

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

16/01348

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Dear Mr McMahon

**Planning Proposal PP\_2014\_BURWO\_003\_00 – Bonus Development Controls in Burwood Town Centre and Design Excellence**

I am writing in relation to a planning proposal (PP\_2014\_BURWO\_003\_00) regarding bonus development controls in Burwood Town Centre and Design Excellence clause, submitted by Burwood Council.

I have reviewed the above planning proposal and the public exhibition material, and have formed the opinion that Council has not met the conditions of Gateway, in particular:

- **Condition 2(b):** provide a plain English explanation of the intended effects of the proposed changes; and
- **Condition 2(c):** remove the requirement for a developer to enter into a Voluntary Planning Agreement and/or dedicate land and/or undertake works in exchange for bonus FSR.

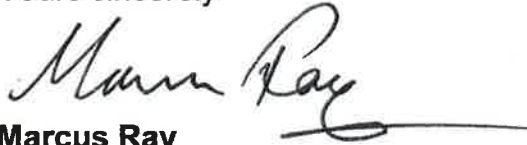
As the delegate of the Greater Sydney Commission, I have determined to alter the Gateway determination for PP\_2014\_BURWO\_003\_00, dated 11 April 2015, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*. The Alteration of the Gateway Determination is enclosed.

As explained in the covering letter to Council accompanying the Gateway determination, Council is not authorised by the *Environmental Planning and Assessment Act 1979* to provide bonus development incentives in exchange for mandatory development contributions through a Voluntary Planning Agreement referred to in an environmental planning instrument. In reviewing the planning proposal and the plain English explanation, the requirement for a Voluntary Planning Agreement in exchange for bonus development controls has not been removed.

The planning proposal and the plain English explanation will need to be revised and the draft clauses removed. The planning proposal is to be re-exhibited for another 28 days to allow the community additional time to consider the changes and make submissions.

Should you have any queries or concerns regarding this matter, please contact Ms Karen Armstrong, Director, Sydney East Region, at the Department of Planning and Environment on (02) 9228 6512.

Yours sincerely

A handwritten signature in black ink that reads "Marcus Ray". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

15/03/16

Encl: Alteration to Gateway Determination

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