
Planning Matters - 25 July 2017

ITEM 5.5 479 Henry Lawson Drive in Milperra

AUTHOR **Planning**

ISSUE

To consider the application to include 'garden centres' as an additional permitted use at 479 Henry Lawson Drive in Milperra.

RECOMMENDATION That -

1. Council delegate authority to the General Manager to prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 59 of the Environmental Planning and Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

REPORT

Council is in receipt of an application requesting Council to amend Bankstown Local Environmental Plan 2015 by including 'garden centres' as an additional permitted use on the site at 479 Henry Lawson Drive in Milperra.

The Independent Hearing and Assessment Panel (IHAP) considered Council's report on 3 July 2017. In accordance with the Charter, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. The Panel's comments and recommendation are:

The Panel agrees with the recommendation.

The Panel notes that a development application has already been approved consistent with the existing controls and the applicant confirmed that at this stage no changes are proposed for the building envelope as approved. Any proposed changes to the approved development would require a fresh development or modification application.

A maximum FSR of 0.4:1 is to apply to the site and this FSR is for all development on the site, not just the additional use.

IHAP Recommendation

The Panel agrees with the Council Staff report subject to the recommendation being amended as follows:

That the application to amend Bankstown Local Environmental Plan 2015 by including 'garden centres' as an additional permitted use at 479 Henry Lawson Drive in Milperra (Lot 2, DP 576251) should proceed to a Gateway Determination, provided a maximum 0.4:1 FSR applies to the site.

The Council report to the Independent Hearing and Assessment Panel and the minutes regarding the matter are shown in Attachments A and B.

Next Step

The next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination. The planning proposal will request the following amendments to Bankstown Local Environmental Plan 2015:

- Amend Schedule 1 and the Additional Permitted Uses Map by including 'garden centres' as an additional permitted use on the site at 479 Henry Lawson Drive in Milperra (Lot 2, DP 576251).
- Amend the Floor Space Ratio Map by applying a maximum 0.4: 1 FSR to the site at 479 Henry Lawson Drive in Milperra (Lot 2, DP 576251).

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

RECOMMENDATION That -

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ATTACHMENTS

- A. IHAP Meeting—3 July 2017—Report
- B. IHAP Meeting—3 July 2017—Minutes