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Our ref: PP_2013_BANKS_001_00 (13/18257)
Your ref:

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

Dear Mr Stewart,

Planning proposal to amend Bankstown Local Environmental Plan 2001

I am writing in response to your Council's letter dated 18 October 2013 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 land use table for the 2(b) Residential and 3(b) Business zones and implement the Local Area Plan for the North West Local Areas of Bass Hill, Chester Hill, Georges Hall, Landsdowne, Sefton and Villawood East by amending zoning, height, heritage, biodiversity protection and floor space ratio maps.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 3.5 Development Near Licenced Aerodromes, 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

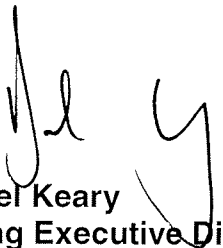
The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should 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 Minister may take action under section 54(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, I have arranged for Ms Lillian Charlesworth, of the regional office of the Department, to assist you. Ms Charlesworth can be contacted on (02) 9860 1560.

Yours sincerely,

 11/12/13
Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_BANKS_001_00): to amend the land use table and associated development standards to implement the North West Local Area.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Bankstown Local Environmental Plan (LEP) 2001 to amend the land use table for the 2(b) Residential and 3(b) Business zones and implement the Local Area Plan for the North West Local Area by amending zoning, height, heritage, biodiversity protection and floor space ratio maps should proceed subject to the following conditions:

1. Council is to clearly identify how the planning proposal will amend the draft Bankstown LEP 2013, if necessary, in order that the amendment may proceed irrespective of the timing of the finalisation of Council's Standard Instrument LEP. Council should include an explanation of the relationship of the amendment to controls for the subject land under the draft Bankstown LEP 2013.
2. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - (a) The Introduction and Part 1 – 'Intended Outcomes' are to be corrected to identify that the planning proposal applies to the entire LGA, not just the North West Local Area. An explanation is to be included regarding proposed changes to the land use tables.
 - (b) Part 1 of the planning proposal is to include the following information from the report to Council dated 24 September 2013:
 - details under the heading of "proposed land use changes" contained on page 17;
 - the tables outlining proposed zoning changes contained on pages 11 - 15; and
 - the text under the heading "proposed floor space ratio and building height changes" on pages 17 and 18.
 - (c) Include the column "current use" from the table on page 21 of the Council report into the relevant table on page 7 of the planning proposal.
 - (d) Revise the planning proposal's attached maps to ensure that the maps exhibited are of a high enough resolution and size to enable the community's review of proposed controls on a site by site basis (eg. A3).
 - (e) Update the information on page 11 of the planning proposal regarding s117 Direction 3.1 Residential Zones to include a commentary on proposed changes to the land use tables and justify inconsistency with clause 4(a).

- (f) Update the information on page 12 of the planning proposal regarding s117 Direction 6.2 Reserving Land for Public Purposes to include the address of any sites proposed to be rezoned from open space and discuss whether this is consistent with the Direction.
 - (g) Include a commentary on the inconsistency with s117 Direction 6.3 Site Specific Provisions with regard to the proposed additional uses outlined on page 7 of the planning proposal.
 - (h) Reword the table in Part 2 - Explanation of Provisions to make it clear that various maps will be amended, not just the definition of these maps.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
- Transport for NSW (including Transport NSW, RMS and Railcorp)
 - Office of Environment and Heritage
 - Land and Housing Corporation; and
 - adjoining LGA's.

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.

Once the above consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken prior to exhibition.

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 a minimum of **28 days**; and
5. 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 LEPs* (Department of Planning & Infrastructure 2013).
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 **9 months** from the week following the date of the Gateway determination.

Dated 11th day of DECEMBER 2013.

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations & Regional
Delivery

Delegate of the Minister for Planning
and Infrastructure