



Mr Mark Brisby
General Manager
Auburn City Council
PO Box 118
AUBURN NSW 1835

14/19663

Dear Mr Brisby

**Gateway Determination – Auburn Local Environment Plan 2010 – Amendment No. 18
– Berala Village.**

I am writing in response to Council's request for a Gateway determination for a planning proposal to rezone certain land within Berala Village.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The Gateway determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the *Environmental Planning and Assessment Act 1979*, I am satisfied that the planning proposal, when amended as required by the Gateway determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Minister delegated plan making powers to Councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. I have considered the circumstances of the planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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, please contact Mr Tai Ta on phone no. 02 9860 1560.

Yours sincerely

17/12/2014

Rachel Cumming
Director, Metropolitan (Parramatta)
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2014_006_00): to rezone certain land within Berala Village.

I, the Director, Metropolitan (Parramatta) 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 (EP&A Act) that an amendment to rezone certain land in Berala Village should proceed subject to the following conditions:

1. Prior to exhibition:
 - a) Council is to justify the inconsistency with Section 117 Direction 1.1 Business and Industrial Zones - to the satisfaction of the Director, Metropolitan of the Department, with evidence based consideration of the proposal's impact (or otherwise) upon the commercial viability of other relevant centres .
Note: Council is to provide the B2 floorspace and number of dwellings that may be achieved under the proposal to the Director, Metropolitan, of the Department for information purposes.
 - b) Council is to amend the planning proposal to the satisfaction of the Director, Metropolitan of the Department, to demonstrate consistency with clause 9(a) of Section 117 Direction 4.3 Flood Prone Land, i.e. that it is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.
 - c) A supporting traffic and transport study is to be prepared for the precinct which will form part of the consultation material.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:
 - a) the planning proposal must be made available for 28 days; and
 - b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with planning proposals.
3. Council is to include the Economic Review of Proposed Planning Controls - Berala Village (Hill PDA - September 2013) in the consultation/exhibition material.
4. Consultation is required with the following public authorities under Section 56(2)(d) of the EP&A Act:
 - NSW Department of Education and Communities;
 - Office of Environment (Heritage Branch);
 - Department of Health;
 - NSW Police Service;
 - Housing NSW;
 - Transport for NSW (including Railcorp);
 - Energy Australia;
 - Sydney Water;
 - Fire and Rescue NSW;
 - Roads and Maritime Service; and
 - adjoining LGAs.



5. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the EP&A 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).
6. The time frame for completing the LEP is 9 months from the week following the date of the Gateway determination.

Dated 17th day of December, 2014.

R Cumming

**Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning**