

Mr. Peter Fitzgerald
General Manager
Council
16 Memorial Avenue
Merrylands NSW 2160

Our ref: PP-2022-2534

Dear Mr. Fitzgerald

Planning proposal PP-2022-2534 to amend Cumberland Local Environmental Plan 2021

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 3 March 2023 in respect of the planning proposal to enable the redevelopment of 245-247 Great Western Highway South Wentworthville. The proposal seeks to increase the height of buildings from 9 meters to 27 meters, introducing a floor space ratio of 1:1 and providing additional permitted uses for hotel/motel accommodation and a food and drink premises.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the *Environmental Planning & Assessment Act 1979* 1.4 Site Specific Provisions and 6.1 Residential Zones are justified in accordance with the terms of the Direction.

No further approval is required in relation to the Directions.

Considering the nature of the planning proposal, I have also determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 28 January 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Peter Pham to assist you. Mr Pham can be contacted on (02) 9860 1593.

Yours sincerely

A handwritten signature in black ink, reading "Louise McMahon". The signature is written in a cursive style with a large, looped initial "L".

Louise McMahon
Director
Agile Planning

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-2534): to enable the redevelopment of 245-247 Great Western Highway South Wentworthville through a part increase to the height of buildings from 9 meters to 27 meters, introducing a floor space ratio of 1:1 and providing additional permitted uses for both a hotel/motel accommodation and a food and drink premises.

I, the Director, Agile Planning at the Department of Planning and Environment, 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 Cumberland Local Environmental Plan 2021 to partially increase height of building control, introduce a floor space ratio control, and introduce additional permitted uses to allow a hotel/motel and restaurant/cafe should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a. Update the maximum height of building map to correctly identify the proposed maximum heights across the site.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
 - Relevant utility providers

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 EP&A 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 28 January 2024.

Dated 28 April 2023.

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

Louise McMahon
Director
Agile Planning
Department of Planning and Environment

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