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Our ref: PP_2012_BURWO_002_00 (12/11575)
Your ref: 12/30015

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

Dear Mr McMahon,

Planning proposal to amend draft Burwood Local Environmental Plan (LEP) 2012

I am writing in response to your Council's letter dated 27 June 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend draft Burwood Local Environmental Plan (LEP) 2012 to facilitate various amendments including rezonings, adding land to the land reservation acquisition map and amending maximum building heights and floor space ratio controls for land in Burwood LGA.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones for Item 9, which proposes to rezone land in Croydon and Burwood from a residential zoning to B6 Enterprise Corridor, and Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to Direction 6.2.

Council is to provide further justification in regards to item 5, which proposes to reduce development standards applicable to the Royal Sheaf Hotel and adjoining properties at Liverpool Road, Burwood, before the planning proposal is placed on public exhibition. Council is to provide justification for the inconsistency with Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones, including information on how the reduction in employment and housing potential on the subject sites will impact on the ability for Burwood to meet its housing and employment targets, the need for the reduction in building height and floor space ratio standards and how this reduction will better suit the heritage character of the area. Council is to place this information on public exhibit as well as any heritage study that has been undertaken to support the exhibition of item 5.

Council is to ensure that the owners of the Royal Sheaf Hotel and adjoining properties affected by the reduction in development standards are consulted directly as part of the public exhibition of this planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 following agency consultation. Council's request for the department to draft and finalise the LEP should be made six (6) 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. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nigel Riley of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director-General

8/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_BURWO_002_00): to amend draft Burwood Local Environmental Plan (LEP) 2012 to facilitate various amendments.

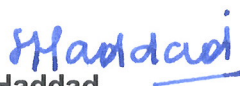
I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Burwood Local Environmental Plan (LEP) 2012 to facilitate various amendments including rezonings, adding land to the land reservation acquisition map and amending maximum building heights and floor space ratio controls for certain land in Burwood LGA should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to provide further justification to the inconsistency of item 5 with Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones. Further information to be provided is to address how the reduction in employment and housing potential on the Royal Sheaf Hotel and adjoining properties will impact on the ability for Burwood to meet its housing and employment targets, the need for the reduction in building height and floor space ratio standards and how this reduction will better suit the heritage character of the area. Council is to place this information on public exhibit as well as any heritage study that has been undertaken to support the exhibition of item 5.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include maps which identify both the current and proposed zoning, height of buildings and floor space ratio controls. All maps should clearly identify the subject land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
5. Council is to directly consult with the owners of the Royal Sheaf Hotel and adjoining properties affected by the reduction in development standards, as part of the public exhibition of this planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 8th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure