

Planning Services

Gateway Determination Report

LGA	Canterbury-Bankstown
RPA	Canterbury-Bankstown Council
NAME	Bankstown LEP 2015 – 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl (369 dwellings, no job number is available at this stage)
NUMBER	PP_2018_CBANK_001_00
LEP TO BE AMENDED	Bankstown Local Environmental Plan 2015
ADDRESS	913-925 Punchbowl Road & 21 Canterbury Road, Punchbowl
DESCRIPTION	Lot B DP378634, Lot 2 DP21524, Lot 3 DP21524, Lot 4 DP21524, Lot 6 DP5245, Lot A DP378634, Lot D DP382627, Lot 15 DP132440, Lot 1 DP236825 & Lot 14 DP132440
RECEIVED	11 January 2018 – final information provided by council on 4 May 2018.
FILE NO.	IRF18/132
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.

INTRODUCTION

Description of Planning Proposal

The planning proposal applies to 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl (the site). Punchbowl Club submitted this planning proposal to Council to amend Bankstown LEP to allow mixed use development at the site with 1.8:1 Floor Space Ratio (FSR) and maximum building height of 17 metres (5 storeys).

Site Description

The planning proposal applies to land in the Canterbury Bankstown LGA as identified in the table below.

Table 1 – Site Description

Serial Number	Site Address	Lot Description
1.	913 Punchbowl Road, Punchbowl	Lot B, DP 378634
2.	915 Punchbowl Road, Punchbowl	Lot 2, DP 21524
3.	917 Punchbowl Road, Punchbowl	Lot 3, DP 21524
4.	919 Punchbowl Road, Punchbowl	Lot 4, DP 21524
5.	921 Punchbowl Road, Punchbowl	Lot 6, DP 5245
6.	921A Punchbowl Road, Punchbowl	Lot A, DP378634
7.	921B Punchbowl Road, Punchbowl	Lot D, DP382627
8.	923 Punchbowl Road, Punchbowl	Lot 15, DP132440
9.	925 Punchbowl Road, Punchbowl	Lot 1, DP 236825
10.	21 Canterbury Road, Punchbowl	Lot 14, DP 132440

The subject site, with an area of 2 ha, is located on the corner of Punchbowl Road and Canterbury Road in Punchbowl. The subject site contains 10 lots consisting of four (4) residential lots and the existing registered club known as Club Punchbowl (see Figure 1).

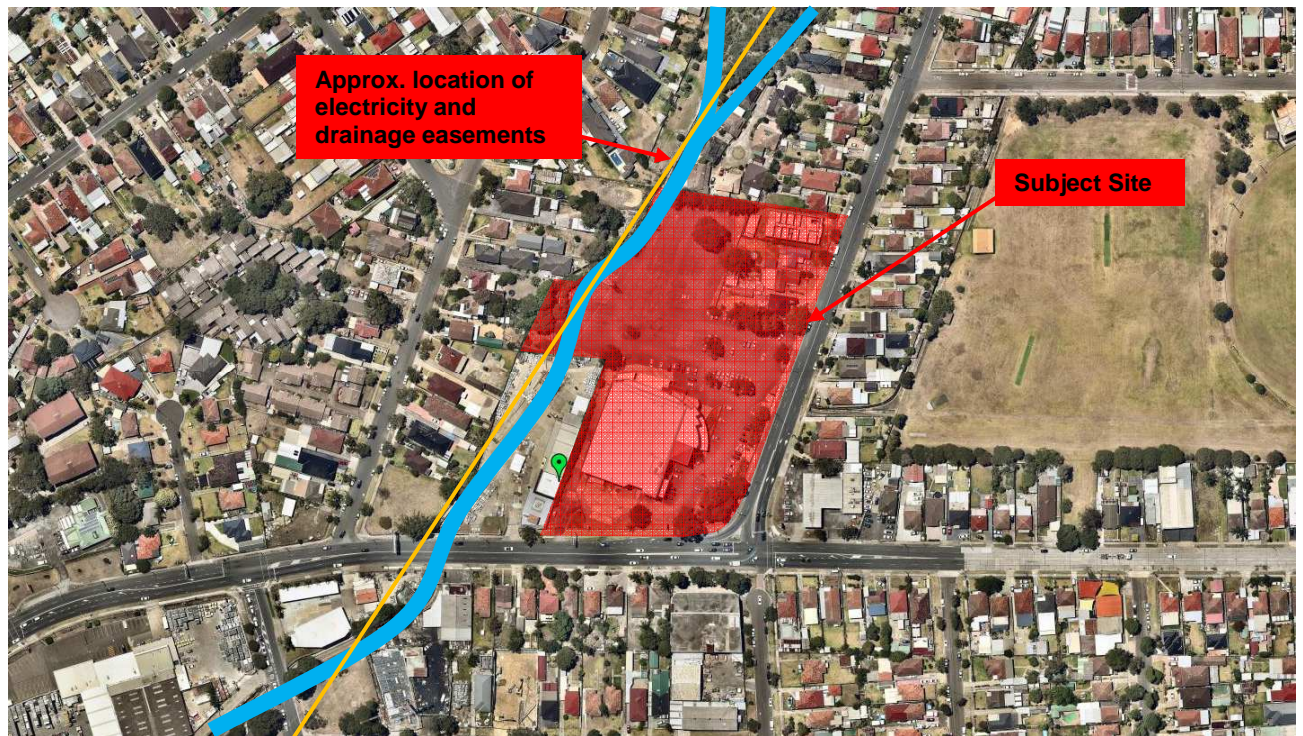


Figure 1 Aerial photograph of subject site

Existing planning controls

The existing zoning of the site is partly B1 Neighbourhood Centre and partly R2 Low Density Residential (refer to Figure 2)

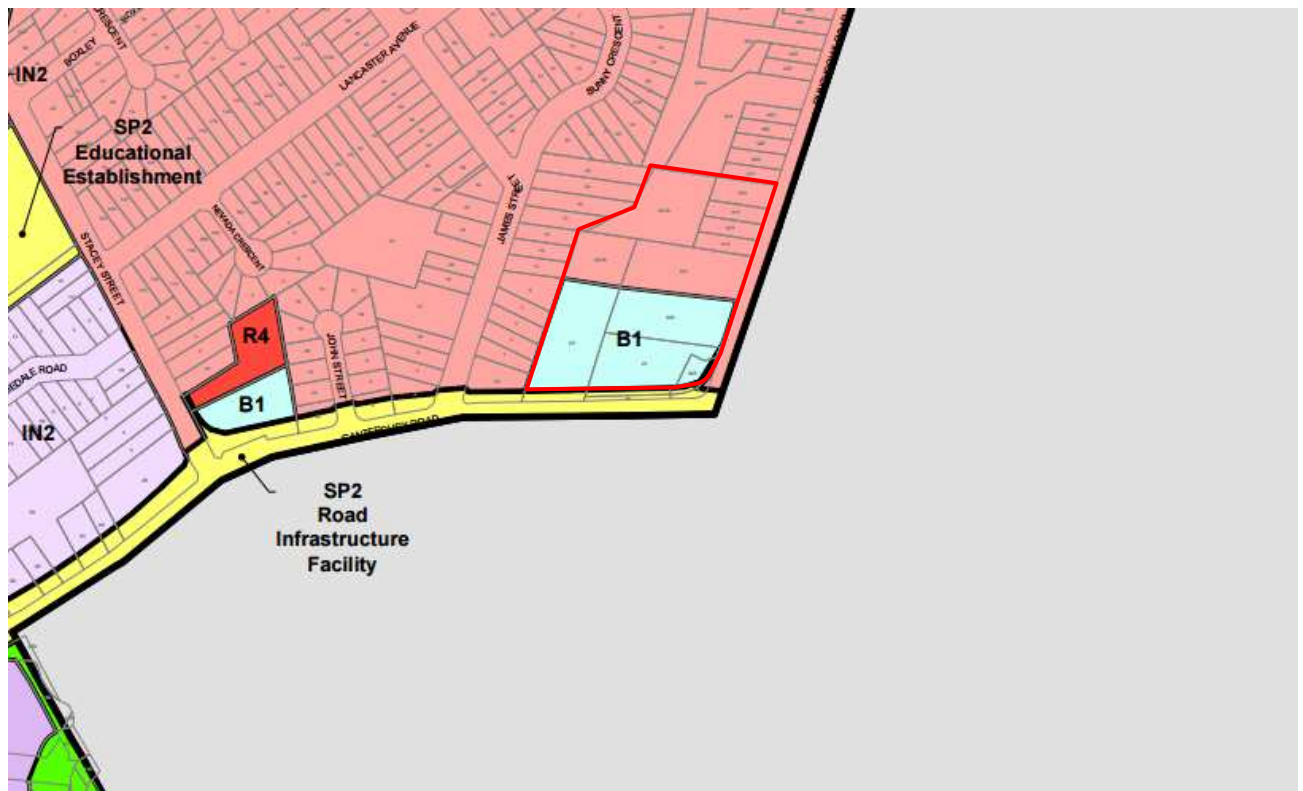


Figure 2 Existing Land Zoning Map (Sheet LZN_005) of the BLEP - subject site outlined in red etching.

Surrounding Area

The site is located approximately 1.2km south of Punchbowl train station and 1.6 km south of Bankstown Central Shopping Centre. The low-rise suburban neighbourhood surround the site with some commercial premises to the south and west and Punchbowl Park to the east.

Summary of Recommendation

It is recommended that the planning proposal proceed with conditions as it will facilitate an opportunity for high quality residential accommodation and commercial development close to public transport with good connectivity to local and major centres.

PROPOSAL

Objectives or Intended Outcomes

The objectives of this planning proposal are to:

- concentrate a range of low-rise and medium-rise mixed use development and residential flat buildings at an important junction of the Canterbury Road Corridor;
- establish the maximum floor space and height of buildings taking into account the context, desired character, bulk, vehicular traffic generation and availability of infrastructure;
- establish an appropriate interface to the low-rise suburban neighbourhood, busy roads and easements that surround the site; and,
- provide future residents with good amenity.

Department comment

The objectives of the planning proposal are considered to be clear and adequate.

Explanation of Provisions

The planning proposal seeks to amend the Bankstown LEP 2015 as detailed below:

- Amend the Land Zoning Map by rezoning the properties at Nos. 913–921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.
- Amend the Height of Buildings Map by applying a maximum 17 metre building height to the site.
- Amend the Floor Space Ratio Map by applying a maximum 1.8:1 floor space ratio to the site.
- Amend the Lot Size Map by removing this standard applying to properties at 913–921B Punchbowl Road, Punchbowl, as the Lot Size Map does not apply to the B1 Neighbourhood Centre zone.

Department comment

The explanation of provisions is considered to be adequate.

Mapping

The current and proposed maps are provided in Part 4 of the planning proposal. The planning proposal will amend the following maps:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ration Map
- Lot Size Map

A location map is provided to show the boundaries of the site. The proposal also includes a Land Application Map.

Department comment

The supporting diagrams in the planning proposal are considered to be suitable for community consultation purposes.

NEED FOR THE PLANNING PROPOSAL

The site is located within the North East Area Plan, which was adopted by Council in May 2016. The site is also located adjacent to the Punchbowl Station Precinct under the revised Sydenham to Bankstown Urban Renewal Strategy, which was released for public comment in June 2017.

In May 2017, the Department issued a Gateway determination for a planning proposal (PP_2016_CBANK_002_00) which proposes to implement the recommendations of Council's North East Local Area Plan. The planning proposal also sought to implement the recommendations of other Local Area Plans including North Central, South East and South West. This planning proposal and subsequent Gateway determination for PP_2016_CBANK_002_00 applies to part of the site.

Under the PP_2016_CBANK_002_00 planning proposal, part of the site was proposed to be consolidated into a single site. Further, it was also proposed to rezone part of the site from R2 Low Density Residential to B1 Neighbourhood Centre, increase the FSR of the site from 0.5:1 to 1.8:1 and increase the height of buildings from two stories to five stories.

In July 2017, Council received a request from the proponent to prepare a separate planning proposal for the site to expedite the process. The proposal seeks to adopt the same land use controls as proposed by Council in PP_2016_CBANK_002_00, with the addition of properties at 913-919 Punchbowl Road, Punchbowl.

The proposal was subsequently referred to Council's Independent Hearing and Assessment Panel (IHAP). The IHAP considered that the site forms part of the Canterbury Road Enterprise Corridor, a major transport and freight route that will continue to function as a significant economic asset for the City of Bankstown. Given, the location of the site, the IHAP endorsed an increase in the building envelope by endorsing the inclusion of the properties at 913-919 Punchbowl Road and applying the same controls, as currently proposed under the PP_2016_CBANK_002_00.

Department comment

It is noted that the planning proposal is the best and most appropriate means of achieving the Council's intended outcome. However, as the site is also currently part of the PP_2016_CBANK_002_00, it is recommended that the site proposed under this planning proposal be removed from the PP_2016_CBANK_002_00 by issuing an amended Gateway determination.

STRATEGIC ASSESSMENT

Regional/ District

The planning proposal addresses the draft Greater Sydney Region Plan and draft South District Plan. A condition is recommended for the proposal to be amended by Council to address the adopted plans. The proposal has been considered against the adopted plans, as follows.

Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018)

The proposal is consistent with *Objective 10: Greater housing supply* of the Regional Plan as it will supply a range of housing types in the right location to support Sydney's growing population.

South District Plan (March 2018)

The proposal is consistent with the Planning *Priority S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport* as the proposal will provide housing supply and a range of housing types to support Sydney's population.

Local

Bankstown Community Plan 2023 (former Bankstown City Council)

The vision of the Bankstown Community Plan 2023 is to have a thriving centre of Greater Sydney.

The planning proposal is consistent with the Plan as it will achieve this vision by having integrated plans for local areas that guide future development in the city.

Canterbury Road Corridor Review

The main objective of this review is to guide changes to land use planning and built form controls along the Canterbury Road corridor.

The proposal is not inconsistent with the review as it adopts the land use and built form provided in the review.

Section 9.1 Ministerial Directions

The consistency of the planning proposal with the relevant Section 9.1 Directions is addressed below:

Direction 1.1 Business and Industrial Zones

This direction aims to encourage employment growth in suitable locations; protect existing employment land; and support the viability of identified strategic centres. This Direction applies to this planning proposal as it affects business zoned land.

The planning proposal is generally consistent with this direction as it retains the existing business zone and does not reduce the total potential floor space area for employment uses.

However, the planning proposal is inconsistent with clause 4(e) of this direction as the new employment area (i.e. the proposed extension of the business zone) is not in accordance with a strategy that is approved by the Secretary of the Department.

Department Comment

The inconsistency is considered to be of minor nature given the planning proposal will maintain the existing business and commercial functions that currently exists and retain the areas and location of existing business zone.

While this is the case, it is recommended that a proposed retail study, to be undertaken by council, includes advice over impacts on local centres to confirm that any inconsistency with the direction is of a minor nature. A determination condition is recommended.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Council has advised that the site is subject to class 3 and 5 acid sulfate soils. Council has advised that acid sulfate study is required.

Department comment

The Direction requires the preparation of an acid sulfate study for a planning proposal that will intensify the land uses on acid sulfate potential sites. The planning proposal is therefore inconsistent with this Direction as Council has not considered an acid sulfate soils study for the proposal.

It is recommended that should the proposal proceed, an acid sulfate soils study be prepared and submitted to the Secretary of the Department of Planning and Environment prior to exhibition of the planning proposal, which gives consideration to the objectives of the direction to avoid significant adverse environmental impacts from the use of the land. Council also might need to amend the planning proposal if required.

Direction 4.3 Flood Prone Land

This Direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and that potential flood impacts are considered. Council has advised that the site is affected by the high and medium stormwater flood risk precincts. Stormwater precincts are shown on Council's map at **Attachment G**.

High Risk Stormwater Flood Precinct

The properties described as 921-921B and 923 Punchbowl Road (refer to **Attachment G**) share a common boundary with a drainage reserve. The proposal seeks to rezone these sites from R2 to B1 (at 921-921B Punchbowl Road) and maintain the current B1 zone at 923 Punchbowl Road.

In this regard, the proposal is inconsistent with the direction as it seeks to increase densities at the above properties.

In justification, Council has advised that the portion of the site that is within the high risk stormwater flood precinct is small and the remaining portions of the site are either fully developable or are consistent with the principles of the NSW Government's Flood Policy and the Flood Development Manual 2005, as outlined in the following.

Medium Risk Stormwater Flood Precinct

From a review of the stormwater precincts map, the properties mainly coming within the flood stormwater medium risk category are described as: 921A; 921B; 921; and, 923 Punchbowl Road, as well as, a small portion of 21 Canterbury Road (refer **Attachment G**). Intensification of development is proposed for all these properties.

Council has sought to justify any inconsistency with the direction on the basis of minor significance. This contention is based on the proposed application of Bankstown's current 2015 Development Control Plan (DCP). Part B12 – Flood Risk Management of the DCP was prepared in accordance with the Floodplain Development Manual 2005.

The medium flood risk precinct is land below the 100-year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties.

While it is acknowledged that there is a significant risks of flood damage, these damages can be minimised by the application of development controls. These controls address: habitable floor levels; appropriate form of housing development; parking and driveway access; and, evacuation management.

Consequently, any risk resulting from future development may be satisfactorily addressed by applying these controls as part of the development application process.

Council accordingly contends that the planning proposal's inconsistency with this direction is of a minor nature as any risk resulting from the future redevelopment of the properties would be satisfactorily addressed in accordance with development controls specified in the DCP.

Department comment

Council has indicated that the high risk area is small; there are no evacuation issues; and, that any property damage may be contained.

In light of the above, it is considered that any inconsistency with this direction is of a minor nature. Consequently, it is recommended that the delegate of the Secretary agrees that any inconsistency of the planning proposal with Direction 4.3 Flood Prone Land is of minor significance.

The delegate may also care to note that it is also proposed to refer the planning proposal to the Office of Environment and Heritage and this matter may be further considered by that agency. Further, the covering letter to Council recommends that

as part of Council's proposed urban design study, consideration be given the flood liable nature of the site, particularly the area subject to high stormwater risk.

State Environmental Planning Policies

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The SEPP is relevant to specific development that would become permitted with consent under the planning proposal. Future development would need to comply with the provisions of the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

Council has advised that the site will be subject of a contamination assessment post Gateway.

Department comment

It is recommended that prior to community consultation, Council conduct the contamination assessment report and amend the planning proposal if required. A Gateway condition is recommended.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Council has advised the planning proposal is consistent with the provisions of the SEPP except with clause 9 in relation to principle (1) Acid sulfate soils. Council has further advised that an acid sulfate soils assessment will be required to address the consistency with the SEPP.

Department comment

It is recommended that prior to community consultation, Council conduct the acid sulfate soils study and amend the planning proposal if required. A Gateway condition is recommended.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The planning proposal will have positive social and economic impacts as it proposes to increase the development potential of the site. Further, the proposal will provide a net increase and choice of housing along recreational and community service opportunities.

Environmental

Council has advised that the site does not contain any critical habitat or threatened fauna.

Infrastructure

The site is currently serviced by the necessary infrastructure and utilities.

CONSULTATION

Community

Council proposes to undertake a community consultation period of 28 days.

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

Agencies

Council proposes to consult Transport for NSW, Roads and Maritime Services, Environment Protection Authority, Sydney water and TransGrid.

Proposed consultation with these authorities by Council is supported. However, as previously discussed under 4.3 Flood Prone Land, formal consultation with the Office of Environment and Heritage is recommended.

TIME FRAME

Council proposes a timeframe of 9-months to finalise this planning proposal. Given the nature of the planning proposal, a 9-months timeframe is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested authorisation to exercise the plan making function under delegation in relation to this planning proposal. This matter has been discussed with council officers and authorisation has been requested (**Attachment H**).

Given the nature of the planning proposal, it is recommended that authorisation be issued for Council to exercise the Section 3.36 delegation in this instance.

CONCLUSION

It is recommended that the planning proposal proceed with conditions given that it will provide a mix of uses and provides opportunities for orderly development with increased dwelling density and a mix of business uses in an accessible area.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistency with Section 9.1 Direction: 1.1 is of minor significance.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

2. Prior to exhibition Council exclude the site from the planning proposal PP_2016_CBANK_002_00 by amending the Gateway determination for that planning proposal;
3. Prior to exhibition, Council is to amend the planning proposal in the following manner:
 - alter Section '117' directions to Section '9.1' where appearing in the planning proposal;
 - address the adopted Greater Sydney Region Plan and South District Plan;

- prepare an acid sulfate soils study, submit the study to the Secretary, Department of Planning and Environment to satisfy Section 9.1 direction 4.1 Acid Sulfate Soils, and amend the planning proposal if required;
 - to ensure that any inconsistency with Section 9.1 direction 1.1 Business and Industrial Zones is of a minor nature, consider within the proposed retail needs study whether retail development of the site would hold any significant adverse impacts upon other nearby local centres.
4. Prior to plan finalisation, Council is to ensure that it has fully addressed clause 6 of State Environmental Planning Policy No.55 - Remediation of Land.
 5. Further, via an amended Gateway determination, the area subject to this planning proposal is to be excluded from planning proposal PP_2016_CBANK_002_00.
 6. The planning proposal should be made available for community consultation for a minimum of 28 days.
 7. Consultation is required with the following public authorities:
 - Transport for NSW
 - Roads and Maritime Services
 - Environment Protection Authority
 - Office of Environment and Heritage
 - Sydney Water
 - TransGrid
 8. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.



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