

Gateway Determination

Planning proposal (Department Ref: PP-2023-1924): expansion of Burnett Street neighbourhood centre.

I, the Director, Agile Planning, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cumberland Local Environmental Plan 2021 to partially rezone land from R2 to E1, increase HOB and FSR at Burnett Street Neighbourhood Centre, should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 21 August 2024.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - a) Include a list of all sites forming part of the planning proposal, including addresses and lot and DP numbers.
 - b) Include further flooding analysis which justifies the inconsistency with Ministerial 9.1 Direction (4.1 Flooding) and considers the findings and recommendations of the 2022 NSW Flood Inquiry, including an assessment of evacuation routes. The planning proposal should be updated to address the findings of the assessment.
 - c) Update the response in relation to Ministerial 9.1 Directions 4.4 Remediation of Contaminated Land and 4.5 Acid Sulfate Soils, and provide any relevant documentation to support this assessment, if required.
 - d) Provide further justification for the proposed built form controls with consideration to the impact on neighbouring residential uses, including demonstration of overshadowing impacts between 8am and 5pm on 21 June.
 - e) Reflect current numbering of the Ministerial Directions and naming of State Environmental Planning Policies.
2. Council is to submit the updated planning proposal to the Department in accordance with (1) above for endorsement prior to community consultation.

3. Council is to submit their assessment of consistency and supporting documentation against Direction 9.1 of the Act (4.1 Flooding) to the Department for review and confirmation, prior to finalisation.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW (TfNSW)
 - Schools Infrastructure NSW (SINSW)
 - Environment and Heritage Group (EHG)
 - NSW State Emergency Service (SES)
 - Endeavour Energy
 - Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

Dated 24 October 2023



Louise McMahon
Director
Agile Planning
Department of Planning and Environment

**Delegate of the Minister for Planning and
Public Spaces**