

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-548):** to amend Canterbury-Bankstown Local Environmental Plan 2023 to facilitate the redevelopment of 1 Leicester Street, Chester Hill.

I, the Executive Director, Local Planning and Council Support 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 to increase the maximum building height and floor space ratio and introduce site specific provisions at 1 Leicester Square, Chester Hill should proceed subject to the following conditions:

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.

The LEP should be completed on or before 27 June 2025.

### Gateway Conditions

1. The planning proposal is to be updated to:
  - a. Remove the proposed site specific provisions relating to objectives for solar access. Solar access protection is to be managed through appropriate primary development controls and/or measurable provisions, rather than overarching objectives that can be considered subjective.
  - b. Address the introduction of residential aged care facility and health services facility on the site under 'employment generating uses'. As these are currently prohibited in the B2 Local Centre Zone, further assessment and justification or removal is required.
  - c. Introduce a site-specific provision that a minimum single area of at least 2,000 sqm publicly accessible open space is to be provided to support the proposed uplift.

- d. Clarify the proposed maximum building heights, ensuring consistency in the Revised Urban Design Report and Planning Proposal. It is noted that the planning proposal currently states that heights for the westernmost tower were reduced from 11 storeys to 10 storeys, while the revised urban design report indicates an increase from 10 to 11 storeys.
- e. Include a draft provision for a site-specific development control plan to be in place prior to development, including but not limited to:
  - Car parking requirements to manage traffic impacts
  - Solar access to publicly accessible open space and future residential development
  - Through site links between Frost Lane and Leicester Street, and between Bent Street and Priam Street.
  - Vehicular access points
  - Canopy cover and landscaping
  - Maximum GFA for towers above 8 storeys
- f. Confirm public infrastructure requirements, funding mechanisms such as the Canterbury Bankstown Contributions Plan 2022, and staging of delivery, including details relating to the Letter of Offer by the proponent.
- g. Address the recommendations of the Chester Hill Economic Analysis, SGS 2020, in relation to retail development.
- h. Reconsider the bulk and scale of the proposal, providing a plain English explanation of a design-led approach that appropriately responds to the emerging and desired future character of Chester Hills while managing interfaces with surrounding lower-density residential areas.
- i. Address consistency with the Chester Hill Urban Design Framework, particularly the outstanding matters identified in the Urban Design Peer Review, SJB (Feb 2024).
- j. Demonstrate how the proposal addresses the deep soil design criteria and guidance specified under the Apartment Design Guide.

In relation to conditions 1(h-j), reductions in the primary development controls are expected to achieve an improved urban design outcome and should be reflected in the draft provisions of the planning proposal.

2. Prior to exhibition, consultation is required with TfNSW and the planning proposal is to be updated to respond to feedback received.
3. Prior to 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. Prior to finalisation, the planning proposal is to demonstrate consistency with the statutory framework for affordable housing for Canterbury-Bankstown Council, if available.
5. 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 of 30 working days; and

- (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).
6. 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:
- i. Ausgrid
  - ii. ARTC: Australian Rail Track Corporation
  - iii. Civil Aviation Authority
  - iv. Aeria Management Group (Bankstown Airport)
  - v. Department of Education/Schools Infrastructure NSW
  - vi. Homes NSW
  - vii. National Broadband Network
  - viii. State Emergency Service
  - ix. Sydney Water
  - x. Sydney Metro and
  - xi. Transport for NSW, including Sydney Trains

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.

7. 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).

Dated 4 June 2024



**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**