

Gateway Determination

Planning proposal (Department Ref: PP-2024-536): to amend *Canterbury-Bankstown LEP 2023* to address certain matters deferred from finalisation of the consolidation of the former *Canterbury LEP 2012* and *Bankstown LEP 2015*.

I, the Director, Local Planning at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canterbury-Bankstown Local Environmental Plan 2023 to address certain matters that were deferred from the finalisation of the Canterbury-Bankstown LEP 2023 should proceed subject to the following

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the matters set out below and forwarded to the Minister under s 3.34(6) of the Act:
 - a) amend the objectives of the planning proposal to include the implementation of current land use strategies
 - b) update the intended outcomes of the planning proposal to clarify that 'early education and care facilities' in the RE2 Private Recreation zone are to be replaced with 'centre-based care facilities'
 - c) update the proposal to clarify the changes being sought in relation to the design excellence provisions
 - d) delete the proposed amendment to Clause 6.3(2) Stormwater Management and water sensitive urban design to remove the application of the clause to the RE1 Public Recreation land
 - e) update the planning proposal to address the matters identified in LEP practice note 'PN16-001 Classification and reclassification of public land through a local environmental plan' in relation to the proposed reclassification of 75A-75C Marco Avenue, Revesby, including:
 - i. provide a copy of the titles for all lots to be reclassified
 - ii. specify if the land is a 'public reserve' (defined under the LG Act)
 - iii. provide a summary of council's interests in the land including how the land was first acquired and the nature of any trusts or dedications
 - iv. advise whether an interest in land is proposed to be discharged and if so an explanation of the reasons why
 - v. provide details of current or proposed business dealings (e.g. agreement for the sale or lease of the land)
 - vi. provide any plan of management that applies to the land
 - vii. explain how Council will ensure the funds remain available to fund community infrastructure within the area or acquiring land better suited for open space purposes
 - viii. provide a Land Reclassification Map
 - f) update the planning proposal to address land use safety and hazard risk from the proposed increased density near the Moomba Sydney Ethane Pipeline, including:

- i. an assessment of the compatibility of the proposal with the hazard risk from the pipeline in accordance with the NSW Land Use Safety Planning Framework (the Framework). This will need to be demonstrated by a Land Use Safety Study (LUSS) prepared in accordance with the Framework.
Note: if relying on an existing LUSS please clarify that the proposal is consistent with density of development that was modelled in that LUSS
 - ii. the planning proposal will need to be updated to amend clauses 6.30 and 6.31 of Canterbury-Bankstown LEP 2023 (and associated maps) to ensure appropriate mechanisms are in place to address the land use safety and hazard risk.
- g) update the planning proposal package to include relevant background reports that support the rezoning of 75A-75C Marco Avenue, Revesby, including the South-East Local Area Plan
- h) amend the Urban Design Study for 75A-75C Marco Avenue Revesby to comply with the proposed height and floor space ratio controls for the site and demonstrate that the proposal can meet the requirements of the Apartment Design Guide
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 complex as described in the *Local Environmental Plan Making Guideline* and must be made publicly available for a minimum of 30 working 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 Guideline*.
3. Consultation is required with the following public authorities and government agencies 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 Act:
 - ARTC: Australian Rail Track Corporation
 - Department of Education/ Schools Infrastructure NSW
 - State Emergency Service
 - Sydney Water
 - Sydney Trains
 - Transport for NSW
 - Pipeline operators.

Each public authority 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 working 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 Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
5. A public hearing is required to be held in accordance with Section 29 of the Local Government Act 1993 and the Practice Note PN 16-001.
6. Council is not authorised to exercise the functions of the local plan-making authority.

7. The LEP should be completed within 12 months from the date of this Gateway determination.

Dated 27 May 2024

A handwritten signature in black ink, appearing to be 'F. No', written in a cursive style.

Felicity No
Director
Local Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and Public
Spaces