

Mr Malcolm Ryan
Interim General Manager
Cumberland Council
16 Memorial Ave
Merrylands NSW 2160

Our ref: PP_2017_CUMBE_002_00 (17/04064)
Your ref: HC-23-08-33

Dear Mr Ryan

Planning proposal to amend *Holroyd Local Environmental Plan 2013*

I am writing in response to your Council's letter dated 6 March 2017 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 part of Lot 11 DP 1162280 at Butu Wargun Drive, Pemulwuy.

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. I have also agreed, as delegate of the Secretary, the planning proposal is consistent with the section 117 Directions. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 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 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 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, I have arranged for Ms Alicia Hall of the Department's regional office to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely



20/03/17

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Delegate of the Greater Sydney Commission

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2017_CUMBE_002_00): to rezone part of Lot 11 DP 1162280 at Butu Wargun Drive, Pemulwuy from R4 High Density Residential to R3 Medium Density Residential and to amend the building height provisions from 12.5m to 10m, the floor space ratio provisions from 0.85:1 to 0.7:1 and to amend the minimum lot size provisions from 900sqm to 300sqm.

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 (LEP) 2013* to rezone part of Lot 11 DP 1162280 from R4 High Density Residential to R3 Medium Density Residential and to amend the building height provisions from 12.5m to 10m, the floor space ratio provisions from 0.85:1 to 0.7:1 and to amend the minimum lot size provisions from 900sqm to 300sqm should proceed subject to the following conditions:

1. Prior to public exhibition, Council must revise the planning proposal to include the following maps:
 - a. current and proposed Land Zone Map;
 - b. current and proposed Height of Buildings Map;
 - c. current and proposed Floor Space Ratio Map; and
 - d. current and proposed Lot Size Map.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2016)* and must be made publicly available for a minimum of **14 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 Environment 2016)*.
3. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act. The Office of Environment and Heritage 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.

Date 20th day of March 2016



**Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and
Environment**

**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_2017_CUMBE_002_00	Planning proposal to rezone part of Lot 11 DP 1162280 at Butu Wargun Drive, Pemulwuy from R4 High Density Residential to R3 Medium Density Residential and to amend the building height provisions from 12.5m to 10m, the floor space ratio provisions from 0.85:1 to 0.7:1 and to amend the minimum lot size provisions from 900sqm to 300sqm.

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 20th March 2016

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_CUMBE_02_00
Date Sent to DP&E under s56	
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: