



**Planning &
Environment**

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

Our Ref: 15/04426

Dear Mr Brisby

**Gateway Determination – Auburn Local Environmental Plan 2010
Amendment No. 20 – Rezoning of land at North Auburn**

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal to rezone land bounded by Macquarie Road, Simpson Street, St. Hilliers Road and the southern boundary of the B6 Enterprise Corridor zoned land having frontage to Parramatta Road, from R3 Medium Density Residential to R4 High Density Residential.

The proposal also seeks to add a new clause to Part 6 - Additional Local Provisions of the Auburn LEP 2010. This new clause identifies the site as a 'key site' (the North Auburn Precinct), for the inclusion of a 2,500 m² park (public open space) in return for the application of specified floor space ratio and maximum building height provisions, as a bonus.

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 am also of the view that any technical inconsistencies with s117 Directions 4.1 – Acid Sulfate Soils and 6.3 – Site Specific Provisions and the planning proposal are of minor significance. No further approval is required in relation to these Directions.

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 the 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 Environmental Planning and Assessment 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 (02) 9860 1560.

Yours sincerely



Simon Manoski
A/General Manager
Metropolitan
Planning Services

Encls (3):

1. Gateway Determination
2. Written Authorisation to Exercise Delegation
3. Delegated Plan making reporting template



Gateway Determination

Planning Proposal (Department Ref: PP_2015_AUBUR_001_00) to rezone land bounded by Macquarie Road, Simpson Street, St. Hilliers Road and the southern boundary of the B6 Enterprise Corridor zoned land having frontage to Parramatta Road, from R3 Medium Density Residential to R4 High Density Residential. The proposal also seeks to add a new clause to Part 6 - Additional Local Provisions of the Auburn LEP 2010. This new clause identifies the site as a 'key site' (the North Auburn Precinct), for the inclusion of a 2,500 m² park (public open space) in return for the application of specified floor space ratio and maximum building height controls, as a bonus.

I, the acting General Manager, Metropolitan, as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act that an amendment to the Auburn Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Prior to exhibition/consultation, Council is to:
 - (a) review Council's draft Auburn LGA Traffic and Transport Study (2013 - Hyder Consulting Pty Ltd) and provide supplementary advice supporting the contention that the proposal is unlikely to generate significant traffic or transport impacts. This supplementary advice is to form part of the exhibition material; and
 - (b) remove all the words commencing with 'Clause to amend Part 6 - Additional Local Provisions' to '....should the Planning Proposal proceed after s. 56 Gateway Determination' (see page 16 of the planning proposal).
2. Council is to amend the relative section of the Auburn Development Control Plan 2010 to address the planning proposal and place this draft amendment on exhibition with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, 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.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act:

- NSW Department of Education and Communities;
- NSW Police Service;
- Housing NSW;
- Transport for NSW (including Railcorp);
- Energy Australia;
- Sydney Water;
- Fire and Rescue NSW;
- Roads and Maritime Service.

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.

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 Environmental Planning & Assessment 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 12 months from the week following the date of the Gateway determination.

Dated 20th day of March, 2015.

 20.3.15

Simon Manoski
A/General Manager
Metropolitan
Planning Services

Delegate of the Minister for Planning