

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

Our ref: PP_2016_BURWO_02_00 (16/08954)

Dear Mr McMahon

**Planning proposal to amend Burwood Local Environmental Plan 2012 –
PP_2016_BURWO_002_00 – Amendments to Height of Buildings Map and
additions to the Land Reservation Acquisition Map**

I am writing in response to your Council's letter dated 27 June 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 building height controls from 8.2 metres to 8.5 metres for low density residential land across the Local Government Area and include a 2.2 metre portion 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map.

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.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 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 Tegan Park of the Department's Sydney Region East team to assist you. Ms Park can be contacted on (02) 9228 6369.

Yours sincerely

Karen Armstrong 11/7/16

**Karen Armstrong
Director Regions, Sydney Region East
Planning Services**

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_BURWO_002_00): to increase height limits from 8.2 metres to 8.5 metres across the Local Government Area and include 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map.

I, the Director of Sydney Region East 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 height limits from 8.2 metres to 8.5 metres across the Local Government Area and include 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a. include a plain English explanation of the intended effect of the proposed provision;
 - b. include a copy of the current Land Zoning Maps, Height of Building Maps, Site Identification Maps and Land Reservation Acquisition Maps;
 - c. remove the reference to I1 and I2 from map legend and replace with I.
2. Council is to consult directly with the landowner of 16 Lyons Street, Strathfield, regarding the Land Reservation Acquisition proposal, as part of the public exhibition of this proposal.
3. 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 Infrastructure 2013)*.
4. 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:
 - Roads and Maritime Services; and
 - Transport for NSW.

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.

5. 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *11 TH* day of *JULY* 2016



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Burwood Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_BURWO_002_00	Planning proposal to increase height limits from 8.2 metres to 8.5 metres across the Local Government Area and include 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map.

In exercising the Greater Sydney Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 11TH JULY 2016


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Planning Proposal to increase the height of buildings and include 16 Lyons Street, Strathfield on the Land Reservation Acquisition Map

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_BURWO_002_00
Date Sent to DPE under s56	27 June 2016
Date considered at LEP Review Panel	N/A
Gateway determination date	11 July 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: