

Mr Robert Stephens
A/General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Dear Mr Stephens

**Planning Proposal to amend Hornsby Local Environmental Plan 2013 –
Hornsby RSL Club, Hornsby**

I am writing in response to Council's request for a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding a Planning Proposal to amend Hornsby Local Environmental Plan 2013 to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club, car park, and seniors housing site at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby.

As delegate of the Greater Sydney Commission, I have determined that the Planning Proposal should proceed subject to the conditions in the attached Gateway Determination.

In particular, for the purpose of ensuring that the Planning Proposal does not adversely affect traffic generation in the locality, Council is to identify the maximum number of car spaces needed to support the seniors housing site and amend the Planning Proposal to incorporate this cap, prior to exhibition.

I have also agreed the Planning Proposal's inconsistency with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are of minor significance.

Plan-making powers were delegated to Councils in October 2012. I note that Council has requested to be issued with delegation for this Planning Proposal. I have considered the nature of the Planning Proposal and have decided to issue an authorisation for Council to exercise delegation to make the plan.


The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible. Council's request to draft and finalise the Plan should be made directly to Parliamentary Counsel's office six weeks prior to the project's publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Commission may take action under s54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Sebastian Tauni in the Department's Sydney Region West team on (02) 8217 2018.

Yours sincerely

 14 JUNE 2017
Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl:
Gateway Determination
Written authorisation to exercise delegation
Reporting template for delegated Local Environmental Plan amendments

Gateway Determination

Planning Proposal (Department Ref: PP_2017_HORNS_001_00): to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club, car park, and seniors housing site at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Hornsby Local Environmental Plan 2013 to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club, car park, and seniors housing site at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be updated to.
 - (a) include a plain English explanation of the intended effect of the proposed provisions.

Note: while no objection is held to the retention of the draft clauses within the proposal, a note is to be appended indicating that the clauses will be subject to legal drafting and may alter in the process.
 - (b) ensure that the building height standard specified as 38m in the Explanation of Provisions is correct and amend the proposal if necessary.
 - (c) include a heritage assessment prepared by a suitably qualified heritage consultant, which assesses the heritage significance of the War Memorial Hall heritage item, identifies development constraints and opportunities and to what extent the proposed development would affect the heritage item.
 - (d) identify the maximum number of car spaces needed to support the proposed senior-housing use on the site and is to amend the Planning Proposal to incorporate this cap, prior to exhibition.
 - (e) include amended supporting maps that:
 - relocate figure 4 to the commencement of Part 4 – Maps;
 - remove the text box where it appears on page 15 and provide a suitable introductory/explanatory note at this location;
 - adjust Figure 1 so that it appears to be in scale with Figure 2;
 - identify the subject sites on Figures 1 and 2 to show sites 1, 2 and 3 (cross reference to Figure 4);
 - provide a key on Figures 1 and 2 identifying applicable heights; and
 - rename the numbers for each figure so that following the relocation of Figure 4 in the proposal, the figure numbers appear in numerical order.

Note: Prior to finalisation of the proposal, Council will be required to prepare the proposed maps in a form that is consistent with the Department's 'Standard technical requirements for LEP maps'.

A copy of the amended Planning Proposal is to be forwarded to the Department for information prior to the commencement of community consultation.



2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of 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 5.5.2 of '*A Guide to Preparing Local Environmental Plans*' (Department of Planning and Environment 2016).

 3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of any relevant S117 Directions:
 - Transport for NSW – Roads and Maritime Services;
 - Transport for NSW – Sydney Trains; and
 - relevant authorities for the supply of water, electricity and the disposal and management of sewage.
- 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.
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 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).

 5. The timeframe for completing the amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway Determination.

Dated 14th day of JUNE 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

**Delegate of the Greater Sydney
Commission**



Written Authorisation to Exercise Delegation

Hornsby Shire Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following Planning Proposal:

Number	Name
PP_2017_HORNS_001_00	Planning Proposal to permit residential flat buildings and increase the height of buildings for the Hornsby RSL Club and car park, and other land at William Street and Ashley Lane, High Street, Ashley Street and Webb Avenue, Hornsby.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'.

Dated 14th day of JUNE 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission