FYI

NSW GOVERNMENT | Planning & Environment

COPY

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

15/12144

Meeting arranged for Friday to discuss.
Gill

Dear Mr Montague

Planning proposal to amend Canterbury Local Environmental Plan 2012

I am writing in response to Council's letter dated 24 June 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to rezone light industrial land at 15-33 Brighton Street, Croydon Park, to R4 High Density Residential and amend the planning controls.

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

The intent of the proposal to rezone fragmented industrial land that is within a medium-high density residential area and facilitate development of the site for residential purposes close to public bus routes, local services and facilities, is supported. However, the Department has concerns with the extent of the development potential sought by Council.

Therefore, prior to the commencement of public exhibition, Council is to update the planning proposal to reflect the planning controls (height of 15 metres and FSR of 0.9:1) recommended in the Council Report and supported by Council's peer review of the planning proposal by SGS (2014).

It is considered that these controls are more appropriate for the site, and will allow flexibility in the application of the maximum building height given the FSR control of 0.9:1, having regard to adjoining development. Further, Council is requested to integrate an area of public open space within the site given the density of R4 zoned land within this locality and existing availability of informal recreation spaces for local residents.

I agree that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones and 7.1 Implementation of *A Plan for Growing Sydney* are justified. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and have decided not to issue authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 9 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 to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Mr Lee Mulvey, Director, Metropolitan (CBD), at the Department on (02) 9228 6512.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services
18/09/2015

Encl:
Gateway Determination

NSW GOVERNMENT | Planning & Environment

COPY

Gateway Determination

***Planning proposal (Department Ref: PP_2015_CANTE_004_00)**: to rezone light industrial land at 15-33 Brighton Street, Croydon Park, to R4 High Density Residential and amend the planning controls*

I, the Deputy Secretary, Planning Services, 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 rezone light industrial land at 15-33 Brighton Street, Croydon Park, from IN2 Light Industrial to R4 High Density Residential, increase the floor space ratio from 1:1 to 2:1 and introduce a maximum building height of 15 metres should proceed subject to variations as outlined by the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated as follows:

   (a) amend the maximum floor space ratio to be 0.9:1 (across the whole site);
   (b) include a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines, to meet requirements under *State Environmental Planning Policy 55 - Remediation of Land (SEPP 55);*
   (c) integrate an area of open space within the site that is publicly accessible and suitably configured.

2. 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)*.

3. 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:

   - Roads and Maritime Services
   - Transport for NSW
   - 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, or to indicate that they will require additional time to comment. The planning proposal is to be amended to reflect the outcomes of the consultation.

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 **9 months** from the week following the date of the Gateway determination.

Dated 18th day of September 2015.

Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning