

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_BURW_05_00): to increase the maximum building height and floor space for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development.

I, the Acting Executive Director, Eastern Harbour City, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 26 February 2017 (as since altered) for the proposed amendment to the Burwood Local Environmental Plan 2012 as follows:

1. Change the description of the planning proposal

from:

"I, the Executive Director, Regions 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 the maximum building height to 107 metres and 144 metres, and increase the floor space ratio to 9.9:1 for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development, proceed subject to the following conditions:

to:

"I, the Acting Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment as delegate of the Minister for Planning and Public Spaces, 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 the maximum building height to 136 metres and 144 metres, and increase the floor space ratio to 10.54:1 for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development, proceed subject to the following conditions:

2. Amend Condition 1 to insert a new condition 1(a):

"1(a) Further consultation is required to be undertaken with the public authorities in Condition 1 with regard to the amended planning proposal. The public authorities are to be provided with a copy of the amended planning proposal and given at least 21 days to comment."

3. Delete Condition 2 and replace with:

"2. Prior to community consultation, the planning proposal is to be updated as to address any advice from the abovementioned authorities and include the following:

(a) Further urban design analysis to:

- (i) assess the impact of the development on neighbouring sites, in particular overshadowing to adjoining residential development, Burwood Public School, surrounding heritage items and open/public spaces;
- (ii) provide clarification as to the properties that will be impacted by reduced solar access to less than 2 hours/day; and
- (iii) provide further justification for the departure with Council's objectives in the LEP and DCP to provide a height transition between the Commercial Core of the Town Centre and the Middle Ring area of the Town Centre;

(b) An updated Traffic Impact Assessment to address any additional impacts raised during consultation with Transport for NSW on the local and wider road network, to outline measures to mitigate these impacts. This work should address the recommendations of the Cardo report with regard to clarifying/providing an assessment of the total daily and peak hour public transport (bus and rail) trips generated by the proposal, and the current infrastructure to meet the likely future demand of the proposal;

(c) An updated Economic Impact Assessment to:

- (iv) address the effect of the proposal on the Burwood Town Centre and nearby centres, and demonstrate how this uplift will support the maintenance and improvement of Burwood at a Strategic Centre as outlined in the Eastern City District Plan;
- (v) address the recommendations in the Cardno report (Nov 2018) with regard to providing clear strategic justification for the additional quantum of residential development proposed in the amended planning proposal, and how the proposal aligns with the draft Local Strategic Planning Statement for the Burwood Town Centre; and
- (vi) clarify the proportion and mix of uses for the proposal with regard to commercial office, serviced apartments, retail and residential uses for the proposal;

(d) provide clarification on the estimated number of dwellings the revised planning proposal will likely generate; and

(e) address and assess the proposal against the Council's Local Strategic Planning Statement (LSPS)."

4. Delete Condition 4 and replace with:

"4. The planning proposal is to be updated for clarification of the following:

- (a) Remove the draft local clause 6.6 and replace with a plain English explanation of the proposal's provisions;
- (b) Demonstrate consistency with the Eastern City District Plan, dated March 2018; and
- (c) Include an updated Floor Space Ratio Map, reflecting the proposed local provision."

5. Delete Condition 5 and replace with:

"5. the proposal is to be amended to reflect the amended conditions and a copy provided to the Director Eastern and South Districts for approval prior to community consultation being undertaken."

6. Delete Condition 9 and replace with:

"9. The time frame for completing the LEP is to be 12 months following the date of this Alteration to the Gateway determination."

Dated 13th day of February 2020.



Amanda Harvey
Acting Executive Director,
Eastern Harbour City
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces