



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

15/03995

Dear Mr Montague

Planning proposal to amend Canterbury Local Environmental Plan 2012

I am writing in response to your Council's letter dated 13 January 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 facilitate high density residential development at 15-23 Homer Street, Earlwood, with an active commercial frontage to the street.

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 officers have recommended a building height increase from 10 metres to 14 metres along Homer Street and retention of the current 10 metres building height for the rest of the site, in recognition of the sites context. In this regard, the planning proposal is to be updated to provide further justification to support a maximum building height of up to 17 metres on the site, including an additional study that accurately represents and addresses the impact of future development on the character of the local area.

Council is also requested to notify the Department's Regional Office when the planning proposal is placed on exhibition.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

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 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. 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 regional office to assist. Ms Wilkins can be contacted on (02) 8575 4102.

Yours sincerely



Simon Manoski
Acting General Manager, Metropolitan
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation



Gateway Determination

Planning proposal (Department Ref: PP_2015_CANTE_002_00): to facilitate high density residential development at 15-23 Homer Street, Earlwood, with an active commercial frontage to the street.

I, the A/General Manager, Metropolitan, 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 facilitate high density residential development at 15-23 Homer Street, Earlwood, with an active commercial frontage to the street, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to include:
 - a preliminary acid sulphate soils assessment to address the requirements of section 117 Direction 4.1 Acid Sulphate Soils;
 - an amended Key Sites Map, to show ground floor residential development on the northern half of the site, taking into account the topography of the site; and
 - further justification to support a maximum building height of 17 metres on the site. An additional study that accurately represents and addresses the impact of future development on the character of the local area is to be made available with the planning proposal during the exhibition period.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW
 - Roads and Maritime Services
 - Sydney Water
 - Ausgrid

Each public authority 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.

3. Community consultation is required under sections 56(2)(c) and 57 of the 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)*.

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 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 Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 19th day of March 2015.



Simon Manoski
A/General Manager, Metropolitan
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

City of Canterbury 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_2015_CANTE_002_00	Planning proposal to facilitate high density residential development at 15-23 Homer Street, Earlwood, with an active commercial frontage to the street.

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 19 March 2015

Simon Manoski
A/General Manager, Metropolitan
Planning Services