

Gateway Determination

Planning proposal (Department Ref: PP-2024-2184): to amend Canterbury-Bankstown Local Environmental Plan 2023 to facilitate the redevelopment of 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl.

I, the A/Executive Director, Local Planning (Central, West and South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canterbury-Bankstown Local Environmental Plan 2023 rezone part of the site from R2 Low Density Residential to R4 High Density Residential, increase the maximum height of buildings (HOB) control from 9m and 11m to 11m, 19m, 26m, 29m, 38m meters, increase the floor space ratio (FSR) control from 0.5:1 and 1:1 to 1:1, 1.3:1 and 2.1:1, and introduce additional permitted uses, and introduce site-specific provisions for land at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.
- (d) Council is to provide a briefing to the Department:
 - i. Prior to exhibition to explain how the Gateway conditions have been met; and
 - ii. Prior to finalisation to explain how Council has addressed community and agency submissions, and how the Gateway conditions have been met.

The LEP should be completed on or before 16 December 2025.

Gateway Conditions

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 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, government agencies and service providers 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 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:
- clarify the location and amount of publicly accessible open space and communal open space and clarify the mechanisms for delivery
 - identify appropriate mechanisms for supporting infrastructure including affordable housing.



Dated 16 January 2025

Daniel Thompson
A/ Executive Director
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces