

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-1549):** to amend the Hornsby Local Environmental Plan (LEP) 2013 to revise and improve planning controls and LEP objectives for rural lands to improve the economic viability of agricultural land, minimise rural residential land-use conflicts, and protect the rural landscape and biodiversity.

I, the Director, Metro North at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Hornsby LEP 2013 to support commercial agricultural operations, mitigate rural-residential land-use conflicts, clarify the dual occupancy controls in rural areas, and include lot access-handles in the lot size calculation in rural areas should proceed subject to the following conditions:

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.

The LEP should be completed on or before 30 June 2024.

1. Prior to community consultation, the planning proposal should be updated to:
  - (a) Remove the proposed amendment to the definition of “roadside stalls” under the Standard Instrument LEP.
  - (b) Amend the ‘Need for the planning proposal’ section to address how the proposed amendment to Clause 4.1 Minimum subdivision lot size will not result in a loss of viable rural land given additional lots could be created and have dwellings located on them.
  - (c) Include an estimate of how many additional homes may result from the changes to clause 4.1.
  - (d) Include discussion of the proposed Clause 4.1 amendment against:
    - i. Objective 10 of the Greater Sydney Region Plan, addressing housing delivery,
    - ii. Planning Priority N5 of the North District Plan, addressing housing supply, choice, and affordability.
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 standard 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 20 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).

Exhibition must commence within 3 months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Department of Primary Industries
- NSW Rural Fire Service
- NSW Department of Environment and Heritage

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 30 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).

Dated Wednesday 30<sup>th</sup> day of August 2023.



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

**Delegate of the Minister for Planning and Public Spaces**