

Gateway Condition	Assessment
1 - Prior to public exhibition the planning proposal is to be updated to:	
1(a) Provide a cut and fill assessment having regard to existing topography, maximising tree retention and satisfying flood requirements.	Condition Met The proponent has submitted a cut and fill analysis that addresses the existing topography, maximises tree retention and satisfies flood requirements as part of the updated planning proposal package.
1(b) Include an updated Arboricultural Impact Assessment, Ecological Assessment and Bushfire Assessment that addresses: <ul style="list-style-type: none"> (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. 	Condition Met The proponent has submitted an arboricultural impact assessment, ecological assessment and bushfire protection assessment as part of the updated planning proposal package to address these conditions. The planning proposal and relevant attachments have been revised to address these requirements, as follows: <ul style="list-style-type: none"> • the arboricultural impact assessment addresses the extent of tree retention, removal and replanting, the impacts on mapped Threatened Ecological Communities and Serious and Irreversible Impact entities. • the ecological assessment addresses the biodiversity impacts and proposed Biodiversity Offsetting, assessment against the Biodiversity Assessment Method 2020 and impacts on Threatened Ecological Communities and Serious and Irreversible Impact entities on site. • the bushfire protection assessment contains the asset protection zone requirements for the site.

Assessment Against Gateway Determination

PP 2021-5837



Gateway Condition	Assessment
<p>(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.</p> <p>(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.</p>	
<p>1(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</p>	<p>Condition Met</p> <p>An urban context report has been submitted that considers site opportunities and constraints, interface areas and key objectives relating to environmental and social outcomes.</p>
<p>1(d) Address the useability of the proposed public open spaces having regard also to the proposed dual use of these spaces as detention basins.</p>	<p>Condition Met</p> <p>The submitted cut and fill plan highlights how the detention basins have been designed to allow for recreational activities and support a dual use outcome.</p>
<p>1(e) Confirm that relevant affordable housing requirements are satisfied, including addressing council's Affordable Housing Scheme.</p>	<p>Condition Met</p> <p>The proposal contains discussion on the affordable housing requirements for the project, including council's affordable housing scheme. The proponent will look to deliver these outcomes through a monetary contribution, as part of a VPA. The proponent and Council are in the process of finalising a draft VPA. The VPA is a separate process to the planning proposal.</p>
<p>1(f) Address potential noise impacts from nearby industrial uses, and if there are significant impacts outline how these</p>	<p>Condition Met</p>

Assessment Against Gateway Determination

PP 2021-5837



Gateway Condition	Assessment
	impacts will be mitigated by the future residential development.
1(g)	<p>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.</p> <p>Condition Met</p> <p>The planning proposal has been updated to address the Department's Approval of the Local Housing Strategy and the approval advisory notes regarding the R3 Medium Residential zone.</p>
1(h)	<p>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.</p> <p>Condition Met</p> <p>The proposal has been updated to align with the current LEP zones and include an advisory note about the indicative zoning under Department's Employment Zones Reform.</p>
1(i)	<p>Remove the proposed 'nil residential flat building' provision, which prohibits residential flat buildings.</p> <p>Condition Met</p> <p>The planning proposal has been updated to remove all references to the proposed 'nil residential flat building' local provision.</p>
1(j)	<p>Correct the site description to Lot 1 DP 101147 and Lot 105 1268911 being 2 and 2A Bullecourt Avenue, Milperra.</p> <p>Condition Met</p> <p>All references to the site description have been corrected within the updated planning proposal.</p>
1(k)	<p>Include the proposed FSR sliding scale for the Zone R1 General Residential.</p> <p>Condition Met</p> <p>The proponent has included the FSR sliding scale for the residential land within the updated planning proposal.</p>
1(l)	<p>Include a land use table for the new Zone C2 Environmental Conservation zone which aligns with the Standard Instrument – Principal Local Environmental Plan.</p> <p>Condition Met</p> <p>The proponent has included the Zone C2 Environmental Conservation land use table within the updated planning proposal.</p>
1(m)	<p>Clarify whether the proposed Zone C2 Environmental Conservation zone will be publicly accessible and how the land will be managed on an ongoing</p> <p>Condition Met</p> <p>The proponent has indicated that a Community Title scheme will apply to the C2 Zoned land and a levy will be incorporated into that scheme to ensure</p>

Gateway Condition	Assessment
	<p>basis to protect and conserve the Endangered Ecological Community.</p> <p>funding for the ongoing maintenance of the land. The provision of public access to the conservation land is constrained due to ecologically significant vegetation and the measures needed to ensure its protection and conservation. Public access is not likely to be available. (Attachment L).</p>
<p>1(n)</p> <p>Include a Terrestrial Biodiversity Map illustrating the extent of the site that is proposed for inclusion on the map.</p>	<p>Condition Met</p> <p>A draft Terrestrial Biodiversity Map is included within the updated planning proposal.</p>
<p>1(o)</p> <p>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>	<p>Condition Met</p> <p>The planning proposal references that a local provision requiring a DCP be prepared is to be included in the amendment to the LEP.</p> <p>The updated planning proposal notes that a site-specific section to the Bankstown DCP will be prepared in collaboration with Council. The proponent and Council are working on a draft DCP.</p> <p>The Department considers that this does not prevent the proposal proceeding to finalisation as preparation of a DCP is a separate process to this planning proposal.</p>
<p>1(p)</p> <p>Provide a detail 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.</p>	<p>Condition Met</p> <p>The urban context report contains details outlining how good urban design outcomes are achieved and how the proposed residential development responds to the site's context.</p>
<p>1(q)</p> <p>Provide a Remediation Action Plan (RAP) and Site Audit Statement which demonstrates that the site can be made suitable for residential uses</p>	<p>Condition Met</p> <p>The planning proposal is supported by an updated RAP and site audit statement that outlines how the site can be made suitable for residential development.</p>

Gateway Condition	Assessment
1(r) Align with the Department's Local Environmental Plan Making Guideline, December 2021, and	Condition Met The planning proposal has been updated to address the requirements of the Department's Local Environmental Plan Making Guideline, December 2021.
1(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	Condition Met The planning proposal has been updated to advise that the LEP provisions are only indicative and will be subject to drafting by PCO at the finalisation stage.

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

2(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	Condition Met On 3 May 2023, the proponent submitted an addendum to the planning proposal discussing the proposals consistency with the Ministerial Directions (Attachment K). The proponent has submitted the following supporting documents to demonstrate consistency with the Directions: <ul style="list-style-type: none"> • Additional Ecological advice (prepared by Ecological Australia, April 2023) (Attachment M) • A Flood and Risk Impact Assessment (prepared by J Wyndham Prince, May 2023) (Attachment O) • A Site Audit Report (prepared by Ramboll September 2022), a Site Audit Statement (prepared by EPA September 2022), Remedial Action Plan (prepared by Alliance Geotechnical September 2022) and a Detailed Site Investigation (prepared by Alliance Geotechnical January 2020) (Attachment A, Appendix A, A1 and A2) Based on the information provided in the Ministerial Directions consistency document contained at Attachment K and the additional supporting documents listed above, the Department is satisfied
--	--

Gateway Condition	Assessment
	that the proponent has met this condition.
<p>2(b) Confirm that land proposed Zone RE1 Public Recreation land will have appropriate arrangements to ensure the land is reserved for a public purpose.</p>	<p>Condition Met</p> <p>The proposal has been updated to advise that the proponent working with Council to finalise the draft VPA, which contains provisions relating to the dedication of open space.</p> <p>Based on the revisions made to the proposal, the Department is satisfied that the proponent has met this condition. Furthermore, the post-exhibition report recommends that the Panel recommend to the Department that during finalisation it ensure that the LEP include provisions to ensure that the open space is included in any future development.</p>
<p>2(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.</p>	<p>Condition Met</p> <p>A commercial needs assessment that addresses the impact the zoning will have on the viability of other centers has been submitted as part of the updated planning proposal.</p> <p>The Department is satisfied that the proponent has met this condition.</p>
<p>2(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.</p>	<p>Condition Met</p> <p>The proponent has provided urban design testing to demonstrate that the numerical controls provided under the FSR 'sliding scale' and new small lot size controls are appropriate. It's noted that Council and the proponent are still working on the fine detail as part of the draft DCP but based on the revisions made to the proposal, the Department is satisfied that the proponent has met this condition sufficient to proceed to finalisation.</p>
<p>2(e) Provide a Flood and Risk Impact Assessment that addresses:</p> <ul style="list-style-type: none"> (i) the Floodplain Development Manual 2005 and the 	<p>Condition Met</p> <p>A Flood and Risk Impact Assessment prepared by J Wyndham Prince (May</p>

Gateway Condition	Assessment
<p>Department's Considering Flooding in Land Use Planning Guideline (July 2021);</p> <p>(ii) Council's Milperra Catchment Flood Study (2015), Kelso Swamp Flood Study (2009) and Mid Georges River Floodplain Risk Management Plan (2017);</p> <p>(iii) intensification of land uses on in the southern part of the site which is flood affected;</p> <p>(iv) flood impacts to other properties;</p> <p>(v) evacuation of the site, having regard to the proposed childcare facility;</p> <p>(vi) minimum floor levels of future development required to address the 1 in 100 year and Probably Maximum Flood events on the site; and</p> <p>(vii) calculations of the stormwater detention requirements and post-development stormwater discharge rates.</p>	<p>2023) was submitted to address this condition.</p> <p>The 2022 NSW Flood Inquiry Report made a number of recommendations to minimise the risk of flooding. As a result of the NSW flood inquiry the Department is taking a risk based approach to flood planning. The proposal may be required to be further updated to consider the findings of the 2022 NSW Flood Inquiry at finalisation.</p> <p>The Department is satisfied that the proponent has met this condition sufficient to proceed to finalisation.</p>

3 - Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

3(a)	<p>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</p>	<p>Condition Met</p> <p>The planning proposal and its supporting documents were publicly exhibited from 1 November 2022 to 14 December 2022, which meets the 30-day requirement.</p>
3(b)	<p>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</p>	<p>Condition Met</p> <p>The exhibition documents and methodology complied with the relevant provisions of the EP&A Act 1979 and the LEP Making Guidelines as referenced in the condition.</p>

Gateway Condition	Assessment
<p>Guidelines (Department of Planning and Environment, 2022)</p> <p>Exhibition must commence within 5 months following the date of the gateway determination.</p>	
<p>4</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p>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.</p>	<p>Condition Met</p> <p>Formal consultation with these public authorities was undertaken during the public exhibition in accordance with the Gateway determination.</p> <p>Submissions were received from the following agencies:</p> <ul style="list-style-type: none"> • EHG • EPA • PMC • RFS • Schools Infrastructure NSW (SINSW) • Sydney Water • TfNSW • Ausgrid. <p>It is also noted that 11 October 2022, Council provided the Department with advice NSW Department of Education submitted to them on 30 September 2022.</p>
<p>5</p> <p>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</p>	<p>N/A</p>

Gateway Condition		Assessment
	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.	The proposal will be reported to the Sydney South Planning Panel in July 2023.
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.	The Departments Eastern and South District Planning and Land Use Strategy team will be the LPMA.
8	The LEP should be completed on or before 12 months from the date of the Gateway determination.	The finalisation date for this planning proposal is 1 June 2023.