

Gateway Determination

Planning Proposal (Department Ref: PP_2019_BURWO_001_00): to amend Clause 6.2 - Flood planning in the Burwood LEP 2012 to identify flood affected land and amend the definition of the flood planning level to account for local overland flooding.

I, the Acting Director, Eastern and South District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Burwood Local Environmental Plan (LEP) 2012 regarding Clause 6.2 - Flood planning to identify flood affected land and amend the definition of flood planning level to account for local overland flooding should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated as follows:
 - (a) Delete reference in the planning proposal that the Flood Planning Map may change as a result of community consultation; and
 - (b) Update reference in the planning proposal from 'overland flooding' to 'local overland flooding' to be consistent with the NSW Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.
2. Community consultation is required under 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;
 - (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 local environmental plans* (Department of Planning and Environment 2016);
 - (c) Council is to directly consult in writing with all affected land owners and occupiers of the land identified within the Consolidated Flood Identification Map as being flood affected; and
 - (d) a copy of the NSW *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005 is to be included as part of the community consultation package.



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 the relevant 9.1 Directions:

- Environment, Energy and Science Group; and
- Sydney Water Corporation.

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 time frame for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated 6 day of November 2019.

Laura Locke
Acting Director, Eastern and South District
Planning, Design and Public Spaces
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces