

Gateway Determination

Planning proposal (Department Ref: PP-2021-6799): to amend the height of building and floor space controls to facilitate a mixed use development comprising of residential dwellings, retail and commercial tenancies, and childcare centre at 239, 245 Merrylands Road and 52 McFarlane Street, Merrylands.

I, the Executive Director, Central River City, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cumberland Local Environmental Plan (LEP) 2021 to amend the height of building and floor space ratio controls should proceed subject to the following conditions:

1. Prior to public exhibition, the proposal be updated to address the following:
 - (a) remove the proposed height of building of 77m for Building A from the planning proposal;
 - (b) amend the proposed FSR to 7:1 (Buildings D and E);
 - (c) amend the proposed maps to ensure consistency with the lettering approach used by Council and insert a legend;
 - (d) remove references to Holroyd LEP 2013 and replace with Cumberland LEP 2021;
 - (e) amend the response to demonstrate consistency in relation to Section 9.1 Direction 6.2 Reserving Land for a Public Purpose; and
 - (f) amend the traffic impact study in line with the proposed uplift.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act. Transport for NSW 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 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).
5. 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 all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. Exhibition must commence within 3 months following the date of the gateway Determination.
7. The time frame for completing the LEP is to be **10 months** following the date of the Gateway determination.

Dated 4th day of March 2022.

A handwritten signature in purple ink, reading "Alison McLaren".

**Alison McLaren
Executive Director
Central River City
Department of Planning and
Environment**

**Delegate of the Minister for Planning
and Homes**