



Mr Mark Brisby
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SYDNEY NSW 2001
Our ref: PP_2013_AUBUR_003_00 (13/18896)
Your ref: T096348/2013

Attn: Ms Terri Southwell

Dear Mr Brisby

Planning proposal to amend Auburn Local Environmental Plan 2010

I am writing in response to your Council's letter of 23 October 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Lot 4 DP 270668 Main Avenue Lidcombe and apply principal development standards under Auburn LEP 2010.

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

You will note that a condition has been attached to the determination for the planning proposal to be amended. Under section C of the proposal it is indicated that there are no acid sulfate soil issues, while within Appendix 9 of the proposal it is indicated that the site is subject to class 5 acid sulfate soils. It would be appreciated if Council would review the proposal and, if appropriate, amend accordingly prior to exhibition. Should it be necessary, Council is to address the requirements of the section 117 direction.

Similarly, it is noted that the supporting study prepared by Hill PDA has addressed the originally proposed B2 zone for the site and not the business zone now recommended within the proposal. While I consider that the principles espoused within the study remain valid, it would also be appreciated if the study could be appropriately amended prior to exhibition. Council may also care to review the other supporting studies to ensure their consistency with the revised proposal prior to exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these directions.

The Minister delegated his plan making powers 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 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 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 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 Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tai Ta of the regional office of the department on 02 9860 1567.

Yours sincerely,

RJCumming 13/12/2013

Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2013_AUBUR_003_00): to rezone land at Lot 4 DP 270668 Main Avenue, Lidcombe, and introduce principal development standards under Auburn LEP 2010.

I, the Acting Regional Director, Sydney West Region, at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Auburn Local Environmental Plan (LEP) 2010 to rezone land at Lot 4 DP 270668 Main Avenue, Lidcombe, and introduce principal development standards under Auburn LEP 2010 should proceed subject to the following conditions:

1. 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 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 & Infrastructure 2013)*.
2. Consultation is required with the Office of Environment and Heritage (OEH) and Bankstown City Council under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage and Bankstown City Council are 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:
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.
5. Prior to exhibition, Council is required to make the following amendments:
 - 5.1 Planning Proposal:
Amend the planning proposal to clearly indicate whether the site is subject to acid sulfate soils and, if necessary, address section 117 direction 4.1 Acid Sulfate Soils, and



5.2 Supporting Study

Amend the supporting study: 'Botanica Lidcombe Economic Impact Assessment' (Hill PDA), so that it appropriately addresses the proposed B1 Zone.

Dated 13th day of December 2013.

R Cumming

**Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional
Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Auburn City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_AUBUR_003_00	Planning proposal to rezone land at Lot 4 DP 270668 Main Avenue Lidcombe and apply principal development standards under Auburn LEP 2010.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 13 / 12 2013

R Cumming

Rachel Cumming
A/Regional Director
Sydney Region West
Department of Planning and Infrastructure