



Contact: Claire Mirow
Phone: (02) 9873 8500
Fax: (02) 9873 8599
Email: Claire.Mirow@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2011_AUBUR_007_00 (11/16401)
Your ref: PP-1/2011

Mr John Burgess
General Manager
Auburn City Council
PO Box 118
AUBURN NSW 1835

Dear Mr Burgess,

Re: Planning Proposal to reclassify the subject lands at 2 Byrne Street (Lot 11 DP 245064), 3 Belgium Street (Lot 5 DP 8215) and Lots 18 and 42 Fraser Street (Lot 18 ad 42 DP 224829), Auburn from 'community' to 'operational' land

I am writing in response to your Council's letter dated 31 August 2011 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 the Auburn Local Environmental Plan 2010 to reclassify the subject lands at 2 Byrne Street (Lot 11 DP 245064), 3 Belgium Street (Lot 5 DP 8215) and Lots 18 and 42 Fraser Street (Lot 18 ad 42 DP 224829), Auburn from 'community' to 'operational' land.

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

Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note PN-003. In addition, Council is to exhibit a written statement regarding the discharge of any interests and include this information with the planning proposal for exhibition purposes.

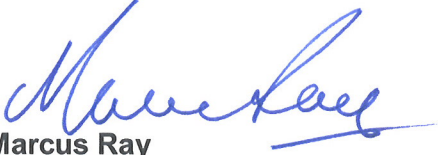
The Director General's delegate has determined that the planning proposal is consistent with S117 Directions 3.1 Residential Zones, 3.3 Home Occupations, 4.1 Acid Sulfate Soils, 6.1 Approval and Referral Requirements and 7.1 Implementation of the Metropolitan Plan for Sydney 2036. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 LEP 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 Claire Mirow of the Sydney Region West Office of the Department on 02 9873 8500.

Yours sincerely,



Marcus Ray
A / Deputy Director General
Development Assessment and Systems Performance

05/10/11

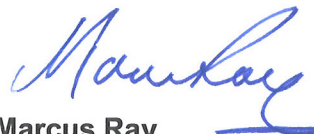
Gateway Determination

Planning Proposal (Department Ref: PP_2011_AUBUR_007_00): to reclassify the subject lands at 2 Byrne Street (Lot 11 DP 245064), 3 Belgium Street (Lot 5 DP 8215) and Lots 18 and 42 Fraser Street (Lot 18 ad 42 DP 224829), Auburn from 'community' to 'operational' land.

I, the Deputy Director General, Development Assessment and Systems Performance as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Auburn Local Environmental Plan 2010 to reclassify the subject lands at 2 Byrne Street (Lot 11 DP 245064), 3 Belgium Street (Lot 5 DP 8215) and Lots 18 and 42 Fraser Street (Lot 18 ad 42 DP 224829), Auburn from 'community' to 'operational' land should proceed subject to the following conditions:

1. Council is to include additional information with the planning proposal regarding the discharge of any interests in accordance with the Department's LEP Practice Note 09-003 for exhibition purposes.
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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
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 **9 months** from the week following the date of the Gateway determination.

Dated 5th day of October 2011.



Marcus Ray
A / Deputy Director General
Development Assessment and Systems
Performance
Delegate of the Minister for Planning and
Infrastructure