



Planning,  
Industry &  
Environment

IRF21/4862

## Gateway determination report – PP-2021-7017

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Rezoning of land at Kontista Street, Batavia Avenue  
and Capparis Lane, Leppington

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# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

|                                 |   |
|---------------------------------|---|
| <b>LGA</b>                      | Camden  |
| <b>PPA</b>                      | Camden Council  |
| <b>NAME</b>                     | Rezoning of land at Kontista Street, Batavia Avenue and Capparis Lane, Leppington                     |
| <b>NUMBER</b>                   | PP-2021-7017  |
| <b>LEP TO BE AMENDED</b>        | <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)</i>  |
| <b>ADDRESS</b>                  | Various sites at Kontista Street, Batavia Avenue and Capparis Lane, Leppington                        |
| <b>DESCRIPTION</b>              | Various Lots/DPs on Kontista Street, Batavia Avenue and Capparis Lane, Leppington                     |
| <b>RECEIVED</b>                 | 23/11/2021  |
| <b>FILE NO.</b>                 | <a href="#">IRF21/4862</a>  |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal seeks to rezone two separate sites and implement various mapping amendments under the Growth Centres SEPP, as follows:

- rezone Subject Site A: 2-8 Kontista Street, Leppington (Lots 17-20 DP 1247517) from part R2 Low Density Residential and R3 Medium Density Residential to wholly R3 Medium Density Residential by amending the Land Zoning Map (LZN\_008), Lot Size Map (LSZ\_008), and Residential Density Map (RDN\_008); and
- rezone Subject Site B: a number of lots fronting Kontista Street, Batavia Avenue and Capparis Lane, Leppington (10, 12 and 33 Kontista Street, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 47 Batavia Avenue and 53, 55 and 56 Capparis Lane, Leppington) from various split zones to wholly R2 Low Density Residential by amending the Land Zoning Map (LZN\_008), Lot Size Map (LSZ\_008), Height of Buildings Map (HOB\_008) and Residential Density Map (RDN\_008).

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to rezone two separate subject sites (Sites A & B), as described in Section 1.2, with each seeking different amendments under the Growth Centres SEPP, as per the changes below in Tables 2 and 3.

**Table 2 Subject Site A - Current and proposed controls**

| Control                        | Current   | Proposed                      |
|--------------------------------|---|-------------------------------|
| Zone                           | R2 Low Density Residential (part)<br>R3 Medium Density Residential (part) | R3 Medium Density Residential |
| Maximum height of the building | 9.5m (part)<br>12m (part)   | 12m                           |
| Residential Density            | 15 dwellings/ha (part)<br>25 dwellings/ha (part)                          | 25 dwellings/ha               |

**Table 3 Subject Site B - Current and proposed controls**

| Control                        | Current   | Proposed                   |
|--------------------------------|---|----------------------------|
| Zone                           | R2 Low Density Residential (part)<br>R3 Medium Density Residential (part)<br>E4 Environmental Conservation (part) | R2 Low Density Residential |
| Maximum height of the building | 9.5m (part)<br>12m (part)<br>No Height of Building control (part)   | 9.5m                       |
| Minimum lot size               | 1000m2 (part)<br>No Lot Size control (part)   | No Lot Size control        |
| Residential Density            | 15 dwellings/ha (part)<br>25 dwellings/ha (part)<br>No Residential Density control                                | 15 dwellings/ha            |

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 planning proposal seeks to rezone two neighbouring sites, identified as Sites A and B in this report.

Subject Site A is identified as 2-8 Kontista Street, Leppington (Lots 17-20 DP 1247517) as depicted by the red outline in **Figure 1**. It is approximately 1,200m<sup>2</sup> in area and located on the corner of Kontista Street and Heath Road, Leppington. Subject Site A is currently subject to a development consent (DA/2017/1135/1) that has resulted in numerous approved residential allotments being subject to more than one zone. As outlined in Section 1.2, Subject Site A is currently split zoned part R2 Low Density Residential and part R3 Medium Density Residential. This split zoning has also resulted in additional multiple planning controls for the site, including height of building and residential density controls.



**Figure 1 Subject Site A** (Source: PP-2021-7017)

Subject Site B is an irregularly shaped site containing a number of allotments, identified as: 10, 12 and 33 Kontista Street, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 47 Batavia Avenue and 53, 55 and 56 Capparis Lane, Leppington, as depicted by the yellow outline in **Figure 2** (overleaf).

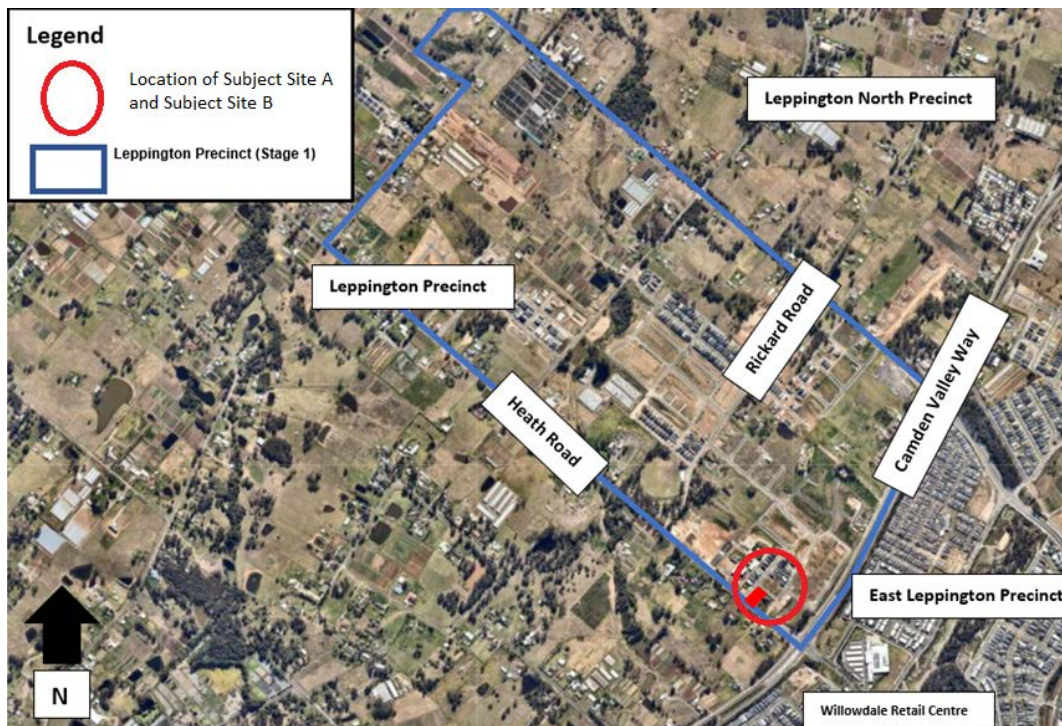
Subject Site B was not part of the original planning proposal but was instead identified by Camden Council planning officers who recommended the planning proposal be extended to include this site, as irregular split zoning patterns found in Subject Site A also existed here. The recommendation to was included in the planning report for the Ordinary Council Meeting of 12 October 2021.





**Figure 2 Subject Site B (Yellow outline)** (Source: PP-2021-7017)

Subject Sites A and B are both located in the south-eastern corner of Stage 1 of the Leppington Precinct and are both approximately three kilometres from Leppington Railway Station. The Willowdale Shopping Centre is located to the south-east and includes a supermarket and speciality stores. **Figure 3** below provides the geographic context of the subject sites to the surrounding area.

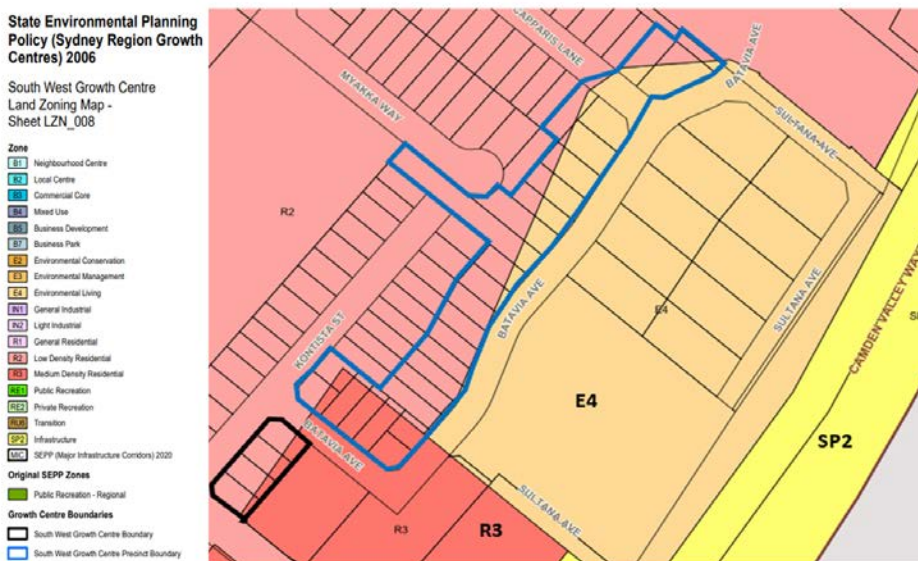


**Figure 3 Geographic context of the subject sites**

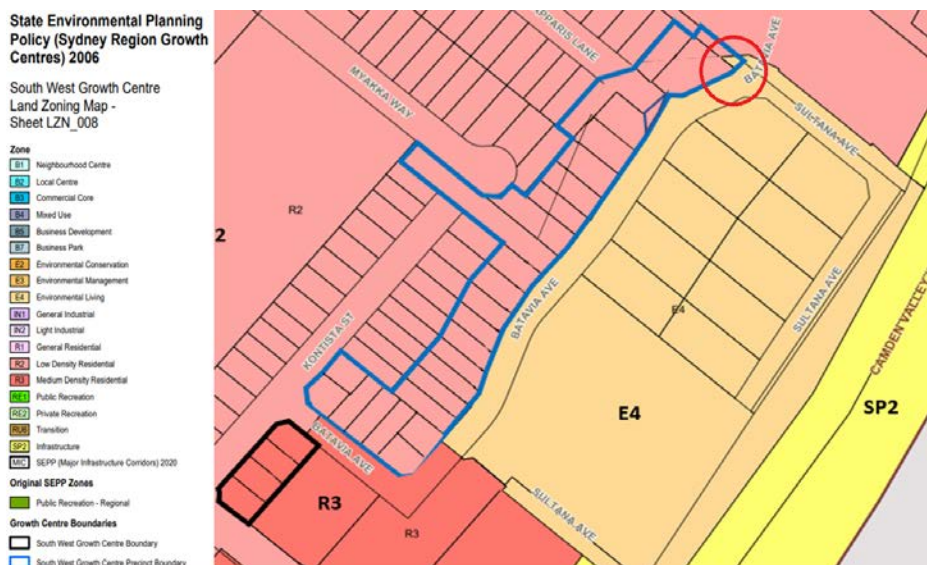
## 1.5 Mapping

The planning proposal includes mapping showing the existing and proposed changes to the Growth Centres SEPP zoning, lot size, height of buildings and residential density maps as illustrated in **Figures 4-11** below and overleaf. Several maps in the proposal contain minor errors (identified by red circles on **Figures 5** and **7**) that will require formal amendment prior to community consultation as follows:

- amend the proposed Land Zoning Map (LZN\_008) (**Figure 5**) to replace the small portion of E4 zoned land with R2 zoned land at the corner of Batavia Ave and Sultana Ave;
- amend the proposed Height of Buildings Map (HOB\_008) (**Figure 9**) to extend the boundary of Subject Site B to include the missing lot at the corner of Batavia Ave and Sultana Ave; and
- amend the proposed Residential Density Map (RDN\_008) (**Figure 11**) to centre the position of the subject sites on the map.



**Figure 4 Existing Zoning Map**



**Figure 5 Proposed Zoning Map**





Figure 6 Existing Height of Building Map

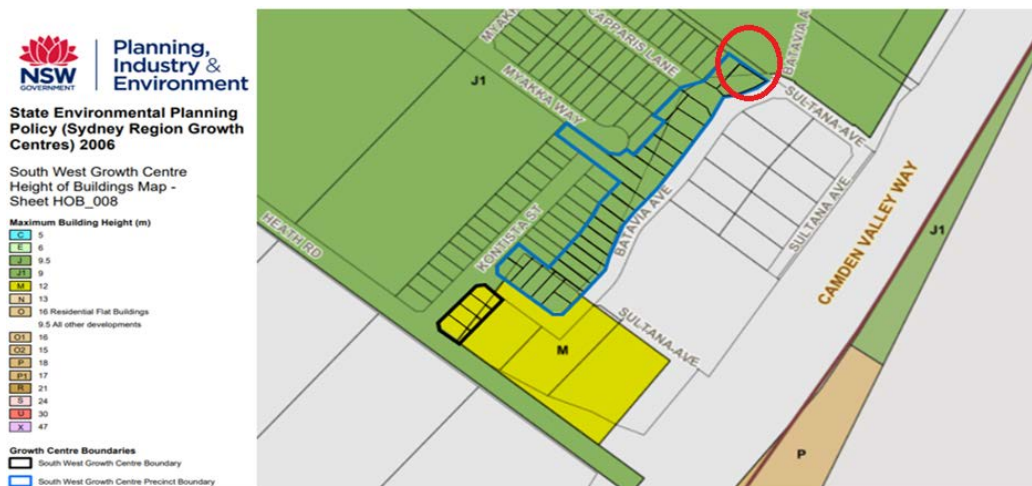


Figure 7 Proposed Height of Buildings Map

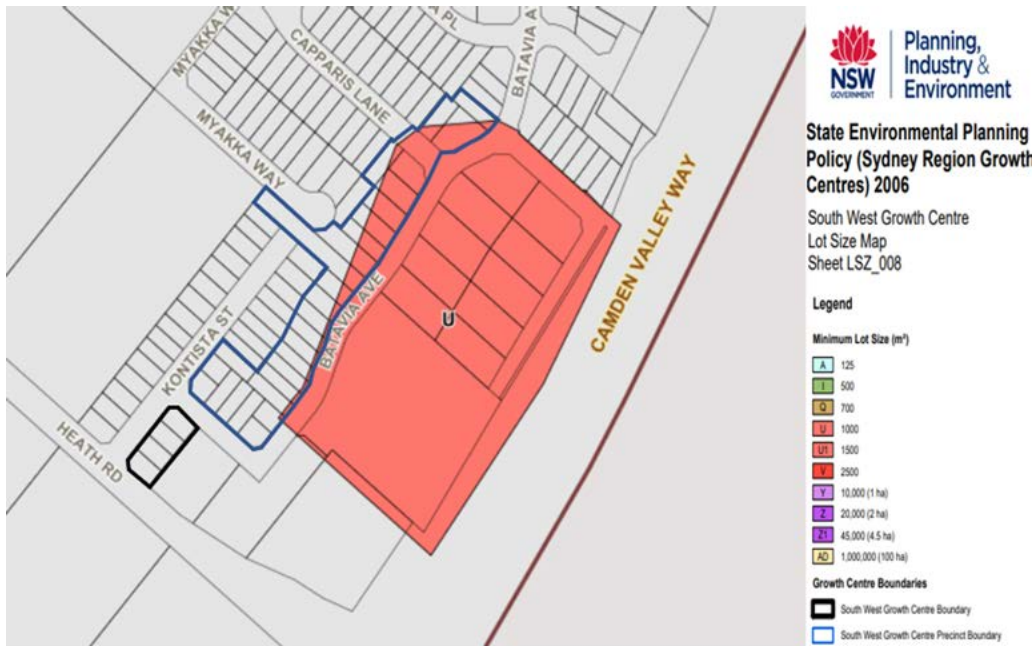


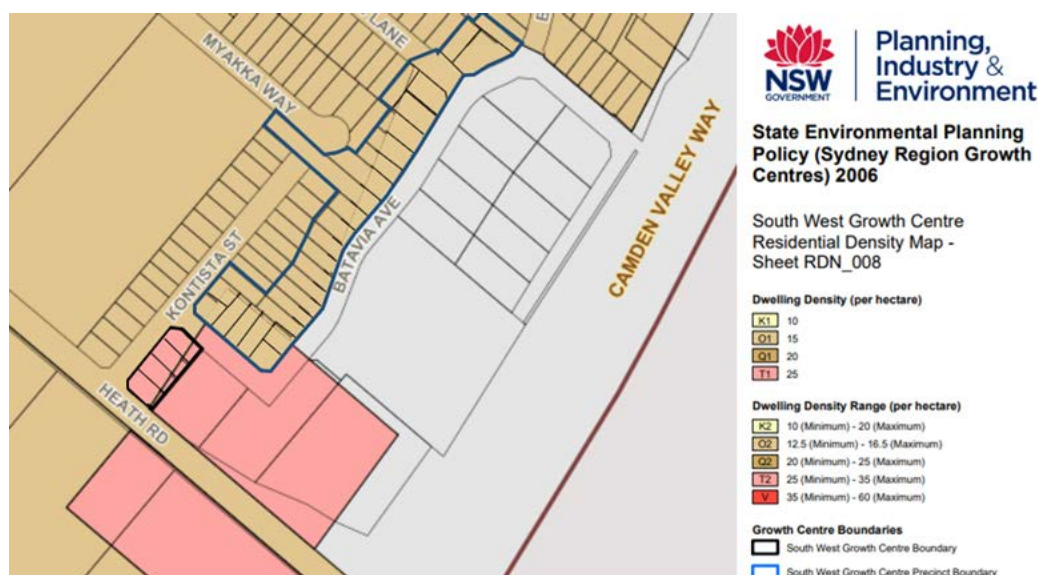
Figure 8 Existing Lot Size Map



Figure 9 Proposed Lot Size Map



**Figure 10 Existing Residential Density Map**



**Figure 11 Proposed Residential Density Map**

## 1.6 Background

The background of this planning proposal is as follows:

- In December 2018, the original draft planning proposal was lodged with Council to amend Appendix 9 of the Growth Centres SEPP for land at 16 Heath Road and 1339 Camden Valley Way, Leppington. The original proposal sought to rezone the land and allow an increase in building height for a shop top housing development, which included non-residential uses on the ground floor.
- On 18 February 2020, the Camden Local Planning Panel (the CLPP) considered the original Proposal and noted its strategic merit, however, considered further justification was needed to address site-specific merit.
- In June 2021, a revised draft planning proposal was lodged that applied only to land on the corner of Kontista Street and Heath Road (2-8 Kontista Street, Leppington), i.e. subject site A). The revised proposal sought to rezone the site to R3 Medium Density Residential,



permit additional non-residential uses, including ‘retail premises’ and ‘business premises’ and increase the building height to 16m.

- Council officers assessed the revised proposal in October 2021 and recommended:
  - support for the proposed rezoning of Subject Site A to R3 Medium Density Residential;
  - to not support the proposed additional non-residential uses and increased building to 16m as the proposal had not demonstrated site specific merit to justify a height increase in isolation of other land in the locality; and
  - the draft proposal should be extended to include other land (i.e. Subject Site B), within the vicinity of Subject Site A, where similar, irregular split zoning patterns existed.
- On 12 October 2021, Council unanimously resolved to endorse the draft planning proposal (to be significantly amended by Council) and be forwarded to DPIE for Gateway determination. As part of the endorsement, Council also resolved to:
  - remove the proposed site-specific provision to increase the building height and enable additional permitted non-residential uses for land at 2-8 Kontista Street, Leppington; and
  - include the rezoning of the properties along Kontista Street, Batavia Avenue and Capparis Lane, Leppington to R2 Low Density Residential (10, 12 and 33 Kontista Street, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 47 Batavia Avenue and 53, 55 and 56 Capparis Lane, Leppington) (i.e. Subject Site B) to correct split zoning anomalies.

## 2 Need for the planning proposal

The planning proposal is not a result of a strategic study or report.

A planning proposal is required to amend the zoning, lot size, height of building and residential density map planning controls under Appendix 9 of the Growth Centres SEPP. A planning proposal is considered to be the best means of achieving the defined objectives and intended outcomes having regard to the following:

- Subject Site A is subject to a development consent (DA/2017/1135/1) that has resulted in numerous approved residential allotments being subject to more than one zone. The rezoning of the site will provide a landholding with one zone that is consistent with the lot boundaries.
- The amendments will rationalise the zoning and associated maps of the Growth Centres SEPP to deliver better urban design outcomes by ensuring the intent of the controls are clear and provide certainty for future Development Applications.
- Rezoning Subject Site A to R3 Medium Density Residential and Subject Site B to R2 Low Density Residential is logical and aligns with the existing subdivision and road layout.
- The proposal will allow greater housing diversity and affordability, aligning with the strategic directions and objectives of the Greater Sydney Region and Western City District Plans, Camden Community Strategic Plan, and Camden Local Strategic Planning Statement.



## 3 Strategic assessment

### 3.1 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

| District Plan Priorities   | Justification  |
|--|--|
| Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport | <p>The Planning Proposal seeks an increase in R3 zoned land for Subject Site A and provides an opportunity to contribute to housing supply and diversity through the broadening of permissible R3 zone residential land uses including attached dwellings, manor homes and multi dwelling housing.</p> <p>The proposed dwellings will also contribute to the Western City housing target identified by the NSW Government.</p> <p>The Planning Proposal also seeks to correct split zoning anomalies and accompanying development standards applying to lots within Subject Sites A and B.</p> |

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

| Local Strategies                | Justification  |
|---------------------------------|--|
| Camden Community Strategic Plan | <p>The proposal gives effect to the Camden Community Strategic Plan by addressing:</p> <p>(a) <i>Key Direction 1: Actively Managing Camden Local Growth Area's Growth.</i></p> <p>The proposal seeks to enable the delivery of medium density housing in a suitable location that has been specifically rezoning for urban development (Stage 1 of the Leppington Precinct). The proposed rezoning of Subject Site A to R3 Medium Density Residential also provides greater housing choice and flexibility in the local area, which both have positive flow-on effects for housing affordability.</p> <p>The proposal also seeks to correct the split zoning and accompanying development standards applying to lots within Subject Sites A and B, which</p> |

|  |   |
|--|---|
|  | <p>will allow for the planning and delivery of additional future appropriate housing to be delivered in the local area.</p> <p>(b) <i>Key Direction 5: An Enriched and Connected Community.</i></p> <p>The proposal seeks to deliver appropriate housing types in a suitable location to enhance the connectivity of the local community. The proposed rezoning of Subject Site A to R3 zoned land will allow for medium density residential dwellings to be developed in close proximity, i.e. 100m to public transport, which will enhance walkability and promote utilising existing infrastructure.</p>   |
| Camden Local Strategic Planning Statement (LSPS) | <p>The proposal gives effect to the Camden LSPS, as follows:</p> <p>(a) <i>Local Priority L1: Providing housing choice and affordability for Camden's growing and changing population.</i> The proposal seeks to provide greater housing choice and affordability through proposing to provide additional medium density dwelling typologies to cater for Camden's growing and changing population.</p> <p>The planning proposal also seeks to rectify split zoning anomalies and accompanying development standards applying to lots within Subject Sites A and B, which will allow for additional appropriate housing to be delivered in the local area.</p>  |
| Draft Camden Local Housing Strategy              | <p>The proposal gives effect to the Draft Camden Local Housing Strategy by addressing:</p> <p>(a) <i>Priority 1: Providing housing capacity and coordinating growth with infrastructure</i></p> <p>The proposal features two subject sites both located in Stage 1 of the Leppington Precinct, which has been rezoned and identified for urban development. Stage 1 already has available servicing infrastructure to accommodate any future dwellings associated with this proposal (subject to Council DA approval).</p> <p>(b) <i>Priority 2: Delivering resilient, healthy, connected communities</i></p> <p>The proposal is consistent with this priority as it seeks to correct the split zoning and accompanying development standards applying to lots within Subject Sites A and B, which will allow for effective neighbourhood design and a future connected community.</p> <p>(c) <i>Priority 3: Delivering the right housing in the right location</i></p> <p>The proposal seeks to deliver appropriate housing types in a suitable location to enhance the connectivity of the local community. The proposed rezoning of Subject Site A to R3 zoned land will allow for medium density residential dwellings to be developed in close proximity (i.e.100m) to public transport, which will enhance walkability and promote utilising existing infrastructure.</p> <p>(d) <i>Priority 4: Increasing housing choice and diversity</i></p> <p>The proposal is consistent with this priority as it seeks to deliver housing types that will match the needs and preferences of the community.</p> <p>The proposal in seeking to rezone land to R3 Medium Density Residential will allow for a variety of housing typologies (i.e. attached dwellings, manor</p> |

homes and multi dwelling housing) which in turn will create housing diversity in the local area.

*(e) Priority 5: Addressing housing affordability*

The proposal addresses housing affordability by seeking to rezone land to R3 Medium Density Residential, which will allow for a variety of housing typologies and creates housing diversity in the local area.

### 3.3 Local planning panel (LPP) recommendation

On 18 February 2020, the Camden Local Planning Panel (the CLPP) considered the original draft planning proposal and resolved to advise the Council:

1. That some non-residential uses on the site offering local services has planning merit and also notes this outcome is already possible under the existing planning controls.
2. That the proponents economic assessment confirms that 1200m<sup>2</sup> GFA non-residential floor space would meet a demand in the local area.
3. The proposal lacks sufficient information regarding development feasibility.
4. That an increase in the allowable building height may be appropriate but the proposal does not provide certainty regarding acceptable design outcomes on the site.
5. The CLPP recommends that site specific controls include numerical standards such as a maximum overall floor space ratio (FSR), a maximum FSR for residential development and a minimum FSR for non-residential development, as well as a site specific development control plan.
6. At this stage the concept demonstrates strategic merit but has not demonstrated site specific merit.

The CLPP voted 4-0 in favour of the recommendation and noted the strategic merit for the draft planning proposal, however, considered further justification was needed to address the site-specific merit.

The original planning proposal was revised in response to the Panel's recommendations and Council officer's assessment.

DPIE notes that the subject planning proposal, as amended by Council, has not been resubmitted by Council to the LPP for its further views. The later amendment concerns the extension of the proposal to rectify the zoning anomaly.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 6** below:

**Table 6 9.1 Ministerial Direction assessment**

| Directions                                       | Consistent/ Not Applicable         | Reasons for Consistency or Inconsistency  |
|--|------------------------------------|---|
| Direction 2.1<br>Environment<br>Protection Zones | Inconsistency (minor significance) | <p>The objective of this Direction is to protect and conserve environmentally sensitive areas.</p> <p>The proposal is technically inconsistent with this Direction as it seeks to implement zoning amendments to land zoned E4 Environmental Conservation. These proposed</p> |

|  |            |  |
|--|------------|--|
|  |            | <p>amendments to the E4 zoned land seek to amend split zoning anomalies which were created as part of recent development consents.</p> <p>This inconsistency is of minor significance only as the proposal seeks to rationalise zoning boundaries based on approved development and does not alter the approved layout of E4 zoned lots. It is recommended that the Secretary's delegate agrees that the proposal proceeds on this basis.</p>  |
| Direction 2.6<br>Remediation of<br>Contaminated Land | Consistent | <p>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered when making the planning proposal.</p> <p>The proposal is consistent with the Direction as Subject Site A was investigated as part of the development consent for DA/2017/1135/1. The consent included remediation of the site to facilitate residential development.</p>   |
| Direction 3.1<br>Residential Zones                   | Consistent | <p>The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure. This Direction also ensures that the impacts of residential development on the environment and resource lands are minimised.</p> <p>In this regard the proposal is consistent with the Direction as it seeks to contribute to local housing diversity through the consolidation and provision of additional R3 Medium Density Residential zoned land. The proposal also seeks to correct split zoning anomalies that have arisen from recent development approvals allowing orderly development.</p> <p>DPIE notes that council officers have advised the downzoning of land from R3 to R2 allows for the redistribution of the R3 zone and also is consistent with the nature of development being built (detached houses) that was approved as part of a subdivision development application for the site (DA/2019/889/1). Further, consultation was not undertaken with these landowners during the initial notification stage by council due to these properties not being subdivided for residential dwellings at the time. Consultation will be undertaken at the public exhibition stage.</p> <p>Given the nature of the proposal, any technical inconsistency is considered to be of a minor nature and it is</p> |



|  |            |   |
|--|------------|---|
|  |            | recommended to the delegate that the proposal proceeds on that basis.   |
| Direction 3.4<br>Integrating Land<br>Use and Transport | Consistent | <p>The objectives of this Direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the planning objectives which improves access, increases choice of available transport, reduces travel demand, supporting public transport, providing efficient movement of freight.</p> <p>The proposal is consistent with the Direction as both subject sites are in close proximity (approximately 100m) to public bus services at Camden Valley Way.</p> |
| Direction 4.4<br>Planning for<br>Bushfire Protection   | Consistent | <p>The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and to encourage sound management of bush fire prone areas.</p> <p>The proposal is consistent with the Direction as it does not seek to amend the zoning or provisions of identified bushfire prone land.</p>  |

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 7** below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

| SEPPs   | Requirement  | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency   |
|---|--|----------------------------------|---|
| State<br>Environmental<br>Planning<br>Policy No. 55 -<br>Remediation of<br>Land                                       | The policy aims to promote the remediation of contaminated land for the purpose of reducing the risk or harm to human health or any other aspect of the environment. | Yes                              | The proposal is consistent as the site was investigated as part of the development consent for DA/2017/1135/1. The subsequent consent required the remediation of Subject Site A to facilitate residential development.   |
| State<br>Environmental<br>Planning<br>Policy No. 65 -<br>Design Quality<br>of Residential<br>Apartment<br>Development | This Policy aims to improve the design quality of residential apartment development in NSW.  | Yes                              | <p>This SEPP applies to certain development types permitted with consent within the R3 Medium Density Residential zone.</p> <p>Subject to future development applications, any future residential accommodation sought on Subject Site A (e.g. residential flat buildings or multi-</p> |

|   |  |     |  |
|---|--|-----|--|
|   |  |     | dwelling housing), will be required to be developed in accordance with this SEPP.  |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006 | <p>This policy aims to co-ordinate the release of land for residential, employment and other urban development in several growth areas, and provide for:</p> <ul style="list-style-type: none"> <li>comprehensive planning for growth centres;</li> <li>the orderly and economic provision of infrastructure in and to growth centres; and</li> <li>planning controls to protect the health of waterways, conserve natural and cultural heritage and promote biodiversity values.</li> </ul> | Yes | <p>The proposal seeks to amend the zoning, lot size, height of building and residential density maps of this SEPP.</p> <p>The proposal is consistent as it seeks to contribute to housing diversity and correct split zoning anomalies on both subject sites that are currently present within the aforementioned SEPP maps.</p> |
| SREP No. 20 - Hawkesbury-Nepean River                                   | The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context   | Yes | This SREP applies as both subject sites are located within the Hawkesbury-Nepean River Catchment and can meet the requirements of the SREP. Both subject sites are not flood affected and any future development resulting from this proposal will need to consider the relevant strategies and policies within this SREP.       |

## 4 Site-specific assessment

### 4.1 Environmental

There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this proposal as approval has previously been given to clear the land for urban development.

Additionally, there are no other likely environmental effects that may arise as a result of this planning proposal.

## 4.2 Social and economic

The proposal is not supported by a social or economic assessment. The proposal is unlikely to have any social and/or economic effects as it seeks to facilitate medium density development within an appropriate location and to correct the split zoning and accompanying development standards applying to lots within Subject Sites A and B, which will allow for additional appropriate housing to be delivered in the local area.

## 4.3 Infrastructure

The proposal is adequately serviced by infrastructure as it is located within Stage 1 of the Leppington Precinct, which has undergone comprehensive planning to enquire adequate infrastructure delivery and provision to support widespread urban growth.

Essential services are available to both subject sites as part of urban development in the locality and the recent delivery of water and wastewater services for the Leppington Precinct. Furthermore, the potential additional yield (approximately 16-24 dwellings) from the R3 zone is considered appropriate given the removal of R3 zoned land to the allotments in the south-western corner of Subject Site B that directly neighbour Subject Site A.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days, in accordance with Council's Community Participation Plan.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

As the proposal, however, seeks to replace a small portion of E4 zoned land with an R2 zone, it is recommended that the Environment, Energy and Science (EES) Group of DPIE be consulted on the planning proposal and given 21 days to comment.

## 6 Timeframe

Council proposes a 8 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making Authority.

As the planning proposal seeks to amend the Growth Centres SEPP, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is not inconsistent with regional, district and local plans and their relevant objectives;
- there are no adverse social, economic or environmental impacts as a result of the proposed amendments;
- it is located within an existing urban area, with the capacity to be accommodated by existing infrastructure;
- it will provide greater housing diversity to the local area and potentially affordable housing options;
- the proposed amendments will rationalise the zoning, lot size, height of building and residential density maps of the Growth Centres SEPP to deliver better urban design outcomes by ensuring the intent of the planning controls are clear and provide certainty for future DAs;
- the proposed rezoning of Subject Site A and Subject Site B to R3 and R2 respectively is logical and aligns with the existing subdivision pattern and road layout; and
- it will create temporary employment opportunities for the construction industry to undertake building and related civil works.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- agree that any technical inconsistencies with section 9.1 Direction: 2.1 Environment Protection Zones and 3.1 Residential Zones, are minor and justified; and

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

1. The planning proposal is to be updated to:
  - amend the proposed Land Zoning Map (LZN\_008) to replace the small portion of E4 zoned land with R2 zoned land at the corner of Batavia Ave and Sultana Ave;
  - amend the proposed Height of Buildings Map (HOB\_008) to extend the boundary of Subject Site B to include the missing lot at the corner of Batavia Ave and Sultana Ave; and
  - amend the proposed Residential Density Map (RDN\_008) to centre the position of both subject sites on the map.
2. Consultation is required with the Environment, Energy and Science (EES) Group of DPIE.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to Council for a final recommendation 9 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.

Recommended:



Terry Doran  
Manager, Western  
15/12/21

Noted:



15/12/21

Adrian Hohenzollern  
Director, Western

Assessment officer

Murray Jay  
Senior Planning Officer, Western