



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2011_BANKS_001_00 (10/14175)

Mr Luke Nicholls
General Manager
Bankstown City Council
PO Box 8
BANKSTOWN NSW 1885

Dear Mr Nicholls,

Re: Planning Proposal to rezone certain land in Milperra (known as the Riverlands Golf Course site) to allow for low density housing and the continuation of part of the site for open space.

I am writing in response to your Council's letter dated 11 January 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Bankstown Local Environmental Plan 2001 to rezone certain land in Milperra (known as the Riverlands Golf Course site) to allow for low density housing and the continuation of part of the site for open space.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Before the Director General is able to agree to the form of the Planning Proposal under section 57(2) of the EP&A Act for the purposes of exhibition, Council is to address the S117 Directions and the inadequacies in the content of the planning proposal identified in this letter. It is expected that these areas of further investigation and assessment should be completed within 3 months following this Gateway Determination.

Council is not to commence exhibition until the amendments have been made to the planning proposal with the aim of ensuring the intended outcomes are clear and all necessary studies are identified and undertaken to reflect the requirements of the determination, and has been resubmitted to the Director General for further concurrence in accordance with section 56(2)(b).

Council is to amend the planning proposal for clarity purposes. The *Introduction*, *Intended Outcomes* and *Explanation of Provisions* are inadequate and contain information that is considered superfluous. Council is to consult with the Department's Regional Team to ensure the planning proposal is in a form that is acceptable for exhibition purposes.

Council is to address the planning proposal's inconsistencies with the following S117 Directions:

- 2.3 Heritage Conservation – particularly in regard to aboriginal heritage.
- 3.5 Development Near Licensed Aerodromes – this Direction specifies that the RPA must also take into consideration the Obstacle Limitation Surface (OLS) and obtain permission from the Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to submitting the plan for making.

- 4.1 Acid Sulfate Soils – the site is affected by a range of acid sulphate soils, and Council is therefore required to assess the appropriateness of the land use changes, and any excavation works associated with the flood mitigation works.
- 4.3 Flood Prone Land – an updated flood study and evacuation plan are required. The updated flood study should identify any cut and fill arrangements required to provide for an appropriate extent of residential development.
- 4.4 Planning for Bushfire Protection – a bushfire risk assessment study is required to identify appropriate locations and dimensions for the asset protection zones within the subject land.

Council is advised that there are three S117 Directions that have not been identified and considered in the planning proposal, namely: 2.1 Environmental Protection Zones; 6.2 Reserving Land for a Public Purpose; and 7.1 Implementation of the Metropolitan Plan for Sydney 2036. These are to be addressed prior to exhibition.

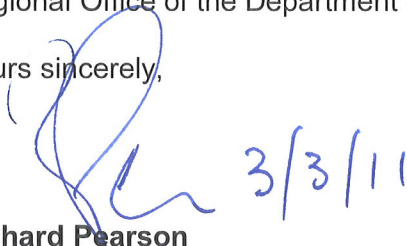
Council is to ensure that the boundary between the residential and open space land uses is clearly identified in the mapping and that all mapping provided with the planning proposal is clear, and identifies the relevant outcomes of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks of receiving Gateway approval of the form of the planning proposal. Council's request for the Department to draft and finalise the LEP should be made six (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 Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Michael Druce of the Regional Office of the Department on 02 9873 8564.

Yours sincerely,



Richard Pearson
Deputy Director General
Development Assessment and Systems Performance

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BANKS_001_00): to rezone certain land in Milperra (known as the Riverlands Golf Course site) to allow for low density housing and the continuation of part of the site for open space.

I, the Deputy Director General, Development Assessment & Systems Performance as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Bankstown Local Environmental Plan 2001 to rezone certain land in Milperra (known as the Riverlands Golf Course site) to allow for low density housing and the continuation of part of the site for open space should proceed subject to the following conditions:

1. Council is to address inconsistencies with S117 Directions 2.3 Heritage Conservation, 3.5 Development Near Licensed Aerodromes, 4.4 Planning for Bushfire Protection, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land and is to consult with the Department's Regional Team to ensure that planning proposal is in a form that is acceptable prior to exhibition.
2. Council is to undertake an assessment of the rezoning against S117 Directions 2.1 Environmental Protection Zones, 6.2 Reserving Land for a Public Purpose, and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 prior to exhibition.
3. Council is not to commence exhibition until the amendments have been made to the planning proposal to reflect the requirements of the determination, and has been resubmitted to the Director General for further concurrence in accordance with section 56(2)(b) of the EP&A Act.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Sydney Metro
 - Department of Environment, Climate Change and Water
 - National Parks and Wildfire Service
 - NSW Rural Fire Service
 - Roads and Traffic Authority
 - State Emergency Service
 - Adjoining LGA's

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 3rd day of March 2011.



Richard Pearson
Deputy Director General
Development Assessment and Systems Performance
Delegate of the Minister for Planning