

Gateway Determination

Planning proposal (Department Ref: PP-2021-5837): to amend Bankstown LEP 2015 to facilitate the redevelopment of the former Western Sydney University Campus for residential business, recreation and conservation uses.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bankstown Local Environmental Plan 2015 to facilitate the development of a new low density residential community comprising 430 dwellings, a new commercial centre and public open spaces at 2 and 2A Bullecourt Avenue, Milperra should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - a. Provide a cut and fill assessment having regard to existing topography, maximising tree retention and satisfying flood requirements.
 - b. Include an updated Arboricultural Impact Assessment, Ecological Assessment and Bushfire Assessment that addresses:
 - i. the proposed land use zoning plan;
 - ii. cut and fill required for site grading and flood requirements;
 - iii. Asset Protection Zones required to mitigate bushfire risk;
 - iv. the extent of tree retention, removal and replanting;
 - v. biodiversity impacts and proposed Biodiversity Offsetting; and
 - vi. amendments to Council's Terrestrial Biodiversity Map in order to maintain terrestrial and aquatic biodiversity in accordance with Clause 6.4 Biodiversity in Bankstown LEP 2015.
 - vii. stage 1 and elements of Stage 2 of the Biodiversity Assessment Method 2020.
 - viii. advice from the Department's Biodiversity Team within the Environment and Heritage Group dated 26 April 2022.
 - ix. impacts to areas that contain mapped Threatened Ecological Communities and threatened species habitat whilst also ensuring that the preservation of corridors and or stepping stone habitat across the site is prioritised.
 - x. impacts to Serious and Irreversible Impact entities should be avoided including those areas of poorer condition Cumberland Plain Woodland which may consist only of trees with limited groundcovers and shrubs.
- c. Include further justification for and/or potential adjustment for the accompanying masterplan to demonstrate best practice and good urban design outcomes can be achieved for the site.
- d. Address the useability of the proposed public open spaces having regard also to the proposed dual use of these spaces as detention basins.

- e. Confirm that relevant affordable housing requirements are satisfied, including addressing council's Affordable Housing Scheme.
- f. Address potential noise impacts from nearby industrial uses, and if there are significant impacts outline how these impacts will be mitigated by the future residential development.
- g. Update the assessment against Council's *Local Housing Strategy* to address the Department's Approval and advisory notes on the strategy which do not support downzoning land from R3 to R2 due to the need for medium-density housing.
- h. Rezone the north eastern corner of the site to Zone B1 Neighbourhood Centre, rather than Zone E1 Local Centre, to align with Bankstown Local Environmental Plan 2015. An advisory note on the indicative zoning under the Department's Employment Zones Reform should be included.
- i. Remove the proposed 'nil residential flat building' provision, which prohibits residential flat buildings.
- j. Correct the site description to Lot 1 DP 101147 and Lot 105 1268911 being 2 and 2A Bullecourt Avenue, Milperra.
- k. Include the proposed FSR sliding scale for the Zone R1 General Residential.
- l. Include a land use table for the new Zone C2 Environmental Conservation zone which aligns with the *Standard Instrument – Principal Local Environmental Plan*.
- m. Clarify whether the proposed Zone C2 Environmental Conservation zone will be publicly accessible and how the land will be managed on an ongoing basis to protect and conserve the Endangered Ecological Community.
- n. Include a Terrestrial Biodiversity Map illustrating the extent of the site that is proposed for inclusion on the map.
- o. Include a local provision to prepare a site-specific Development Control Plan (DCP) outlining heads for consideration for inclusion in the DCP. The planning proposal is to include proposed key controls applying to future development on the site.
- p. Provide a detailed masterplan for the site to show how the site can be developed in accordance with best urban design practices and taking account of the site's current attributes.
- q. Provide a Remediation Action Plan (RAP) and Site Audit Statement which demonstrates that the site can be made suitable for residential uses.
- r. Align with the Department's *Local Environmental Plan Making Guideline*, December 2021, and
- s. Include an advisory note that the proposed LEP provisions are prepared by the proponent. The drafting of LEP provisions will be subject to drafting by Parliamentary Counsel Office (PCO) at finalisation.

2. Prior to finalisation the planning proposal is to be revised to:

- a. Address consistency with section 9.1 Directions 3.1 Conservation Zones, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 5.2 Reserving Land for Public Purposes and 7.1 Business and Industrial Zones.
 - b. Confirm that proposed Zone RE1 Public Recreation land will have appropriate arrangements to ensure the land is reserved for a public purpose.
 - c. Provide an employment study that demonstrates the Zone B1 Neighbourhood Centre has strategic and site-specific merit, addresses impacts on the viability of other nearby centres and Council's *Employment Lands Strategy*.
 - d. Provide urban design testing to demonstrate that the numerical controls provided under the FSR 'sliding scale' and new small lot size controls are appropriate. The testing should demonstrate the lots are capable of achieving suitable amenity, landscaped area, deep soil planning, tree canopy, private open space, visual and acoustic privacy and solar access.
 - e. Provide a Flood and Risk Impact Assessment that addresses:
 - i. the Floodplain Development Manual 2005 and the Department's *Considering Flooding in Land Use Planning Guideline* (July 2021);
 - ii. Council's Milperra Catchment Flood Study (2015), Kelso Swamp Flood Study (2009) and Mid Georges River Floodplain Risk Management Plan (2017);
 - iii. intensification of land uses on in the southern part of the site which is flood affected;
 - iv. flood impacts to other properties;
 - v. evacuation of the site, having regard to the proposed childcare facility;
 - vi. minimum floor levels of future development required to address the 1 in 100 year and Probably Maximum Flood events on the site; and
 - vii. calculations of the stormwater detention requirements and post-development stormwater discharge rates.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
- Exhibition must commence within 5 months following the date of the gateway determination.
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Environment and Heritage Division of NSW Department of Planning and Environment
- Environmental Protection Authority
- Transport for NSW
- Roads and Maritime Services
- Sydney Water
- Rural Fire Service
- Canterbury-Bankstown Council
- Ausgrid
- NSW Department of Education
- NSW Health

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The planning proposal must be reported to the Sydney South Planning Panel for a final recommendation 9 months from the date of the Gateway determination.
7. The Panel as planning proposal authority is not authorised to be the local plan-making authority under section 3.36(2) of the EP&A Act.
8. The LEP should be completed on or before 12 months from the date of the Gateway determination.

Dated 1st day of June 2022.



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Delegate of the Minister for Planning and
Homes