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Department Generated Correspondence (Y)

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Our ref: PP_2011_HOLRO_001_00 (11/17992)

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

Dear Mr Ismay,

Re: Planning proposal to reclassify the former Children's Museum premises, located in the northwest corner of Holroyd Gardens, from 'community' land to 'operational' land.

I am writing in response to your Council's letter 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 amend the Holroyd Local Environmental Plan LEP 1991 by reclassifying the former Children's Museum premises, located in the northwest corner of Holroyd Gardens, from 'community' land to 'operational' land

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

It is noted that the planning proposal refers to the subject land as it would be defined in Schedule 5 of Holroyd LEP 1991, ie. "shown edged heavy black on the map marked Holroyd Local Environmental Plan 1991 (Amendment No. 54)". The Map included in the planning proposal indicates boundaries which are not clearly defined. Council is to update the planning proposal map prior to proceeding to public exhibition to ensure that the subject land is clearly defined.

In addition, Council is to include details of the ownership of the land in the planning proposal prior to exhibition, and to prepare and exhibit a written statement regarding the discharge of any interests. Council is reminded of its obligations for exhibition and for conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note PN 09-003.

In the light of ownership and zoning details, Council is to give consideration to the applicability of S117 Direction 6.2 Reserving Land for Public Purposes and to update the planning proposal accordingly.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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, please contact Michael Druce of the Sydney Region West Office of the Department on 02 9873 8564.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_HOLRO_001_00): to reclassify the former Children's Museum premises, located in the northwest corner of Holroyd Gardens, from 'community' to 'operational' land.

I, the Deputy Director General, Plan Making & Urban Renewal 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) 1991 to reclassify the former Children's Museum premises, located in the northwest corner of Holroyd Gardens, from 'community' to 'operational' land should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to proceeding to public exhibition to ensure that the subject land is clearly defined, ownership details are specified, a written statement regarding the discharge of any interests is included and the planning proposal complies with the requirements of Practice Note PN 09-003.
2. Council is to consider the applicability of S117 Direction 6.2 Reserving Land for Public Purposes in the light of ownership and zoning details, and to update the planning proposal accordingly prior to exhibition.
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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **9 months** from the week following the date of the Gateway determination.

Dated 1st day of November 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure