

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 – part 1B
Donovan Street, Revesby Heights**

I am writing in response to Council's letter dated 26 March, 2014 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 rezone, amend the height and FSR controls and reclassify part 1B Donovan Street, Revesby Heights from community land to operational land.

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.

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. Given the nature of the proposal, however, I have decided to issue an authorisation for Council to exercise delegation to make the plan. This authorisation does not oblige Council to exercise the delegation should it decide that circumstances preclude taking this action.

I have also agreed that the planning proposal's inconsistency with s117 Direction 4.1 Acid Sulfate Soils is of minor significance. In relation to s117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes. No further approval is required in relation to these Directions.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the agency'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 agency 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 Lillian Charlesworth, Senior Planner at our Parramatta office on 02 9860 1101.

Yours sincerely,



16/4/2014

Rachel Cumming
Director Metropolitan Delivery (Parramatta)
Growth Planning and Delivery

Encl.

Gateway Determination

Planning Proposal (PP_2014_BANKS_002_00): to reclassify part 1B Donovan Street, Revesby Heights (Lot 4238 DP222163), from community land to operational land, rezone the land from 6(a) Open Space to 2(a) Residential, apply an FSR of 0.5:1 and a maximum height limit of 9m.

I, the Director Metropolitan Delivery (Parramatta) at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that the proposed amendment to the Bankstown Local Environmental Plan 2001 for part 1B Donovan Street, Revesby Heights, should proceed subject to the following conditions:

1. Council is to clearly identify under Part 2 – Explanation of Provisions, how the planning proposal will amend draft Bankstown LEP 2013 (to be renamed Bankstown LEP 2014) should draft LEP 2013 be made prior to the finalisation of this planning proposal. Council should specify the zone and controls that are to apply under the draft plan, if made.
2. Council is to ensure the planning proposal addresses the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of *A Guide to Preparing LEPs* and Council complies with the relevant requirements of the agency's practice note PN09-003.
3. Prior to public exhibition, the planning proposal is to be amended to indicate the area (in square metres) of the subject land parcel and state that the land is owned by Council.
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;
 - Office of Environment and Heritage; and
 - NSW Rural Fire Service.

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. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of s117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

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. 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
8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

R Cumming
16/4/2014

Rachel Cumming
Director Metropolitan Delivery (Parramatta)
Growth Planning and Delivery
Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bankstown Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_002_00	Planning proposal to reclassify part 1B Donovan Street, Revesby Heights (Lot 4238 DP222163), from community land to operational land, rezone the land from 6(a) Open Space to 2(a) Residential, apply an FSR of 0.5:1 and a maximum height limit of 9m.

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



16/4/2014

Rachel Cumming
Director Metropolitan Delivery (Parramatta)
Growth Planning and Delivery
Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure