



IRF24/2664

## Gateway determination report – PP-2024-2184

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913-925 Punchbowl Road and 21-23 Canterbury  
Road, Punchbowl

January 25



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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Club Punchbowl Planning Proposal Report (Canterbury Bankstown Council, September 2024)
Cover Letter to DPHI (Canterbury Bankstown Council, September 2024)
LPP Meeting Minutes & Report (Canterbury Bankstown Council, 8 May 2024)
Ordinary Meeting of Council Report & Minutes (Canterbury Bankstown Council, 23 July 2024)
LPP Community Submissions (Redacted) (Canterbury Bankstown Council, May 2024)
Applicant's Response to LPP Submissions (Tudor Planning and Design, May 2024)
Applicant's Planning Proposal (Tudor Planning and Design, November 2023)
Draft Preliminary Letter of Offer (CMT Architects, April 2023)
Architectural Package (CMT Architects, October 2023)
Landscape Report and Plan (Site Image Landscape Architects, November 2023)
Flooding Assessment Additional Response (Acor Consultants, November 2023)
Flood Investigation Report (Acor Consultants, June 2022)
Detailed Site Investigation Report (Foundation Earth Sciences, April 2022)
Remediation Action Plan (Benviron Group, July 2022)
Geotechnical Assessment Report (Coffey Services Australia, December 2019)
Acid Sulfate Soil Assessment Report (Foundation Earth Sciences, April 2022)
Acid Sulphate Soils Management Plan (Coffey Services Australia, December 2019)
Retail Study (Hadron Group, 2020)
Traffic Assessment & Swept Paths (Terraffic Pty Ltd, November 2023)
Traffic Impact Assessment (Traffix, April 2023)
Urban Design Report (CMT Architects, November 2023)
Waste Management Plan (Tudor Planning and Design, November 2023)
Arborist Assessment Report (The Arborist Network, September 2023)
Peer Review of Flood Assessment for Club Punchbowl Planning Proposal (Stantec, March 2024)
Flood Emergency Response Plan (Acor Consultants, January 2024)

**Relevant reports and plans**

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Response to information request – Council clarification on gross floor areas

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Response to information request - Council clarification on site amalgamation

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Site Aerial Image - Club Punchbowl Planning Proposal - Sep 2024\_PP-2024-2184

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# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

<b>LGA</b>	Canterbury-Bankstown
<b>PPA</b>	Canterbury-Bankstown City Council
<b>NAME</b>	Club Punchbowl Planning Proposal
<b>NUMBER</b>	PP-2024-2184
<b>LEP TO BE AMENDED</b>	Canterbury-Bankstown Local Environmental Plan 2023
<b>ADDRESS</b>	913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl
<b>DESCRIPTION</b>	<p>Lot B DP 378634</p> <p>Lot 2 DP 21524</p> <p>Lot 3 DP 21524</p> <p>Lot 4 DP 21524</p> <p>Lot 6 DP 5245</p> <p>Lot A DP 378634</p> <p>Lot D DP 382627</p> <p>Lot 15 DP 132440</p> <p>Lot 1 DP 236825</p> <p>Lot 14 DP 132440</p> <p>Lot 12 DP 1027748</p>
<b>RECEIVED</b>	30/09/2024
<b>FILE NO.</b>	IRF 24/2664
<b>POLITICAL DONATIONS</b>	There are no known donations or gifts to disclose, and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no known meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives and Intended Outcomes

The planning proposal (**Attachment A**) states the objectives are to:

- *to concentrate a range of mixed-use development at a key junction of the Canterbury Road and Punchbowl Road to transform the western end of the Canterbury Road Corridor*

- *achieve a scale of built form that responds to the scale of recently completed high density development to the south of the site along Canterbury Road*
- *establish floor space ratio and building height development standards that provide design flexibility while promoting excellent design principles and environmental outcomes*
- *provide future residents and local community with good amenity such as publicly accessible landscaped areas, shaded areas, and long periods of solar access to open space areas*
- *establish an appropriate transition from the northern boundary of the site to the low density residential surrounding areas*
- *reinforce the role of the Club [Club Punchbowl] in the community and ensure its viability as a destination location*
- *provide employment during construction (after development consent), and as part of ongoing operation and management of Club, residential buildings, and upkeep of open space*
- *stimulate re-activation of the site that is presently underutilised*
- *provide retail uses which will contribute to local economy and attractiveness of the site, and*
- *facilitate land uses that continue the activation of the site during the evenings and weekends.*

The objectives of this planning proposal are clear and adequate.

### 1.3 Explanation of provisions

The planning proposal seeks to facilitate redevelopment of land at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl to allow for a mixed-use development consisting of apartments, multi-dwelling housing (terraces), a registered club, retail floorspace, basement car parking and publicly accessible open space.

To achieve this, the planning proposal seeks to amend the zoning, height of building and floor space ratio controls, introduce additional permitted uses and new site-specific clause into of the Canterbury-Bankstown LEP 2023, as shown in the table below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	B1 Neighbourhood Centre R2 Low Density Residential	No change R4 High Density Residential
Maximum height of the building	11m (B1 zone) 9m <sup>1</sup> (R2 zone)	26m, 38m <sup>2</sup> (B1 zone) 3-7 storeys 11m, 19m, 29m (R4 zone) 7-11 storeys

<sup>1</sup> The planning proposal contains an inconsistency in the description of the current maximum height control. A gateway condition is recommended to require that the planning proposal, including mapping, be updated prior to exhibition to correct errors.

<sup>2</sup> The planning proposal contains an inconsistency between text descriptions and colour representations on the map of the proposed maximum height control. A gateway condition is recommended to require that the planning proposal, including mapping, be updated prior to exhibition to ensure consistency regarding the proposed development controls.

Control	Current	Proposed
Floor space ratio	1:1 (B1 zone) 0.5:1 (R2 zone)	2.1:1 (B1 zone)* 1.3:1 (R4 zone) *No change to 23 Canterbury Road which will retain 1:1 FSR control
Minimum lot size	450m <sup>2</sup> (R2 zone) Nil (B1 zone)	No change
Additional Permitted Uses	Nil	'Registered club', 'Hotel or motel accommodation', and 'Function centre' within B1 zoned portion of site
Site specific provisions	N/A	Consolidation of the entire subject site being: 923-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl, prior to construction
Number of dwellings	4	334 (approx.)
Number of jobs	Not known	686 (approx.)

It is considered that the planning proposal does not contain an explanation of provisions that adequately explains how the objectives of the proposal will be achieved due to inconsistencies and errors in the planning proposal report and maps. Gateway conditions are recommended to ensure the planning proposal clearly states existing and proposed development controls and that these are reflected in a preferred concept scheme.

## 1.4 Concept Scheme

An indicative concept plan submitted with the planning proposal demonstrates that the proposal could facilitate the redevelopment of the site for a mixed-use development with heights ranging from 3 to 11 storeys, and comprising approximately:

- 322 apartments
- 12 multi dwelling housing (terraces)
- non-residential floor area including:
  - commercial and retail: approx. 1,000sqm
  - registered club: approx. 1,660sqm
- publicly accessible grassed areas: approx. 5,091sqm



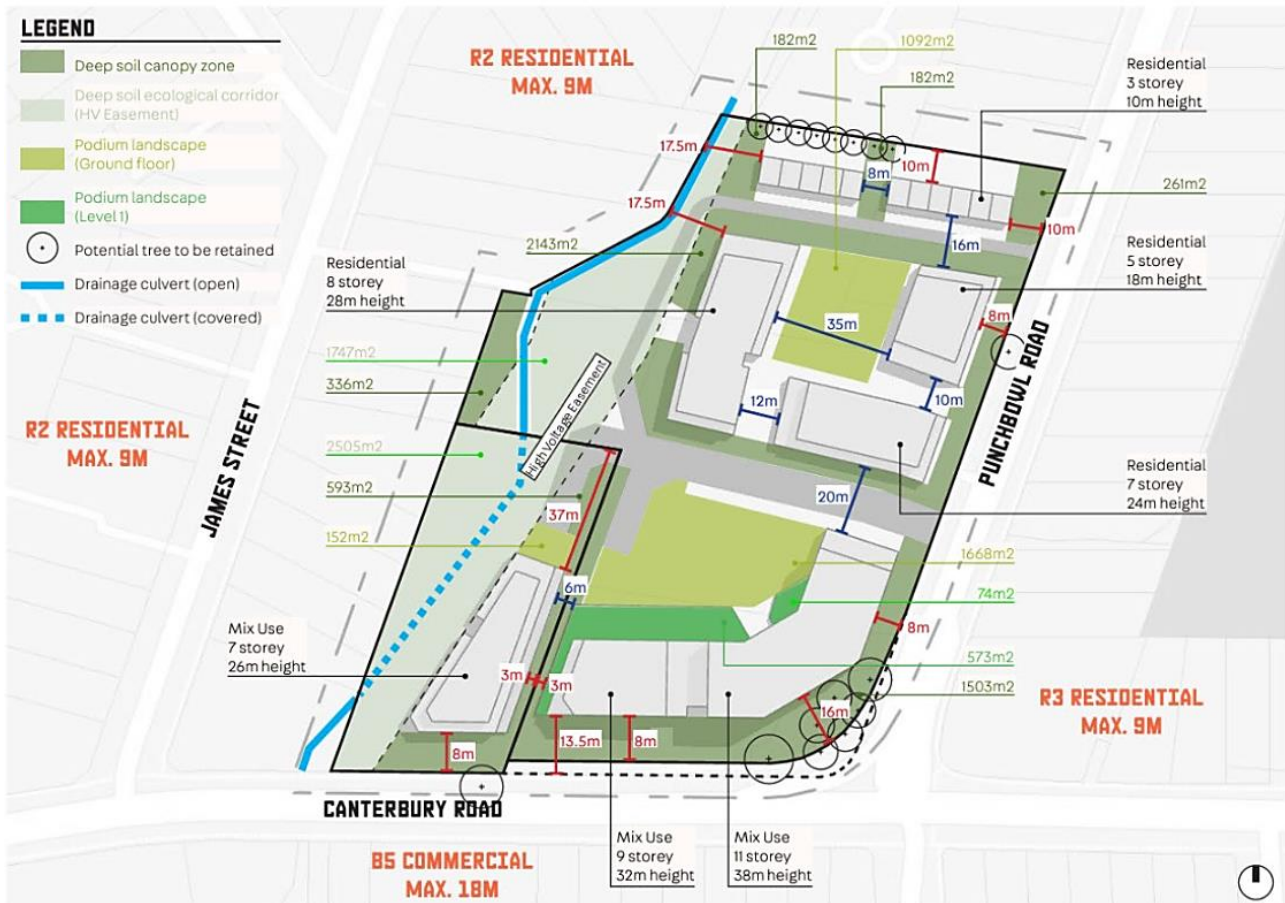


**Figure 1: Preferred scenario viewed from the north-west (Source: Planning Proposal)**

The planning proposal originally submitted by the proponent did not include 23 Canterbury Road, however during Council's assessment of the application it was concluded that inclusion of the site would result in an improved urban design outcome.

The planning proposal includes an updated concept plan that includes 23 Canterbury Road, however, the supporting reports assess earlier version(s) of the concept plan and do not address 23 Canterbury Road. For this reason, the planning proposal and supporting documentation contain gaps in information and inconsistencies in relation to the proposed floor areas for uses within the submitted concept scheme.

There is insufficient information to properly assess the proposed changes to 23 Canterbury Road. The extent of additional information required to inform the assessment would unduly delay the Gateway assessment. Therefore, a gateway condition is recommended to delete 23 Canterbury Road from the planning proposal and to prepare an updated concept scheme and floor area calculations. The deletion of 23 Canterbury Road will not materially impact the future redevelopment of the land at 913-925 Punchbowl Road and 21 Canterbury Road. Council should be encouraged to revisit amendments to planning controls for this site once the necessary additional information is prepared.



**Figure 2: Indicative site plan showing indicative dimensions and publicly accessible open space (Source: Planning Proposal)**

## 1.5 Public Benefit Offer

A public benefit offer accompanies the proposal (in relation to part of the site at 913-925 Punchbowl Road and 21 Canterbury Road). The offer includes:

- **5% of the total amount of residential units** over the site and project to be dedicated to Council as affordable housing
- **60sqm activity room** on part of the site that is zoned as B1 Neighbourhood Centre to be dedicated to Council
- **land for road widening** to be dedicated to Transport for NSW as required.

The public benefit offer also includes publicly accessible open space areas, including a playground. A gateway condition is recommended to clarify any proposed publicly accessible open space.

Council has noted that discussions on the public benefit offer are ongoing and that they intend to exhibit a revised letter of offer and/or a draft Planning Agreement with the planning proposal.

## 1.6 Development Control Plan

Council resolved to prepare and exhibit a draft site specific development control plan (DCP) to support the proposal. The draft DCP is intended to comprise controls to guide future development on the site, including flooding, setbacks, landscaping and biodiversity, solar access, open space, culture and heritage, commercial uses and transport and access.

## 1.7 Site description and surrounding area

The site is located at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl and has a total site area of approximately 2.53ha. It has frontages to Canterbury Road and Punchbowl Road.

The site is located approximately 1.8km southeast of Bankstown centre, 6km west of Campsie town centre, and 8.2km southwest of Burwood centre. Its neighbouring suburbs include Mount Lewis to the north, Wiley Park to the East and Riverwood to the south.

The site is located 1.2 km from the nearest train station, being the Punchbowl train station, to the northeast of the site. The vicinity of the site includes low-rise residential neighbourhoods surrounding the site with several commercial premises and Punchbowl Park to the east.

The site is located within a village centre identified by the Canterbury Bankstown Local Strategic Planning Statement 'Connective City 2036'. The subject site is also located within an urban centre identified by the Canterbury Road Review.

There are various uses existing on the site. The properties at 921-925 Punchbowl Road and 21 Canterbury Road contain a two storey function centre and a large at-grade parking area. The properties at 913-919 Punchbowl Road contain dwelling houses. The property at 23 Canterbury Road features a landscaping supplies business with a small single storey site office.

The subject site is served by multiple accesses. The large at-grade parking area at 921-925 Punchbowl Road and 21 Canterbury Road is served by two separate access driveways on Punchbowl Road, approximately 90 metres north of Canterbury Road, for entry and exit. An access driveway is also present on Canterbury Road, near the western site boundary of 21 Canterbury Road.

The planning proposal originally submitted by the proponent did not include 23 Canterbury Road, however, during Council's assessment of the application it was concluded that inclusion of the site would result in an improved urban design outcome. 23 Canterbury Road is zoned B1 Neighbourhood Centre and forms part of the village centre with 21 Canterbury Road. Reviewing the controls across the neighbourhood centre as opposed to part of the centre is supported in principle. For the purpose of this assessment, the original properties, comprising 913–925 Punchbowl Road and 21 Canterbury Road, Punchbowl will be referred to as Part A (i.e. proponent initiated planning proposal) and the additional property, comprising 23 Canterbury Road (i.e. Council initiated planning proposal), will be referred to as Part B.



Figure 3: Council and proponent-initiated parts of the proposal

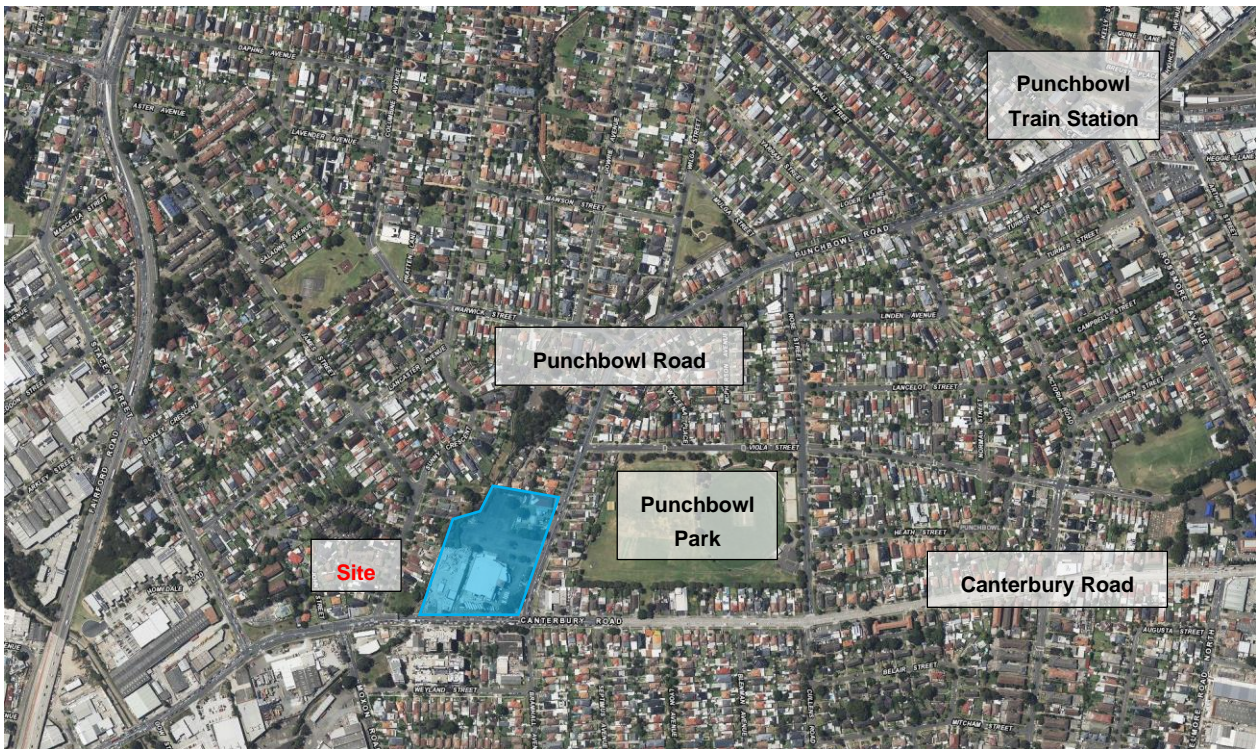


Figure 4: The site outlined in blue (Source: Nearmap)

## 1.8 Mapping

The planning proposal includes indicative mapping showing the proposed changes to the following CBLEP 2023 maps:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Additional Permitted Uses Map.



Figure 5: Current (left) and proposed (right) land zoning map (Source: Planning Proposal)



Figure 6: Current (left) and proposed (right) height of building map (Source: Planning Proposal)\*

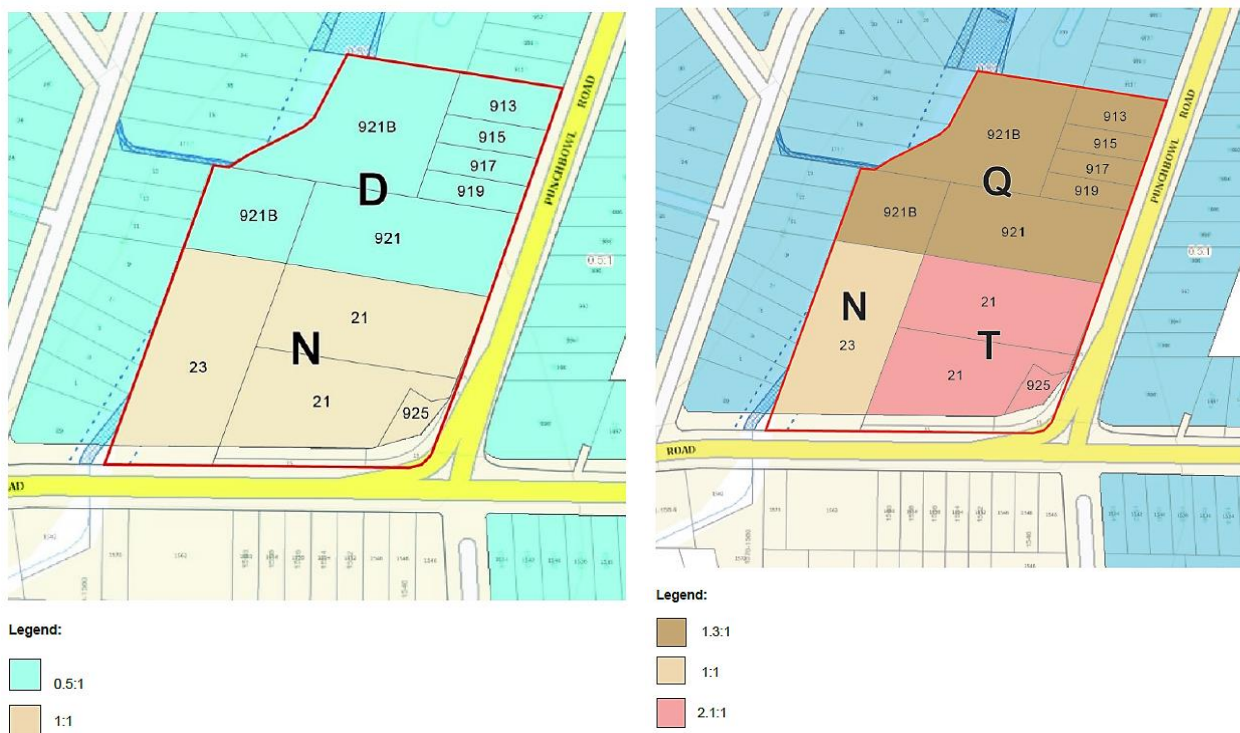


Figure 7: Current (left) and proposed (right) floor space ratio map (Source: Planning Proposal)



Figure 8: Proposed additional permitted uses map (Source: Planning Proposal)

\*The map showing existing building height controls is incorrect. The height control for the existing R2 Low Density Residential zone is 9m.

The map showing proposed building height controls is unclear. The proposed height controls for and associated legend need to be updated to clearly show the proposed building height controls.

Gateway conditions are recommended to update the maps to correct the errors in relation to existing and proposed controls.

## 1.9 Background

**Table 4 Timeline**

Date	Event
22 December 2017	<p>Council submitted a planning proposal (PP_2018_CBANK_001_01) for a mixed-use development at 913–925 Punchbowl Road and 21 Canterbury Road, Punchbowl.</p> <p>It proposed to amend the residential zoned portion of the site to commercial zoning, increase heights up to 17m, and increase floor space ratio up to 1.8:1. The proposal also sought to remove the lot size controls that applied to part of the site.</p> <p>Gateway determination for this planning proposal was granted on 25 May 2018. However, in March 2021, the Department altered the Gateway determination to not proceed. The Department advised of its willingness to work with Council to progress a planning proposal for this site once the key design and environmental issues were resolved.</p>
2021-2023	<p>A proponent initiated planning proposal request was received by Council to facilitate medium and high-density residential accommodation and commercial development including registered clubs, hotel or motel accommodation and function centres.</p> <p>The proposal prepared by the proponent sought to amend the residential zoned portion of the site from low density to high density residential, increase heights across the site up to 20m, and increase floor space ratio across the site up to 2.1:1.</p> <p>The planning proposal originally submitted by the proponent did not include 23 Canterbury Road, however during Council's assessment of the application it was concluded that inclusion of the site would result in an improved urban design outcome without materially impacting the future redevelopment of the land at 913-925 Punchbowl Road and 21-23 Canterbury Road.</p>
28 April 2023	<p>The planning proposal is formally lodged with Council.</p>
8 May 2024	<p>The Canterbury Bankstown Local Planning Panel (LPP) considered the planning proposal at its 8 May 2024 meeting. The LPP supported the proposed provisions and determined that the planning proposal should be forwarded to the Department to request the issuing of a Gateway Determination, subject to consideration of matters including draft site-specific DCP, the planning agreement, flooding, built form, landscape, and roads and access.</p>
23 July 2024	<p>Council considered the planning proposal for land at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl as well as the recommendation of the LPP. Council resolved that:</p>



Date	Event
	<ol style="list-style-type: none"> <li>1. Council resolves to amend the Canterbury-Bankstown Local Environmental Plan 2023 and proceed to the Department of Planning, Housing and Infrastructure for a Gateway determination, subject to the following matters being addressed prior to exhibition (after Gateway determination):           <ol style="list-style-type: none"> <li>a) Council prepare and exhibit a draft site specific DCP amendment as outlined in this report. In addition to typical DCP controls, the DCP is to include the following site-specific objectives and controls for:               <ol style="list-style-type: none"> <li>i. Flooding to appropriately manage flooding impacts;</li> <li>ii. Setbacks to the boundary and interface with adjoining land;</li> <li>iii. Replacement tree planting and tree canopy coverage;</li> <li>iv. Public and private/communal open space (and ensure they are differentiated);</li> <li>v. Road and intersection upgrades on Punchbowl Road and Canterbury Road in consultation with Transport for NSW (TfNSW) as required; and</li> <li>vi. An Aboriginal Cultural Heritage Assessment will also be required in accordance with the Government Architect NSW 'Connecting with Country Framework' to inform the preparation of the site specific DCP controls.</li> </ol> </li> <li>b) A draft Planning Agreement be prepared and exhibited subject to the following:               <ol style="list-style-type: none"> <li>i. Council undertakes further negotiations with the developer to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.</li> </ol> </li> </ol> </li> <li>2. Council exhibits the planning proposal subject to favourable Gateway determination, in conjunction with the draft site specific DCP and draft Planning Agreement, and the matter be reported to Council following the public exhibition period.</li> <li>3. Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 (the Act).</li> </ol>
30 September 2024	The planning proposal (PP-2024-2184) was lodged by Council for Gateway determination.

## 1.10 Canterbury-Bankstown New Employment Zones – PP-2024-684

PP-2024-684 was submitted on 28 March 2024 and seeks to introduce the new employment zones within the Canterbury-Bankstown LGA. This follows the Department of Planning, Housing and Infrastructure's Employment Zone reforms which sought to deliver a simplified framework to suit the future of work, supports productivity and jobs growth, and delivers the community's objectives

set through strategic plans and planning priorities. The Employment Zone reforms were finalised in December 2021 with the introduction of 5 new employment zones and 3 supporting zones introduced into the *Standard Instrument (Local Environmental Plans) Order 2006*.

Accordingly, PP-2024-684 seeks to translate the existing employment zones to the new zoning framework. This means the current commercial zoning of part of the site, being B1 Neighbourhood centre, will be zoned E1 Local Centre as proposed under PP-2024-684.

Council notes that it is intended that the B1 Neighbourhood Centre zoned portion of the site will remain the same size and shape and is proposed to transition to an E1 Local Centre zone upon implementation of the new zones into the CBLEP 2023. In addition, Council notes that under PP-2024-684, 'function centres', 'registered clubs' and 'hotel or motel accommodation' are proposed to be permitted in the E1 zone with development consent.

Council have indicated that should this planning proposal be finalised and gazetted prior to the employment zones planning proposal, the uses will simply transfer to the new E1 zoning and these proposed APUs can be removed from the planning proposal prior to finalisation as they will no longer be required as the uses will be permissible in the zone.

A gateway condition is recommended to update the planning proposal should the new employment zones planning proposal (PP-2024-684) be finalised prior to exhibition of this planning proposal.

The Department will work closely with Council post-Gateway to address any implications or issues.

## 2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

Yes, the site is identified in the Canterbury-Bankstown *Connective City 2036 Local Strategic Planning Statement* (LSPS) as a 'village centre with potential for residential growth'.

The LSPS refers to the broader suburb of Punchbowl and 'Punchbowl – Canterbury Road' in particular as a 'home to a range of local urban services, and will provide opportunities for daily and weekly shopping needs. Where rail and mass transit/train services are available, these centres will also see an increase in housing.' (page 27). Council notes that the planning proposal is therefore a result of the LSPS and the strategic studies that have been completed for this site and along the Canterbury Road corridor.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best and only means to achieve the objectives and planning outcomes of this planning proposal. This approach effectively coordinates and facilitates urban development, and the provision of supporting infrastructure essential for achieving place outcomes.

## 3 Strategic assessment

### 3.1 Region Plan

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the

proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed below.

## 3.2 District Plan

The site is within the South District Plan and the Greater Sydney Commission released the South District Plan in 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 generally 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 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority S1: Planning for a city supported by infrastructure	The proposal is consistent with this priority, as it will facilitate increase numbers of residents and workers in proximity to infrastructure, including public transport, hotel or motel accommodation, retail uses and entertainment facilities.
Planning Priority S3: Providing services and social infrastructure to meet people's changing needs  Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities  Planning Priority S5: Planning housing supply, choice and affordability, with access to jobs, services and public transport  Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal seeks to amend planning controls to facilitate approximately 334 dwellings and 686 jobs (post construction) on the site.  The proposal, as conditioned, is consistent with these priorities as it will offer residents mixed-used development with retail and commercial amenities, a registered club, hotel and motel accommodation and in close proximity to public transport infrastructure.  The proposal also includes a public benefit offer which comprises publicly accessible open space and a community facility. The site is also located in close proximity to existing open space facilities.
Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city	The site is serviced with existing bus services, providing connections to key regional centres at Bankstown, Hurstville and Canterbury. The site is 1.2km from the nearest train station.  The proposal, as conditioned, is consistent with this priority as it will support residential and commercial capacity, that will help to reduce the need for people to travel long distances to access jobs and services.  Note: further assessment is provided in relation to transport infrastructure and gateway conditions are recommended to ensure the proposal is

District Plan Priorities	Justification
	supported by appropriate traffic and transport infrastructure ( <b>see section 6.3.1</b> ).
<p>Planning Priority S15: Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>Planning Priority S16 Delivering high quality open space</p>	<p>The proposal, as conditioned, is consistent with these priorities as the proposal aims to deliver publicly accessible open space and has good access to existing public open spaces including Punchbowl Park which is located to the east of the site.</p> <p>Note: further assessment is provided in relation to open space (<b>see section 6</b>).</p>

### 3.3 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 6 Local strategic planning assessment**

Local Strategies	Justification
<p><b>Local Strategic Planning Statement (LSPS)</b> <b>‘Connective City 2036’</b></p>	<p>The Canterbury-Bankstown <i>Connective City 2036 Local Strategic Planning Statement</i> (LSPS) identifies the subject site as within the Canterbury Road-Punchbowl village centre.</p> <p>Council’s LSPS notes that village centres are envisioned to contain a range of local urban services and will provide opportunities for daily and weekly shopping needs. Village centres are hubs of community life, with high quality public, civic and community spaces and places. They are places designed for pedestrians. Where rail and mass transit/train services are available, these centres will also see an increase in housing.</p> <p>The planning proposal notes that the LSPS recognises that the site has a strategic role in the Canterbury-Bankstown LGA and is suitable for a mixed-use development. The existing and proposed future land uses, as well as future controls are reflective of the Village Centre. The proposal states that the planning proposal is therefore a result of the LSPS and the strategic study that has been completed for this site and along the Canterbury Road corridor.</p> <p><u>Department comment</u></p> <p>The proposal is consistent with the LSPS for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposal will facilitate medium and high-density residential development, and a range of non-residential uses including commercial, retail, registered club and hotel and motel</li> </ul>

Local Strategies	Justification
	<p>accommodation that contribute to providing local urban services and daily and weekly shopping needs</p> <ul style="list-style-type: none"> <li>the proposal facilitates the delivery of approximately 334 homes within close proximity to public transport infrastructure and open space facilities at Punchbowl Park</li> <li>the site is well located and the proposed uplift supports the growth of a village centre in accordance with Council's endorsed LSPS.</li> </ul>
<p><b>Canterbury-Bankstown Housing Strategy</b></p>	<p>Council's Local Housing Strategy (LHS) guides and informs the review and development of LEPs and future planning decisions to achieve the expected delivery of 50,000 new dwellings across the LGA by 2036.</p> <p>The site is identified as a village centre (Canterbury Road-Punchbowl) within the City of Canterbury Bankstown LGA.</p> <p>The planning proposal is consistent with the Local Housing Strategy as it will facilitate an increase in medium and high-density residential development in an area with access to jobs, public transport and services consistent with the LHS.</p>
<p><b>Canterbury-Bankstown Affordable Housing Strategy</b></p>	<p>The Canterbury-Bankstown Affordable Housing Strategy (AHS) is Council's plan to increase the provision of affordable rental housing across the City.</p> <p>Since endorsement of the AFH Strategy in March 2020, Council has amended the Planning Agreements Policy as per the actions of the AFH Strategy including Action 2.3 which relates to the planning proposal:</p> <p><i>Action 2.3 – In relation to Planning Proposals, it is proposed to amend the Planning Agreement Policy to conform with the Ministerial Direction (March 2019) and include a requirement for a 5% affordable housing contribution for Planning Proposals resulting in uplift or more than 1,000 sqm of residential floor space, unless otherwise agreed with Council.</i></p> <p>A public benefit offer accompanies the proposal that includes:</p> <ul style="list-style-type: none"> <li><b>5% of the total amount of residential units</b> over the site and project to be dedicated to Council as affordable housing.</li> </ul> <p>Council and the proponent are continuing discussions on the public benefit offer, with a revised letter of offer and/or a draft Planning Agreement to be exhibited with the planning proposal.</p> <p>A gateway condition is recommended to ensure that appropriate mechanisms are identified for supporting infrastructure including affordable housing.</p>
<p><b>Canterbury-Bankstown Employment Lands Strategy</b></p>	<p>The Canterbury-Bankstown Employment Lands Strategy (ELS) guides Council's decision making to ensure that there is an adequate and appropriate supply of employment land that is serviced to meet the needs of businesses and employees.</p> <p>The ELS identifies the subject site as containing B1 zoning and a large club (Club Punchbowl) with a planning proposal under consideration at that time for changes to planning controls for mixed use development, including a component of retail/commercial.</p>

Local Strategies	Justification
	<p>The ELS objectives include protecting employment lands, strengthening centres and ensuring that housing in the centres contributes to commercial activity as the primary function of the centres.</p> <p>The ELS recommends broadening mixed-use development types in B1 Neighbourhood Centre and B2 Local Centre zones, including consideration of rezoning intensive B1 zones to B2 Local Centre zones, and encouraging the development for more intensive forms of residential density to include a non-residential use on the ground floor.</p> <p>The ELS recommends the following in relation to the Canterbury Road-Punchbowl Village Centre (within which the site is located, as identified in Council's LSPS):</p> <p style="text-align: center;"><i>Neighbourhood centres provide a range of small-scale retail and other services that serve the convenience needs of people that live and work in the surrounding neighbourhood. Higher order retail and commercial uses that serve the wider community are not located in neighbourhood centres. Neighbourhood centres generally comprise less than 2,000m<sup>2</sup>.</i></p> <p><u>Department comment</u></p> <p>The proposed concept scheme submitted with the proposal includes medium and high-density residential development, and a range of non-residential uses including commercial, retail, registered club and hotel and motel accommodation.</p> <p>The planning proposal generally aligns with the Canterbury-Bankstown ELS since it will provide higher order retail and commercial uses that serve the wider community.</p> <p>The employment zoning (and permitted uses) on the subject site is sought to be amended and consolidated under Department of Planning, Housing and Infrastructure's Employment Zone reforms and the resulting planning proposal (PP-2024-684).</p> <p>This is further discussed in <b>Section 3.4 Canterbury-Bankstown New Employment Zones – PP-2024-684.</b></p>
<p><b>Canterbury Road Review</b></p>	<p>The Canterbury Road Review recommends a planning approach that includes:</p> <ul style="list-style-type: none"> <li>• redistribution of mixed-use housing development to land that can benefit from existing open space, is located to better support existing centres, is structured around a longer-term plan for urban amenity and connectivity and is consistent with the NSW government's green-grid concept</li> <li>• concentration of development in a series of junction points along Canterbury Road in order to help create attractive places with local open space opportunities and existing public transport connections.</li> </ul>

Local Strategies	Justification
	<p>The Review includes a number of recommendations including Recommendation 1 which relates to the planning proposal:</p> <p style="text-align: center;"><i>Recommendation 1 Concentrate residential development west of the Cooks River at 7 Junctions at the intersection of Canterbury Road and identified north running streets.</i></p> <p>The subject site is located within <i>Centre A – Punchbowl Road District</i> as identified by the Review.</p> <p>The planning proposal advises that it is consistent with the nodal approach established in the Review as it will maintain the intention for a transition in building heights stepping down from the corner to the north (from 11 storeys to 3 storeys), and from the corner to the west towards 23 Canterbury Road (from 11 storeys to 7 storeys).</p> <p><u>Department comment</u></p> <p>The planning proposal aligns with the objectives of the Canterbury Road Review since it:</p> <ul style="list-style-type: none"> <li>• includes provisions which support an increase in employment opportunity on the site</li> <li>• benefits from good access to existing local open space, including Punchbowl Park</li> <li>• benefits from good access to existing public transport connections, including bus facilities immediately adjacent to site.</li> </ul>

### 3.4 Local Planning Panel (LPP) recommendation

The planning proposal was considered by the Local Planning Panel (LPP) which recommended the planning proposal should be supported to proceed to gateway, subject to consideration of the following matters:

- *The Panel agrees that a site specific DCP is required to provide further detailed controls to guide the development. The DCP needs to include the adjacent site (23 Canterbury Road) and ensure that controls address appropriate setbacks to the boundary and interface with adjoining lands.*

#### *Planning Agreement*

- *The Panel agrees that an independent assessment of the value of the offer is required.*
- *The Panel questioned whether 5% affordable housing (or equivalent monetary contribution) is sufficient given the proposed uplift. Council needs to be satisfied that there is a proportional public benefit in the VPA.*
- *The Panel does not agree that open spaces required to meet the needs of the development itself is a public benefit, nor the satisfaction of required 7.11 contribution or infrastructure required to meet the needs of the development.*
- *The public benefit needs to be clearly articulated.*

#### *Flooding*

- *Further analysis of potential flood impacts is required to determine the suitability of the site for more intense development. There should be an understanding of the extent of landform change and potential offsite impacts in a broad sense.*

- *Indicative building envelopes may need to be setback further from flood hazard areas.*
- *DCP Controls should specify the habitable floor level to meet PMF.*

#### *Built Form*

- *Built form and therefore height controls should as a principal step down along Canterbury Road from the corner to the west and to the north along Punchbowl Road.*
- *Variations in height is supported but should be meaningful. Controls should reflect at least a six (6) metre height differentiation so that a differentiation is read in the streetscape.*
- *The height map should be simplified.*
- *The interface height at 11 metres is appropriate.*

#### *Landscape*

- *A greater emphasis on retaining existing vegetation adjoining the stormwater canal and along boundaries of the site is required.*
- *A 40% canopy cover on site is required. The Panel notes that the electricity easement poses a constraint to the height of vegetation and the ability to provide canopy cover (shading) in this area.*
- *A clear differentiation between public and required private and communal open space is needed.*

#### *Roads and Access*

- *All internal roads should be public roads including footpaths, shared paths, and nature strips.*

## 4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is broadly consistent with the Region Plan, South District Plan and the LSPS. Therefore the proposal is consistent with this Direction. Refer to report <b>section 3.2 District Plan</b>.</p>
1.4 Site Specific Provisions	Unresolved	<p>This Direction applies as the planning proposal will amend another environmental planning instrument to allow the particular development to be carried out.</p> <p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. Clause (1)(c) states that a planning proposal must “<i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i>”</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The Direction is applicable as the planning proposal seeks to implement the following provisions on the subject site:</p> <ul style="list-style-type: none"> <li>a) permit additional permitted uses for a 'Registered club', 'Hotel or motel accommodation' and 'Function centre' to the portion of the site zoned B1 Neighbourhood Centre, being: 923-925 Punchbowl Road and 21 Canterbury Road, Punchbowl</li> <li>b) require consolidation of the entire subject site being: 923-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl, prior to construction.</li> </ul> <p>Council advised that the planning proposal originally submitted by the proponent did not include 23 Canterbury Road. However, during Council's assessment of the application, it was concluded that inclusion of the site would result in an improved urban design outcome.</p> <p><u>Department comment</u></p> <p>The proposed additional permitted uses are considered the best means of achieving the objectives of the planning proposal.</p> <p>The proposed amalgamation clause is supported as it will assist in achieving improved urban design outcomes and site access arrangement for future development on the land.</p> <p>However, it is noted that the amalgamation 23 Canterbury Road. As discussed in section 1.7, a gateway condition is included to remove this site from the proposal as the environmental impacts have adequately addressed.</p> <p>Council advised that it intends for the site at 23 Canterbury Road to be developed independently of the main Club Punchbowl site – it is not Council's intent to require 23 Canterbury Road and the Club Punchbowl site to be developed at the same time. Council notes that the inclusion of 23 Canterbury Road will enable future redevelopment of the site to be integrated and make use of vehicle access on the Club Punchbowl site.</p> <p>.</p> <p>Further, the proposal package does not include supporting documentation that assesses Part B (Council initiated part) of the subject site in relation to key environmental impacts.</p> <p>Most notably, the proposal has not yet demonstrated that Part A and Part B of the site can operate independently in relation to site access and flooding.</p> <p>Consistency with the Direction remains unresolved, pending further justification to assess whether the amalgamation is appropriate or necessary.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>A gateway condition is recommended to delete 23 Canterbury Road from the planning proposal, clarify the application of the site amalgamation clause and address consistency with this Direction.</p> <p>See in <b>section 6.3 Infrastructure</b> of this report for further discussion.</p>
4.1 Flooding	Unresolved	<p>This Direction seeks to ensure development of flood prone land is consistent with the Flood Risk Management Manual and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>The site and surrounding area are identified as being flood prone in 1% AEP and PMF flood events. This Direction applies as the proposal seeks to alter development standards that apply to a site identified as flood prone.</p> <p>Consistency with the Direction remains unresolved, pending further justification to address flooding, site access and flooding response.</p> <p>Further assessment and recommended gateway conditions are detailed below in <b>section 4.1.1 Section 9.1 Ministerial Directions 4.1 Flooding, and section 6.1 Environmental</b>.</p>
4.4 Remediation of Contaminated Land	Unresolved	<p>This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning authorities.</p> <p>Part A (Proponent initiated part) of the site is occupied by various uses including residential dwellings and a function centre. Part B (Council initiated part) of the site currently includes a landscaping supplies business.</p> <p>This Direction applies because the planning proposal seeks to rezone a portion of the site from R2 Low Density Residential to R4 High Density Residential and permit Additional Permitted Uses in the B1 zone. This will allow for additional residential uses and increased density on this land.</p> <p>It is noted that proposal is accompanied by a Geotechnical Assessment Report (2019) which considered that 21 Canterbury Road will be suitable for the proposed redevelopment. A Remediation Action Plan (2021) was also prepared for 921 Punchbowl Road to support a development application.</p> <p>However, it cannot be concluded that the proposal is consistent with the Direction given:</p> <ul style="list-style-type: none"> <li>the supporting reports have not assessed the full site, including: 913-919 Punchbowl Road Punchbowl (Lot B DP 378634, Lot 2 DP 21524, Lot 3 DP 21524, Lot 4</li> </ul>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>DP 21524) and 23 Canterbury Road Punchbowl (Lot 12 DP 1027748).</p> <p>Consistency with the Direction remains unresolved, until this matter is further addressed by the planning proposal.</p> <p>Gateway conditions are recommended to delete 23 Canterbury Road and address consistency with this Direction.</p>
4.5 Acid Sulfate Soils	Unresolved	<p>The objective of the Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The proposal includes rezoning on a portion of the site and seeks increased height and FSR provisions and additional permitted uses ('registered club', 'Hotel or motel accommodation', and 'Function centre') introduced on the B1 Neighbourhood Centre zoned portion of the site to accommodate a proposed mixed use development.</p> <p>This Direction applies because the planning proposal seeks the intensification of land uses on land identified as having a probability of containing Class 3 and 5 acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p> <p><u>Department comment</u></p> <p>The proposal is accompanied by the following reports:</p> <ul style="list-style-type: none"> <li>• Preliminary Acid Sulfate Soil Management Plan (December 2019)</li> <li>• Acid Sulphate Soil Assessment Report (April 2022) – considered that the site is not impacted by acid sulphate soils in the vicinity of testing and an Acid Sulphate Soils Management Plan was not required.</li> </ul> <p>However, it cannot be concluded that the proposal is consistent with the Direction given:</p> <ul style="list-style-type: none"> <li>• the supporting report(s) have not assessed the full site including: 913-919 Punchbowl Road Punchbowl (Lot B DP 378634, Lot 2 DP 21524, Lot 3 DP 21524, Lot 4 DP 21524) and 23 Canterbury Road Punchbowl (Lot 12 DP 1027748) were not included</li> <li>• inconsistencies within the reports regarding the applicable LEP identified should be rectified to provide clarification on the relevant classes of soil that apply to the land.</li> </ul> <p>Consistency with the Direction remains unresolved, until this matter is further addressed by the proposal.</p> <p>Gateway conditions are recommended to delete 23 Canterbury Road, clarify the statutory controls that apply to the land and address consistency with this Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Unresolved	<p>This Direction seeks to ensure that land use and development improve access to housing, jobs, and services by means of public transport and improved walkability.</p> <p>The planning proposal seeks to facilitate a mixed-use development, including housing and non-residential uses, within the Punchbowl-Canterbury Road centre with access to public transport, services and facilities.</p> <p>The planning proposal is supported by a Traffic Impact Assessment (Traffix, 2023). It identified that there are bus stops located at regular intervals along both sides of Canterbury Road, including immediately adjacent to the site.</p> <p>Pre-gateway consultation with TfNSW identified several issues relating to the number of vehicular access points, pedestrian infrastructure, transport modelling and intersection upgrades.</p> <p>Consistency with this Direction remains unresolved until further consultation with TfNSW is completed.</p> <p>Gateway conditions are recommended requiring Council to consult with TfNSW prior to exhibition and to provide briefings to the Department before exhibition and prior to finalisation to explain how Council has addressed Gateway conditions and community and agency submissions.</p> <p>Further assessment and recommended gateway conditions are detailed below in <b>section 6.3.1 Transport Infrastructure</b>.</p>
6.1 Residential Zones	Consistent	<p>The Direction applies as the proposal will affect land within an existing or proposed residential zone.</p> <p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands.</p> <p>The proposal seeks to rezone a portion of the site from R2 Low Density Residential to R4 High Density Residential and introduce additional height and FSR provisions which will accommodate the proposed mixed-use development that comprises approximately 334 dwellings (residential flat buildings, shop-top housing, multi-dwelling housing).</p> <p>The planning proposal is consistent with this Direction as it seeks to increase the supply and choice of housing. The site has access to existing infrastructure and services which can be utilised in addition to the proponent's public benefit offer.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Employment Zones	Consistent	<p>This Direction seeks to encourage employment growth in suitable locations, protect employment land in employment zones and support the viability of identified centres.</p> <p>The proposal seeks increased height and FSR provisions and additional permitted uses ('registered club', 'Hotel or motel accommodation', and 'function centre') introduced on the B1 Neighbourhood Centre zoned portion of the site to accommodate a proposed mixed use development that includes residential accommodation, registered club, hotel and motel accommodation and retail uses.</p> <p>The proposal is consistent with this Direction as it will enable an increase in potential floorspace for employment uses and related public services in an employment zone.</p> <p>The employment zoning (and permitted uses) on the subject site is sought to be amended and consolidated under Department of Planning, Housing and Infrastructure's Employment Zone reforms and the resulting planning proposal (PP-2024-684).</p> <p>Further assessment is detailed in <b>section 1.10 Canterbury-Bankstown New Employment Zones - PP-2024-684</b>.</p>

## 4.1 Section 9.1 Ministerial Directions 4.1 Flooding

The planning proposal seeks to facilitate redevelopment of land at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl to allow for a mixed-use development consisting of apartments, multi-dwelling housing (terraces), a registered club, retail floorspace, basement car parking and publicly accessible open space. To achieve this, the planning proposal seeks to amend the zoning, height of building and floor space ratio controls of the Canterbury-Bankstown LEP 2023, introduce additional permitted uses and a new site-specific clause into the Part 6: Additional Local Provisions.

For the purposes of this assessment, the subject site will be referred to as:

- Part A (913–925 Punchbowl Road and 21 Canterbury Road, Punchbowl) – the proponent initiated part of the planning proposal
- Part B (23 Canterbury Road, Punchbowl) – the Council initiated part of the planning proposal.

The proposal is supported by:

- Attachment J - Flood Investigation Report (June 2022)
- Flooding Assessment Additional Response (November 2023)
- Peer Review of Flood Assessment (Stantec, March 2024)
- Flood Emergency Response Plan (Acor Consultants, Jan 2024).

The Peer Review of Flood Assessment states that generally the flood assessment has been found to be consistent with flooding requirements of the Ministerial Direction 4.1.

The Department does not agree with this interpretation as the planning proposal package includes insufficient information regarding the flood impacts of the development and to address consistency with this Direction.

Nonetheless, the Peer Review of Flood Assessment identifies the following:

- the model set-up is found to be appropriate for the purposes of a planning proposal flood assessment
- the site is located within a flood planning area and is affected by mainstream flooding from the existing open stormwater channel that runs along the north-west boundary of the site in a southern direction. The site is also affected by post development hydraulic hazards ranging from H1 (no restrictions) to H6 (high hazard) (**Figure 8**)
- there are negligible flood impacts outside of the subject site, with localised water level increases within the site in a 1% AEP event
- the likely reason the flood impacts are only minor for the proposed development is that the proposed site road has been aligned with the existing flowpath from Punchbowl Road through the middle of the site. The preservation of this flowpath without building blockage will be critical to managing potential impacts
- the report notes that no details of the proposed development on 23 Canterbury Road were provided.

A high-level review of the local flood model for 23 Canterbury Road show that the western side of the 23 Canterbury Road site is affected by 1% AEP floodway, therefore any potential buildings within this portion of the site may cause flow blockage and significant impacts. The eastern portion of the site is mostly flood-free in the 1% AEP and therefore may be suitable for potential development. The majority of the site, including the western portion is affected only by low or intermediate provisional hazard meaning that potential development may be suitable as it relates to flood hazard in the 1% AEP.

## Hazards

- H1 hazard is expected in the 1% AEP at the area adjacent to the driveway (**Figure 8**)
- H3 hazard is expected in the 1% AEP within the central road reserve with isolated areas of up to H5 hazard near Building A (**Figure 8**)
- the 1% AEP high hazard has been maintained through the centre of the site through the alignment of the central road proposed. There is high hazard close to Building A and D. The addition of design surface to modelling in later stages is expected to be able to address this proximity to high hazard subject proposal is supportable on transport planning grounds (**Figure 9**)
- the results show that the central road proposed for the site is within a key floodway in the 1% AEP as well as the western side of the site for the northern flowpath (**Figure 11**). While Building A and Building D are both near the floodway of the central road, civil design of the

site surface should be able to slightly divert floodway away from the buildings. Generally, the site layout maintains a clear floodway for both flowpaths.

## Emergency response

The Peer Review of Flood Assessment (Stantec, March 2024) identifies the following emergency response:

- Warning Time – the access road and area around Building A becomes affected by H3 hazard by 25 minutes after the onset of PMF rainfall, with the majority of H3 hazard affectation for the site have passed 2.5 hours after the onset of rainfall. It is noted that this assessment is for the PMF 2-hour duration event. Simulation of longer duration PMF events in later development stages may be needed to confirm, however it seems that flooding of the site should be less than 6 hours as required in the guideline
- Shelter in Place - it is proposed that all ground floor (and floors above) will be elevated at or above the PMF level. This will ensure that there is sufficient space as residents will require no action and can shelter in their residence with no movement to a refuge required

There is H5 affectation near Building A and D which would raise concerns regarding structural integrity in a PMF event for these buildings. In future detailed modelling of the post - development site, the design surface for the site should divert floodwaters away from these buildings and it is assumed that this hazard affectation up against these buildings can be reduced. Further assessment of structural stability of refuge should be considered in later development stages.

The Flood Emergency Response Plan (Acor Consultants, Jan 2024) identifies:

- Shelter in Place - that building signage, and alarms are proposed in relation to restricting resident and vehicle movements in the event of flash flooding.

According to available flood modelling, most site remains safe for occupancy even during all overland floods up to and including the 1% Annual Exceedance Probability (AEP). Buildings and basement car parking areas will be impacted during extreme overland flood events. Basement protection must be provided to prevent ingress and the finished habitable floor levels must be provided above the applicable Probable Maximum Flood (PMF) level. Permanent, unobstructed, evacuation routes should be provided from the basement to an area above the (PMF) level. These evacuation routes should be provided internal to the basement.

The flooding of adjacent roads is abrupt and short-lived during overland flood events, lasting no more than 3-4 hours.

The recommended response to such flooding is for all site occupants to stay on-site, refraining from travel due to potential hazardous road conditions. This response applies to any development ancillary to the Planning Proposal.

The Peer Review recommended:

- an updated Flood Investigation Report should be submitted to Council prior to public exhibition of the planning proposal.

The current modelling methodology should be considered for further refinement in later development stages. These included a number of recommendations, including fully blocking buildings from the model rather than raised 0.5 metres only, in alignment with a previous RFI from Council.

Consistency with the 9.1 Direction 4.1 Flooding is considered unresolved as:

- the proposal package has not assessed flooding in relation to Part B (23 Canterbury Road – Council initiated part) of the site (including in relation to the proposed additional third

basement entrance) or addressed the potential impacts of the additional permitted uses that are proposed to be introduced on the site

- insufficient information is provided in relation to the expected warning and inundation time for 1% AEP flooding events
- the supporting information does not adequately demonstrate consideration of the feasibility of evacuation including in relation to the broader context surrounding the site
- the proposal has not yet demonstrated that Part A and Part B of the site can operate independently in relation to site access and flooding
- there are a number of additional permitted uses proposed being 'registered club', 'hotel or motel accommodation', and 'function centre', in addition to residential and commercial uses. Insufficient information is provided in relation to the proposed development (including the additional permitted uses) in relation to the cumulative impacts of the development and access to and from the site
- insufficient information is provided in relation to the proposed development within and in proximity to the floodway and flood storage, including impacts and potential mitigation measures.

Therefore, gateway conditions are recommended requiring:

- delete 23 Canterbury Road (Part B – Council initiated part) from the planning proposal due to insufficient information
- update the planning proposal to address consistency with Ministerial Direction 4.1 Flooding and update the flood assessment to address:
  - the recommendations of the Peer Review of Flood Assessment (March 2024)
  - the additional permitted uses
  - evacuation and feasibility
  - where shelter in place is proposed, the following is addressed: time to flood peak and duration of the flooding and/or duration of isolation, suitable area identified above the PMF level in relation to shelter in place, advice from a suitably qualified engineer that the shelter in place location will be structurally sound
  - potential adverse impacts of flooding on surrounding properties
- consultation prior to exhibition with Transport for NSW (TfNSW), NSW State Emergency Service and NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).



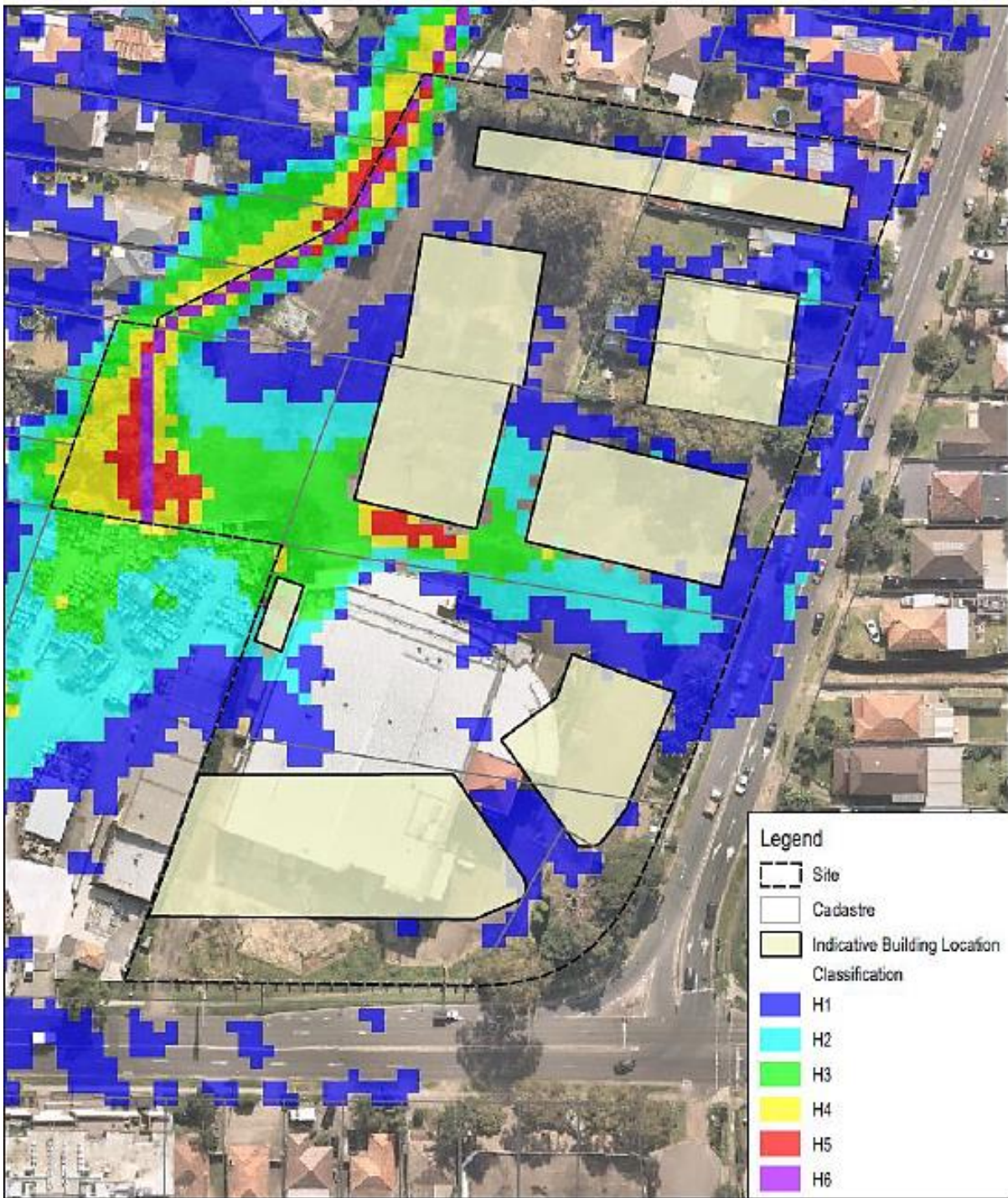
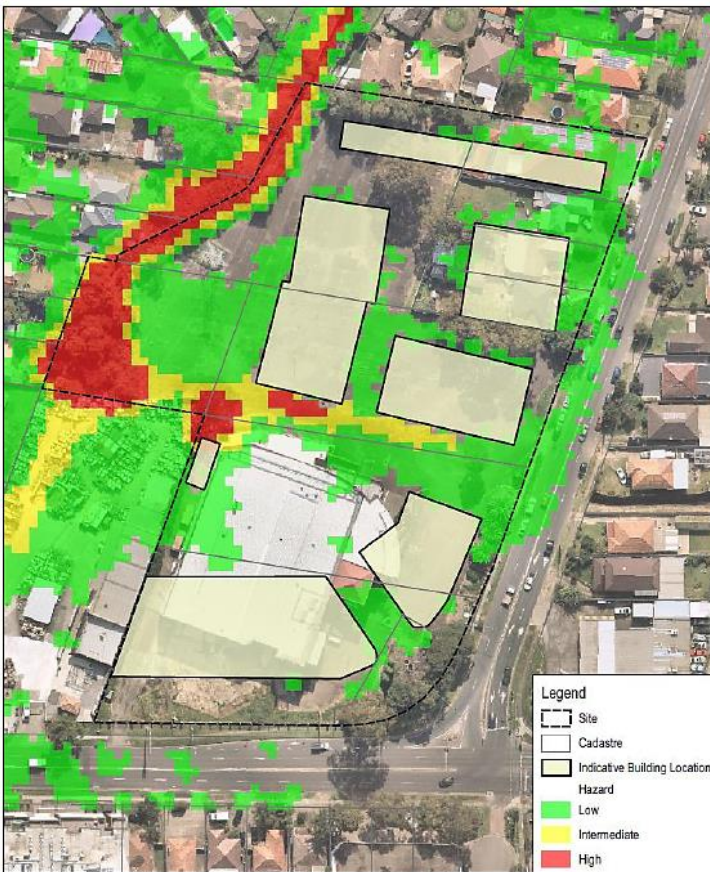
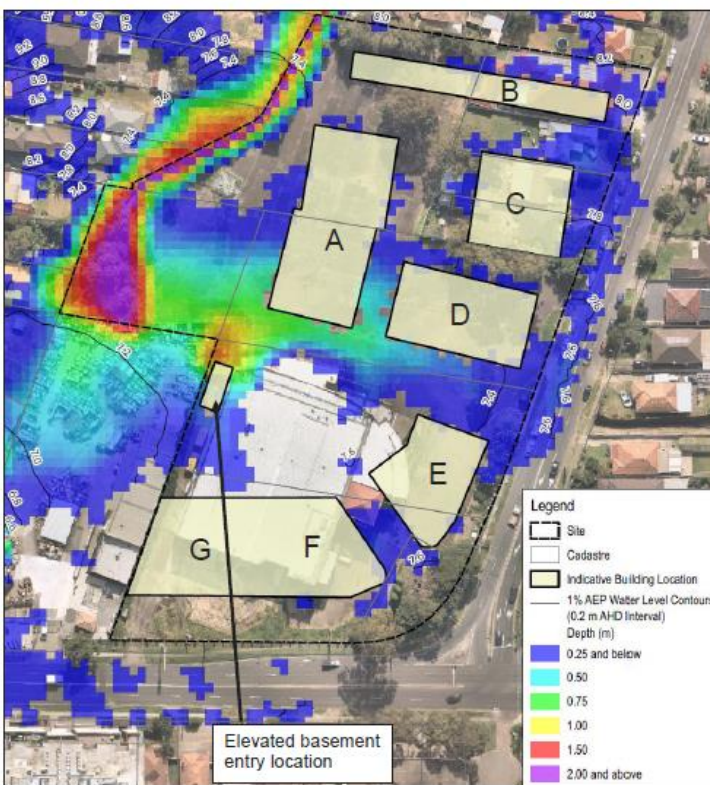


Figure 9: Flood Hazard Post Development 1% AEP (Source: Peer Review of Flood Assessment, Stantec)



**Figure 10: Flood Impacts – Post Development less existing 1% AEP (Source: Peer Review of Flood Assessment, Stantec)**



**Figure 11: Peak flood levels and flood depths - Post Development 1% AEP (Source: Peer Review of Flood Assessment, Stantec)**

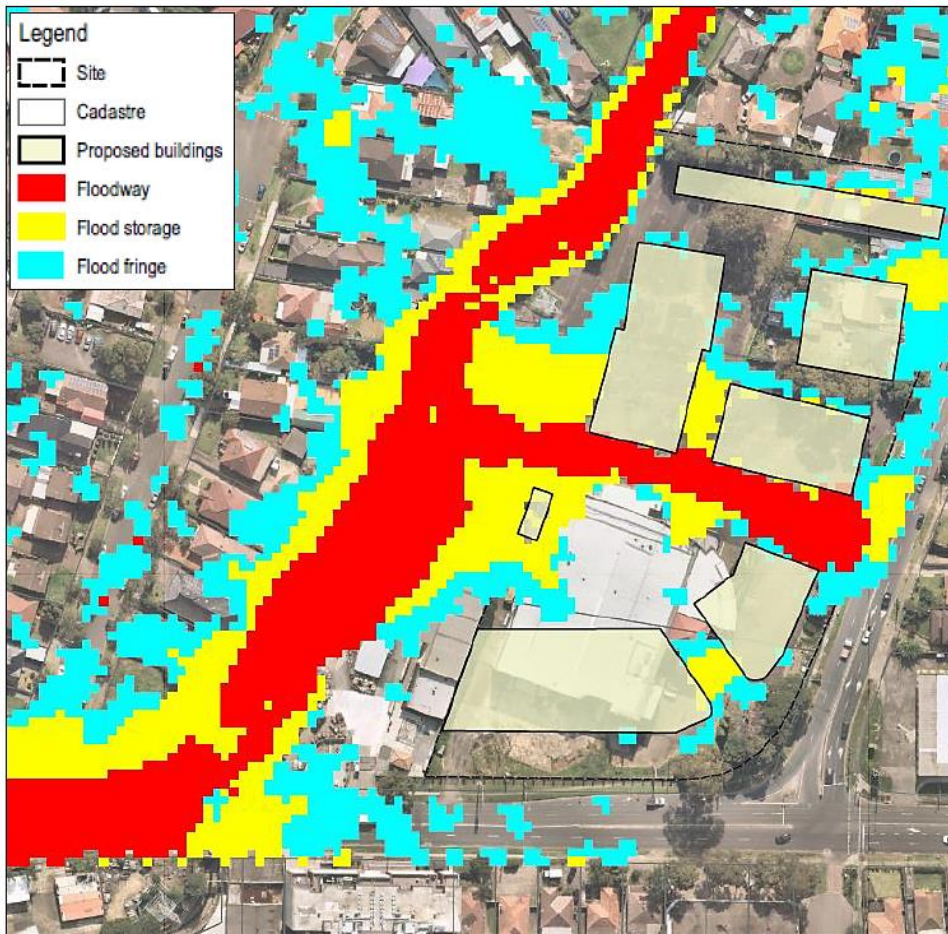


Figure 12: Flood Function Post Development 1% AEP (Source: Peer Review of Flood Assessment, Stantec)

## 5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs and does not hinder the application of any SEPPs.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation 2021)	Consistent	Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve amenity of non-rural areas.  The planning proposal does not contain any provisions that will impede the operation of the SEPP.
SEPP (BASIX) 2004	Consistent	The BASIX SEPP seeks to ensure sustainable residential development across the State.  The planning proposal does not contain any provisions that will impede the operation of the SEPP.

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Consistent	<p>The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. It also seeks to provide residents with a reasonable level of amenity.</p> <p>The planning proposal is supported by an Urban Design Report and Architectural Package with information that addresses the ADG. In particular, the report has considered solar access, natural ventilation, and open space and deep soil planting requirements of the ADG.</p> <p>The planning proposal does not include provisions that will impede the operation of the SEPP.</p> <p><b>Section 6.1</b> of the report provides assessment of the urban design aspects of the proposal.</p>
SEPP (Industry and Employment) 2021	Consistent	<p>The SEPP seeks to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs.</p> <p>The planning proposal does not include provisions that will impede the operation of the SEPP.</p>
SEPP (Sustainable Buildings) 2022	Consistent	<p>The SEPP seeks to ensure sustainable building development and reduce resource consumption across the State.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Resilience and Hazards) 2021	Consistent	<p>Detailed compliance with Chapter 4: Remediation of Land in the SEPP (Resilience and Hazards) 2021 will need to be demonstrated as part of any future development assessment.</p>
SEPP (Transport and Infrastructure) 2021	Consistent	<p>The SEPP aims to facilitate the effective delivery of infrastructure across the State and establishes requirements for development that is likely to increase demand for infrastructure, services and facilities.</p> <p>Section 2.118 of the SEPP seeks to ensure that new development does not compromise the operation and function of classified roads. Referral to TfNSW will be required for a future development application.</p> <p>Traffic and transport are discussed against the provisions of Section 9.1 Directions in <b>Section 4</b> and site specific assessment in <b>Section 6.3</b> of this report, and includes a recommendation for a gateway condition to consult with TfNSW.</p>

## 6 Site-specific assessment

### 6.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental Impact Assessment**

Environmental Impact	Assessment
Built form	<p>The planning proposal has been submitted with an Urban Design Report (November 2023) undertaken by CMT Architects which responds to the Apartment Design Guide.</p> <p><u>Department comment</u></p> <p>The proposed scale is generally consistent with the prominent nature of the subject site at the corner of Canterbury Road.</p> <p>The planning proposal contains apparent disparities regarding the claimed floor space ratio and gross floor area figures.</p> <p>The Department is satisfied that proposal does not prevent further consideration of urban design and amenity aspects when a detailed design is assessed by the consent authority at the development application stage.</p> <p>A gateway condition is recommended to delete 23 Canterbury Road (Part B) for other reasons outlined in this report. The removal of the site from the planning proposal will not materially impact the proposed redevelopment of the remaining part of the site (Part A).</p> <p>Gateway conditions are recommended to update the concept scheme to reflect the deletion of 23 Canterbury Road (Part B) and clarify the application of proposed height and floor space controls.</p>
Solar access and overshadowing	<p>The planning proposal has been submitted with an Architectural Package (October 2023) undertaken by CMT Architects which considers solar access and overshadowing impacts. The concept scheme demonstrates that apartments could achieve solar access requirements as per ADG.</p> <p>A gateway condition is recommended to delete 23 Canterbury Road.</p>
Open Space	<p>The planning proposal has been submitted with a concept scheme landscaped area with significant publicly accessible areas.</p> <p><u>Department comment</u></p> <p>It is unclear within the planning proposal and submitted concept scheme, the site area and location that is proposed to be allocated to communal open space and proposed to be allocated to publicly accessible space.</p> <p>Gateway conditions are recommended requiring Council to identify an appropriate mechanism to deliver the proposed publicly accessible open space.</p>

## 6.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal will enable the development of a mixed-use development, including the creation of additional commercial and retail floor space which is close to transport infrastructure. It will contribute to meeting job targets in the District Plan, with jobs created in both the construction and operational phase of the development.</p> <p>The Department is satisfied that the proposal would generally have a positive social impact by contributing to diverse range of housing, enhanced employment opportunities, capacity for additional businesses and services, and urban renewal.</p> <p>However, the planning proposal contains insufficient assessment as to the social impact of the proposal additional permitted use 'registered club'. A gateway condition is recommended to require an adequate assessment on the social impacts of additional permitted uses proposed to be introduced to the site.</p> <p>It is also noted that a future DA for a registered club would further assess social impacts, including the sale of liquor, if permissibility was granted.</p>
Economic	<p>The Canterbury Bankstown LSPS and Canterbury Road Review identifies the subject site as within the future Canterbury Road-Punchbowl village centre.</p> <p>The planning proposal is supported by a Retail Study (Hadron Group) that supports the need for retail offerings in the future village centre.</p> <p>The Department is satisfied that the proposal will have a positive economic benefit by contributing to diverse range of housing, enhanced employment opportunities, capacity for additional businesses and services, and urban renewal.</p>

## 6.3 Infrastructure

The following provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, and what infrastructure is proposed in support of the proposal.

### Utilities

The site is located within an established urban area.

The report notes that the site is subject to an electricity easement owned by Ausgrid, with a transmission tower and overhead electricity lines situated to the west of the site, and that the site is also subject to drainage easements with a concrete canal owned by Sydney Water which runs along the western border of the site, primarily along the property at 23 Canterbury Road.

The proposal is not accompanied by an infrastructure or services report and does not identify existing utilities available to the subject or address if there is adequate public infrastructure for the planning proposal.

Therefore, a gateway condition is recommended to clarify existing utilities for the subject and address utility infrastructure required to support the amended planning controls sought.

As the planning proposal will result in increased density on the subject site, a gateway condition is included requiring that Ausgrid, National Broadband Network and Sydney Water are consulted on the planning proposal.

### 6.3.1 Transport Infrastructure

#### Public Infrastructure and traffic

The proposal is supported by a Traffic Impact Assessment (April 2023) and Traffic Assessment & Swept Paths report (November 2023).

The Traffic Impact Assessment states that the proposal is supportable on transport planning grounds. Traffic Impact Assessment identifies the following:

- the proposed development has been assessed to generate 123 vehicle trips per hour during the AM peak period and 184 vehicle trips per hour during the PM peak period. Software modelling has been undertaken at key intersections, with the results demonstrating that most intersections will continue to perform in line with their current performance
- despite the results being acceptable the intersection of Canterbury Road and Punchbowl Road requires an extended right turn lane for the eastern approach and signalised pedestrian crossing on the northern approach to accommodate the additional queue length and pedestrian movements from the concept development. The modelling results of the proposed development are consistent with the development only scenario and therefore, will not cause additional impacts on the road network. Further design of the upgrades will be provided as part of the development application.

#### On-site parking

Traffic Assessment & Swept Paths report (November 2023) assessed a concept scheme including a club, retail and residential uses. The Report indicates that:

- the future vehicular access arrangements will be via Punchbowl Road, regulated to left-in and left-out movements only. This may be enforced by the construction of a median island on the centre of the carriageway. A secondary access to the north of the main access on to Punchbowl Road will allow for left out exit movements only
- the proposal requires a total of 591 spaces. The site will be served by a total of 615 off-street parking spaces located within a 2-level basement carpark and at grade spaces. Loading areas and an indented drop off/pick up bay is intended to be provided.

#### Sydney Airport

It is noted that the subject site is located some distance from the airport. Further assessment would be undertaken at development application stage to address any environmental impacts to airport controls relating to the built form of the proposed development.

Consistency with the 9.1 Direction 5.1 Integrating Land Use and Transport is considered unresolved as:

- the planning proposal package has not assessed transport and access in relation to Part B (23 Canterbury Road – Council initiated part) of the subject site (including in relation to the proposed additional third basement entrance to the west of the subject site) or addressed

the potential impacts of the additional permitted uses that are proposed to be introduced on the site

- there are a number of additional permitted uses proposed to be introduced being 'registered club', 'hotel or motel accommodation', and 'function centre'. Insufficient information is provided in relation to the proposed development (including the additional permitted uses) to address the cumulative impacts of the development and access to and from the site
- the proposal has not yet demonstrated that Part A and Part B of the site can operate independently in relation to site access and flooding.

Therefore, gateway conditions are recommended requiring:

- deletion of 23 Canterbury Road from the planning proposal
- prior to public exhibition, consultation is required with Transport for NSW
- Council to identify, prior to finalisation, appropriate mechanisms to be identified for supporting infrastructure.

## 7 Consultation

### 7.1 Community

Council proposes a community consultation period of 28 days.

The planning proposal is categorised as complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

### 7.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal:

- Ausgrid
- National Broadband Network
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Department of Education / Schools Infrastructure NSW
- NSW State Emergency Service
- Sydney Metro
- Sydney Water
- Local bus operators
- Transport for NSW

A gateway condition is recommended that these agencies be consulted on the planning proposal and given 30 days to comment in accordance with the Department's *Local Environmental Plan Making Guideline (August 2023)*.

## 8 Timeframe

Council proposes a 12 month time frame to complete the LEP.



The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as complex.

The Department recommends an LEP completion date of 16 December 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported, it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 9 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as the planning proposal is generally consistent with the exception of directions 1.4 Site Specific Provisions, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulfate Soils and 5.1 Integrating Land Use and Transport which remain unresolved.

Consistency is unable to be demonstrated until updated documentation is provided and consultation is completed.

The Department's Plan Making Guideline notes that the Minister may withdraw an authorisation for a council to make a LEP if the conditions set out in the Gateway determination are not met. This can occur if:

- Council has not satisfied all the conditions of the Gateway determination
- the planning proposal is inconsistent with the relevant section 9.1 Directions or the Planning Secretary has not agreed that the inconsistencies are justified
- there are outstanding written objections from authorities and government agencies.

A gateway condition is recommended requiring a copy of the revised planning proposal be submitted to the Department prior to exhibition demonstrating consistency with the conditions of Gateway. Council will also be required to provide a briefing to the Department prior to exhibition and finalisation to explain how the gateway conditions have been met and how Council has addressed agency and community submissions.

## 10 Assessment summary

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

- it is generally consistent with and gives effect to the South District Plan and Canterbury-Bankstown Council's LSPS
- it will facilitate job creation and support the future operation of the Canterbury Road-Punchbowl village centre
- it will facilitate a positive economic benefit by contributing to diverse range of housing, enhanced employment opportunities, capacity for additional businesses and services, and urban renewal
- it will facilitate housing delivery, with 334 dwellings proposed
- is generally consistent with the section 9.1 directions, noting 1.4 Site Specific Provisions, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulfate Soils and 5.1 Integrating Land Use and Transport remain unresolved
- it is generally consistent with relevant SEPPs

- the proposal has given consideration to the likely environmental, social, economic and infrastructure impacts.

Further justification and/or consultation are required to address site-specific provisions, contamination, acid sulfate soils, flooding, and traffic and transport. The proposed changes to planning controls for 23 Canterbury Road are not supported as insufficient information and justification has been provided. Gateway conditions are recommended in this regard.

## 11 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistency with section 9.1 directions 1.4 Site Specific Provisions, 4.1 Flooding, 4.4 Remediation of Contaminated Land and 5.1 Integrating Land Use and Transport remains unresolved.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal is to be updated to:
  - a) delete Lot 12 DP 1027748, 23 Canterbury Road, Punchbowl
  - b) update the concept scheme to remove 23 Canterbury Road, Punchbowl. References to previous versions of concept scheme should be removed or clarified
  - c) clarify any potential future road widening and/or compulsory land acquisition which is identified in the public benefit offer and clarify how this is addressed in the concept scheme and associated site area, Gross Floor Area and Floor Space Ratio calculations
  - d) correct errors in relation to current and proposed Height of Building controls including inconsistencies in associated maps
  - e) clarify Gross Floor Area and Floor Space Ratio figures and address discrepancies between the concept scheme and proposed development controls
  - f) include further justification and clarification on the intent and application of the proposed site amalgamation clause and address consistency with Ministerial Direction 1.4 Site Specific Provisions
  - g) address consistency with Ministerial Direction 4.1 Flooding and provide an updated flood assessment that addresses:
    - i. the recommendations of the Peer Review of Flood Assessment (March 2024)
    - ii. the proposed additional permitted uses
    - iii. evacuation and feasibility
    - iv. where shelter in place is proposed, the following is addressed: time to flood peak and duration of the flooding and/or duration of isolation, suitable area identified above the PMF level in relation to shelter in place, advice from a suitably qualified engineer that the shelter in place location will be structurally sound
    - v. potential adverse impacts of flooding on surrounding land/properties
  - h) address potential social impacts, including the proposed additional permitted use for a 'registered club'
  - i) clarify the acid sulfate soil classes that are applicable to the site and address consistency with Ministerial Direction 4.5 Acid Sulfate Soils in relation to all lots within the site
  - j) address consistency with Ministerial Direction 4.4 Remediation of Contaminated Land
  - k) clarify existing utilities and address whether there is adequate public infrastructure (including utilities) to support the planning proposal

- l) update the planning proposal to incorporate the new employment zones should the employment zones planning proposal (PP-2024-684) come into force prior to exhibition of this planning proposal.
2. Prior to public exhibition, consultation is required with NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), NSW State Emergency Service and Transport for NSW.
3. Prior to public exhibition, the planning proposal is to be amended to address conditions 1 and 2 and forwarded to the Minister under s 3.34(6) of the Act.
4. 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 Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum 30 days.
  - (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 Guideline* (Department of Planning and Environment, August 2023).
5. 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 Act:
  - a) Ausgrid
  - b) National Broadband Network
  - c) NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
  - d) NSW Department of Education / Schools Infrastructure NSW
  - e) NSW State Emergency Service
  - f) Sydney Metro
  - g) Sydney Water
  - h) Local bus operators
  - i) Transport for NSW

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 working days to comment on the proposal.
6. 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 Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. Prior to finalisation, the planning proposal is to be revised to:
  - (a) clarify the location and amount of publicly accessible open space and communal open space and clarify the mechanisms for delivery

- (b) identify appropriate mechanisms for supporting infrastructure including affordable housing.

8. Council is to provide a briefing to the Department:

- a) Prior to exhibition to explain how the Gateway conditions have been met; and
- b) Prior to finalisation to explain how Council has addressed community and agency submissions.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 16 December 2025 be included on the Gateway.



*(Signature)*

*29 November 2024 (Date)*

Renee Coull  
Manager, Local Planning (Central, West and South)



\_\_\_\_\_ *(Signature)*

*14 January 2025 (Date)*

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