epping Town Centre) 2013.

Consequently, it is recommended that the planning proposal proceeds on the basis of any inconsistency with the direction being of a minor nature.

3.4 INTEGRATING LAND USE AND TRANSPORT

The Planning Proposal does not relocate zones for urban purposes. The rezonings relate to boundary/cadastre anomalies. The proposal is not inconsistent with this

Direction.

4.1 ACID SULFATE SOILS

The Planning Proposal applies to lands above Mean High Water Mark zoned E2, which are identified on the Acid Sulfate Planning Map as having a probability of Acid Sulfate Soils being present. However, the Planning Proposal does not propose an intensification of land uses and is therefore not considered to be inconsistent with this Direction.

Any inconsistency arising with the direction is considered to be of a minor nature.

4.3 FLOOD PRONE LAND

The Planning Proposal does not contradict or hinder flood prone land provisions, and is not considered to be inconsistent with this Direction.

4.4 PLANNING FOR BUSH FIRE PROTECTION

The Planning Proposal 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.

A Gateway condition in this regard is recommended.

5.9 NORTH WEST RAIL LINK CORRIDOR STRATEGY

The Planning Proposal does not affect the future character of the North West Rail Link (NWRL) Cherrybrook precinct and is consistent with the NWRL Corridor Strategy.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The Planning Proposal 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

The direction specifies that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or nominee).

The Planning Proposal includes the reclassification of a small parcel of Council-owned land at 111X New Line Road, Cherrybrook, from Community Land to Operational Land, with concurrent rezoning from RE1 - Public Recreation to RE2 -Private Recreation.

Details are provided at Appendix A to the planning proposal. The land is in the ownership of Council and is no longer required for its original purpose.

It is recommended that the Secretary's delegate agree to the alteration of the existing zone to satisfy the requirement of the direction.

The Planning Proposal also seeks 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.

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.

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. This is recommended on the basis of minor significance.

7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The Planning Proposal does not contradict or hinder the achievement the planning principles, directions and priorities of the NSW Government's A Plan for Growing Sydney. The proposal is not inconsistent with this Direction.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 55. REMEDIATION OF LAND

The Planning Proposal is not considered to be inconsistent with SEPP 55.

SREP 20. HAWKESBURY-NEPEAN RIVER (No. 2— 1997)

The Planning Proposal will not contradict or hinder application of SREP No 20.

SREP 2005 SYDNEY HARBOR CATCHMENT

The Planning Proposal will not contradict or hinder application of SREP 2005 Sydney Harbour Catchment.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Appropriate outline mapping has been provided by Council at this stage. For clarity, however, it is recommended that these maps be identified by number in the planning proposal and cross referenced with each applicable item under Part 2 - Explanation of provisions within the planning proposal.

Map sheets have not been provided in accordance with the Standard Technical Requirements for LEP Maps. The Council will be required to produce such maps prior to the finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : 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.

Public Hearing

At the close of the public exhibition period Council proposes to 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.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

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.

Assessment Criteria

Need for planning
proposal :

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.

Consistency with
strategic planning
framework :

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.

The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

The Planning Proposal is also 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.

Environmental social
economic impacts :

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.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) **Office of Environment and Heritage**
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

Metropolitan and Regional Strategy

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Hornsby Council Cover Letter 11-08-2015.pdf	Proposal Covering Letter	Yes
Hornsby Shire Council Planning Proposal - Housekeeping Amendments.pdf	Proposal	Yes
Hornsby Shire Council Planning Proposal - Group Managers Report 8 July 2015.pdf	Proposal	Yes
Hornsby Shire Council Resolution_8_July_2015.pdf	Proposal	Yes
Advice from OSL - 19 August 2015.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes
7.1 Implementation of A Plan for Growing Sydney**

Additional Information : DELEGATIONS

Delegation of Gateway Determination

As this proposal is of minor significance and the recommendations are consistent with those proposed by Council, it is recommended that the Gateway determination function be exercised by the Director, Metropolitan (Parramatta).

Delegation of the plan making function

Council has not requested delegation of the plan making function on this occasion. The proposal includes the reclassification of community land to operational land with discharge of interests. Accordingly, the approval of the Governor is required, and therefore, it is not possible to delegate the plan making function to Council.

SECTION 117 DIRECTIONS

It is recommended that the Secretary's delegate agree that any inconsistency with Section 117 Directions:

- 2.1 Environmental Protection Zones;**
 - 3.1 Residential Zones;**
 - 4.1 Acid Sulfate Soils; and**
 - 6.2 Reserving land for public purposes;**
- are justified as of minor significance.

GATEWAY DETERMINATION AND CONDITIONS

1. Prior to exhibition:

- 1.1. The Planning Proposal is to be amended, where applicable, to include lot and deposited plan numbers, as well as, street addresses for all properties currently identified by a street address only.**
- 1.2 Part 2 – Explanation of the provisions, is to be amended by the inclusion of a short explanatory note under each amendment item clarifying the reason and intent of each amendment. The maps included under Part 4 – Maps of the planning proposal, are to be numbered and referenced against each item in the explanation of the provisions (Part 2) of the planning proposal.**
- 1.3 Part 2- Explanation of the provisions, is to be amended so that the words: 'Remove the minimum lot size for 25 Ray Road Epping in accordance with the realignment of zoning' from appearing under the 'Height of Buildings Map' heading to those items appearing under the heading: 'Lot Size Map'.**
- 1.4 The planning proposal is to amended to indicate and, if applicable, any interests proposed to be discharged with the reclassification of the site described as 111x New Line Road, Cherrybrook.**
- 1.5 Council is to consult with the Commissioner of the NSW Rural Fire Services and give consideration to the provisions of section 117 direction 4.4 Planning for Bushfire Protection.**

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- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act as follows:**
 - 2.1 the planning proposal must be made publicly available for a minimum of 28 days;**
 - 2.2 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 5.5.2 of A**

Guide to Preparing LEPs (Planning & Infrastructure 2013); and
2.3 relevant extracts from the Exempt and Complying Development Codes SEPP
are to form part of the exhibition material.

3. Consultation is required with the following public authorities under section
56(2)(d) of the Environmental Planning and Assessment Act:

Greater Sydney - Local Land Services (Metropolitan)
Office of Environment and Heritage (Heritage Office)
Office of Environment and Heritage (Environment Branch)

Each public authority is to be provided with a copy of the planning proposal
and any relevant supporting material and given at least 21 days to comment
on the 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 Environmental Planning and Assessment Act
1979. 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 12 months from the week
following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as it will remove a number of minor mapping
anomalies within the current maps accompanying Hornsby Local Environmental Plan
2013, and will concurrently address other minor matters that are more fully described
above.

Signature:



Printed Name:

T DORAN

Date:

16/10/15