



Mr Scott Phillips
General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

15/04707

Attn: Mr Fletcher Rayner

Dear Mr Phillips

Planning proposal to amend Hornsby Local Environmental Plan 2013

I am writing in response to your Council's letter dated 27 February 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to amend Hornsby Local Environmental Plan 2013 to increase the maximum height of buildings at 2-4 Epping Road, Epping.

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 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure 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 Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.



Planning & Environment

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

20.3.15

Simon Manoski
Acting General Manager
Metropolitan Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_HORNS_001_00) to amend Hornsby Local Environmental Plan 2013 to increase the maximum height of buildings at 2-4 Epping Road, Epping.

I, the Acting General Manager, Metropolitan Region, 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 that an amendment to the Hornsby Local Environmental Plan 2013 to increase the maximum height of buildings at 2-4 Epping Road, Epping should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended, as follows:
 - a) the Explanation of Provisions in Part 2 of the planning proposal is to be amended to include the property descriptions (lot and DP numbers) for the subject properties;
 - b) the Explanation of Provisions in Part 2 of the planning proposal is to be amended to make it clear that the maximum height is set in metres, and that the number of storeys is an approximation only (similar amendments should also be made in the background and other parts of the planning proposal); and
 - c) Appendix B of the planning proposal is to be amended to address the consistency of the proposal with the revised s117 Direction 7.1: Implementation of A Plan for Growing Sydney, with amendments also to Part 3 of the proposal to address consistency with the current Metropolitan Strategy as set out in 'A Plan for Growing Sydney'.
2. Prior to finalisation of the proposal, an amended Height of Buildings Map, consistent with the Department's 'Standard Technical Requirements for LEP Maps' is to be included as part of the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment 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 (Planning & Infrastructure 2013)*.
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 20th day of March 2015

A handwritten signature in blue ink that reads "Simon Manoski" with the date "20.3.15" written below it.

**Simon Manoski
Acting General Manager, Metropolitan
Region
Planning Services**

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hornsby Shire Council is authorised to exercise the functions of the Minister for Planning 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_2015_HORNS_001_00	Planning Proposal to amend Hornsby Local Environmental Plan 2013 to increase the maximum height of buildings at 2-4 Epping Road, Epping.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 20th day of March 2015



Simon Manoski
Acting General Manager
Metropolitan Region
Planning Services

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2015_HORNS_001_00
Date Sent to Department under s56	27 February 2015
Date considered at LEP Review Panel	N.A.
Gateway determination date	26 March 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: