

Mr Matthew Stewart
Interim General Manager
Canterbury-Bankstown Council
PO Box 8
BANKSTOWN NSW 1885

Our ref: PP_2016_CBANK_002_00 (16/12754)

Dear Mr Stewart *Matt*

Planning proposal to amend Bankstown Local Environmental Plan 2015

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Bankstown Local Environmental Plan 2015 to implement the recommendations of Council's adopted North East, North Central, South West and South East Local Area Plans.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I support the work taken to prepare the Local Area Plans, and the strategic approach to improving dwelling and employment opportunities across the Local Government Area. I note, in the adoption of the Local Area Plans on 11 May 2016, that the Council resolved to make a number of changes that have not been publicly exhibited. I have considered the consistency of the Council resolutions with the recommendations within the Local Area Plans. I have conditioned the Gateway determination to be consistent with recommendations of the Local Area Plans, except for the proposed amendments for:

- 102 Columbine Avenue, Punchbowl (Warwick Reserve) in the North East Local Area Plan;
- 23 Canterbury Road, Punchbowl in the North East Local Area Plan;
- 55A Gascoigne Road, Birrong (Gascoigne Reserve) in the North Central Local Area Plan; and
- 96 Malvern Street, Panania (Malvern Reserve) in the South West Local Area Plan.

I consider that the planning proposal should be consistent with the Local Area Plans as these Plans are evidence-based planning strategies that have been through an extensive community consultation process. I note that the variations to the Local Area Plans were not supported by planning evidence or a statement of reasons.

The proposal to insert a clause to enable the considerations of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) to apply to serviced apartments and boarding houses is to be removed from the planning proposal. It is considered that SEPP 65 Design Guidelines should not be applied to boarding houses, as this type of accommodation functions differently to standard apartments, for example the use of communal space, and increasing the

applicable development standard may adversely impact on supply. The Department has a standard clause relating to the conversion of serviced apartments to residential flat buildings that Council may wish to consider including in this planning proposal.

I note that a planning proposal for 30–46 Auburn Road, Regents Park (PP_2016_CBANK_001_00) is currently proceeding after assessment by the Joint Regional Planning Panel. The Gateway determination has been conditioned to remove this site from this planning proposal or ensure the recommendations are consistent in both planning proposals.

Punchbowl is located within the area subject to the draft Sydenham to Bankstown Urban Renewal Corridor Strategy. Prior to community consultation, the planning proposal is to be updated to outline the intention to seek contributions to the provision of designated State public infrastructure as identified in the draft or final strategy via a satisfactory arrangements clause. A draft clause does not need to be prepared at this time, only a description and an outline of the intent of the provision is required.

Council should also demonstrate that the proposal is consistent with any available findings of the Sydenham to Bankstown Urban Renewal Corridor Strategy prior to finalisation.

I have also agreed, as delegate of the Secretary, inconsistencies with Section 117 Directions 3.1 – Residential Zones and 6.3 – Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant Section 117 Directions: 3.5 – Development Near Licenced Aerodromes; 4.1 – Acid Sulfate Soils; 4.3 – Flood Prone Land; and 6.2 – Reserving Land for Public Purposes. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Tessa Parmeter of the Department's regional office to assist you. Ms Parmeter can be contacted on (02) 9860 1555.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

19/01/2017
Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_CBANK_002_00): to amend Bankstown Local Environmental Plan 2015 to implement the recommendations of the North Central, North East, South East and South West Local Area Plans.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Bankstown Local Environmental Plan (LEP) 2015*, to implement the recommendation of the North Central, North East, South East and South West Local Area Plans, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - omit the reference to “additional amendments as resolved by Council in May 2016”, on page 10 and 15, for properties bound by Highland Avenue, The Crescent, Dutton Street and Yagoona Lane in Yagoona; Properties at 176–184 Cooper Road in Yagoona; Properties at 255–291 Cooper Road in Yagoona; and Properties at 11–31 Rookwood Road in Yagoona; and amend the draft North Central exhibition maps as required;
 - omit the reference to “additional amendments as resolved by Council in May 2016”, on page 32, for 66–86 Waterloo Road and 2 Mimosa Road, Greenacre, while maintaining the other recommendations in the North East Local Area Plan;
 - exclude 30–46 Auburn Road, Regents Park, from the planning proposal, as it is currently subject to a separate planning proposal;
 - omit the reference to “additional amendments as resolved by Council in May 2016” on page 86 for the South West Local Area Plan and update the planning proposal to be consistent with the Council resolution for 96 Malvern Street, Panania;
 - omit the reference to “additional amendments as resolved by Council in May 2016”, on pages 55, 56, 62 and 63, for the South East Local Area Plans, relating to the following properties:
 - 41–75C Marco Avenue and 36–38 Polo Street, Revesby;
 - 2–26 Swan Street and 9–13 Polo Street, Revesby;
 - Properties bounded by Bransgrove Road, Polo Street and The River Road (north of the proposed Revesby Village Centre);
 - 60 McGirr Street and 60–80A Uranus Road, Revesby;
 - 20–26 Howard Road, Padstow;
 - 2–16A Banks Street and 43–49 Cahors Road, Padstow;
 - 7–9 and 10–12 Jeanette Street, 18–22 Banks Street and 25–39 Stephanie Street, Padstow;
 - 1–5 and 2–8 Jeanette Street, 24–30 Banks Street and 1–23 Stephanie Street, Padstow;
 - 1–31 Segers Avenue and 12–20 Faraday Road, Padstow;

1–25 Banks Street and 1–8 Nigel Place, Padstow;
42–86 and 45–89 Iberia Street, Padstow; and
8–12 Segers Avenue, Padstow; and maintain the recommendations in the
South East Local Area Plan, except 89–99 Howard Road, 2–6 Segers
Avenue and 2–6 Gloucester Avenue Padstow, which has been deferred
from the planning proposal;

- omit the proposed boarding houses and serviced apartments provision on page 90 of the planning proposal;
- update the assessment of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) with the outcome of a stage 1 preliminary assessment;
- update the assessment of Section 117 Direction 4.1 – Acid Sulfate Soils with the outcome of the preliminary assessments;
- amend the planning proposal to include information relating to all the sites to be reclassified in accordance with Practice Note PN16-001;
- include additional information with the explanatory note for each of the proposed local clauses that the proposed wording of each provision is subject to legal drafting and may be changed when the Plan is finalised;
- update the planning proposal to identify the consistency of the proposal with the draft South District Plan, and the draft Sydenham to Bankstown Urban Renewal Corridor Strategy; and
- include a description of a satisfactory arrangements provision for the contributions to designated State public infrastructure identified as part of a draft or final Sydenham to Bankstown Urban Renewal Corridor Strategy.

2. Prior to community consultation, consultation is required with the following public authorities, to comply with the requirements of relevant Section 117 Directions:

- Department of Infrastructure and Regional Development;
- Civil Aviation Safety Authority; and
- Bankstown Airport.

The planning proposal is to be updated with the outcome of the consultation with public authorities prior to proceeding to community consultation.

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 local environmental plans* (Department of Planning and Environment 2016).

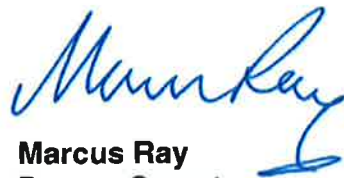
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW;
- Transport for NSW – Roads and Maritime Services;
- Transport for NSW – Rail Corp;
- Transport for NSW – Freight;
- Office of Environment and Heritage;
- Office of Environment and Heritage – Heritage Division;
- Department of Industry – Lands (Crown Lands);
- NSW Health;
- Department of Education;
- State Emergency Service;
- Electricity provider;
- Sydney Water;
- Environmental Protection Authority; and
- adjoining local councils

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 required to be held into the planning proposal for the land proposed to be reclassified.
6. Prior to finalising the planning proposal, the planning proposal will need to be amended to include maps which are in accordance with the Department's technical mapping standards and guidelines as set out in the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Version 1.0 dated 30 November 2015.
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 19th day of May 2017



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission