



Office of the Director General

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

Our ref: PP_2012_BURWO_001_00 (12/09707)
Your ref: 12/26953

Dear Mr McMahon,

Planning proposal to amend the draft Burwood LEP 2012

I am writing in response to your Council's letter dated 1 June 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the above mentioned planning proposal to amend the draft Burwood LEP 2012 to rezone land at 49-55 Seymour Street Croydon Park from B2 Local Centre to R2 Low Density Residential and reduce the maximum height from 15m to 8.2m and the maximum FSR from 1.75:1 to 0.55:1.

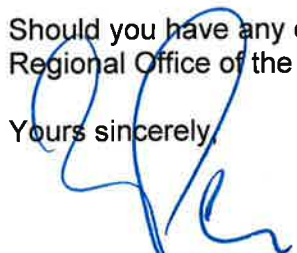
As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The amended LEP is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW State Government is committed to reducing the time taken to complete LEPs 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 s54(2)(d) of the EP&A Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tharani Yoganathan of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


Richard Pearson
A/Director General

29/10/12

Gateway Determination

Planning proposal (Department Ref: PP_2012_BURWO_001_00): to amend the draft Burwood LEP 2012

I, the A/Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Burwood Local Environmental Plan 2012 to rezone land at 49-55 Seymour Street, Croydon Park from B2 Local Centre to R2 Low Density Residential and reduce the maximum height from 15m to 8.2m and the maximum FSR from 1.75:1 to 0.55:1 should proceed subject to the following conditions:

1. The planning proposal is inconsistent with the following S117 Directions:
 - 1.1 Business and Industrial Zones in that it reduces the total potential area for employment uses and related public services,
 - 3.1 Residential Zones because it proposes to reduce development potential of the site by reducing height and density in a location with good access to schools, shops and public transport, and
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036 in that it does not provide an opportunity to locate growth in a local centre as per the direction of the Metropolitan Plan.

Council is to satisfy the Director General of the department that the loss in potential jobs and dwellings is justified prior to the finalisation of the LEP. Council should address the planning proposals inconsistency with these directions as part of the exhibition material.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).



5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

29

day of

October

2012.



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure