

Mr Daniel Anderson
Executive Manager Environment & Precincts
Cumberland Council
16 Memorial Avenue
PO Box 42
MERRYLANDS NSW 2160

Dear Mr Anderson

Planning proposal PP-2021-6799 to amend Cumberland Local Environmental Plan 2021

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) in respect of the planning proposal to amend the height of building and floor space ratio controls to facilitate a mixed use development comprising of residential dwellings, retail and commercial tenancies and a childcare centre at 239, 245 Merrylands Road and 52 McFarlane Street, Merrylands.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. I have considered the nature of Council's planning proposal and have 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 **10 months** of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Peter Pham to assist you. Mr Pham can be contacted on 9860 1593

Yours sincerely

A handwritten signature in purple ink that reads "Alison McLaren".

Alison McLaren
Executive Director
Central River City
4 March 2022

Encl: Gateway determination
Authorised plan-making reporting template

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 that reads "Alison McLaren".

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

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