



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

Dear Mr Stewart,

Re: Planning Proposal PP-2021- 5181to amend Bankstown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of planning proposal PP-2020-922 to amend the *Bankstown Local Environmental Plan 2015* as it applies to land at 165-185 Hume Highway, Greenacre.

I am pleased to advise that as the delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed, subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Ministerial Direction 2.6 Remediation of Contaminated Land. I have conditioned the Gateway determination to require further justification for the inconsistency with this Direction. This is to be satisfied prior to public exhibition. The planning proposal is also to be updated prior to public exhibition to address each of the other conditions in the enclosed Gateway determination.

Given the nature of the planning proposal and the outstanding inconsistency with section 9.1 Ministerial Direction 2.6 Remediation of Contaminated Land, and to ensure consistency with the comprehensive LEP and the Department's Employment Zone reform work I have determined not to condition the Gateway for Council to be the local plan-making authority.

The planning proposal 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.

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 planning 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 3.32(2)(d) of the Act if the timeframes outlined in this Gateway determination are not met.

Should you have any enquiries about this matter, I have arranged for Louise McMahon, Manager, Agile Planning and Programs, to assist you. Ms McMahon can be contacted on 9274 6395.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'LL' or 'Laura Locke', written in a cursive style.

20 August 2021
Laura Locke
Director, Eastern and South Districts Greater
Sydney, Place and Infrastructure

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2021-5181): to amend the *Bankstown Local Environmental Plan 2015* as it applies to land at 165-185 Hume Highway, Greenacre by rezoning part of the land from B6 - Enterprise Corridor to RE1 - Public Recreation, amending the maximum building height to part 20 metres, part 17 metres and part 11 metres, amending the depth of the 11 metre building height control adjoining the Hume Highway from 20 metres to 12 metres and amending the maximum floor space ratio (FSR) to part 1:1 and part 1.3:1, of which a minimum FSR of 0.3:1 needs to be allocated for non-residential purposes in the 1.3:1 FSR portion of land.

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act), that amendments to the *Bankstown Local Environmental Plan 2015* as it applies to land at 165-185 Hume Highway, Greenacre by rezoning part of the land from B6 - Enterprise Corridor to RE1 - Public Recreation, amending the maximum building height and amend the maximum FSR should proceed, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a) Outline the estimated number of dwellings that are possible in a development utilising the existing land-use controls for the site, as well as in the anticipated future development utilising the proposed provisions.
 - b) Update 'Part 3, Section B - 4.6' to address Council's Housing and Affordable Housing Strategy.
 - c) Update Section 9.1 Ministerial Direction related commentary to:
 - a. Remove discussion on Direction 7.1, as this Direction was revoked on 9 November 2020.
 - b. Outline the applicable Section 9.1 Ministerial Directions in chronological order in 'Part 3, Section B - 6'.
 - c. Outline the planning proposal's compliance with the following Section 9.1 Ministerial Directions, which have not yet been addressed by Council:
 - i. Direction 2.6 – Remediation of Contaminated Land.
 - ii. Direction 5.10 – Implementation of Regional Plans.
 - iii. Direction 6.1 – Approval and Referral Requirements.
 - iv. Direction 6.3 – Site Specific Provisions.
 - d. Update Attachment B to reflect the latest DPIE 'List of local planning directions issued by the Minister on or after 1 July 2009' document dated 14 July 2021.
 - e. Provide additional information to address consistency with 9.1 Direction 4.3 Flood Prone Land as amended 14 July 2021
 - d) Include an additional section to address traffic and parking impacts, including proposed access arrangements.

- e) Update 'Part 5 – Community Consultation' to reflect required consultation with Transport for NSW and relevant utility and service providers, including Sydney Water.
 - f) Update 'Part 6 – Project Timeline' to reflect the Gateway Determination dates and the 9 month timeframe.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- a) The planning proposal must be made publicly available for a minimum of 28 days; and
 - b) The planning proposal 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 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial Directions:
- Transport for NSW.
 - Relevant utility and service providers, including Sydney Water.
- 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 planning proposal.
4. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority.
5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
6. The planning proposal must be reported to council for a final recommendation 6 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.



Dated 20 August 2021

Laura Locke
Director, Eastern and South Districts
Greater Sydney, Place and
Infrastructure

Delegate of the Minister for Planning
and Public Spaces

