



Contact: Tai Ta
Phone: (02) 9860 1560
Email: Tai.Ta@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: PP_2014_AUBUR_001_00 (14/06841)
Your ref: T027049/2014 (PP-3/2013)

Dear Mr Brisby,

Planning proposal to amend Auburn Local Environmental Plan 2010

I am writing in response to your Council's letter dated 28 March 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 rezone land bounded by Auburn Road, Susan Street, Helena Street and Beatrice Street, Auburn from R3 Medium Density Residential to R4 High Density Residential and B4 Mixed Use, increase the maximum building height to 16m for land proposed to be zoned R4 and 21m for land proposed to be zoned B4 and amend the maximum floor space ratio to 1.4:1 for land proposed to be zoned R4 and 2.25:1 for land proposed to be zoned B4.

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

Plan making powers were delegated to councils by the Minister 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 12 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 of Planning and Environment 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, I have arranged for Mr Tai Ta of the Department's regional office to assist you. Mr Ta can be contacted on (02) 9860 1560.

Yours sincerely,



Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning and Delivery

28.5.14

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_AUBUR_001_00): to rezone land at Auburn for residential and mixed use purposes and amend applicable development standards.

I, the General Manager, Metropolitan Delivery at the Department of Planning and Environment 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 (LEP) 2010 to rezone land bounded by Auburn Road, Susan Street, Helena Street and Beatrice Street, Auburn from R3 Medium Density Residential to R4 High Density Residential and B4 Mixed Use, increase the maximum building height to 16m for land proposed to be zoned R4 and 21m for land proposed to be zoned B4 and amend the maximum floor space ratio to 1.4:1 for land proposed to be zoned R4 and 2.25:1 for land proposed to be zoned B4 should proceed subject to the following conditions:

1. The Traffic, Transport and Accessibility Study (August 2013) is to be updated to reflect the cumulative traffic impacts associated with this proposal and the notification of Auburn LEP Amendment No. 8. The Traffic Transport and Accessibility Study and Urban Design Study (August 2012) should also be updated to reflect that Auburn LEP Amendment No. 8 has been made, and the studies are to be placed on public exhibition with the planning proposal.
2. 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 and Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Education and Communities
 - Office of Environment and Heritage
 - Department of Family and Community Services
 - Energy Australia
 - NSW Health
 - NSW Police Force
 - Transport for NSW
 - Roads and Maritime Services
 - Sydney Water
 - Fire and Rescue NSW
 - Adjoining Local Government Areas

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.

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

28

day of

May

2014.



Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning and Delivery

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_001_00	Planning proposal to rezone land bounded by Auburn Road, Susan Street, Helena Street and Beatrice Street, Auburn from R3 Medium Density Residential to R4 High Density Residential and B4 Mixed Use, increase the maximum building height to 16m for land proposed to be zoned R4 and 21m for land proposed to be zoned B4 and amend the maximum floor space ratio to 1.4:1 for land proposed to be zoned R4 and 2.25:1 for land proposed to be zoned B4.

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

Dated 28 May 2014

Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning and Delivery

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_AUBUR_001_00
Date Sent to DoP&E under s56	28/03/2014
Date considered at LEP Review Panel	15/05/2014
Gateway determination date	28/05/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: