

## Gateway Determination

***Planning proposal (Department Ref: PP\_2014\_BURWO\_003\_00): to insert a bonus FSR mechanism for residential development in Burwood Town Centre and apply a design excellence clause for all new development, three or more storeys, across the Local Government Area.***

I, the Deputy Secretary of 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* (the Act) that an amendment to the *Burwood Local Environmental Plan 2012* to insert a bonus Floor Space Ratio (FSR) mechanism in Burwood Town Centre and apply a design excellence clause across the Local Government Area should proceed subject to variations as outlined by following conditions:

1. Council is to update the planning proposal to provide further justification for the inconsistency with S117 Direction 1.1 Business and Industrial Zones and demonstrate how the planning proposal will continue to cater for employment opportunities within the Burwood Town Centre.
2. Prior to public exhibition, the planning proposal is to be updated to:
  - (a) demonstrate consistency with *A Plan for Growing Sydney*, released on 14 December 2014;
  - (b) provide a plain English explanation of the intended effect of the proposed changes;
  - (c) remove the requirement for a developer to enter into a Voluntary Planning Agreement and/or to dedicate land and/or undertake works in exchange for bonus FSR;
  - (d) reflect that the 10 per cent bonus FSR mechanism may be granted to residential development in Area 1 (Commercial Core) and Area 2 (Middle Ring) of the Burwood Town Centre, and that the bonus residential FSR will be above and beyond the maximum FSR applying to the site;
  - (e) state clearly that any bonus residential FSR given will not simultaneously reduce, restrict or otherwise limit the overall floor space available for commercial or other uses; and
  - (f) apply the design excellence clause for all new development three or more storeys to the following zones only: B4 Mixed Use and B2 Local Centre.
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 Environment 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:
- Office of Environment and Heritage
  - EnergyAustralia
  - Transport for NSW, including Sydney Trains
  - Roads and Maritime Services
  - State Water Corporation
  - Telstra
  - UrbanGrowth 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 Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 11th day of April 2015.



**Marcus Ray**  
**Deputy Secretary, Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**