

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

Our ref: PP_2016_HORNS_001_00 (16/03585)
Your ref: PP/8/2015/D06878779

Attention: Ante Zekanovic, Strategic Planner

Dear Mr Bensley

Planning proposal to amend Hornsby Local Environmental Plan 2013

I am writing in response to your Council's letter dated 24 February 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at No. 12 Schofield Parade, Pennant Hills, from a SP2 Infrastructure (Group Homes) Zone to zone SP2 Infrastructure (Community Facility).

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.

As noted in the Determination, following consultation with NSW Rural Fire Service, Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of this S117 Direction. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated 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 (LEP) 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 the Department of Planning and Environment for administrative purposes.

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 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 Sydney West Regional Office to assist you. Ms Parmeter can be contacted on (02) 9860 1555.

Yours sincerely



Catherine Van Laeren
Director
Sydney Region West
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_HORNS_001_00): to rezone property at No. 12 Schofield Parade, Pennant Hills, from zone SP2 Infrastructure (Group Home) to zone SP2 Infrastructure (Community Facility).

I, the Director, Sydney Region West, 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 should proceed subject to the following conditions:

1. 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 consideration any comments received from the Commissioner and update the planning proposal accordingly.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)* and 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)*.
3. Consultation is required with Office of Environment and Heritage under section 56(2)(d) of the Act. That Office 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 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 22 day of April 2016



Catherine Van Laeren
Director
Sydney Region West
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission