



Contact: Daniel Gorgioski
Phone: (02) 9860 1538
Email: daniel.gorgioski@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2016_CUMBE_001_00 (16/13598)
Your ref: HC-23-08-31

Malcolm Ryan
General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160

Attention: Heidi Bischof

Dear Mr Ryan

**Planning Proposal to amend *Holroyd Local Environmental Plan 2013* –
37-39 Pavesi Street, Smithfield**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding the planning proposal at 37-39 Pavesi Street, Smithfield, which seeks to rezone the site from IN2 Light Industrial to R2 Low Density Residential and amend the development standards for height of buildings, floor space ratio and lot size under the *Holroyd Local Environmental Plan 2013*.

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. Prior to exhibition, the Gateway determination requires the planning proposal to include additional information regarding potential impact of the proposal on the neighbouring dangerous goods facilities. It would be beneficial if this additional information was prepared in consultation with those facilities to take into account any anticipated future business operations.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is of minor significance due to the restricted accessibility to the site from Pavesi Street.

Plan making powers were delegated to Councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make the plan.

The amending 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 to draft and finalise the LEP should be made directly to Parliamentary Counsels' office six weeks prior to the

projects publication date. A copy of the request should be forwarded to the Department of Planning and Environment 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 Commission may take action under s54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries, please contact Mr Daniel Gorgioski will on (02) 9860 1538.

Yours sincerely



29/11/16

Catherine Van Laeren
Director Sydney Region West
Planning Services

As delegate of the Greater Sydney Commission

Encl:

Gateway determination

Written authorisation to exercise delegation

Reporting template for delegated Local Environmental Plan amendments

Gateway Determination

Planning proposal (Department Ref: PP_2016_CUMBE_001_00): to rezone land at 37-39 Pavesi Street, Smithfield from IN2 Light Industrial to R2 Low Density Residential, and amending the building height, floor space ratio and minimum subdivision lot size controls.

I, the Director Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Holroyd Local Environmental Plan 2013* to rezone land at 37-39 Pavesi Street, Smithfield from IN2 Light Industrial to R2 Low Density Residential, and amending the building height, floor space ratio and minimum subdivision lot size controls. should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to include further investigation on the potential impacts of the proposal on current and future operations of the neighbouring dangerous goods facilities.

The amended planning proposal and supporting study is to be referred to the Department for endorsement prior to commencement of the community consultation.

2. Community consultation is required under sections 56(2) and 57 of the 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 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or comply with the requirements of S117 Directions:
 - Environment Protection Authority;
 - Telstra;
 - Sydney Water; and
 - Endeavour Energy.

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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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 12 months from the week following the date of the Gateway determination.

Dated 29th day of November 2016

A handwritten signature in black ink, appearing to read 'Catherine Van Laeren', with a stylized flourish at the end.

Catherine Van Laeren
Director Sydney Region West
Planning Services

Delegate of the Greater Sydney Commission

Written Authorisation to Exercise Delegation

Cumberland Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_CUMBE_001_00	Planning proposal to rezone land at 37-39 Pavesi Street, Smithfield from IN2 Light Industrial to R2 Low Density Residential, and amending the building height, floor space ratio and minimum subdivision lot size controls.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Dated



29/11/16

Catherine Van Laeren
Director Sydney Region West
Planning Services

Delegate of the Greater Sydney Commission