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Our ref: PP_2012_BANKS_002_00 (11/22536)

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

Dear Mr Stewart,

Planning proposal to amend the Bankstown Local Environmental Plan (LEP) 2001

I am writing in response to your Council's letter dated 29 June 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 (LEP) 2001 to make various amendments to planning controls in the Bankstown CBD.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.5 Development Near Licensed Aerodromes, Direction 6.2 Reserving Land for Public Purposes and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

In relation to S117 Direction 3.1 Residential Zones, Council is to revise Part 3 of the planning proposal to address the reduction in permissible residential density of land along Oscar Street.

Council is to also complete its floodplain risk management plan for Salt Pan Creek to address any inconsistency with Direction 4.3 Flood Prone Land.

It is noted that Council will obtain approval from relevant State agencies concerning the zoning of their land for open space purposes under Direction 6.2 Reserving Land for Public Purposes.

Council is to revise Part 2 of the proposal to identify whether any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting land being reclassified are to be discharged and to address issues regarding the concurrence of landowners.

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*.

The Department's most recent model provision for biodiversity is attached and Council is encouraged to exhibit it with the planning proposal.

It is noted that Council's principal Standard Instrument LEP has recently received a Gateway determination to allow for its exhibition. Consequently, Council should also consider the timing of its comprehensive LEP and may wish to amend the planning proposal to detail how it will proceed if the Comprehensive LEP is notified prior to the making of the LEP subject to this planning proposal.

Council is to include any urban design analysis it has undertaken that supports the proposed height and floor space ratio controls, as part of the exhibition material. This is to include justification for the reduction in floor space ratio and permissible residential density and information that demonstrates that the bonus floor space ratio scheme is achievable. Landowners of properties affected by reductions in floor space ratio and permissible residential density are to be consulted directly as part of the public exhibition process.

Council should ensure that maps which are placed on public exhibition are high resolution and of an appropriate size to allow for community consultation. The zoning map is to be amended to include a key and identify the subject land. Council is also to exhibit current zoning, floor space ratio and height of building maps and any other relevant maps that apply to the subject site to show clearly the proposed changes being sought.

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 as soon as possible following agency consultation. 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 Tim Archer of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,



Sam Haddad
Director-General

27/7/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_BANKS_002_00): to amend the Bankstown Local Environmental Plan (LEP) 2001 to make various amendments to planning controls in the Bankstown CBD.

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 (LEP) 2001 to make various amendments to planning controls in the Bankstown CBD should proceed subject to the following conditions:

1. 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW (including RMS and Railcorp)
 - NSW State Emergency Service
 - Sydney Water
 - Office of Environment and Heritage
 - NSW Police
 - Telstra
 - Family and Community Services (Housing NSW)
 - Origin (Integral Energy)
 - Adjoining local councils

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.

Council is also to consult directly with landowners affected by the proposed reduction in Floor Space Ratio / Height Controls.

3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



**Planning &
Infrastructure**

Dated 27th day of July 2012.

SHaddad

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