



Mr Steven Head
General Manager
Hornsby Shire Council
PO Box 37
HORNSBY NSW 1630

Dear Mr Head

Planning proposal PP-2022-2602 to amend Hornsby Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 12 August 2022 in respect of the planning proposal to increase the maximum building height for properties 2 and 4 High Street, Hornsby to 38.5 metres, and increase the maximum building height for properties 7 to 19 Ashley Street, Hornsby and 2 and 4 Webb Avenue, Hornsby to 20.5 metres for seniors housing only.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. No further approval is required in relation to the Directions.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised at or before 9 months from the date of the Gateway determination. As this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Ashley Richards to assist you. Ms Richards can be contacted on 02 8289 6776.

Yours sincerely


23 August 2022
Brendan Metcalfe
Director North District
Metro Central North

Encl:
Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP-2022-2602): The proposal involves an extension to the existing Hornsby RSL club, a hotel and serviced apartments, residential shop top housing, and will facilitate a 6 storey seniors housing development.

I, the Director North District, Metro Central 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 2013 to increase the maximum building height for properties 2 and 4 High Street, Hornsby to 38.5 metres, and increase the maximum building height for properties 7 to 19 Ashley Street, Hornsby and 2 and 4 Webb Avenue, Hornsby ('Area 1') to 20.5 metres for seniors housing only should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - A further objective is required to describe the intended redevelopment proposal for this site. For example: *To facilitate an extension to the existing RSL club, a hotel and serviced apartments, and residential shop top housing at 2 to 4 High Street and a 6 storey seniors housing development for properties at 7 to 19 Ashley Street and 2 to 4 Webb Avenue.*
 - Clarify the land use mix as this affects the job and dwelling yield of the proposal.
 - Update plans to remove references in the Design Concept to land at William Street, Hornsby.
 - Update 2016 supporting studies to consider only the current planning proposal. This includes:
 - i. 2016 Atlas Architecture Design Concepts
 - ii. 2016 Atlas Architecture Urban Design Statement
 - iii. 2017 Archnex Designs Statement of Heritage Impact
 - Address additional FSR under Part 5, Clause 87 of the Housing SEPP 2021 for the senior's housing site at 7 to 19 Ashley Street in the proposal.
 - Provide shadow diagrams clearly labelling the existing shadow footprint and proposed potential shadow footprint. It is recommended that the shadow analysis is modelled including consideration of the adjacent Hornsby Town Centre site controls to accurately reflect solar access.
 - Address solar access and overshadowing and demonstrate that compliance with Apartment Design Guide standards can be achieved for proposed residential land uses.

- Identify the maximum number of car spaces needed to support the proposed seniors-housing and amend the proposal to incorporate this cap.
 - Provide an estimated timetable for the delivery of transport and infrastructure improvements relating to this proposal.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as basic, as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021), and must be made publicly available for a minimum of 25 days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities:
- Transport for NSW
 - Sydney Trains
 - NSW Police
 - Sydney Water
 - Endeavour Energy
 - NSW Rural Fire Service
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 25 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The planning proposal must be exhibited 3 months from the date of the Gateway determination.

7. The planning proposal must be reported to council for a final recommendation 6 months from the date of the Gateway determination.
8. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.

Dated 22nd day of August 2022.

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Brendan Metcalfe
Director North District
Metro Central North
Department of Planning and Environment

Delegate of the Minister for Planning and Homes