



20 July 2023

Brendan Metcalfe  
Director, North District  
NSW Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Sir

### **Request for Gateway Consideration – PP/1/2023**

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Council is seeking a Gateway Determination for Planning Proposal PP/1/2023 which seeks to amend the Hornsby Environmental Plan 2013 (Hornsby LEP) to implement the recommendations of the Hornsby Rural Lands Study (RLS).

The planning proposal seeks to amend the Hornsby LEP as follows:

- **Amendment 1:** Amend Hornsby LEP RU1 Primary Production, RU2 Rural Landscape RU4 Primary Production and C3 Environmental Management zone objectives to reflect the intent of the zones to support value adding activities for agriculture.
- **Amendment 2:** Include optional Standard Instrument Clause 5.16 into the Hornsby LEP to require consideration of land use conflicts.
- **Amendment 3:** Amend the wording of Hornsby LEP Clause 6.9 to clarify existing controls for attached dual occupancies.
- **Amendment 4:** Permit roadside stalls to sell produce and locally made items from area generally instead of being restricted to the site and adjoining properties.
- **Amendment 5:** Amend the requirements for lot size calculation in Hornsby LEP Clause 4.1 so that access handles are included in lot size calculations in rural areas.

The planning proposal is accompanied by:

- The Hornsby Shire Rural Lands Study;
- Council's endorsed Implementation Action Plan; and
- Proposed Amendments to the Hornsby Development Control Plan 2013.
- The Hornsby Local Planning Panel Meeting Minutes

### **Background**

In June 2022, The Hornsby Shire Rural Lands Study (Hornsby RLS) was finalised by Council. The Hornsby RLS is the result of a multi-year place-based planning project focused on the rural lands of Hornsby Shire. The Hornsby RLS reviews the planning controls, existing character and land use patterns for rural lands to provide parameters for future land use planning and set a vision for rural areas. The Hornsby RLS was undertaken

within the planning context of the Greater Sydney Region Plan (Region Plan) and the North District Plan (District Plan), reflecting the relevant strategies and actions of the plans in the planning recommendations.

The RLS identified key principles for rural land management including:

- Retain and enhance opportunities for productive land use;
- Encourage value-adding land uses that support productive activities;
- Limit further fragmentation of rural land;
- Plan for rural villages as great places that support the rural area; and
- Manage the interface between urban and rural areas, especially in the southern parts of the rural area.

The RLS includes detailed recommendations for each landscape area, recommendations for villages and general recommendations for the rural areas as a whole. A staged approach to the implementation of the recommendations was adopted, split into short term planning control amendments and longer term strategic investigations.

At its meeting on 12 July 2022, Council resolved that:

*1. Council endorse progression of the Rural Lands Planning Proposal attached to Director's Report No. PC15/23 for submission to the Department of Planning and Environment for a Gateway Determination.*

*2. Upon receipt of a Gateway Determination, the Planning Proposal be placed on public exhibition in accordance with the Determination and consultation strategy outlined in this report.*

*3. Council endorse the amendments to the Hornsby Development Control Plan 2013 attached to Director's Report No. PC15/23 for exhibition concurrently with the Planning Proposal.*

*4. Following exhibition, a report on submissions be presented to Council for consideration.*

### **Local Plan Making Authority (LPMA)**

The Local Environmental Plan Making Guideline identifies that Councils will generally be authorised as the LPMA for basic and standard LEP amendments. Council considers that this Planning Proposal satisfies the criteria for a standard amendment.

However, as this Planning Proposal contains a change to the roadside stalls land use that may or may not have state-wide application (depending on method of implementation), Council is not seeking to be authorised as the LPMA. Accordingly the Department, through ministerial delegation, would become the LPMA which will allow for all implementation options to be considered in the course of the gateway assessment.

### **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; and
- That the timeframe for completing the LEP be set with consideration of the parallel tasks of preparing and finalising the draft DCP.

If you have any queries, please direct them to either Ben Jones, Principal Strategic Planner or the undersigned on 9847 6666.

Yours faithfully,



Katherine Vickery, Manager

Strategic Land Use Planning.

TRIM Reference PP/1/2023