

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

Our ref: IRF22/183

Dear Mr Stewart,

**Planning proposal PP-2022-239 to amend the Canterbury Local Environmental Plan 2012**

I am writing in response to the 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-2022-239, which seeks to rezone 34 Allan Street, Belmore from Zone RE1 Public Recreation to Zone R3 Medium Density Residential and remove it from the Land Reservation Acquisition map as well as rezone Benda Street reserve from Zone R3 Medium Density Residential to Zone RE1 Public Recreation.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes at 34 Allan Avenue on the basis the site has not been used for public recreation and in conjunction with the rezoning of the Benda Street reserve there will be no next loss of land zoned for open space in the area.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised within **six months** from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within one month from the date of the Gateway determination.

Should Council seek to make the proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Renee Coull assist you. Ms Coull can be contacted on (02) 9995 6632.

Yours sincerely



**Laura Locke**  
**Director**  
**Eastern and South District**

**14/04/2022**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-239):** to rezone land at 34 Allan Avenue, Belmore, and Benda Street Reserve, Belmore.

I, the Director, Eastern and South District, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canterbury Local Environmental Plan 2012 to rezone land at 34 Allan Avenue, Belmore from Zone RE1 Public Recreation to Zone R3 Medium Density Residential and remove it from the Land Acquisition Map, and to rezone Benda Street Reserve, Belmore from Zone R3 Medium Density Residential to Zone RE1 Public Recreation, as well as amending Floor Space Ratio, Height of Building and Lot Size controls for both sites, should proceed subject to the following conditions:

1. The planning proposal (including attachments) is to be revised prior to public exhibition to address the matters set out below:
  - (a) update 'Appendix A – State Environmental Planning Policies' to reflect the current names and numbering noting the changes effective from 1 March 2022, and to remove repealed SEPPs;
  - (b) correct spelling of Allan Avenue from 'Allen Avenue'; and
  - (c) clarify the land ownership of Benda Street Reserve.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 10 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within one month following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies or organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - (a) Sydney Water; and
  - (b) Ausgrid.

Each public authority or organisation is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 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).

5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
  - (c) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (d) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (e) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 14 October 2022.

Dated 14 day of April 2022.



**Laura Locke**  
**Director, Eastern and South District**  
**Greater Sydney Place and Infrastructure**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Homes**