

Mr Gary Bensley
Acting General Manager
Hornsby Shire Council
PO Box 37
Hornsby NSW 1630

Our ref: PP_2016_HORNS_002_00 (16/08460)
Your ref: D06976769

Dear Mr Bensley

Planning proposal to amend Hornsby Local Environmental Plan 2013

I am writing in response to your Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979 (the Act)* in respect of the planning proposal to rezone part of the Dural Service Centre at Nos 268-278 New Line Road, Dural from IN2 Light Industrial to B2 Local Centre and remove additional permitted use provisions on the site.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I note that the intended catchment for the retail and commercial uses in the proposed rezoning are dependent on the catchment created from the finalisation of the South Dural planning proposal. At this time, it is not known when the South Dural planning proposal is to be finalised and its final form. As a result this proposal may not proceed until matters in the South Dural proposal are resolved.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 4.3 – Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

I note additional work is required to be undertaken to justify the inconsistency with Section 117 Direction 1.1 – Business and Industrial Zones.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 1.1 – Business and Industrial Zones, 4.4 – Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the plan being made.

I note that the land subject to this planning proposal is adjacent to land identified as a potential Koala Habitat under *State Environmental Planning Policy No. 44 – Koala Habitat Protection*. Council is reminded to consider its requirements under the SEPP in relation to this land.

The amending Local Environmental Plan (LEP) is to be finalised within 24 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tessa Parmeter of the Department's regional office to assist you. Ms Parmeter can be contacted on (02) 9860 1555.

Yours sincerely



26/07/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_HORNS_002_00): to rezone part of Dural Service Centre at 268-278 New Line Road, Dural from IN2 Light Industrial to B2 Local Centre and remove additional permitted use provisions on the site.

I, the Director, Sydney Region West, Planning Services, 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 the *Hornsby Local Environmental Plan (LEP) 2013* to rezone part of Dural Service Centre at 268-278 New Line Road, Dural from IN2 Light Industrial to B2 Local Centre and remove additional permitted use provisions on the site should proceed subject to the following conditions:

1. The planning proposal is not to proceed until the South Dural planning proposal (PP_2014_HORNS_002_00) is submitted to the Department for finalisation.
2. Prior to public exhibition, Council is to update the planning proposal to:
 - a. identify the property description of the land included within the proposal; and
 - b. update the planning proposal to identify any proposed amendments to the SP2 zoned land within the subject land, and if required, address consistency of the planning proposal with Section 117 Direction 6.2 – Reserving land for public purpose;
 - c. include a map identifying the flood prone land and bushfire prone land within the subject area; and
 - d. amend the maps in the planning proposal to ensure the map legend and map extract is on the same page to ensure the maps are legible.
3. Prior to public exhibition, Council is to undertake the following work:
 - a. an updated economic and employment assessment that establishes demand for retail and employment floor space arising from the estimated future population of the South Dural planning proposal;
 - b. an updated traffic assessment that considers future traffic movements arising from the South Dural planning proposal; and
 - c. preliminary investigations in accordance with the requirements of *State Environmental Planning Policy No. 55- Remediation of Land*.
4. The planning proposal is to be updated to include the outcome of the additional work identified above. Council is required to seek the agreement of the Director, Sydney Region West, prior to proceeding to public exhibition.
5. Prior to public exhibition, Council is to consult with Transport for NSW and Transport for New South Roads and Maritime Services. 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. Council is to

take into account any comments received from each public authority and update the planning proposal accordingly.

6. Prior to public exhibition, Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 – Planning for Bushfire Protection. Council is to take into account any comments received from the Commissioner and update the planning proposal accordingly.
 7. 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 LEPs* (Department of Planning and Infrastructure 2013).
 8. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage; and
 - The Hills Shire Council
- 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.
9. 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 or if reclassifying land).
 10. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 26th day of July 2016



**Director, Sydney Region West
Planning Services
Department of Planning and
Environment**

**Delegate of the Greater Sydney
Commission**