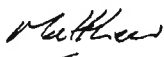




Mr Matthew Stewart
General Manager
City of Canterbury Bankstown Council
PO Box 8
BANKSTOWN NSW 1885


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.

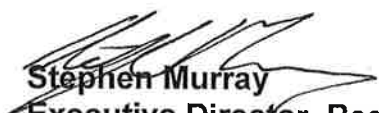
Council will also need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposed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

Gateway Determination

Planning proposal (Department Ref: PP_2018_BANKS_003_00): to amend the Bankstown Local Environmental Plan 2015 to prohibit multi-dwelling housing in the R2 Low Density Residential Zone.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bankstown Local Environmental Plan (LEP) 2015 to prohibit multi-dwelling housing in the R2 Low Density Residential Zone should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - (a) remove references to controls relating to dual occupancy development;
 - (b) provide a quantitative analysis in relation to land under Bankstown LEP 2015 to assess the impacts of the proposal on housing diversity and supply as follows:
 - i. the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential;
 - ii. the number of lots eligible for manor houses/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; and
 - iii. the number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in this area in the past five years; and
 - (c) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
 - (d) include a new saving transition clause to ensure that proposed amendments do not affect any development applications or appeal processes.
2. The revised planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to exhibition.
3. 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;
 - (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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016); and

- (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition.
4. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
 5. 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).
 6. The LEP is to be completed by 1 July 2019.

Dated 31st day of July 2018.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

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

Dear Matthew

Planning proposal PP_2018_CBANK_005_00 – Alteration of Gateway determination

I refer to Gateway Determination (PP_2018_CBANK_005_00) regarding the planning proposal to amend the Bankstown Local Environmental Plan 2015 to prohibit multi-dwelling housing in the R2 Low Density Residential Zone.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 31 July 2018 that used the incorrect reference number of PP_2018_BANKS_003_00. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Benjamin Reid, Planning Officer to assist you. Mr Reid can be contacted on 02 8275 1061.

Yours sincerely



4/12/18

Amanda Harvey
Director, Sydney Region East
Planning Services

Encl: Alteration of Gateway determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_CBANK_005_00)

I, the Director Regions, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 July 2018 for the proposed amendment to the Bankstown Local Environmental Plan 2015 as follows:

1. In the description of the planning proposal, change the Department reference

from PP_2018_BANKS_003_00

to PP_2018_CBANK_005_00

Dated 4th day of December 2018.


Amanda Harvey
Director Regions, Sydney Region East
Department of Planning and Environment

Delegate of the Greater Sydney Commission

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

Dear Mr Stewart

I refer to Council's revised planning proposal PP_2018_CBANK_005_00 to remove multi-dwelling housing from the R2 Low Density Residential zone in response to the Low Rise Medium Density Housing Code. I note that the proposal has been revised accordance with condition 1 of the Gateway determination issued 31 July 2018.

I have considered the revised planning proposal, including the quantitative analysis provided to assess the impacts of the proposal on housing diversity and supply, and the planning proposal is now suitable for public exhibition.

If you have any further questions in relation to this matter, I have arranged for Mr Benjamin Reid to assist you. Mr Reid can be contacted on 8275 1061.

Yours sincerely



Amanda Harvey 1/2/19
Director, Sydney Region East