



Office of the Director General

13/06193

Mr Peter Fitzgerald
Acting General Manager
Auburn City Council
PO Box 118
AUBURN NSW 1835

Attention: Ms Monica Cologna

Dear Mr Fitzgerald

I refer to Council's letter of 12 February 2013 (your reference: T012189/2013) concerning the progression of the planning proposal to increase floor space ratio controls for certain land within the Auburn Local Government Area.

I thank you for providing the information required under the Gateway Determination of 28 November 2011 and note that Council has satisfied the requirements of section 117 Direction 4.3 Flood Prone Land.

I also note that Council has undertaken an urban design study and traffic study and has reviewed the planning proposal in light of these studies. In these circumstances, I have issued a revised determination.

In reviewing the matter, I noted that the urban design study (AECOM 2012) recommended certain controls and provisions be adopted and these recommended controls apply to specified land. I also note that Council has not strictly followed these recommendations and on some sites, has sought to either apply higher standards or apply revised standards where the study indicated that this is not suitable.

While the Department supports Council's intentions to realise growth potential in its major centres, I am also mindful of the need to ensure that such growth occurs in an orderly and appropriate manner, which particularly provides the community with high quality urban form and amenity. I am advised that this matter was discussed at your recent meeting with Richard Pearson, Deputy Director General, Planning Operations and Regional Delivery, and Daniel Keary, Acting Executive Director, Metropolitan Planning.

On the above basis, and in accordance with the matters discussed at your recent meeting with the Department, I have issued the attached Determination to allow the matter to proceed to exhibition.

The Determination has been issued subject to the exhibition material including a detailed justification and/or supporting studies for the proposed FSR and height controls and which demonstrate that the resultant built form will achieve high quality design and amenity outcomes.

Council is also requested to prepare and exhibit a detailed Development Control Plan to support the proposed increased controls. The Department will work closely with Council in the preparation of this DCP to ensure that it achieves appropriate outcomes, both in terms of increased growth potential in centres, as well as, achieving high quality design and amenity.

You would also appreciate it will be necessary to update the traffic and transport study to accommodate these proposed increased densities.

Should you have any further enquiries about this matter, I have arranged for Mr Terry Doran of the Sydney West Planning Team to assist you. Mr Doran can be contacted on telephone number 02 9860 1149.

Yours sincerely


Sam Haddad
Director General

24/5/2013.

Gateway Determination

Planning Proposal (Department Ref: PP_2011_AUBUR_008_00): to increase the Floor Space Ratio controls for certain land zoned B4 Mixed Use and R4 High Density Residential within the Auburn Local Government Area.

I, the Director General, as delegate of the Minister for Planning and Infrastructure, have now revised the determination dated 28 November 2011 for planning proposal (PP_2011_AUBUR_008_00) to increase the maximum Floor Space Ratio controls from 3:1 and 3.6:1 to 5:1 for certain land zoned B4 Mixed Use and from 1.4:1 to 2:1 for certain land zoned R4 High Density Residential, subject to the following conditions:

1. Council is to include with the exhibition of the planning proposal detailed justification and/or supporting provisions for the proposed FSR and height controls and which demonstrate that the resultant built form will be able to meet the high quality design outcomes, including the relevant provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and the Department's Residential Flat Design Code.
2. Council prepares and exhibits a detailed supporting DCP to address matters, including (but not limited to):
 - development envelopes,
 - height, frontage requirements, and setbacks,
 - street wall height, through-site and preferred layout, and
 - maximum floor plate size, and prominent building locations.
3. Council is to include with the exhibition of the planning proposal a supporting traffic study that reflects the greater level of development potential in the planning proposal.
4. Council is to include this Gateway determination and accompanying letter with the planning proposal for the purposes of public exhibition.
5. 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 **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 the planning proposal as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Education and Communities
- Office of Environment and Heritage
- Housing NSW
- Energy Australia
- Department of Health
- NSW Police Service
- Transport for NSW
- Sydney Water
- Fire and Rescue NSW
- Adjoining LGAs

7. 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.

8. 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).

9. The timeframe for completing the LEP is **12 months** from the week following the date of the Gateway Determination.

Dated 24th day of May 2013.


Sam Haddad
Director General
Delegate of the Minister for Planning
and Infrastructure