

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-2821): to amend the draft Consolidated Canterbury-Bankstown Local Environmental Plan known as Amendment 1.***

I, the Executive Director, Metro East and South 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 draft Consolidated Canterbury-Bankstown Local Environmental Plan known as 'Amendment 1' should not proceed as:

- The planning proposal contains several interdependencies with the draft Consolidated Canterbury-Bankstown LEP, which is yet to be finalised. It is considered that the draft Consolidated LEP should first be finalised to set a platform to consider the matters sought by the planning proposal and allow for a unified planning direction for the local government area.
- The proposals consistency with several Section 9.1 Ministerial Directions remains to be unresolved including: 1.1 Implementation of Regional Plans, 4.1 Flooding, 4.4 Remediation of Contaminated Land and 4.5 Acid Sulfate Soils.
- the planning proposal does not provide a sufficient evidence base to justify the down zoning and reduction in maximum FSRs proposed for various parcels of residential land. In this regard the proposed amendments are considered to be inconsistent with Section 9.1 Direction 6.1 Residential Zones and the Department's conditional approval for Council's Local Housing Strategy.
- The proposal does not adequately discharge interests in community land proposed to be reclassified to operational land.
- The proposal does not provide sufficient information to undertake strategic or site specific merit testing in relation to the proposed reclassification of community land.
- The proposal does not satisfactorily consider Practice Note *PN 16-001 Classification and reclassification of public land through a local environmental plan* or its associated information checklist.
- There is no Department endorsed statutory pathway or policy to include local character areas under Local Environmental Plans (LEPs).
- It is considered that a Development Control Plan (DCP) can adequately provide for local character controls without an amendment to the LEP. A DCP is also considered to allow greater flexibility for proponents and Council in applying appropriate local character provisions for specific development types.
- The planning proposal does not provide sufficient rationale or justification for the introduction of residential uses in established and future business zones. It is considered that the proposal does not satisfactorily address its consistency with Section 9.1 Direction 7.1 Business and Industrial Zones and Planning Priority S9.
- The planning proposal does not provide sufficient site-specific assessment to warrant the proposed rezoning of land from B5 Business Development to B6 Enterprise Corridor for 37 sites along the Hume Highway.
- The Department supports Council's intent to limit development in flood affected areas. However, regarding the proposed amendments pertaining to land at Picnic Point, the planning proposal does not adequately depict the extent of land to be affected by the

proposed amendments. Additionally, it is not clear how the planning proposal intends to implement the prohibition of sensitive land uses in Picnic Point.

- The mapping accompanying the proposal is not considered adequate for public exhibition. The mapping fails to depict various proposed amendments and does not portray the surrounding context of sites subject to the planning proposal.
- Whilst several amendments are minor or administrative in nature and the Department supports their inclusion in principle. The amendments are not supported by sufficient discussion to provide evidence for their inclusion.

Dated 20<sup>th</sup> day of February 2023.



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

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