

Mr Michael McMahon
General Manager
Burwood Council
PO Box 240
Burwood NSW 1805

Our ref: PP_2016_BURWO_005_00 (16/16125)

Dear Mr McMahon,

**Planning proposal to amend *Burwood Local Environmental Plan 2012* –
42-50 and 52-60 Railway Parade, Burwood**

I am writing in response to your Council's letter dated 13 December 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the maximum building height and floor space ratio for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal is not inconsistent with relevant S117 Direction/s. No further approval is required in relation to these Directions.

It is noted that Council has requested the inclusion of a local provision to facilitate the subsequent lodgement of a development application. Given the updates required to the planning proposal prior to community consultation, and the nature of changes that can be applied during legal drafting, it is considered appropriate for the intent of the proposed clause to be reworded in the form of a plain English explanation.

I have considered Council's request to require a site-specific Development Control Plan and negotiated Voluntary Planning Agreement to be prepared and exhibited concurrently with the planning proposal. The preparation of a site specific Development Control Plan has been included as a condition the Gateway determination, however the Voluntary Planning Agreement process is a matter to be negotiated between Council and the Applicant.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has not sought this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 18 months of the week following 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 of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 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 queries in regard to this matter, I have arranged for Ms Ella Wilkinson of the Department's regional office to assist you. Ms Wilkinson can be contacted on (02) 9373 2833.

Yours sincerely

 26 February 2017
Stephen Murray
Executive Director, Regions
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_BURWO_005_00): to increase the maximum building height and floor space ratio for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development.

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 the Burwood Local Environmental Plan (LEP) 2012 to increase the maximum building height to 107 metres and 140 metres, and increase the floor space ratio to 9.9:1 for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development proceed subject to the following conditions:

1. Initial consultation regarding the planning proposal is to be undertaken with the following public authorities:
 - Sydney Airport Corporation Limited (SACL), Bankstown Airport Limited (BAL), Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA) in relation to maximum building heights; and
 - Roads and Maritime Services (RMS) in relation to traffic impacts of the proposed density on the site.

These public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

2. Prior to community consultation, the following studies are to be prepared/updated to support and amend the planning proposal to address any advice from the above authorities:
 - (a) an Urban Design Analysis to assess the impact of the development on neighbouring sites, in particular overshadowing on Burwood Public School, surrounding heritage items and open/public spaces;
 - (b) an updated Traffic Impact Assessment to address any impacts raised during consultation with RMS on the local and wider road network, and outline measures to mitigate these impacts; and
 - (c) an updated Economic Impact Assessment justifying the proposed increase and demand for the proposal, addressing the effect of the development on the Burwood Town Centre and nearby centres, and demonstrating how this uplift will support the District Centre status of Burwood, as outlined in the draft Central District Plan.
3. A site specific Development Control Plan (DCP) is to be prepared and exhibited concurrently with the planning proposal.
4. The planning proposal is to be updated for clarification of the following:
 - (a) remove the draft local clause 6.7 and replace with a plain English explanation of the proposal's provisions;

- (b) demonstrate consistency with the draft Central District Plan, released on 21 November 2016; and
- (c) include an updated Floor Space Ratio map, reflecting the proposed local provision.
5. Prior to community consultation the revised planning proposal is to be submitted to the Director, Sydney Region East for consideration.
6. 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 LEPs* (Department of Planning and Environment 2016).
7. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
- Office of Environment and Heritage
 - Transport for NSW
 - Sydney Trains
 - Sydney Water
 - Energy Australia
 - Ministry for Health
 - Department of Education
- Each public authority 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.
8. 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).
9. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 26th day of February 2017


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

Delegate of the Greater Sydney Commission

BURWOOD PP_2016_BURWO_005_00 (16/16142)



Mr Michael McMahon
General Manager
Burwood Council
PO Box 240
Burwood NSW 1805

17/03709

Attention: Ms Diwei Luo, Manager Strategic Planning

Dear Ms Luo

**Planning Proposal PP_2016_BURWO_005_00 – Alteration of Gateway
determination**

I refer to the Gateway determination, in relation to Planning Proposal PP_2016_BURWO_005_00 to increase the maximum building height and floor space ratio for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development.

The maximum building height outlined in the description of the Gateway determination incorrectly referenced 140m instead of the proposed 144m. For consistency, it is necessary to alter the Gateway determination to amend this description.

Therefore, I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 26 February 2017 for PP_2016_BURWO_005_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Ella Wilkinson to assist you. Ms Wilkinson can be contacted on (02) 9373 2833.

Yours sincerely



2/03/2017

Martin Cooper
Acting Director, Sydney Regions East
Planning Services

Encl: Alteration to Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_BURWO_005_00)

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 26 January 2017 for the proposed amendment to the Burwood Local Environmental Plan 2012 as follows:

1. Change the description of the planning proposal

from:

"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 the Burwood Local Environmental Plan (LEP) 2012 to increase the maximum building height to 107 metres and 140 metres, and increase the floor space ratio to 9.9:1 for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development, proceed subject to the following conditions."

to:

a new description "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 the Burwood Local Environmental Plan (LEP) 2012 to increase the maximum building height to 107 metres and 144 metres, and increase the floor space ratio to 9.9:1 for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development, proceed subject to the following conditions."

Dated 2ND day of MARCH 2017



Martin Cooper
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission