



Contact: Michael Druce
Phone: (02) 9873 8500
Fax: (02) 9873 8599
Email: Michael.Druce@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2012_BANKS_001_00 (12/07042)

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

Dear Mr Stewart

Planning proposal to rezone land at Bullecourt Avenue, Milperra from 6(b) Private Open Space to 2(a) Residential

I am writing in response to your Council's letter dated 30 March 2012 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 land at Bullecourt Avenue, Milperra from 6(b) Private Open Space to 2(a) Residential to permit residential development on the land.

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

It is acknowledged that Council has provided sufficient information in the planning proposal for the Gateway to approve of the intended outcome for the purposes of exhibition. However, upon review of the form and content of the planning proposal, the Department considers that a number of amendments are necessary prior to the commencement of community consultation. The required changes are outlined in the attached Gateway determination. Council is to provide the Department's Regional Office with a copy of the revised planning proposal prior to public exhibition.

It is noted that Council has prepared a preliminary contamination assessment that found that the site may be suitable for residential development subject to the outcomes of a Stage 2 contamination assessment in accordance with State Environmental Planning Policy No 55 – Remediation of Land. Council is to undertake the Stage 2 contamination assessment as identified in the planning proposal. The Stage 2 assessment is to be placed on exhibition with the planning proposal and any changes required as a result of the study are to be made prior to the commencement of community consultation.

In relation to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, it is noted that the land is affected by flooding and further assessment is required to confirm the appropriate level of residential land use and the proposed flood

mitigation measures for the site. Therefore, Council is to ensure that sufficient flood analysis is included with the exhibition material for the purposes of community consultation.

It is noted that the site contains Endangered Ecological Communities and areas of regionally significant vegetation. Council is to consult the Chief Executive Officer of the Office of Environment and Heritage on the matter as per the requirements of S34A of the Environmental Planning and Assessment Act 1979, and should determine the extent of environmentally sensitive land and demonstrate consistency with the requirements of S117 Direction 2.1 Environmentally Sensitive Land, prior to the commencement of community consultation.

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 from the week following this determination. 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 8500.

Yours sincerely


Sam Haddad
Director-General

10/3/2012 .

Gateway Determination

Planning proposal (Department Ref: PP_2012_BANKS_001_00): to rezone land at Bullecourt Avenue, Milperra from 6(b) Private Open Space to 2(a) Residential

I, the Director General, 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 2001 to rezone land at Bullecourt Avenue, Milperra from 6(b) Private Open Space to 2(a) Residential should proceed subject to the following conditions:

1. Council is to amend the planning proposal prior to the commencement of community consultation as follows:
 - Part 1 Intended Outcomes – this part is to be amended to clearly describe the land to which the proposal applies, making reference to the relevant lots and/or parts of lots to be rezoned as identified on the land zoning map.
 - Part 2 Explanation of Provisions – Council is to review this part and ensure all changes to development controls and land zonings are explained, in addition to referencing the changes on the attached maps.

Council is to provide a copy of the revised planning proposal to the Department's Regional Office.

2. Council is to undertake the Stage 2 contamination assessment as identified in the planning proposal and make any amendments required as a result of the study prior to the commencement of community consultation.
3. In regards to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, Council is to ensure that adequate flood analysis is included with the exhibition material for the purposes of community consultation.
4. Council is to consult the Chief Executive Officer of the Office of Environment and Heritage in regards to the extent of environmentally sensitive land as per the requirements of S34A of the Environmental Planning and Assessment Act 1979. In doing so, Council is to demonstrate consistency with the requirements of S117 Direction 2.1 Environmentally Sensitive Land, prior to the commencement of community consultation.
5. 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)*.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage

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.

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

Dated 10th day of May 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning
and Infrastructure