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Gateway determination report – PP - 2024-1023

Hornsby Heritage and Housekeeping

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Attachment	Title
A	Planning proposal – April 2024
B	Hornsby Local Planning Panel Advice – March 2024
C	Council Business Paper – May 2024
D	Council Minutes – May 2024

1 Planning proposal

1.1Overview

Table 2 Planning proposal details

LGA	Hornsby
PPA	Hornsby Shire Council
NAME	Heritage and Housekeeping
NUMBER	PP-2024-1023
LEP TO BE AMENDED	Hornsby Local Environmental Plan 2013 (Hornsby LEP 2013)
ADDRESS	Multiple
DESCRIPTION	Multiple
RECEIVED	14/05/2024
FILE NO.	IRF24/1314
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

1.2Objectives of planning proposal

The objective of the planning proposal is to improve the operation, accuracy and interpretation of Hornsby LEP 2013 with regard to heritage items, archaeological sites, heritage conservation areas (HCA) and land outside the Hornsby Shire local government area (LGA). The planning proposal is found at **Attachment A**.

This will be achieved by amending the written instrument and maps of Hornsby LEP 2013 to remove references to land outside of the Hornsby Shire LGA and updating the details for certain heritage items, archaeological sites and HCAs.

1.3Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved in relation to heritage matters.

The planning proposal seeks to amend Hornsby LEP 2013 as illustrated in **Table 3** and **Attachment A**:

Table 3 Proposed amendments

Control	Proposed	Reference
Schedule 5 Environmental Heritage	List four new landscape heritage items	See Table 2-1 in Attachment A
Schedule 5 Environmental Heritage	Additions to four heritage item listings	See Table 2-2 in Attachment A
Schedule 5 Environmental Heritage	Dual listing of six items – listing under both Part 1 Heritage items and Part 3 Archaeological sites	See Table 2-3 in Attachment A
Schedule 5 Environmental Heritage	Recategorisation of four heritage items	See Table 2-4 in Attachment A
Schedule 5 Environmental Heritage	Enlarge the mapping area for four heritage items	See Table 2-5 in Attachment A
Schedule 5 Environmental Heritage	Consolidation of five heritage items into two items	See Table 2-6 in Attachment A
Schedule 5 Environmental Heritage	Renaming 20 heritage items	See Table 2-7 in Attachment A
Schedule 5 Environmental Heritage	Correct the naming on 17 heritage items	See Table 2-8 in Attachment A
Schedule 5 Environmental Heritage	Removal of 12 heritage listed items	See Table 2-9 in Attachment A
Clause 1.8A Savings provisions relating to development applications	Removing references to the Epping Town Centre as it is no longer located in the Hornsby LGA.	See Table 2-10 in Attachment A
Clause 4.6 Exceptions to development standards	Removing references to the Epping Town Centre as it is no longer located in the Hornsby LGA.	See Table 2-10 in Attachment A
Schedule 5 Environmental Heritage	Remove 80 heritage listed items under Hornsby LEP 2013 because they are now covered under the Parramatta LEP 2023.	See Table 2-11 in Attachment A
Schedule 5 Environmental Heritage	Remove three HCAs under Hornsby LEP 2013 because they are now covered under the Parramatta LEP 2023.	See Table 2-12 in Attachment A

1.4 Site description

The planning proposal applies to multiple sites within the Hornsby LGA.

1.5 Mapping

The planning proposal includes multiple amendments as detailed in section 4 of **Attachment A** to the following maps:

- Additional Permitted Uses
- Floor Space Ratio
- Height of Buildings
- Heritage
- Key Sites
- Land Application
- Land Reservation Acquisition
- Land Zoning
- Lot Size
- Terrestrial Biodiversity

1.6 Background

The planning proposal results from a Comprehensive Heritage Study (CHS) commenced by Council in 2018.

Table 4 Background

Date	Background event
2016	Boundaries of Parramatta and Hornsby LGAs amended.
August 2018	Council resolved to undertake the CHS to respond to the changing development context, demography and community expectations regarding the identification, policy and protection of Hornsby's heritage.
2019 - 2023	<p>A Heritage Action Plan (HAP) was prepared to identify the strategic tasks required to guide the scope of the CHS and inform a program of works. The program of works commenced in October 2020 to be undertaken over several years.</p> <p>As part of the CHS, Council engaged consultants to undertake reviews of existing and potential new heritage items, archaeological sites and HCAs. The objective of the reviews was to assess the condition of known sites, to provide clarity to aid interpretation of heritage and to identify new items of potential heritage significance.</p> <p>Two component projects of the CHS endorsed by Council - the Hornsby Thematic History on 13 October 2021, and the Heritage Interpretation Strategy on 8 November 2023.</p>
March 2023	Parramatta LEP 2023 published, section 1.8(2) stipulates that the Hornsby LEP 2013 ceases to apply to land to which the Parramatta LEP 2023 applies.

27 March 2024	Planning proposal referred to the Hornsby Local Planning Panel (LPP) for advice. The Panel noted that it has strategic merit and advised that it supports the progression of the proposal for a Gateway determination (Attachment B).
8 May 2024	Council resolves to progress the Heritage and Housekeeping planning proposal to the Department for a Gateway determination (Attachments C & D).

2 Strategic assessment

2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan – A Metropolis of three Cities (GSRP).

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
GSRP Objective 13 Environmental heritage is identified, conserved and enhanced.	<p>The GSRP sets out that “Conserving, interpreting and celebrating Greater Sydney’s heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.”</p> <p>Council have concluded that the planning proposal is consistent with Objective 13 of the GSRP as associated mapping would be amended so that item names, addresses, property descriptions and maps are accurate for all heritage items, archaeological sites and heritage conservation areas within the Hornsby Shire LGA.</p> <p>The Department agrees with council that the proposed amendments would provide a more accurate record of heritage in the Hornsby Shire LGA, allowing for more effective management and interpretation. The Department considers this would result in preservation of heritage value for current and future generations.</p>

2.2 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for environmental heritage as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 6** provides an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
Planning Priority N6	The planning proposal is consistent with Planning Priority N6.
Creating and renewing great places and local centres and respecting the District's Heritage	<p>The District Plan state that set out the need to conserve, interpret and celebrate Greater Sydney's heritage values, leading to a better understanding of history and respect for the experiences of diverse communities. The District Plan identifies heritage identification, management and interpretation as fundamental to ensure that heritage places and stories can be experienced by current and future generations.</p> <p>The proposed amendments would provide a more accurate record of heritage in the Hornsby Shire LGA, allowing for more effective management and interpretation. This would result in preservation of heritage value for current and future generations.</p>
NDP Action 21 Identify, conserve and enhance environmental heritage	<p>The Planning Proposal is consistent with NDP Action 21.</p> <p>The planning proposal is intended to provide a more accurate record of heritage in the Hornsby Shire LGA.</p> <p>The requisite public exhibition of the planning proposal as it undergoes the plan-making process will allow the Hornsby Shire community to understand the justifications for the proposed amendments and engage with Council.</p>

2.3Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 7**.

Table 7 Local strategic planning assessment

Local Strategies	Justification
Hornsby Local Strategic Planning Statement (LSPS) 2020	<p>The planning proposal supports Council's LSPS as the proposal represents the results of the cumulative heritage study and heritage assessment program. The heritage amendments sought by this planning proposal would give effect to these actions and are identified as immediate Liveable actions in the LSPS.</p> <p>The proposed amendments to Schedule 5 and Heritage Map of the Hornsby LEP are either administrative in nature or supported by updated inventory sheets. Progressing the heritage amendments is merited because it would increase the accuracy of the Hornsby LEP and therefore support the appropriate protection and administration of Hornsby's heritage items, archaeological sites and heritage conservation areas.</p>
Hornsby Housing Strategy 2020	The planning proposal has considered the LSPS and identified that the proposal is consistent. Critically, the proposal supports Priority 1 - Protecting the character of our low density neighbourhoods and Priority 5 - Protecting, conserving and promoting our natural, built and cultural heritage.
Hornsby Community	The planning proposal has considered the Hornsby Community Strategic Plan (HCSP) and identified that the proposal is consistent, supporting G2.1: Quality,

Strategic Plan	liveable and sustainable urban design and development and to protect our heritage items, heritage conservation areas and cultural heritage. The proposed heritage amendments would serve to improve the administration and interpretation of heritage items, archaeological sites and heritage conservation areas in Hornsby Shire.
Hornsby Shire Heritage Action Plan	The Department agrees with Council's assessment that the planning proposal is consistent with the endorsed Hornsby Shire Heritage Action Plan as it seeks to update Schedule 5 and the Heritage Map of the Hornsby LEP 2013 to improve its accuracy in identifying heritage items, archaeological sites and heritage conservation areas.

2.4 Local planning panel recommendation

The planning proposal was considered by the Hornsby Shire Council LPP on 27 March 2024 and it concluded the proposal had sufficient strategic and site-specific merit to be submitted to the department for a Gateway Determination.

The LPP considered the Council had undertaken extensive and comprehensive consideration of the amendments and that the proposal was principally a housekeeping amendment to rectify anomalies and inconsistencies in the Hornsby LEP.

The LPP did recommend that greater clarity should be provided in relation to the removal of the existing heritage item known as Fords Farm at 1275 Singleton Road, Laughtondale. This has been detailed in the planning proposal report (**Attachment A**).

2.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plan	Yes	Refer to in 2.1 Regional Plan (Table 5).
3.2 Heritage Conservation	Yes	The proposal seeks to amend the Hornsby LEP to ensure that the environmental or indigenous heritage significance of an item, area, object or place is conserved through an appropriate environment protection instrument.
6.1 Residential zones	Yes	The planning proposal is consistent with this direction because it seeks to provide up-to-date identification for heritage items, archaeological sites and HCAs within the LGA. This information will assist in guiding appropriate residential development within and adjacent to any such identified item or HCA.

2.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 8**.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Codes) 2008	The objective of the policy is to provide assessment for development that complies with specified development standards	Yes	The planning proposal is consistent with the Codes SEPP, noting exempt or complying development may not be permitted or has limited applicability for heritage listed items.
SEPP (Housing) 2021	The objective of the Housing SEPP is to incentivise the supply of affordable and diverse housing in the right places and for every stage of life	Yes	The proposal is consistent with the Housing SEPP.

3 Site-specific assessment

3.1 Environmental

Table 9 provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity and ecology	<p>The planning proposal considered the potential for impacts to ecological communities and or habitats, critical habitat or threatened species and or populations would be negatively affected by the proposal.</p> <p>While an ecological assessment was not prepared, based on the nature of the proposed amendment associated with the planning proposal impacts to ecological values as a result of the planning proposal was considered unlikely.</p>
Heritage and archaeology	Further assessment is provided in the assessment of the Regional Plan Objective 13 Environmental heritage is identified, conserved and enhanced (Table 5).

The planning proposal through better and accurate identification and mapping will likely improve protection and management of heritage values.

3.2 Social and economic

Table 10 provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social Assessment	The planning proposal is considered likely to have positive social impacts through amending the Hornsby LEP to more accurately reflect and identify heritage values and increase certainty when considering these values as part of future development applications.
Economic Assessment	<p>The proposal is unlikely to have significant adverse economic impacts as it focuses on correcting inconsistencies within the Hornsby LEP rather than amending either zonings or development controls.</p> <p>The planning proposal is considered likely to have positive economic impacts through amending the Hornsby LEP to more accurately reflect and identify heritage values and increase certainty when considering these values as part of future development applications.</p>

4 Consultation

4.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

4.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment. Crown Lands and Transport for NSW are two state agencies that are landowners:

- Crown Lands
- Heritage NSW
- Transport for NSW

5 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 23 May 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

6 Local plan-making authority

The local plan making guidelines establish that councils will generally be authorised as the local plan making authority for basic and standard LEP amendments.

As the planning proposal is categorised as standard and Council has indicated its support for the amendments, the Department recommends Council be the local plan making authority given the minor and local nature of the proposal.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is consistent with the applicable strategic planning documents, particularly as they relate to the general objectives for heritage conservation
- The proposal is consistent with the Hornsby Shire Council Local Housing Strategy and Local Strategic Planning Statement
- It will provide a positive heritage outcome for the LGA.
- Remove repealed controls following the making of Parramatta LEP 2023.

8 Recommendation

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

1. Prior to exhibition, the planning proposal report should be revised to update the project timeline in accordance with the timeframes outlined in this report, include a date and remove the 'draft' watermark.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Council should be authorised to be the local plan-making authority.
4. Consultation is required with the following public authorities:
 - Crown Lands
 - Heritage NSW
 - Transport for NSW
5. The timeframe for the LEP to be completed is on or before 23 May 2025.

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22.07.24

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2 August 2024

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