



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

Our Ref: 14/19264

Dear Mr Brisby

**Gateway Determination – Auburn Local Environmental Plan 2010
Amendment No. 19 – Schedule 1 Additional Permitted Use – 265 Parramatta Road,
Auburn.**

I am writing in response to Council's letter dated 2 October 2014 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 amend Schedule 1 Additional Permitted Use in Auburn Local Environmental Plan 2010 to introduce 'shops' as an additional permitted use of up to 4,600sqm gross floor area at 265 Parramatta Road, Auburn (i.e. the Auburn Homemaker Megamall).

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.

I have agreed that the planning proposal's inconsistency with Section 117 Direction 6.3 – Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

The Minister's plan making powers were delegated to Councils in October 2012. It is noted that Council has not requested use of the delegation in this instance, however having considered the nature of Council's planning proposal, I have decided to issue an authorisation for Council to exercise delegation to make this plan.

The Gateway determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, 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 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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the Plan should be made six (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 s54(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 Metropolitan (Parramatta) Office of the Department of Planning and Environment on 9860 1567.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Cumming', with a stylized flourish at the end.

21/11/14

Rachel Cumming
Director, Metropolitan Region West
Planning Services

Encl

Gateway Determination
Written Authorisation to Exercise Delegation
Reporting Template for Delegated Plans

Gateway Determination

Planning Proposal (Department Ref: PP_2014_AUBUR_007_00) to insert a Schedule 1 Additional Permitted Use provision to permit shop premises within the Homemaker Megamall at 265 Parramatta Road, Auburn, with development consent.

I, the Director, Metropolitan (Parramatta) as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Auburn Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to include:
 - (a) an Additional Permitted Use map;
 - (b) updated versions of Appendices C and D (economic, traffic and parking studies) to address the implications of 4,600 square metres of gross floor area for retail shops.
2. Community consultation is required under sections 56(2) 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 publicly available along with planning proposals as identified in Section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning & Infrastructure 2013).
3. Consultation with the following public authorities under Section 56(2)(d) of the *Environmental Planning & Assessment Act 1979*:
 - Transport NSW - Roads and Maritime Services
 - NSW Police Service
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 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).

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 21st day of November 2014.

A handwritten signature in black ink, appearing to read 'RCumming', written in a cursive style.

Rachel Cumming
Director, Metropolitan Region West
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Auburn City Council is authorised to exercise the functions of the Minister for Planning 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_2014_AUBUR_007_00	Planning proposal to amend Schedule 1 Additional Permitted Use of Auburn Local Environmental Plan 2010 to permit shop premises up 4,600 square metres to gross floor area at 265 Parramatta Road, Auburn.

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".

21/11/14

**Rachel Cumming
Director, Metropolitan Region West
Planning Services**

Delegate of the Minister for Planning