



Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Dear Mr McNulty

Planning proposal PP_2018_CUMBE_002_00 to amend the Auburn Local Environmental Plan (LEP) 2010 and Holroyd LEP 2013

I refer to the Minister for Planning's recent decision to defer the Cumberland local government area from the Low Rise Medium Density Housing Code and Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing.

I understand that Council's desire, as part of the planning proposal, is to ensure good development outcomes, such as appropriate built form, driveways and sufficient landscaped areas.

The Department of Planning and Environment considers that the proposal has the potential to deliver good built form outcomes for medium-density housing in the Cumberland area and complement the provisions and best-practice principles of the Code.

However, the Department considers that further investigations are required to demonstrate the potential impact of the proposed controls in terms of housing delivery and how the proposed minimum allotment size of 600m² was derived. Additionally, the Department considers that a comprehensive community consultation process is required to enable all landowners affected by the proposal to have their say.

As such, as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The Department would like to work with Council to ensure the planning proposal is undertaken in a timely manner, provides a full understanding of the implications of changing the planning controls for dual occupancy housing in the R2 Low Density Residential and R3 Medium Density Residential Zones, and to understand how this form of housing contributes to housing diversity.

Please note that Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones.

I have also considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The proposal will need to be finalised by 1 July 2019, in time for the end of the deferral period for the Code. Therefore, 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 eight weeks prior to the projected publication date.

Should you have any further enquiries about this matter, I have arranged for Ms Ann-Maree Carruthers, Director Sydney Region West, to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely

 6 September 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination