

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