



Planning & Environment

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Postal:

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

Our ref: PP_2014_HORNS_003_00 (14/14903)
Your ref: D03211049

Dear Mr Phillips

Planning proposal to amend Hornsby Local Environmental Plan 2013

I am writing in response to your Council's letter dated 25 August 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to add a local provision to Hornsby Local Environmental Plan 2013 requiring developments of ten storeys or more to exhibit design excellence.

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

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 Plan 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 *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 the Planning and Environment Metropolitan Delivery Office to assist you. Mr Nugent can be contacted on (02) 9860 1173.

Yours sincerely

Simon Manoski
Acting General Manager
Planning Services

Gateway Determination

Planning proposal (Agency Ref: PP_2014_HORNS_003_00): to add a local provision to Hornsby Local Environmental Plan 2013 requiring developments of ten storeys or more to exhibit design excellence.

I, the Acting General Manager, Metropolitan, 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 add a local provision requiring developments of ten storeys or more to exhibit design excellence should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to amend the planning proposal to clarify whether the proposal is to apply to developments of exactly ten (10) storeys, or to developments of greater than ten (10) storeys.
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. No consultation is required with public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*.
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 1979*. 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 **six (6) months** from the week following the date of the Gateway determination.

Dated 20th day of October 2014.

Simon Manoski
Acting General Manager
Metropolitan Delivery
Planning Services
As 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_2014_HORNS_003_00
Date Sent to Department under s56	25 August 2014
Date considered at LEP Review Panel	
Gateway determination date	20.10.14 

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: