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Our ref: PP_2014_CANTE_001_00 (14/02541)

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 30 January 2014 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 make various amendments to Canterbury Local Environmental Plan (LEP) 2012 to facilitate key aspects of Council's Residential Development Strategy 2013, including consolidating zones B5 Business Development and B6 Enterprise Corridor, removing floor space ratio controls (FSR) on large sites zoned R4 High Density Residential and amending the development controls and zoning for various sites.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 4.1 Acid Sulfate Soils, 6.3 Site Specific Provisions and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

As agreed with Council, further strategic work is required to justify permitting 'residential flat buildings' in the consolidated B5 zone and removing FSR controls on large sites zoned R4. Council is to identify the proposed design measures to ameliorate bulky development resulting from this proposal and address potential impacts of permitting 'residential flat buildings' in the consolidated B5 zone. Council should address the amount of land to remain for employment purposes to meet current and future employment forecasts, potential to set a precedent and further assessment on the proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones. Consequently, the above mentioned items are to be removed from this planning proposal and included in a future planning proposal, once this work has been carried out.

It is noted that the planning proposal rezones land at 844-854 Canterbury Road, Roselands and land bounded by Canterbury Road, Thompson Lane, Wilson Lane and Chapel Road, Belmore from R4 to B5. Given that the consolidated B5 zone does not permit 'residential flat buildings,' as advised above, Council is to consider whether the B5 zone is still appropriate for these sites and does not create a situation where landowners are required to rely on existing use rights.

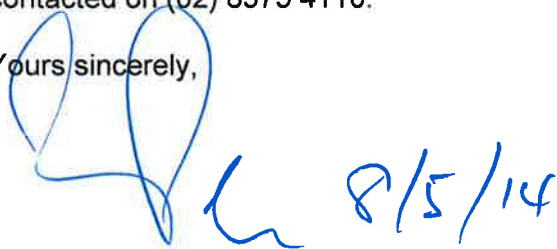
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Councils request to draft and finalise the LEP should be made directly to Parliamentary Counsell's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Michael Kokot of the Department of Planning and Environment's regional office to assist you. Mr Kokot can be contacted on (02) 8575 4110.

Yours sincerely,

A handwritten signature in blue ink, followed by the date 8/5/14, also in blue ink.

Richard Pearson
Deputy Director General
Growth Planning and Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5—Delegated Plan Making Reporting Template



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2014_CANTE_001_00): to facilitate key aspects of Council's Residential Development Strategy (2013).

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that various amendments to the Canterbury Local Environmental Plan (LEP) 2012 to facilitate key aspects of Council's Residential Development Strategy 2013, including consolidating zones B5 Business Development and B6 Enterprise Corridor, removing floor space ratio controls on large sites zoned R4 High Density Residential and amending the development controls and zoning for various sites should proceed subject to the variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be amended to remove the proposal to permit 'residential flat buildings' in the consolidated B5 Business Development zone and the proposal to remove floor space ratio controls on large sites zoned R4 High Density Residential. Council is to undertake further strategic work, and address the proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones to support the above two items, which can be lodged as a separate planning proposal once this work has been carried out.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) 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)*.
3. Consultation is required with the Roads and Maritime Service (RMS) under section 56(2)(d) of the EP&A Act. RMS 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 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

8

day of

May

2014.


Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Canterbury City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_CANTE_001_00	Planning proposal to make various amendments to Canterbury Local Environmental Plan (LEP) 2012 to facilitate key aspects of Council's Residential Development Strategy 2013, including consolidating zones B5 Business Development and B6 Enterprise Corridor and amending the development controls and zoning for various sites.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

2014


Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_CANTE_001_00
Date Sent to DoP&E under s56	30 January 2014
Date considered at LEP Review Panel	27 March 2014
Gateway determination date	08/05/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: