



IRF24/1285

Gateway determination report – PP-2024-847

Canterbury-Bankstown Local Environmental Plan 2023
'Deferred Matters' Amendment Planning Proposal
(Proponent initiated matters)

June 24



Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Title: Gateway determination report – PP-2024-847

Subtitle: Canterbury-Bankstown Local Environmental Plan 2023 'Deferred Matters' Amendment Planning Proposal
(Proponent initiated matters)

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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.

Contents

1	Planning proposal.....	3
1.1	Overview.....	3
1.2	Objectives of planning proposal	4
1.3	Explanation of provisions	4
1.4	Site description and surrounding area.....	5
1.5	Mapping.....	7
1.6	Background	12
2	Need for the planning proposal	12
3	Strategic assessment	13
3.1	Regional Plan	13
3.2	District Plan	13
3.3	Local.....	14
3.4	Local planning panel (LPP) recommendation.....	16
3.5	Section 9.1 Ministerial Directions	16
3.6	State environmental planning policies (SEPPs)	21
4	Site-specific assessment	22
4.1	Environmental.....	22
4.2	Social and economic.....	25
4.3	Infrastructure	26
5	Consultation.....	27
5.1	Community	27
5.2	Agencies.....	27
6	Timeframe	27
7	Local plan-making authority	27
8	Assessment summary	27
9	Recommendation.....	29

Table 1: Reports and plans supporting the proposal

Relevant reports and plans
A - Planning Proposal, Canterbury-Bankstown Council – April 2024
B - Council Meeting minutes, Canterbury-Bankstown Council – 24 October 2023
C - South East Local Area Plan, Bankstown City Council – April 2016
D - 6 and 8 Chapel Road Bankstown, Contamination Assessment, prepared by Metech Consulting – 2 November 2023
E - 30 and 31 Webster Street Milperra, Flood Impact Assessment and Flood Emergency Response Plan, prepared by WorleyParsons – 13 March 2014

1 Planning proposal

1.1 Overview

Table 2: Planning proposal details

LGA	Canterbury-Bankstown
PPA	City of Canterbury-Bankstown Council
NAME	Canterbury-Bankstown Local Environmental Plan 2023 'Deferred Matters' Amendment (Proponent initiated matters)
NUMBER	PP-2024-847
LEP TO BE AMENDED	Canterbury-Bankstown Local Environmental Plan 2023
ADDRESS	6 and 8 Chapel Road, Bankstown 45 Simmons Street, Revesby 30 and 31 Webster Street, Milperra 328 Hector Street, Bass Hill
DESCRIPTION	Lot 1 DP 655843 Lot 2 DP 655844 Lot 8B DP 389749 Lot 1 DP 1167733 Lot A DP 405225 Lot D DP 391154 Lot 101 DP 1053893
RECEIVED	24/04/2024
FILE NO.	IRF24/1285
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no 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:

- Address specific matters that were deferred from the consolidation of the former Canterbury LEP 2012 and Bankstown LEP 2015.

Specifically, the planning proposal is to:

- Rezone 6 and 8 Chapel Road, Bankstown from SP2 Infrastructure (Road Infrastructure Facility) to B1 Neighbourhood Centre align with current land use strategies and rectify the existing land zoning anomaly.
- Rezone 45 Simmons Street, Revesby from a SP2 Infrastructure (Road Infrastructure Facility) to B2 Local Centre to align with current land use strategies and rectify the existing land zoning anomaly.
- Add 'function centre and restaurant or café' as an additional permitted use on the land at 30 and 31 Webster Street, Milperra.
- Add 'recreational facility (indoor)' as an additional permitted use on the land at 328 Hector Street, Bass Hill.

These matters were deferred by the Department when it approved the consolidation of the former Canterbury LEP 2012 and Bankstown LEP 2015.

The objectives of this planning proposal are unclear. A Gateway condition is recommended to amend the objectives of the proposal to include the implementation of Council's current land use strategies.

1.3 Explanation of provisions

The planning proposal seeks to amend the Canterbury-Bankstown LEP 2023 per the changes below:

- Rezone 6 and 8 Chapel Road, Bankstown from SP2 Infrastructure (Road Infrastructure Facility) to B1 Neighbourhood Centre (E1 Local Centre).
- Rezone 45 Simmons Street, Revesby from a SP2 Infrastructure (Road Infrastructure Facility) to B2 Local Centre (E1 Local Centre).
- Add new additional permitted uses (function centre and restaurant or cafe) at 30 and 31 Webster Street, Milperra.
- Add a new additional permitted use (recreational facility (indoor)) at 328 Hector Street, Bass Hill subject to the gross floor area not exceeding 800m².

Table 3: Current and proposed controls - 6 and 8 Chapel Road, Bankstown -

Control	Current	Proposed
Zone	SP2 Infrastructure (Road Infrastructure Facility)	B1 Neighbourhood Centre (E1 Local Centre under the employment zone reforms)
Maximum height of the building	N/A	14m
Floor space ratio	N/A	1.5:1

Table 4: Current and proposed controls - 45 Simmons Street, Revesby -

Control	Current	Proposed
Zone	SP2 Infrastructure (Road Infrastructure Facility)	B2 Local Centre (E1 Local Centre under the employment zone reforms)
Maximum height of the building	14m	26m
Floor space ratio	N/A	3:1

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

1.4 Site description and surrounding area

6 and 8 Chapel Road, Bankstown

The site is located at the intersection of Canterbury Road, Gibson Avenue and Chapel Road, approximately 1.8km south of Bankstown train station. It adjoins Bankstown Terrace Care Community to the west with a range of retail and commercial uses to the north and south along Chapel Road. The site is an irregular shaped parcel of land with an area of approximately 1,623sqm. It contains a mix of one and two storey commercial buildings with associated car parking at the rear, serviced by a rear lane.

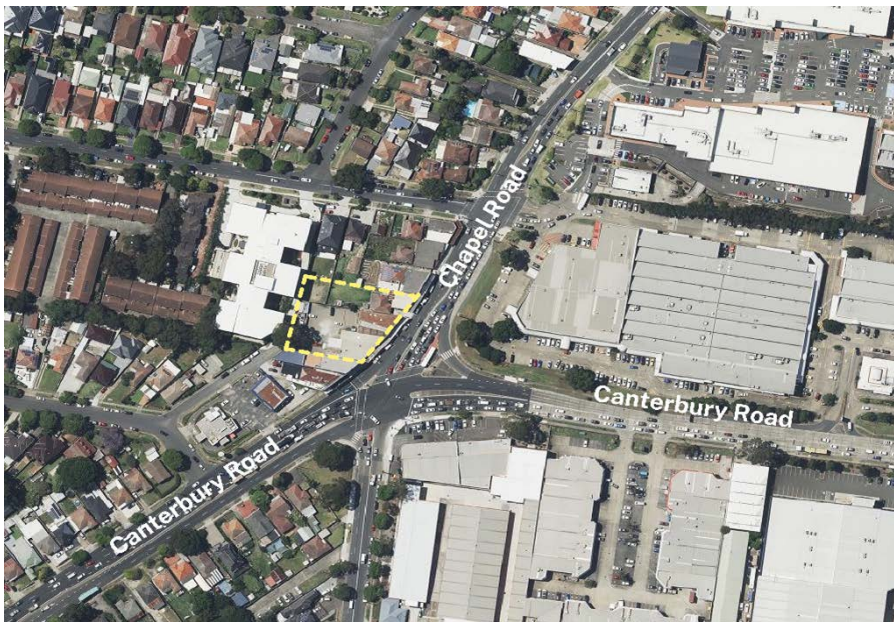


Figure 1: 6 and 8 Chapel Road, Bankstown – site outline (Source: NSW Spatial Viewer, 2024)

45 Simmons Street, Revesby

The site is located less than 130 metres north of Revesby train station and is surrounded by one and two storey commercial and residential buildings. The site is irregular in shape and is approximately 2,475sqm in area. It contains an eight storey Transport for NSW commuter car park.



Figure 2: 45 Simmons Street, Revesby – site outline (Source: NSW Spatial Viewer, 2024)

30 and 31 Webster Street, Milperra

The site is remotely located along the Georges River and is only accessible via Webster Street. The site is surrounded by Deepwater Park. It is an irregular shaped parcel of land and is approximately 4.3ha in area. The existing zoning of the site is RE2 Private Recreation.

The site was previously used by the Deepwater Motor Boat Club for power boat racing and boat storage and contains a two storey building.

The site has a development consent issued under Bankstown LEP 2012, allowing development for the purpose of a function centre (DA-224/2014, JRPP Reference: 2014SYW050). Council advises that works for this DA have now commenced. The proposed additional use will formalise the existing use of the land.



Figure 3: 30 and 31 Webster Street, Milperra – site outline (Source: NSW Spatial Viewer, 2024)

328 Hector Street, Bass Hill

The site is located in a residential area and is surrounded by one and two storey houses. It is rectangular in shape and is approximately 4,772sqm in area. The site is currently used by the Bass Hill RSL Club and contains a two-storey building with associated car parking at the rear. The site is currently zoned R2 Low Density Residential. A gym currently operates within the RSL.

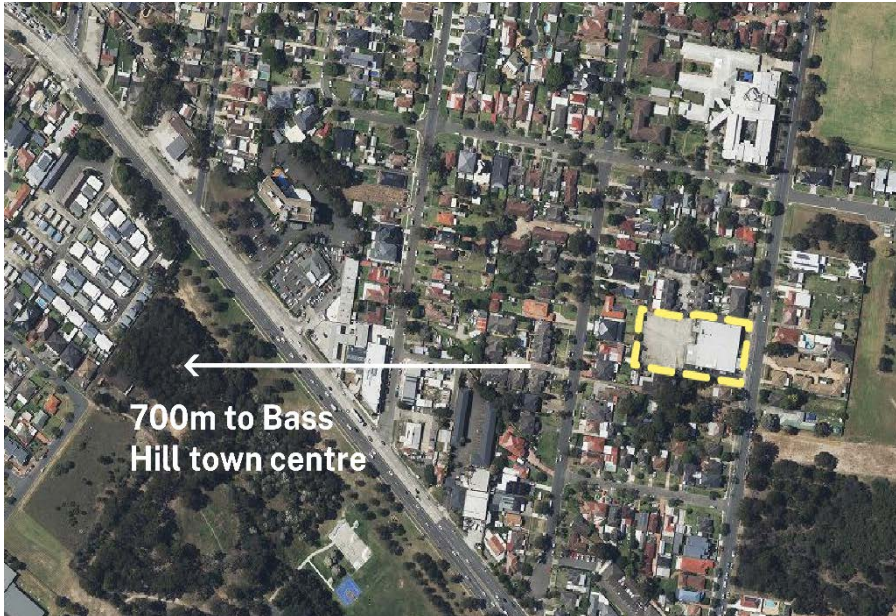


Figure 4: 328 Hector Street, Bass Hill – site outline (Source: NSW Spatial Viewer, 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Canterbury-Bankstown LEP 2023 maps, which are suitable for community consultation.

- Land zoning map
- Floor space ratio map
- Height of building map
- Additional permitted uses map

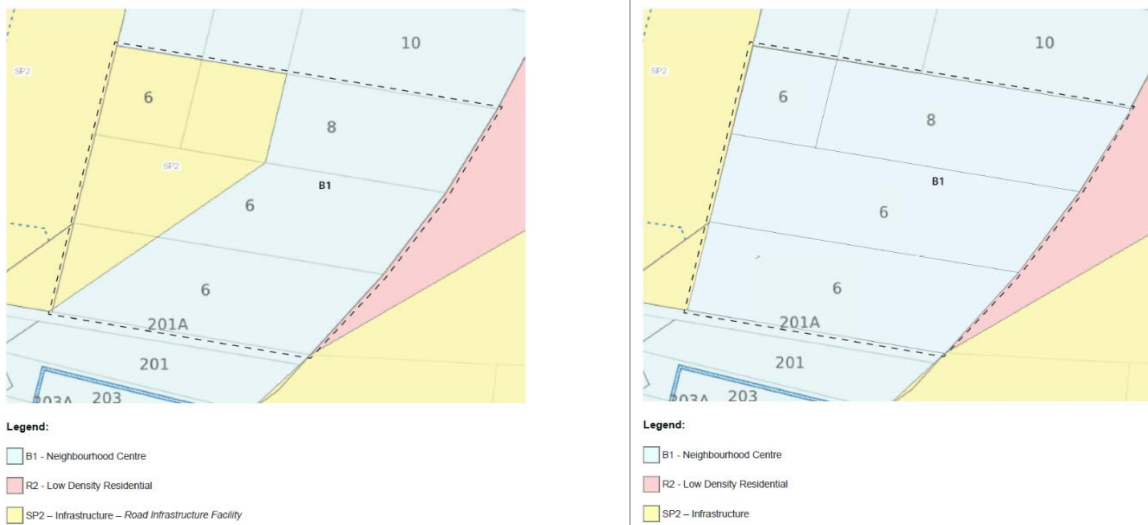
6 and 8 Chapel Road, Bankstown

Figure 5: 6 and 8 Chapel Road, Bankstown – current (left) and proposed (right) zoning maps (Source: Planning Proposal)



Figure 6: 6 and 8 Chapel Road, Bankstown – current (left) and proposed (right) floor space ratio maps (Source: Planning Proposal)



Figure 7: 6 and 8 Chapel Road, Bankstown – current (left) and proposed (right) height of buildings maps (Source: Planning Proposal)

45 Simmons Street, Revesby

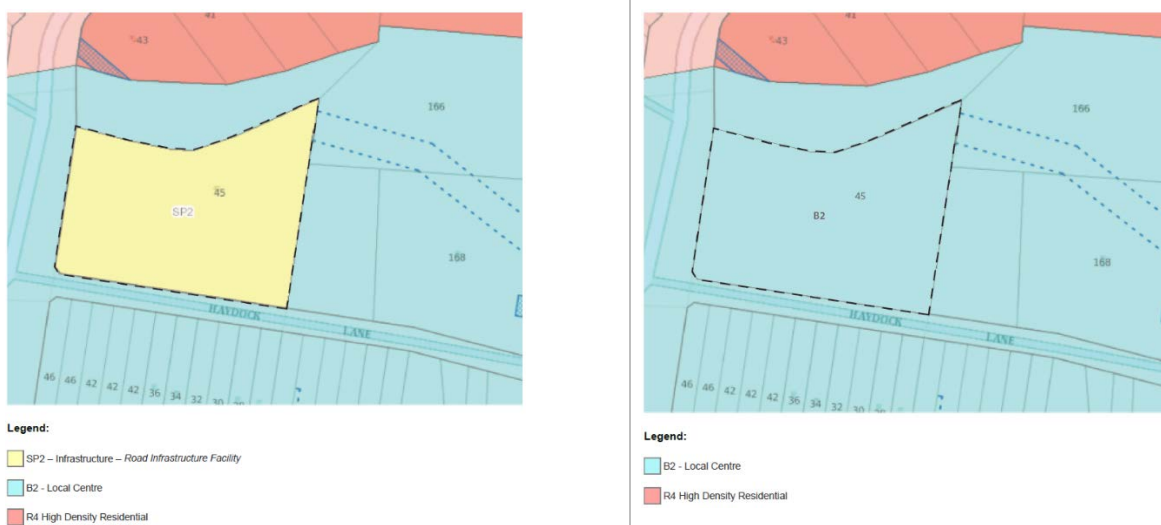
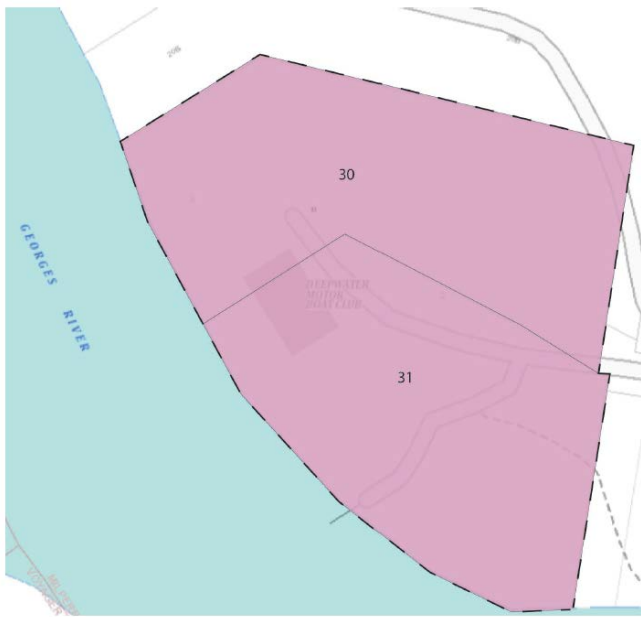


Figure 8: 45 Simmons Street, Revesby – current (left) and proposed (right) zoning maps (Source: Planning Proposal)



30 and 31 Webster Street, Milperra

Legend:

 Additional Permitted Uses Map

Figure 11: 30 and 31 Webster Street, Milperra – additional permitted use map (Source: Planning Proposal)

328 Hector Street, Bass Hill

Legend:

 Additional Permitted Uses Map

Figure 12: 328 Hector Street, Bass Hill – additional permitted use map (Source: Planning Proposal)

1.6 Background

On 23 June 2023, Canterbury-Bankstown LEP 2023 commenced, replacing the former Canterbury LEP 2012 and Bankstown LEP 2015. During finalisation of the Canterbury-Bankstown LEP 2023, the Department made changes to the LEP.

On 24 October 2023, Council resolved to prepare and submit planning proposal(s) to the Department for Gateway determination for a range of 'deferred matters'. The proponent-initiated matters are contained within this planning proposal.

Council also resolved not to refer the planning proposal(s) to the Local Planning Panel for advice in accordance with clause 1 of the Minister's Direction (Local Planning Panels Direction – Planning proposals). Council advises that the matters were considered and supported by the Panel as part of the preparation of Canterbury-Bankstown LEP 2023 on 30 June 2020.

Council resolved to request delegated authority to be the plan-making authority for this planning proposal.

2 Need for the planning proposal

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

This planning proposal contains a range of 'deferred matters' from the finalisation of the Canterbury-Bankstown LEP 2023. The proposal aligns with Objective E1.6.24 of the Canterbury Bankstown Local Strategic Planning Statement (LSPS), which identifies the need to 'harmonise and consolidate the Canterbury LEP 2012 and Bankstown LEP 2015 into a single planning instrument'.

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

Yes, the planning proposal is the best and only means to achieve the intended outcomes as it is the only mechanism by which the proposed provisions and maps may be introduced, amended or removed from the Canterbury-Bankstown LEP 2023.

3 Strategic assessment

3.1 Regional 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

Canterbury-Bankstown LGA is within the South District and the former 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 consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives 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
Infrastructure and Collaboration	<p>The planning proposal is consistent with the Infrastructure and Collaboration priorities. The planning proposal aims to amend zoning inconsistencies and introduce additional permitted uses, enhancing coordination between land use and infrastructure planning, and optimising the use of existing infrastructure.</p> <p>A Gateway condition is included for Council to provide details on the ownership and role of the existing commuter carpark at 45 Simmons Street, Revesby on the ongoing function of the Revesby town centre.</p>
Liveability	<p>The planning proposal is consistent with the Liveability priorities of the District Plan. The rezoning of 6 and 8 Chapel Road, Bankstown and 45 Simmons Street, Revesby supports housing supply close to transport and commercial/retail services (Planning Priority S5 – providing housing supply, choice and affordability with access to jobs, services and public transport).</p> <p>The rezoning of these sites also supports revitalisation of previously underutilised land near the Bankstown and Revesby town centres, allowing the centres to adapt and expand over time to better serve the community's evolving needs (Planning Priority S6 – Creating and renewing great places and local centres, and respecting the District's heritage).</p>
Productivity	<p>The planning proposal is consistent with the Productivity priorities of the South District Plan.</p> <p>The additional housing facilitated by the rezoning of 6 and 8 Chapel Road, Bankstown supports additional housing within 30 minutes of the Bankstown strategic centre (Planning Priority S9 – Growing investment, business opportunities and jobs in strategic centres).</p> <p>Through the proposed zoning and permissibility changes, the planning proposal would generate additional local jobs and services within existing centres.</p>
Sustainability	<p>The planning proposal is consistent with the Sustainability priorities of the District Plan. Proposed amendments in this planning proposal are not anticipated to have significant implications for the health and sustainability of Canterbury-Bankstown's landscapes. Amendments proposed at 30 and 31 Webster Street, Milperra do not increase the footprint of the development and only permit an additional permitted use.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6: Local strategic planning assessment

Local Strategies	Justification
<p>Local Strategic Planning Statement (LSPS) 'Connective City 2036'</p>	<p>The planning proposal is broadly consistent with the Canterbury-Bankstown Local Strategic Planning Statement. In particular:</p> <ul style="list-style-type: none"> • Evolution 1: Context, Coordination, Community and Collaboration • Evolution 3: Places for Commerce and Jobs • Evolution 6: Urban and Suburban Places, Housing the City <p>Through the proposed rezoning of 45 Simmons Street, Revesby and 6 and 8 Chapel Road, Bankstown the planning proposal supports the creation of additional local jobs and services within existing centres in Revesby and Bankstown. The proposed rezoning of these sites also supports greater diversity of housing within centres, with access to a range of jobs and services.</p> <p>The amendments to permit additional permitted uses of a function centre at 30 and 31 Webster Street, Milperra and indoor recreation facility at 328 Hector Street, Bass Hill will promote jobs growth within Canterbury-Bankstown LGA. This aligns with Priority E3.1 'Increase job numbers, choice and diversity' and Priority E3.8 'Enhance local economic activity in centres and suburban areas'.</p> <p>The amendments outlined in the planning proposal are designed to preserve the character of specific centres by implementing land use instrument changes that align with current uses.</p>
<p>Canterbury Bankstown Employment Lands Strategy 2020</p>	<p>The proposed amendments in this planning proposal aim to boost economic activity within Canterbury-Bankstown LGA. They involve rezoning sites along Chapel Road and Simmons Street to facilitate commercial or mixed-use development. Additionally, new permitted uses are included at Hector Street and Webster Street to stimulate job growth and provide long-term economic stability. These amendments align with the Employment Lands Strategy, supporting the revitalisation of local employment areas.</p>

Canterbury Bankstown Affordable Housing Strategy	<p>The AHS is Council's plan to increase the provision of affordable rental housing across the City.</p> <p>Council has amended the Planning Agreements Policy and submitted a proposal to the Department 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 does not include provisions for affordable housing. The Department considered implementing an affordable housing provision, but it is not supported in this instance as the rezoning of this site relates to the Local Area Plans prepared in 2016. There were no policy requirements in place for affordable housing at the time. There was no similar provision applied to the other LAP sites which have already been rezoned. There has been no feasibility testing undertaken. Further negotiation for affordable housing on the site could potentially still occur at the DA stage.</p>
Canterbury Bankstown Local Housing Strategy	<p>The planning proposal seeks to amend land zoning from SP2 Infrastructure to B1 Neighbourhood Centre (6-8 Chapel Road, Bankstown) and B2 Local Centre (45 Simmons Street, Revesby). This will support delivery of housing aligned with the housing strategy's Strategic Direction 4, which aims to focus at least 80% of new dwellings within walking distance of centres and places of high amenity.</p>

3.4 Local planning panel (LPP) recommendation

The Local Planning Panel previously reviewed and endorsed the Canterbury-Bankstown LEP 2023 on 30 June 2020.

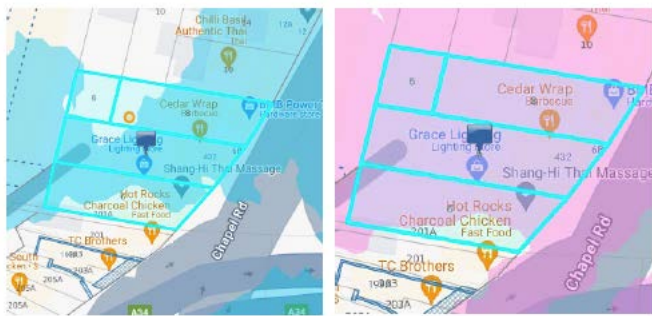
On 24 September 2023, Council resolved to submit a planning proposal to the Department for 'deferred matters'. Council also resolved not to refer the planning proposal(s) to the Local Planning Panel for advice in accordance with clause 1 of the Minister's Direction (Local Planning Panels Direction – Planning proposals) as the matters have already been considered and supported by the Panel as part of the preparation of Canterbury-Bankstown LEP 2023 on 30 June 2020.


3.5 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	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Region Plans.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The planning proposal is broadly consistent with the planning priorities contained in the Region Plan, South District Plan and LSPS.</p>
4.1 Flooding	Unresolved – Gateway conditions recommended	<p>The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>6 and 8 Chapel Road, Bankstown</p> <p>The planning proposal will permit intensification of residential uses on the site which is identified by Council as flood-affected, when considering both the 1% Annual Exceedance Probability and Probable Maximum Flood events for stormwater flooding.</p> <p>The direction provides that a planning proposal may be inconsistent if the Planning Secretary is satisfied the planning proposal is in accordance with a floodplain risk management study or plan. The Salt Pan Creek Floodplain Risk Management Plan (2015) applies to this site. Council indicates that the proposal does not contravene any of the recommendations of this plan but does not provide further detail.</p> <p>Future development of the site will be subject to Clause 5.21 Flood Planning of the Canterbury-Bankstown LEP 2023 and Chapter 2.2 of the Canterbury-Bankstown DCP 2023. These controls will guide future development of the site.</p>  <p>Figure 13: 1 in 100 (left) and PMF (right) flood extent (Source: Planning proposal)</p> <p>45 Simmons Street, Revesby</p> <p>The planning proposal will introduce land use changes to the site which is identified by Council to be flood-affected, when considering both the 1% Annual Exceedance Probability and Probable Maximum Flood events for stormwater flooding. A</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>small northern part of the site is affected by high risk stormwater flooding.</p> <p>The direction provides that a planning proposal may be inconsistent if the Planning Secretary is satisfied the planning proposal is in accordance with a floodplain risk management study of plan. The Mid Georges River Floodplain Risk Management Plan (2017) applies to this site. Council indicates that the proposal does not contravene any of the recommendations of this plan but does not provide further detail.</p> <p>Future development of the site will be subject to Clause 5.21 Flood Planning of the Canterbury-Bankstown LEP 2023 and Chapter 2.2 of the Canterbury-Bankstown DCP 2023. These controls will guide future development of the site.</p> <div data-bbox="667 797 1321 1106">  </div> <p>Figure 14: 1 in 100 Year (left) and PMF (right) flood extent (Source: Planning proposal)</p> <p>328 Hector Street, Bass Hill</p> <p>The site is partially affected by the 1 in 100 year and PMF flood event. The flood extent affects the rear of the property, where the car park is located.</p> <p>The direction provides that a planning proposal may be inconsistent if the Planning Secretary is satisfied the inconsistency is of a minor significance.</p> <p>Council states that future development that could occur as a result of the proposed additional permitted use ('recreational facility (indoor)') would provide an opportunity for engineered drainage designs to upgrade stormwater infrastructure and minimise flood impacts.</p> <p>Any potential flood impacts could be addressed as part of a future development application, in accordance with Clause 5.21 Flood Planning of the Canterbury-Bankstown LEP 2023 and Chapter 2.2 of the Canterbury-Bankstown DCP 2023.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p>Figure 15: 1 in 100 Year (left) and PMF (right) flood extent (Source: Planning proposal)</p> <p>30-31 Webster Street, Milperra</p> <p>The site is classified as high risk for both stormwater and riverine flooding. It is below the 1% AEP and below PMF. The Flood Impact Assessment, Stormwater Management Plan and Stormwater Management System submitted as part of a previous development application were considered satisfactory at the time of preparation; however, this requires review in line with the recent Flood Risk Management Manual (June 2023) and the Flood Inquiry 2022.</p> <p>A Gateway condition has been included to require flood assessment in accordance with the Flood Risk Management Manual 2023 prior to finalisation of the planning proposal for all flood affected sites. A Gateway condition is also included requiring consultation with NSW State Emergency Service (SES) to determine any flood evacuation measures and Department of Climate Change, Energy, the Environment and Water (DCCEEW).</p>
4.3 Planning for Bushfire Protection	Unresolved – Gateway conditions recommended	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas. <p>30 and 31 Webster Street, Milperra</p> <p>The site is located within a designated bushfire-prone area. The site is adjacent to Deepwater Bushland Reserve and is classified as both a Category 1 area and a buffer zone, according to Rural Fire Service Bushfire Risk mapping. A Gateway condition is included requiring consultation with the Rural Fire Service.</p> <p>Many of the provisions of the direction can be addressed as part of a future development application.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Remediation of Contaminated Land	Unresolved – Gateway conditions recommended	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>6 and 8 Chapel Road, Bankstown</p> <p>A contamination study has been provided as part of the planning proposal and concludes that contamination would not likely constrain the redevelopment of the site.</p> <p>45 Simmons Street, Revesby</p> <p>A contamination study has not been provided as part of the planning proposal package. A Gateway condition has been included requiring a contamination assessment prior to the finalisation of the planning proposal.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The proposed amendments to planning controls detailed in the planning proposal are deemed reasonable and have the potential to facilitate future development of 6 and 8 Chapel Road, Bankstown and 45 Simmons Street, Revesby adjacent to a nearby centre, offering convenient access to transport infrastructure.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.1 Residential Zones	Consistent	<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p> <p>The planning proposal is consistent with this direction as it will provide opportunity to broaden the choice of housing permitted in proximity to the Revesby and Bankstown centres and makes efficient use of existing infrastructure, open space and transport services.</p>
7.1 Employment Zones	Consistent	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in employment zones, and</p> <p>(c) support the viability of identified centres.</p> <p>The proposed rezoning of 6 and 8 Chapel Road, Bankstown and 45 Simmons Street, Revesby will facilitate the provision of jobs in well-located and services areas.</p>

3.6 State environmental planning policies (SEPPs)

With exception of SEPP Resilience and Hazards 2021 and SEP Transport and Infrastructure 2021], the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8: Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Resilience and Hazards 2021	Unresolved – Gateway conditions recommended	<p>6 and 8 Chapel Road, Bankstown</p> <p>A Contamination Study has been conducted for the site. The study findings indicate that the site is suitable for commercial/industrial purposes without the necessity for additional investigation or management actions. No significant contamination issues have been identified that would hinder the proposed rezoning. However, any potential alternative use of the land will be evaluated during the development application stage and may necessitate further site investigation.</p> <p>45 Simmons Street, Revesby</p> <p>A contamination assessment has not been provided as part of the planning proposal. A Gateway condition is included requiring a contamination study prior to finalisation of the planning proposal.</p>
SEPP Biodiversity and Conservation 2021	Consistent	<p>30 – 31 Webster Street, Milperra</p> <p>The site is substantially clear of vegetation. Refer to section 4.1 for further assessment.</p>
SEPP Housing 2021	Consistent	<p>The proposed provisions for 6 and 8 Chapel Road, Bankstown and 45 Simmons Street, Revesby would enable a diversity of housing types in well located areas. The design of housing would be subject to the provisions of the Apartment Design Guide.</p>
SEPP Transport and Infrastructure 2021	Unresolved - Gateway conditions recommended	<p>45 Simmons Street, Revesby is zoned SP2 – Infrastructure (Road Infrastructure Facility). It is proposed to rezone the site to B2 Local Centre. Whilst the proposed rezoning is not considered to hinder the application of the SEPP, a Gateway condition requiring consultation with Transport for NSW is recommended.</p>

4 Site-specific assessment

4.1 Environmental

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

Table 9: Environmental impact assessment

Environmental Impact	Assessment
6 and 8 Chapel Road, Bankstown	


Flooding	The site is partially affected by Medium Risk Stormwater Flooding. Clause 5.21 Flood planning in Canterbury-Bankstown LEP 2023 and Chapter 2.2 of the Canterbury-Bankstown DCP 2023 contain controls to ensure future development considers and manages flood risk. Gateway conditions are included requiring an updated flood assessment and consultation with DCCEEW and SES.
Contamination	<p>The planning proposal aims to address a zoning discrepancy and rezone the portion of the site currently zoned SP2 to B1 and does not introduce any uses not already encompassed within the existing commercial uses of the subject site. A Contamination Study conducted on the site found that potential soil and soil vapor contaminants were below commercial/industrial criteria, except for a small asbestos fragment. This asbestos does not pose a significant risk to the property's continued commercial use. Therefore, contamination is unlikely to constrain the property's use, it is suitable for commercial/industrial purposes without further investigation or management, and no significant contamination issues hinder the proposed rezoning from SP2 Infrastructure to B1 Neighbourhood Centre.</p> <p>Contamination would be further assessed during the development application stage, subject to detailed design.</p>

45 Simmons Street, Revesby

Flooding	A minor part of the northern edge of the site is impacted by high-risk stormwater flooding. The current planning controls in the Council's DCP will be sufficient to ensure this issue could be managed through stormwater treatment and design interventions at the development application stage if future development was to occur.
----------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

30 and 31 Webster Street, Milperra

Flooding	<p>The site is classified as high risk for both stormwater and riverine flooding. It is below the 1% AEP and below PMF. The Flood Impact Assessment, Stormwater Management Plan and Stormwater Management System submitted as part of a previous development application were considered satisfactory at the time of preparation; however, this requires review in line with the recent Flood Management Manual 2023 and the findings of the Flood Inquiry 2022.</p> <p>A Gateway condition has been included to require an updated flood assessment in accordance with the Manual. A Gateway condition is included requiring consultation with SES to identify any required flood evacuation measures and DCCEEW.</p>
----------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Biodiversity	<p>The site is identified on the Biodiversity Values map as having biodiversity values. Future development can be sensitively located away from areas with biodiversity values. Clearing for bushfire protection would need to be carefully considered in the context of biodiversity values. It is noted that a significant portion of the site is already clear of vegetation. Further ecological assessment would be required at the development application stage when design details would be available.</p>  <p>Figure 16: Biodiversity Values Map (Source: NSW Planning Portal Spatial Viewer)</p>
Bushfire	<p>The site is located within a designated bushfire-prone area. The site is adjacent to Deepwater Bushland Reserve and is classified as both a Category 1 area and a buffer zone, according to Rural Fire Service Bushfire Risk mapping. A Gateway condition is included requiring consultation with the Rural Fire Service.</p>
328 Hector Street, Bass Hill	
Flooding	<p>The site is partially affected by Medium Risk Stormwater Flooding. The existing zoning and development standards will remain unchanged, and the proposed changes will not increase the site's flood risk. The flood extent only affects the rear of the property, where the car park is located. Any potential flood impacts could be addressed as part of a future development application, in accordance with the Canterbury-Bankstown Development Control Plan 2023.</p>

4.2 Social and economic

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

Table 10: Social and economic impact assessment

Social and Economic Impact	Assessment
6 and 8 Chapel Road, Bankstown	
Social effects	The rezoning of 6 and 8 Chapel Road, Bankstown, would increase shop-top housing opportunities in close proximity to key services and infrastructure. The site has the potential to enrich the local area by providing mixed-use spaces that cater to both living and commercial needs.
Economic effects	The proposed rezoning of 6 and 8 Chapel Road, Bankstown, presents an opportunity for the intensification of commercial uses on the site, allowing for jobs growth in proximity to nearby residential uses.
45 Simmons Street, Revesby	
Social effects	<p>The rezoning of the site could increase shop-top housing opportunities in close proximity to key services and infrastructure. The site has the potential to improve street activation and enrich the local area by providing mixed-use spaces that cater to both living and commercial needs.</p> <p>A Gateway condition has been included requiring the assessment of the impacts of the potential removal of the commuter car park on the ongoing function of the centre.</p>
Economic effects	<p>The rezoning of the site presents an opportunity for the intensification of commercial uses, allowing for jobs growth in proximity to nearby residential uses.</p> <p>Nonetheless, a Gateway condition has been included requiring Council to address the impact of the potential removal of the existing multi-storey car park at 45 Simmons Street, Revesby on the ongoing function of the Revesby town centre.</p>
30 and 31 Webster Street, Milperra	
Social effects	The proposed amendments to 30 and 31 Webster Street, Milperra, will permit a function centre use, providing a space for various events and gatherings, complemented by the addition of a restaurant or café, enhancing the area's social offerings.
Economic effects	The provision of an additional permitted use (function centre and restaurant or café) at 30 and 31 Webster Street, Milperra, provides the opportunity for the expansion of employment generating land uses on the site.

328 Hector Street, Bass Hill

Social effects	<p>The proposed amendments at 328 Hector Street, Bass Hill, would provide additional indoor recreation facilities for the local community. With an area of 4,750sqm, the site is notably larger than the neighbouring low-density residential lots. On-site parking is already available.</p> <p>Any future development application would be required to address the impact of development on the amenity of the area, including any impacts associated with noise and vibration, traffic and car parking.</p>
Economic effects	<p>The provision of an additional permitted use (recreational facility (indoor)) at 328 Hector Street, Revesby provides the opportunity for the expansion of employment generating land uses, drawing upon the surrounding residential and commercial catchment.</p>

4.3 Infrastructure

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

Table 11: Infrastructure assessment

Infrastructure	Assessment
Traffic and transport	<p>The Department considers the growth facilitated under this planning proposal is capable of being supported by existing and future planning processes. A Gateway condition is included which requires consultation with TfNSW.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water
- NSW State Emergency Service
- NSW Rural Fire Service
- Transport for NSW.

6 Timeframe

Council proposes a 8 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 11 July 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.

7 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.

8 Assessment summary

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

- It will facilitate housing delivery and employment growth close to public transport, jobs and services in the Revesby and Bankstown centres.
- It is consistent with and gives effect to the South District Plan and Canterbury-Bankstown Council's LSPS.

- It is generally consistent with State Environmental Planning Policies and Section 9.1 Ministerial Directions, subject to Gateway conditions.
- It has given consideration to the likely environmental, social, economic and infrastructure impacts.

A summary of the proposal and assessment is outlined below:

Table 12: Assessment summary

Matter	Assessment
Rezoning 6 and 8 Chapel Road, Bankstown from a SP2 zone to a B1 zone (maximum 1.5:1 FSR (Area 2), maximum 14m building height).	<p>Supported. The proposed changes to rezoning, FSR and HOB controls are considered logical and could enable potential future redevelopment of the site next to a local centre with good access to infrastructure.</p> <p>The contamination assessment accompanying the proposal concludes that contamination is unlikely to pose a significant constraint to the ongoing use of the property.</p>
Rezoning 45 Simmons Street, Revesby from a SP2 zone to a B2 zone (maximum 3:1 FSR (Area 1), maximum 26m building height)	<p>Supported, subject to conditions. Prior to exhibition, the planning proposal must clarify the current ownership of the site. Prior to finalisation, the planning proposal must:</p> <ul style="list-style-type: none"> • Address the impact of the potential removal of the existing multi-storey car park on the ongoing function of the town centre. • Address potential contamination of the site and suitability for redevelopment.
Adding new additional permitted uses (function centre and restaurant or café) at 30 and 31 Webster Street, Milperra	<p>Supported. The additional permitted use would formalise an existing approved use on land with zone RE2 Private Recreation.</p> <p>Prior to finalisation, the planning proposal must prepare an updated flood study in accordance with the Flood Risk Management Manual 2023 and the Flood Inquiry 2022. Consultation with DCCEEW and SES is also required.</p>
Adding a new additional permitted use (recreational facility (indoor)) at 328 Hector Street, Bass Hill subject to the gross floor area not exceeding 800sqm.	<p>Supported. The additional permitted use reflects current uses on site. Prior to exhibition, the planning proposal must clarify the rationale for the 800sqm cap in gross floor area for recreational facilities (indoor).</p>

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.1 Flooding, 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land is unresolved and will require justification.

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

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

1. Prior to exhibition, the planning proposal is to be amended as follows and forwarded to the Department for review:
 - Confirm land ownership for 45 Simmons Street, Revesby.
 - Clarify the rational for the 800sqm cap in gross floor area for recreational facilities (indoor) at 328 Hector Street, Bass Hill.
 - Address the impact of the potential removal of the existing multi-storey car park at 45 Simmons Street, Revesby on the ongoing function of the Revesby town centre.
 - Address potential contamination of 45 Simmons Street, Revesby and suitability for redevelopment.
 - Prepare an updated flood study in accordance with the Flood Risk Management Manual (2023) and the Flood Inquiry 2022.
2. Consultation is required with the following public authorities:
 - Transport for NSW
 - NSW State Emergency Services
 - NSW Rural Fire Services
 - Department of Climate Change, Energy, the Environment, Water.
3. 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 feedback.
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

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 11 July 2025 be included on the Gateway.



11/6/24

(Signature)

(Date)

Carina Lucchinelli

Manager, South District, Local Planning



12/6/24

(Signature)

(Date)

Felicity No

Director, Local Planning

Assessment officer

Paula Bizimis

Senior Planner, South District, Local Planning

(02) 9274 6254