



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

15/15176

Dear Mr Montague

Planning proposal to amend Canterbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 22 September 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 make various (housekeeping) amendments to Canterbury LEP 2012.

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.

Council's proposal to reduce the maximum building height in R4 High Density Residential zones from 11.5m to 11m is not supported on the evidence provided, as it is inconsistent with s117 Directions 3.1 *Residential Zones* and 7.1 *Implementation of A Plan for Growing Sydney*. While the Department appreciates that the current development controls may not necessarily produce the best design and amenity outcomes, given the principles in the *Apartment Design Guide*, the change may reduce the permissible residential density in the zone. The planning proposal is to be amended prior to public exhibition to remove this item.

As previously advised, I encourage Council to undertake a strategic review of the planning controls in the R3 Medium Density Residential and R4 High Density Residential zones, as the corresponding development standards are not in keeping with the purpose of high and medium density residential zones. The Department is available to work with Council to conduct this strategic review.

I have agreed that the other four items proposed are consistent with the s117 Directions and that no further approval is required in relation to these Directions.

Note that I have also attached the current model clause for sex services premises. Council will need to include this revised clause in the updated planning proposal prior to exhibition.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 is to be finalised within **nine 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. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 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 Ms Helen Wilkins of the Department of Planning and Environment's Metropolitan (CBD) branch to assist. Ms Wilkins can be contacted on (02) 9228 6559.

Yours sincerely


Marcus Ray
Deputy Secretary
Planning Services
16/01/2016

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Model Clause - Location of sex services premises

General Information

LEPs should provide for sex services premises somewhere in the local government areas and the zone/s selected need to reflect how the council will adequately provide for this use.

7.21 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
 - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - (i) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - (i) that adjoins the proposed development, or
 - (ii) that can be viewed from the proposed development, or
 - (iii) from which a person can view the proposed development.

Drafting direction.

Omit from subclause (2) (a), reference to any zone not included in the Plan.