



Mr Jim Montague
General Manager
Canterbury City Council
PO Box 77
Campsie NSW 2194

15/13779

Dear Mr Montague

Planning proposal to amend Canterbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 14 August 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone and change the planning controls to land at 642-644,650-658 Canterbury Road, 1-3 Platts Avenue, 2A, 2B, 2C and 2D Liberty Street, Belmore.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I note that Council has engaged a traffic consultant to prepare a study addressing the issues raised by Roads and Maritime Services during exhibition of the Residential Development Strategy Implementation planning proposal, including the cumulative traffic impact resulting from the development of properties along Canterbury Road. I understand this study is expected to be completed by late 2015.

The Department remains concerned Council's overarching traffic study for Canterbury Road may have implications for the site. Council is required to undertake consultation with Roads and Maritime Services prior to public exhibition of the proposal.

I have considered the nature of Council's planning proposal and have decided not to issue authorisation for Council to exercise delegation to make this plan. Council will need to update the planning proposal to demonstrate consistency with the overarching traffic study for Canterbury Road prior to submitting the draft plan to the Department for final consideration. Council will also need to consider whether the proposal requires re-exhibition as a result of these changes.

I further note Council's proposed Height of Buildings Map includes a number of different maximum building heights. Whilst the Department supports the principle of a transition in height, the map may be visually confusing and illegible at the scale required by the map series. I encourage Council to consider whether the maximum building heights can be consolidated to simplify the map in accordance with the Standard Technical Requirements for LEP maps and place these on public exhibition with the proposal.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council's request for the Department to draft and finalise the Local Environmental Plan should be made 8 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Ms Helen Wilkins of the Department of Planning and Environment's Metropolitan (CBD) regional office on (02) 9228 6559.

Yours sincerely


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

16/10/15

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_CANTE_006_00): to rezone and change the planning controls for land at 642-644, 650-658 Canterbury Road, 1-3 Platts Avenue, 2A, 2B, 2C and 2D Liberty Street, Belmore.

I, the Director, Metropolitan (CBD), at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canterbury Local Environmental Plan 2012 to rezone 642-644, 650-658 Canterbury Road, 1-3 Platts Avenue, 2A, 2B, 2C and 2D Liberty Street, Belmore, to B5 Business Development and amend the planning controls, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to:
 - a) include an updated Traffic Assessment, which addresses the traffic impact of development on Sites A and B; and
 - b) demonstrate that, in circumstances where the corner Site B is not amalgamated with Site A, land use conflicts with the existing business within Site B are able to be managed (noise, fire hazard, vehicular exhaust fumes etc) and satisfactory urban design outcomes are able to be achieved.
2. Prior to submitting the planning proposal to the Department for finalisation, the planning proposal is to be updated to demonstrate consistency with Council's overarching Traffic Impact Assessment of the cumulative impact of development of properties on Canterbury Road that formed part of the Residential Development Strategy implementation planning proposal.
3. Prior to undertaking public exhibition, consultation is required under section 56(2)(d) of the Act with the Roads and Maritime Services division within Transport for NSW.

Roads and Maritime Services 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.

Roads and Maritime Services may request additional information or additional matters to be addressed in the proposal. The planning proposal is to be revised to respond to any submission received from Roads and Maritime Services and a copy of the submission is to be included with the revised proposal.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - the planning proposal must be made publicly available for a minimum of **28 days**; and
 - the relevant planning 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 LEPs (Department of Planning and Environment 2013)*.



5. A public hearing is not required to be held into the matter by any person or body under section 56(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 timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 16th day of October 2015.


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Delegate of the Minister for Planning