



Contact: Casey Farrell
Phone: (02) 8575 4132
Fax: (02) 9228 6244
Email: Casey.Farrell@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2014_BURWO_001_00 (14/07118)
Your ref: 14/17379

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

Dear Mr McMahon,

Planning proposal to amend Burwood Local Environmental Plan 2012

I am writing in response to Council's letter dated 14 April 2014 and supplementary information dated 22 July 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("the Act") in respect of a planning proposal to reduce the maximum building height control from 26 metres to 11 metres and reduce the maximum floor space ratio control from 3:1 to 1.5:1 on land bounded by Wentworth Road, Railway Crescent, Carilla and Gladstone Streets in the northern portion of the 'Wentworth Road precinct', Burwood, under the Burwood Local Environmental Plan 2012.

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

I note the planning proposal is inconsistent with section 117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 due to the proposed reduction of potential dwelling yield in close proximity to a Major Centre and subregional transport hub. I have considered the inconsistencies with the relevant directions and Council's programme to achieve its dwelling targets and have agreed that any inconsistency is of minor significance.

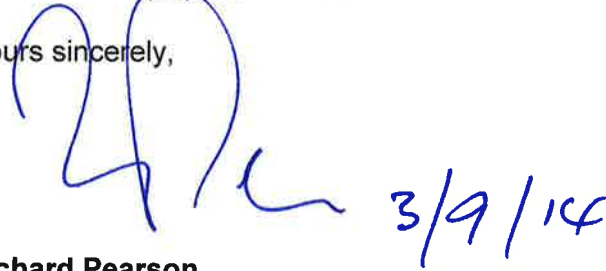
The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within **9 months** of the week following the date of the Gateway determination. Council should aim to commence public exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environment Plan 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 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 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 Casey Farrell of the Department of Planning and Environment's regional office to assist you. Ms Farrell can be contacted on (02) 8575 4132.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '3/9/14' written in a similar style.

Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2014_BURW_001_00): to reduce maximum building height and floor space ratio controls for land in the 'Wentworth Road precinct', Burwood.

I, the Deputy Secretary, Housing, Growth and Economics at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Burwood Local Environmental Plan 2012 to reduce the maximum building height control from 26 metres to 11 metres and reduce the maximum floor space ratio control from 3:1 to 1.5:1 on land bounded by Wentworth Road, Railway Crescent, Carilla and Gladstone Streets in the northern portion of the 'Wentworth Road precinct', Burwood should proceed subject to the following conditions:

1. Council is to include a savings provision within the final LEP to ensure that any development application lodged but not yet determined will be assessed against the planning controls in force immediately prior to amendment by this planning proposal. Council is to amend the planning proposal to include a plain English explanation as to the effect of the savings provision for the purposes of public exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("the Act") as follows:
 - (a) each landowner within the subject precinct must be individually notified of the planning proposal and exhibition dates and locations
 - (b) the planning proposal must be made publicly available for a minimum of **28 days**
 - (c) 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 2013)*.

Council is to ensure any submissions are adequately addressed prior to finalisation of the amendment.

Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage 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.

3. 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).

4. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated

3

day of

September

2014.



Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Delegate of the Minister for Planning



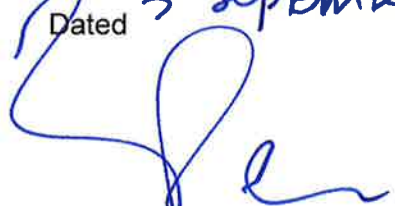
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Burwood Council is authorised to exercise the functions of the Minister for Planning 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_2014_BURWO_001_00	Planning proposal to reduce maximum building height and floor space ratio controls for land in the 'Wentworth Road precinct' Burwood

In exercising the Minister'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 3 September 2014



Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan 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
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making 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 Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

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

Stage	Date/Details
Planning Proposal Number	PP_2014_BURWO_001_00
Date Sent to Department under s56	14/04/2014
Date considered at LEP Review Panel	03/07/2014
Gateway determination date	

Table 2 – To be completed by the RPA

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

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: