

## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_CUMBE\_001\_00): Amendment to Auburn Local Environmental Plan 2010**

I, Director Sydney Region West, as delegate of the Minister for Planning and Public Spaces, 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 increase the height of building controls and to include a site-specific floor space ratio provision should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
  - (a) amend height of building map to correct height labels;
  - (b) amend the objectives or intended outcomes of the planning proposal to clarify whether the bonus 0.3:1 FSR is for commercial or residential accommodation; and
  - (c) update the planning proposal to address Council's Cumberland Employment and Innovation Strategy and Land Use Planning Framework.
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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Office of Environment and Heritage – Heritage Division;
  - Roads and Maritime Services; and
  - Transport for NSW.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. 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. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 23<sup>rd</sup> day of April 2019.



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

**Delegate of the Minister for Planning and**  
**Public Spaces**