



Mr Merv Ismay
Interim General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160

Our Ref: 16/06825

Dear Mr Ismay

**Gateway Determination – Holroyd Local Environmental Plan 2013
Amendment to height of buildings, floor space ratio, and minor rezoning of
land at 42-44 Dunmore Street, Wentworthville (Lot 11 DP 746514)**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of a planning proposal to rezone land at 42-44 Dunmore Street, Wentworthville (Lot 11 DP 746514).

I note that the land is currently zoned B2 Local Centre under Holroyd Local Environmental Plan 2013, and the planning proposal seeks to amend maximum building height, floor space ratio for land at 42-44 Dunmore Street, Wentworthville (Lot 11 DP 746514), introduce bonus provisions and rezone part of the land from B2 Local Centre to SP2 Infrastructure.

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 agreed that any inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions have been justified. No further approval is required in relation to these directions. I have, however, noted that while it is proposed to zone part of the site to a SP2 Infrastructure Zone, an acquisition authority had not been nominated within the planning proposal.

I appreciate that Council is seeking to address this matter by way of a local voluntary planning agreement and I would urge Council to resolve this matter during the process. Should Council resolve to have the plan made, and following the consultation period, I would appreciate it if appropriate advice could be provided at the time to allow the delegate to meet the approval requirement of Section 117 Direction 6.2 Reserving Land for Public Purposes.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has accepted this delegation and requested to be issued with delegation for this planning proposal. In view of the need to resolve the requirements of Section 117

Direction 6.2 Reserving Land for Public Purposes, I have decided not to issue an authorisation for Council to exercise delegation to make the plan in this instance.

I have also noted that a contamination report indicates the potential for site contamination. I would appreciate it if Council would further consider this matter during the process to ensure it complies with clause 6 of *State Environmental Planning Policy No. 55 – Remediation of Land*.

The Gateway determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway determination, is in a form that can be made available for community consultation.

As the proposal departs from the controls recommended in Council's draft Wentworthville Planning and Place Making Strategy 2015, it is appropriate for Council to exhibit the planning proposal and seek the views of agencies with the strategy and supporting studies. This will allow Council to review the proposal against the framework proposed under the strategy in a holistic manner.

The amending Local Environmental Plan is to be finalised within nine (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 Plan 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, action may be taken under s54(2)(d) of the Environmental Planning and Assessment Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Terry Doran, of Sydney Region West Office of the Department of Planning and Environment on (02) 9860 1579.

Yours sincerely

 14 June 2016
Stephen Murray
Acting Executive Director, Regions
Planning Services

Encl. (1):
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2016_HOLRO_005_00) to amend maximum building height, floor space ratio for land at 42-44 Dunmore Street, Wentworthville (Lot 11 DP 746514), add bonus provision and rezone part of the land from B2 Local Centre to SP2 Infrastructure.

I, the Executive Director, Regions, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Holroyd Local Environmental Plan 2013* to amend the height of buildings, floor space ratio, and minor rezoning of land at 42-44 Dunmore Street, Wentworthville (Lot 11 DP 746514) should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to public exhibition, to indicate that the draft bonus clauses are examples provided for clarification purposes only and may be varied through the legal drafting process.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - a) the planning proposal must be publicly exhibited 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 available along with planning proposals identified in section 5.5.2 of *'A Guide to Preparing LEPs' (Department of Planning and Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Water;
 - Energy Australia;
 - Transport for NSW;
 - Department of Education and Communities;
 - Fire and Rescue NSW;
 - NSW Police Force; and
 - City of Parramatta Council.

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.

4. Exhibition and consultation material is to include the draft Wentworthville Planning and Place making Strategy 2015 and supporting studies.
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 time frame for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

Dated 14th day of June 2016.


Stephen Murray
Acting Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission