Director's Report No. PL26/19

Planning and Compliance Division

Date of Meeting: 13/11/2019

**8 PLANNING PROPOSAL - HOUSEKEEPING AMENDMENT 2019**

# EXECUTIVE SUMMARY

* On 3 July 2018, Council entered into a funding agreement with the Department of Planning, Industry and Environment (DPIE) under its Accelerated Local Environmental Plan Review program (LEP Review). The LEP Review program requires Council to prepare a Planning Proposal to amend the Hornsby Local Environmental Plan 2013 (HLEP 2013) by 30 June 2020.
* The attached Planning Proposal incorporates some of the key matters on which Council has a resolved policy position and other housekeeping matters identified through certain Accelerated LEP Review studies. It is anticipated that further amendments to Council’s planning controls will be informed when the current program of strategic studies is completed in 2020.
* The Planning Proposal is consistent with one of the highest strategic priorities outlined in Council’s draft Local Strategic Planning Statement to promote design excellence for new housing.
* On 24 September 2019, the Local Planning Panel reviewed and provided advice on the Planning Proposal in accordance with the Local Planning Panels Direction. The advice from the Local Planning Panel is that it supports the Planning Proposal subject to minor amendments (minutes attached).

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| RECOMMENDATION THAT:   1. Council endorse the progression of the Planning Proposal attached to Director’s Report No. PL26/19 for submission to the Department and Planning, Industry and Environment for a Gateway Determination to amend the *Hornsby Local Environmental Plan 2013.* 2. Preliminary, non-statutory consultation be conducted with affected land owners immediately, given the tight timeframes of the Accelerated LEP Review. 3. The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report. 4. Following exhibition, a report on submissions be presented to Council for its consideration. |

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# PURPOSE

The purpose of this Report is to present a Housekeeping Amendment Planning Proposal (Planning Proposal) prepared as a key deliverable under the Department of Planning, Industry and Environment’s (DPIE) Accelerated LEP Review Program.

# BACKGROUND

On 3 July 2018, Council entered into a funding agreement with the DPIE, which provides $2.5m towards the following projects:

1. Environmental Sustainability Strategy
   1. Urban Forest Strategy
   2. Water Sensitive Hornsby
   3. Biodiversity Management Plan update
   4. Urban Heat mapping
   5. Climate Change Adaptation
2. Comprehensive Heritage Study
   1. Heritage Action Plan
3. Community and Cultural Facilities Strategic Plan update
4. Hornsby Town Centre Review
5. Local Housing Strategy
6. Active Living Strategy
   1. Play Plan
   2. Walking and Cycling Strategy
7. Rural Lands Study
8. Economic Development and Tourism Strategy
9. Employment Land Use Study

The above projects are at various stages of completion with many expected to be completed in early 2020. It is anticipated that the studies will inform future amendments to Council’s Planning Controls when they are completed. Therefore, the Planning Proposal, incorporates some of the key matters on which Council has a resolved policy position.

The Planning Proposal is consistent with one of the highest strategic priorities for Council and gives direct effect to Liveable Priority 2 and Liveable Action 4 of the draft Hornsby LSPS, which state:

* *Liveable Priority 2. Promoting design excellence for new housing.*
* *Liveable Action 4. Prepare and adopt the Design Excellence Planning Proposal and forward to Department of Planning, Industry and Environment for a Gateway Determination.*

The Planning Proposal also includes several rezonings to reflect the current use of land and correction of heritage listing misdescriptions or anomalies.

Further details regarding the proposed amendments to the HLEP 2013 are discussed below.

# DISCUSSION

This report presents the Housekeeping Planning Proposal for endorsement by Council to seek a Gateway Determination to enable formal community consultation.

The objectives of the draft Planning Proposal are to:

* Deliver the highest standard of architectural and urban design for all residential flat buildings and townhouses.
* Improve the design outcomes for 5-storey residential flat buildings by removing the ability to include mezzanine levels.
* Correct three zoning anomalies and allow an additional permitted use on one site to reflect longstanding uses.
* Reflect the expansion of Marramarra National Park.
* Correct minor heritage anomalies in Schedule 5.

1. **Proposed amendments**

The background to each of the amendments and associated change sought to the HLEP 2013 are detailed below.

* 1. **Design Excellence**

At its meeting on 8 November 2017, Council considered two Notices of Motion (NOM13/17 and NOM14/17) relating to concerns raised in the community regarding the built form outcomes of Council’s previous housing strategies and other matters and resolved that Council:

* Conduct a design excellence review of relevant planning controls to inform amendments to the Hornsby Local Environmental Plan 2013 and Development Control Plan 2013 (HDCP 2013).
* Consider the expansion of the scope of the Design Excellence Review Panel.
* Expand the application of the design excellence clause to include all residential flat buildings and townhouses, regardless of height.

Architects Johannsen and Associates (AJA) were subsequently engaged to prepare the ‘Hornsby Shire Council Design Excellence and Residential Development Review’ which identified amendments to the HDCP 2013 (in force as of 10 January 2019), recommended the establishment of a Design Excellence Review Panel (to be appointed by end of 2019) and amendments to the HLEP 2013.

At its meeting on 10 October 2018, Council resolved to prepare a Planning Proposal to amend the HLEP 2013 to implement the recommendations of Council’s design excellence review, including the following LEP amendments:

***Expanding the application of Clause 6.8 ‘Design Excellence’***

The design excellence considerations of HLEP 2013 currently apply to development with a building height greater than 29.6m. One way to interpret Clause 6.8 is that any building of 29.6m or below is therefore not required to exhibit design excellence.

The principles and matters identified in the Clause are general in nature and are relevant to numerous built forms and development proposals irrespective of height. Massing, scale, relationship to the street, impacts such as visual privacy and acoustics, are as relevant to dual occupancy development as to a tower in a town centre.

The Design Excellence Review recommended expanding the application of Clause 6.8 to “all development, regardless of height or type”. Accordingly, the Planning Proposal seeks to expand the application of the clause to attached dwellings, multi dwelling housing and shop top housing regardless of height to address the design quality concerns related to those specific development types. It is noted that for attached dwellings and multi dwelling housing, the Clause will apply for development with three or more dwellings.

***Reducing the Height of Buildings (17.5m to 16.5m)***

There have been many developments within Council’s Housing Strategy Precincts (2011) where the HLEP 2013 height limit of 17.5m in conjunction with upper level setbacks has resulted in a ‘mezzanine’ form incorporating two floors which is disproportionate with the overall scale of 5-storey development.

Upper levels of developments based on the ‘mezzanine’ roof principle have often not achieved the best quality design outcome with a ‘top heavy’ appearance.

Reducing the maximum height of buildings development standard for all land subject to the 17.5m standard to 16.5m will retain the density and 5-storey built form while removing the ‘top heavy’ appearance of these buildings. The change will also result in compliance with the Apartment Design Guide (ADG) for floor to ceiling heights and improved internal amenity.

**Proposed amendments**

* Expand the application of Clause 6.8 ‘Design Excellence’ to apply to attached dwellings, multi dwelling housing and shop top housing, regardless of height.
* Amend the Height of Buildings Map to reduce the permitted height of 5 storey residential flat buildings from 17.5m to 16.5m.
  1. **Correcting Zoning Anomalies and Schedule 1 Amendment**

On 14 January 2019, Council engaged consultants (Hill PDA) to prepare the draft Hornsby Employment Land Use Study 2019 (ELUS) which is an update of Council’s current employment study. Through early investigations conducted to determine the quantity and quality of existing employment lands, the consultant has identified several minor anomalies that could be corrected as housekeeping matters under the HLEP 2013. A summary of the background for each of the proposed rezonings is included below.

**Property Nos. 1-5 Peter Close, Hornsby Heights**

The property at Nos. 1-5 Peter Close, Hornsby Heights is zoned B1 Neighbourhood Centre and was historically used for commercial purposes until 1998 when development consent was granted for ‘Demolition of existing shopping centre’ (DA/2109/1999) and ‘Construction of 10 medium density residential units and strata subdivision’ (DA/870/1998). It is proposed to rezone the property from B1 Neighbourhood Centre to R2 Low Density Residential, consistent with the surrounding area. The property has been used exclusively for residential purposes since.

**Property No. 5 Arcadia Road, Galston**

The property at No. 5 Arcadia Road, Galston is zoned B1 Neighbourhood Centre. Development consent was granted for the construction of 25 x townhouses (DA/314/1998) and strata subdivision (SC/19/2010). The property has been used exclusively for residential purposes since and is proposed to be rezoned to R2 Low Density Residential, consistent with the surrounding residential zone for Galston Village.

**Property No. 344 Galston Road, Galston**

The property at No. 344 Galston Road, Galston is zoned R2 Low Density Residential and is currently operating as a food and drink premises. Development consent was granted for a ‘change of use of part of the existing building for office premises’ (DA/2421/2001) and has since evolved to its current use of the entire property for commercial purposes. Amending Schedule 1 of the HLEP 2013 to allow for ‘restaurant or café’ as an additional permitted use on the site permits its ongoing commercial use without undue impact on the adjoining residential properties. In this case, the actual and potential impacts of the current café use are known and have a demonstrated compatibility with the adjoining properties.

Additional information regarding each of the above properties is detailed in Part 3, Question 1 of the Planning Proposal.

**Proposed amendments**

* Rezone property Nos. 1-5 Peter Close, Hornsby Heights from B1 Neighbourhood Centre to R2 Low Density Residential.
* Rezone property No. 5 Arcadia Road, Galston from B1 Neighbourhood Centre to R2 Low Density Residential.
* Amendment Schedule 1 ‘Additional permitted uses’ to allow ‘restaurant or café’ as an additional permitted use at property No. 344 Galston Road, Galston.
  1. **Extension of Marramarra National Park**

On 9 September 2019, Council received notice from the NSW National Parks & Wildlife Service that a Government Gazette was published on 6 September 2019 for the expansion of Marramarra National Park up to Coba Point, Berowra Creek. The notice advised that the HLEP 2013 should be amended to reflect the reservation of land under the *National Parks & Wildlife Act 1974*. Additional information regarding the notice of reservation is detailed in Part 3 Question 1 of the Planning Proposal.

**Proposed amendment**

* Rezone land identified at Coba Point from E4 Environmental Living to E1 National Parks and Nature Reserves.
  1. **Correction of minor heritage anomalies**

A list has been compiled internally that identifies minor anomalies to item names, property addresses and/ or title details which have been identified within Schedule 5 of the HLEP 2013. No additions or deletions of heritage items or conservation areas is proposed. The heritage anomalies predominantly relate to Lot and DP information that has either changed since listing of the properties or where listings cover multiple properties and only one of the properties has been identified in the Schedule.

**Proposed amendments**

* Amend Schedule 5 – Environmental Heritage of the HLEP 2013 to correct 40 identified anomalies (refer to Appendix D of the Planning Proposal).

1. **Strategic and Statutory Context**

The report considers the merit of the Planning Proposal in relation to State and local planning policies and legislation regarding the potential impacts of the proposal. The relevant policy and legislation are discussed below.

* 1. **Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan**

*A Metropolis of Three Cities* *– the Greater Sydney Region Plan* has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The *North District Plan* is a guide for implementing [*A Metropolis of Three Cities - the Greater Sydney Region Plan*](https://www.greater.sydney/greater-sydney-region-plan)at a District level and is a bridge between regional and local planning.

The plans set strategies and actions for accommodating Sydney’s future population growth and identifies key targets such as dwelling numbers, infrastructure planning, liveability, sustainability and productivity. The Planning Proposal is consistent with the relevant objectives of *A Metropolis of Three Cities* and the actions of the *North District Plan*, aiming to deliver the highest standard of architectural and urban design for all residential flat buildings and townhouses as well as rationalising minor land use and zoning anomalies within the HLEP 2013. For further detail, refer to Section B.3 of the Planning Proposal.

* 1. **Section 9.1 Local Planning Directions**

Section 9.1 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The Local Planning Directions that Council must follow when preparing a Planning Proposal cover the following matters:

* Employment and Resources
* Environment and Heritage
* Housing, Infrastructure and Urban Development
* Hazard and Risk
* Regional Planning
* Local Plan Making

The relevant Directions for this Proposal include:

*Direction 1.1 - Business and Industrial Zones*

The objectives of the Direction are:

*(a) Encourage employment growth in suitable locations*

*(b) Protect employment land in business and industrial zones*

*(c) Support the viability of identified centres*

The Planning Proposal seeks to rezone two properties (Nos. 1-5 Peter Close, Hornsby Heights and No. 5 Arcadia Road, Galston) from B1 Neighbourhood Centre to R2 Low Density Residential which is inconsistent with the Ministerial Direction. However, in this instance the land to be rezoned has development consent for residential land uses and has also been strata subdivided. In both instances, the residential land uses are longstanding (over 20 years) and it is reasonable to amend the HLEP 2013 to reflect these situations.

The Planning Proposal also seeks to amend Schedule 1 to allow a ‘restaurant or café’ as an additional permitted use at Property No. 344 Galston Road, Galston to reflect the current commercial use that has been operating on the site for a long period of time.

The Planning Proposal is consistent with (5)(d) of Direction 1.1 as the proposed zoning amendments are correcting identified anomalies and therefore of minor significance.

*Direction 2.1 - Environmental Protection Zones*

The objective of this Direction is:

1. *To protect and conserve environmental sensitive areas*

The Planning Proposal is consistent with this Direction as it would facilitate the management and appropriate use of the land at Coba Point, Berowra Creek by changing the land zoning from E4 Environmental Living to E1 National Parks and Nature Reserves to align with the extension of the Marramarra National Park.

Amending the zoning to E1 National Parks and Nature Reserves would accurately identify and protect land that is reserved under the *National Parks and Wildlife Act 1974* and enable land uses authorised under the E1 Zone.

*Direction 2.3 - Heritage Conservation*

The objective of this Direction is:

1. *To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

The Planning Proposal is consistent with this Direction as it facilitates accurate identification of heritage items to conserve their natural and cultural values and ensuring they are appropriately protected.

*Direction 3.1 Residential Zones*

The objectives of the Direction are:

1. *To encourage a variety and choice of housing types to provide for existing and future housing needs.*
2. *To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.*
3. *To minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal is consistent with this Direction as it encourages design excellence for a broader range of development types and addresses an unintended design outcome (mezzanine levels) for 5-storey residential flat buildings which will minimise the impact of residential development on the environment.

Importantly, the proposed design excellence provisions and reduction in height to 16.5m will not reduce the residential density of any land nor undermine Council’s capacity to continue to meet its housing targets under the North District Plan. As such, the Planning Proposal does not contain provisions which will reduce the permissible residential density of land to which the amendment applies and will promote good design as required under the Direction.

*Direction 4.4 - Planning for Bushfire*

The objectives of the direction are:

1. *To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land use in bushfire prone area.*
2. *To encourage sound management of bush fire prone areas.*

The Planning Proposal will be forwarded to the Commissioner of the NSW Rural Fire Service for comment following receipt of a Gateway Determination and prior to undertaking community consultation in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

The Ministerial Direction also requires consideration of ‘Planning for Bushfire Protection 2006’ (NSWRFS) when rezoning land to residential within bushfire prone land. Part of the site at Property Nos. 1-5 Peter Close, Hornsby Heights is bushfire prone and will be rezoned from B1 Neighbourhood Centre to R2 Low Density Residential. Refer to Section B.6 of the Planning Proposal for a detailed response to the bushfire planning principles.

* 1. **Hornsby Community Strategic Plan - Your Vision Your Future 2028**

The Hornsby Community Strategic Plan ‘Your Vision Your Future 2028’ is a 10-year vision that identifies the main priorities and aspirations for the future of Hornsby Shire and is Council’s long-term plan to deliver the best possible services for the Shire through the following:

* FA2 Identifying, protecting, creating and providing access to places and spaces for people
* FA3 Giving people housing choices
* FA4 Community wellbeing and neighbourhood amenity
* FA8 Adapting to a changing environment

The Planning Proposal is generally consistent with the above Focus Areas, aiming to deliver the highest standard of architectural and urban design for attached dwellings, multi dwelling housing and shop top housing as well as correcting zoning, land use and Schedule anomalies.

* 1. **Draft Hornsby Local Strategic Planning Statement**

On 14 August 2019, Council adopted the draft Hornsby Local Strategic Planning Statement (LSPS) which sets out a 20-year vision for land use in Hornsby Shire, identifying the special character and community values that are to be preserved as well as how Council will manage growth and change.

The Planning Proposal is consistent with one of the highest strategic priorities for Council and gives effect to Liveable Priority 2 and Liveable Action 4 of the draft Hornsby LSPS, which state:

* *Liveable Priority 2. Promoting design excellence for new housing*
* *Liveable* Action *4. Prepare and adopt the Design Excellence Planning Proposal and forward to Department of Planning, Industry and Environment for a Gateway Determination*

Further information is outlined in Section B.4 of the Planning Proposal.

* 1. **Hornsby Heritage Gap Analysis and Action Plan**

At its meeting on 8 May 2019, Council considered a report on the Heritage Gap Analysis and Action Plan 2019 and resolved to publicly exhibit the document. The Heritage Gap Analysis and Action Plan 2019 will be used to prioritise and inform the scope a Comprehensive Heritage Study.

The proposed amendments to Schedule 5 of the HLEP 2013 include corrections to 40 identified anomalies in item names, property descriptions and property addresses as well as adding an existing heritage item to the HLEP 2013 Heritage Maps as it was not originally identified on the Heritage Maps. The intent of these amendments is not to add or delete heritage items but rather to correct existing errors.

The Planning Proposal is consistent with the recommendations of the Heritage Gap Analysis.

* 1. **Housing Strategy**

Council has a proven track record of responding to the implementation of State Government urban consolidation objectives and is well placed to meet its share of dwelling obligations under the framework within the North District Plan.

The proposed amendment to the Height of Buildings (HOB) development standard relates to housing strategy precincts identified under the Hornsby Shire Housing Strategy 2011. In this case, the proposed amendment seeks to address design related concerns with ‘mezzanine’ levels on 5-storey residential flat buildings.

Reducing the maximum height of buildings development standard for all land subject to the 17.5m standard to 16.5m will retain the density and 5-storey built form while removing the ‘top heavy’ appearance of these buildings.

Therefore, the Planning Proposal will not undermine Council’s ability to meet adopted dwelling targets under the North District Plan.

* 1. **Hornsby Local Environmental Plan 2013**

The Planning Proposal has been prepared having regard to the following provisions of the *Hornsby Local Environmental Plan 2013 (HLEP 2013):*

* + 1. **Height of Building Map**

The Planning Proposal would require all land with a Height of Buildings (HOB) development standard of 17.5 metres to be amended to 16.5 metres. For further information relating to the affected land, refer to Part 4 – Mapping of the Planning Proposal.

* + 1. **Design Excellence**

Clause 6.8 Design excellence of the HLEP 2013 sets out urban design and development principles and matters that must be considered for development involving the erection of a new building or external alterations to an existing building with a height of more than 29.6 metres.

The objective of this clause is:

1. *To deliver the highest standard of architectural and urban design*

The Planning Proposal seeks to expand the application of Clause 6.8 Design Excellence to attached dwellings, multi dwelling housing and shop top housing regardless of height to address design quality concerns related to those specific types of developments.

* + 1. **Schedule 1 Additional permitted uses**

The Planning Proposal seeks to add the site at Property No. 344 Galston Road, Galston (Lot 1 DP 6567743) to Schedule 1 – ‘Additional Permitted Uses’. This will allow a ‘restaurant or café’ use to be permitted with development consent to align with the existing commercial operation within an R2 Low Density Residential Zone.

* + 1. **Schedule 5 Environmental heritage**

The Planning Proposal seeks to correct 40 anomalies which include errors in heritage item names, property addresses and property descriptions. There are no additional items proposed nor are there the deletion of any items. For further detail of each anomaly, refer to Appendix D of the Planning Proposal.

* + 1. **Maps**

The Planning Proposal seeks to amend the Land Zoning Map, Height of Buildings Map and Heritage Map of the HLEP 2013. For further detail regarding the proposed mapping for each property, refer to Part 4 – Mapping of the Planning Proposal.

* 1. **Hornsby Development Control Plan**

The Hornsby Development Control Plan (HDCP) applies to all land within Hornsby Shire and is a comprehensive framework for the development of land. The HDCP aims to outline procedures, processes and responsibilities to ensure that development is consistent with Council’s vision of maintaining an environment which is sustainable and liveable.

The relevant Parts of the HDCP that would be applicable to the Planning Proposal are *Part 1 – General* and *Part 3 Residential.*

Should the proposal receive a Gateway Determination, it will be necessary to update and exhibit the HDCP building height controls to reflect the new 16.5m height standard.

**Local Planning Panel Advice**

The Local Planning Panels Direction – Planning Proposals, requires that the Local Planning Panel must give its advice on a Planning Proposal before Council considers whether to forward it to the Minister or Greater Sydney Commission. The Planning Proposal was referred to Hornsby’s Local Planning Panel on 19 September 2019 and a briefing was held on 24 September 2019.

The Panel noted that:

* The proposed design excellence amendments are one of Council’s highest strategic planning priorities as identified within its draft Local Strategic Planning Statement.
* References to ‘townhouses’ should be amended to the defined terms ‘attached dwelling’ and ‘multi dwelling housing’ in relation to the expansion of the design excellence clause. The proposed expansion of the design excellence clause should explicitly apply to ‘shop top housing’ as this is one of the key development types within centres.
* References in the Planning Proposal to “residential land” should be amended to “residential and mixed-used land”.
* The proposed reduction in height from 17.5m to 16.5m was acceptable given that the setback fifth storey could still be incorporated into the design of residential flat buildings without impact on residential density and with improved design outcomes.

The Panel advised that:

* It supports the progression of the Planning Proposal subject to the minor terminology amendments noted above.
* Given the tight timeframes under the Accelerated LEP Review, early consultation should be conducted with affected land owners to provide additional time for feedback, particularly for properties to which the proposed height reduction applies.
* No objections are raised to the other proposed amendments to zoning, additional permitted use, expansion of the Marramarra National Park and the Schedule 5 heritage amendments.

# CONSULTATION

The Planning Proposal is classified as a ‘low impact proposal’ in accordance with “*A guide to preparing local environmental plans*” prepared by the Department of Planning, Industry and Environment (2018). It is expected that a public exhibition period of 14 days will be required by the Gateway Determination.

A consultation strategy relevant to the public exhibition of the draft LEP has been prepared as part of the Planning Proposal for endorsement by the DPIE. Part 5 of the Planning Proposal contains the Consultation Strategy for public exhibition which, at a minimum, will include the following:

* Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities (if any) outlined in the Gateway Determination.
* An advertisement will be placed in local newspapers that identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed.
* Exhibited on the Council website under ‘On Exhibition’ ([www.hornsby.nsw.gov.au/onexhibition](http://www.hornsby.nsw.gov.au/onexhibition)). Council’s libraries have access to the website.
* Promoted and exhibited on Council’s ‘Future Hornsby’ website (future.hornsby.nsw.gov.au/).
* A letter will be sent to affected land owners advising them of the exhibition and how to make a submission.
* Displayed at the Council Administration Centre, 296 Peats Road, Hornsby and all libraries.

A report outlining the outcomes of the public agency consultation and submissions received during public exhibition would be presented to Council for its consideration at the end of the exhibition period.

The Local Planning Panel recommended that early consultation should be conducted with affected property owners. Therefore, it is recommended that preliminary consultation be conducted prior to Gateway to provide sufficient time for feedback.

# BUDGET

Costs associated with this Planning Proposal are covered through the Accelerated LEP Review funds. A payment milestone of $625,000 is linked to the preparation and lodgement of the Planning Proposal to the DPIE by December 2019.

# STATUTORY CONSIDERATIONS

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the Planning Proposal to Gateway Determination, the DPIE would confirm whether any technical studies are required and relevant parts of the Planning Proposal to be updated or amended prior to public exhibition.

As part of the Gateway Authorisation process, Section 2.4 of the EP&A Act allows the Minister and the Director-General to delegate functions to a Council and/or an officer or employee of a Council. When submitting a Planning Proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation).

The design excellence provisions of the Planning Proposal fall outside the types of draft LEPs routinely delegated by the DPIE. It is expected that the DPIE will retain the plan making delegations in this instance.

# POLICY

The Local Planning Panels Direction – Planning Proposals requires that the Local Planning Panel give its advice on the Planning Proposal before Council considers whether to forward it to the Minister or Greater Sydney Commission. The advice of the Hornsby Local Planning Panel is presented in this report.

# CONCLUSION

The Planning Proposal seeks to implement Council’s resolutions in relation to design excellence, correct anomalies and reflect the expansion of the Marramarra National Park. The Planning Proposal is consistent with the strategic planning framework and is a key milestone under the Accelerated LEP Review Program. It is anticipated that further amendments to Council’s planning controls will be informed when the current program of strategic studies is completed in 2020.

Accordingly, it is recommended that Council endorse progression of the attached Planning Proposal for submission to the Department of Planning, Industry and Environment for Gateway Determination and exhibition.

# RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Katherine Vickery Manager Strategic Land Use Planning, who can be contacted on 9847 6744.

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| Katherine Vickery  Manager - Strategic Landuse Planning  Planning and Compliance Division | James Farrington  Director - Planning and Compliance  Planning and Compliance Division |

**Attachments:**

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| **1.** | Hornsby Housekeeping Planning Proposal - October 2019 |  |  |
| **2.** | Minutes - Local Planning Panel - 24 September 2019 |  |  |

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