

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

15/16786

Dear Mr Bensley

Planning proposal to amend Hornsby Local Environmental Plan 2013

I am writing in response to your Council's letter dated 17 September 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to amend various provisions relating mainly to rural areas in *Hornsby Local Environmental Plan 2013*.

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

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 6 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 to draft and finalise the Plan should be made 6 weeks prior to the projected publication date.

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 Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* 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 Mr Shane Nugent of this office to assist you. Mr Nugent can be contacted on (02) 9860 1173.

Yours sincerely

R Cumming
4/12/2015

Rachel Cumming
Director, Metropolitan (Parramatta)
Planning Services

Gateway Determination

Planning proposal (Department Ref PP_2015_HORNS_004_00) to make a number of amendments, mainly relating to rural areas, to provisions of Hornsby Local Environmental Plan 2013.

I, the Director, Metropolitan (Parramatta), Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the planning proposal to make a number of amendments, mainly relating to rural areas, to the provisions of Hornsby Local Environmental Plan 2013 should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal is to be amended to remove references to consistency with Section 117 Direction 1.5 Rural Lands, as this Direction does not apply to Hornsby.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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 (Planning & Infrastructure 2013)*.
3. Consultation is required with Office of Environment and Heritage under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*. Office of Environment and Heritage 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*. 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 **6 months** from the week following the date of the Gateway determination.

Dated 4th day of December 2015.

RJCumming

**Rachel Cumming
Director, Metropolitan (Parramatta)
Planning Services
Delegate of the Minister for Planning**