



13 September 2023

Mr Brendan Metcalfe
Director North District
Department Planning and Environment

Dear Mr Metcalfe

PP-2023-1549, Hornsby Shire Rural Lands Study – Response to Gateway Determination

Thank you for your letter and the Department's gateway determination dated 30 August 2023 for the Rural Lands Study Planning Proposal (Department Ref No. PP-2023-1549).

The Gateway determination stipulates several conditions to be addressed prior to the public exhibition of the Planning Proposal. The purpose of this letter is to provide responses to the gateway determination conditions, as follows:

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.

The proposed amendment that would allow roadside stalls to sell produce from a wider catchment has been removed from the Planning Proposal. To capture the process that led to the removal of the amendment, a short discussion is included in the "Objectives" section of the Planning Proposal.

(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.

The "Need for the planning proposal" section of the report has been updated to further discuss how the amendments sought under the planning proposal assist in achieving the Hornsby Rural Lands Study vision. Each of the four amendments are now individually discussed to provide a clearer line of sight between the vision and recommendations of the study and the planning proposal. Regarding Clause 4.1 of the Hornsby LEP, further discussion has been provided in this section and throughout the planning proposal are outlines the impact of this proposed change.

(c) Include an estimate of how many additional homes may result from the changes to clause 4.1.

A further targeted review has been undertaken which has provided a refined number of allotments that may be able to be subdivided under the proposed. This review has identified that 19 allotments across targeted zones in the rural area may be able to be subdivided under the proposed change. As the maximum number of dwellings per allotment in the rural area is two, a theoretical maximum of 38 dwellings may result from this change.

However, the theoretical maximum numbers identified above would in practice not be achieved. Existing planning controls, environmental constraints, natural hazards and the introduction of Standard Instrument Clause 5.16 into the Hornsby LEP would all reduce the number of allotments that would be able to subdivide in the rural area. Further detailed discussion regarding delivery of dwellings and additional allotments is contained within the updated Planning Proposal.

(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

The Planning Proposal has been updated to discuss Objective 10 of the Greater Sydney Region Plan and Planning Priority N5 of the North District Plan. The planning proposal would result in a minor increase in dwellings in rural areas. However, this capacity would complement the diversity of housing stock in the Shire and be consistent with the planned housing growth outlined in the endorsed Local Housing Strategy 2020.

Other changes

In addition to the signed gateway determination, the cover letter that accompanied the determination, as well as the Gateway Determination Report requested additional changes to the planning proposal. These changes have been incorporated into the planning proposal as detailed below:

Requested Change - Gateway Determination Report	Response
The objectives of the planning proposal require clarification	The objectives of the planning proposal have been updated to more closely align with the intended outcomes.
Consultation dates should be updated to reflect 2023 rather than 2024.	The inclusion of a 2024 exhibition date was erroneous. The planning proposal has been updated to correctly reference 2023.
Requested Change - Gateway Determination Cover Letter	Response

Direction 4.1 Flooding – The proposal has not addressed Direction 4.1 Flooding as part of the planning proposals assessment.	Direction 4.1 has been addressed in Appendix A of the planning proposal. The proposal is consistent with the direction.
Direction 6.1 Residential Zones – The proposed amendment to include access-handles in rural areas for lot size calculation may facilitate additional subdivision of land, and a potential increase in dwelling provision. As new homes are possible, the potential changes should be assessed against Direction 6.1.	Direction 6.1 has been addressed in Appendix A of the planning proposal. The direction has been assessed as being not applicable to the planning proposal.
Direction 9.1 Rural Zones – The proposal includes an amendment which includes access handles in the lot size calculation for rural blocks. This amendment needs to be further justified as it will likely result in an increased residential density on the land.	Further justification has been provided for Direction 9.1. The planning proposal remains consistent with the direction.

In addition to the changes outlined above, the planning proposal was updated to provide more detail on consistency with State Environmental Planning Policies and Appendix F containing the draft Hornsby Development Control Plan has been updated to remove references to roadside stalls.

An amended Planning Proposal accompanies this letter and has been uploaded to the NSW Planning Portal.

The gateway determination requires that public consultation of the Planning Proposal is to commence by 30 November 2023. The cover letter accompanying the gateway determination outlined that Council is required to obtain the agreement of the secretary that the planning proposal complies with the requirements of relevant section 9.1 ministerial directions. The letter stated that Council should ensure that the agreement of the secretary is obtained prior to public exhibition. Despite being listed in the cover letter, this requirement was not listed in the signed gateway determination.

To avoid any doubt around pre-exhibition requirements, Council sought clarification from the department. On 4 September 2023, Mr Matt Carpenter clarified via email that whilst Council is required to obtain agreement from the Secretary before the proposal is finalised, this is not required prior to public exhibition.

The above clarification from Mr Matt Carpenter allows Council to commence exhibition of the planning proposal as soon as the Proposal is updated in accordance with the signed gateway determination. As outlined in this letter, Council has updated the planning proposal in accordance with the gateway determination and as a consequence, the public exhibition period for this proposal will begin on **15**

September 2023. The exhibition period will be undertaken in accordance with the requirements of the gateway determination.

Should you have any enquiries concerning the Planning Proposal, please contact Ben Jones, Principal Strategic Planner on 9847 6799.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Katherine Vickery', written in a cursive style.

Katherine Vickery

Manager

Strategic Land Use Planning

Attachment: Rural Lands Study Planning Proposal September 2023

TRIM Reference: PP/1/2023