

Planning and Assessment

Gateway determination report

LGA	Hornsby
PPA	Hornsby Shire Council
NAME	Housekeeping Amendment 2019 (0 homes, 0 jobs)
NUMBER	PP_2019_HORNS_002_00
LEP TO BE AMENDED	Hornsby Local Environmental Plan 2013
ADDRESS	Various sites in the Hornsby LGA
DESCRIPTION	Various sites in the Hornsby LGA
RECEIVED	4 December 2019
FILE NO.	IRF19/7896
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to undertake housekeeping amendments to the Hornsby Local Environmental Plan (LEP) 2013 (**Attachment A**) to:

- Resolve 40 errors and/or anomalies identified in Schedule 5 Environmental Heritage of the LEP, including 39 description changes and 1 mapping amendment;
- Rezone two (2) sites to reflect the historical and existing use of each site;
 - 1-5 Peter Close, Hornsby Heights – Rezone land from B1 Neighbourhood Centre to R2 Low Density Residential;
 - 5 Arcadia Road, Galston – Rezone land from B1 Neighbourhood Centre to R2 Low Density Residential;
- Rezone the land at Coba Point, Berowra Creek (Lot 1 DP 727931) from E4 Environmental Living to E1 National Parks and Nature Reserves, in response to a notice from the National Parks and Wildlife Service that this land is now an extension to the Marramarra National Park;
- Amend Schedule 1 – Additional permitted use, to include ‘restaurants and cafes’ as additional permitted uses to the land at 344 Galston Road, Galston of that will reflect the current and longstanding use at the site;
- Extend the application of Clause 6.8 – Design Excellence to also include attached dwellings, multi-dwelling housing, shop-top housing and residential flat buildings regardless of height; and
- Reduce the height of building control for all land with a maximum building height of 17.5m, to a maximum height of 16.5m to provide better architectural outcomes for five storey developments by removing the ability to develop

'mezzanine' levels that are top-heavy in nature and with lower floor-to-ceiling heights.

The planning proposal applies to various land parcels across the Hornsby Local Government Area (LGA), with a full list of affected land contained at **Attachment D**.

1.2 Site description

The subject parcels are identified and described in **Attachment D**.

1.3 Summary of recommendation

The objective of this planning proposal is to correct various errors and anomalies identified in the LEP by Council. This objective will be achieved by making changes to the LEP written instrument and LEP map tiles.

Rectifying these errors and anomalies will provide a more accurate planning instrument and reduce the potential for delays, should development be proposed where errors and anomalies currently exist.

Amendments to the design excellence provisions and a reduction in the height of building controls are justified through an independent design excellence and residential development review that recommended various changes to Council's Development Control Plan (DCP) and LEP (**Attachment F**).

Minor updates to the proposal are conditioned to provide further clarity to the proposals objectives.

2. PROPOSAL

2.1 Objectives or intended outcomes

Errors and anomalies

The objective of this section of the planning proposal is to correct various errors and anomalies identified in the LEP by Council, mainly contained with Schedule 5 – Heritage Conservation. This objective will be achieved by making changes to the LEP written instrument and LEP map tiles.

Rectifying these errors and anomalies will provide a more accurate planning instrument and reduce the potential for delays, should development be proposed where errors and anomalies currently exist.

Design excellence

The intended outcomes are to expand the application of Clause 6.8 Design Excellence, so this may be applied regardless of a building's height.

In addition, Council will lower the maximum building height of all sites that currently have a maximum building control height of 17.5m down to 16.5m. These two changes are to enhance the architectural merit of developments, increase residential amenity, and give Council a greater scope to critically analyse development outcomes.

Further clarity is required from Council as to whether Clause 6.8 Design Excellence is to be restricted to specific building types

Additional permitted use

The addition of 'restaurant or café' as a permitted use reflects the longstanding and ongoing commercial/retail use at 344 Galston Road, Galston.

Rezoning

The rezoning of the identified sites will reflect the existing and historical uses that have been operating on these sites prior to the introduction of the standard instrument LEP.

The one exception is for the Coba Point Berowra Creek site (Lot 1 DP 727931) where Council has been advised by NSW National Parks and Wildlife Service to expand the E1 National Parks and Wildlife Reserves zoned land to include this land.

2.2 Explanation of provisions

The planning proposal seeks to amend the Hornsby Local Environmental Plan (LEP) 2013. The amendments are categorised as follows:

- I. Heritage anomalies.
- II. Mapping amendments only.
- III. Written Instrument amendments only.
- IV. Mapping and written instrument amendments

I. Heritage Anomalies

The Proposal seeks to amend the description and addresses of 39 items currently identified in Schedule 5 of Hornsby LEP, to correct anomalies relating to property descriptions, addresses or item names. There will also be one (1) mapping amendment, as explained in the mapping section below.

Attachment D provides site identification, current provisions and proposed provisions under this planning proposal for each site.

A condition of the Gateway determination will be to provide certificates of title to confirm lot changes, prior to submitting the proposal for finalisation. As a precaution, the Gateway determination also contains a condition that requires Council to forward the proposal to NSW Heritage, Department of Premier and Cabinet for comment.

II. Mapping amendments only

Heritage Map

Lot 204 DP 806307 is described under Schedule 5 of the LEP at part of Item 140 – Bushland Reserve – Sutherland Road and Park Avenue – Byles Creek Valley, however the site is not mapped under the LEP. The proposal seeks to include this lot in HER_010B. Current and proposed mapping can be seen in figure 1-2, below.

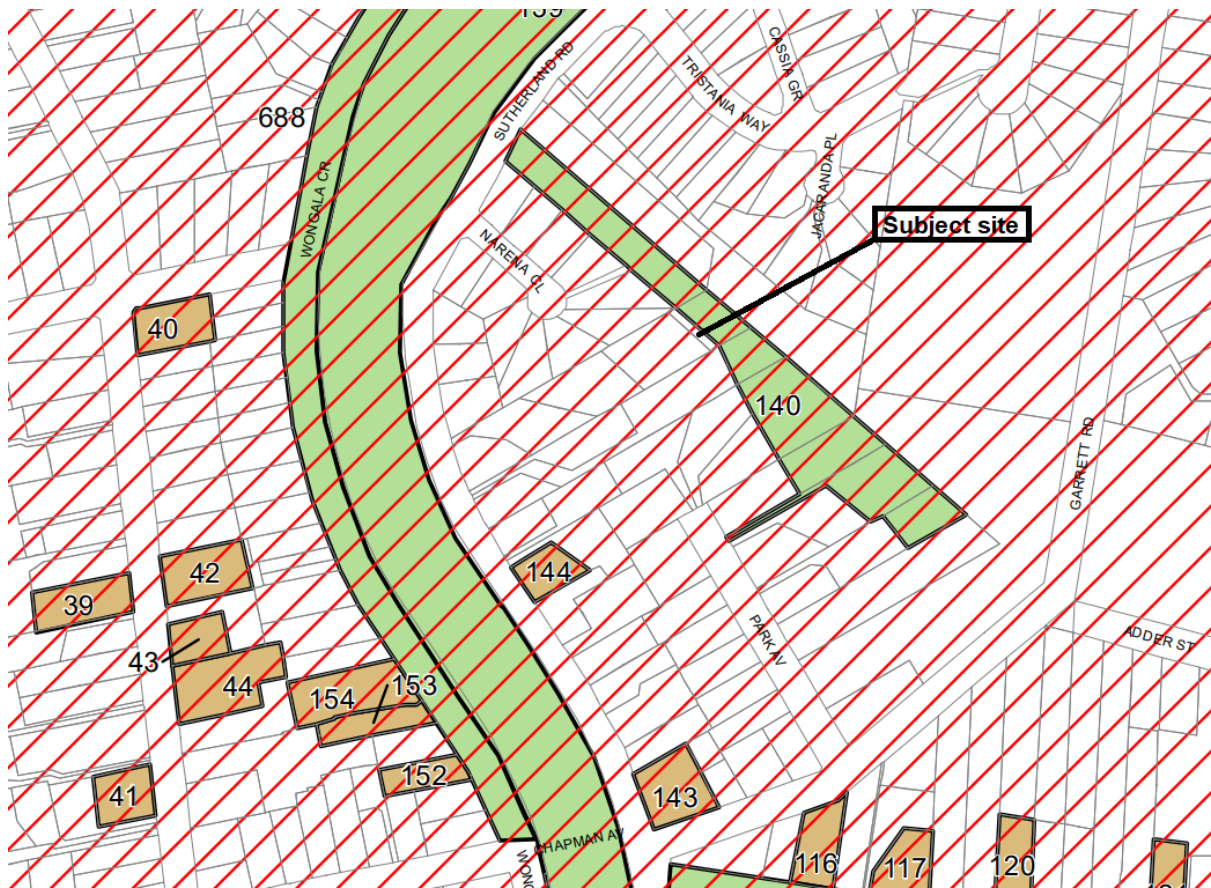


Figure 1: Existing heritage mapping (NSW Planning Portal)



Figure 2: Proposed heritage mapping.

Land zone (and associated development controls)

1-5 Peter Close, Hornsby Heights (CP SP 74679)

The site is proposed to be rezoned from B1 Neighbourhood Centre to R2 Low Density Residential, to reflect its ongoing use and to be consistent with the surrounding land. The site has a longstanding residential use since consent for 'Demolition of existing shopping centre' was provided (DA/2109/1999) and 'Construction of 10 medium density residential units and strata subdivision' was approved (DA/870/1998). The site aerial, current zoning and proposed zoning are shown at Figures 3-5 below.



Figure 3: 1-5 Peter Close, Hornsby Heights (outlined in red).



Figure 4: Current land zoning (NSW Planning Portal).



Figure 6: 5 Arcadia Road, Galston (NearMap).

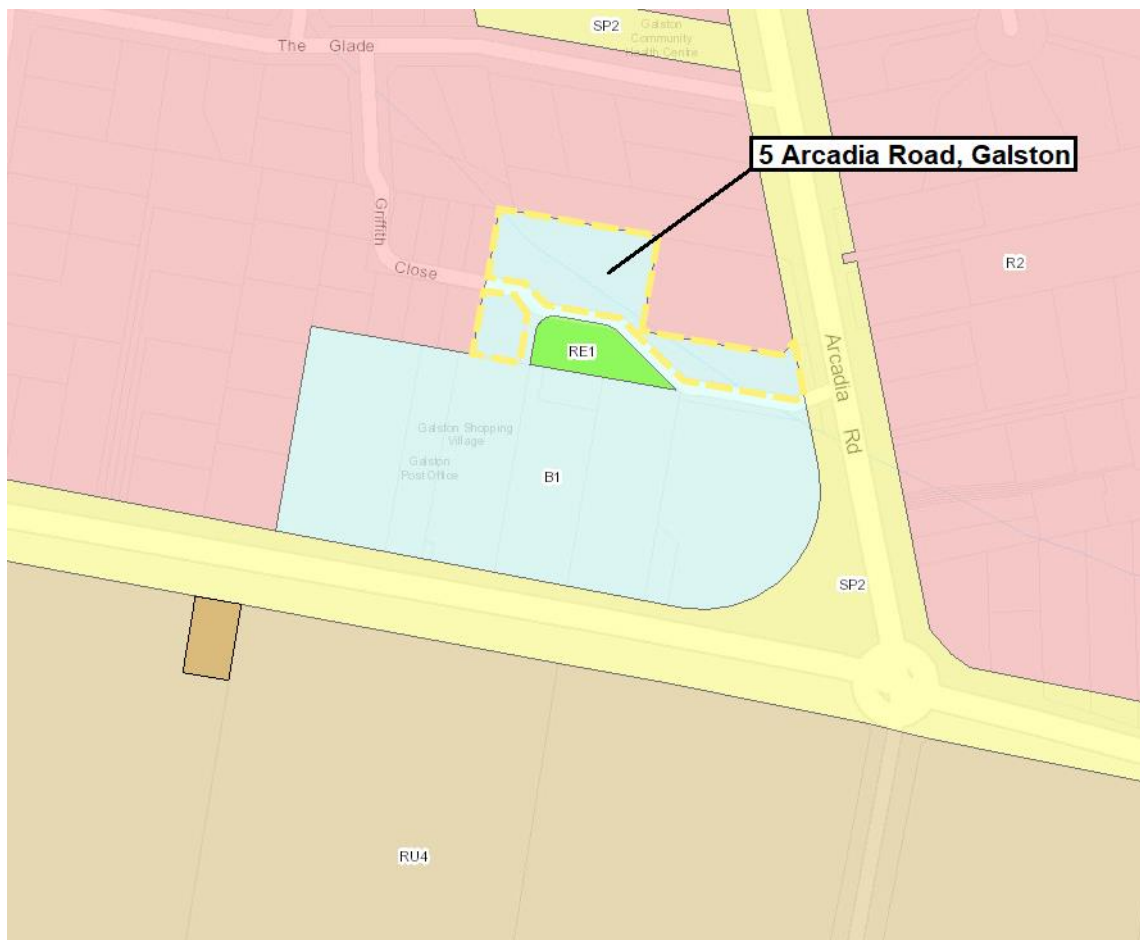


Figure 7: Existing land zoning (NSW Planning Portal).

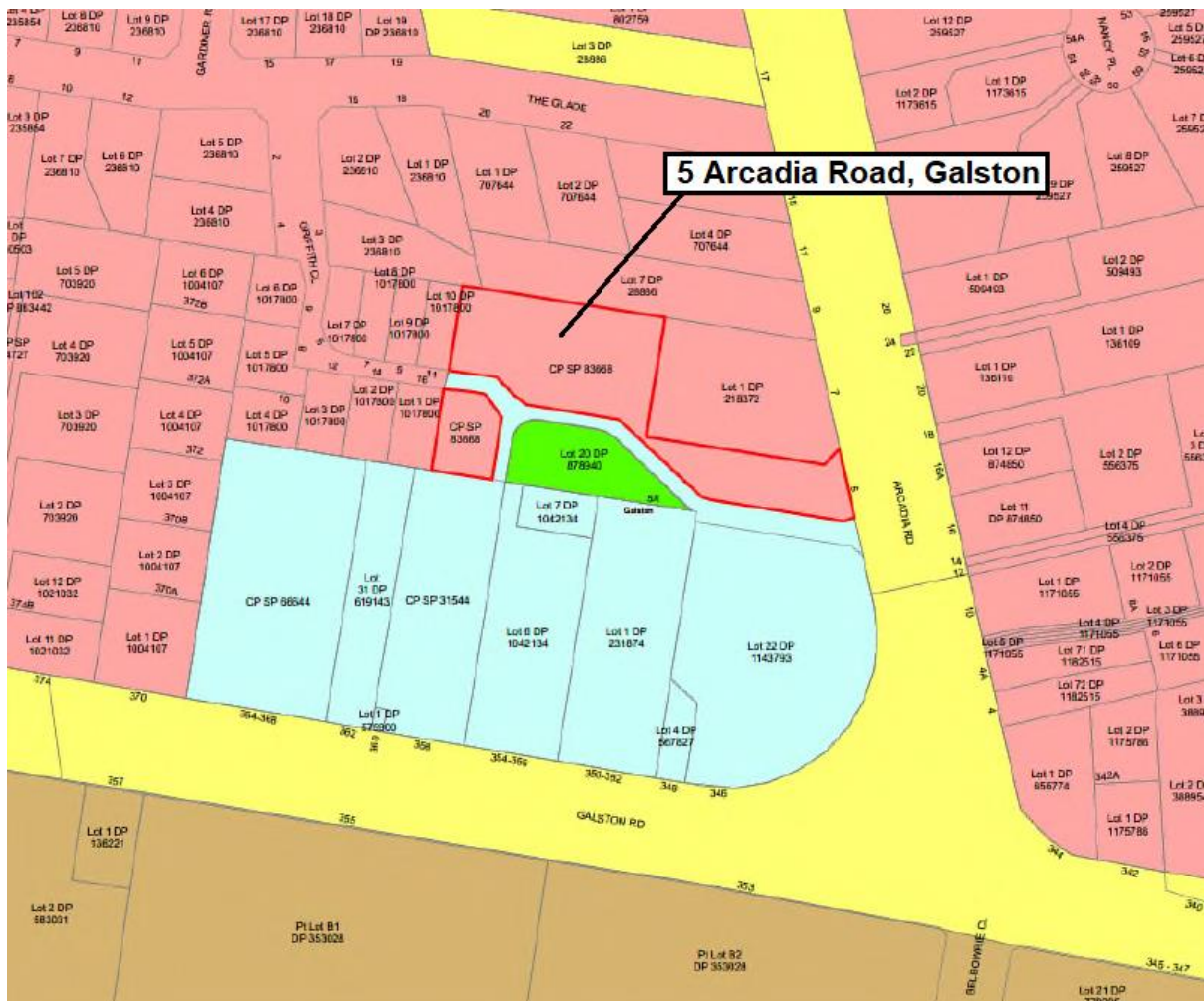


Figure 8: Proposed land zoning.

Department Comment

The rezoning amendment is minor in nature and reflects a more reasonable land zoning given the longstanding use and development consents that have been acted upon. A Gateway determination condition is recommended to address other corresponding planning controls that apply, including

- Amending the FSR map (FSR_008) which currently shows an FSR of 0.8:1 for the site. This should be amended to no FSR applying to the site;
- Amending the minimum lot size map (LSZ_008) which currently shows no minimum lot size for the site. This should be amended to...
- Amending the height of building map (HOB_008) which currently shows 12m for the site. This should be amended to...

It is expected that each map will be updated prior to public exhibition, in addition to updating the associated text contained in the planning proposal, to align with the surrounding R2 zoned land.

Coba Point, Berowra Creek (Lot 1 DP 727931)

The land is to be rezoned from E4 Environmental Living to E1 National Parks and Nature Reserves. Council has received notice from NSW National Parks and Wildlife Service regarding the expansion of Marramarra National Park up to Coba Point (Attachment E). The notice also advised that Council should rezone the land to

reflect the reservation of land as a National Park under the National Parks and Wildlife Act 1974.



Figure 9: Coba Point (Lot 1 DP 727931) (NearMap)



Figure 10: Existing land zoning under Hornsby LEP 2013 (NSW Planning Portal)

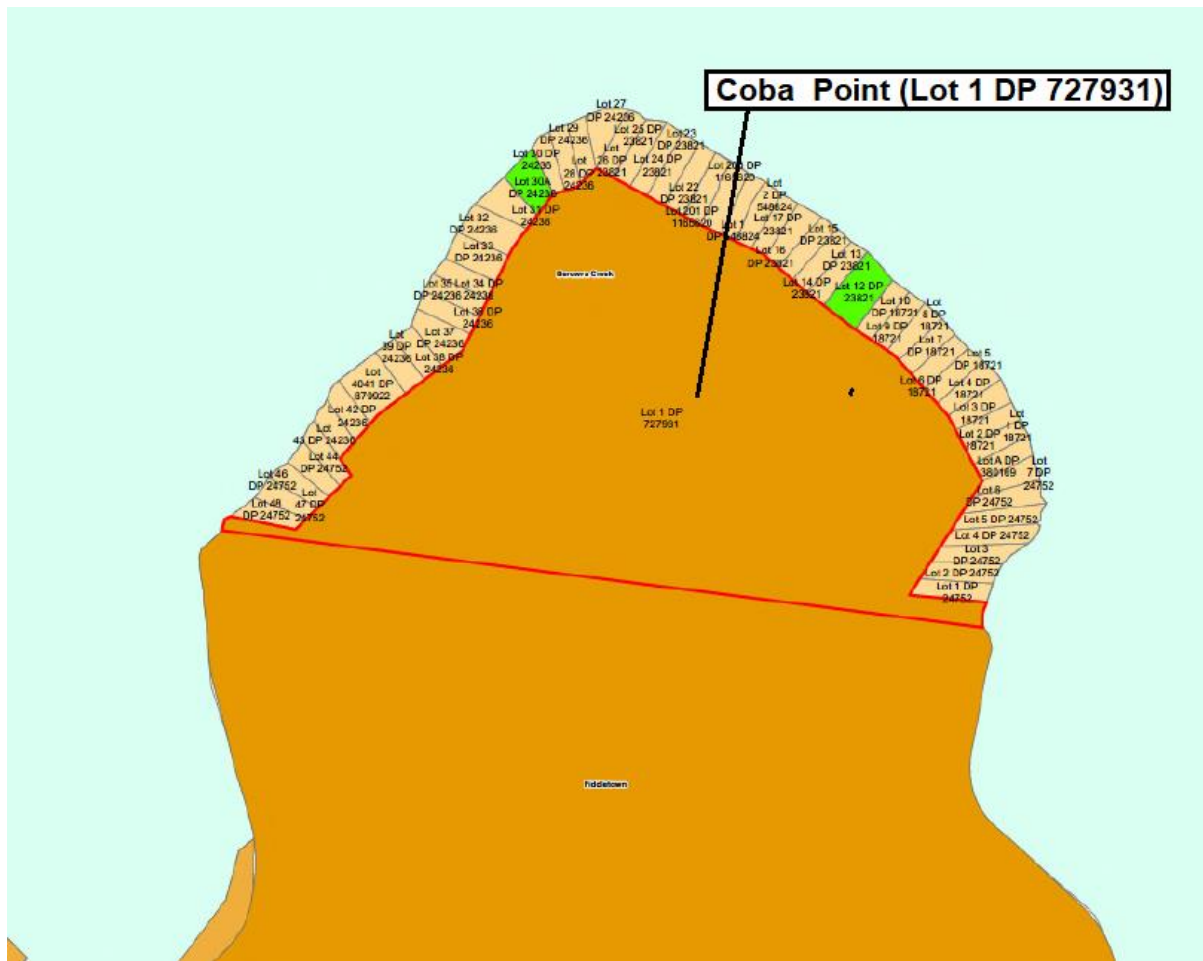


Figure 11: Proposed land zoning.

Department Comment

The Department is satisfied that this is a minor amendment. This amendment acts on a letter written to Council by the National Parks and Wildlife Services regarding an expansion to the Marramarra National Park. As a precaution, a Gateway determination condition is recommending that Council forward the planning proposal to National Parks and Wildlife Services to confirm the amendment.

A Gateway determination condition is recommended to address other corresponding planning controls that apply, including

- Amending the FSR map (FSR_021A) from 0.3:1 to no FSR applying to the land.
- Amending the minimum lot size map (LSZ_021A) from a minimum lot size of 40ha to no minimum lot size applying to the site.
- Amending the height of building map (HOB_021A) from 10.5m to no height of building applying to the site

It is expected that each map will be updated prior to public exhibition, in addition to updating the associated text contained in the planning proposal, to align with the surrounding E1 zoned land.

Height reductions from 17.5m to 16.5m.

Council commissioned an independent report prepared by Architects Johannsen and Associates (AJA) 'Hornsby Shire Council Design Excellence and Residential Development Review' (**Attachment F**).

The review included a focus on medium to high density developments. The results identified that land with a maximum height of building control of 17.5m, which was intended as five storeys, enabled developments to contain an additional 'mezzanine' level. This was considered a poor visual outcome, and in turn was a detriment to amenity. For example, some developments with a 'mezzanine' level are trimmed to a bare minimum form with no overhangs, creating a top-heavy character disproportionate with the overall scale of 5 storey buildings and that is inconsistent with the intention.

Examples of developments with mezzanine levels as described are illustrated below in **Figures 12-14**.



Figure 12: Example of mezzanine level outcome along Peats Ferry Road.



Figure 13: Example of development along Peats Ferry Road.



Figure 14: Example of development along Werombi Road, Mt Colah.

In addition to the independent report's recommended DCP changes to setbacks and mezzanine sleaving, the report recommended reducing the the 17.5m height of building control by 1m. The proposed 16.5m height of building will better align with the intended built form design outcomes and to remove the incentive include a 'mezzanine' level.

The proposed mapping changes to several sites are contained at **Attachment G**.

Department comment

The amendment to discourage roof top mezzanine levels, as described, in areas proposed for 5 storeys is considered satisfactory. This will facilitate developments that have a higher internal amenity (ie. higher floor to ceiling heights) and assist with better built form outcomes (e.g. disproportionate top-heavy mezzanine levels).

A recommended condition is to require Council to clearly identify/articulate each site (using the lot and deposited plan numbers) that will be affected by this change in the height of building control.

III. Written Instrument amendments only

Clause 6.8 – Design Excellence

The independent report by Architects Johannsen and Associates (AJA) (**Attachment F**) was commissioned as a result of two Council Notices of Motion (NOM13/17 and NOM14/17). This related to community concerns into the built form outcomes of medium and high density developments. The report considered the expansion of the Design Excellence Review Panel, and to expand the application of Clause 6.8 – Design Excellence.

The current Clause 6.8 is shown below:

(2) This clause applies to development involving the erection of a new building or external alterations to an existing building, which will result in a building with a height of more than 29.6 metres.

The independent Design Review report identified various recommendations relating to amendments to Council's Development Control Plan (DCP) and to the Hornsby LEP 2013.

The two recommendations applying to this planning proposal are:

- Lower the maximum height of building control where 17.5m currently applies, to 16.5m; and
- Expand the application of Clause 6.8 - Design Excellence.

Council's Planning Proposal conveys the following:

- *"it is proposed that Clause 6.8 apply 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."*

Department comment

Removing the 29.6 metre height limitation provision from the clause 6.8 Design Excellence provision would expand the application of the design excellence review to all building types. Applying this clause to other medium and high-density developments is considered reasonable in principle and has been justified through the independent review.

Council's intention for exactly what building types that the amended design excellence clause would apply to has not been fully articulated and the planning proposal should be amended prior to public exhibition to address this.

The proposal should also more clearly articulate Council's justification for removing the design excellence height requirement.

The Department has initially discussed this proposed amendment with the NSW Government Architects Office. The Government Architects Office has requested a meeting be held with Council to present the Design Excellence Review findings, and to discuss and obtain support for the proposed amendments. It is considered that this is best completed during the community consultation phase, after the Gateway determination has been issued.

IV. Written instrument and mapping amendments

344 Galston Road, Galston (Lot 1 DP 656774)

The site is to be added to Schedule 1 – Additional permitted uses in Hornsby LEP 2013, to allow 'restaurants or cafes' with development consent. The site is currently zoned R2 Low Density, Residential, however it has a longstanding commercial use (food and drinks premises). Development consent was granted for an application made in 2001 to 'change of use of part of the existing building for office premises' (DA/2421/2001), and over time this has evolved to the current use as a cafe. The inclusion of an additional permitted use will permit the existing established use without having any additional impacts on adjoining residents.



Figure 15: 344 Galston Road, Galston (NearMap).

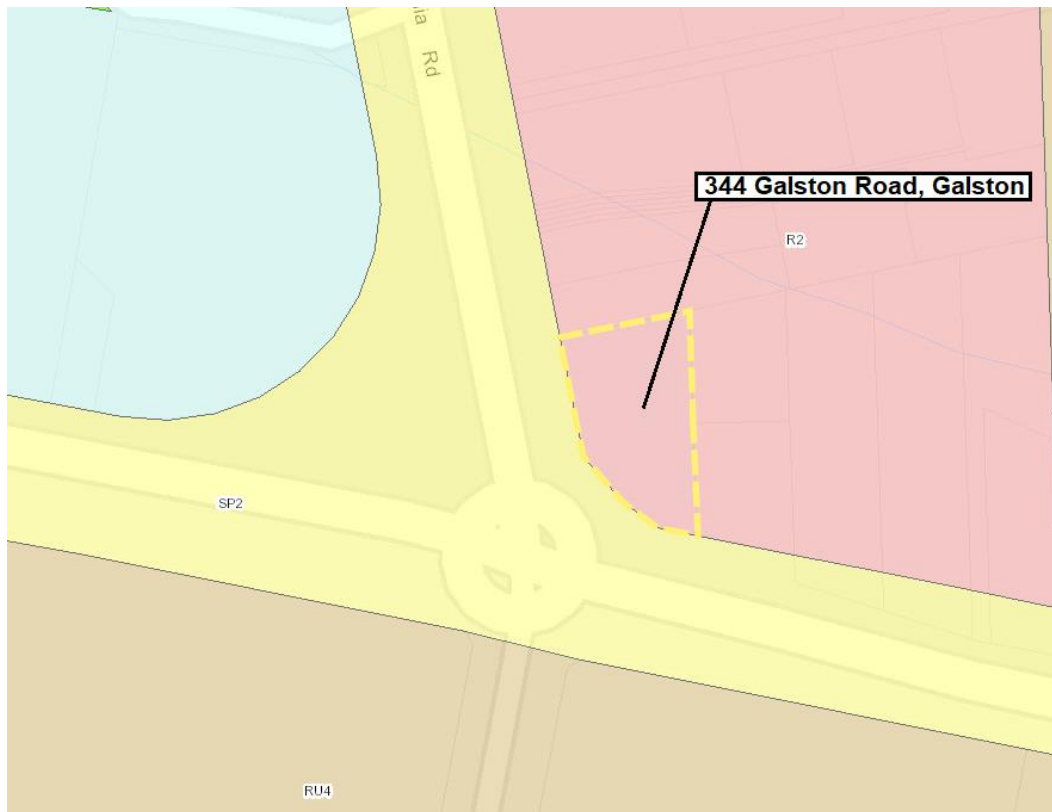


Figure 16: Existing land zoning under Hornsby LEP 2013.

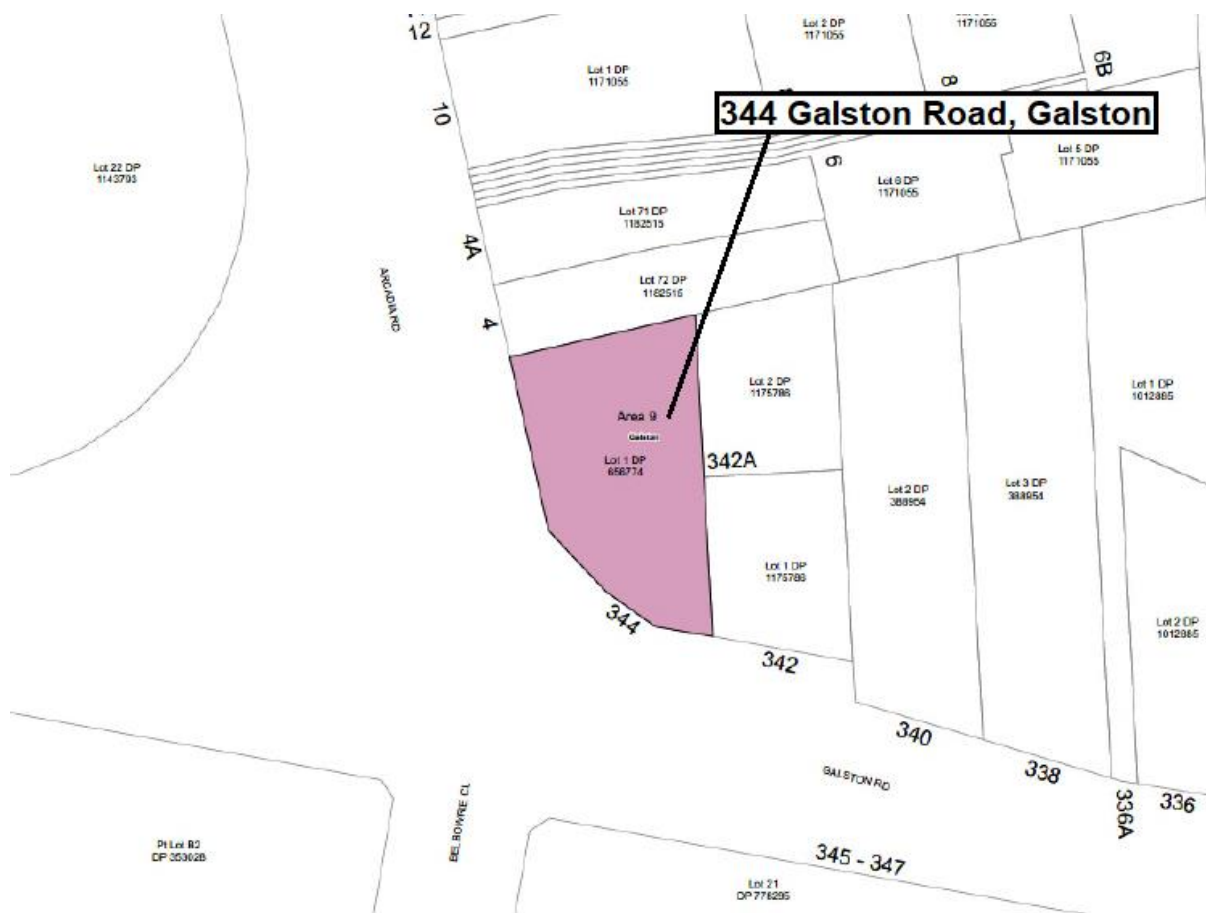


Figure 17: Proposed additional permitted use map.

3. NEED FOR THE PLANNING PROPOSAL

Rezoning of land

The rezoning of two sites at 1-5 Peter Close, Hornsby and 5 Arcadia Road, Galston will reflect a longstanding consent for each site for residential use. Currently both sites are zoned B1 – Neighbourhood Centre, and a planning proposal is the best way to consider a more appropriate land zone.

Coba Point rezoning

This proposed amendment is the result of a letter to Hornsby Shire Council from National Parks and Wildlife Services regarding the expansion of Marramarra National Park up to Coba Point. The changes to the park are to be reflected through a rezoning of the site to E1 – National Parks and Wildlife Reserves, and a planning proposal is the most appropriate way to achieve the intended outcome.

Design Excellence and height reductions from 17.5 to 16.5m

The proposed amendments to Clause 6.8 – *Design Excellence* of Hornsby LEP 2013 are based on the recommendations of an independent review prepared by Architects Johannsen and Associated in May 2018 (**Attachment F**) commissioned by Council.

As a way to rectify design issues, areas that currently have a maximum height of building of 17.5m are proposed to be lowered by 1m to a maximum height of 16.5m. It is the intention that the lower height will remove the ability for buildings to be constructed with a mezzanine level. This will also result in increased floor to ceiling heights and improved residential amenity. It is recommended that Council clearly identify each site (using the lot and deposited plan numbers) that will be affected by the change in the height of building control before exhibition of the proposal.

The planning proposal provides a transparent process and a formal opportunity for landowners and stakeholders to comment on the proposal. This a recommendation in the Gateway determination.

Additional Permitted Use

The additional permitted use ‘restaurant and cafe’ for the land at 344 Galston Road, Galston will reflect a longstanding use for the site. The planning proposal is the best and most appropriate means of achieving the Council’s intended outcome.

Heritage anomalies and amendments

The heritage anomalies and mapping amendments are considered minor and will be updated to show current lot descriptions and more appropriate site descriptions. A planning proposal is the most appropriate way to update and show accurate heritage conservation information for land in the Hornsby LGA.

4. STRATEGIC ASSESSMENT

4.2 North District Plan

The proposal is in response to the ongoing accelerated LEP Review Program undertaken between Hornsby Shire Council, the Greater Sydney Commission (GSC) and the Department of Planning, Industry and Environment. As part of funding agreements between Council and the GSC, Council is required to submit a planning proposal that intends to better align Hornsby LEP 2013 with the North District Plan.

Specifically, the proposal is consistent with the following priorities of the North District Plan:

- *Planning Priority N6 'Creating and renewing great places and local centres and respecting the District's heritage'* as it proposes minor updates to Schedule 5 – Heritage Conservation.

Generally the proposal is also consistent with the key principles for housing strategies, in that the expansion of Clause 6.8 – Design Excellence will allow a more detailed assessment of the architectural merit of medium density and high density residential developments.

4.3 Local

Draft Local Strategic Planning Statement

Hornsby Council's Draft Local Planning Statement (LSPS) has been publicly exhibited and is currently being reviewed as a final draft.

The planning proposal is identified as a priority/action from the Draft LSPS through the actions:

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

The proposal is consistent with the Draft LSPS, in that the intention (beyond correcting anomalies and minor amendments reflecting existing uses) is to improve design outcomes for medium and high-density residential development. This will be achieved through the expansion of the application of Clause 6.8 – Design Excellence in Hornsby LEP 2013 to now apply to multi-dwelling housing, attached dwellings and shop-top housing developments, regardless of building height.

Community Strategic Plan – 'Your Vision Your Future 2028'

The proposal is consistent with Hornsby Council's CSP, specifically aligning with the following community priorities contained within the CSP:

- *FA2 Identifying, protecting, creating and providing access to places and spaces for people*
- *FA3 Giving people housing choices*
- *FA4 Community wellbeing and neighbourhood amenity*

The Department is satisfied that the proposal is consistent with current local strategies and Council's draft LSPS.

4.4 Section 9.1 Ministerial Directions

The following Ministerial Directions apply:

Direction 1.1 Business and Industrial Zones

This Direction applies as there are proposed land zone changes to existing Business zoned land at:

- 1-5 Peter Close – Rezone from B1 Neighbourhood Centre to R2 Low Density Residential

- 5 Arcadia Road, Galston – Rezone from B1 Neighbourhood Centre to R2 Low Density Residential

Council has advised that the rezoning of the above land is to reflect a longstanding residential use consent, which has since been undertaken on each site. In this regard, it is reasonable to rezone the land to reflect the current use. Even though this is technically a reduction in business zoned land, it is justifiably inconsistent with this Direction, as it is unlikely that commercial development would be feasible for both these sites, due to the investment in the existing residential built form, the strata ownership and the relatively low potential yield associated with the current B1 zoning and controls.

Direction 2.1 – Environmental Protection Zones

This Direction applies as it includes provisions that facilitate the protection and conservation of environmentally sensitive land. The proposal is consistent with this Direction.

Direction 2.3 – Heritage Conservation

This Direction applies as the proposal intends to amend Schedule 5 – Environmental Conservation of the Hornsby LEP 2013.

The proposal is correcting land descriptions and mapping anomalies to existing land in Schedule 5 and is consistent with this Direction.

Direction 3.1 – Residential Zones

This Direction applies as Council proposes an additional permitted use to an R2 Low Density Residential zone that is commercial in nature (restaurant and cafes). The site has been operating in a commercial nature for 20+ years, and the additional permitted use will allow the longstanding use to continue.

The commercial land use has been a long standing. Because the site has operated in this way for some time the impacts on neighbouring lots and residential amenity are already known. The proposal is justifiably inconsistent with this Direction.

Direction 4.4 – Planning for Bushfire Protection

This Direction applies as the proposal intends amending the planning controls for bushfire prone land at:

- 1-5 Peter Close, Hornsby Heights from – Rezone land from B1 Neighbourhood Centre to R2 Low Density Residential;
- 552-558 Pacific Highway, Mount Colah – Amend the maximum height of building control from 17.5m to 16.5m; and
- Lot 1 DP 727931, Coba Point, Berowra Creek – Rezone land from E4 Environmental Conservation to E1 – National Parks and Nature Reserves

A bushfire prone map for each site is below at **Figures 18-20, below.**

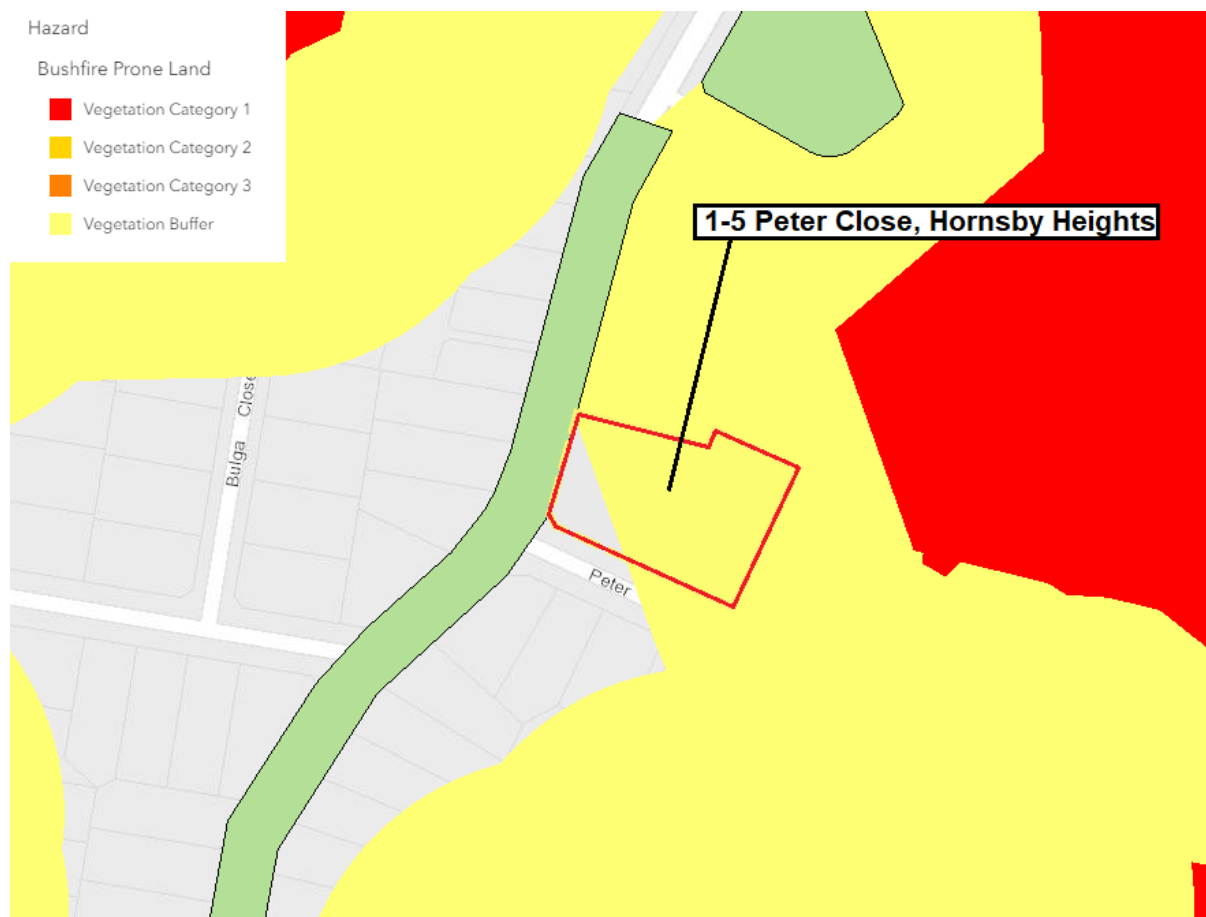


Figure 18: Bushfire prone map for land at 1-5 Peter Close, Hornsby Heights (NSW Planning Portal).

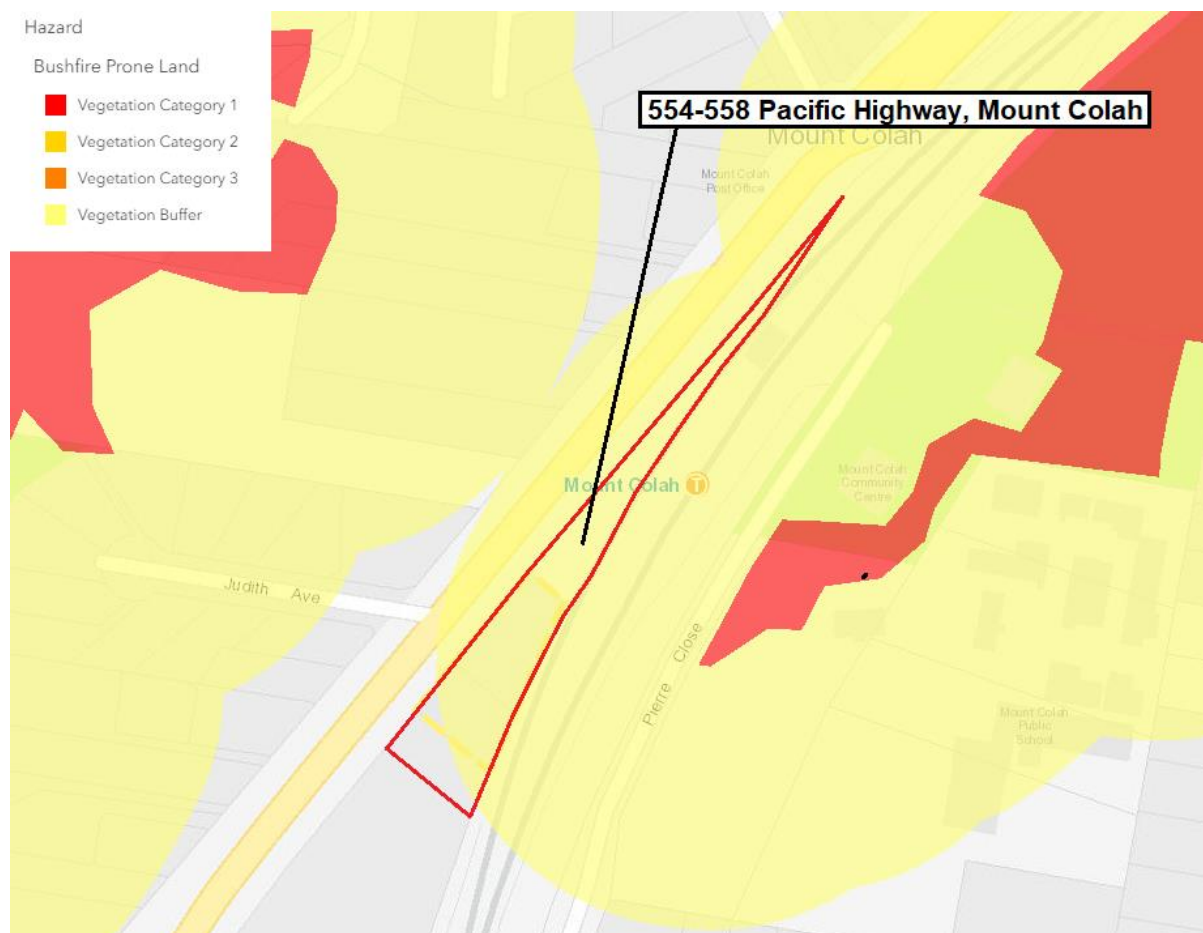


Figure 19: Bushfire prone map for land at 554-558 Pacific Highway, Mount Colah (NSW Planning Portal).



Figure 20: Bushfire prone map for land at Coba Point (Lot X DP X) (NSW Planning Portal).

A condition of the Gateway determination is to liaise with the NSW Rural Fire Service (RFS) regarding the amendments to planning controls. The applicant should address RFS comments in the proposal prior to submission to the Department for finalisation.

Direction 6.3 – Site Specific Provisions

Although Direction 6.3 is not discussed in the proposal, the application of this Direction is initiated through the proposed Additional Permitted Use (of 'restaurant or cafe') to 344 Galston Road, Galston. While the proposal is not necessarily considered to be inconsistent with this Direction at this stage, Council is required to update the proposal to detail that it is consistent or justifiably inconsistent with this Direction. This has been conditioned as part of the Gateway determination **(Attachment B)**.

4.5 State environmental planning policies (SEPPs)

The proposal is generally consistent with or will not affect the application of any SEPPs.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The expansion of the application of Clause 6.8 – Design Excellence is in response to community concerns and the result of a review into residential development, which is likely to result in a minor social benefit to the community.

The proposal is generally unlikely to have a negative social impact.

5.2 Environmental

The planning proposal is relatively minor in nature and is unlikely to have any impact on environmental matters and concerns.

5.3 Economic

It is expected that the proposed amendments to Clause 6.8 – *Design Excellence* of Hornsby LEP 2013 will provide further examination of the architectural merit for residential development and is expected to provide a minor economic benefit to the community.

5.4 Infrastructure

The planning proposal is correcting anomalies, expanding the application of design excellence and rezoning land to correspond with longstanding land uses. The proposal is unlikely to require the consideration of additional public infrastructure.

6. CONSULTATION

6.1 Community

The planning proposal is considered minor, and community consultation has been conditioned for 28 days.

6.2 Agencies

Council has proposed to forward the planning proposal to the NSW Rural Fire Service prior to exhibition, in accordance with Ministerial Direction 4.4 – Planning for Bushfire Protection.

Other agencies that are required to be forwarded this proposal for comment include:

- NSW Rural Fire Service regarding any lots to be rezoned that are identified as being bushfire prone land;
- NSW Heritage, Department of Premier and Cabinet regarding amendments to Schedule 5 – Heritage Conservation; and
- NSW Parks and Wildlife Services regarding the amendments to the land zoning at Coba Point (Lot 1 DP 727931).

7. TIME FRAME

Council proposes a timeline of 6 months, as finalisation of the planning proposal is required within this time under funding agreements as part of the accelerated LEP review program between Council, The Department and the Greater Sydney Commission.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested authorisation to exercise the plan making function under delegation in relation to this planning proposal.

While the planning proposal is considered minor, Council is required to submit the final planning proposal to the Department for finalisation.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions. The planning proposal will address errors and anomalies within the Hornsby LEP 2013, seek to

extend design excellence provision across further development categories and is generally consistent with the intention of the accelerated LEP Review program. The proposed amendments will further align Hornsby LEP 2013 with the North District Plan.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. **agree** that any inconsistencies with section 9.1 Directions 1.1 – Business and Industrial Zones are considered minor and justifiable
2. **agree** that any inconsistencies with section 9.1 Direction 3.1 – Residential Zones are considered minor and justifiable;
3. **note** that consistency with section 9.1 Directions 4.4 Planning for Bushfire Protection remains unresolved until discussions with the Rural Fire Service are undertaken, and
4. **note** that consistency with section 9.1 Direction 6.3 - Site Specific Provisions remains unresolved until the proposal is updated to justify the inconsistency with the Direction, in relation to an additional permitted use at Galston Road, Galston.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to exhibition, Council should amend the planning proposal in the following manner:
 - (a) Additional mapping changes are required for rezoned land, to correctly identify floor space ratio, height of building and minimum lot size controls that have changed, as applicable for the sites at:
 - i. 1-5 Peter Close, Hornsby Heights - Amending the corresponding FSR map (FSR_016) which currently shows an FSR of 0.5:1 and amending the corresponding minimum lot size map (LSZ_016) which currently shows no minimum lot size for the site.
 - ii. 5 Arcadia Road, Galston - Amending the corresponding FSR map (FSR_008) which currently shows an FSR of 0.8:1, amending the corresponding minimum lot size map (LSZ_008) which currently shows no minimum lot size for the site, amending the corresponding height of building map (HOB_008) which currently shows 12m.
 - iii. Coba Point, Berowra Creek (Lot X DP X) - Amending the corresponding FSR map (FSR_021A) which currently shows an FSR of 0.3:1, amending the corresponding minimum lot size map (LSZ_021A) which currently shows a minimum lot size of 40ha, and amending the corresponding height of building map (HOB_021A) which currently shows 10.5m.

It is expected that each map will be updated to reflect the controls that currently exist at the prevailing land zone.

- (b) Clearly state the intentions of amending Clause 6.8 – Design Excellence, to expand the application of the design excellence review by removing the height of building provision and clarify whether the application of the clause is to be limited to specific building types and therefore whether an additional provision is necessary.
- (c) Clearly articulate the lot descriptions (Lot and deposited plan) for each site that is affected by the height of building amendments as part of the ‘Design Excellence and Residential Development Review’.

Council does not need endorsement from the Department for these changes.

2. Prior to finalisation, Council is required to update the proposal in the following manner:
 - (a) Provide certificate of titles to confirm property descriptions for all Schedule 5 amendments;
 - (b) Document all required heritage mapping amendments; and
 - (c) Provide evidence of support from the Government Architects Office regarding the expansion of Clause 6.8 – Design Excellence, of the LEP
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
 - NSW Rural Fire Service regarding any lots to be rezoned that are identified as being bushfire prone land;
 - NSW Heritage, Department of Premier and Cabinet; and
 - NSW Parks and Wildlife Services
5. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination, or as required by the LEP Review program funding milestones



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