



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

Dear Mr Stewart

Planning Proposal PP_2017_CBANK_003_00 to amend Bankstown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake various housekeeping amendments to Bankstown Local Environmental Plan 2015 in relation to clauses 4.1 and 4.1A, exempt subdivision provisions, and the permissibility of home businesses in certain zones.

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.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 54(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 Terry Doran at the Department's Parramatta office to assist you. Mr Doran can be contacted on (02) 9860 1579.

Yours sincerely



8 December 2017

Craig Diss
Acting Director Sydney Region West
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CBANK_003_00): to undertake various housekeeping amendments to Bankstown Local Environmental Plan 2015 in relation to clauses 4.1 and 4.1A, exempt subdivision provisions, and the permissibility of home businesses in certain zones.

I, the Acting Director, Sydney Region West, 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 undertake various housekeeping amendments to clauses 4.1 and 4.1A, exempt subdivision provisions, and the permissibility of home businesses in certain zones should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended as follows:
 - under Part 2 – Explanation of Provisions (p.2), the first dot point is to be amended to indicate that it is proposed to permit ‘home businesses’ with consent;
 - under Part 2 – Explanation of Provisions (p.2), the second dot point is to be clarified by removing the words: ‘lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential’ and replaced with the words: ‘subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area’;
 - under part 2 – Explanation of Provisions (p.2), the third dot point is to be amended by removing the word ‘dimensions’;
 - under Part 3 – Justification, within the schedule headed Clause 4.1 (Minimum subdivision lot size) (p.4), remove the words: ‘lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential’ and replaced with the following words: ‘subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area’;
 - under Part 3 – Justification, within the schedule headed Clause 4.1A (minimum lot sizes and special provisions for dual occupancies) (p.4), remove the word ‘dimensions’, where appearing, and clarify that this amendment proposes to replace the words: ‘area of a lot’ with the words ‘lot size’;
 - under Section B – Relationship to strategic planning framework (p.5), include advice of the consistency of the proposal with the Revised Draft South District Plan (October 2017) and the Draft Greater Sydney Region Plan (October 2017); and
 - include an updated project timeline.



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2. 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).
3. No consultation is required with public authorities/organisation under section 56(2)(d) of the 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 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** following the date of the Gateway determination.

Dated 8 day of December 2017.

Craig Diss
Acting Director Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Canterbury Bankstown Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_CBANK_003_00	Planning proposal to undertake various housekeeping amendments to Bankstown Local Environmental Plan 2015 in relation to clauses 4.1 and 4.1A, exempt subdivision provisions, and the permissibility of home businesses in certain zones.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 8 December 2017



Craig Diss
Acting Director Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Secretary
of the Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_CBANK_002_0
Date Sent to DP&E under s56	22 November 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	8 December 2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: