

Mr Matthew Stewart
Interim General Manager
Canterbury-Bankstown Council
PO Box 77
CAMPSIE NSW 2194

Our ref: PP_2017_CBANK_001_00 (17/09479)

Attention: Tom Foster

Dear Mr Stewart

Planning proposal to amend Canterbury Local Environmental Plan 2012

I am writing in response to Council's request for 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 amendments to Canterbury Local Environmental Plan 2012 to rezone 149 – 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential and amend associated development standards.

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.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones is justified in accordance with the terms of direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements S117 Direction 3.4 Integrating Land Use and Transport. Council should ensure this occurs prior to the plan being made.

I note that the proposal contains a very specific set of varied building heights across the site that was informed by the GMU Urban Design Report. Council may wish to consider whether flexible design excellence provisions in relation to building heights may be appropriately included in the proposal where compliance with the intent of the GMU Urban Design Report can still be demonstrated. Such provisions could help establish a clear and transparent framework for considering any minor variations to the height limits and avoid the need to undertake a further LEP amendment or utilising clause 4.6 of the LEP to facilitate a specific proposal on the land.

Plan making powers were delegated to councils 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 (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. Council's request to draft and

finalise the LEP should be made directly to Parliamentary Counsel'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 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 Kate Hanson of the Department's regional office to assist you. Ms Hanson can be contacted on (02) 9860 1453.

Yours sincerely



12 July 2017

Craig Diss
Acting Director, Sydney Region East
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2017_CBANK_001_00): to rezone 149 – 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential and amend associated development standards.

I, the Director, Sydney Region East 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 the Canterbury Local Environmental Plan 2012 to rezone 149 – 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential and amend associated development standards should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, the planning proposal is to be updated for clarification on the following:
 - (a) include relevant supporting background studies that have informed the planning proposal;
 - (b) remove reference to Lot 1 DP205503; and
 - (c) ensure discussion in Section B and C are applicable to the current proposal.
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 2016)*.
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
 - Environmental Protection Authority
 - Inner West Council
 - Ausgrid
 - Office of Environment and Heritage

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.

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 LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12 day of July 2017



Craig Diss
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Canterbury-Bankstown 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_2017_CBANK_001_00	Planning proposal to amend Canterbury Local Environmental Plan 2012 to rezone 149 – 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential and amend associated development standards.

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 12 July 2017



Craig Diss
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Secretary of the 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_2017_CBANK_001_00
Date Sent to DoP&E under s56	26 June 2017
Date considered at LEP Review Panel	N/A
Gateway determination date	12 July 2017

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: