

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

Dear Mr Stewart

Planning Proposal PP_2018_CBANK_001_00 to amend Bankstown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under Section 3.34 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 provide a mix use development at 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl.

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 note that part of the subject site is subject to the planning proposal for the North Central, North East, South East and South West Local Area Plans (PP_2016_CBANK_002_00) and that a Gateway determination was issued for this proposal on 19 May 2017. To ensure that there is no confusion with two Gateway determinations applying to the same land, I have taken this opportunity to remove the site from the 2017 determination. I attach an Alteration to Gateway determination for PP_2016_CBANK_002_00 for your attention, which excludes 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl from that planning proposal. I would appreciate it if you would arrange amendment of that proposal accordingly.

I also note that Council's original intention with planning proposal PP_2016_CBANK_002_00 was to include a site specific provision for the properties at Nos. 921-925 Punchbowl Road and 21 Canterbury Road, which would require the properties to consolidate into a single site for development to achieve the maximum floor space ratio. I understand that this provision has been removed in accordance with its adopted planning proposal PP_2018_CBANK_001_00.

Council has indicated in its current planning proposal that it intends to undertake an urban design peer review to address a number of design principles including building heights and floor space ratios; a buffer to adjoin low rise housing development; and, constraints associated with the land. Council could consider the application of a site specific provision, as originally proposed, within its further consideration of urban design matters.

Should Council's consideration of urban design matters necessitate the amendment of the planning proposal, I would welcome Council's application to alter the Gateway determination.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction. I would, however, ask that Council takes into consideration the stormwater prone nature of site, particularly the area subject to high stormwater risk, in its urban design peer review.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions 1.1 Business and Industrial Zones and 4.1 Acid Sulfate Soils. I have noted that Council will undertake a retail needs study, providing an opportunity to confirm that any inconsistencies with Direction 1.1 are of a minor nature. I have conditioned the determination accordingly. Council should ensure any necessary approvals are provided prior to community consultation.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Amar Saini to assist you. Mr Saini can be contacted on 9373 2880.

Yours sincerely



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

25/5/18

Encl: Gateway Determination
Local plan-making authority reporting template
Alteration to Gateway determination for PP_2016_CBANK_002_00

Gateway Determination

Planning proposal (Department Ref: PP_2018_CBANK_001_00): to allow mix use development at 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bankstown Local Environmental Plan (LEP) 2015 to allow mix use development at 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl should proceed subject to the following conditions:

1. Prior to exhibition, Council is to take the following action, and where necessary, amend the planning proposal:
 - a. alter Section '117' directions to Section '9.1' where appearing in the planning proposal; and, address the adopted Greater Sydney Region Plan and South District Plan;
 - b. to meet the requirements of Section 9.1 Direction 4.1 Acid Sulfate Soils, prepare an acid sulfate soils assessment and submit to the Secretary of the Department of Planning and Environment (if necessary, amend the planning proposal accordingly); and,
 - c. to ensure that any inconsistency with Section 9.1 Direction 1.1 Business and Industrial Zones is of a minor nature, consider within the proposed retail needs study whether retail development of the site would hold any significant adverse impacts upon other nearby local centres.
2. Prior to the finalisation of the plan, ensure that Council has fully addressed clause 6 of State Environmental Planning Policy No.55 - Remediation of Land.
3. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 28 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 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 and organisations under section 3.34(2)(d) of the Act to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW
- Roads and Maritime Services
- Environment Protection Authority
- Office of Environment and Heritage
- Sydney Water
- TransGrid

Each public authority/organisation 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 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 Section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and,
 - c. there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.

Dated 25th day of May 2018.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_CBANK_002_00)

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 19 May 2017 (as since altered) for the proposed amendment to the Bankstown Local Environmental Plan 2015 as follows:

1. Insert a new "condition 9"

"9. Exclude 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl from the planning proposal, as this site is subject to another planning proposal."

Dated

25th day of May 2018.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission