

## Attachment A – Gateway Determination

Cond.	Department's consideration	Department's requirements	References
<b>1(a)</b>	There is inadequate justification and/or documentation to demonstrate the following aspects of the proposal:		
1(a) 1(c) 1(d)(i)	<p><b>Building Heights</b></p> <p>Concentrating the tallest buildings within the central areas of the site is supported, and modulated heights across the site is also welcome. The lower scale street walls on parts of the site is also supported, but these need to be at human scale at the ground plane to help transition to the higher built forms of the site and needs to afford more generous public domain areas at the street interface.</p> <p>However, the relative scale of the proposal particularly at the interface with more modest medium to low rise development surrounding the site and elsewhere in the town centre makes the development appear dominant relative to its surrounds, both under current and future outcomes afforded under current maximum building and FSR controls.</p> <p>The peer reviews accompanying the planning proposal identify excessive height of the proposal as a key issue, particularly when in contrast to the low density forms of existing and even future development elsewhere in the town centre.</p>	<p>The proposal to is be revised to address the Department's concerns, in particular the bulk and scale should be re-evaluated to ensure it responds to the surrounding context and does not result in adverse impacts on the amenity and design quality of the subject site and surrounding area.</p> <p>The revised planning proposal needs to be informed by a revised urban design study.</p> <p>The study will need to ensure an appropriate scale and built form to minimise environmental impacts on public places and open spaces and have regard to location, orientation, solar access, privacy, acoustic amenity, ground plane conditions and nature of adjoining uses.</p>	<p>Urban Design Study</p> <p>Public Domain and Landscape Design Report</p>
1(a) 1(c) 1(d)(i)	<p><b>Building Bulk</b></p> <p>The overall built form bulk of the proposal is of concern, particularly when considered in conjunction to the proposed heights also proposed.</p> <p>Consideration should be given to how to break up the long built forms at the podium and mid-levels to help make the development looks less dominant and bulky.</p>	<p>A sustainable design approach needs to manage interfaces with lower density residential areas through transitions in built form, scale, typology and increased setbacks and mature landscape treatments.</p> <p>The revised Urban Design Study should additionally include:</p>	

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1(a) 1(c) 1(d)(i) 1(d)(iii)	<p><b>Building setbacks</b></p> <p>Building setbacks at the street level and upper floors needs to be re-evaluated to help further minimised visual dominance of the built form. Consideration should be given to setting upper-level setbacks to development along Priam Street, which as depicted in the scheme for the proposal is a full 14 storey street wall to this frontage. This is considered unsuitable for this street edge.</p> <p>Additionally, the scheme for the proposal shows the development built to current lot boundaries at Bent and Leicester Streets, thereby retaining the existing narrow footpaths along these frontages. Consideration should be given to widened footpaths along these streets to improve accessibility, but also it would help to setback development to better balance and complement the low-density development characterised on the other sides of these streets and allow for the appearance of more human scale development at the street level.</p> <p>More detail is to be provided to define and showcase how setbacks will be applied and how ground floor townhouse gardens will interface to the street while also accommodating generous footpath access and public domain areas with street trees.</p>	<ul style="list-style-type: none"> <li>Revised and more clearly defined shadow diagrams</li> <li>Photomontages of the scheme as shown in at the street level, not including future building forms along Waldron Street</li> <li>Prescribed building setbacks for all levels of the development (which should inform the draft DCP)</li> </ul> <p>The Public Domain and Landcape Design Report should be revised to include:</p> <ul style="list-style-type: none"> <li>Street public domain details, including footpath and cycle links (as indicated in the Social Impact Assessment)</li> <li>Likely or preferred landscaping that can be incorporated into future development on the site (which in turn can inform the required draft DCP)</li> <li>How the ground floor townhouses gardens will interface with the streetscape and public domain.</li> </ul>	
1(a) 1(b) 1(d)(i) 1(d)(ii)	<p><b>Development Density</b></p> <p>The density of the development, particularly in relation to the high proportion of car parking needed to support the development at over 1,300 parking spaces is questioned, particularly when the site is close to a train station and located within a town centre.</p> <p>There is concern that intensification of the development on the site may also be oversubscribed if inadequate services and open space can be provided to support the future residents and workers, and the development has detrimental impacts to traffic flows in the town centre.</p>	<p>The Traffic Study needs to be reviewed to demonstrate that adequate transport, parking is provided to service the site; but also confirms that the traffic impacts to the town centre will not be detrimental.</p> <p>Transport for NSW (TfNSW) should be consulted on traffic, parking and transport matters and that this be addressed in the revised Traffic Study.</p> <p>Recommendations from Ethos Urban's peer review are needed to be undertaken and included in revisions to the Social Impact Assessment. This is to ensure that adequate social and open space infrastructure will be</p>	<p>Traffic and Transport Study</p> <p>Social Impact Assessment</p>

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		provided to support the future development of the site as per the proposal.	
1(a) 1(d)(iii)	<p><b>Pedestrian Links/Accessibility</b></p> <p>Pedestrian links to the adjoining street network, the main street framework and the railway station are important to ensure that the development forms part of and integrates with the town centre; but also enables fluid access to and through the site to help activate its spaces and allows for people to congregate.</p> <p>As addressed above, widening of the footpath public domain areas along Bent and Leicester Streets is recommended, in this case to ensure adequate widths for likely increased pedestrian traffic and also to ensure suitable landscaping can be accommodated.</p> <p>Improvements and the widening of Frost Lane is supported, however to more detail is needed to help demonstrate improved and safe pedestrian access in an east west direction.</p>	<p>The Public Domain and Landcape Design Report should additionally be revised to include:</p> <ul style="list-style-type: none"> <li>• Street public domain details, including footpath and cycle links (as indicated in the Social Impact Assessment)</li> <li>• Likely or preferred landscaping that can incorporated along street footpath areas (which in turn can inform the required draft DCP)</li> <li>• Details of how Frost Lane will be renewed to be safe and activated pedestrian throughlink</li> </ul>	Public Domain and Landcape Design Report
<b>1(b)</b>	Aspects of the proposal also need clarification to best understand its likely impacts and benefits to the community – see below.		
1(b) 1(c) 1(d)(iii) 1(d)(iv)	<p>Public domain improvements showcase a town square/park on the northern side of the site, however how this space is to be utilised is unclear. Concern is that this space will be cannibalised by adjoining potential outdoor dining or retail space, thereby reducing the utility of the space.</p> <p>Additionally, it is questionable as to whether this space is adequate when the recommendations of Ethos Urban's report demonstrates more space on and off the site is required to support the density of development sought by this proposal. Also there needs to be evaluation of whether this space is a true public benefit if controlled and managed by the centre and not council, despite being publicly accessible.</p>	<p>The recommendations of Ethos Urban's report should be considered in revisions to the Social Infrastructure Study.</p> <p>The Public Domain and Landcape Design Report should be revised to include:</p> <ul style="list-style-type: none"> <li>• Demonstration of the likely uses of the proposed Town plaza/park</li> <li>• Clarification of how this plaza/space used without outdoor dining and retail uses encroaching and compromising into this space</li> </ul>	<p>Social Infrastructure Study</p> <p>Public Domain and Landcape Design Report</p>
1(b) 1(c) 1(d)(iii)	Council's SJB Architects Chester Square Urban Design Framework report recommends that the rear laneway (Frost Lane) be revised to be a shared space. It is also noted that the proponent Holdmark will dedicate 3m of the site to widen the laneway.	<p>The Public Domain and Landcape Design Report should be revised to include:</p> <ul style="list-style-type: none"> <li>• Details of how Frost Lane will be renewed to be safe and activated pedestrian throughlink</li> </ul>	Public Domain and Landcape Design Report

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	<p>The Department agrees with this approach, however more detail is required to understand the function and design outcomes for the laneway when widened and how the development within the centre will interface with this.</p> <p>This public domain improvement presents the opportunity to better integrate and link the site with the town centre and main street through this improvement, while potentially improving CPTED outcomes.</p>		
1(b) 1(c) 1(d)(iii) 1(d)(iv)	<p>SJB's report also recommends a wider more connected through link between Waldron Street and the proposed onsite town square/park. Consideration should be given to this, especially considering Ethos Urban's recommendation that there needs to be increased open space serving residents of the development.</p>	<p>This should be explored as part of the social infrastructure needs for the proposal and any revisions to the public domain approach of the scheme. This may result in amendments to the Social Infrastructure Study and Public Domain and Landscape Design Report.</p>	<p>Social Infrastructure Study</p> <p>Public Domain and Landscape Design Report</p>
1(b) 1(d)(vi)	<p>The intended scale and form for the residential tower buildings and lack of existing taller buildings in the vicinity of the site, allow for units to capture significant regional views. This helps to generate good levels of amenity for future units.</p> <p>However, a large number of indicative layouts for future units appear orientated inward looking either into other units or in the core part of the development.</p>	<p>This matter could be addressed as part of the site specific draft DCP.</p>	<p>Draft Development Control Plan (DCP)</p>
1(b) 1(d)(v)	<p>Although the planning proposal includes reference to SEPP 65 and the ADG, it has not undertaken a suitable assessment.</p> <p>While noting that this is a concept scheme that may change over time, based on the information provided, the proposal is inconsistent with some of the principles of SEPP 65, including neighbourhood character, site analysis, solar amenity within the site, overshadowing of neighbouring properties, communal and public open space and deep soil zones.</p> <p>A SEPP 65 assessment is required to showcase compliance and adherences to the SEPP and the ADG are required to be included in the revised planning proposal sought to be resubmitted.</p> <p>The key reasons this is important are that:</p> <ul style="list-style-type: none"> <li>The proposal includes a significant quantum of residential development intended by the proposal;</li> <li>The proposal needs to be further tested with regard to the suitability for scale, bulk, built form and orientation of future development; and</li> </ul>	<p>An assessment, demonstrating compliance with the principles and objectives of the State Environmental Planning Policy 65.</p> <p>Detailed analysis should be provided in relation to open space provision, building separation, natural ventilation, solar access (within site and surrounding area) and opportunities for deep soil planting.</p>	<p>SEPP 65 Assessment</p>

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	<ul style="list-style-type: none"> <li>The site has minimal built form constraints posed by adjoining development, so should be readily able to demonstrate compliance with SEPP 65.</li> </ul> <p>The associated ADG provides consistent planning and design parameters for apartment development, design criteria and general guidance on how development proposals can achieve the nine design quality principles identified in SEPP 65. These matters are also to be addressed as part of the revised planning proposal.</p>		
1(d)(vi)	<p><b>Development Control Plan</b></p> <p>Many of the control measures that will ensure that the development will be suitable for the site are needed to be included in a draft DCP to best ensure that design expectations are met. This should include directions set by the improved urban design, traffic and parking, public domain and landscape reporting.</p> <p>The recommendations from each of the peer reviews undertaken by council and the proponent need to be first addressed in these supporting reports and considered as part of any redesign of the scheme. Consideration should also be given to the key principles outlined in SJB's report.</p> <p>These revised documents and the advice from the peer reviews should be used to inform appropriate development controls for a site specific draft DCP. This draft DCP should be included and resubmitted back with the revised planning proposal to illustrate the design intentions for the large site aside from and in conjunction with the LEP controls.</p> <p>The draft DCP must provide for the following—</p> <ol style="list-style-type: none"> <li>design principles drawn from an analysis of the site and its context</li> <li>distribution of land uses, including open space (its function and landscaping)</li> <li>heritage conservation, including both Aboriginal and European heritage (where applicable)</li> <li>encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use</li> <li>impact on, and improvements to, the public domain</li> <li>the application of the principles of ecologically sustainable development,</li> <li>environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,</li> </ol>	<p>Prepare and submit an supporting specific draft Development Control Plan (DCP), as part of the revised planning proposal required to be submitted under condition 1 of this Gateway determination.</p>	<p>Draft Development Control Plan (DCP)</p>

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	<p>h. opportunities to apply net zero, integrated natural water-cycle design and integrated renewable energy design.</p> <p>Based on the Department's assessment of the proposal the following key aspects and controls should be addressed for the site in the draft DCP:</p> <ul style="list-style-type: none"> <li>• Setbacks for development both at the street level, and mid and upper levels</li> <li>• Site specific parking controls, key vehicle entry points and car sharing</li> <li>• Pedestrian movements through and around the site, including the link to Waldron Road main street</li> <li>• Clarification of improvements and design intentions for Frost Lane</li> <li>• Unit mix and typology</li> <li>• Deep soil planting and landscaping</li> <li>• Wind impacts</li> <li>• Solar access</li> <li>• Design excellence implementation</li> <li>• Public domain and consideration of public art/projects</li> <li>• Waste management</li> </ul> <p>Consideration should also be given to what controls in Council's DCP will continue to apply to the site and its development.</p>		
<b>1(e)</b>	Consideration should be given to changing the scope of proposed LEP amendments to help further solidify the proposal, support good quality design outcomes and enable functionality of the site. These include the following:		
1(e)	<p>Given the quantum of the development and site of the site, and the intension for Council's new forthcoming Consolidated LEP to require mixed use development over 4 storeys to exhibit design excellence.</p> <p>Design factors for design excellence to be considered are likely be those already included in Clause 6.12 of Bankstown LEP 2015.</p>	The planning proposal should be amended to consider the new LEP if not in place, note that it applies of the new LEP comes into effect before the revised planning proposal is submitted back to the Department.	Planning Proposal report
1(e)	<p>While the proposal seeks to permit a maximum of 12,400m<sup>2</sup> of commercial development (with a minimum 7,000m<sup>2</sup> of this GFA to be provided in a basement level); if the development was to include less than the maximum commercial floor space permitted and was still to achieve the fuller overall FSR for the site at 4:1, this could result in permitted more residential development.</p>	This aspect of the proposal needs to be clarified in the planning proposal, along with confirmed proportions of intended floor space for the development.	Planning Proposal report

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1(e)	<p>The site's B2 zone only permits for shop top housing and residential flat buildings, and no other forms of housing.</p> <p>It is noted that the scheme intends to include townhouse forms of development, which could be characterised as 'multi- dwelling housing'.</p>	The planning proposal is to address this matter to clarify that the townhouses proposed are a permitted form of development, and if not to seek to include this a permitted form of development for the site.	Planning Proposal report
1(e)	Consideration should be given to a site specific LEP clause for key controls such the minimum site area for the proposed town square on the site, maximum heights, key setbacks to street and laneway frontages and solar access controls for the town square.	The planning proposal is to address these matters to provide assurance that built form and public domain outcomes can be achieved.	Planning Proposal report
1(e)	Consideration should be given to revised proposed LEP height mapping to better express and define the mixed building height limits across the site that correspond to scheme for the proposal.	The planning proposal is to address these matter, and consider if whether additional provisions in support of LEP mapping may work better to define the resultant heights for the proposal.	Planning Proposal report
1(e)	The planning proposal should also consider the implemented or draft intentions of council's Consolidated LEP.	<p>The planning proposal should be revised to consider this outcome, if the Consolidated LEP is not yet in force.</p> <p>However, if the new Consolidated LEP is enacted, then the planning proposal is to be revised to consider current controls under this new plan as they relate to the site.</p>	Planning Proposal report
1(b)	<p>There are several discrepancies in the planning proposal documentation. Some of these include:</p> <ul style="list-style-type: none"> <li>The proposed Public Square is shown in Turner's drawings as 2,320m<sup>2</sup> whereas Council's Planning Proposal document and the letter of offer from Holdmark refers to 2,800m<sup>2</sup>. The full extent of this space needs to be shown in the supporting Urban Design report and to clarify if this includes or excludes potential retail/dining areas.</li> <li>The Turner drawings show 2,020m<sup>2</sup> of community floor space and the planning proposal mentions 2,000m<sup>2</sup>.</li> <li>The Turner Urban Design report refers to a total FSR of 4.53:1, however the planning proposal report refers 4:1 as the maximum permitted FSR for the site.</li> </ul>	<p>Revise the planning proposal to ensure all documentation is consistent with the proposed LEP parameters sought for the proposal.</p> <p>All GFA maximum amounts and their allocations to retail, other commercial, residential and community uses needs to be clarified and consistent across all planning proposal documents.</p> <p>Clearer and larger drawings at various solar intervals are to be provided to illustrate shadow impacts within the site including public and private open spaces, when the site is developed in accordance with the proposal and what shadow impact the proposal may</p>	All Planning Proposal Reports and documentation



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	<ul style="list-style-type: none"> <li>Holdmark's offer for 5% affordable housing only refers to retention of this housing for a period of 10 years. Affordable housing required under an LEP is that provided in perpetuity as is also indicated in Council's Affordable Housing Scheme.</li> </ul> <p>Additionally, there are parts of the documentation that say 5% of residential floor space (ie. Holdmark's offer) and yet the planning proposal report says 5% of all floor space – being all land use types.</p> <ul style="list-style-type: none"> <li>Turner's UrbanDesign drawings refer to Option 4 as the Amended Planning Proposal – it needs to be made clearer that this is the preferred or final scheme that underpins the planning proposal.</li> <li>While there are solar analysis drawings to show overshadowing of the public domain, these images are too small to be interpreted clearly.</li> <li>The planning proposal documentation refers to the provision of new community space in the form of a multi-use community centre and others refer to a library (eg. the Turner drawings).</li> <li>The Turner's Urban Design Plan refers to 15,621m<sup>2</sup> of commercial space, but the planning proposal only refers to 12,400m<sup>2</sup> of which 7,000m<sup>2</sup> to be in a basement level, and the Traffic report refers to 15,763m<sup>2</sup> of retail space and 1,000m<sup>2</sup> of office space.</li> </ul> <p>Similarly, the quantum of residential floor space also needs to be clarified. The Turner report refers to 58,043m<sup>2</sup>, but by deduction using the 4.5:1 FSR and the site area noted in Turner's report of 16,714m<sup>2</sup>, the planning proposal allows for 60,813m<sup>2</sup> of residential floor space– which amounts to 2,770m<sup>2</sup> additional GFA.</p> <ul style="list-style-type: none"> <li>It's not clear how the Traffic report concludes that 1,300-1,400 car parking spaces are required to support the development when the residential unit mix isn't clear. Added to different floor space amounts in other documentation including the traffic report; the traffic, transport and parking impacts of the proposal need to be evaluated against a consistent scope of LEP amendments.</li> </ul>	<p>have to adjoining sites. These images need to show impacts to existing built form development, not just development that may occur in accordance with current height controls.</p>	