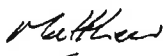




Mr Matthew Stewart
General Manager
City of Canterbury Bankstown Council
PO Box 8
BANKSTOWN NSW 1885


Dear Mr Stewart

Planning proposal to 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* in respect of the planning proposal seeking amendments to the Bankstown Local Environmental Plan 2015 in response to the Low Rise Medium Density Housing Code.

In response to your request, the Minister for Planning agreed that the Canterbury Bankstown area would be deferred from the commencement of the Code until 1 July 2019. This deferral gives Council the opportunity to work closely with the community and industry to provide housing controls that reflect the character of the area.

I acknowledge Council's need for the planning proposal, which is based on the desire to maintain the intent of low-density residential zones under the Bankstown LEP 2015 and to seek consistency with the Canterbury LEP 2012.

I note Council's concerns relating to inconsistencies in controls for dual occupancy development in the Code with Council's own local requirements. Consequently, I understand Council's desire to ensure a consistent approach to dual occupancy development throughout the LGA for complying development and development approved under Council's LEPs.

In response, Council has sought to amend the Codes SEPP as part of its proposal. While this approach is not possible, Council could consider other complementary LEP amendments, such as alteration of the minimum lot size for this development under its LEPs. This would enable this type of development to better correspond to the dual occupancy requirements of the Code (which in part relies on Council's LEPs) while at the same time seeking to reflect the low-density characteristics sought by Council for dual occupancy development.

Before the planning proposal can be exhibited, additional information is required to support and clearly explain the effect of the amendments on the community in relation to housing supply and diversity within the area of the former Bankstown LGA as follows:

- the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential;
- the number of lots eligible for manor homes/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential and R3

Medium Density Residential zones, taking into account the Codes SEPP exclusions;

- the number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the past five years;
- whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
- include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes.

This additional information and alteration to the planning proposal is necessary to ensure a full understanding of the outcomes of changing the range of permissible uses in the R2 zone under the Bankstown LEP 2015 and how this may impact on the future provision of housing diversity in the local government area.

Based on the above and as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council will also need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposed changes.

I have also considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The proposal will need to be finalised by 1 July 2019, in time for the end of the deferral period for the Code. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible.

The Department is available to discuss these matters in more detail and I have arranged for Ms Laura Locke, Team Leader, Sydney Region East, to assist you. Ms Locke can be contacted on 8275 1307.

Yours sincerely


Stephen Murray
Executive Director, Regions
Planning Services 31 July 2018

Encl: Gateway determination