



Gateway Determination

Planning proposal (Department Ref: PP_2019_HORNS_00100): to list 22 trees at 62 Manor Road, Hornsby as items of local significance under Schedule 5 and relevant heritage map of Hornsby Local Environmental Plan 2013.

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Hornsby Local Environmental Plan 2013* to list 22 trees as local heritage items should not proceed for the following reasons:

1. The proposal does not demonstrate that the site contains trees that meet the criteria of local heritage listing in *Hornsby Local Environmental Plan 2013*;
2. The proposal and the supporting Heritage Impact Assessment does not provide evidence to support the specific claim that the 22 trees identified are of 'ecological and botanical value and rare within a residential setting' and does not demonstrate local heritage significance in satisfying Criterion f) of the NSW State Heritage Criteria i.e. 'an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history';
3. The proposal and the supporting Heritage Impact Assessment does not claim or attempt to demonstrate that the 22 trees identified are of local heritage significance in relation to the other criteria for heritage significance under the NSW State Heritage Criteria i.e. Criterion a), b), c), d), e) and g); and
4. There are existing legislative and planning protection mechanisms that would be better suited to seeking protection of the on-site trees from the impacts of this proposed development, if this is the underlying goal for Hornsby Shire Council.
5. The proposal relied upon data from secondary sources that did not establish any heritage significance, and without having direct access to the site for thorough evaluation of the trees.

Dated 23 August 2020

Malcolm McDonald
Executive Director, Eastern Harbour City
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning and
Public Spaces**

