



Contact: Margaret Kirton
Phone: (02) 8575 4110
Fax: (02) 9228 6244
Email: Margaret.Kirton@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2013_CANTE_003_00 (13/11721)
Your ref: T-29-151

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

Dear Mr Montague,

Planning proposal to amend Canterbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 24 June 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 5 Pine Avenue, Earlwood from RE1 Public Recreation to R2 Low Density Residential, apply a minimum lot size of 460sqm and a maximum building height of 8.5m and remove the subject land from the Land Reservation Acquisition Map.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed. The reasons for not proceeding with this proposal are identified below and outlined in the attached Gateway determination.

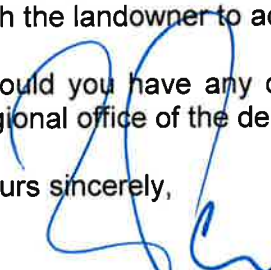
The planning proposal was not supported because the proposal to rezone land at Earlwood, from RE1 Public Recreation for residential purposes removes opportunities for the land to be added to the adjoining riverside parkland, which provides a number of recreational opportunities to the local community and provides an important regional cycling and walking link along the Cooks River.

Furthermore, the subject land is flood prone and affected by 1 in 100 year flooding. Consequently, the current RE1 Public Recreation zone is considered to be appropriate for the subject land. The proposed rezoning of land at Earlwood for residential purposes is inconsistent with S117 Direction 4.3 Flood Prone Land and would increase exposure of life and property to risk of damage from flood waters.

While the planning proposal is not supported, I strongly encourage the landowner to continue to liaise with the Office of Strategic Lands (OSL) regarding opportunities for the land to be acquired for open space purposes and matters regarding land contamination (filling and asbestos) to be resolved. I understand that OSL has indicated support to continue negotiations with the landowner to acquire the land.

Should you have any queries in regard to this matter, please contact Margaret Kirton of the regional office of the department on 02 8575 4110.

Yours sincerely,

 27/8/13
Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_CANTE_003_00): to rezone land at Earlwood, or residential purposes and amend the applicable development standards for the land.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Canterbury Local Environmental Plan (LEP) 2012 to rezone land at 5 Pine Avenue, Earlwood from RE1 Public Recreation to R2 Low Density Residential, apply a minimum lot size of 460sqm and a maximum building height of 8.5m and remove the subject land from the Land Reservation Acquisition Map should not proceed for the following reasons:

1. The planning proposal to rezone land at Earlwood from RE1 Public Recreation for residential purposes removes opportunities for the subject land to be added to the adjoining riverside parkland, which provides a number of recreational opportunities to the local community as well as providing an important regional cycling and walking link along the Cooks River. Furthermore, the proposal's inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes has not been adequately justified.
2. The planning proposal is inconsistent with S117 Direction 4.3 Flood Prone Land as the subject land is flood prone and affected by 1 in 100 year flooding and the rezoning of the subject land for residential purposes would increase exposure of life and property to risk of damage from flood waters.

Dated

27

day of

August

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure