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Our ref: PP_2016_HOLRO_006_00 (16/07748)
Your ref: HC-23-12-24

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

Attention: Mr Adan Davis

Dear Mr Ryan

**Holroyd Local Environmental Plan 2013 (Amendment No.14) –
Merrylands Station and McFarlane Street Precinct**

I am writing in response to request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal to amend the Height of Buildings Map, Floor Space Ratio Map, Land Reserved for Acquisition Map, and Land Zoning Map for properties within the Merrylands Centre which support *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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis of facilitating the intent of the planning proposal. No further approval is required in relation to these Directions.

As the planning proposal includes Council owned land that will benefit from a height increase, I have required that a Public Hearing under section 56(2)(e) of the Act be held by Council following community consultation.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested it be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and decided not to issue authorisation for Council to exercise delegation to make the 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 to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

Given that the proposal applies to a significant Council owned site, it has been determined under section 56(2)(e) that a public hearing is required to be held into the matter by the Council. A copy of the public hearing report should accompany Council's request to finalise the plan.

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 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, Team Leader of the Department's Sydney Region West Office to assist you. Mr Doran can be contacted on (02) 9860 1579.

Yours sincerely

 15 August 2016
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2016_HOLRO_006_00) to amend Holroyd Local Environmental Plan 2013 Height of Buildings Map, Floor Space Ratio Map, Land Reserved for Acquisition Map, and Land Zoning Map for properties within the Merrylands Centre.

I, the Executive Director Regions, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the of the *Environmental Planning and Assessment Act 1979* (the Act) that amendments to *Holroyd Local Environmental Plan 2013 Height of Buildings Map, Floor Space Ratio Map, Land Reserved for Acquisition Map, and Land Zoning Map* for properties within the Merrylands Centre should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be revised as follows:
 - a) clarify, within 2.2 Explanation of Provisions, that the intent of the planning proposal is not to reduce or increase the total potential floor space within the Centre for employment uses; and that estimated dwelling capacity in the area subject to the proposal, will not increase as a result of recommended changes to maximum building heights;
 - b) realign the tables (pp.6-14 of the proposal) so that proposed FSR controls and maximum building heights are shown together for each site;
 - c) include a note adjacent to the design excellence provision (pp.14-16 of the planning proposal) that the provision is indicative only and may be subject to change at legal drafting stage;
 - d) add: legible north points to all figures, a key to figures 6, 7, 8, and 9, and make, where applicable, street names legible where currently obscured by overlay;
 - e) include shadow impact diagrams that demonstrate the potential impact on residential areas particularly in regard to residential development in the vicinity of Newman Street and Albion Avenue; and
 - f) remove reference to 'The Metropolitan Plan for Sydney 2036' and address 'A Plan for Growing Sydney' (section 2.3.2 refers).
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a) the planning proposal must be 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 identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Environment 2013).

3. Consultation is required with the following public authorities:

- Department of Education and Communities
- Office of Environment and Heritage
- Family and Community Services - Housing NSW
- Integral Energy
- Transport for NSW
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra

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 required to be held into the matter by the Council under section 56(2)(e) of the Act following community consultation.
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated *15th* day of *August* 2016.


Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission