

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

Dear Mr McNulty

**Planning proposal PP\_2018\_CUMBE\_001\_00 to amend Cumberland Council  
Local Environmental Plan 2010**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 1 March 2018 in respect of the planning proposal to amend Schedule 1 of the Auburn LEP 2010 to introduce 'restaurant or café' as an additional permitted use of less than 80m<sup>2</sup> in the R2 Low Density Residential zone at 9-11 Gelibolu Parade, Auburn.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.3 is justified in accordance with the terms of the Direction.

I have considered the minor nature of Council's planning proposal and have determined that no public exhibition is required under section 3.34(2)(c) of the Act. I have also conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. 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.

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 Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Adrian Hohenzollern, Team Leader Sydney Region West to assist you. Mr Hohenzollern can be contacted on 9860 1505.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AM Carruthers', written in a cursive style.

**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Department of Planning and Environment**

20/4/2018

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_CUMBE\_001\_00): to amend Schedule 1 of Auburn Local Environmental Plan 2010**

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Auburn Local Environmental Plan (LEP) 2010 to allow restaurants and cafes as an additional permitted use under Schedule 1 for R2 zoned land at 9-11 Gelibolu Parade, Auburn, should proceed subject to the following conditions:

1. Prior to finalisation, Council is required to update the planning proposal to refer to the new references of the *Environmental Planning and Assessment Act 1979*.
2. Public exhibition is not required under section 3.34(2)(c) of the Act because of the minor nature of the proposal. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - a. the planning proposal authority has satisfied conditions 1 and 5 of this Gateway determination; and
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified.

5. The time frame for completing the LEP is to be 6 months following the date of the Gateway determination.

Dated 20<sup>th</sup> day of April 2018.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Greater Sydney Commission**