

Attachment Z - Council's response to the Department's draft Gateway Conditions for Campsie Town Centre planning proposal (PP-2022-2726)
















Table 1: Council's response to the Department's draft Gateway Conditions for Campsie Town Centre planning proposal (PP-2022-2726)

Condition	Department's Requirement	Council's Comments
Part A	<p>The following Requirements are in relation to Consistency with Section 9.1 Ministerial Directions:</p> <p>Requirements:</p> <ol style="list-style-type: none"> 1. Address consistency with Ministerial Direction 4.1 Flooding by addressing the pre-Gateway comments from the Department's Environment and Heritage Group (Attachment A to the DRAFT Gateway Determination) including the need to provide a detailed Flood Impact Assessment. 2. Address consistency with Ministerial Direction 4.4 Remediation of Contaminated Land by clarifying that all proposed rezoning of land is in accordance with the requirements of the Direction. 3. Address consistency with Ministerial Direction 5.1 Integrating Land Use and Transport by addressing matters raised by TfNSW in Attachment B of the DRAFT Gateway Determination) including the need for a traffic and transport assessment. This is to include (but is not limited to): <ol style="list-style-type: none"> i. consultation with TfNSW to adequately address the issues raised; and ii. a detailed response in the planning proposal to clearly demonstrate that the matters raised by TfNSW have been resolved or are capable of being adequately addressed. 4. Address consistency with Ministerial Direction 5.2 Reserving Land for Public Purposes to clarify that concurrence has been provided that Council will be the acquisition authority. 	<ol style="list-style-type: none"> 1. Council has addressed consistency with Ministerial Direction 4.1 Flooding and addressed the pre-Gateway comments from the former EHG by providing a detailed Flood Risk Assessment (FRA), prepared by Stantec. Refer to page 77, Section 6.2. The scope of the report submitted with this planning proposal was confirmed with the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW). <p>It is important to note that the previous <i>Flood Planning Assessment Report</i> prepared for Council by Stantec (formerly Cardno) confirmed this planning proposal is generally considered to be in accordance with the provisions of the <i>NSW Flood Prone Land 2021 Package</i> which includes Ministerial Direction 4.1 - Flooding. To address this requirement, Council re-engaged with Stantec to prepare an updated FRA (Attachment S). Further details are outlined in the planning proposal report on Page 86 (Ministerial Direction assessment).</p> <ol style="list-style-type: none"> 2. Council has addressed consistency with Ministerial Direction 4.4 Remediation of Contaminated Land and have clarified that all proposed rezoning of land in accordance with the Direction's requirements by obtaining expert advice from environmental consultants Douglas Partners (Attachment T) that confirms the suitability of the land for the proposed zoning. The result of the Preliminary Site Investigation indicates that the site can be made suitable for the proposed land uses subject to implementation of the recommended investigations and remediation and/or management of contamination at the Development Application stage, should the site be redeveloped in the future. Further details are outlined in Table 10 of the planning proposal report. 3. Council has prepared a Traffic and Transport Statement (Attachment V) which takes into account and consolidates the key aspects of the following information:

	<p>5. Address consistency with Ministerial Direction 6.1 Residential Zones to provide further justification on all proposed downzoned land across Campsie Town Centre.</p>	<ul style="list-style-type: none"> - Council's Draft Campsie Complete Streets (to be finalised 2025) - TfNSW's revised Gateway Conditions (September 2023) - Council's Parking and Loading Study that supports the Master Plan and planning proposal - The transport study and associated letter prepared by Stantec for the Master Plan and planning proposal, and - Future Development Control Plan (DCP) <p>4. Council has confirmed it will be the acquisition authority, therefore addressing consistency with Ministerial Direction 5.2 Reserving Land for Public Purposes. Further details are outlined in the planning proposal report in Table 12 of the planning proposal report.</p> <p>5. Council has addressed consistency with Ministerial Direction 6.1 Residential Zones by providing further justification on all proposed downzoned land across Campsie Town Centre. This is summarised as follows:</p> <ul style="list-style-type: none"> - The Planning Proposal will enable a significant overall uplift of residential density, providing capacity for 6,360 additional dwellings to 2036 through increases in height and FSR as well as the 'up-zoning' of other areas within the Town Centre. Notwithstanding, the dwelling calculations and provisions proposed under the TOD SEPP and Low and Mid Rise Housing policies will override Council's existing and/or proposed LEP controls for Campsie. This source of additional housing will likely offset the proposed downzoning of land. <p>Further details are outlined in Table 10 of the planning proposal report..</p>
Part B	<p>The following Requirements are in relation to Explanation of Provisions.</p> <p>Requirements:</p> <p>1. Provide clearer drawings and images to better illustrate the comprehensive proposed built form changes for the full city</p>	<p>1. Council's Urban Design team have prepared a comprehensive and detailed report (Attachment W) in response to Requirement 1 outlined in Part B.</p>

	<p>centre, such as three-dimensional drawings that can demonstrate the built form changes throughout the town centre.</p> <ol style="list-style-type: none"> 2. Include an estimate of additional gross floor area expected to be achieved under the proposal, including a likely split of commercial and residential development, explaining the logic for these expected amounts. 3. Update the Explanation of Provisions to ensure all proposed rezoning of land (and any other proposed amendments) are clearly described and justified. 4. Provide further justification of the application of the proposed 'no net loss of employment floor space' clause including the appropriateness of broadly applying the clause. 5. Clarify the 'achieving building design excellence' provision as the planning proposal references active street frontages and additional permitted uses which are not commonly considered to be included as part of building design excellence. 6. Clarify which permissible land uses are intended to be subject to the proposed 'underground floor space ratio' exclusion clause. The planning proposal will need to consider what impacts that this type of development may have to increasing basement levels of parking, which may encourage greater use of on street parking if access to basement parking levels is constrained. 7. Identify and justify which sites within the B4 Mixed Use Zone are required to provide employment floor space at ground level or provide a minimum 50% non-residential floor space. 	<ol style="list-style-type: none"> 2. Council's Urban Design team have prepared a comprehensive and detailed report (Attachment W) in response to Requirement 2 outlined in Part B. Refer to Page 18. 3. The Explanation of Provisions section has been updated and wording clarified to make it clearer what is proposed and how it is justified. 4. The planning proposal has been updated to include some clarification and further justification on the 'no net loss of employment floor space' clause and why its broad approach is appropriate. 5. This proposed provision has been removed from the planning proposal as Clause 6.15 'Design Excellence' in the <i>Canterbury Bankstown Local Environmental Plan 2023</i> (CBLEP 2023). 6. This Requirement has been addressed on Page 26 of the planning proposal report, where it lists the following permissible land uses intended to be subject to the proposed 'underground floor space ratio' exclusion clause: <ul style="list-style-type: none"> – Community facilities – Entertainment facilities – Function centre – Registered club – Recreation facilities (indoor) – Restricted premises and, – Retail premises <p>To minimise the impacts of additional car parking on sites that propose to take advantage of the 'underground floor space ratio' provision, such sites will be in areas that do not have minimum parking rates, to ensure the design does not force deeper excavation to accommodate minimum parking rates.</p>
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	<p>8. Provide a clear and readily understood rationale on the selection process for sites on the incentive FSR and building height as well as the Affordable Housing Contributions Scheme Map. This should include further information relating to the testing and modelling undertaken by Council that informed the proposed development standards to ensure the community clearly understands the rationale for the differences in proposed development standards.</p> <p>9. Provide a schedule of intended on-site infrastructure requirements and accompanying mapping to support the proposed incentive height and FSR intended outcomes. The planning proposal must ensure that any proposed incentive permissible height and FSR tied to community infrastructure requirements are provided on the site to which the development relates and are clearly described.</p> <p>The planning proposal should also provide alternate options for the implementation of the infrastructure delivery approach. This should include discussion of option(s) that do not require the LEP to reference a Council endorsed document should this approach not be supported as part of any future drafting by Parliamentary Counsel.</p> <p>10. Update the draft Affordable Housing Contributions Scheme to clearly address how a community housing provider is proposed to be identified and nominated to manage and operate the housing and contributions generated under the scheme.</p> <p>11. Confirm and if necessary, retest the feasibility for affordable housing contributions based only on residential uplift not total residential GFA, and factor in other potential contributions (as relevant).</p>	<p>7. The proposed provisions to enable a supply of employment generating floor space in the former Bankstown City Centre planning proposal, such as introducing a B3 Commercial Core and key sites required to provide a minimum 50% employment generating floor space, are not required for Campsie Town Centre. Sites required to provide ground and first floor non-residential floor space will apply to all B4 zoned land.</p> <p>8. Wording has been updated to clarify the rationale and selection process. It is noted that the new Urban Design report prepared by Council provides additional information on how the heights and Floor Space Ratios were developed.</p> <p>9. A schedule has been provided that provides the property details of sites required to deliver on-site infrastructure. The future Campsie Town Centre DCP chapter will include maps showing the properties affected by this requirement. The revised planning proposal now includes options how the provision of infrastructure can be delivered without the LEP referencing a Council endorsed document.</p> <p>10. Council draft AHCS was intended to be initiated by the Bankstown City Centre planning proposal. In light of the State-led Bankstown TOD Precinct rezoning project, the implementation of affordable housing is proposed to be initiated in the Campsie Town Centre. The details on how the community housing provider is proposed to be identified and nominated to manage and operate the housing and contributions generated under the scheme is work that Council is undertaking currently and will make available in 2025.</p> <p>11. Council does not propose to amend its approach to affordable housing. The work completed and submitted with the planning proposal remains valid. Some additional wording has been included to explain how Council's approach results in an appropriate amount of affordable housing.</p>
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	<p>12. Explain and detail local infrastructure planning arrangements to support the planning proposal, and how this may relate/work with the proposed height and FSR incentive provisions tied to on-site infrastructure and a future State/Regional infrastructure contribution.</p> <p>13. Provide further detail on the provision to protect and ensure public access to the Cooks Rive foreshore.</p>	<p>12. The local infrastructure planning arrangement for Campsie Town Centre is the Council's existing Canterbury Bankstown Local Infrastructure Contributions Plan 2022 (CBLIC). The CBLIC Plan was adopted in September 2022 and includes a special contribution levy for land within the Campsie Town Centre to fund works envisaged in the Master Plan. Where through site links are proposed, these would be delivered to Council via land dedication or an easement granting public access. The State/Regional infrastructure contribution regime introduced in 2023, being the Housing and Productivity Contribution (HAPC) will levy development consistent with the table below (from p7 of the HAPC):</p> <div data-bbox="1234 531 1662 1192" data-label="Table"> <table> <tr> <th colspan="3">Greater Sydney Region</th></tr> <tr> <th></th><th>Land use</th><th>Contribution rate</th></tr> <tr> <td></td><td>Houses (detached, semi-detached and townhouses)</td><td>\$12,000 per dwelling / lot</td></tr> <tr> <td></td><td>All other residential accommodation (residential flat buildings and units)</td><td>\$10,000 per dwelling / lot</td></tr> <tr> <td></td><td>Industrial</td><td>\$15 per square metre of new gross floor area for industrial development</td></tr> <tr> <td></td><td>Commercial</td><td>\$30 per square metre of new gross floor area for commercial development</td></tr> <tr> <td></td><td>Retail</td><td>\$30 per square metre of new gross floor area for retail development</td></tr> </table> </div> <p>Rates will be indexed quarterly using ABS PPI index.</p> <p>The HAPC will be managed by State Government and was introduced prior to the adoption of the Campsie Town Centre Master Plan and has not been relied upon for delivery of public infrastructure in Campsie.</p>	Greater Sydney Region				Land use	Contribution rate		Houses (detached, semi-detached and townhouses)	\$12,000 per dwelling / lot		All other residential accommodation (residential flat buildings and units)	\$10,000 per dwelling / lot		Industrial	\$15 per square metre of new gross floor area for industrial development		Commercial	\$30 per square metre of new gross floor area for commercial development		Retail	\$30 per square metre of new gross floor area for retail development
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		<p>Any infrastructure provided by State Government in Campsie via funds collected by the HAPC would be additional to what has already been planned for by Council and would only provide additional community benefits. The vision and planned growth of Campsie under this planning proposal can occur with or without the HAPC funding.</p> <p>13. The land along the foreshore of Cooks River is mostly zoned RE1 Public Recreation which will facilitate public access. The Master Plan and this planning proposal identify non-RE1 zoned land and the draft LEP maps have proposed to apply a 'Foreshore building line' and a 'foreshore area' for the 30m width that is sought to provide land for a future pedestrian and cycling path and revegetation area. The land subject to those foreshore area provisions are proposed in this planning proposal to have similar LEP clauses to clauses 6.5 and 6.6 of the Inner West LEP 2022:</p> <p>Clause 6.5 of Inner West LEP 2022:</p> <p><i>'6.5 Limited development on foreshore area</i></p> <p><i>(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that— ...(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and...'</i></p> <p>Clause 6.6 of Inner West LEP 2022:</p> <p><i>'6.6 Development on the foreshore must ensure access</i></p> <p><i>(1) In deciding whether to grant development consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—</i></p> <p><i>(a) continuous public access to and along the foreshore through or adjacent to the development,</i></p>
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		<p><i>(b) public access to link with existing or proposed open space,</i> <i>(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,</i> <i>(d) public access to be located above the mean high water mark,</i> <i>(e) reinforcing the foreshore character and respect for existing environmental conditions.'</i></p> <p>Similar clauses to the above Inner West LEP 2022 examples could be applied to the CBLEP 2023 to safeguard the foreshore area for public access and facilitate the delivery of the vision of the Campsie Master Plan.</p>
Part C	<p>The following Requirements are in relation to Density, Height and Solar Access.</p> <p>Requirements:</p> <ol style="list-style-type: none"> 1. Clearly demonstrates the built form modelling that will result from the proposal. 2. Demonstrate that the urban design assessment is consistent with the council endorsed master plan. 3. Provide further information regarding the built form testing undertaken to clearly demonstrate the appropriateness of the proposed controls with particular focus on SEPP 65 and ADG analysis. 4. Provide further information to demonstrate that the proposed FSR and heights can be realised. Concern is raised that some sites do not take into account future retail and commercial podiums so a particular focus is to be made to the proposed amendments seeking to deliver tower built-form outcomes. 	<p>Council's Urban Design team have prepared a comprehensive and detailed report (Attachment W) in response to the Department's requirements outlined in Part C.</p> <p>The Council's urban design report has been structured and organised to respond to all questions in Part C. To avoid duplication, refer to Attachment W.</p>

	<p>5. Provide further information to clearly demonstrate the appropriateness of proposed densities and heights to ensure an appropriate level of solar access is provided to:</p> <ul style="list-style-type: none"> i. public open space in mid-winter; and ii. neighbouring sites and compliance with SEPP 65 and ADG requirements. 	
Part D	<p>The following Requirements are in relation to Public Open Space.</p> <p>Requirements:</p> <ul style="list-style-type: none"> 1. Review and address the open space proposed across the town centre and explore opportunities to provide additional functional open spaces for future residents, workers, students and visitors in this area. This includes but is noted limited to: <ul style="list-style-type: none"> i. potential benefits of the reconfiguration of on-street parking and carriageways around ANZAC Park and Carrington Park to expand the area of park use; ii. potential improvement, expansion and access to Carrington Square; and iii. potential expansion of public open space along Harold Street with possible relocation of vehicular access. 2. The master plan includes streets with extensive street blocks. The Department considers greater consideration be given to cross-block pedestrian links to increase permeability, making public spaces and amenities more accessible. 	<p>Council's Urban Design team have prepared a comprehensive and detailed report (Attachment X) in response to the Department's requirements outlined in Part D which highlights these 'key moves' and how the planning proposal will implement land use changes to realise the Master Plan vision.</p> <p>Substantial work has already been undertaken by Council to identify community open space needs and this work has informed the Phase 1 Report, Master Plan and planning proposal. The Master Plan and this planning proposal provides new open space and opportunities for improved pedestrian and cycling connections with existing and future new open space. These will be delivered via new through site links as private land is developed and along Council owned RE1 zoned land mainly located along the Cooks River foreshore.</p>
Part E	<p>The following Requirements are in relation to Biodiversity.</p> <p>Requirements:</p> <ul style="list-style-type: none"> 1. Undertake an assessment of the biodiversity values present across the planning proposal area. The assessment must be 	<p>Council has engaged with Ecoplaning environmental consultants who prepared a Biodiversity Report (Attachment U) with accompanying mapping integrated within the report, as well as separately.</p> <p>The terrestrial biodiversity mapping in the CBLEP 2023 will be updated prior to exhibition to the Department's digital mapping requirements.</p>

	undertaken in accordance with the requirements outlined in Attachment A to the Gateway Determination.	
Part F	<p>The following Requirements are in relation to Tree Canopy and Vegetation.</p> <p>Requirements:</p> <ol style="list-style-type: none"> 1. Provide further information to demonstrate that the proposed density controls will be capable of achieving the intended DCP requirements for tree canopy and vegetation. This should include discussion of: <ul style="list-style-type: none"> • the potential delivery of green canopy and trees along major streets particularly connecting the town centre with the Cooks River foreshore. • the potential for securing deep soil setbacks within development particularly along high pedestrian corridors. • the extent of basement level parking required to meet minimum car parking requirements and how Council intends to ensure deep soil requirements in the DCP will be achieved. 	<p>The Council's urban design work in preparing the building heights and Floor Space Ratios for the Master Plan and planning proposal considered deep soil planning and tree planting as part of new development.</p> <p>Council's Urban Design team have prepared a comprehensive and detailed report (Attachment X) in response to the Department's requirements outlined in Part F.</p> <p>The new Campsie Town Centre DCP chapter will include tree canopy controls similar to the controls in the draft Bankstown City Centre DCP (refer to p52-55) to ensure the recommendations of the Council's Urban Tree Canopy Master Plan for Campsie are realised as redevelopment occurs.</p> <p>(Link to the draft Bankstown City Centre DCP: https://haveyoursay.cbccity.nsw.gov.au/bankstown-masterplan/exhibition-draft-bankstown-city-centre-development-control-plan-dcp)</p>
Part G	<p>The following Requirements are in relation to Planning Proposal Documentation.</p> <p>Requirements:</p> <ol style="list-style-type: none"> 1. Clarify in plain English and use clear images to demonstrate how all the incentive provision options are proposed to be delivered in practice. 	<ol style="list-style-type: none"> 1. The planning proposal has been clarified and reworded in parts to help make the document easier to read. 2. This Requirement has been addressed on Page 14, 22, 27, 30 and 35 with the insertion of the following (or similar words): <i>'The final drafting of all LEP provisions will be subject to drafting of NSW Parliamentary Counsel and are subject to change.'</i> 3. The planning proposal makes clear that the recommendations of the Site Specific Review are the LEP controls that are sought in this planning proposal. As part of a Gateway determination condition, Council

	<ol style="list-style-type: none"> 2. Clarify that the final drafting of LEP provisions will be subject to drafting of NSW Parliamentary Counsel and are subject to change. 3. Clarify the implementation of the Draft Campsie Master Plan Site Specific Review findings into the planning proposal. The Master Plan is to be updated to clearly reflect all proposed amendments in a single document. In particular, ensure the planning proposal considers and addresses the outcomes of the planning proposal at 445 Canterbury Road, Campsie (PP-2022-1169). 4. Include a full set of draft LEP maps. 5. Include a revised planning proposal that clearly and succinctly explains the proposed provisions and is easily understood by the community. 	<p>proposes to update all relevant draft LEP maps to reflect these proposed LEP controls.</p> <ol style="list-style-type: none"> 4. As part of a Gateway determination condition, Council proposes to update all draft LEP maps including any changes required by Gateway determination conditions imposed by the Department. 5. The planning proposal has been clarified and reworded in parts to help make the document easier to read.
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