



Ms Laura Locke
Acting Director Regions, Sydney Regions East
Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref.: 19/32278
10 September 2019

Attention: Mr Alexander Galea, Senior Planning Officer

Dear Ms Locke

AMENDED PLANNING PROPOSAL FOR BURWOOD PLACE 42-50 & 52-60 RAILWAY PARADE BURWOOD

Burwood Council wishes to submit an amended Planning Proposal (PP) for the site known as 'Burwood Place', at 42-50 & 52-60 Railway Parade Burwood, for which Council requests the Department to issue an amended Gateway Determination pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Background

A history of the PP is outlined below:

- On 28 September 2015, the initial PP was lodged with Council.
- On 26 February 2017, the Department issued a Gateway Determination for 'an amendment to the Burwood Local Environmental Plan (BLEP) 2012 to increase the maximum building height to 107 metres and 140 metres and increase the floor space ratio (FSR) to 9.9:1' subject to conditions.
- On 2 March 2017, the Department issued an amended Gateway Determination for the initial PP, allowing an increase in the maximum building height to 144 metres, instead of 140 metres.
- On 29 June 2018, an amended PP was submitted to Council. The proponent proposed to provide to Council, through a Voluntary Planning Agreement (VPA), a monetary contribution and several works in kind, in return for additional floor space to be added to the initial PP.
- On 24 July 2018, in response to Council's request, the Department extended the timeframe for completing the LEP amendment to 26 August 2019.
- On 20 November 2018, a further amended PP package was submitted to Council.
- On 4 December 2018, the further amended PP was reported to the Burwood Local Planning Panel (BLPP) meeting. The BLPP advised:

The Panel is not in a position to provide advice to Council on the suitability or otherwise of the Planning Proposal. The Panel supports the report prepared by Cardno, commissioned by the Council to review the Planning Proposal,

and agrees with the recommended amendments and clarifications to the planning proposal in paragraph 3.13.

The Panel is also of the view that the best outcome for the Burwood Town Centre is to have a strategic planning study undertaken of the whole Burwood Town Centre prior to considering planning proposals that significantly increase floor area, traffic and place a greater strain on public transport systems.

- On 11 December 2018, Council at its meeting considered the BLPP's advice and the amended PP, and resolved that:
 1. *The amended PP for Burwood Place be submitted for a Gateway Determination only after the associated VPA and site-specific Development Control Plan (DCP) have been finalised to the satisfaction of Council.*
 2. *The amended PP and supporting documents be updated to respond to the matters raised in the Cardno's assessment report.*
 3. *The amended PP be publicly exhibited in accordance with the Gateway Determination, together with the associated VPA and site-specific DCP.*
 4. *The outcomes of the public exhibition and consultation processes be reported back to Council for its consideration and determination of the amended PP.*
 5. *That the applicant be advised of Council's resolution.*
- On 26 August 2019, all documents associated with the amended PP which required amendments from the initial PP were submitted to Council.

Current Planning Proposal

The amended PP package as updated consists of the following documents:

- Planning Proposal, dated July 2019
- Traffic Impact Assessment, dated 21 April 2019
- Appendix 1 - Urban Design Analysis, dated 15 August 2019
- Appendix 2 – Council resolution dated 24 May 2016 to submit the PP for a Gateway Determination
- Appendix 3 – amended Gateway Determination, dated 2 March 2017
- Appendix 4 - Part 6 Local Provision – Example Wording
- Appendix 5 – Approval for the proposed height by the Department of Infrastructure, Regional Development and Cities, dated 6 March 2018
- Appendix 6 – Response from the Roads and Maritime Services, dated 9 March 2018
- Appendix 7 – Council resolution dated 27 March 2018 concerning additional floor space and terms of the VPA
- Appendix 8 – Council resolution dated 11 December 2018 to submit PP for an amended Gateway Determination
- Architectural Plans
- Draft Site Specific DCP

The current PP proposes to:

- Amend the maximum FSR from 4.5:1 and 6:1 to 10.54:1
- Amend the maximum Residential FSR from 2:1 and 3:1 to 7.16:1
- Amend the maximum building height from 60 and 70 metres, to 136 and 144 metres respectively
- Introduce a savings provision for the site to allow for a Development Application to be assessed concurrently with the PP.

Timeframe to Complete the LEP Amendment

As mentioned before, the letter dated 24 July 2018 from the Department extended the timeframe for completing the LEP amendment to 26 August 2019. Council appreciates that the future Gateway Determination will specify a new date for completion of the LEP amendment.

Further Comment

Since December 2018, Council has worked with the proponent to refine the amended PP and resolve outstanding Council issues. The amended PP may contain information on which the Department may require further information or analysis by the proponent, prior to amended Gateway Determination.

As previously noted, Burwood Council resolved that the amended PP, DCP and VPA be exhibited concurrently. The VPA proposes significant public benefits to the Burwood community, however, these benefits will only be realised if the development contemplated in the amended PP is delivered according to the amended PP and in a reasonable timeframe. Council will continue to collaborate with the proponent through the LEP and DA stages to ensure these benefits are achieved for the Burwood community.

Council seeks delegation for the making of the LEP amendment upon the Gateway Determination.

If you have any enquiries, please do not hesitate to contact Council's Acting Group Manager – Strategic Planning, Heritage and Place Planning, Ms Mina Suh, on 9911 9867.

Yours sincerely



**KIMBERLY EVERETT
DEPUTY GENERAL MANAGER
LAND, INFRASTRUCTURE AND ENVIRONMENT**

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