

Gateway Determination

Planning Proposal (Department Ref: PP_2017_HORNS_002_00): to amend the planning controls for the Hornsby Town Centre East Precinct.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Hornsby Local Environmental Plan (LEP) 2013 to apply a B4 Mixed Use zone; increase the building height and floor space ratio (FSR) controls; reduce the minimum non-residential floor space ratio; and rezone the George Street commuter carpark to B4 Mixed Use should proceed subject to the following conditions:

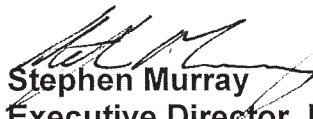
1. Prior to community consultation, Council is to:
 - (a) undertake studies addressing heritage, economic, social, traffic and parking, public domain and urban design issues, to inform the appropriate proposed planning controls for the Hornsby Town Centre East Precinct;
 - (b) amend the planning proposal in accordance with the outcomes of the additional studies and submit a copy of the revised proposal to the Department of Planning and Environment for endorsement and to determine if an altered Gateway determination is required;
 - (c) include appropriate shadow diagrams in the planning proposal to illustrate potential overshadowing, particularly over the existing dwellings to the east of the precinct;
 - (d) amend the planning proposal to rezone the subject B3 Commercial Core zoned land to B4 Mixed Use and amend the planning proposal accordingly;
 - (e) amend the planning proposal to identify the number of additional dwellings and jobs facilitated by the planning proposal;
 - (f) amend the planning proposal to identify the maximum building height and floor space ratio planning controls proposed by the planning proposal;
 - (g) amend the planning proposal to address the inconsistency with section 117 Direction 1.1 Business and Industrial Zones once the supporting economic study is completed;
 - (h) amend the planning proposal to identify a community consultation period of 28 days; and
 - (i) amend the planning proposal to include the proposed maps associated with the planning proposal and provide a legend for each map to provide clarity on the planning controls.
2. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
- Transport for NSW;
 - Transport for NSW – Sydney Trains;
 - Transport for NSW – Roads and Maritime Services;
 - Office of Environment and Heritage;
 - Telstra;
 - Sydney Water; and
 - Endeavour Energy.

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.

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 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).
5. The timeframe for completing the LEP is to be 18 months from the date of the Gateway determination.

Dated 6th day of October 2017.


Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission



Mr Stephen Fedorow
Acting General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Dear Mr Fedorow

Planning Proposal (PP_2017_HORNS_002_00) to amend Hornsby Local Environmental Plan 2013 – Hornsby Town Centre East Precinct

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 7 August 2017 in respect of the planning proposal to facilitate the redevelopment of land within the Hornsby Town Centre East Precinct.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In making this determination, I require Council to amend the planning proposal so that it is proposed to rezone the B3 Commercial Core to a B4 Mixed Use zone. I gave careful consideration to all the relevant planning issues and the views of Council officers in making this decision. This approach is considered to be more appropriate and will ensure there is a continued separation between the objectives of the two zones, as well as, ensuring transparency and consistency with the Standard Instrument.

I note Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of the relevant Section 117 Direction 1.1 Business and Industrial zones following its preparation and consideration of supporting studies. Council is to ensure this occurs prior to community consultation.

I would also ask that Council continues to liaise with Transport for NSW over the possible inclusion of additional land within the planning proposal. In view of the studies Council has indicated it will undertake to identify appropriate planning controls, I would anticipate that Council may need to seek an alteration to the Gateway determination and I have conditioned the determination accordingly. At that time Council may care to advise of its discussions with Transport for NSW.

I have also decided not to issue an authorisation for Council to exercise the plan-making function in this instance given the policy implications involved with the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of 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 the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on (02) 9860 1548.

Yours sincerely

 6 October 2017
Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl: Gateway determination