

## Gateway Determination

**Planning proposal (Department Ref: PP-2020-3920):** to update and expand vegetation mapping, and to replace standard definitions in Hornsby Local Environmental Plan 2013.

I, the Executive Director Metro Central and North, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 (HLEP) 2013 to update its terrestrial biodiversity mapping and replace the standard 'Terrestrial biodiversity' clause should not proceed for the following reasons:

1. The Department does not support the broad inclusion of locally significant and common vegetation communities in the context of *Clause 6.4 Terrestrial biodiversity* LEP map. The Department does not support the grouping of such communities with other communities containing more significant conservation value; unless demonstrably linking and enhancing areas of Commonwealth, State or Regionally significant tracts of vegetation.
2. The Planning Proposal is not supported by a suitable economic analysis to allow Council and the public to fully understand the impacts on homeowners and local businesses. It is noted that the expansion of vegetation communities proposed to be mapped will affect over 12,000 properties.
3. The Planning Proposal will have a significant effect on the application of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as well as complying development pathways within *State Environmental Planning Policy (Housing) 2021*. The weakening of this development pathway is not fully justified in light of the vegetation communities to be mapped.
4. The Department does not support the replacement of the definition of 'Terrestrial biodiversity', being a standard definition under the *Standard Instrument – Principal Local Environmental Plan*
5. Council's intention to enhance tree protection throughout its Local Government Area should be sought through other methods without expanding vegetation communities typically mapped under *Clause 6.4 – Terrestrial biodiversity* of HELP 2013. This could be through an expansion of Council's existing Tree Preservation Order within Council's Development Control Plan.
6. Considering the unsupported mapping criteria explained above, and the lack of sound justification, the Planning Proposal does not give effect to the North District Plan in accordance with Section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Dated 30<sup>th</sup> day of August 2022.



Alison McLaren  
Executive Director Metro Central and North  
Department of Planning and Environment  
Delegate of the Minister for Planning and Homes