

Gateway Determination

Planning proposal (Department Ref: PP-2022-564): to introduce a local character areas clause and associated maps

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 *Canada Bay Local Environmental Plan 2013* to introduce a local character areas clause and associated maps should not proceed for the following reasons:

1. There is no Department-endorsed statutory pathway or policy to include local character in LEPs.
2. The Independent Planning Commission has previously concurred with the Department's position that there is no Department-endorsed statutory pathway or policy to include local character in LEPs.
3. Issuing a Gateway determination would be inconsistent with the Department's endorsement of the Canada Bay Local Housing Strategy.
4. Council is seeking to introduce the LCAs into the LEP with the intention of applying for an exemption from the Low Rise Housing Diversity Code in the future. The Department does not support local character as a basis for any future exclusion of areas from the application of the Codes SEPP.
5. A Development Control Plan can adequately provide for local character controls in the Canada Bay LGA without an amendment to the LEP. A Development Control Plan also allows greater flexibility for proponents and Council in applying appropriate local character provisions for specific development types.

Dated 24th day of August 2022.



Amanda Harvey
Executive Director
Metro East and South
Department of Planning and Environment

Delegate of the Minister for Planning and Homes