



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

Dear Mr Stewart

Planning Proposal PP_2017_CBANK_002_00 to amend Bankstown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Bankstown Local Environmental Plan 2015 by including an additional permitted use for a garden centre and applying a maximum floor space ratio of 0.4:1 at Lot 2 DP 576251, 479 Henry Lawson Drive, Milperra.

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 justified in accordance with the terms of the direction. 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, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided 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 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 6

weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Greater Sydney 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 further enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on (02) 9860 1548.

Yours sincerely



22 November 2017

Craig Diss
Acting Director – Sydney Region West
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CBANK_002_00): to amend Bankstown Local Environmental Plan 2015 by including an additional permitted use for a garden centre and applying a maximum floor space ratio of 0.4:1 at Lot 2 DP 576251, 479 Henry Lawson Drive, Milperra.

I, the Acting 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 Bankstown Local Environmental Plan 2015 to include an additional permitted use for a garden centre and apply a maximum floor space ratio of 0.4:1 at Lot 2 DP 576251, 479 Henry Lawson Drive, Milperra should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended, as follows:
 - (a) inclusion of consideration of the proposal's consistency with Our Greater Sydney 2056 – a metropolis of three cities;
 - (b) inclusion of consideration of the proposal's consistency with the Draft Revised South District Plan;
 - (c) amendment of the proposal to clarify that the development of the garden centre is consistent with the safe operation of Bankstown Airport;
 - (d) inclusion of an updated project timeline detailing the tasks associated with plan making delegation; and
 - (e) inclusion of an appropriate study(s) that assesses flooding issues associated with:
 - the likely effect of the proposal on adjacent or downstream land;
 - the cumulative impact on the Georges River or its tributaries; and
 - an assessment of the quantity and quality and ground water flows to the adjacent coastal wetlands.
2. Community consultation is required under section 56(2)(c) and 57 of the Act, as follows:
 - (a) the planning proposal must be publicly available for a minimum period of **28 days**; and
 - (b) the relevant planning authority must comply with the notice of 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* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2) of the Act and/or to comply with the requirements of relevant S 117 directions:
 - Transport for NSW;
 - Roads & Maritime Services;
 - NSW Rural Fire Service;
 - Environment Protection Authority;
 - Office of Environment & Heritage;
 - Sydney Water;
 - Ausgrid; and
 - the Department of the Commonwealth responsible for aerodromes and the lease of the Bankstown aerodrome.

Each public authority is to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment on the proposal.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 22 day of November 2017.



Craig Diss
Acting Director – Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Canterbury Bankstown Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_CBANK_002_00	Planning proposal to amend Bankstown Local Environmental Plan 2015 by including an additional permitted use for a garden centre and applying a maximum floor space ratio of 0.4:1 at Lot 2 DP 576251, 479 Henry Lawson Drive, Milperra

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 22 November 2017

Craig Diss
Acting Director – Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Secretary
of the Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_CBANK_002_0
Date Sent to DP&E under s56	3/11/17
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	22/11/17

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: