

Greater Sydney, Place and Infrastructure

Gateway determination report

LGA	Canterbury - Bankstown
PPA	City of Canterbury – Bankstown Council
NAME	Canterbury – Bankstown consolidated LEP
NUMBER	PP_2019_CBANK_005_00
LEP TO BE AMENDED	Repeals: <ul style="list-style-type: none"> • Bankstown Local Environmental Plan 2015 • Canterbury Local Environmental Plan 2012
ADDRESS	Canterbury – Bankstown LGA
DESCRIPTION	Consolidation of Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012
RECEIVED	17 December 2019
FILE NO.	IRF20/80
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to consolidate two environmental planning instruments, being Bankstown Local Environmental Plan 2015 (Bankstown LEP 2015) and Canterbury Local Environmental Plan 2012 (Canterbury LEP 2012), to create a comprehensive local environmental plan (LEP), which will apply across the entire local government area (LGA). The planning proposal is the first stage in the implementation of the Canterbury-Bankstown Local Strategic Planning Statement 'Connective City 2036' (LSPS).

The planning proposal submitted seeks to achieve the following:

- consolidate and harmonise the provisions in the Bankstown LEP and Canterbury LEP;
- rationalise the R2 Low Density Residential and R3 Medium Density Residential zones across the former Canterbury and Bankstown LGAs;
- adopt consistent minimum lot size and site width controls for dual occupancy development across the LGA; and

- include a design quality clause; and
- implement the recommendations of the Local Area Plans (LAPs) for the town centres at Yagoona, Birrong, Condell Park, Regents Park, Greenacre, Revesby, Padstow, Panania, East Hills and Chapel Road South.

The planning proposal also initially included reclassification of drainage reserves from community to operational land and the implementation of special character areas, however following discussions with the Department, Council advised in writing that Gateway determination for these elements is no longer sought.

1.2 Site description

The planning proposal applies to land within the Canterbury-Bankstown LGA as shown in **Figure 1**.



Figure 1: Planning Proposal Land Application Map (Source: Planning Proposal – Canterbury Bankstown LEP)

1.3 Existing planning controls

Currently, planning controls for the local government area of Canterbury Bankstown are set out in two separate planning instruments that align with the former local government area boundaries of the former Bankstown and Canterbury Councils as they existed prior to amalgamation.

Bankstown LEP 2015 applies to the former Bankstown LGA (**Figure 2**) and Canterbury LEP 2012 (**Figure 3**) applies to the former Canterbury LGA.

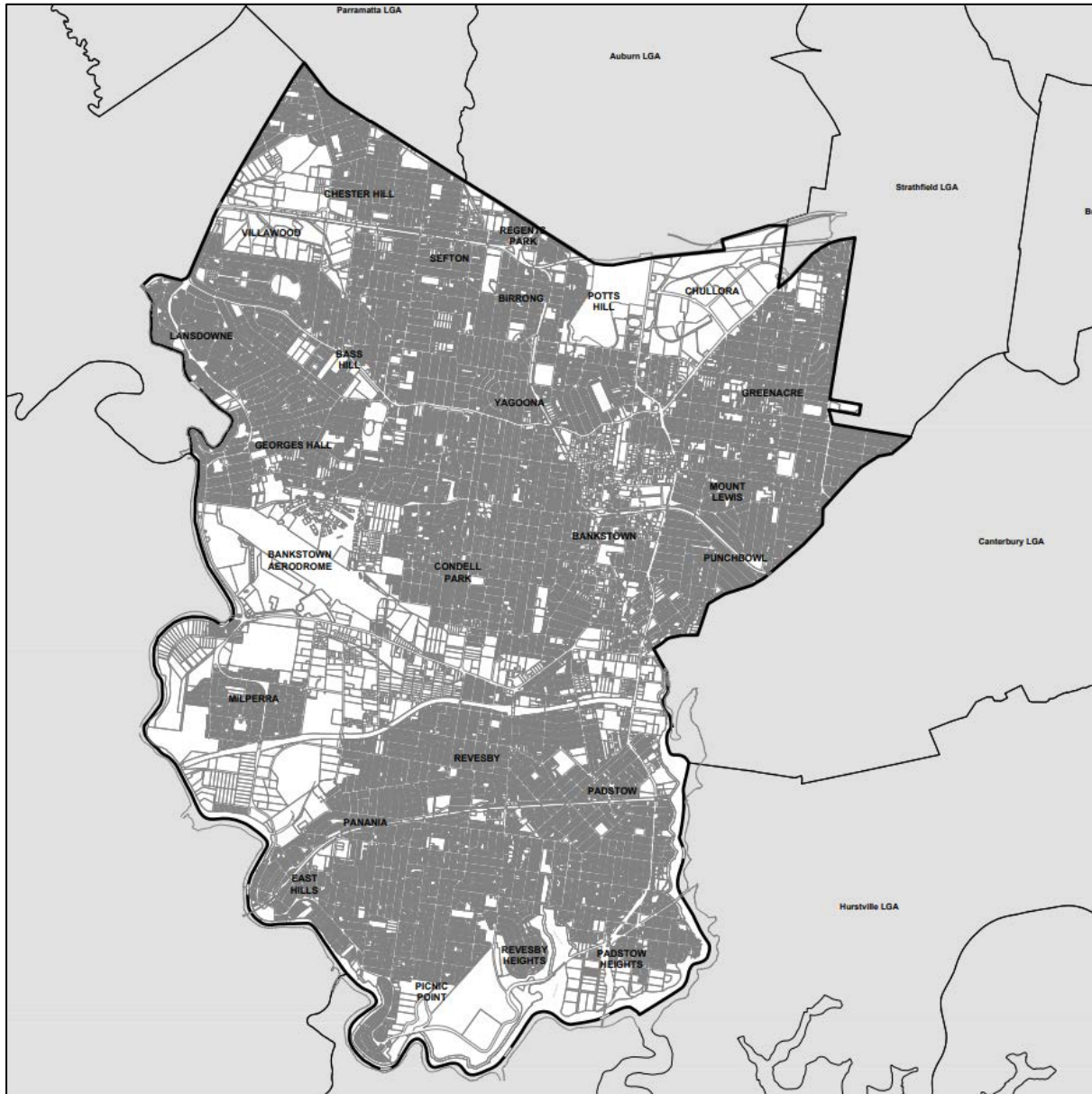


Figure 2: Bankstown LEP 2015 Land Application Map (Source: www.legislation.nsw.gov.au)

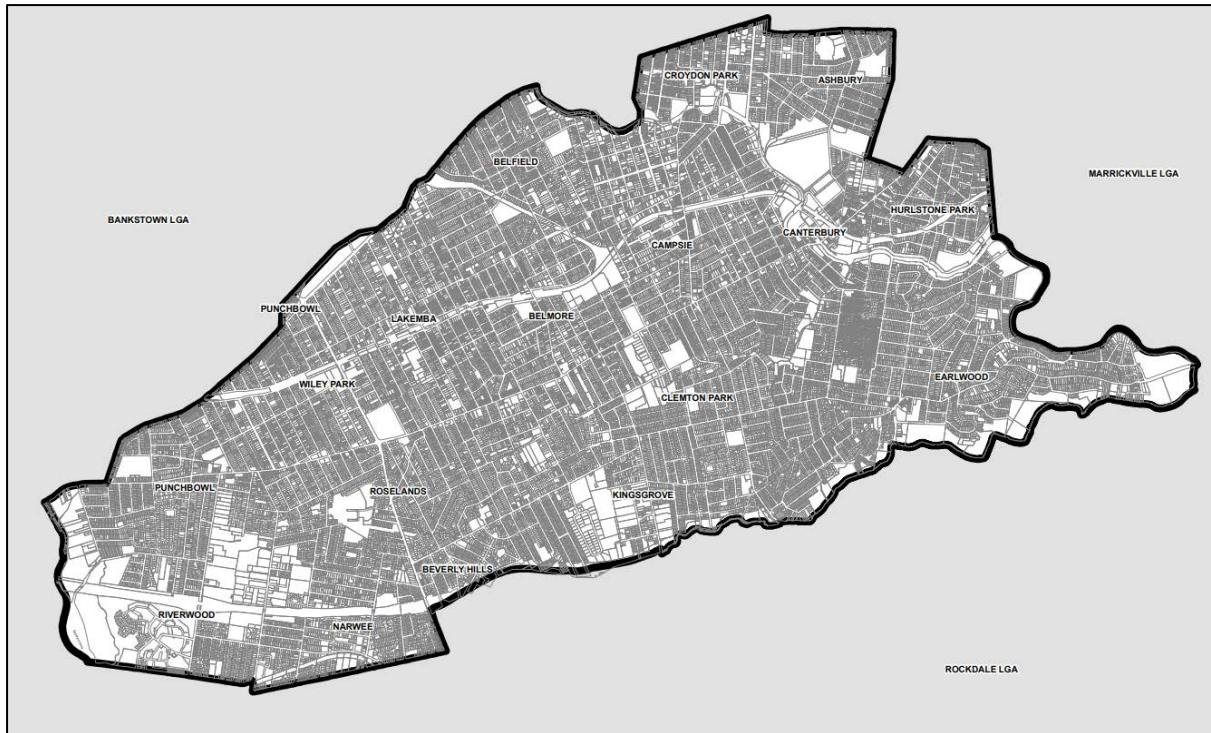


Figure 3: Canterbury LEP 2012 Land Application Map (Source: www.legislation.nsw.gov.au)

1.4 Background

Changes to the *Environmental Planning and Assessment Act 1979* in March 2018 require all metropolitan councils to review and amend their LEPs and give effect to the relevant District Plan. Canterbury-Bankstown was identified as a priority council and received funding to support the preparation of a Local Strategic Planning Statement (LSPS) and to implement this through amendments to Council's planning instruments. As a priority Council requires the preparation and delivery of an LEP for finalisation that gives effect to their Local Strategic Planning Statement (LSPS) by 30 June 2020.

1.5 Supplementary information

The planning proposal was submitted on 11 October 2019 with limited information in the documentation that did not sufficiently explain the proposed amendments. Following discussions and meetings with Department staff, supplementary information was submitted periodically to clarify the scope of the planning proposal. This included the submission of the LAPs in December 2019.

The most recent set of information provided to the Department on 30 January and 5 February 2020 sought to provide further details on those clauses in the Canterbury LEP and Bankstown LEP proposed to be harmonised.

The above information includes a draft consolidated LEP instrument, which outlines the harmonisation of land use zones and introduces new development standards across the LGA. The additional information received in January also outlines changes to the LAPs, including alternative zoning and built form controls for certain sites, incorporation of previously deferred land, and deletion of some elements such as reclassification of private open space.

A preliminary review of this information identified the need for a consolidated planning proposal to be prepared to ensure that further justification and assessment is provided to support the proposed changes.

As such, a detailed assessment of the additional information referred to above has not been undertaken, and this report is based on the assessment of all documentation received up until 10 January 2020.

2. PROPOSAL

2.1 Objectives or intended outcomes

Council anticipates implementing its LSPS in four stages. This planning proposal is the first stage which is to consolidate the Bankstown LEP 2015 and Canterbury LEP 2012 and to progress some of Council's existing land use strategies being the LAPs. The intended outcomes of this planning proposal are to:

- consolidate and harmonise Bankstown LEP 2015 and Canterbury LEP 2012, to create a single LEP that applies to the whole local government area; and
- give effect to the first stage of the LSPS.

Although the intent of the planning proposal is clear when considering the array of documentation submitted in its entirety, a Gateway condition is recommended requiring the documentation be updated to clarify the objectives and intended outcomes.

2.2 Explanation of provisions

An outline of each element of the planning proposal is provided below.

Consolidation of Bankstown LEP and Canterbury LEP

The planning proposal seeks to harmonise and consolidate the Bankstown and Canterbury LEPs to create a comprehensive and single planning instrument for the entire LGA.

Details of how the consolidated instrument would be harmonise and consolidate the zones and controls from both LEPs were not provided with the original planning proposal submission.

Supplementary information including a draft instrument was submitted on 5 February 2020. However, due to the late submission of this information and the limited timeframe associated with the accelerated priority program to implement the LSPS through this proposal, the Department has had only been able to undertake a preliminary assessment of this information.

Despite this, the consolidation and harmonisation of the LEPs is supported as it:

- is the first and principal step for Council to work towards giving effect to its LSPS;
- will simplify its key statutory planning instruments and provisions, assisting in understanding and interpreting zoning and controls applying to land and development in the Canterbury Bankstown local government area.

Rationalise the R2 Low Density Residential and R3 Medium Density Residential Zones

The proposal seeks to rationalise the former Canterbury and former Bankstown Councils' R2 Low Density Residential and R3 Medium Density Residential Zones so that they are fully consistent and the same across the local government area.

The scope of implementing this work is understood to affect some 13,400 properties located in the outer edge neighbourhoods of the former Canterbury LGA (including Kingsgrove, Roselands, Beverly Hills, Riverwood, Croydon Park and Belfield) from zone R3 to zone R2 (**Figure 4**). The specific effect of this work is expected to alter what forms of residential accommodate are permitted or may not be permitted.

Council has indicated that in the former Canterbury LGA, due to the development standards applicable to the land, the R3 zone is similar in character to the R2 zone in the former Bankstown LGA and on this basis, it should be rezoned.

Given the lack of detail of detail as to what specific provisions and land uses are to be altered to harmonise the zones across former local government area boundaries and which properties that these changes will affect, the condition of this Gateway determination is recommended that the scope of this work be removed from this planning proposal and be explored as part of part Council's work to finalise its Local Housing Strategy (LHS).

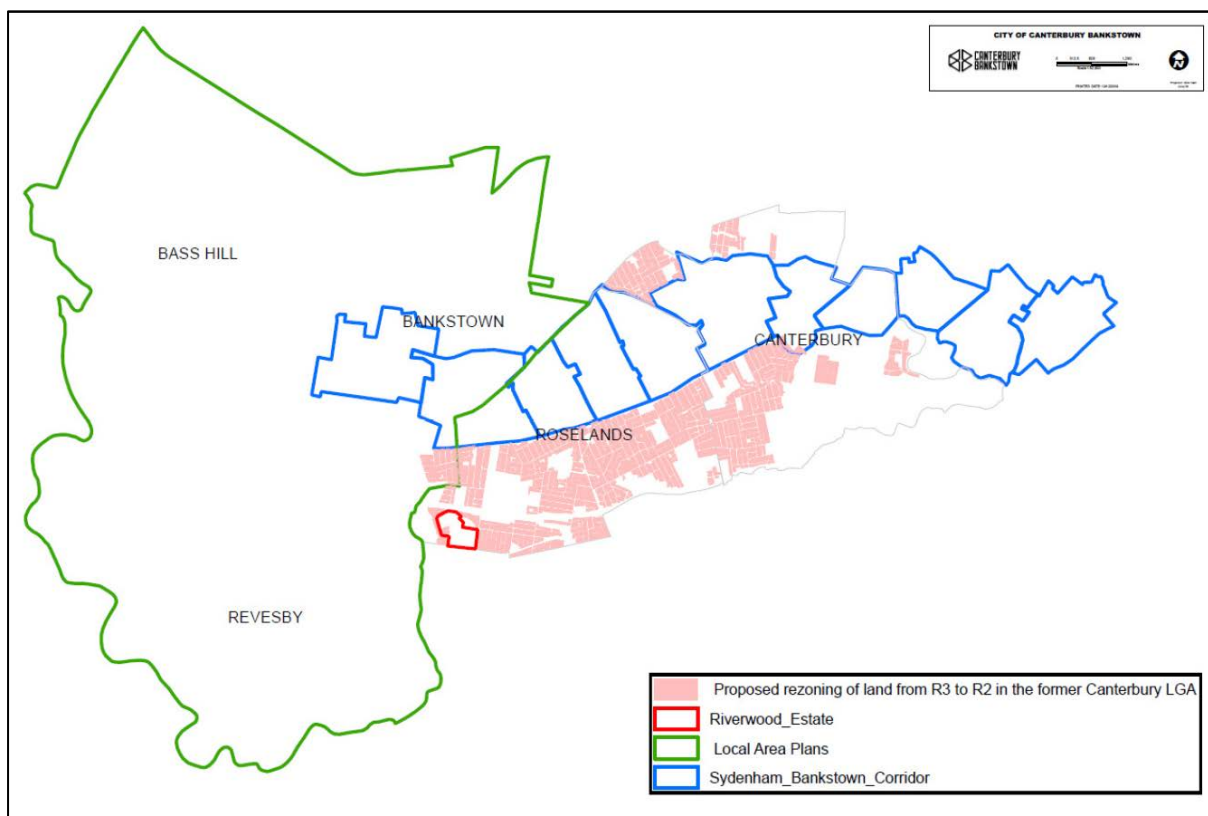


Figure 4: Land proposed to be rezoned from R3 to R2 within the former Canterbury LGA (Source: Planning proposal)

Harmonise dual occupancy controls across the LGA

The planning proposal seeks to harmonise the dual occupancy controls across the LGA, by proposing to increase the minimum lot size for dual occupancy to 600 square metres (sqm) and increase the minimum lot width to 16 metres.

This approach seeks to apply consistent controls for dual occupancy development across the fully local government area by applying the same controls that apply to dual occupancy development under the Canterbury LEP.

This amendment would increase the requirements for dual occupancy development where the Bankstown LEP applies by increasing the minimum lot size and frontage requirements from minimum lot size of 500sqm and minimum frontage of 15m.

The effect of this change is expected to reduce the number of suitable sites on which dual occupancy development could be undertaken in the former Bankstown local government area. Thereby potentially reducing the quantum of potential housing supply for this part of the local government area.

No detail on what impacts that this amendment would have have been provided to the Department to understand the effects of this amendment would have, nor how these fit with the Council's overall LHS to deliver and meet future housing needs for Council.

Design Quality

The planning proposal seeks to include a provision to improve design outcomes across the LGA by applying design quality considerations under the LEP. The intended outcome is to raise the design quality of developments within the public and private domain.

The provision would apply to development involving the construction of a building three storeys or more storeys in building height, and/or where development is on a site with a lot size equal to or greater than 800sqm. The provision require development to be subject to design considerations and for developments would be subject to a review by a design review panel.

Local Area Plans

On 19 January 2017, the Department issued a Gateway determination for Planning Proposal PP_2016_CBANK_002_00 which sought to implement the recommendations of the North Central, North East, South East and South West LAPs. The Gateway determination was subject to a number of conditions.

However, at its meeting of 24 July 2018, Council resolved not to proceed with the planning proposal. The Gateway determination was subsequently altered by the Department on 23 October 2018 to not proceed. Part of the basis for this decision was Council's commitment to include this strategic work into its consolidated LEP when the time came to undertake this and therefore should be included as part of this proposal.

As such, it is intended to implement part of the strategic planning recommendations of the North Central, North East, South East and South West Local Area Plans (LAP) as they relate to Yagoona, Birrong, Condell Park, Regents Park, Greenacre, Revesby, Padstow, Panania, East Hills and Chapel Road South (hospital precinct). The LAPs recommend rezoning land in the town centres of these suburbs and support uplift in height and floor space ratios.

The LAPs also include rezoning of other isolated Council owned sites to reflect their current uses, and amendments to the Terrestrial Biodiversity Map, Land Reservation Acquisition Map, and heritage schedule.

Detail provided with the proposal for the LAPs submitted with the planning proposal in December 2019 was generally consistent with the 2016 proposal. Council subsequently provided supplementary information in January 2020 that included land which was previously deferred, sought alternative zonings and development standards for certain sites, and deleted some elements of the LAPs such as the reclassification of land. It is noted that the LAPs themselves were not updated to reflect the outline of proposed changes.

Further built form and testing is required to be undertaken to support the LAPs to finalise the scope of this work.

Other Matters

The planning proposal as originally submitted also included the implementation of special character areas, and reclassification of 340 drainage reserves from community to operational land.

Following discussions with the Department and on the basis that the scope of these amendments needs further resolution, Council has agreed to withdraw these aspects from the proposal due to the likely delays associated with the required analysis and public hearing requirements and will seek to implement this as part of a future and separate planning proposal.

2.3 Mapping

The planning proposal states that updated maps will be provided to support the consolidated LEP. The planning proposal anticipates the following maps will be prepared:

- Land Application Map
- Land Zoning Map
- Additional Permitted Uses Map
- Lot Size Map
- Height of Buildings Map
- Land Reservation Acquisition Map
- Heritage Map
- Acid Sulfate Soils Map
- Terrestrial Biodiversity Map
- Riparian Lands and Watercourses Map
- Foreshore Building Line Map
- Special Provisions Map

The planning proposal states that the final list of maps will be prepared for exhibition following Gateway determination.

It is considered mandatory for mapping to be provided at the exhibition stage; this will be required as part of the Gateway conditions.

3. NEED FOR THE PLANNING PROPOSAL

Consideration of each element of the planning proposal is provided below.

Consolidation of Bankstown LEP and Canterbury LEP

No detail regarding the proposed consolidated instrument was initially submitted to the Department with the planning proposal. As discussed in Section 1.5 of this report, supplementary information was received on 5 February 2020. This included details of the draft consolidated instrument, which outlines the scope of the proposed consolidation, anticipated changes to land uses across the zones and modifications to clauses as a result of discrepancies between the existing LEPs. However, this information is not sufficient to provide the supporting analysis and justification to enable the Department to undertake a detailed assessment for the Gateway determination

As such, Gateway conditions are recommended to limit the scope of the consolidated LEP to reconcile the current LEPs in relation to most changes with exception of all amendments to land uses and controls relating to residential land uses, zones and development controls. The consolidation is to be generally limited to the updating of aims and objectives, and streamlining of land uses and planning provisions across the LGA.

The basis for this approach is that given the absence of an endorsed Local Housing Strategy, there is insufficient evidence how amendments to the land uses and controls relating to residential development will affect housing diversity and supply to then respond to the housing needs of its broader local government area. Moreover, due to the limited documentation provided and the time frame associated with this planning proposal, there is to be no rezoning of land or changes to development standards except where otherwise allowed by this Gateway determination.

The Department notes that to undertake such a consolidation with these limitations, Council may need to make extensive use of Clause 2.5 – *Additional permitted uses for particular land* and the associated Schedule 1 – *Additional permitted uses* of the Standard Instrument to ensure that all permitted land uses continue to be permitted as they are under the current LEPs.

Gateway conditions are recommended to implement these requirements.

Rationalisation of the R2 Low Density Residential and R3 Medium Density Residential Zones

Rationalisation of the residential zones across the LGA entails rezoning 13,481 properties located in the former Canterbury LGA (including areas in Kingsgrove, Roselands, Beverly Hills, Riverwood, Croydon Park and Belfield) from zone R3 Medium Density Residential to zone R2 Low Density Residential, with the effect of prohibiting multi dwelling housing across these sites.

Council has advised that in the former Canterbury LGA, the R3 Medium Density Residential Zone generally functions as a low density zone, due to the development standards that apply to the affected lots.

Canterbury LEP 2012 limits development for the purposes of multi dwelling housing to a maximum floor space ratio of 0.5:1 and maximum height of 8.5m in the R3 Medium Density Residential Zone.

Supporting evidence has been provided to demonstrate that only 20 development applications for multi-dwelling housing were approved in the former Canterbury LGA since 2014. Council has also noted that dual occupancy developments will continue to be permitted under the R2 Low Density Residential zoning. On this basis, Council considers the impact of the rezoning on development potential would be minor.

Notwithstanding the information provided, the Department considers the justification for the proposed rezoning of these properties is limited, and the broader implications of the reduced residential density has not been properly examined.

It is also noted that the proposed rationalisation of the R2 and R3 zones would be contrary to the Ministerial Direction 3.1 – Residential Zones, as it would reduce the potential for multi dwelling housing and limit the variety and choice of housing types across the LGA.

In order to determine how development potential and dwelling targets would be affected, and to demonstrate how housing diversity would be maintained, the Department considers that finalising the Local Housing Strategy (LHS) is integral to the assessment of the proposed rezoning from R3 Medium Density Residential to R2 Low Density Residential.

The Local Housing Strategy has not yet been exhibited or endorsed and as such, the proposed rezoning is considered premature at this stage. Consequently, a Gateway condition is recommended to omit this element from the planning proposal.

Harmonise dual occupancy controls across the LGA

The planning proposal seeks to apply consistent dual occupancy controls across the LGA with a minimum lot size of 600 square metres (sqm) and minimum lot width of 16 metres (m). While these controls are consistent with those that apply to the former Canterbury LGA that are greater than is required for this type of development in the Bankstown LGA, which is currently subject to a minimum lot size of 500sqm and minimum lot width of 15m under Bankstown LEP. Although the intent is supported to improve design quality by ensuring lots are of sufficient size to accommodate the proposed dwellings with setbacks, private open space, landscaping, parking and vehicle turning areas, the impacts to housing supply and diversity are unclear.

Any loss of development potential for dual occupancy development is contrary to Ministerial Direction 3.1 – Residential Zones, in that it could limit variety and choice of housing typology.

Therefore, the Department considers that given the potential loss of dual occupancy development potential may be significant and is unquantified and that this scope of amendments is predicated the Council's LHS a Gateway condition is recommended to omit this element from the planning proposal. Any further changes to residential housing controls in the local government area should be considered in the context of the recommendations of Council's Local Housing Strategy.

Design Quality

The Department is supportive of the addition of a design quality clause to the consolidated LEP 2020 in order to improve design quality across the LGA. However, the information provided does not adequately outline the considerations that would form part of this clause.

As such, a Gateway condition is recommended requiring the planning proposal be updated to outline the criteria for design quality and considerations in determining design quality.

Local Area Plans (LAPs)

The Department has previously considered the LAPs to have merit and has issued a Gateway determination for implementation of the LAPs under PP_2016_CBANK_002_00. The LAPs submitted in December 2019 as part of this planning proposal are generally consistent with the 2016 planning proposal.

The supplementary information to the planning proposal provided in January 2020 indicates that a number of minor changes are proposed to the LAPs, including implementation of alternative zones, heights, floor space ratios and inclusion of previously deferred land.

Based on the information provided the Department is unable to complete a comprehensive assessment of the changes to the LAPs as proposed in the supplementary information. However, given this work is not new and has evolved (but is not principally different to the original LAPs work), the Department is supportive of Council committing to finalising this strategic work as it indicated when it sought to include this work into its comprehensive LEP in 2018.

It is also noted that a separate planning proposal has been received for 1-17 Segers Avenue, Padstow to rezone the land to B2 Local Centre and increase both the floor space ratio and maximum height limit to 2.5:1 and 6 storeys. This site falls within the Padstow Town Centre (which is covered by the South East LAP) and the planning proposal seeks to depart from zone, height and FSR recommended by this LAP. It is recommended that this scope of this proposal be included in this current planning proposal and Council should provide justification for the variation from its strategic planning for this LAP.

Changes to the residential zones are generally not supported in the absence of an endorsed LHS. However, as the LAPs were previously considered by the Department and a Gateway was issued to proceed and are not expected to generate significant changes to residential development capacity, it is considered appropriate to issue a Gateway determination to include the LAPs as part of this proposal.

Consequently, conditions are recommended to require an updated planning proposal, which includes supporting justification for the implementation of the LAPs as amended and to include the scope of the planning proposal for 1 – 17 Segers Avenue, Padstow.

4. STRATEGIC ASSESSMENT

4.1 State

Subject to the recommended conditions to adjust the scope, the planning proposal is not expected to directly impede either of the Premier's priorities for more housing closer to green spaces or delivering 1 million trees by 2022.

4.2 District

South District Plan

The planning proposal, as amended by conditions, will be consistent with the South District Plan.

The Gateway conditions will also require the submission of additional information to demonstrate consistency with the Greater Sydney Region Plan and District Plan.

The implementation of the LAPs and introduction of a design quality clause will be consistent with the following planning priorities that seek to encourage quality design in both the public and private realm and renewal and create great places that bring people together:

- Planning Priority S5 – Provide housing supply, choice and affordability, with access to jobs, services and public transport.
- Planning Priority S6 – Creating and renewing great places and local centres and respecting the District's heritage.

4.3 Local

Community Strategic Plan 'CB City 2028'

CB City 2028 is comprised of seven 'destinations'. Of particular relevance is destination 'Liveable and Distinctive'. This destination aims to deliver an attractive, sustainable and affordable built environment through the implementation of new rules, which will aim to improve design and sustainability outcomes in all new development across the city.

The proposed introduction of the LAPs and design quality clause to the consolidated LEP is consistent with this goal.

Draft Local Strategic Planning Statement 'Connective City 2036' (LSPS)

The LSPS was endorsed by Council on 10 December 2019; at this stage assurance has not yet been granted by the Greater Sydney Commission.

Although the scope of the planning proposal is to be reduced via Gateway conditions, it will still give effect to the LSPS.

The purpose of the LSPS is to guide strategic planning for the LGA and inform the preparation of a new LEP. Consolidation of the LEPs is the first step towards a comprehensive LEP for the LGA consistent with the aims of the LSPS.

Evolution 6 – Urban and Suburban Places, Housing in the City seeks to implement the current land use strategies for the centres of Yagoona, Birrong, Condell Park, Regents Park, Greenacre, Revesby, Padstow, Panania and East Hills amongst others. The implementation of LAPs will give effect to this evolution of the LSPS.

The proposed design quality clause is consistent with *Evolution 8 – Design Quality* in the draft LSPS, which seeks to ensure high quality design underpins Council's policies and controls and include actions to introduce a design and sustainability clause in the LEP.

4.4 Section 9.1 Ministerial Directions

Consistency with the Section 9.1 Ministerial Directions will be considered in detail upon the receipt of the updated planning proposal as required by the Gateway conditions.

4.5 State Environmental Planning Policies (SEPPs)

SEPP No. 55 Remediation of Land

This SEPP relates to the remediation of land where rezoning occurs. As the LAPs include rezoning of land and increases in density, further detail is required to address the requirements of Clause 6 of the SEPP. In accordance with Clause 4.1.2 Generalised Rezonings of 'Managing Land Contamination' (DUAP, 1998), it is considered that measures are in place to ensure that potential contamination and the suitability of land could be considered when detailed proposals are made as development applications. A Gateway condition is recommended requiring all relevant SEPPs, including SEPP 55, to be further addressed.

SEPP 70 Affordable Housing

The Planning Proposal does not specifically address the matter of affordable housing. A Gateway condition is recommended requiring the proposal to address the provisions of all relevant SEPPs, including SEPP 70.

SEPP (Exempt and Complying Development Codes) 2008

This SEPP covers a range of standards related to development which is deemed to be exempt or complying and will continue to apply to Canterbury-Bankstown LGA.

5. SITE-SPECIFIC ASSESSMENT

An assessment of the planning proposal as amended by the proposed Gateway conditions is provided below.

5.1 Social

The consolidated instrument will benefit the community by simplifying interpretation of planning controls. The inclusion and implementation of a design quality clause is expected to support the delivery of high quality of development and provide increased certainty for the community. The further inclusion of the LAPs is expected to progress and finalise Council's long term strategic planning for the respective town centres to deliver centres with high level of amenity and capacity for renewal.

5.2 Environmental

The consolidation of the LEPs is unlikely to result in any significant detrimental environmental impacts. Specifically, the proposed design quality clause will encourage quality built forms and help ways to improve environmental outcomes.

5.3 Economic

The introduction of a consolidated instrument will simplify interpretation of planning controls. The implementation of the LAPs is expected to support renewal of the corresponding town centres that will support and maybe improve the level of services and facilities that supports these communities.

5.4 Infrastructure

The proposed harmonisation of the LEPs and design quality clause is not expected to create significant additional demand for public infrastructure.

However, the proposed changes to the town centres through the LAPs warrant consideration of potential impacts to infrastructure need that needs to be included in the updated planning proposal.

6. CONSULTATION

6.1 Community

Community consultation is proposed in March to April 2020. Council expect to place the planning proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community in accordance with Council's Community Participation Plan. This is considered satisfactory and supported by Gateway condition.

6.2 Agencies

It is considered that Council should consult with the following public authorities and organisations:

- Transport for NSW
- Transport for NSW – Roads and Maritime
- Transport for NSW – RailCorp
- Department of Premier and Cabinet – NSW Heritage
- Department of Planning, Industry and Environment – Environment, Energy and Science
- Department of Planning, Industry and Environment – Crown Lands
- NSW Environment Protection Authority
- NSW Health
- NSW Department of Education
- Department of Infrastructure, Transport, Regional Development and Communications
- Civil Aviation Safety Authority
- Bankstown Airport
- Sydney Water
- Electricity provider
- State Emergency Service
- adjoining local Councils

7. TIME FRAME

The proposed timeframe for completing the LEP is 9 months from the date of the issue for the Gateway determination. In order to adhere to the priority funding arrangements the Council is required to submit the planning proposal to the Department by 31 June 2020.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not expressly requested to be the local plan making authority. It is considered that, in this case, Council should not be given plan making authority due to the significance of the proposal.

9. CONCLUSION

Subject to the recommended conditions to amend the scope of the planning proposal and update the associated documentation, the planning proposal is supported.

The provision of a consolidated LEP will provide a singular reference to Council's planning provisions that aligns with the new Council boundaries and set the platform for future comprehensive amendments to this instrument to implement the Council's LSPS.

The introduction of a design quality clause follows the trend of other Councils to implement and require good quality design outcomes that is suited to the needs and expectations of the community.

Whereas the inclusion of LAPs seeks to complete longstanding strategic planning work that supports renewal and improvements to the corresponding town centres while supporting potentially supporting opportunities for employment growth.

Overall the proposal is will be consistent with the Greater Sydney Region Plan and the South District Plan and will help to give effect to Council's LSPS.

On this basis it is recommended that the planning proposal proceed subject to conditions, which include:

- the planning proposal be limited to a consolidation of the Bankstown LEP and Canterbury LEP, including updates to aim and objectives and rationalisation of the land use table. No changes to the permissibility of residential uses or development standards are to be made, unless where this relates to the LAPs;
- as the further detail is needed to support the amendments an updated planning proposal is required and needs to be further assessed by the Department before this is proceeds to community consultation. This will ensure that the scope of the proposal is clear and has been suitability justified and assessed;
- deletion of the proposed rationalisation of the R2 and R3 zones and the proposed changes to the development standards relating to dual occupancy development, which are considered premature in the absence of Council's final Local Housing Strategy; and

- details and supporting justification for the implementation of the LAPs and any proposed changes to those plans to be included in the updated planning proposal.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Directions - 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 3.5 Development Near Regulated Airports and Defence Airfields, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) update and clearly describe the objectives and intended outcomes in accordance with *A guide to preparing planning proposals*, having regard to the conditions of this Gateway determination.
 - (b) update the explanation of provisions to clearly describe the proposal, consistent with *A guide to preparing planning proposals*.
 - (c) limit the planning proposal to the following:
 - i. to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 as follows:
 - update and rationalise the aims, objectives, land use tables and planning provisions;
 - precludes any changes to the permissibility of residential land uses or development standards; and
 - precludes rezoning of any land other that included in the Local Area Plans;
 - ii. the introduction of a design quality clause; and
 - iii. implementation of the Local Area Plans including further proposed modifications.
 - (d) omit the following items:
 - i. reclassification of certain drainage reserves from community to operational land;
 - ii. rationalisation of the former Canterbury and former Bankstown Councils' R2 Low Density Residential and R3 Medium Density Residential zones;
 - iii. introduction of special character areas;
 - iv. amendments to dual occupancy controls; and
 - v. prohibition of medium density housing in the R2 Low Density Residential zone, which has been dealt with under a separate planning proposal.
 - (e) Provide details of the consolidated Canterbury Bankstown Local Environmental Plan and justification for any proposal changes.

- (f) provide details of the Local Area Plans, including proposed changes and supporting justification.
 - (g) incorporate the planning proposal relating to 1 – 17 Segers Avenue, Padstow into the planning proposal.
 - (h) provide details of the design quality clause, including criteria for its application, the heads of consideration.
 - (i) include mapping in accordance with *A guide to preparing planning proposals*.
 - (j) update Attachment A and Attachment B to provide a detailed consideration of the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
 - (k) include detailed information to demonstrate consistency with the Greater Sydney Region Plan, South District Plan and Council’s Local Strategic Planning Statement (as current at the time of preparing the updated planning proposal).
2. Public exhibition 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Transport for NSW
 - Department of Premier and Cabinet – NSW Heritage
 - Department of Planning, Industry and Environment – Environment, Energy and Science
 - Department of Planning, Industry and Environment – Crown Lands
 - NSW Environment Protection Authority
 - NSW Health
 - NSW Department of Education
 - Department of Infrastructure, Transport, Regional Development and Communications
 - Civil Aviation Safety Authority
 - Bankstown Airport
 - Sydney Water
 - Electricity provider
 - State Emergency Service
 - adjoining local Councils

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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 (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should not be the local plan-making authority.



Simon Ip
Manager, Eastern and South Districts



Brendan Metcalfe
A/Director, Eastern and South Districts