

19 December 2022

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Director, North District
NSW Department of Planning and Environment
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Parramatta NSW 2124

Request for Gateway Consideration – PP/4/2022 Byles Creek

Council is seeking a Gateway Determination for Planning Proposal PP/4/2022, which seeks to amend the *Hornsby Local Environmental Plan 2013* (HLEP) for certain land in the Byles Creek Study Area (Study Area).

The Study Area is comprised of RE1 Public Recreation land and R2 Low Density Residential land within and adjoining the Byles Creek corridor. The Area is bounded by Azalea Grove and Kurrajong Street to the north, Lane Cove National Park to the east, Malton Road to the south and Sutherland Road to the west.

The Planning Proposal seeks to amend the HLEP as follows:

1. Rezone land within the Study Area currently zoned R2 Low Density Residential to C4 Environmental Living.
2. Increase the minimum subdivision lot size for land proposed to be zoned C4 Environmental Living to 40ha.
3. Amend the objectives of Clause 4.1 'minimum subdivision lot size' to protect and enhance existing bushland and significant native vegetation.
4. Insert a 'Riparian Land' clause under Part 6 'Additional local provisions' and provide supporting riparian corridor mapping.

The Planning Proposal is accompanied by:

- Attachment 1: Byles Creek Planning Study;
- Attachment 2: Byles Creek Land Use and Environmental Constraints Assessment;
- Attachment 3: Byles Creek Planning Study – Economic Implications Analysis;
- Attachment 4: Byles Creek Planning Study – Consultation Outcomes Report; and
- Attachment 5: Proposed Amendments to the Hornsby Development Control Plan 2013.

Background

In December 2020, Council endorsed the preparation of the Byles Creek Planning Study (the Planning Study). The purpose of the Planning Study was to review the suitability of existing HLEP planning controls for R2 Low Density Residential zoned land adjoining the RE1 Public Recreation zoned land within the Byles Creek corridor, focusing on the protection and maintenance of environmental values.

A draft Planning Study was completed in July 2021. At its August 2021 meeting, Council considered the draft Planning Study and resolved to place it on public exhibition. The exhibition took place from 1 September 2021 to 1 November 2021. During the exhibition, a total of 168 submissions were received. Submissions were generally supportive of the draft Study and its recommendations.

In May 2022, Council endorsed the Planning Study as exhibited and a plan to implement its recommendations. Proposed amendments to existing environmental controls within the Hornsby Development Control Plan 2013 (HDCP) would be exhibited concurrently with this Planning Proposal.

In accordance with the Minister's Direction of 27 September 2018 issued under section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Planning Proposal was referred to the Hornsby Local Planning Panel (LPP) for their advice on 26 October 2022. The Panel advised it supports the progression of the proposal for a Gateway determination.

At its meeting on 14 December 2022, Council resolved to support the progress of the Planning Proposal to Gateway determination. Council resolved to:

1. *Council endorse the progression of the Byles Creek Planning Proposal attached to Director's Report No. PC24/22 for submission to the Department of Planning and Environment for a Gateway Determination.*
2. *The Planning Proposal be publicly exhibited in accordance with the Gateway Determination and consultation strategy identified in this report.*
3. *Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC24/22 for exhibition concurrently with the Planning Proposal.*
4. *Following exhibition, a report on submissions be presented to Council for its consideration.*

Supporting documentation

To assist with its consideration as to whether to grant a Gateway determination, please find the attached the following documentation:

- Byles Creek Planning Proposal, October 2022 and supporting documentation.
- Hornsby LPP minutes
- Council officer's report and Council's resolution of 14 December 2022.

Request

In accordance with its resolution, Council now seeks a Gateway determination in accordance with section 3.34 of the EP&A Act for PP/4/2022. With respect to the outcomes of assessment of the Planning Proposal, the following is requested:

- That Council is advised of the outcomes of the assessment;
- That the public exhibition period be for a minimum period of 28 days;
- That the timeframe for completing the LEP be set with consideration of the parallel tasks of preparing and finalising the draft DCP; and
- Council be authorised as the Local Plan Making Authority for this Planning Proposal.

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Should you have any queries, please direct them to either Lawrence Huang, Strategic Planner, or the undersigned on 9847 6666.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Taylor Richardson', with a large, sweeping initial 'T'.

Taylor Richardson
Acting Manager Landuse Planning

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