

Gateway Determination

Planning proposal (Department Ref: PP_2018_CBANK_002_00): to introduce site area controls for boarding houses in the former Canterbury Local Government Area.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 (LEP) 2012 to introduce site area controls for boarding house in the former Canterbury Local Government Area should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to:
 - (a) reflect the updated *Environmental Planning and Assessment Act 1979*;
 - (b) demonstrate consistency with A Metropolis of Three Cities - the Greater Sydney Region Plan and the South District Plan;
 - (c) update the timeline to reflect a 12-month timeframe for completion of the LEP;
 - (d) remove boarding house provisions that relate to the B6 Business Enterprise Zone;
 - (e) provide further analysis and justification to support the proposal. This should include, but not be limited to:
 - i. annual figures regarding boarding house and boarding room approvals under Bankstown LEP 2015 and Canterbury LEP 2012;
 - ii. evaluation of the number of lots appropriate for boarding houses under the proposed controls;
 - iii. further discussion on the boarding house appeals in the Land and Environment Court that are identified in Council's report of 12 December 2017;
 - iv. examples of boarding house developments that were subject to the proposed site area controls in the former Bankstown LGA that demonstrate the desired design outcomes; and
 - (f) provide explanation as to why not all boarding house provisions in the Bankstown LEP 2015 are proposed to be duplicated in the Canterbury LEP 2012.
2. The revised planning proposal is to be provided to the Department for review and approval for public exhibition.
3. Community consultation 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
- 4. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
- 5. 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).
- 6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 2nd day of May 2018


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission