



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

Our ref: PP_2016_HOLRO_002_00 (16/04148)
Your ref: HC-23-11-18

Dear Mr Ryan

Planning proposal to amend Holroyd Local Environmental Plan 2013

I am writing in response to your Council's letter dated 7 March 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone and amend the maximum height of buildings and maximum floor space ratio controls of land in the Neil Street Precinct, Merrylands.

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

As part of the Gateway determination it is required that the planning proposal be amended to zone the proposed local roads with an adjoining zone instead of a special uses zone (SP2 Infrastructure). This is to ensure the planning proposal is consistent with the Department's Practice Note PN10-001 – Zoning for Infrastructure in LEPs.

In doing so, I note that this may result in a change to the overall net floor area development potential on certain sites as this land could now be included in these calculations. I encourage Council prior to public exhibition, to review the proposed development controls in the planning proposals to facilitate the redevelopment of the precinct and enable outcomes that are generally consistent with those identified in the Neil Street Precinct Urban Design Review.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions: 3.1 – Residential Zones, 4.3 – Flood Prone Land, and 6.3 Site Specific Provisions, are of minor significance. No further approval is required in relation to these directions.

I note that while Council has proposed to zone part of the site zone SP2 (Drainage), SP2 (Roads), and zone RE1 Public Recreation, an acquisition authority has not been nominated within the planning proposal.

I appreciate that Council is seeking to address this matter by the way of a local voluntary planning agreement and I would urge Council to resolve this matter during the process. Council may need to obtain the agreement of the Department's Secretary to

comply with the requirements of the section 117 Direction 6.2 – Reserving Land for Public Purposes prior to the Plan being made.

Council is reminded to include all relevant studies and supporting documents with the public exhibition material made available for community and agency consultation, including the proposed amendments to Council's development control plan.

Plan making powers were delegated to councils in October 2012. It is noted that Council has now accepted this delegation. 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.

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 of Planning and Environment 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 Commission may take action under section 54(2)(d) of the 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 Terry Doran of the Department's regional office to assist you. Mr Doran can be contacted on (02) 9860 1527.

Yours sincerely

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

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_HOLRO_002_00): to rezone and amend the maximum height of buildings and maximum floor space ratio controls of land in the Neil Street Precinct, Merrylands.

I, the Acting Executive Director, Regions, 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* (LEP) to rezone and amend the maximum height of buildings and maximum floor space ratio controls of land in the Neil Street Precinct, Merrylands, should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal as follows:
 - (a) amend the draft land zoning maps to identify the land proposed to new local road (new road 1 and new road 2) as the adjoining zone;
 - (b) the proposed maximum height of buildings map and maximum floor space ratio map is to be adjusted to take into account the land previously identified as SP2 (local road) to facilitate achieving the objectives of the Neil Street Precinct Urban Design Review;
 - (c) prepare a draft land reservation acquisition map to identify the land proposed to be acquired for local road and update the planning proposal to identify an acquisition authority for the local roads, open space and drainage;
 - (d) amend the planning proposal to include indicative shadow diagrams to meet the proposed standards; and
 - (e) prepare a draft additional permitted uses map to identify the land proposed to be to be included within this provision.

Prior to public exhibition, Council is to provide a copy of the revised planning proposal to the Sydney Region West office for approval.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal and supporting studies 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 and Infrastructure 2013)*.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW
- Transport for NSW – Sydney Rail
- Transport for NSW – Roads and Maritime Services
- Sydney Water
- Energy Australia
- Family and Community Services – Housing NSW
- Office of Environment and Heritage

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. 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 27th day of June 2016


Stephen Murray
Acting Executive Director, Regions
Planning Services
Department of Planning and
Environment

**Delegate of the Greater Sydney
Commission**