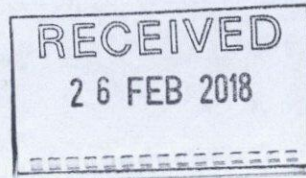




Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160



Dear Mr McNulty

Planning proposal PP_2017_CUMBE_004_00 to amend Auburn Local Environmental Plan 2010

I am writing in response to Council's request of 27 November 2017 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 4 December 2017 in respect of the planning proposal to permit an educational establishment at 2 Percy Street, 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.

The Gateway determination requires that Council review and consider the proposed floor space ratio controls should the proponent be able to demonstrate a suitable built form outcome by further urban design testing to Council's satisfaction. Council is also requested to update the planning proposal to consider further traffic modelling being completed by Council for the broader precinct, and to undertake early consultation with Transport for NSW and Roads and Maritime Services.

I have agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 117 Direction 4.3 Flood Prone Land is of minor significance.

Plan-making powers were delegated to councils by the Minister in October 2012. I note that Council has not requested delegation to finalise the plan. I have considered the nature of the planning proposal and decided not to issue authorisation to exercise delegation in this instance given the potential impact on the regional road network and the state significant development application being assessed by the Department of Planning and Environment.

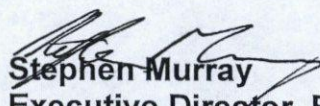
The amending LEP is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected 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. To meet these commitments, the Greater Sydney Commission may take action under section 54(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 Sebastian Tauni of the Department's Sydney Region West team to assist you. Mr Tauni can be contacted on 8217 2018.

Yours sincerely

 20 February 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination



Gateway Determination

Planning Proposal (Department Ref: PP_2017_CUMBE_004_00): to permit educational establishment as an additional permissible use at 2 Percy Street Auburn.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Auburn Local Environmental Plan (LEP) 2010 to permit educational establishment as an additional permissible use at 2 Percy Street, Auburn should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) amend the planning proposal to provide more justification regarding the proposed additional permitted use rather than applying a land use zone that permits educational facilities;
 - (b) prepare a Phase 1 – Preliminary Site Contamination Investigation Study for the site in accordance with the *Managing Land Contamination Planning Guidelines* (Environment Protection Authority, 1998);
 - (c) review and consider the proposed floor space ratio control should the proponent be able to demonstrate through urban design testing to Council's satisfaction that additional floor space can be supported at the site;
 - (d) complete the updated traffic study for the Gelibolu precinct and update the planning proposal in accordance with the findings/recommendations of the study;
 - (e) on completion of condition 1(d), the planning proposal is to be referred to Transport for NSW and the Roads and Maritime Services, and amended in accordance with any comments received; and
 - (f) confirm local and state infrastructure requirements (including improvements for traffic, parking, transport, recreation and community facilities) to support the additional use.

2. Community consultation is required under sections 56(2)(c) and 57 of the 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 local environmental plans* (Department of Planning and Environment 2016).



Planning & Environment

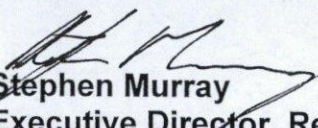
3. Consultation is required with the following public authorities and organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:

- Department of Education;
- Department of Industry – Crown Lands and Water Division; and
- Office of Environment and Heritage – Floodplain Division.

Each public authority/organisation 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. Prior to finalisation, review the proposed height of building control having regard to the findings of the view-line analysis being carried out as part of the Auburn and Lidcombe Town Centres Strategy being undertaken by Council.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 20th day of February 2018


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission