

Mr Matthew Stewart  
General Manager  
Canterbury Bankstown Council  
PO Box 8  
BANKSTOWN NSW 1885

Our ref: IRF22/3018

Dear Mr Stewart

**Planning proposal PP-2022-1991 to amend Bankstown Local Environmental Plan 2015**

I am writing in response to the planning proposal forwarded to the Minister for Planning under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) on 31 May 2022. The planning proposal seeks to amend the Bankstown Local Environmental Plan (LEP) 2015 to increase the maximum building height (from 20m to range of heights with a maximum of 60m), increase the maximum floor space ratio (from 2.5:1 to 4:1) and introduce a new local provision, for land at 1 Leicester Street, Chester Hill (Chester Square shopping centre).

As previously advised, the Department considers the renewal of the Chester Square site has strategic merit, being located in a centre identified for additional development potential and renewal in Council's Local Strategic Planning Statement (LSPS). In this regard, I acknowledge the positive contribution the redevelopment of the Chester Square shopping centre could make to the renewal of the wider centre.

More specifically the redevelopment of the site presents the opportunity to set an excellent benchmark for high quality development for the centre, which could act also as a catalyst for other renewal in the town centre. The Department also recognises that the site's size and characteristics lends itself to achieving good urban design and built form development outcomes.

However, and despite this, aspects of the planning proposal either need more detailed consideration and revision, and other parts need to address a number of deficiencies and discrepancies to enable the Department to fully assess the proposal's impacts and benefits.

On this basis and as delegate of the Minister for Planning, I have determined that the planning proposal be granted a conditional Gateway determination under section 3.34(2)(b) of the Act, which will require it to be resubmitted with further justification. The Gateway determination attached specifies which elements of the planning proposal need to be reconsidered and better clarified.

If the planning proposal is not resubmitted and considered adequate by the timeframe specified in the Gateway determination, it will be amended so that the planning proposal does not proceed.

The Department's assessment of the planning proposal has identified that there is insufficient justification and/or documentation detail relating to building height, density, building bulk, setbacks and intended public domain outcomes. The attached Gateway determination provides further details on these matters.

The revised planning proposal needs to also clarify several aspects of the proposal to ensure that its likely impacts and benefits to the community are fully understood.

Consideration should also be given to refining the scope of the LEP amendments to help further solidify the proposal, support good quality design outcomes and enable functionality of the site. These matters are also outlined in the Gateway determination.

It is noted that many of the supporting documents and peer reviews provided with the planning proposal have made recommendations that have not been considered and/or incorporated into the proposal scope. The Gateway determination requires that these be addressed and considered as part of the revised planning proposal required to be resubmitted to the Department.

To easily address some of the varying information across the planning proposal documentation, one set of consolidated and consistent documentation is required by the Gateway determination to be submitted for the revised planning proposal and is to be clear on the proposed scope and assessment of the proposal.

The planning proposal notes that a Development Control Plan (DCP) for the site will be prepared prior to formal exhibition. However, based on the reasons outlined in **Attachment A** of the Gateway determination, the Department requires that a draft DCP be prepared and submitted with the revised planning proposal.

Many of the control measures that will ensure the development will be suitable for the site are expected to be included in this draft DCP. The role of the draft DCP helps to ensure that the design expectations are met and provides assurance of what supporting controls will be place that complement the proposed LEP amendments. This draft DCP should be informed by the designs and recommendations underpinning the planning proposal and with guidance and/or reliance on Council's existing DCP. More detail is outlined in the Gateway determination.

There are several inconsistencies with the scope of the public benefits as outlined in the planning proposal documentation, including differences about what Council has outlined in the planning proposal and what Holdmark has offered in its letter of offer. This needs to be redressed as part of the resubmitted planning proposal.

It is noted that the proponent Holdmark intends to enter into a further and separate agreement with Transport for NSW (TfNSW) for the provision of accessible lifts for the Chester Hill Station. It is recommended that Holdmark and TfNSW reach this agreement and confirm this as part of the revised planning proposal to be submitted to the Department, which aligns with the resolution of Council. Note, however this is not a requirement that can be included in the Gateway determination.

Ethos Urban's peer review of Cred's Social Impact and Community Benefits Assessment report recommends that to fully meet the social infrastructure needs for the proposed development and the broader Chester Hill centre, Council should consider further upgrades to existing parks and community facilities. In this regard the revised planning proposal is to clearly identify and demonstrate what local infrastructure is to be provided under agreement and/or contributed towards under a contribution plan to meet the needs of the proposal.

Council's resolution at its 22 September 2020 meeting sought the requirement that after Gateway determination, further consultation be undertaken prior to additional studies being prepared; presumably to further inform and/or finalise the planning proposal. Council is encouraged to undertake this further consultation as part of any revisions to the scheme and resulting revised planning proposal. However, the requirement for consultation is not formally required yet until the Department further reviews the revised planning proposal and considers this to be done post Gateway determination.

While not a matter for the subject planning proposal to resolve, Council is recommended to consider bringing forward its masterplanning for the Chester Hill town centre. This approach is supported by peer review expert advice submitted with the planning proposal. The master plan could help to illustrate the role of the site to contribute and integrate with the future desired outcomes for the town centre and its surrounds. Initial guidance is outlined in SJB's report and could inform amendments to Council's DCP.

The Department is also willing to help coordinate cross agency collaboration, to ensure consultation with relevant stakeholders is informed by relevant expert advice. Please advise if you would like this support.

We look forward to continuing to work with Council on this key planning proposal. Should you have any clarifications or enquiries about this matter, I have arranged for Mr Kris Walsh, Manager, Place and Infrastructure to assist you. Mr Walsh can be contacted on (02) 9274 6299.

Yours sincerely



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**  
23 December 2022

Encl: Gateway determination