



Planning &
Environment

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

Our ref: PP_2014_BANKS_001_00
Your ref:

Dear Mr Stewart

Planning Proposal to amend Bankstown LEP 2001

I am writing in response to Council's letter 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 LEP 2001 by rezoning four lots at Weigand Avenue, Bankstown from Zone 5 Special Uses (Railway Purposes) to Zone 2(c) Residential; to amend Schedule 2 by inserting 'community facilities' as an additional permitted use for the property located at 2E Weigand Avenue, Bankstown; and to reclassify seven council owned sites from Community Land to Operational Land.

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

I have also agreed that, subject to further confirmation of Railcorp's agreement, the Planning Proposal satisfies s117 Direction 6.2 Reserving Land for Public Purposes and its inconsistency with Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October, 2012. Given the nature of the proposal, I have decided to issue an authorisation for Council to exercise delegation to make the Plan. Should Council subsequently identify interests in the land it wishes to extinguish, Council will not be able to exercise the delegation. In this instance, Council will be required to submit the adopted plan to this office for finalisation, as the reclassification items will be required to be submitted by the Minister to the Governor for her approval.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's practice note PN09-003, *Classification and reclassification of public land through a local*

environmental plan. Your attention is drawn to the requirements under Attachment 2 of the practice note. A copy is enclosed for your information.

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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office at least 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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, please contact Ms Rachel, Cumming Director, Metropolitan Delivery Office (Parramatta) on 02 9860 1174.

Yours sincerely



Neil McGaffin 22.5.14
General Manager
Metropolitan Delivery
Growth Planning and Delivery

Encl: PN09-003, Classification and reclassification of public land through a local environmental plan.



Gateway Determination

Planning Proposal (Department Ref: PP_2014_BANKS_001_00): to amend the Bankstown LEP 2001 by rezoning four lots at Weigand Avenue, Bankstown from Zone 5 Special Uses (Railway Purposes) to Zone 2(c) Residential; to amend Schedule 2 by inserting community facilities as an additional permitted use for the property located at 2E Weigand Avenue, Bankstown; and to reclassify seven council owned sites from Community Land to Operational Land.

I, the General Manager, Metropolitan Delivery, Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Bankstown LEP 2001 by rezoning four lots at Weigand Avenue, Bankstown from Zone 5 Special Uses (Railway Purposes) to Zone 2(c) Residential; to amend Schedule 2 by inserting community facilities as an additional permitted use for the property located at 2E Weigand Avenue, Bankstown; and to reclassify seven council owned sites from Community Land to Operational Land should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to clarify within the planning proposal whether the properties at 2A, 2C and 2E Weingard Avenue are contaminated and, if necessary, include supplementary advice as part of the exhibition of the proposal, to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land.
2. Prior to exhibition: the 'Explanation of Provisions' section be updated to clarify that should Bankstown LEP 2001 be repealed by the making of Bankstown LEP 2014, the planning proposal will apply to the finalised (made) 2014 LEP. Further, it is to be made clear that, should this be this case, it is proposed to rezone the land subject to this planning proposal, located in Weigand Avenue, to the corresponding residential zone within the 2014 LEP. In this regard, it will be necessary for Council to specify, in addition to the proposed 2014 residential zone, other appropriate controls that may apply.
3. Prior to exhibition, Map 7 (p.16) of the planning proposal is to be amended to indicate the location of lots 221 and 223, DP 5675.
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
 - (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 LEPs* (Department of Planning & Infrastructure 2013).

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

- Roads and Maritime Services;
- Transport for NSW; and
- Railcorp;
- Office of Environment and Heritage.

In its consultation with Railcorp, Council is to confirm Railcorp's agreement to the removal of the special use zone for the land located in Weigand Avenue, Bankstown, to satisfy the requirements of section 117 direction: 6.2 Reserving Land for Public Proposes.

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.

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. However, a public hearing is required to be held into the matter in accordance with the Agency's practice note PN09-003, as the Planning Proposal involves a reclassification from community to operational.
7. Council is to ensure that the planning proposal addresses the Director General's requirements relating to reclassification of public land consistent with 5.5.4 of 'A Guide to preparing LEPs' and Council complies with the relevant requirements of the Agency's practice note PN09-003.
8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.


Neil McGaffin 22.5.14
General Manager
Metropolitan Delivery
Growth Planning and Delivery

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bankstown City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_BANKS_001_00	Planning proposal to amend the Bankstown LEP 2001 by rezoning four lots at Weigand Avenue, Bankstown from Zone 5 Special Uses (Railway Purposes) to Zone 2(c) Residential; to amend Schedule 2 by inserting community facilities as an additional permitted use on the property at 2E Weigand Avenue, Bankstown; and to reclassify seven council owned sites from Community land to Operational land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".


Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning and Delivery

22.5.14