



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

Our ref: PP_2016_BANKS_001_00 (15/12685)

Attention: Mr Mauricio Tapia

Dear Mr Stewart

Planning proposal to amend Bankstown Local Environmental Plan 2015

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to amend clause 4.4A - Additional gross floor area for more sustainable development in Bankstown CBD commercial core, of *Bankstown Local Environmental Plan 2015*.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 6.3 – Site Specific Provisions is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 3.5 – Development near Licensed Aerodromes. Council should ensure this occurs prior to the plan being made.

I note that Council has identified in its planning proposal that it only seeks to make a minor textual change to clause 4.4A. Council is requested to identify a general statement of intent, for example, to provide greater flexibility in the application of height and floor space ratio standards instead of a drafted clause. Further, Council is encouraged to review the clause in its entirety to ensure that it meets the intended outcomes. In particular, the reference to floor space ratio in one subclause, and reference to gross floor area in another subclause.

Plan making powers were delegated to councils in October 2012. It is noted that Council has now accepted this delegation. 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 of Planning and Environment 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 Commission may take action under section 54(2)(d) of the 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 Tessa Parmeter of the Department's regional office to assist you. Ms Parmeter can be contacted on (02) 9860 1555.

Yours sincerely



09/05/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_BANKS_001_00): to amend clause 4.4A of Bankstown Local Environmental Plan 2015.

I, the Director, Sydney Region West, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Bankstown Local Environmental Plan 2015* to amend clause 4.4A - Additional gross floor area for more sustainable development in Bankstown CBD commercial core, should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to:
 - a. amend the explanation of provisions to clearly explain what is intended in the planning proposal i.e. to identify a general statement of intent to provide greater flexibility in the application of height and floor space ratio standards, instead of identifying a textual amendment to clause 4.4A;
 - b. amend the explanation of provisions to identify that additional drafting changes may occur to achieve the intended planning outcome.
2. Following agency consultation and public exhibition, readdress the consistency of the planning proposal with Section 117 Direction 3.5 – Development near licenced aerodromes.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Commonwealth Department of Infrastructure and Regional Development, and
 - Bankstown Airport Limited

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.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 9 day of May 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission