



Contact: Shane Nugent
Phone: (02) 9860 1560
Email: Shane.Nugent@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: PP_2014_HORNS_002_00 (14/01691)
Your ref: D02730408

Dear Mr Phillips,

Planning proposal to amend Hornsby Local Environmental Plan 2013

I am writing in response to your Council's letter dated 23 December 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land in South Dural for urban development.

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

Additional information is to be prepared to address inconsistencies with S117 Directions 1.2 Rural Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.2 Caravan Parks and Manufactured Home Estates, 6.2 Reserving Land for Public Purposes and 7.1 Implementation of the Metropolitan Plan for Sydney 2036. Detailed requirements are listed in the attached Gateway conditions.

The amending Local Environmental Plan (LEP) is to be finalised within 24 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 for Planning & Infrastructure to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs 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 EP&A Act 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 & Infrastructure regional office to assist you. Mr Nugent can be contacted on (02) 9860 1560.

Yours sincerely,


Richard Pearson
Deputy Director General
Growth Planning & Delivery

7/3/14

Gateway Determination

Planning proposal (Agency Ref: PP_2014_HORNS_002_00): to rezone land in South Dural for urban development.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Hornsby Local Environmental Plan (LEP) 2013 to rezone land in South Dural for urban development should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to undertake the following work:
 - (a) Studies on flora and fauna, including analysis of State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection with identification of any core koala habitat in the area and provisions to protect such areas as provided in clause 15 of the SEPP;
 - (b) Studies on heritage, bushfire, infrastructure requirements, economic impact and a traffic and transport management plan;
 - (c) Master plan for the proposed development, including proposed zoning, lot size, height of buildings, floor space ratio and any other changes proposed to the existing Hornsby LEP 2013 maps;
 - (d) Details of the proposed number of dwellings and commercial floor space;
 - (e) Infrastructure strategy and business plan including assessment of all infrastructure requirements, demonstrating that the development can be undertaken at no additional cost to government and identifying responsibility for the delivery of infrastructure; and,
 - (f) Preliminary Investigation in accordance with the requirements of SEPP 55 Remediation of Land.

2. The following additional information addressing relevant S117 Directions is to be publicly exhibited with the planning proposal:
 - (a) A study to justify the inconsistency of the proposal with Direction 1.2 Rural Zones;
 - (b) Studies and necessary planning work to address the requirements of Direction 2.1 Environmental Protection Zones;
 - (c) A Heritage Study to address the requirements of Direction 2.3 Heritage Conservation;
 - (d) Details addressing the requirements of Direction 3.2 Caravan Parks and Manufactured Home Estates, in particular the zoning and development controls for the caravan site on New Line Road;
 - (e) Amendment to the planning proposal to clearly identify whether the existing reservations for road widening are to be retained in order to address Direction 6.2 Reserving Land for Public Purposes; and,
 - (f) Amendment to the planning proposal to demonstrate that the proposal achieves the overall intent of the Metropolitan Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions in order to address Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") 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)*.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Aboriginal Affairs
 - NSW Aboriginal Land Council
 - Hawkesbury – Nepean Catchment Management Authority
 - Sydney Catchment Management Authority
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Housing NSW
 - Department of Primary Industries – Agriculture
 - UrbanGrowth NSW
 - Transport for NSW
 - NSW National Parks and Wildlife Services
 - Fire and Rescue NSW
 - Department of Health
 - NSW Police Force
 - NSW Rural Fire Service
 - Roads and Maritime Services
 - State Emergency Services
 - Sydney Water
 - Telstra
 - Ausgrid
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. Once the relevant information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions to reflect the outcomes of the work and consultation undertaken. Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).



7. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated

7

day of

March

2014.

A handwritten signature in blue ink, appearing to read "Richard Pearson".

**Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**