

Gateway Determination

Planning proposal (Department Ref: PP_2019_CBANK_003_00): to amend the Bankstown Local Environmental Plan 2015 by rezoning No. 353 Waterloo Road, Greenacre from R2 Low Density Residential to B2 Local Centre, increasing the maximum building height and floor space ratio and removing the minimum lot size provision; increasing the maximum building height for No. 355 Waterloo Road, Greenacre; and introducing a maximum residential floor space ratio across the entire site.

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bankstown Local Environmental Plan (LEP) (2015) to rezone No. 353 Waterloo Road, Greenacre from R2 Low Density Residential to B2 Local Centre, increase the maximum building height and floor space ratio and remove the minimum lot size provision; increase the maximum building height for No. 355 Waterloo Road, Greenacre; and introduce a maximum residential floor space ratio to the entire site should proceed subject to the following conditions:

1. Prior to public exhibition and consultation with public authorities/organisations, the planning proposal is to be amended to include:
 - (a) further information to demonstrate consistency with section 9.1 Direction 1.1 Business and Industrial Zones, including:
 - i. A review of the proposed planning controls, including maximum residential floor space ratio (FSR), with the purpose of protecting and expanding commercial / retail floor space and employment opportunities on the site;
 - ii. An analysis of any implications on meeting the housing targets under the Greater Sydney Region Plan and South District Plan as a result of any changes to the proposed planning controls in response to part (i) above; and
 - iii. A review of the planning proposal for consistency with Council's draft employment strategy.
 - (b) further information to demonstrate consistency with section 9.1 Direction 2.1 Environment Protection Zones, including:
 - i. information to confirm the location and extent of the endangered ecological communities within Norfolk Reserve at 67-67A Norfolk Road and 11 Watgum Way, Greenacre; and
 - ii. shadow diagrams to demonstrate the worst-case overshadowing impacts on Norfolk Reserve during mid-winter based on the

proposed planning controls, as amended by this Gateway determination.

- (c) reduction of the maximum building height along the southern part of the site from the proposed 11 metres to 9 metres.
 - (d) shadow diagrams to demonstrate the worst-case overshadowing impacts on the adjoining dwellings along Norfolk Road and Waterloo Road during mid-winter based on the proposed planning controls, as amended by this Gateway determination.
 - (e) draft amendment to the Bankstown Development Control Plan 2015 with site-specific provisions relating to the subject planning proposal, including but not limited to, site layout, access and circulation, built form, height transitions, open space and landscaping requirements.
 - (f) traffic information to facilitate consultation with Transport for NSW as outlined below:
 - i. The raw data to validate the results shown in Figure 2 and 3 of the Revised Traffic Study (prepared by Colston Budd Rogers & Kafes Pty. Ltd., dated March 2019), including dates and times of the survey undertaken; and
 - ii. Updated intersection modelling to assess the impact of the proposal on the surrounding network and intersections, taking into consideration the additional information submitted to Council in May 2019.
 - (g) an indicative Lot Size Map showing the removal of No. 353 Waterloo Road, Greenacre from the map;
 - (h) a map showing the location and extent of areas within the site subject to flood risk; and
 - (i) an updated project timeline.
2. Prior to public exhibition and consultation with public authorities/organisations, the revised planning proposal is to be submitted to the Department of Planning, Industry and Environment for endorsement.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).

4. Consultation with the following public authorities/organisations under section 3.34(2)(d) of the Act is required, prior to the commencement of public exhibition:

- Chullora Public School
- NSW Department of Education
- NSW Department of Planning, Industry and Environment – Environment, Energy and Science group
- NSW Heritage Office
- NSW Police
- South Western Sydney Local Health District
- Sydney Water
- Telstra
- Transport for NSW
- Ausgrid
- Local bus operators

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 18th day of February 2020.



Brendan Metcalfe
A/Director, Eastern and South
Districts

Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces