



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

Dear Mr Stewart

Planning proposal PP_2019_CBANK_005_00 to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012

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) and the additional information received on 4 November 2019, 28 November 2019, 13 December 2019 and 17 December 2019 in respect of the planning proposal to consolidate Bankstown Local Environmental Plan (LEP) 2015 and Canterbury LEP 2012 into a new combined LEP, to be known as Canterbury-Bankstown LEP.

As 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.

I thank the Council staff for their cooperation to collaboratively resolve and clarify aspects of the proposal submitted. Subsequently I have determined that the proposed Canterbury-Bankstown LEP is to be limited to key elements including the consolidation of Bankstown LEP 2015 and Canterbury LEP 2012, inclusion of the design quality requirements and the progression of the Local Area Plans (LAPs).

While the amendments will progress a key initiative for better design outcomes and finalise previous strategic planning work for the LAPs, the resultant unified LEP will provide the foundation for further LEP amendments to realise the aspirations identified in Council's Local Strategic Planning Statement.

While I recognise the intent of seeking to provide consistent and united land use and development controls for residential development across the local government area, I have decided to exclude these changes from the scope of this proposal.

The reasons for this are that further evaluation is needed to understand the consequences of proposed amendments in terms of housing diversity and capacity. Additionally, these changes are sought ahead of Council completing its Local Housing Strategy. Therefore, in seeking to consolidate the LEPs the controls and land use permissibility for residential development is required to remain the same as currently afforded under Bankstown LEP 2015 and Canterbury LEP 2012.

As council progresses its Local Housing Strategy, I invite Council to work with the Department in preparing a further planning proposal that can finalise the work to harmonise residential land uses and controls across the local government area in the consolidated LEP. This will ensure that proposed changes will support and give effect to the Local Housing Strategy directions and recommendations.

Other more minor proposed amendments originally sought can also form part of this subsequent or separate planning proposals where further detail and justification is provided in support.

Given the wide-ranging nature of the LEP amendments, I have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within **nine months** of the date of the Gateway determination. However, it is acknowledged that to meet the priority funding arrangements Council is required to submit its LEP to the Department for finalisation by 31 June 2020.

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

Should you have any enquiries about this matter, I have arranged for Ms Teresa Gizzi to assist you. Ms Gizzi can be contacted on 8275 1124.

Yours sincerely



20 February 2020

Amanda Harvey
Acting Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2019_CBANK_005_00): to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 to create a single Local Environmental Plan for the Canterbury-Bankstown local government area.

I, the Acting Executive Director, Eastern Harbour City 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 the repeal of Bankstown Local Environmental Plan (LEP) 2015 and Canterbury Local Environmental Plan 2012 and the creation of a single consolidated local environmental plan for the Canterbury-Bankstown local government area should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) update and clearly describe the objectives and intended outcomes in accordance with *A guide to preparing planning proposals*, having regard to the conditions of this Gateway determination.
 - (b) update the explanation of provisions to clearly describe the proposal, consistent with *A guide to preparing planning proposals*.
 - (c) limit the planning proposal to the following:
 - i. to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 as follows:
 - update and rationalise the aims, objectives, land use tables and planning provisions;
 - preclude any changes to the permissibility of residential land uses or development standards; and
 - preclude rezoning of any land other than that included in the Local Area Plans;
 - ii. introduce a design quality clause; and
 - iii. include the implementation of the Local Area Plans, including further proposed modifications.
 - (d) omit the following items:
 - i. reclassification of certain drainage reserves from community to operational land;
 - ii. rationalisation of the former Canterbury and former Bankstown Councils' R2 Low Density Residential and R3 Medium Density Residential zones;
 - iii. introduction of special character areas;
 - iv. amendments to dual occupancy controls; and
 - v. prohibition of medium density housing in the R2 Low Density Residential zone, which has been dealt with under a separate planning proposal.

- (e) provide details of the consolidated Canterbury Bankstown Local Environmental Plan and justification for any proposal changes.
 - (f) provide details of the Local Area Plans, including proposed changes and supporting justification.
 - (g) incorporate the planning proposal relating to 1 – 17 Segers Avenue, Padstow into the planning proposal.
 - (h) provide details of the design quality clause, including criteria for its application and the heads of consideration.
 - (i) include mapping in accordance with *A guide to preparing planning proposals*.
 - (j) update Attachment A and Attachment B to provide a detailed consideration of the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
 - (k) include detailed information to demonstrate consistency with the Greater Sydney Region Plan, South District Plan and Council's Local Strategic Planning Statement (as current at the time of preparing the updated planning proposal).
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/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Transport for NSW
 - Department of Premier and Cabinet – NSW Heritage
 - Department of Planning, Industry and Environment – Environment, Energy and Science
 - Department of Planning, Industry and Environment – Crown Lands
 - NSW Environment Protection Authority
 - NSW Health
 - NSW Department of Education
 - Department of Infrastructure, Transport, Regional Development and Communications
 - Civil Aviation Safety Authority
 - Bankstown Airport
 - Sydney Water
 - Electricity provider
 - State Emergency Service

- adjoining local Councils

Each public authority/organisation 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council has not been granted delegation to be the local plan-making authority.

Dated 20th of February 2020



Amanda Harvey
A/Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and Public
Spaces