NSW GOVERNMENT | Planning & Environment

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

15/18369

Dear Mr Stewart

Planning proposal to amend the Bankstown Local Environmental Plan 2015 – PP_2015_BANKS_002_00 – to amend development standards at Nos. 83-99 North Terrace and 62 The Mall, Bankstown

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* for the above planning proposal.

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

I note that the planning proposal offers two potential amendments to facilitate a development on the site. One option will be implemented if the proponent agrees to execute a planning agreement with Council, while the other option will be contemplated if no agreement is reached. I also note that Council intends the concurrent exhibition of a development application for the site. I would encourage Council to ensure these options are made clear to the community when the planning proposal and development application are exhibited.

I have agreed that any inconsistency with Section 117 Direction 6.3 – Site Specific Provisions, is of minor significance. No further approval is required in relation to this direction. Further consultation, however, with Commonwealth Department of Infrastructure and Regional Development, Civil Aviation Safety Authority (CASA) and Airservices Australia is to be undertaken in order to satisfy Section 117 Direction 3.5 – Development near Licensed Aerodromes.

It is understood that Council intends to undertake an OLS/PANS-OPS airspace analysis report to inform the planning proposal. Council is to advise the Metropolitan Office (Parramatta) prior to exhibition if a change is proposed to the planning proposal as a result of this study.

The Gateway determination requires that the planning proposal be made publicly available for a period of at least 28 days.

The amendment to the Local Environmental Plan is to be finalised within nine (9) months of the week following the Gateway determination. Council should commence exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the Plan should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the process to the complexity of the proposal, and by providing clear and transparent justification for each plan at an early stage. To meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the timeframes in this determination is not met.

Should you have any further enquiries, please contact Tessa Parmeter, Metropolitan (Parramatta) at the Department, on (02) 9860 1555.

Yours sincerely

Brett Whitworth 22 January 2016

Brett Whitworth
Acting Executive Director
Regions

NSW GOVERNMENT | Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_BANKS_002_00): to insert a provision within Bankstown Local Environmental Plan 2015 to amend the development standards at Nos. 83-99 North Terrace and 62 The Mall, Bankstown.

I, the Acting Executive Director, Regions, Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Bankstown Local Environmental Plan 2015 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to:
   a. include a note that the proposed 'site specific clause (Part 2 - Explanation of Provisions - page 2), has not been the subject of legal drafting and may be altered in the legal drafting process;
   b. insert a map identifying the current maximum height of buildings and floor space ratio applying to the site and the proposed maximum height of building and proposed floor space ratio for the site, and the controls in the immediate surrounding area; and
   c. Insert a map which provides the location of the site in relation to the Bankstown Central Business District.

2. a. Prior to public exhibition, Council is to prepare an OLS/PANS-OPS airspace analysis report to inform the planning proposal.
   b. Once the OLS/PANS-OPS airspace analysis report has been prepared, and during the exhibition stage, Council is to further consult with the Commonwealth Department of Infrastructure and Regional Development, Civil Aviation Safety Authority (CASA) and Airservices Australia, in respect to consistency with Section 117 Direction 3.5 – Development near licensed aerodromes.
   c. Council is to advise the Metropolitan (Parramatta) Office if amendments to the planning proposal are required as a result of this additional study and consultation.

3. Council is to include appropriate advice on urban design and an assessment of any potential impacts to support the planning proposal with the exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 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 Local

Environmental Plans (Planning and Infrastructure, 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:
    - Transport for NSW
    - Transport for NSW – Roads and Maritime Services
    - Sydney Water
    - Ausgrid

   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.

6. No public hearing is required to be held into the matter 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).

7. The time-frame for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Brett Whitworth 22 January 2016

Brett Whitworth
Acting Executive Director
Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning