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Our ref: PP_2014_HOLRO_001_00 (14/01216)
Your ref: HC-23-02-36

Mr Merv Ismay
General Manager
Holroyd City Council
PO Box 42
MERRYLANDS NSW 2160

Dear Mr Ismay,

Planning proposal to amend Holroyd Local Environmental Plan 2013

I am writing in response to your Council's letter dated 23 December 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land in fifteen precincts from R2 Low Density Residential to R3 Medium Density Residential and update Floor Space Ratio (FSR) and minimum lot area controls accordingly.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

It is noted that a number of properties affected by the planning proposal are subject to flooding risk, therefore being inconsistent with S117 Direction 4.3 Flood Prone Land. The planning proposal should be updated to acknowledge this inconsistency and justify it as being either in accordance with a flood plan risk management plan or of minor significance, to the satisfaction of the Director General.

I have considered the nature of council's planning proposal and have decided not to issue an authorisation for council to exercise delegation to make this plan because it is a major rezoning.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Shane Nugent of the Department's regional office to assist you. Mr Nugent can be contacted on (02) 9860 1560.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

23/2/14

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_HOLRO_001_00): to rezone land in fifteen precincts from R2 Low Density Residential to R3 Medium Density Residential.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Holroyd Local Environmental Plan (LEP) 2013 to rezone land in fifteen precincts from R2 Low Density Residential to R3 Medium Density Residential and update Floor Space Ratio (FSR) and minimum lot area controls accordingly should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal should be amended to include a list of permitted uses in the R3 Medium Density Residential zone under section 2.2 Explanation of Provisions.
2. Prior to submitting the planning proposal for finalisation council is required to address the inconsistency with Section 117 Direction 4.3 Flood Prone Land, and justify the inconsistency as being either of minor significance or in accordance with a floodplain risk management plan prepared in accordance with the Floodplain Development Manual 2005.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Essential Energy
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Family and Community Services NSW
 - Transport for NSW
 - Fire and Rescue NSW
 - Roads and Maritime Services
 - State Emergency Services
 - Sydney Water
 - Telstra
 - Adjoining LGA's

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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).



6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23 day of February 2014.

**Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**