



IRF24/1091

Gateway determination report – PP-2024-548

Chester Square – 1 Leicester Street, Chester Hill

June 24



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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
Chester Square planning proposal report (Canterbury-Bankstown City Council, March 2024)
Revised Urban Design Report (Turner, 7 November 2023)

Relevant reports and plans

Urban Design Framework (SJB Architects, 29 April 2022)

Urban Design Peer Review (SJB Architecture, 2 February 2024)

Traffic and Parking Assessment (Ason Group, 1 August 2019)

Addendum to Traffic Impact Assessment (Ason Group, 21 December 2023)

Chester Square Transport Strategy and TIA (ARUP, 3 May 2022)

Traffic and Transport Peer Review Letter (ARUP, 26 February 2024)

Peer Review - Economic Analysis (SGS Economics & Planning, July 2020)

Addendum to Economic Impact Assessment (Atlas Urban Economics, 4 June 2020)

Social Needs Peer Review (Ethos Urban, 20 July 2020)

Revised Public Domain and Landscape Plan (Turf, November 2023)

Initial draft Development Control Plan (Canterbury-Bankstown City Council, November 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Canterbury-Bankstown
PPA	Canterbury-Bankstown City Council
NAME	Chester Square Planning Proposal (515 homes,
NUMBER	PP-2024-548
LEP TO BE AMENDED	Canterbury-Bankstown Local Environmental Plan 2023
ADDRESS	1 Leicester Street, Chester Hill
DESCRIPTION	Lot 452 DP 800063
RECEIVED	14/03/2024
FILE NO.	IRF24/1091
POLITICAL DONATIONS	There are no known donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Support the NSW Government's objectives for growth within local centres close to existing infrastructure which also includes a significant public benefit.
- Provide additional housing, including 5% affordable housing near public transport and services.
- Provide additional employment floor space which will promote business activity and private sector investment within the centre and the surrounding area.
- Improve pedestrian connectivity through the widening, enrichment, and activation of adjoining lanes.
- Enhance public spaces and facilities with the introduction of a 2,000m² public square within the centre of the site and a 2,064m² multi-purpose community facility.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to facilitate redevelopment of the existing Chester Square shopping centre for a mixed-use development comprising 515 dwellings, retail and commercial floor area, public open space, and community facility.

To achieve this the planning proposal seeks to amend the height of buildings and floor space ratio controls of the CBLEP and introduce a new site-specific clause into the *Part 6: Additional Local Provision*.

The planning proposal seeks to amend the CBLEP as shown in the table below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	B2 Local Centre	No change
Maximum height of the building	20m	Part 12 Part 20 Part 35 Part 45 Part 55 Part 60
Floor space ratio	2.5:1	4:1
Minimum lot size	N/A	N/A
Number of dwellings	Nil	515
Number of jobs	Not known	1,287

The planning proposal also seeks to introduce the following local provisions:

- Objectives to maintain solar access to both “publicly accessible open space’ within the site, and future residential development to the surrounding properties.
- Requirement for 5% affordable housing of total residential gross floor area contribution to Council through dedication or monetary contribution. Council notes that its Affordable Housing Contribution Scheme is currently under Gateway assessment by the Department, and if gazetted in time, would provide the statutory framework for this provision.
- Requirement for a minimum 8,300 sqm of “employment generating floor space” to provide for jobs and services, including:
centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, function centres, health services facilities, hotel or motel accommodation, information and education facilities, passenger transport facilities, public administration buildings, recreation facilities (indoor), residential aged care facilities, registered clubs, tourist and visitor accommodation.
- Requirement for a maximum 12,400 sqm retail premises to manage traffic and parking impacts.

- Permit multi-dwelling housing to dwellings with a direct frontage to parts of Leicester Street Bent Street and Priam Street where an “active street frontage” under the associated site specific DCP does not apply.

The planning proposal generally contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

However, Gateway conditions are included requiring Council to:

- 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.
- 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.

Refer to section 3.4 Ministerial Section 9.1 Ministerial Directions for further discussion.

1.3.1 Concept Scheme

A concept scheme has been prepared in support of the proposal by Turner (November 2023) (**Figures 1 and 2**). It demonstrates that the proposal could facilitate the redevelopment of the site for a mixed-use development within building envelopes with heights ranging from five to 18 storeys, and comprising:

- approximately 515 dwellings
- 12,400m² of retail and 1,218m² of commercial floor space
- 2,000m² publicly accessible square
- 2,064m² of multi-purpose community facility

pedestrian links. Further detail is to be considered at DA stage, however the draft site specific DCP controls provide:

- a north-south running through site link within the public open space between Frost Lane and Leicester Streets. This route is to be universally accessible and accessible to the public 24/7 and
- An east-west running mid-block through site link between Bent and Priam Streets. The route is required to be universally accessible, however access may be restricted at particular times of day.

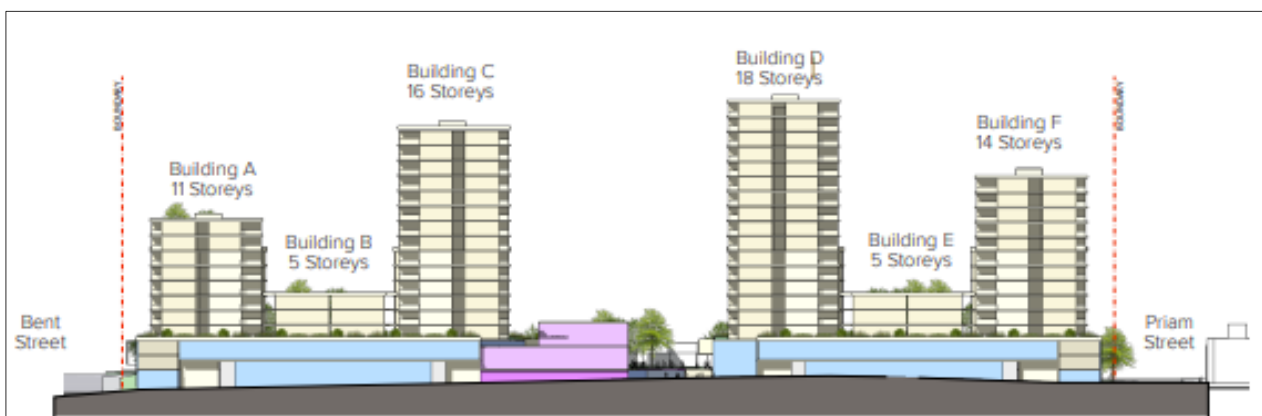


Figure 1 | South elevation of the intended built form (Source: Planning Proposal)

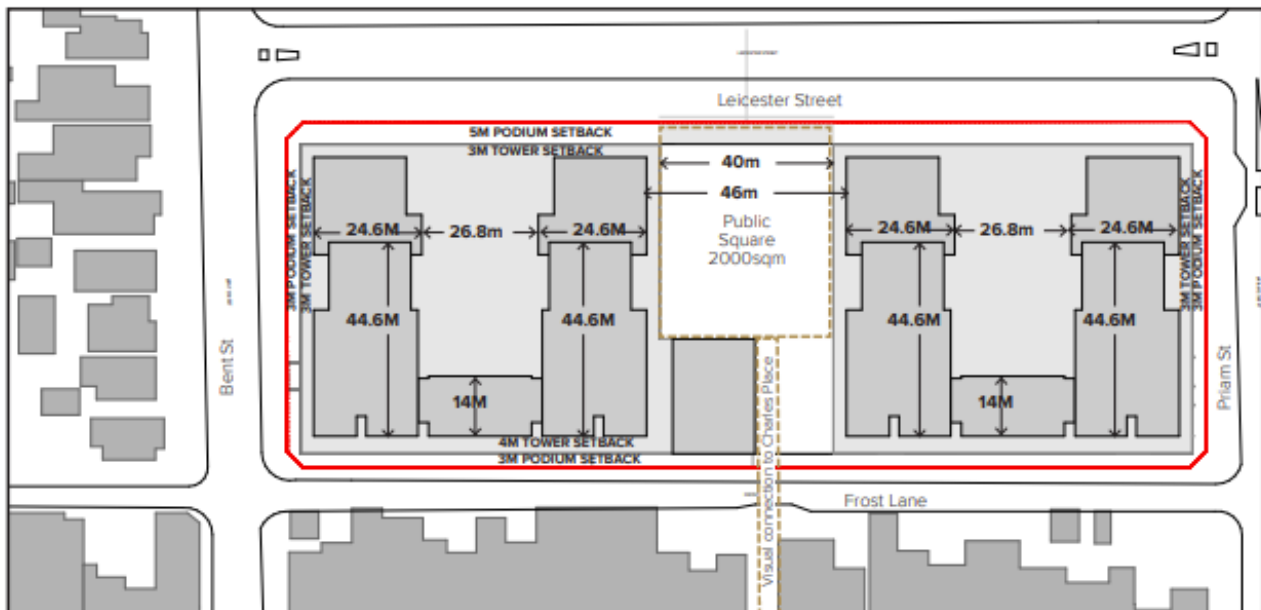


Figure 2 | Indicative site plan showing building layout and public square location (Source: Planning Proposal)

Public benefit offer

A public benefit offer accompanies the proposal that includes:

- cold shell up to 2,000 sqm GFA for a **community facility** dedicated to Council
- **Community Town Plaza** open air and publicly accessibly 24/7 up to 2,800 sqm GFA
- **public domain improvements** to Waldron Road and the surrounding streets,
- a **new active laneway** and embellishment of Frost Lane (to be dedicated to Council)
- **Embellishment of Charles Lane**
- **Upgrades to local traffic network** including installation of traffic lights at Waldron Road and Priam Street
- Up to **5% Affordable Housing**, retained by the proponent and operated by a Service Housing Provider for 10 years
- Commitment to a **Local Content Agreement** to deliver an employment and training program for local residents and youth of Chester Hill.

There is some inconsistency between the planning proposal and draft public benefit offer for items such as affordable housing and the Community Town Plaza. 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.

In the regard, Gateway conditions are included requiring Council to:

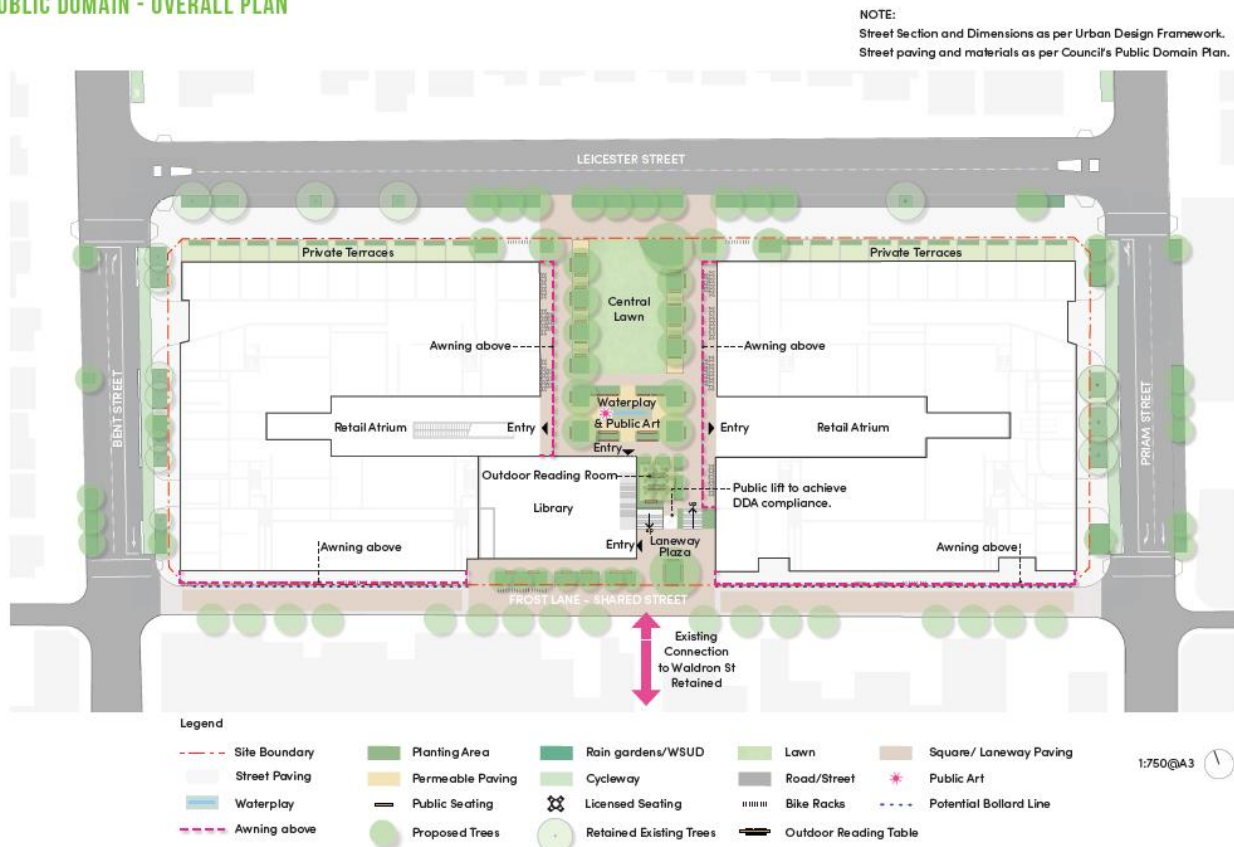
- confirm public infrastructure requirements, funding mechanisms such as the Canterbury Bankstown Contributions Plan 2022, and staging of delivery, including details relating to the Letter of Offer by the proponent.
- Update the proposal prior to exhibition to include a site-specific provision for a minimum single area of at least 2,000 sqm publicly accessible open space is to be provided to support the proposed uplift; and
- demonstrate consistency with the statutory framework for affordable housing for Canterbury-Bankstown Council, if available, prior to finalisation.

Development control plan/Public Domain Plan

Council intends to prepare a site-specific DCP to support delivery of the proposal. A Public Domain and Landscape Plan supports the planning proposal and details streetscape and public domain upgrades around the site and along Waldron Road, to be delivered by the proponent as part of the planning agreement. An initial draft DCP has also been provided alongside the planning proposal.

Council intends to prepare and finalise the draft site-specific DCP prior to exhibition. A Gateway condition is included requiring Council to update the planning proposal to include a draft provision for a site-specific development control plan to be in place prior to development. This will communicate development expectations to the community and ensure that site-specific urban design matters are addressed. Refer to section 6.1.1 Urban Design for further details.

PUBLIC DOMAIN - OVERALL PLAN



1.4 Site description and surrounding area

The subject site is located at 1 Leicester Street, Chester Hill and has a site area of approximately 16,714m². It has frontages to Bent Street, Leicester Street, Priam Street, and Frost Lane. The site is within a 5 minute walking distance to Chester Hill train station.

Existing on the site is the Chester Square Shopping Centre which is a partially enclosed single level neighbourhood shopping centre. It is anchored by a full line supermarket, two large format tenancies and 28 speciality tenancies which provide approximately 8,260sqm of gross lettable area retail. The centre provides at-grade and undercroft carparking facilities for around 354 vehicles. Chester Square is considered the main retail facility in Chester Hill, servicing a broad catchment including Chester Hill, Sefton, Birrong and Bass Hill, and is directly situated behind the main road of Waldron Road.

It forms part of the main retail area of Chester Hill and services a catchment including Chester Hill, Sefton, Birrong, and Bass Hill. (**Figures 3- 7**).

The site is located behind Waldron Road which has retail and commercial uses along its frontage and a rear boundary to Frost Lane. On the opposite side of Waldron Road is the Chester Hill railway station. The remaining surrounding area is characterised by dwelling houses with some non-residential uses.

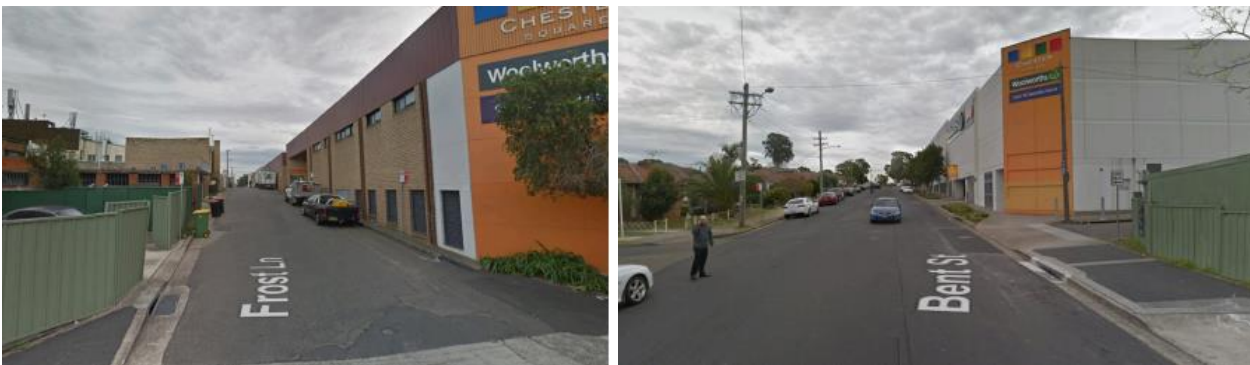
The closest centres to the site are located 4km to the northwest at Fairfield, 5km to the southeast at Bankstown, and 7km to the north at Parramatta CBD.



Figure 3 | The site outlined in blue (Source: Nearmap, March 2024)



Figures 4 and 5 | View of Chester Square Shopping Centre at the corner of Leicester and Priam Streets (left) and the forecourt and car parking area on Leicester Street (Source: Planning Proposal)



Figures 6 and 7 | View of site from Frost Lane at Priam Street (left) and from Bent Street (right) (Source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following CBLEP 2023 maps, which are suitable for community consultation:

- Height of buildings
- Floor space ratio

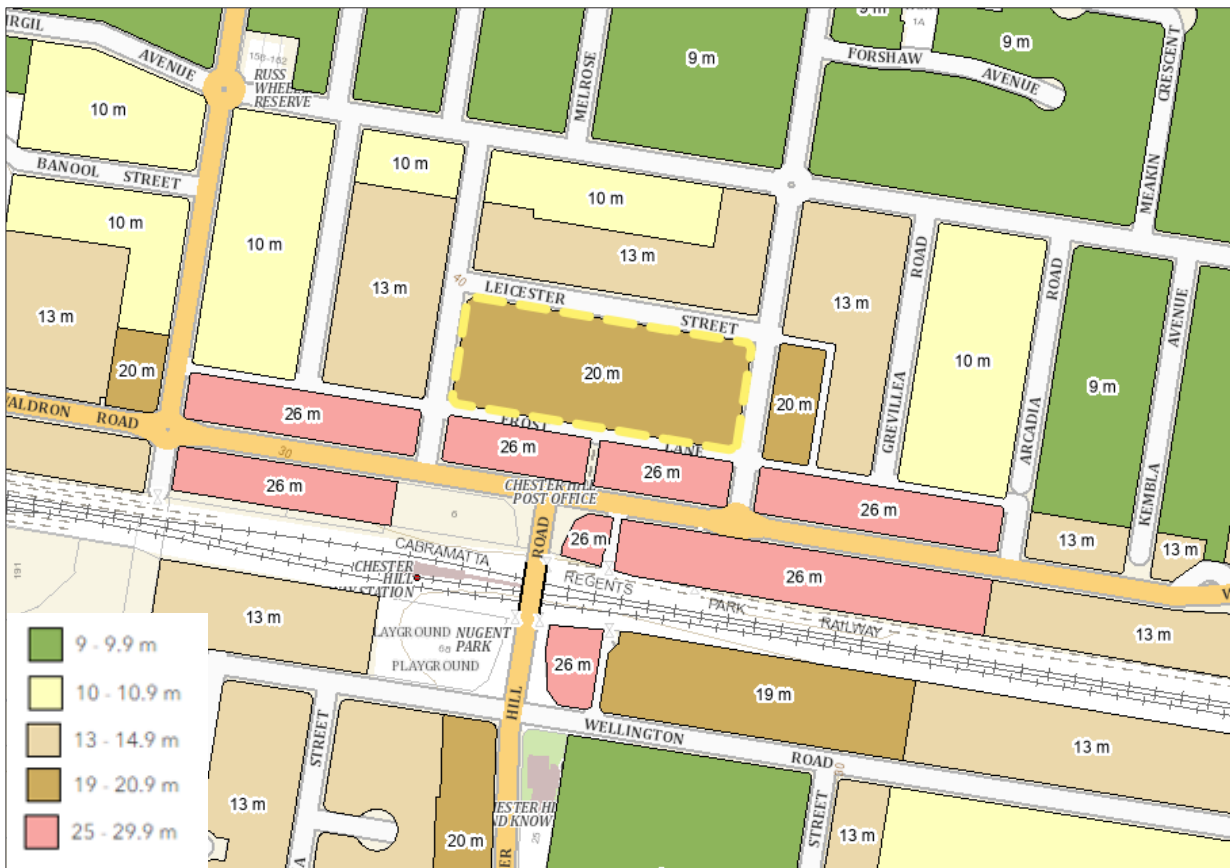


Figure 8 | Current height of building map (Source: Planning Portal, April 2024)

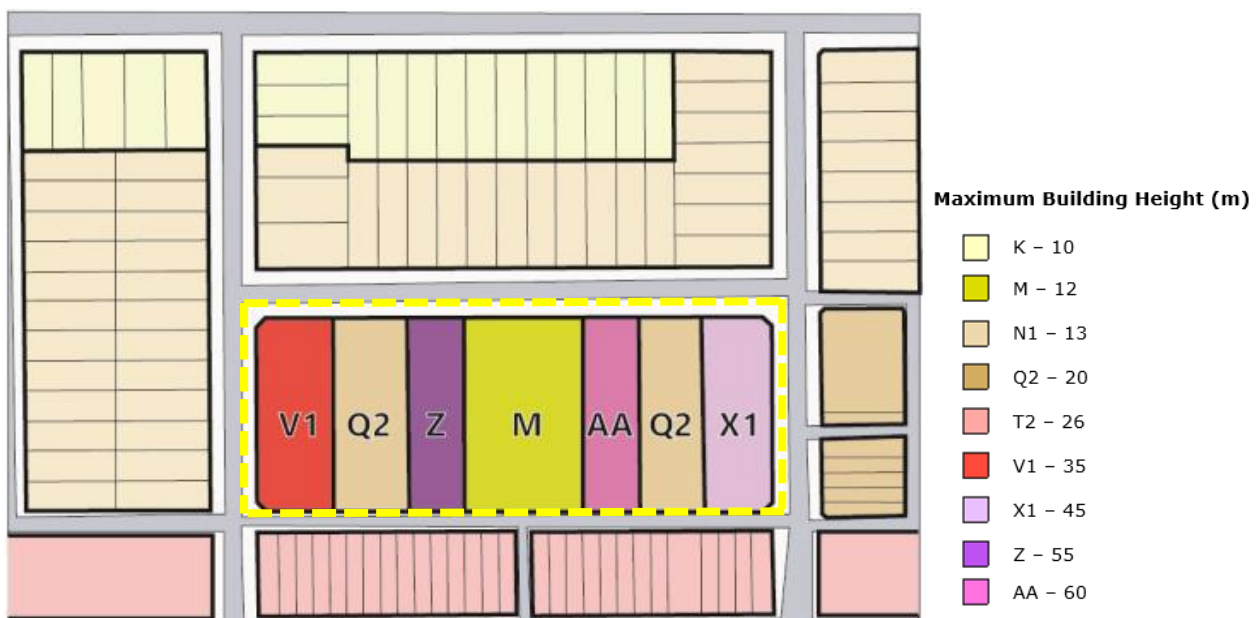


Figure 9 | Proposed height of building map (Source: Planning Proposal)

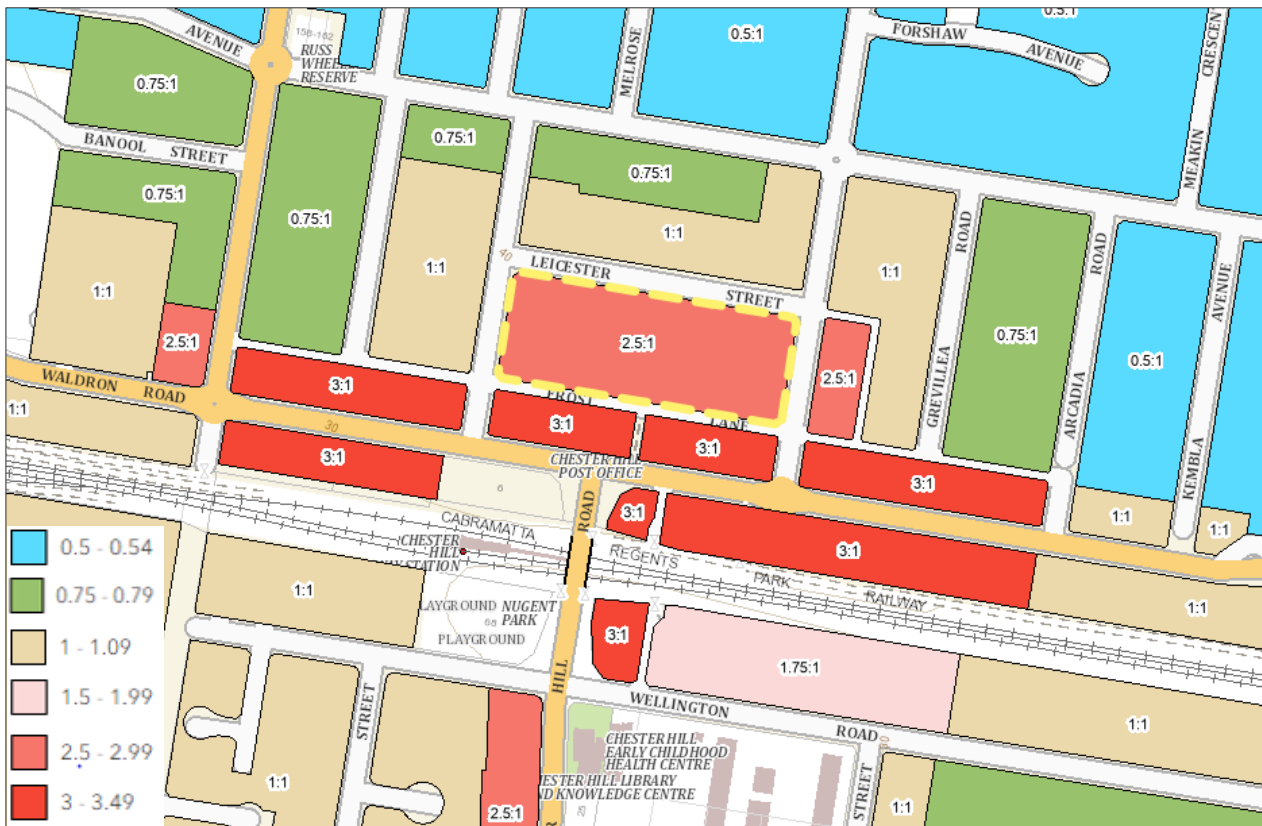


Figure 10 | Current floor space ratio map (Source: Planning Portal, April 2024)

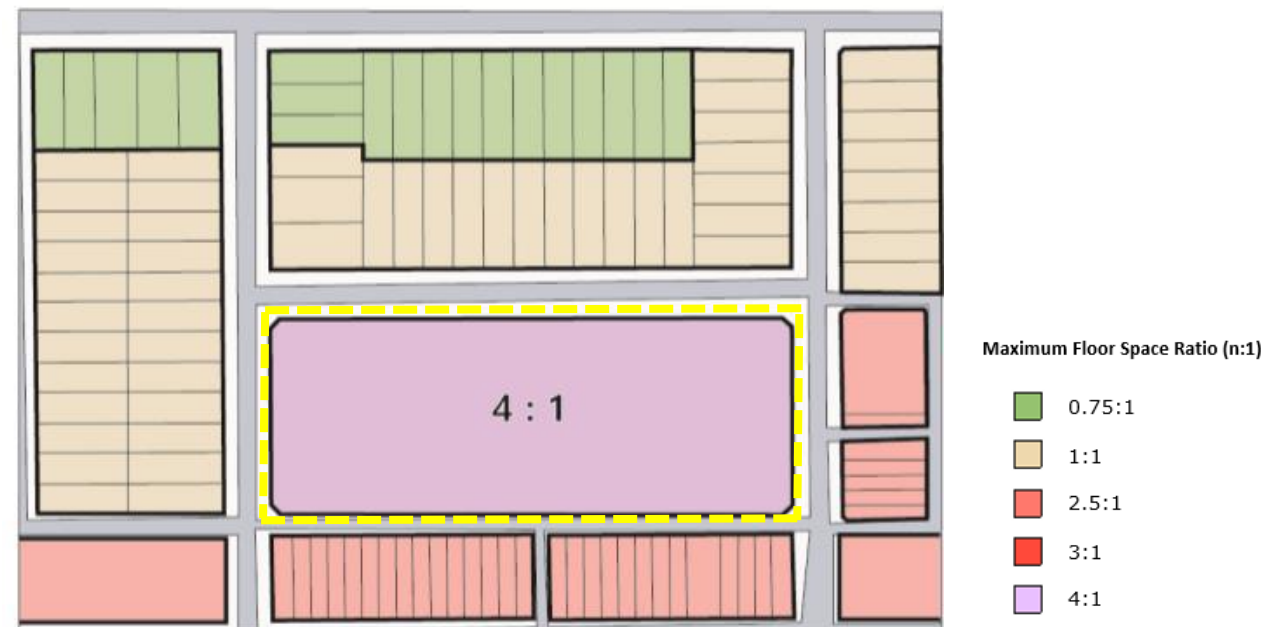


Figure 11 | Proposed floor space ratio map (Source: Planning Proposal)

1.5.1 Emerging context

The Department exhibited an Explanation of Intended Effect - *Changes to create low- and mid-rise housing* from 15 December 2023 to 23 February 2024. The proposed reforms, expected to take effect in 2024, are likely to amend the existing planning controls for Chester Hill local centre and the surrounding land.

Notably, the draft reforms may increase development potential for the purpose of a residential flat buildings and shop top housing on land zoned B2 local centre, R3 medium density and R4 high density (see Figure 12) to:

- a maximum building height of 21 metres and FSR 3:1 within 400 metres of Chester Hill Station and the Chester Hill local centre (including the subject site); and
- a maximum building height of 16 metres and FSR 2:1 within 400-800 metres of Chester Hill Station and the Chester Hill local centre.

A summary of the reforms is available at Appendix A of the [Explanation of Intended Effect](#).

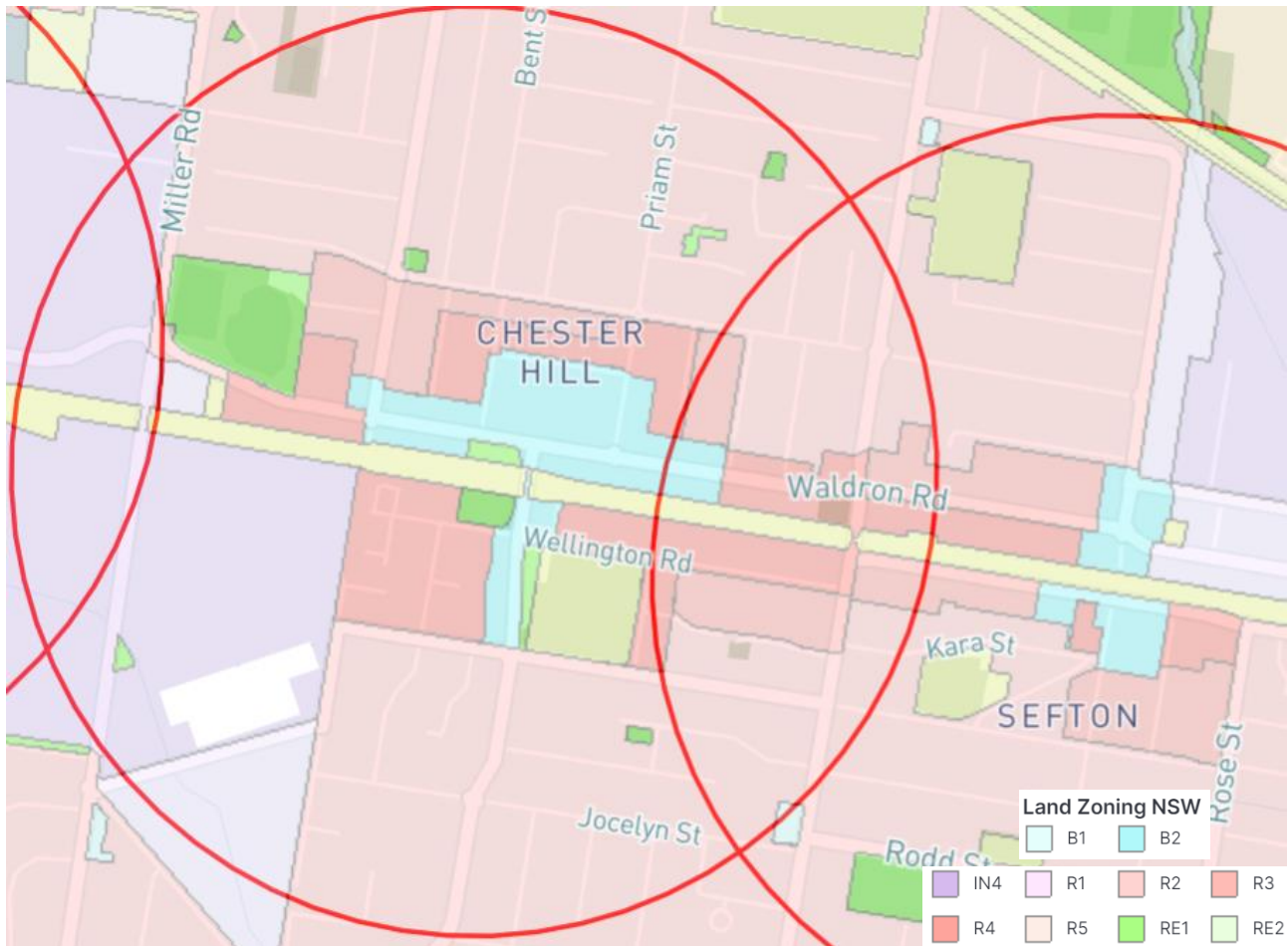


Figure 12: Land zoning map with 800 metre station radius indicated in red (Source: Land IQ, May 2024)

1.6 Background

Council submitted a planning proposal for the subject site in October 2020. The Department provided early feedback in December 2020 and advised that the proposal had strategic merit but needed to resolve traffic and urban design issues. In response, Council reduced the maximum building height from 62m to 60m and FSR from 4.53:1 to 4:1.

Council submitted the planning proposal under PP-2022-1991 in May 2022. The Department issued a Gateway Determination requiring Council to resubmit the planning proposal by 23 June 2023 and identified required conditions. A revised proposal has now been submitted (PP-2024-548), which forms the subject of this Gateway Determination Report. Council has addressed all the

conditions of the previous Gateway determination, except for condition 1(e). Refer to section 6.1.1 for further details.

Date	Event
August 2019 – June 2020	<p>A planning proposal for 1 Leicester Street Chester Hill was lodged with Canterbury-Bankstown Council seeking to amend the Bankstown LEP 2015 to:</p> <ul style="list-style-type: none"> • increase the building height from 20m to 65m • increase the floor space ratio from 2.5:1 to 4.53:1 • introduce an additional Clause 6.12 to the LEP in relation to the provision of 5% of any residential floor area as affordable housing. <p>In June 2020 a revised planning proposal was submitted which revised the building height to 62m.</p>
17 August 2020	<p>The planning proposal was considered by the Local Planning Panel (LPP) which recommended the following before the Planning Proposal proceeds to Gateway:</p> <ol style="list-style-type: none"> 1. <i>The Applicant needs to undertake further studies to show the benefits of the planning proposal and to demonstrate how amendment to the critical development standards can be accommodated in the broader context of the Town Centre and, in particular, potential impacts on the Waldron Rd properties.</i> 2. <i>A more detailed analysis of the traffic and parking impacts needs to be undertaken, including the impacts that may result from changes to the planning controls for the Town Centre as a whole.</i> 3. <i>The Council bring forward its planning review of the controls for the Chester Hill Town Centre as a whole. This review should result in a Masterplan for the Centre which details controls for the block south of Frost Lane to achieve a more integrated approach for the future development of the Waldron Road shopping strip and Frost Lane. The Masterplan should also include critical design drivers such as equitable at grade (street level) access and avoidance of level changes to key public areas within the site, sun access to the surrounding streets and laneways and ESD strategies. The Masterplan should examine and identify an appropriate town square site and opportunities for additional north south links between Waldron Road and Frost Lane that will benefit all current and future businesses. The Masterplan should also provide key directives for the development of the subject site to ensure it will contribute to and reinforce an overall town centre plan.</i> 4. <i>There needs to be comprehensive community consultation as it is evident that there is significant community interest in future development in the Chester Hill Town Centre. Any provision by the developer of a community space to be dedicated to the Council (ie: a library, youth centre or the like) should be the subject of specific community consultation.</i>
22 September 2020	<p>Council considered the planning proposal at its ordinary meeting and resolved that:</p> <ol style="list-style-type: none"> 1. <i>Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination for amendments to Bankstown Local Environmental Plan 2015 as follows:</i> <ol style="list-style-type: none"> a. <i>Permit a range of maximum building heights of up to 62m</i> b. <i>Permit a maximum Floor Space Ratio of up to 4.53:1</i> c. <i>Require a site specific design excellence clause</i>

Date	Event
	<p><i>d. The provision of affordable housing and public benefits set out in the planning agreement.</i></p> <p><i>2. Council seek authority from the Department of Planning, Infrastructure and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.</i></p> <p><i>3. Subject to the issue of a Gateway Determination, and before the proposal is exhibited:</i></p> <p><i>a. Council negotiate a more substantial public benefit offer with the proponent as outlined in this report and in light of the intensity of development proposed. This should include a contribution to the broader strategic planning review for Chester Hill, supply of up to 15% of dwellings within the development for affordable housing, and contributions to further local infrastructure.</i></p> <p><i>b. A design excellence clause be applied that ensures any redevelopment is of high quality.</i></p> <p><i>c. A public domain plan be prepared for Chester Hill to identify the required works and cost the embellishment of Waldron Road, Frost Lane and Charles Place. This will include investigation of the feasibility of the proposed expansion of Charles Place and associated land acquisition costs and cost recovery mechanisms available to council.</i></p> <p><i>d. A site-specific DCP be prepared to further define the form of the development and development controls as outlined in this report which may result in a reduction to the maximum height and FSR of the proposal. This will include further analysis on urban design and architectural form including additional north/south and east/west connectivity within and surrounding sites.</i></p> <p><i>e. The applicant to undertake further traffic, economic, architectural and urban design work as outlined in this report.</i></p> <p><i>f. Council negotiate a financial contribution from the proponent for the provision of accessibility lifts at Chester Hill railway station, and that Transport for NSW be engaged with respect to taking that contribution and providing accessibility lifts at Chester Hill station and the outcome of these negotiations are to be brought back to Council in the next steps.</i></p> <p><i>g. Council undertake additional community and stakeholder engagement post Gateway but prior to additional studies being prepared and that the outcomes of this consultation be used to inform the additional studies prior to formal public exhibition as required by the Gateway.</i></p> <p><i>h. Council ensures that local Community Support organisations (such as Chester Hill Neighbourhood Centre and others) be specifically engaged as a stakeholder group as part of the early additional consultation.</i></p> <p><i>i. That Council's exhibition notifications are available in the top 5 languages for our City on Councils website and that this notification provide detailed information on the proposal including the key changes to planning rules and how to access more information and assistance in any language.</i></p> <p><i>j. Council negotiate and enter into a local content agreement with the proponent to ensure local jobs and training of local residents is delivered and local firms selected during the construction of the proposal and that this agreement be entered into prior to any work being undertaken on the site.</i></p> <p><i>k. Council establish a community voice panel (comprising a random selection process to establish a panel representative of the community) to be independently chaired and funded by the proponent. The panel is to operate</i></p>

Date	Event
	<p><i>post Gateway to provide feedback and input into the studies to be completed in the next steps.</i></p> <p><i>4. After the planning proposal has been exhibited, a report be provided to Council outlining submissions received and the applicant's response to the issues raised in this report.</i></p>
31 May 2022	<p>Planning Proposal PP-2022-1991 was submitted for Gateway assessment by Canterbury-Bankstown Council on behalf of Holdmark Group. The planning proposal sought to amend the draft Canterbury-Bankstown LEP to:</p> <ul style="list-style-type: none"> • increase the building height from 20m to between 12m and 60m • increase the floor space ratio from 2.5:1 to 4:1 • introduce local provisions for minimum underground and total maximum retail floor space areas, affordable housing, ground floor residential where there is no net loss of employment generating uses, key setbacks, solar access, and open space. <p>The revised proposal was informed by the Urban Design Framework (UDF) and Transport Strategy and Traffic Impact Assessment (TSTIA) studies undertaken.</p>
23 December 2022	<p>DPHI's Gateway Determination noted that while there was strategic merit to the proposal the planning proposal should be resubmitted in accordance with the following:</p> <p><i>1. The resubmitted planning proposal must:</i></p> <ol style="list-style-type: none"> <i>a) Address the issues raised in Attachment A.</i> (Note: Attachment A required consideration and/or documentation in relation to building heights, building bulk, building setbacks, development density, pedestrian links/accessibility, and public domain improvements). <i>b) Be supported by documentation that clearly and consistently identifies the scope of the planning proposal and its assessment – see Attachment A.</i> <i>c) Address recommendations from various supporting consultant reports and peer reviews, which in addition to addressing matters in Attachment A, may lead to refinements of the scope of the proposal.</i> <i>d) Include:</i> <ol style="list-style-type: none"> <i>i. A revised Urban Design Report which identifies key principles for any future growth across the Chester Hill centre, including principles relating to connectivity, street activation, future building form and open space provision and integration with the surrounding context.</i> <i>ii. A revised Traffic and Transport Study, prepared in consultation with Transport for NSW, must ensure any potential floorspace growth and associated land use mix can be accommodated across the Chester Hill centre, and what, if any, traffic and transport upgrades are required to support the proposal. The study also needs to address recommendations by GTA's Peer Review – Transport Impact Assessment (17 March 2020) and ARUP's Transport Strategy and Traffic Impact Assessment (Chester Square Planning Proposal) (3 May 2022).</i> <i>iii. A revised Public Domain and Landscape Plan, that includes greater detail on the adjoining street and Frost Lane public domain improvements, recommendations for planting and public domain approaches that can</i>

Date	Event
	<p><i>inform the required draft DCP and demonstrate how deep soil planting can be achieved across the site.</i></p> <p><i>iv. A revised Social Infrastructure Study that identifies social infrastructure needs required for the proposal and that clarified proposed delivery mechanisms and addresses Ethos Urban's Peer Review recommendations (20 July 2020).</i></p> <p><i>v. An assessment, demonstrating compliance with the principles and objectives of the State Environmental Planning Policy 65. Detailed analysis should be provided in relation to open space provision, building separation, natural ventilation, solar access (within site and surrounding area) and opportunities for deep soil planting.</i></p> <p><i>vi. A draft site-specific Development Control Plan (DCP) to address matters outlined in Attachment A</i></p> <p><i>e) Consideration should be given to changing the scope of proposed LEP amendments to help further solidify the proposal, support good quality design outcomes and enable functionality of the site – see Attachment A:</i></p> <p><i>f) Include revise assessments against all relevant local and State strategic plans, SEPPs and section 9.1 Directions, where refinements to the proposal have been made.</i></p> <p><i>2. The timeframe to resubmit the planning proposal is six months from the date of the Gateway determination.</i></p>
14 March 2024	The Department received the subject Planning Proposal (PP-2024-548) from Canterbury-Bankstown Council on behalf of Holdmark Group.

2 Need for the planning proposal

The planning proposal is not the result of a study or strategy. However, the proposal has strategic merit having regard to the Region, District and Local strategic plans and policies.

The size of the site makes it strategically significant within the context of Chester Hill and the broader local government area, such that consideration of a planning proposal in the absence of a strategic study is warranted.

The current planning controls for Chester Hill were formed as part of the North West Local Area Plan which was adopted in 2013 shortly after the gazettal of the Bankstown LEP in 2015. Despite the introduction of the North West Local Area Plan, renewal within Chester Hill Town Centre has not occurred as envisaged by Council's planning controls and the controls are now considered ineffective.

Council notes there are inconsistencies in planning controls with adjoining and surrounding sites and that review of planning controls for the broader Chester Hill centre and surrounding area will be undertaken as part of Council's town centre master planning program. This is scheduled to occur after Council has completed its current pipeline of master planning Metro stations, as endorsed in its Local Strategic Planning Statement.

The Low and Mid-Rise Housing reforms currently underway by the Department are likely to alter the site specific context of the planning proposal. Within this emerging context and considering the prominence of the subject site in Chester Hill, it is considered suitable that the planning proposal proceed ahead of Council's future master plan for Chester Hill providing a staged approach to planning and a catalyst for future development.

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 in section 3.2 below.

3.2 District Plan

The site is within the South District Plan and the Greater Sydney Commission released the South District Plan on 18 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, subject to Gateway conditions, 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
<p>Planning Priority S1: Planning for a city supported by infrastructure</p>	<p>The proposal is consistent with this priority, subject to gateway conditions, as it will facilitate increase numbers of residents and workers in proximity to infrastructure, including public transport, retail, commercial, education, community and cultural facilities.</p> <p>Gateway conditions are included requiring consultation with TfNSW prior to exhibition to ensure the proposal is supported by appropriate traffic and transport infrastructure.</p>
<p>Planning Priority S3: Providing services and social infrastructure to meet people's changing needs</p> <p>Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities</p> <p>Planning Priority S5: Planning housing supply, choice and affordability, with access to jobs, services and public transport</p> <p>Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The proposal is consistent with this priority, subject to gateway conditions, as it will offer residents mixed-used development with additional open space and retail and commercial amenities, as well as enhancements to the public domain and a new multipurpose community facility in close proximity to public transport.</p> <p>However, inconsistencies between the planning proposal and draft public benefit offer are noted.</p> <p>To ensure sufficient public open space is available to support the proposed uplift, a Gateway condition is included requiring Council to introduce a site-specific provision for minimum single area of at least 2,000 sqm publicly accessible open space on the site.</p> <p>A Gateway condition is also included requiring Council to 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. This is to ensure that appropriate social infrastructure is adequately planned.</p>
<p>Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The proposal is consistent with this priority as it will deliver additional commercial and retail capacity while protecting existing employment generating floor space to support future growth in the centre.</p> <p>Furthermore, the proposal is located within 200m of the existing Chester Hill train station, and the site provides access to Bankstown, Parramatta and Fairfield local centres.</p>
<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 is consistent with this priority, subject to Gateway conditions, as the proposal aims to deliver a new publicly accessible open space.</p> <p>Refer to section 6.1.1.3 for further assessment in relation to the provision of deep soil zones. A Gateway condition is included requiring the proposal to be updated to demonstrate consistency with the deep soil guidance and criteria under the Apartment Design Guide.</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
Local Strategic Planning Statement (LSPS) 'Connective City 2036'	<p>Chester Hill has been identified as a 'local centre' in Council's LSPS with a focus on providing additional housing alongside urban and community services.</p> <p>Council has already committed to the master planning of Metro stations in line with the LSPS and the state-led priority for the Metro Corridor. It is not anticipated that master planning for Chester Hill will occur within the next five years.</p> <p>Although the planning proposal does not align with the timing of the master planning for the centre, the LSPS does not preclude proposals from being progressed where they demonstrate clear merit and are consistent with its vision and objectives. In this respect, the planning proposal is consistent with the LSPS objectives to locate 80 per cent of new housing within walking distance of rail or metro.</p> <p>As discussed in Section 2, there is strategic and site-specific merit to progressing this proposal ahead of a comprehensive masterplan. The proposal provides the opportunity for a staged approach to planning for Chester Hill with the subject site acting as a catalyst for future development.</p> <p>The planning proposal facilitates the delivery of 515 homes within 150 metres of Chester Hill Stations. In the context of the housing crisis, opportunities to deliver homes are to be prioritised where possible.</p>
Canterbury Bankstown Housing Strategy	<p>The Housing Strategy 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>Chester Hill is one of nine local centres across the Canterbury Bankstown LGA set to deliver around 10,100 new dwellings.</p> <p>In addition to the dwelling targets Section 6.2.4 identifies Chester Hill as a 'local centre', which is defined as a town centre containing commercial development that offers convenient retail land uses, a range of services, and good access to mass transit.</p> <p>The planning controls proposed for the B2 Local Centre zone include Shop top housing as a permissible housing type. Controls for maximum building height and FSR are noted as being subject to place-based planning.</p>

Local Strategies	Justification
Canterbury Bankstown Affordable Housing Strategy (AHS)	<p>The 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 and submitted a proposal to DPHI to implement the Affordable Housing Contributions Scheme (AHCS) in the LEP 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>The Planning Proposal is consistent with this action as it includes a local provision for 5% of residential floor area to be dedicated to Council for use as affordable housing and managed through a registered housing provider. Gateway conditions are included to ensure alignment with Canterbury Bankstown Council's statutory framework for affordable housing currently underway.</p>
Canterbury Bankstown Employment Lands Strategy (ELS)	<p>The Employment Lands Strategy (ELS) identifies Chester Hill as a 'convenience' local centre earmarked for growth to support the surrounding population.</p> <p>The proposal is consistent with the provisions of the strategy, as it will facilitate this uplift in the Chester Hill town centre and deliver associated amenity improvements.</p> <p>However, it is noted that the ELS projects an additional 5,900 sqm of GFA (1,900 sqm retail and 4,000 sqm commercial) required to accommodate for this growth by 2036.</p> <p>The proposal seeks to require a minimum 8,300 sqm of GFA of 'employment generating floor space' on the site. This includes replacement of the existing 8,260 sqm commercial on the site. It also includes a cap of 12,400 sqm on retail premises. These controls are considered consistent with Council's ELS.</p>

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, subject to	The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	Gateway conditions	The planning proposal is broadly consistent with the Region Plan, South District Plan and the LSPS, subject to gateway conditions. Refer to Section 3.3 of this report.
1.4 Site Specific Provisions	Justifiably inconsistent subject to Gateway conditions	<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> <p>The direction is applicable as the planning proposal seeks to include a site-specific provision for the following:</p> <p><u>Solar access objectives</u></p> <ul style="list-style-type: none"> a) The development maintains acceptable solar access to the Publicly Accessible Open Space within the site b) The development maintains acceptable solar access to future residential development to the surrounding properties <p><u>Department’s comment</u></p> <p>Per part 2 <i>Developing the Controls</i> of the ADG, primary development controls are to manage the scale of development so that it relates to the context and desired future character of an area and manages impacts on surrounding development.</p> <p>As discussed in Section 6.1.1 and supported by Gateway conditions, Council is to review the proposed height and FSR for the site to ensure appropriate built form outcomes consistent with the desired and emerging character of the site, rather than rely on additional solar access objectives as proposed.</p> <p>Given the scale of development, site-specific provisions to protect solar access to publicly accessible open space are supported. However, these should be replaced with measurable provisions, rather than overarching objectives that can be considered subjective. Gateway conditions are included requiring Council to remove the proposed solar access objectives and address these in a site-specific DCP.</p> <p><u>Affordable housing</u></p> <p>A minimum 5% affordable housing (of total residential GFA) contribution to Council, either through dedication or monetary contribution.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p><u>Department's comment</u></p> <p>This provision is considered necessary for the provision of affordable housing and therefore consistent with this direction. A Gateway condition is included to ensure that the planning proposal demonstrates consistency with any available statutory framework for affordable housing prior to finalisation.</p> <p><u>Employment generating floor space</u></p> <p>A minimum 8,300m² GFA of 'employment generating floor space' on the site to maintain the provision of jobs and services and to reflect the permissibility of ground floor residential dwellings on the site. The definition of employment generating uses will be identified.</p> <p><u>Department's comment</u></p> <p>This provision is considered consistent with the direction, as it ensures that commercial floor space is provided and protected on the site.</p> <p>However, it is noted that under 'employment generating uses', the planning proposal proposes to introduce health care facilities and residential aged care, which are not currently permitted in the B2 Local Centre Zone.</p> <p>As the planning proposal has not addressed the impacts of introducing these new uses, a Gateway condition is included requiring further assessment and justification or removal.</p> <p><u>Retail floor area</u></p> <p>A maximum 'retail premises' GFA of 12,400m² to manage car parking and traffic impacts on the surrounding traffic network. The need for this control has been informed by microsimulation traffic network modelling.</p> <p><u>Department's comment</u></p> <p>This provision is considered necessary to manage the traffic impacts of the proposal. It is recommended that this provision is also supported by parking rates specified in the DCP. A Gateway condition is included in this regard.</p> <p><u>Multi-dwelling housing</u></p> <p>Permit site-specific multi-dwelling terrace style housing that will have a direct ground floor frontage to parts of Leicester Street, Bent Street and Priam Street. This control would only apply to dwellings that have a direct frontage and are accessed from these streets at ground level and does not constitute as "active frontage" as defined in the associated site specific DCP.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p><u>Department's comment</u></p> <p>The necessity of this provision should be reviewed in the context of amendments to the proposed concept as described in further detail in section 6.1.1.</p>
4.1 Flooding	N/A	The planning proposal notes that the subject site is not flood affected. This is consistent with Canterbury-Bankstown Council's online flood maps.
4.4 Remediation of Contaminated Land	N/A	<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>The direction does not apply because planning proposal does not seek to rezone the land to permit any land uses that are not already permissible under the existing zoning. It is noted that the planning proposal seeks to introduce a site specific provision to allow multi-dwelling housing. Given that residential accommodation is already permitted on the site as shop-top housing, multi-dwelling housing is not considered a new land use.</p> <p>Chapter 4 of SEPP (Resilience and Hazards) 2021 contains suitable provisions to ensure consideration of whether land is contaminated to be adequately assessed as part of a future development application.</p>
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 provide housing and non-residential floor area within the Chester Hill commercial centre with access to public transport, services and facilities. It is approximately 200m from Chester Hill train station.</p> <p>The proposal is supported by a Transport Strategy and Traffic Impact Assessment (TSTIA) prepared by ARUP which recommends:</p> <ul style="list-style-type: none"> • infrastructure upgrade of the Waldron Road/Priam Street intersection to improve road performance. • preparation of a Green Travel Plan for the site that outlines the travel demand management strategy including measures, targets and monitoring with the travel demand relating to the retail uses being a key objective. • developing site specific parking rates as part of the site-specific DCP which consider the constraints of the surrounding road network, public transport provision and future mode share aspirations.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> • a Delivery and Servicing Plan for the site that considers how loading and servicing demand can be managed at peak times. • developing street cross-sections that outline how changes to the Movement and Place hierarchy of streets can be achieved. • consultation with TfNSW in future stages of the project to discuss refinement of the microsimulation modelling including consideration of the wider masterplan for Chester Hill. <p>The proposal is considered broadly consistent with the aims of this Direction. However, consistency with this Direction remains unresolved until consultation with TfNSW is completed.</p> <p>The Council resolution also noted that Council was to negotiate a financial contribution from the proponent for the provision of accessibility lifts at Chester Hill railway station in consultation with TfNSW. According to Council the proponent has committed to:</p> <p><i>‘enter into good faith discussions with TfNSW for the provision of accessible lifts at Chester Hill railway station commensurate with the impact of the application. (For clarity, this will not prevent the finalisation of the planning proposal application as it depends on a third party)’</i></p> <p>It is noted that Principle 6 Improve Pedestrian Access of the <i>Integrating Land Use and Transport Guidelines</i> referred to under the direction, notes that planning is to consider walkable environments and give greater priority to access for pedestrians, including access for people with disabilities. In this regard, Gateway conditions are included requiring Council to:</p> <ul style="list-style-type: none"> • consult with TfNSW prior to exhibition; • revise the planning proposal to address feedback and forward to the Department for review prior to exhibition; • provide a briefing to the Department before exhibition and prior to finalisation to explain how Council has addressed Gateway conditions and community and agency submissions.
5.3 Development Near Regulated Airports and Defence Airfields	Unresolved	The Direction seeks to ensure the effective and safe operation of regulated airports and defence airfields and ensure that

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>development on noise sensitive land incorporates appropriate mitigation measures.</p> <p>The site is located near a regulated airport being Bankstown Airport which is approximately 4.5km to the southwest.</p> <p>The Bankstown Airspace Constraints Study, which informs the appropriate maximum LEP height limits of this planning proposal:</p> <ul style="list-style-type: none"> • was endorsed in principle by Bankstown Airport Limited and the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). • permits development types that are compatible with the current and future operation of Bankstown Airport. • requires any future development application for the site to be referred to Bankstown Airport Limited and the DITRDC. <p>Clause 2(d) of this Direction states:</p> <p><i>“(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.”</i></p> <p>Approval from controlled activities is usually granted at the development application stage when the development's built form and uses are known. As such consistency with this part of the Direction cannot be resolved until that time.</p> <p>Consistency with this direction is considered unresolved until consultation with Civil Aviation Authority and Aeria Management Group (Bankstown Airport) has taken place, at which point the proposal may be considered justifiably inconsistent depending on feedback received.</p>
6.1 Residential Zones	Consistent	<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 Direction applies as the proposal relates to land which allows for significant residential development.</p> <p>The planning proposal is consistent with the terms of the Direction as it seeks to increase the supply and choice of housing through the provision of a mixed-use development which includes 515 dwellings.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The site has access to existing infrastructure and services which can be utilised in addition to the proponent's public benefit offer which includes a community facility, public domain improvements, and local road and infrastructure upgrades.</p> <p>The Department is satisfied that the proposal is consistent with this Direction.</p>
7.1 Employment Zones	Consistent	<p>This Direction seeks to encourage employment growth in suitable locations, protect employment land in employment zones including the B2 Local Centre zone, and support the viability of identified centres.</p> <p>The proposal seeks to require a minimum 8,300 sqm of GFA of 'employment generating floor space' on the site. This includes replacement of the existing 8,260 sqm commercial on the site.</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>

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
Biodiversity and Conservation 2021	Consistent	The site has already been developed and has little to no existing vegetation on site or surrounding.
Housing 2021	Consistent	<p>The planning proposal is supported by a Revised Urban Design Report with information that addresses the ADG. In particular, the report has considered the building separation, solar access, natural ventilation, and open space and deep soil planting requirements of the ADG.</p> <p>Section 4 of the report below provides assessment of the urban design and amenity aspects of the proposal, including consistency with the ADG. A Gateway condition is included to requiring the proposal to address the 15% deep soil zone requirement of the ADG.</p>
Sustainable Buildings 2022	Consistent	Sustainability measures have been identified for the concept scheme that will be further developed and validated through the design and delivery of the development. The Department is satisfied that the proposal is consistent with the SEPP.

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	Consistent	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.
SEPP (Transport and Infrastructure) 2021	Consistent	The planning proposal does not warrant detailed consideration at this stage and is to be considered further at the development application stage.

6 Site-specific assessment

6.1 Environmental

6.1.1 Urban design

The planning proposal is supported by five reports related to urban design. Table 9 below outlines these documents.

As discussed below, Gateway conditions are included to ensure that the proposal is updated to reflect the objectives of Council's Urban Design Framework, recommendations of the Urban Design Peer Review, Gateway conditions issued in 2022 and the Apartment Design Guide. These changes are required to ensure the proposal achieves positive urban design outcomes and promotes the NSW Government's movement and place framework. The changes to the concept design may result in reductions in primary development controls and should be reflected in the explanation of provisions in the planning proposal.

Table 9 Urban Design reports accompanying the planning proposal

Report	Author/date	Context
Revised Urban Design report	Turner, Nov 2023	Commissioned by proponent. Updated in response to the Department's Gateway conditions issued Dec 2022.
Urban Design Framework	SJB, April 2022	Commissioned by Council. Developed in response to the Department's advice in 2020, Local Planning Panel advice August 2020. Considers the opportunities and constraints that will be investigated as part of a future centre-wide master plan.
Urban Design Peer Review	SJB, Feb 2024	Commissioned by Council. Analysis of proponent's response to the Urban Design Framework and recommendations.

Report	Author/date	Context
Revised Public Domain and Landscape Plan	Turf, Nov 2023	Commissioned by proponent. Prepared in response to Gateway conditions issued Dec 2022 and Council resolution Sept 2020
Initial draft Development Control Plan	Undated draft document	Prepared by Council. Subject to refinement prior to exhibition.

6.1.1.1 Urban Design Framework

The proposal is supported by an urban design peer review commissioned by Council that analyses the proponent's response to the Urban Design Framework (UDF). The UDF was prepared to demonstrate a high level vision for the broader Chester Hill precinct and assess the potential impacts of the planning envelope of the proposal on the broader precinct.

The UDF notes that its appraisal of the planning proposal are within the parameters of the Council resolution of Sept 2020 that supported the scale and mass of the proposal in principle.

The UDF also notes that:

relaxing some requirements (for FSR) or omitting some of the key elements would result in very different outcomes for the site, adjacent properties, surrounding streets and spaces.

Within this context, the submitted urban design peer review suggests that the revised Urban Design Report has demonstrated alignment with the key requirements of the UDF. However, the proposal has not demonstrated the ability to achieve:

- tree canopy targets of 20% in high activity areas 40% in low activity areas.
- minimum 70% of the publicly accessible open space to achieve wind conditions suitable for sitting and outdoor dining.
- adequate parking, access arrangements and reduced traffic to Waldron Rd. This is to align the with UDF draft DCP controls.
- Connecting with Country design of the WSUD elements, street trees and understorey planting.
- adequate solar access to Priam Street, Bent Street or Leicester Street.
- central publicly accessible open space with a minimum width of 40 metres and minimum area of 2,800 sqm.
- minimum 70% of the publicly accessible open space must achieve 4 hours of direct sunlight between 10am and 3pm on 21 June.
- through-site link and pedestrian right of way at least 6 metres wide between Frost Lane and Leicester Street.
- through-site link and pedestrian entry into the shopping centre between Bent Street and Priam Street.
- draft DCP vehicular access controls, including the location, number and width of vehicular access points.
- maximum GFA of 700 sqm for towers above 8 storeys.

It is noted that the planning proposal does not address consistency with the UDF, particularly the matters that remain outstanding as identified by the peer review. A Gateway condition is included to this effect.

Based on the findings of the UDF, a Gateway condition is also recommended that requires the planning proposal include a requirement for a site-specific DCP prior to development. The preparation of a site-specific DCP will assist in guiding future development at the site and managing density. Additionally, it will provide greater certainty for the local community.

6.1.1.2 Gateway Conditions, Dec 2022

It is noted that the proposal has been updated to respond to the Department's Gateway conditions issued December 2022, including:

- Reduction in the mid-connector blocks along Frost Lane from 8 storeys to 5 storeys.
- Street setbacks and podium tower setbacks now achieve consistency with the SJB recommended 'consolidated built form controls'.
- Updated solar access and 3D images demonstrating consistency with ADG.

However, in relation to building height, the planning proposal incorrectly states that heights for the westernmost tower were reduced from 11 storeys to 10 storeys. The heights of the western-most tower have instead been increased from 10 to 11 storeys in the revised Urban Design Report, but a 35 metre height limit is proposed in the planning proposal. A Gateway condition requiring clarification is included in this regard.

In addition, the upper 18-storey tower in the central area of the site remains unchanged, as does the proposed FSR. While it is noted that the massing across the site is endorsed by Council, the planning proposal provides insufficient justification for the proposed scale and massing and how it responds to the emerging and desired future character of Chester Hill.

The Department previously requested Council consider to how to break up the long built forms at the podium and mid-levels to help make the development appear less dominant and bulky and respond to low to medium rise surrounds. The revised scheme remains unchanged in this respect.

Gateway conditions are included requiring Council to reconsider the bulk and scale of the proposal, providing explanation of a design-led approach that appropriately responds the emerging and desired future character of Chester Hill while managing interfaces with surrounding lower-density residential areas. Reductions in the primary development controls are expected necessary to achieve an improved urban design outcome.

6.1.1.3 Apartment Design Guide

Building depth:

The revised scheme has slightly adjusted the building depth, but it still falls between 18m and 25m, which is above the recommended 18 metres for a cross-through apartment under the ADG. It is considered that the proposed building depths can be addressed at development application stage as the revised Urban Design Report demonstrates that rooms could receive adequate daylight and natural ventilation and optimise natural cross ventilation as per ADG.

Deep soil planting:

The ADG provides design guidance recommending 15% deep soil for sites larger than 1,500 sqm. This is above the minimum requirement of 7% with 6m dimensions for sites above 1,500 sqm. The revised scheme provides a 5m deep soil setback to the northern side of the site and a 6m deep soil zone to the south. These zones yield 1,261m² of deep soil, amounting to 7.2% of the site.

It is noted that the deep soil area provided to the north has overlapped with the balcony of the proposed terraces across Leicester Street. Gateway conditions are included requiring Council to demonstrate how the proposal addresses the deep soil design criteria and guidance specified under the Apartment Design Guide.

Solar access:

The revised Urban Design Report demonstrates that the built form complies with the minimum solar access requirements as per ADG to the apartments, adjacent neighbouring properties to the south, and communal open space (Figure 12).

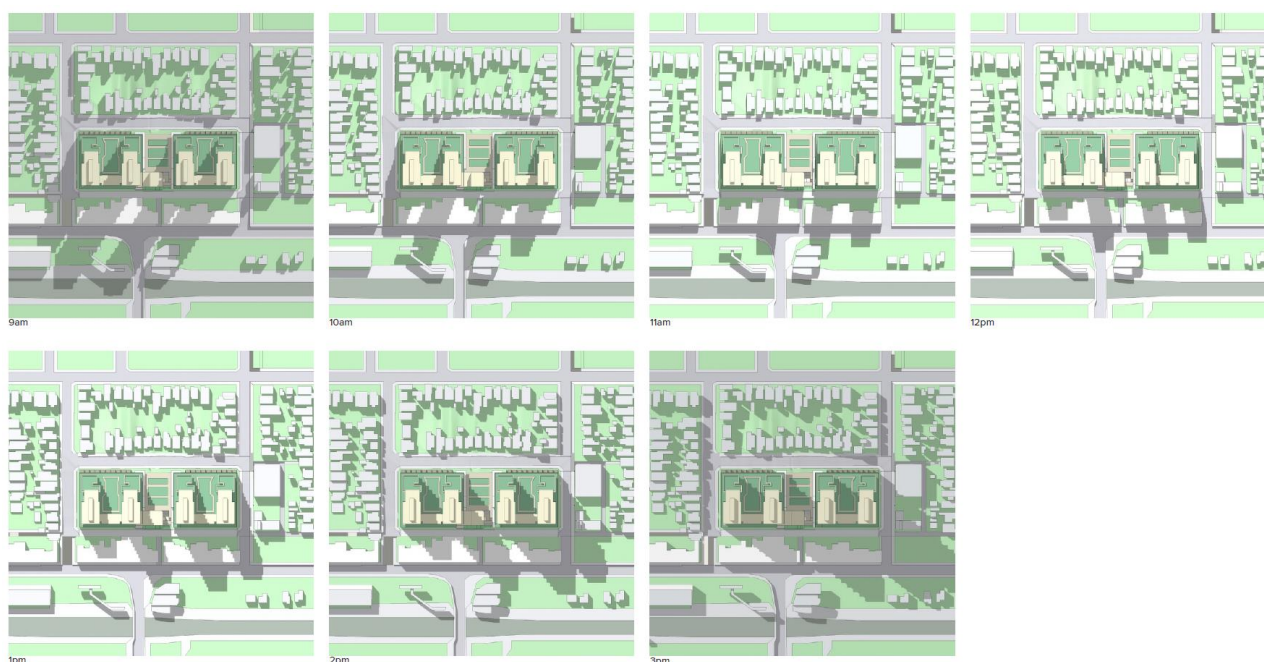


Figure 12: Shadow Diagrams 21st June (Source: revised Urban Design Report)

6.2 Social and economic

6.2.1 Social

The proposal will provide for housing diversity in the locality, including high density housing with a quantum of affordable housing in proximity to multiple public transport nodes. Further discussion regarding social impacts and social infrastructure is provided in Section 6.3.1 below.

6.2.2 Economic

The planning proposal is supported by three reports related to the economic impacts of the proposal. Table 10 below outlines these documents.

Table 10 Economic reports accompanying the planning proposal

Report	Author/date	Context
Chester Hill Economic Analysis, including addendum response to Atlas peer review	SGS, updated July 2020	Commissioned by Council.
Chester Square Shopping Centre, Chester Hill Economic Impact Assessment	AEC, July 2019	Commissioned by proponent.

Report	Author/date	Context
Chester Square Planning Proposal – Review of SGS Economic Analysis	Atlas, June 2020	Commissioned by proponent.

The economic reports provide conflicting conclusions with regard to feasibility, broader retail impacts, strategic merit and potential impacts to land value.

Council engaged SGS to provide a response to the Atlas Review of SGS Economic Analysis. It recommends that given the different assumptions, feasibility alone should not be determinative in the zoning and development approval process. Assessment of the proposal should be based on individual planning merits and net community benefit.

In relation to retail, the Chester Hill Economic Analysis notes the potential impacts on premises along Waldron Road, particularly if a large amount of hospitality floor space is delivered as part of the redevelopment. The report suggests that restrictions on the delivery of food and drink premises could limit the impact. The planning proposal has not addressed this recommendation and a Gateway condition is included in this regard.

The planning proposal notes that the proposal has the potential for additional jobs and economic activity during construction, as well as through direct and flow-on impacts. This is supported by the Economic Impact Assessment prepared by AEC Urban Economics.

6.3 Infrastructure

6.3.1 Community and Social

The planning proposal includes a Social Infrastructure Needs Peer Review (Ethos Urban 2020), outlining the social infrastructure needs arising from the proposal.

The planning proposal documents how the recommendations of the peer review can be addressed through the draft letter of offer described in section 1.3.1, as well as the draft site-specific DCP.

Given there is no current commitment to the draft public benefit offer, a Gateway condition is included requiring Council to confirm the 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.

The proposal will have a positive social impact by contributing to new community facilities, open space, public domain, traffic improvements and employment opportunities.

6.3.2 Public Transport and Traffic

The planning proposal is supported by four transport studies and peer reviews as identified in table 11.

Table 11 Traffic and transport reports accompanying the planning proposal

Report	Author/date	Context
Traffic and Parking Assessment	Ason, Aug 2019	Commissioned by proponent.

Report	Author/date	Context
Chester Square Planning Proposal, Transport Strategy and Traffic Impact Assessment	ARUP, May 2022	Commissioned by Council. Prepared in response to DPHI 2020 advice.
Addendum to Traffic and Parking Assessment	Ason, Dec 2023	Commissioned by proponent. Suggests that the Transport Strategy and Traffic Impact Assessment (ARUP, 2022) is suitable to support the planning proposal. Reduction in dwellings will result in lower trip generation.
Chester Square Planning Proposal, revised scheme traffic and transport letter	ARUP, Feb 2024	Commissioned by Council. Noting “Addendum to Traffic and Parking Assessment” sufficient for the purposes of Gateway determination.

The Transport Strategy and Traffic Impact Assessment (TSTIA), ARUP 2022 has provided an iterative traffic and transport modelling exercise of the subject site.

The planning proposal notes that TfNSW were consulted in May 2023 on the traffic modelling undertaken by ARUP and confirmed its acceptability.

It recommends upgrades to intersections identified in Figure 13 and 14 to achieve LOS D at key intersections.

It also recommends:

- preparation of a Green Travel Plan for the site that outlines the travel demand management strategy including measures, targets and monitoring with the travel demand relating to the retail uses being a key objective.
- developing site specific parking rates as part of the site-specific DCP which consider the constraints of the surrounding road network, public transport provision and future mode share aspirations.
- a Delivery and Servicing Plan for the site that considers how loading and servicing demand can be managed at peak times.
- developing street cross-sections that outline how changes to the Movement and Place hierarchy of streets can be achieved.
- consultation with TfNSW in future stages of the project to discuss refinement of the microsimulation modelling including consideration of the wider masterplan for Chester Hill.

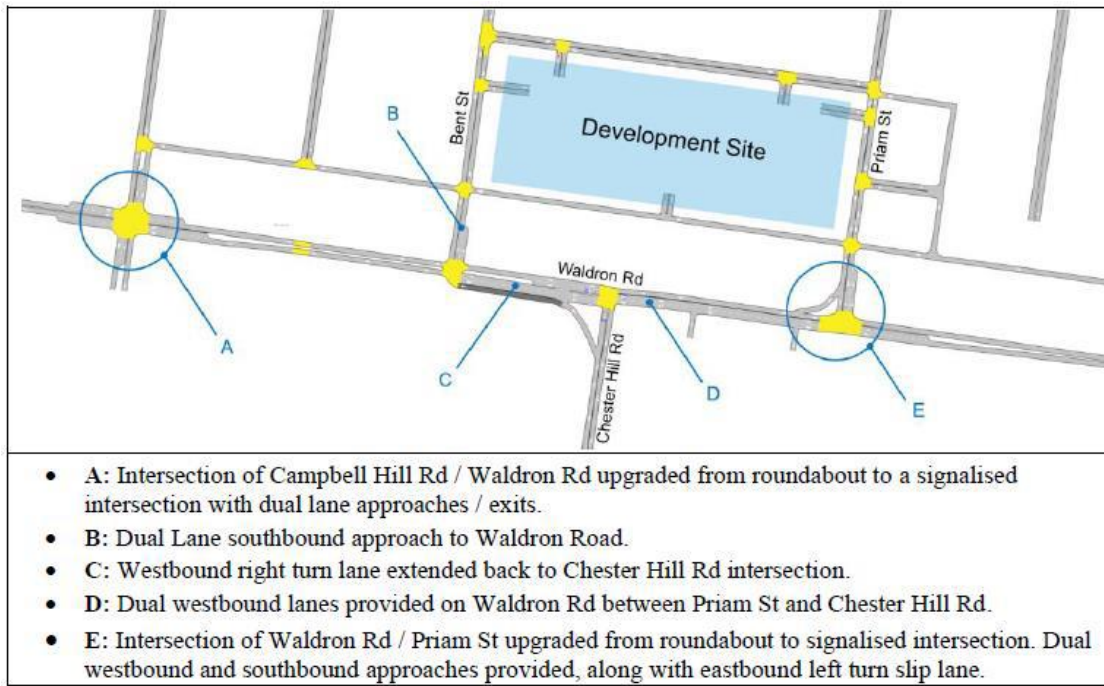


Figure 13 ‘Minimum’ modelled infrastructure upgrades required.

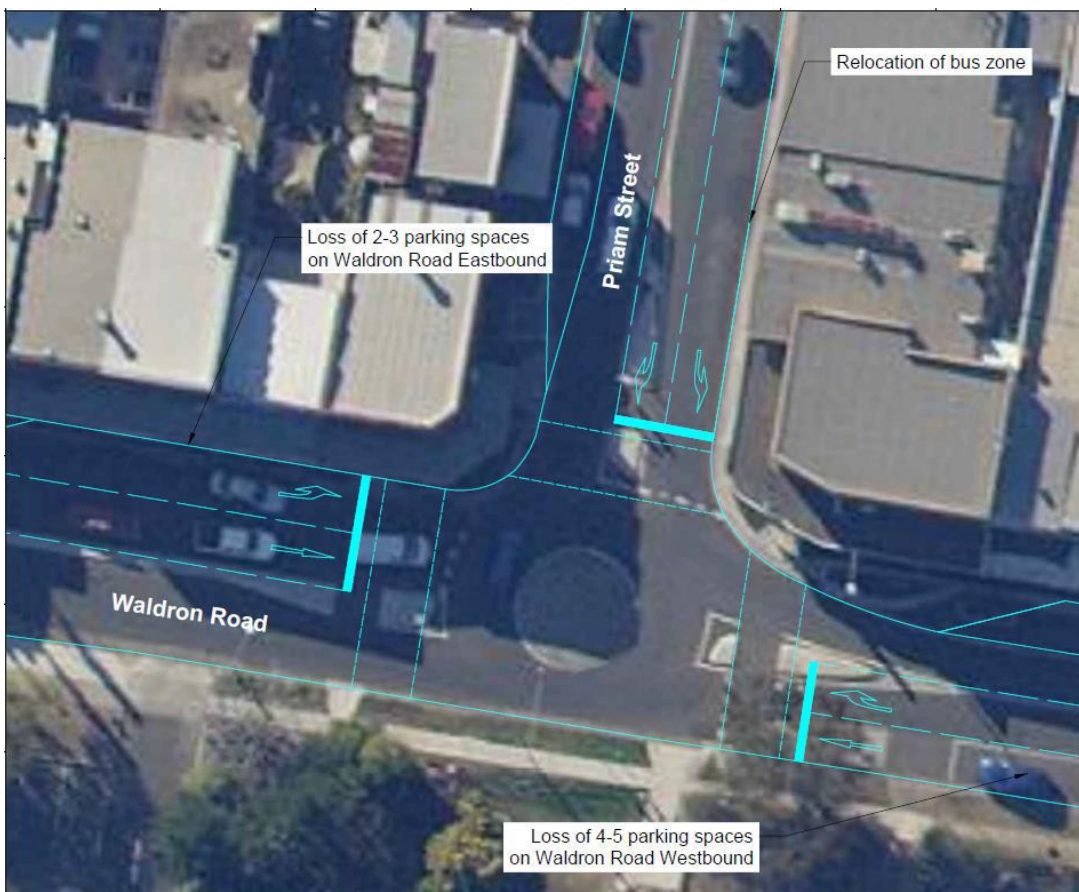


Figure 14 A concept layout for the recommended upgrade of the Waldron Road / Priam Street.

It is not confirmed in the TSTIA as to whether the modelled infrastructure upgrades align with requirements for TfNSW, and the report has recommended that TfNSW be engaged in future stages of the project to discuss refinement of the modelling, including updates to TfNSW's Strategic Traffic Forecasting Model (STFM) growth rates.

Therefore, a gateway condition is recommended to consult with TfNSW prior to exhibition and amend the planning proposal based on the advice provided.

7 Consultation

7.1 Community

Council proposes a community consultation period of 28 days.

The planning proposal is categorised as a complex under the LEP Making Guidelines (September 2022). 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

Council has nominated the public agencies to be consulted about the planning proposal.

- Ausgrid
- ARTC: Australian Rail Track Corporation
- Civil Aviation Authority
- Aeria Management Group (Bankstown Airport)
- Department of Education/Schools Infrastructure NSW
- National Broadband Network
- Homes NSW
- State Emergency Service
- Sydney Water
- Sydney Trains
- Sydney Metro and
- 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 (December 2021)*.

In relation to TfNSW, consultation is to occur prior to exhibition and the planning proposal amended based on advice provided.

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 a complex.

The Department recommends an LEP completion date of 27 June 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 section 9.1 Ministerial direction. This is with the exception of direction 5.3 Development Near Regulated Airports and Defence Airfields and 5.1 Integrating Land Use and Transport which remain unresolved. While the proposal is considered broadly consistent with the aims of these directions, consistency is unable to be demonstrated until 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 included 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 consistent with, and gives effect to the South District Plan and Canterbury-Bankstown Council's LSPS, subject to conditions.
- it will facilitate job creation and support the ongoing operation of the Chester Hill Town Centre.
- it will facilitate housing delivery, with 515 dwellings proposed and 5% affordable housing dedicated to Council.
- is generally consistent with the section 9.1 directions, noting directions 5.1 Integrating Land Use and Transport and 5.3 Development near Regulated Airports and Defence Airfields remain unresolved.
- is generally consistent with relevant SEPPs
- the proposal has given consideration to the likely environmental, social, economic and infrastructure impacts.

Further justification and consultation are required to address urban design, unnecessary site specific provisions and traffic and transport. Gateway conditions are recommended in this regard.

11 Recommendation

It is recommended the delegate of the Secretary:

- Note that the inconsistency with 9.1 Direction 1.4 Site Specific Provisions, 5.1 Integrating Land Use and Transport and 5.3 Development Near Regulated Airports and Defence Airfields remains unresolved until the planning proposal has been updated in response to Gateway conditions and consultation undertaken.

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. 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 Hill 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 community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review.
4. Consultation is required with the following public authorities:

- Ausgrid
 - ARTC: Australian Rail Track Corporation
 - Civil Aviation Authority
 - Aeria Management Group (Bankstown Airport)
 - Department of Education/Schools Infrastructure NSW
 - Homes NSW
 - National Broadband Network
 - State Emergency Service
 - Sydney Water
 - Sydney Trains
 - Sydney Metro and
 - Transport for NSW
5. Prior to finalisation, the planning proposal is to demonstrate consistency with the statutory framework for affordable housing for Canterbury-Bankstown Council, if available.
6. The planning proposal should be made available for community consultation for a minimum of 30 working days.
7. Council is to provide a briefing to the Department:
- Prior to exhibition to explain how the Gateway conditions have been met; and
 - 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 27 June 2025 be included on the Gateway.



(Signature)

29 May 2024 (Date)

Felicity No

Director, Metro West Central and South

Assessment officer

Carina Lucchinelli

Manager, Local Planning and Council Support

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