

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_HORNS\_002\_00): to correct minor anomalies under Schedule 5 – Environmental Conservation, prescribe an additional permitted use to land at 344 Galston Road, Galston, expand the application of Clause 6.8 – Design Excellence, reduce land subject to a maximum building height of 17.5m to 16.5m, and amend land zoning and building controls to various sites throughout the Hornsby Local Government Area.***

I, the Acting Director, North District 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 the Hornsby Local Environmental Plan (LEP) 2013 to correct minor anomalies under Schedule 5 – Environmental Conservation, prescribe an additional permitted use to land at 344 Galston Road, Galston, expand the application of Clause 6.8 – Design Excellence, and amend land zoning and building controls to various sites throughout the Hornsby Local Government Area 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 1 DP 727931) - 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 detail the intention and justification for amending Clause 6.8 – Design Excellence to remove the height of building provision and clarify whether the application 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 maximum height of building amendment, where the height will be reduced from 17.5m to 16.5m.

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 amendment of Clause 6.8 – Design Excellence to expand the application of the Design Review;
  - d. Address the issue of consistency with Section 9.1, Direction 4.4 Planning for Bushfire Protection, following liaison with the NSW Rural Fire Service regarding the amendments to the planning controls and to address any issues raised; and
  - e. Address the issue of consistency with Section 9.1, Direction 6.3 Site Specific Provisions, in relation to the Additional Permitted Uses for 344 Galston Road, Galston.
- 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

Dated **17** day of **February** 2020.



**Luke Downend**  
**Acting Director**  
**Eastern Harbour City**  
**Department of Planning, Industry**  
**and Environment**  
**Delegate of the Minister for Planning**  
**and Public Spaces**

