



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

City of Canterbury	
Officer:	<i>Luke Ho</i>
File:	<i>1-29-161</i>
Date Rec:	<i>-7 MAR 2016</i>
Task:	<i>AH</i>
Doc #:	
Copy:	GM <input type="checkbox"/> DCS <input type="checkbox"/> DCW <input type="checkbox"/> DCP <input type="checkbox"/>

16/01913

Dear Mr Montague

I am writing in response to your Council's letter dated 14 December 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 amend *Canterbury Local Environmental Plan 2012* (Canterbury LEP) to correct minor mapping anomalies, typographical errors, LEP text and Schedule 5 - Environmental heritage.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council's proposal to reduce the FSR of 126 Dudley Street, 98 and 100 Broadway, and 1249, 1261, 1263 and 1265 Canterbury Road, Punchbowl, from 0.9:1 to 0.75:1, would reduce the permissible residential density of the land. The Gateway determination requires Council to provide further justification for this amendment and its inconsistency with section 117 Direction 3.1 Residential Zones.

I have agreed that all other items proposed are consistent with the applicable section 117 Directions and that no further approval is required in relation to these Directions.

The Department is concerned that the primary development controls of the R3 Medium Density Residential and R4 High Density Residential zones under Canterbury LEP are not commensurate with the objectives and purpose of the zones. Council is requested to undertake a strategic review of the planning controls applying to the R3 and R4 zones to inform a future planning proposal to revise the controls. The Department is available to work with Council to determine the scope of the review.

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 for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made at least 6 weeks prior to the projected publication date.

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 Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Martin Cooper of the Department's Sydney East Region on (02) 9228 6582.

Yours sincerely

 3/3/16
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_CANTE_001_00): to amend Canterbury Local Environmental Plan 2012 to correct minor mapping anomalies, typographical errors, LEP text and Schedule 5 - Environmental heritage.

I, the Director, Sydney Region East, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to amend *Canterbury Local Environmental Plan 2012* to correct minor mapping anomalies, typographical errors, LEP text and Schedule 5 - Environmental heritage, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - a) provide justification for the reduction in floor space ratio from 0.9:1 to 0.75:1 for land at 126 Dudley Street, 98 and 100 Broadway, and 1249, 1261, 1263 and 1265 Canterbury Road, Punchbowl (Item 15), as this amendment demonstrates inconsistency with section 117 direction 3.1 Residential Zones.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - o the planning proposal must be made publicly available for a minimum of **28 days**; and
 - o 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. 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).
4. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 3rd day of March 2016.


Karen Armstrong
Director, Sydney Region East
Planning Services

Delegate of the Greater Sydney Commission