



Planning,
Industry &
Environment

IRD21/4017

Alteration of Gateway determination report – PP_2019_CBANK_003_00

Bankstown Local Environmental Plan 2015, 353-355
Waterloo Road Greenacre

February 21



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Alteration of Gateway determination report – PP_2019_CBANK_003_00

Subtitle: Bankstown Local Environmental Plan 2015, 353-355 Waterloo Road Greenacre

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1	Planning Proposal	1
1.1	Overview of planning proposal	1
1.2	Background	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area	3
1.5	Mapping.....	4
2	Need for the planning proposal.....	7
3	Alteration	8
4	Detailed assessment	8
4.1	Section 9.1 Directions.....	10
4.2	State environmental planning policies (SEPPs)	13
4.3	State, regional and district plans	13
4.4	Local plans and strategies	14
5	Consultation.....	15
6	Timeframe.....	15
7	Local plan-making authority	15
8	Assessment Summary	15
9	Recommendation.....	16

Attachments

Attachment	Title
A	Alteration of Gateway determination
B	Letter to Council
C	Planning Proposal – November 2020
D	Gateway determination – 18 February 2020
E	Gateway determination assessment report
F	Alteration of Gateway determination – 22 September 2020
G	Environment, Energy and Science Group feedback – September 2020
H1	Council request for endorsement for public exhibition – November 2020
H2	Council request for extension to LEP timeframe – January 2021
H3	Response from the proponent on Gateway conditions – May 2020
H4	Site-specific DCP – Chullora Marketplace - November 2020
I	Email to Council requesting additional information – 21 January 2021

1 Planning Proposal

1.1 Overview of planning proposal

Table 1 Planning proposal details

LGA	Canterbury Bankstown
PPA	Canterbury Bankstown Council
NAME	To rezone No. 353 Waterloo Road, Greenacre from R2 Low Density Residential to B2 Local Centre, increase the maximum building height from 9 metres to 14 metres and floor space ratio from 0.5:1 to 1:1 and remove the minimum lot size control; amend the maximum building height for No. 355 Waterloo Road, Greenacre from 11 metres to 9, 14 and 20 metres. Apply a maximum residential floor space ratio of 0.65:1 across the entire site (within an overall floor space ratio of 1:1)
NUMBER	PP_2019_CBANK_003_00
LEP TO BE AMENDED	Bankstown Local Environmental Plan 2015
ADDRESS	353-355 Waterloo Road, Greenacre
DESCRIPTION	Lot 9 DP 10945 and Lot 41 DP 1037863
RECEIVED	30/08/2019
FILE NO.	IRF21/374
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Background

Canterbury Bankstown Council submitted a planning proposal to amend Bankstown Local Environmental Plan 2015 for land at 353-355 Waterloo Road on 20 August 2019.

The Gateway determination issued on 18 February 2020 (**Attachment D**) determined that the proposal should proceed subject to conditions, including:

- condition 1 which required the planning proposal to be amended prior to public exhibition and consultation with agencies. Amendments required under condition 1 related to employment lands, environmental protection, building height, shadow diagrams, site-specific DCP, traffic information, lot size map, flood risk map and timeline
- condition 2 which required the revised planning proposal to be submitted to the Department for endorsement prior to exhibition and consultation with agencies.

Delegation was provided to Council to make the plan.

An Alteration of Gateway determination was issued on 22 September 2020 (**Attachment F**) to amend condition 4 to enable consultation with public authorities/organisations to occur concurrently with public exhibition, rather than prior to it.

On 13 November 2020, Council submitted an amended planning proposal to the Department to satisfy condition 1 of the Gateway determination, seeking endorsement from the Department to proceed to public exhibition under condition 2 (**Attachment H1**). This was followed by a request for a 12 month extension to complete the LEP (**Attachment H2**). The new proposed date for the LEP to be finalised would be 18 February 2022.

On 21 January 2020, the Department sought clarification from Council in relation to their response to Condition 1a regarding protection of employment lands (**Attachment I**). These matters were not resolved and are recommended as conditions in this Gateway alteration.

1.3 Explanation of provisions

The planning proposal seeks to amend the Bankstown LEP 2015 to enable medium-rise mixed use development with civic plaza and active street frontages while retaining commercial functions of the centre and managing amenity impacts to the adjoining Norfolk Reserve.

Table 1 Current and Proposed controls

Control	Current	Proposed
355 Waterloo Road		
Zone	B2 Local Centre	B2 Local Centre (no change to zone)
Floor space ratio	1:1	1:1 with a maximum FSR of 0.65:1 for residential development
Building height	11 metres (3 storeys)	9m (2 storeys) – south boundary 14m (4 storeys) – east and west boundary 20m (6 storeys) – remainder of site
353 Waterloo Road		
Zone	R2 Low Density Residential	B2 Local Centre
Floor space ratio	0.5:1	1:1 with a maximum FSR of 0.65:1 for residential development
Building height	9 metres (2 storeys)	14m (4 storeys)
Minimum subdivision lot size	450m ²	Do not apply the Lot Size Map as Lot Size Map does not apply to Zone B2 Local Centre

The supporting studies to the planning proposal indicate that up to 400 dwellings would be provided (290 dwellings as per the submitted transport and traffic report; 350-400 dwellings as per the submitted economic impact report).

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The panning proposal applies to land at 353-355 Waterloo Road Greenacre, being legally described as Lot 9 DP 10945 and Lot 41 DP 1037863 in Canterbury Bankstown LGA.

The site has an area of 57,000m² and comprises of a detached dwelling house (No. 353 Waterloo Road) and Chullora Marketplace (No. 355 Waterloo Road). Norfolk Reserve adjoins the site to the east and the Malek Fahd Islamic School adjoins the site to the north (**Figures 1 and 2**).

Chullora is identified as a local centre in the South District Plan and a village centre in Council's Local Strategic Planning Statement. There are no railway stations within walking distance of the site. Punchbowl is the closest railway station at 4km to the south. Bus routes servicing the site are M90, 913, 914 and 941.

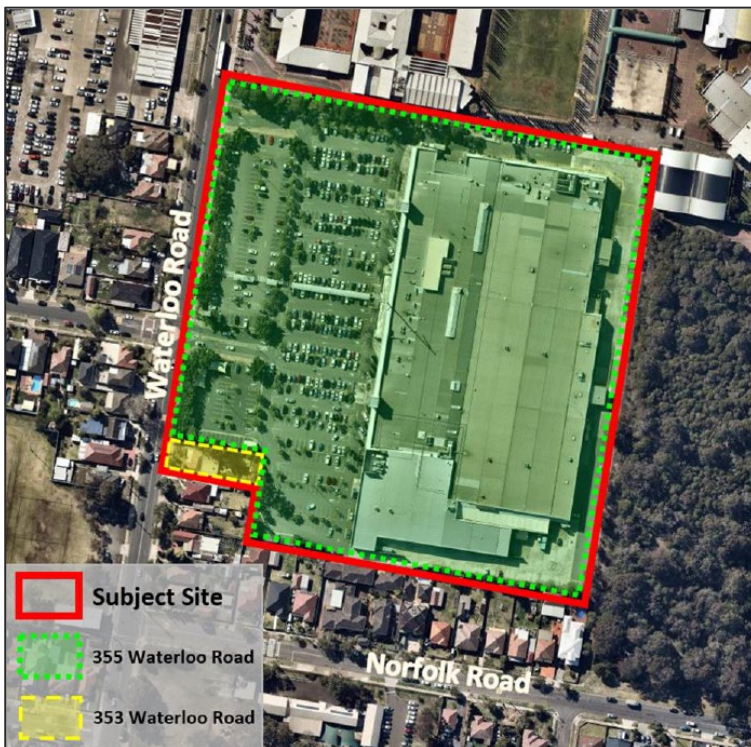


Figure 1 Subject site (Source: Nearmap 2019)

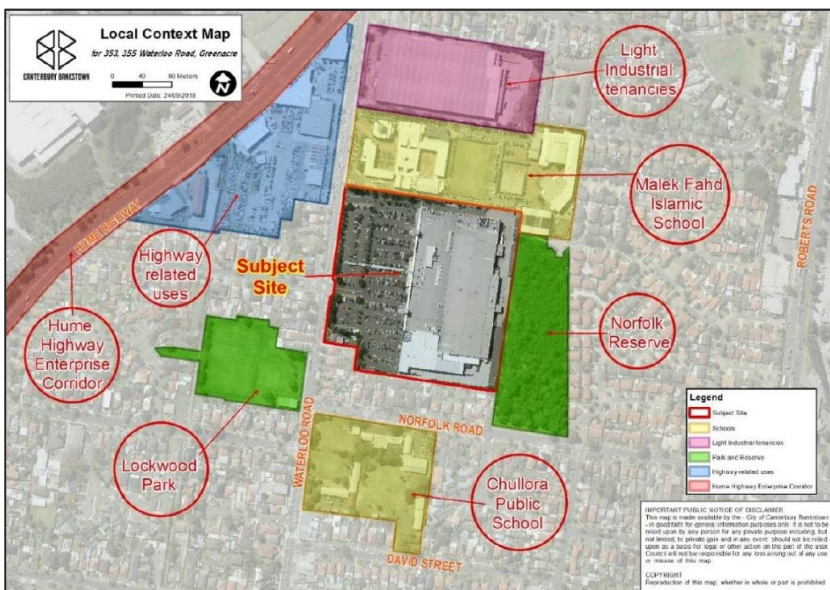
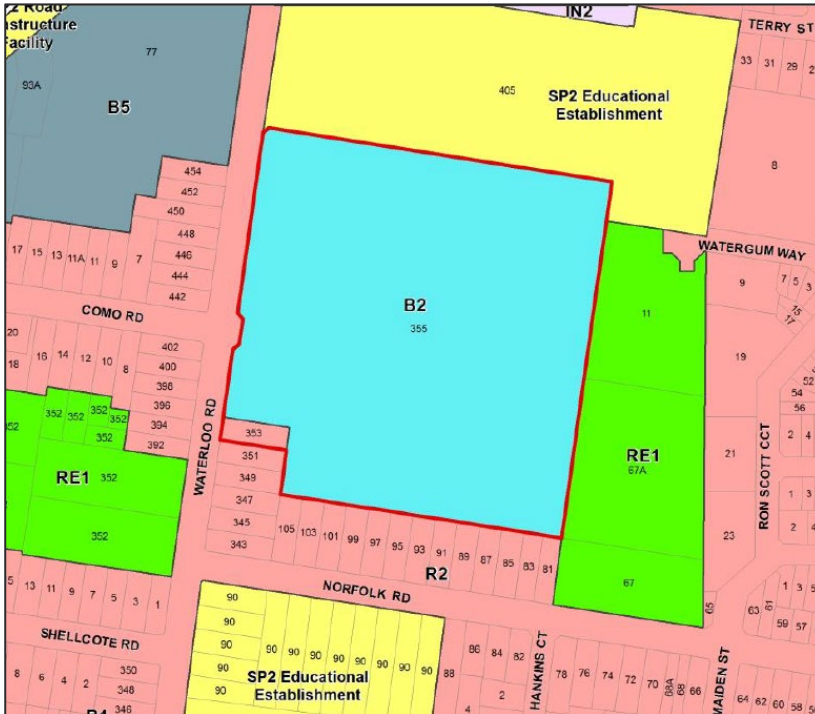


Figure 2 Surrounding context map (Source: Canterbury Bankstown Council)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning, floor space ratio, building height and lot size maps. This Gateway alteration does not result in any changes to maps.



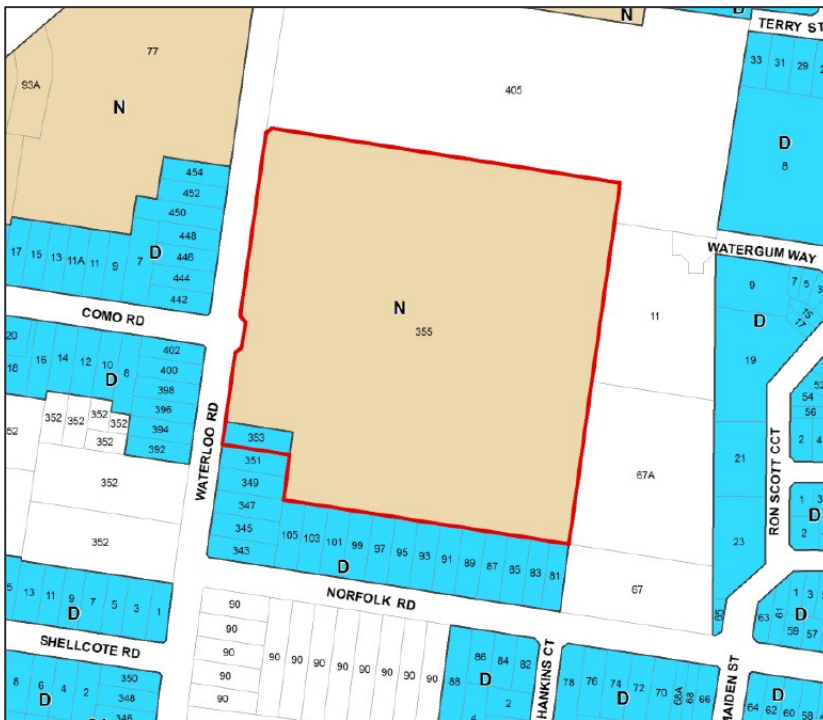


Figure 5 Existing floor space ratio map (Source: planning proposal)

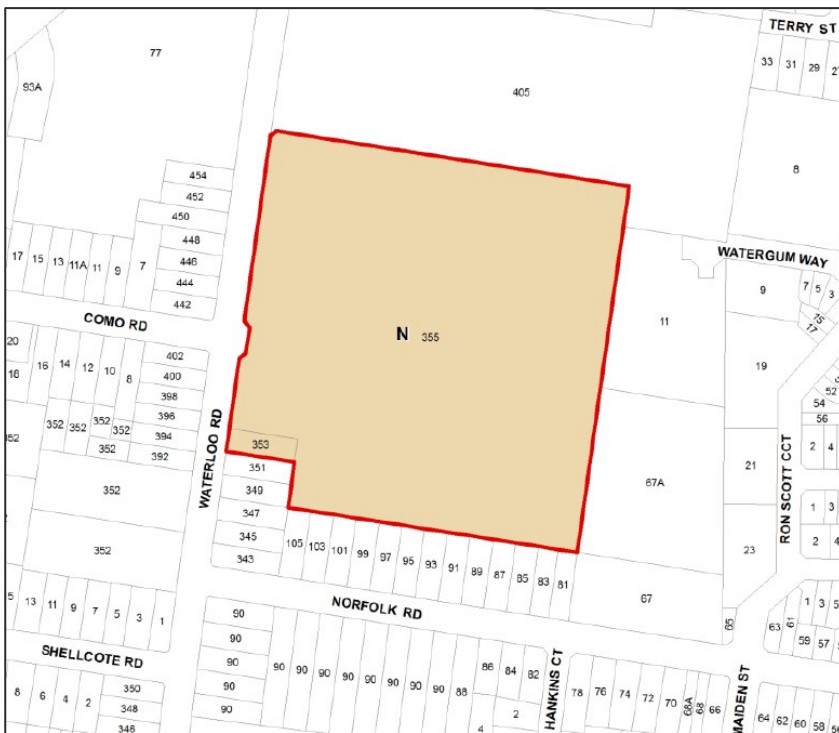


Figure 6 Proposed floor space ratio map (Source: planning proposal)

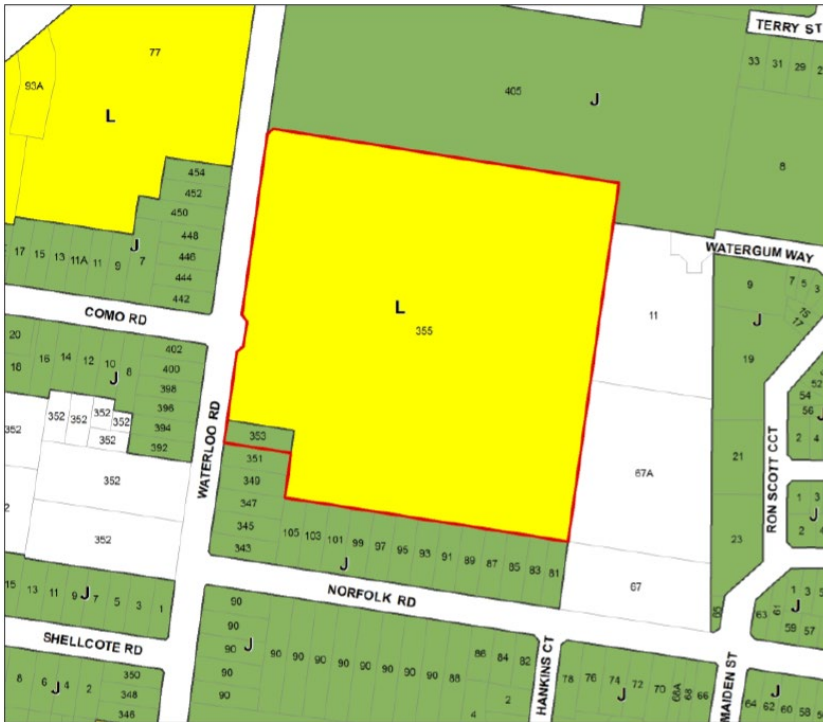


Figure 7 Existing building height map (Source: planning proposal)

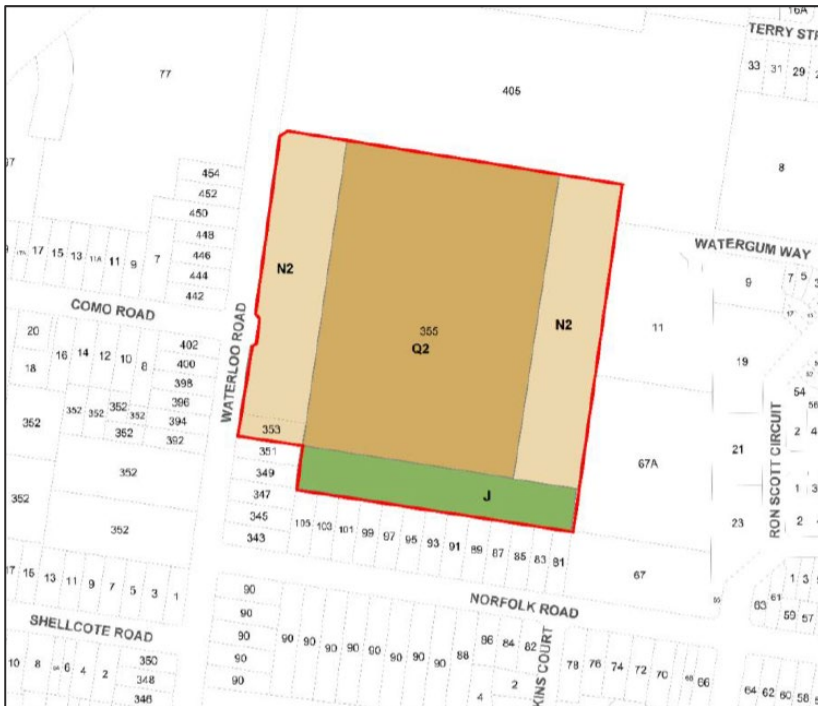


Figure 8 Proposed building height map (Source: planning proposal)



Figure 9 Existing lot size map (Source: planning proposal)



Figure 10 Proposed lot size map (Source: planning proposal)

2 Need for the planning proposal

Council's assessment indicates the proposal has strategic merit and is the best means to achieve the intended outcomes.

The Gateway determination concluded that the planning proposal is the most appropriate means of ensuring economic use of the land and providing housing choice in close proximity to services and employment.

3 Alteration

This Gateway alteration proposes to allow for section 9.1 Directions 1.1 Business and Industrial Zones and 2.1 Environment Protection Zones to be satisfied prior to finalisation rather than prior to exhibition, to enable:

- further review and justification of the proposed floor space ratio control supported by a study to ensure employment lands are projected
- an assessment for consistency with Council's Employment Lands Strategy and justification for any inconsistencies
- consultation with the Environment, Energy and Science Group (ESS Group) in relation to submitted shadow diagrams and the location and extent of the endangered ecological communities within Norfolk Reserve to protect and conserve environmentally sensitive areas.

This Gateway alteration also recommends the planning proposal be amended prior to exhibition to include:

- clear description of FSR and height controls (addressing inconsistencies)
- clear and legible maps
- an assessment against Council's affordable housing strategy
- a revised timeframe to 31 May 2021 to complete the LEP.

4 Detailed assessment

The amended planning proposal satisfies most of the Gateway conditions, with the exception of condition 1(a) and (b) which relate to consistency with section 9.1 Direction 1.1 Business and Industrial Zones and 2.1 Environment Protection Zones. A summary of the review of the Gateway conditions is provided in the table below.

Table 3 Assessment against Gateway conditions

No.	Gateway condition	DPIE assessment
1	<i>Prior to public exhibition and consultation with public authorities/organisations, the planning proposal is to be amended to include:</i>	-
1a	<i>Further information to demonstrate consistency with section 9.1 Direction 1.1 Business and industrial zones, including:</i> <ul style="list-style-type: none"> <i>(i) a review of the proposed planning controls, including minimum residential floor space ratio (FSR), with the purpose of protecting and expanding commercial/retail floor space and employment opportunities on the site</i> <i>(ii) an analysis of any implications on meeting the housing targets under the Greater Sydney Region Plan and South District Plan as a result of any changes to the proposed planning controls in response to part (i) above</i> <i>(iii) a review of the planning proposal for consistency with Council's draft employment strategy</i> 	Refer to discussion below table

No.	Gateway condition	DPIE assessment
1b	<p><i>Further information to demonstrate consistency with section 9.1 Direction 2.1 Environmental protection zones, including:</i></p> <ul style="list-style-type: none"> <i>(i) information to confirm the location and extent of the endangered ecological communities within Norfolk Reserve at 67-67A Norfolk Road and 11 Watergum Way, Greenacre</i> <i>(ii) shadow diagrams to demonstrate the worst-case overshadowing impacts on Norfolk Reserve during mid-winter based on the proposed planning controls, as amended by this Gateway determination</i> 	Refer to discussion below table
1c	<p><i>Reduction of the maximum building height along the southern part of the site from 11 metres to 9 metres</i></p>	<p>This condition has been satisfied as the height has been reduced to 9m along the southern part of the site.</p>
1d	<p><i>Shadow diagrams to demonstrate the worst-case overshadowing impacts on the adjoining dwellings along Norfolk Road and Waterloo Road during mid-winter based on the proposed planning controls, as amended by this Gateway determination</i></p>	<p>The Department previously requested that the worst-case shadow diagrams do not include the proposed DCP setbacks as they are not mandatory.</p> <p>However, Council considers shadow diagrams using draft DCP setbacks appropriate because the DCP includes an objective to minimise overshadowing to Norfolk Reserve and any DA that doesn't comply with DCP setbacks still needs to demonstrate that it have addressed DCP objectives.</p> <p>The Department has determined that the submitted shadow diagrams are acceptable for exhibition purposes. It is noted that Council is required to consult ESS Group during exhibition under condition 4 for the Gateway determination.</p>
1e	<p><i>Draft amendment to the Bankstown Development Control Plan 2015 with site-specific provisions relating to the subject planning proposal, including but not limited to, site layout, access and circulation, built form, height transitions, open space and landscaping requirements</i></p>	<p>This condition is satisfied as the draft site-specific DCP controls have been provided.</p>

No.	Gateway condition	DPIE assessment
1f	<p><i>Traffic information to facilitate consultation with TfNSW as outlined below:</i></p> <p><i>(i) the raw data to validate the results shown in Figure 2 and 3 of the Revised Traffic Study (prepared by Colston Budd Rogers and Kafes Pty Ltd dated March 2019), including dates and times of the survey undertaken</i></p> <p><i>(ii) updated intersection modelling to assess the impact of the proposal on the surrounding network and intersections, taking into consideration the additional information submitted to Council in May 2019</i></p>	<p>This condition is satisfied as a supplementary traffic submission has been provided.</p> <p>Consultation with TfNSW will occur prior to finalisation.</p>
1g	<i>Indicative lot size map showing removal of 353 Waterloo Road Greenacre</i>	This condition is satisfied as existing and proposed indicative lot size maps have been provided in the amended planning proposal.
1h	<i>A map showing the location and extent of areas within the site subject to flood risk</i>	This condition is satisfied as a flood risk map has been included in the amended planning proposal.
1i	<i>Updated project timeline</i>	The project timeline has been updated. A further update will be required to reflect the timeline recommended under this alteration. This will be addressed in the letter to Council.

The following section provides details of the Department's assessment of the planning proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement.

4.1 Section 9.1 Directions

1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, and to protect employment land in business and industrial zones.

Clause 4 of the Direction requires planning proposal to:

- (b) retain the areas and locations of existing business and industrial zones*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones.*

The Gateway determination assessment report (**Attachment F**) determined that the proposed maximum residential FSR of 0.65:1 (within an overall FSR of 1:1) does not protect employment land.

The Gateway determination (**Attachment E**) included condition 1(a) to resolve consistency with Direction 1.1. Business and Industrial Zones prior to public exhibition of the planning proposal:

- 1(a) Further information to demonstrate consistency with section 9.1 Direction 1.1 Business and industrial zones, including:*

- (i) *a review of the proposed planning controls, including minimum residential floor space ratio (FSR), with the purpose of protecting and expanding commercial/retail floor space and employment opportunities on the site*
- (ii) *an analysis of any implications on meeting the housing targets under the Greater Sydney Region Plan and South District Plan as a result of any changes to the proposed planning controls in response to part (i) above*
- (iii) *a review of the planning proposal for consistency with Council's draft employment strategy*

In response to the above Gateway condition, Council requested that condition 1(a) be deleted for the following reasons:

- there is no change to the overall FSR of 1:1 for 355 Waterloo Road
- the current controls do not mandate any minimums for commercial FSR
- the current permitted uses on the site include 'residential flat buildings' and 'shop top housing', and as such, there is no requirement for any commercial/employment use to be provided on the site, and there is also nothing preventing a sole commercial development on the site
- the proposal does not reduce the total potential floorspace for employment, but rather increases it through the expansion of the B2 Local Centre zone (i.e. rezoning of 353 Waterloo Road from R2 Low Density to B2 Local Centre)
- Council's Employment Lands Strategy confirms the existing commercial GFA of Chullora Marketplace is 20,659m², which equates to 0.35:1. The proposed maximum residential FSR control of 0.65:1 will safeguard commercial floorspace
- the planning proposal is consistent with the objectives of the B2 Local Centre zone in terms of protecting employment opportunities and allowing mixed use development.

The Department reviewed Council's submission and has determined that consistency with Direction 1.1 Business and Industrial Zones remains unresolved.

Council's Employment Lands Strategy identifies a projected need of 18,600sqm GFA of commercial / retail floorspace in Chullora local centre by 2036, comprising of 9,900sqm commercial floorspace and 8,700sqm additional retail floorspace (page 169). This is in addition to the existing commercial floorspace on the site of 20,659sqm. The strategy indicates this could be addressed through expansion of Chullora Marketplace and /or planned repositioning Chullora Business Park.

The Department notes that the planning proposal seeks to introduce a maximum residential FSR control of 0.65:1 (within an overall site FSR of 1:1). This control places a cap on the residential component but does not guarantee that commercial floorspace will be delivered on the site. This is suggested in the Urban Design Peer Review (page 16) which states "*a maximum residential FSR provides greater clarity than a minimum commercial FSR in the case that a developer believes commercial use is not viable*".

Council's Employment Lands Strategy states that "*residential flat buildings, without ground floor non-residential use are not supported in the B1 Neighbourhood Centre or B2 Local Centre zones. However, the use is recommended to be permissible, when combined with a ground floor non-residential use. This would actively promote delivery of vital services in mixed use development that may otherwise be pushed out by retail uses attached to shop top housing*" (page 111). It clarifies that the intent of this is to allow for alternative uses such as medical centres, service centres or other non-retail/business uses on the ground floor level. By contrast, the planning proposal is based on an urban design scenario that segregates commercial and residential land uses resulting in residential flat buildings at the rear of the site with no ground floor commercial component.

The District Plan and LSPS identify the important role of Chullora centre in providing for the local needs of the community.

Given the above, the Department does not consider that the proposed maximum residential FSR control is the best method to safeguard employment land on the site and support strengthening the role of the local centre. It is also unclear how a scheme for residential flat buildings aligns with the intent in the Employment Lands Strategy to promote ground floor commercial in the B2 Local Centre zone. Further evidence is also required to demonstrate how the long term retail needs and the projected demand for future commercial / retail floorspace for Chullora can be accommodated, if not on this site.

Therefore, it is recommended that condition 1(a) be deleted and a new condition 9 be added to require consistency with section 9.1 Directions 1.1 Business and Industrial Zones prior to finalisation. This will enable further consideration of Council's Employment Lands Strategy and review of the suitability of the proposed planning controls to protect employment lands in business zones.

2.1 Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas.

Clause 4 of the Direction requires a planning proposal to:

include provisions that facilitate the protection and conservation of environmentally sensitive areas

The Gateway determination assessment report (**Attachment F**) noted that the site adjoins Norfolk Reserve which is zoned RE1 Public Recreation. The assessment determined that further information is required to further assess potential impacts on endangered ecological communities and to consult with the Environment, Energy and Science Group (ESS Group).

The Gateway determination (**Attachment E**) included condition 1(b) to resolve consistency with Direction 2.1 Environment Protection Zones prior to public exhibition of the planning proposal:

1(b) *Further information to demonstrate consistency with section 9.1 Direction 2.1 Environmental protection zones, including:*

- (i) *information to confirm the location and extent of the endangered ecological communities within Norfolk Reserve at 67-67A Norfolk Road and 11 Watergum Way, Greenacre*
- (ii) *shadow diagrams to demonstrate the worst-case overshadowing impacts on Norfolk Reserve during mid-winter based on the proposed planning controls, as amended by this Gateway determination*

The Department later clarified that under condition 1(d)(ii), a separate set of shadow diagrams should be provided to illustrate shadow impacts without the proposed DCP setbacks, as they are not statutory planning controls.

ESS Group provided feedback on the proposal on 15 September 2020, noting the following:

- the proposal has potential to result in overshadowing that will have marked changes to light, temperature, and moisture in the reserve. ESS recommended an increased setback on the eastern boundary to reduce overshadowing (no less than 15 metres)
- no studies have been undertaken to confirm the location and extent of the endangered ecological communities in Norfolk Reserve, and based on the information at hand, there are potential biodiversity impacts. ESS sought clarification on the details of the proposal (e.g. extent of basements, increased population numbers, amount of open space to be provided on site, measures to mitigate impacts on the reserve, lighting, setbacks/buffers)
- ESS provided recommendations for DCP controls for plant species and green roofs, and inclusion of an objective for setbacks to minimise potential impacts to Norfolk Reserve

In response to the preliminary engagement with ESS and the Gateway condition, Council responded as follows:

- a map has been provided showing the extent of the Cooks River/Castlereagh Ironbark Forest (CRCIF) community in Norfolk Reserve, which is an endangered ecological community under the *Biodiversity Conservation Act 2016*. No site-specific study has been completed to confirm the extent and location of ECCs
- a site specific DCP will be exhibited concurrently with the planning proposal which includes a 12 metre setback control and a 15 metres landscape buffer control to the eastern boundary along Norfolk Reserve. The DCP also includes an objective for setbacks to minimise overshadowing to sensitive ecological communities in Norfolk Reserve
- shadow diagrams have been provided showing maximum building envelopes and a 12 metre setback to the eastern boundary of the site. The shadow diagrams show some shadow impacts to Norfolk Reserve. Council notes that the proposed FSR will deliver a reduced building envelope on the site, as demonstrated by the concept plan, which will generate less shadows than shown in the diagrams
- further consultation with ESS Group will be undertaken during exhibition in accordance with the amended Gateway (**Attachment G**)

To provide opportunity for ESS Group to review and comment on the amended planning proposal, it is recommended that condition 1(b) be deleted and a new condition 9 be added to require consistency with section 9.1 Directions 2.1 Environment Protection Zones prior to finalisation.

4.2 State environmental planning policies (SEPPs)

A review and assessment of the proposal against relevant SEPPs was completed through the Department's Gateway determination.

Further assessment against SEPP 19 (Bushland in Urban Areas) will be undertaken following consultation with ESS Group on the potential environmental impacts; and further assessment against SEPP (Infrastructure) 2007 will be undertaken following consultation with TfNSW regarding traffic and transport.

4.3 State, regional and district plans

A review and assessment of the proposal against the South District Plan was completed through the Department's Gateway determination.

The previous Gateway determination assessment noted that the District Plan Planning Priority S6 provides that:

“housing should not compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time”

It also noted that the District Plan includes protection or expansion of retail and/or commercial floor space and employment opportunities as a place-based planning principle.

Condition 1(a)(ii) of the Gateway determination required an analysis of any implications on meeting the housing targets under the Region Plan and District Plan as a result of any changes to the proposed planning controls under condition 1(a)(i).

Council's amended planning proposal does not include any changes to the planning provisions and therefore Council did not provide a response to condition 1(a)(ii).

Refer to assessment under Section 9.1 Directions above. Further assessment against consistency with the South District Plan is required prior to finalisation of this planning proposal.

4.4 Local plans and strategies

Canterbury Bankstown Local Strategic Planning Statement (LSPS)

The LSPS is a 20-year plan to guide Council's renewal and growth to accommodate an increased population of residents, workers and visitors by 2036. It contains a set of initiatives to ensure a successful and prosperous city. The Greater Sydney Commission (GSC) gave formal assurance to the LSPS on 16 March 2020.

The LSPS identifies Chullora as a village centre and notes that village centres will support local urban services and shopping needs and that where rail and mass transit/train services are available, the centres will also see an increase in housing. It notes village centres are hubs of community life, with high quality public, civic and community spaces.

The LSPS states:

Canterbury Bankstown has two stand-alone shopping centres at Chullora and Roselands. These centres will be maintained as primarily retail complexes with the opportunity for mixed use development that is appropriate for the location and context

The proposal will contribute towards the supply of housing, and whilst the site does not have access to rail services, it does have access to high frequency bus services. The provision of mixed use development on the site is consistent with the LSPS, but further assessment is required to determine if the proposal suitably protects employment lands and endangered ecological communities.

Refer to assessment under Section 9.1 Directions above. Further assessment against consistency with the LSPS is required prior to finalisation of this planning proposal.

Canterbury Bankstown Housing Strategy

The Canterbury Bankstown Housing Strategy was adopted by Council on 23 June 2020 and is being considered for endorsed by the Department.

The planning proposal is consistent with the following strategic directions:

- SD3: Focus at least 80% of new dwellings within walking distance of centres and places of high amenity
- SD4: Ensure new housing in centres and suburban areas are compatible with local character
- SD5: Provide housing types, sizes and tenures and prices, to suite each stage of life

The planning proposal is generally consistent with the Housing Strategy.

Canterbury Bankstown Affordable Housing Strategy

The Canterbury Bankstown Affordable Housing Strategy was adopted by Council on 23 June 2020. The strategy has not been endorsed by the Department.

The Affordable Housing Strategy includes an action to amend Council's Planning Agreement Policy to include a requirement for a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1,000sqm of residential floor space. Stating that alternative rates may be negotiated where other public benefits are warranted and feasibility testing provided.

The planning proposal does not include affordable housing contributions. On 21 January 2021, the Department requested that Council update the planning proposal to address the Affordable Housing Strategy (**Attachment I**).

It is recommended that new condition 8 be added requiring an assessment against Council's Affordable Housing Strategy prior to exhibition.

Canterbury Bankstown Employment Lands Strategy

The Canterbury Bankstown Employment Lands Strategy was adopted by Council on 23 June 2020. The strategy has not been endorsed by the Department.

Refer to assessment under Section 9.1 Directions above. Further assessment against consistency with the Employment Lands Strategy is required prior to finalisation of this planning proposal.

5 Consultation

The Gateway determination requires a 28 day public exhibition period and consultation with the following authorities/organisations:

- Chullora Public School
- NSW Department of Education
- NSW DPIE – ESS Group
- NSW Heritage Office
- NSW Police
- South Western Sydney Local Health District
- Sydney Water
- Transport for NSW
- Ausgrid
- Local bus operators

The consultation requirements in the Gateway determination are considered appropriate.

6 Timeframe

The NSW Government is reforming the planning system to be more streamlined and simplified. Part of the reforms seek to reduce planning proposal timeframes to generally one year and no more than 2 years from start to completion.

The planning proposal was submitted to the Department on 20 August 2019. The Gateway determination specified that the timeframe for completing this LEP is 18 February 2021 (i.e. 385 work days). Council is seeking a 12 month extension.

This Gateway alteration recommends a revised timeframe of 31 May 2021 to complete the LEP.

7 Local plan-making authority

Council is authorised as the local plan-making authority for this planning proposal under the existing Gateway determination.

Given that two of the Section 9.1 Ministerial Directions are to be satisfied prior to finalisation rather than prior to Gateway, it is practical for the Department retain plan making delegation.

8 Assessment Summary

The Gateway alteration is supported to proceed with conditions for the following reasons:

- the planning proposal will facilitate additional housing (up to 400 dwellings) and retain commercial / retail uses on the site (local centre) in a location that is accessible to high frequency bus services (to Liverpool and Burwood) and open space
- the two to six storey building heights will provide an acceptable transition and relationship to the surrounding area

- Council's site-specific DCP includes further design controls to ensure good design outcomes on the site, including building envelope, setbacks, articulation and deep soil planting controls which will be considered as part of a future development application
- the planning proposal has strategic merit as it is consistent or justifiably inconsistent with all relevant section 9.1 Directions, SEPP's, the South District Plan and Council's plans and strategies, except as conditioned where further assessment is required prior to finalisation
- the planning proposal will have satisfactory environmental, social and economic impacts, however, further assessment of impacts on employment lands and endangered ecological communities is required prior to finalisation.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Delete:
 - condition 1(a)
 - condition 1(b)
 - condition 2
2. Add:

new condition 8: Prior to public exhibition and consultation with public authorities/organisations, the planning proposal is to be amended to include:

 - (a) clear description of the proposed floor space ratio and height of building controls in Part 3 of the planning proposal
 - (b) clear and legible maps in Part 4 of the planning proposal
 - (c) an assessment against Council's Affordable Housing Strategy
 - (d) an updated project timeline
3. Add:

new condition 9: Prior to finalisation of the planning proposal, demonstrate consistency or justify inconsistency with:

 - (a) section 9.1 Direction 1.1 Business and Industrial Zones, including:
 - i. review and justification of the proposed floor space ratio supported by a study to ensure employment lands are protected
 - ii. an assessment for consistency with Council's employment lands strategy and justification for any inconsistencies
 - (b) section 9.1 Direction 2.1 Environment Protection Zones.
4. Delete condition 7 and replace with:

new condition 7: "The timeframe for Council to submit the LEP for finalisation 31 May 2021.
5. Delete condition 6



(Signature)

10/2/21

(Date)

Eva Stanbury
Manager, Eastern and South Districts



12/02/2021

_____ (Signature)

_____ (Date)

Laura Locke
Director, Eastern and South Districts

Assessment officer

Renee Coull
Senior Planning Officer, Eastern and South Districts
9995 6632