



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

16/02581

Dear Mr Ismay

Planning proposal to amend Holroyd Local Environmental Plan 2013 – PP_2016_HOLRO_001_00 – to rezone land 53-73 Toongabbie Road, Toongabbie from R2 Low Density Residential zone to a R4 High Density Residential Zone, increase maximum height of buildings to 15 metres, increase the maximum floor space ratio to 1:1, and amend the minimum lot size to 900 square metres.

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the above planning proposal.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have included a condition in the Gateway determination to also rezone the portion of Toongabbie Road fronting 53-73 Toongabbie Road, Toongabbie. I have included this condition to ensure that the zoning of this road is consistent with an adjoining zone. As land to the south of the site is currently zoned R3 Medium Density Residential, I have required the zone of the road, and associated planning controls be consistent with this land.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has now accepted delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this Plan.

The Gateway determination requires that the planning proposal be made publicly available for a period of 28 days.

The amendment to the 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 exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 Greater Sydney Commission may take action under section 54(2)(d) of the EP&A Act if the timeframes are not met.

If you have any queries in regards to this matter, please contact Tessa Parmeter, Planning Services, at the Department on (02) 02 9860 1555.

Yours sincerely



Catherine Van Laeren 5/4/16,
Director
Sydney Region West
Planning Services

Encl:
Gateway determination
Written Authorisation to exercise delegation
Attachment 5 – Delegated plan making reporting template

Gateway determination

Planning Proposal (Department Ref: PP_2016_HOLRO_001_00): to amend *Holroyd Local Environmental Plan 2013* to rezone land at 53-73 Toongabbie Road, Toongabbie, from R2 Low Density Residential zone to a R4 High Density Residential Zone, increase maximum height of buildings to 15 metres, increase the maximum floor space ratio to 1:1, and amend the minimum lot size to 900 square metres.

I, the Director, Sydney Region West, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) that an amendment to the *Holroyd Local Environmental Plan 2013* should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to include the adjoining portion of Toongabbie Road, fronting 53-73 Toongabbie Road, Toongabbie. This portion of Toongabbie Road is to be zoned R3 Medium Density Residential to be consistent with the lower density adjoining zone. The relevant minimum lot size maps, floor space ratio maps and height of buildings maps are to be amended to be consistent with the adjoining R3 Medium Density Residential zone planning controls.
2. Consultation is required under section 56(2)(d) of the EP&A Act with:
 - Department of Education and Communities;
 - Transport for NSW – Roads and Maritime Services;
 - Family and Community Services – Land and Housing Corporation; and
 - Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the 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 materials that must be made available along with the planning proposals as identified in Section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure 2013).
4. A public hearing is not required to be held into this 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 5 day of April 2016



5/04/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Delegate of the Greater Sydney
Commission