

Gateway Determination

Planning Proposal (Department Ref: PP_2016_HOLRO_007_00) to amend Holroyd Local Environmental Plan 2013 to rezone the former Bonds Spinning Mills site at 190 to 220 Dunmore Street, Pendle Hill from IN2 Light Industrial to R4 High Density Residential, 82 Local Centre and RE1 Public Recreation.

I, the Deputy Secretary, Planning Services 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 the former Bonds Spinning Mills site at 190 to 220 Dunmore Street, Pendle Hill from IN2 Light Industrial to R4 High Density Residential, B2 Local Centre and RE1 Public Recreation should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be revised, as follows:
 - a) the Explanation of Provisions, proposed maps and any other relevant references within the document to the nature of the proposal are to be amended to indicate a maximum floor space ratio (FSR) of 2.3:1 across the southern portion of the site that is currently shown as to have an FSR of 1.9:1;
 - b) demonstrate that the subject land can be adequately serviced or that arrangements for servicing may be made in accordance with S117 Direction 3.1 Residential Zones;
 - c) Council is to update the Phase 2 Environmental Site Assessment to demonstrate that the identified contamination on the site can be satisfactorily remediated to enable future residential use. Council is to subsequently update section 2.3.2 of the planning proposal to discuss consistency with SEPP 55 Remediation of Land, prior to public exhibition; and
 - d) Council is to consult with the Office of Environment and Heritage on the heritage significance of buildings on the subject land and the Conservation Management Plan and Heritage Assessment. Council is to address any comments and include the response of the public agency with the exhibition material.
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).

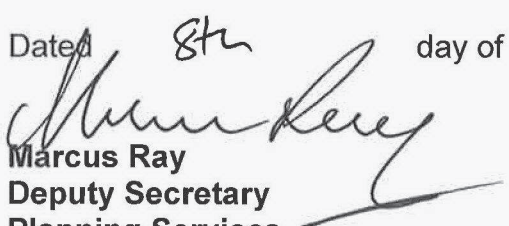
3. Consultation is required with the following public authorities:

- Endeavour Energy;
- Department of Education and Communities;
- Office of Environment and Heritage;
- Family and Community Services - Housing NSW;
- Transport for NSW;
- Transport for NSW - Roads and Maritime Services;
- Sydney Water;
- Telstra; and
- adjoining LGAs.

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 instance in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 8th day of August 2016.


Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Greater Sydney Commission



Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2014_HOLRO_003_00)

I, the Deputy Secretary, Planning Services, Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to alter the Gateway determination dated 15 February 2016 for the proposed amendment to *Holroyd Local Environmental Plan 2013* (LEP) as follows:

1. Delete 'PP_2015_HOLRO_003_00' and 'HOLROYD PP_2015_HOLRO_003_00' where appearing on the determination.

and replace with PP_2014_HOLRO_003_00' and 'HOLROYD PP_2014_HOLRO_003_00' where appearing on the determination.

2. Delete paragraph 2:

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, 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 the former Bonds Spinning Mill site at 190 to 220 Dunmore Street, Pendle Hill from IN2 Light Industrial to R4 High Density Residential, B2 Local Centre and RE1 Public Recreation should proceed subject to the following conditions:

and replace with a new paragraph 2:

I, the Deputy Secretary, Planning Services, 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 the former Bonds Spinning Mill site at 190 to 220 Dunmore Street, Pendle Hill from IN2 Light Industrial to R4 High Density Residential, B2 Local Centre and RE1 Public Recreation should not proceed for the following reason:

Cumberland Council has subsequently resolved to adopt a revised planning proposal for the site that is different to the planning proposal subject to the Gateway determination issued on 15 February 2016.

3. Delete conditions 1 to 8.

Dated 8th day of August 2016

Marcus Ray
Deputy Secretary, Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



Planning & Environment

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

Our ref: 16/07753

Your ref: HC-23-08-18

Dear Mr ~~Ryan~~ *Malcolm*

Planning Proposal for Bonds Spinning Mills Site, Pendle Hill

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 *Holroyd Local Environmental Plan 2013* to rezone the former Bonds Spinning Mills site at 190 to 220 Dunmore Street, Pendle Hill, from IN2 Light Industrial to R4 High Density Residential, B2 Local Centre and RE1 Public Recreation.

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.

These conditions include an increase in the maximum floor space ratio for the southern portion of the site. While I appreciate Council's intention to limit development in this manner, in view of the urban design report and the associated traffic, heritage and other studies supporting the proposal, it is considered that a revised proposal accommodating a potential residential yield of up to 1,500 dwellings has sufficient merit to proceed to public exhibition and for Council's further consideration following agency and community consultation.

I have also taken the opportunity to finalise the previous planning proposal for the site and I attach a copy of this determination for your records.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is justified by a strategy, as it is in accordance with the draft West-Central Sub-Regional Strategy. In addition, any inconsistency with S117 Direction 4.3 Flood Prone Land is considered of minor significance as any issues can be addressed as part the development application process. No further approval is required in relation to these Directions.

Council is, however, to give further consideration to the planning proposal's consistency with S117 Direction 2.3 Heritage Conservation following consultation with the Office of Heritage and Environment and, if necessary, provide the Department with justification for any unresolved inconsistency.

Council is also requested to update consideration of the planning proposal with respect to S117 Direction 3.1 Residential Zones in relation to servicing of the land for residential development.

As delegate of the Secretary, I have also agreed under S117 Direction 6.2 Reserving Land for Public Purposes to the reservation of land for public purposes. No further approval is required in relation to this direction.

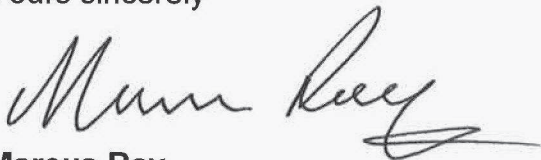
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise the delegation to make the plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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.

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 Minister 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 Sydney Region West Office to assist you. Mr Doran can be contacted on (02) 9860 1579.

Yours sincerely



Marcus Ray

Deputy Secretary

Planning Services

08/08/2016

Encl: Gateway Determinations (2)