

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 MAY 2020

CLR EL-HAYEK RETURNED TO THE MEETING AT 6.51 PM.

ITEM 5.3 APPLICATION TO AMEND THE CANTERBURY LOCAL ENVIRONMENT PLAN 2012:
165-169 HOLDEN STREET, ASHBURY (ASHFIELD RESERVOIR)

(937) CLR. DOWNEY:/CLR. EISLER

RESOLVED that

1. Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination with a reduced area and no lot size control as outlined in this report.
2. Additional studies be undertaken following a Gateway Determination and prior to exhibition including a draft site specific Development Control Plan (DCP), Statement of Suitability of Proposed Uses and Planning Agreement for the accessway and Affordable Housing contribution as outlined in this report.
3. Council seek authority from the Department of Planning, Industry and Environment to exercise delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Saleh, Tuntevski, Waud and Zakhia

Against:- Clr Raffan

ITEM 5.3 Application to Amend the Canterbury Local Environment Plan 2012: 165-169 Holden Street, Ashbury (Ashfield Reservoir)

AUTHOR Planning

PURPOSE AND BACKGROUND

To consider a planning proposal seeking to amend the zoning, height of buildings and heritage item curtilage controls for part of Sydney Water's Ashfield Reservoir site at 165-169 Holden Street, Ashbury.

ISSUE

Council is in receipt of an application to prepare a planning proposal for the site at 165-169 Holden Street, Ashbury. The application seeks to rezone part of the site, identified by Sydney Water as surplus land, from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.

Council's assessment demonstrates that the proposal has strategic and site-specific merit and progressing to Gateway is recommended. The proposed zone is compatible with the surrounding R2 Low Density Residential zone and any potential impacts to the Heritage Conservation Area will be mitigated through a site-specific DCP. The assessment identifies the need for additional information as part of the Gateway process to manage the likely effects of the proposal.

The Local Planning Panel considered Council's report on 6 April 2020. The Panel's recommendation is for the application to be proposed with some changes to the Council staff report, including the provision of a pathway through the site and reconfiguration of the rezoning to remove the area behind the heritage item.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination with a reduced area and no lot size control as outlined in this report.
2. Additional studies be undertaken following a Gateway Determination and prior to exhibition including a draft site specific Development Control Plan (DCP), Statement of Suitability of Proposed Uses and Planning Agreement for the accessway and Affordable Housing contribution as outlined in this report.
3. Council seek authority from the Department of Planning, Industry and Environment to exercise delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.

4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

ATTACHMENTS

[Click here for attachment\(s\)](#)

- A. Proposed Amendments to Canterbury LEP 2012
- B. Local Planning Panel Meeting - Agenda and Reports
- C. Local Planning Panel Meeting - Minutes
- D. Applicant Response to CBLPP Recommendation
- E. Heritage NSW Supporting Correspondence (May 2018)
- F. Planning Proposal prepared by GLN Planning
- G. Statement of Heritage Impact (SOHI) prepared by Extent Heritage
- H. Preliminary Site Investigation (PSI) prepared by Parsons Brinkerhoff
- I. Detailed Site Investigation (DSI) prepared by Parsons Brinkerhoff
- J. Summary of Contaminated Condition prepared by PRM Consulting
- K. Data Gap Analysis [of contamination] prepared by PRM Consulting
- L. Site Auditor Report of Contamination Investigations

POLICY IMPACT

The adoption of the accessway on 165 Holden Street, Ashbury would assist in achieving strategy D2 in the Canterbury Open Space Strategy and is consistent with the Local Strategic Planning Statement, Connective City 2036, Evolution 5 Green Web.

FINANCIAL IMPACT

This matter has no financial implications for Council at this point.

COMMUNITY IMPACT

This report recommends that the proposal facilitate an accessway into the high point of Peace Park. The provision of an accessway through this site would provide residents, both south and west of Peace Park, with a direct connection to the observation tower and be beneficial to the local community.

DETAILED INFORMATION

Site Description

The current site address is 165–169 Holden Street, Ashbury (the ‘site’), and is legally known as:

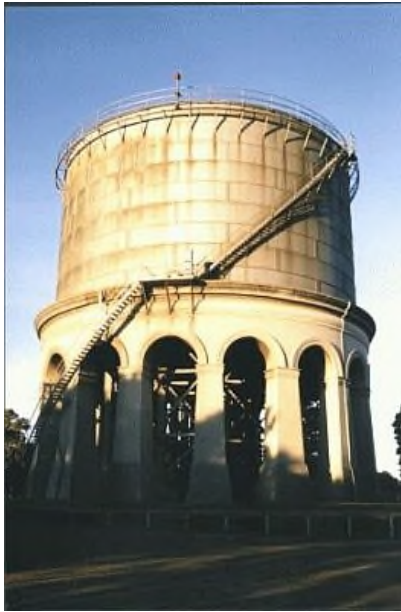
Property Address	Lot and DP Description	Site Area
165 – 169 Holden Street, Ashbury	Lot 1 on DP711077, Lot 1 on DP911478 and Lot 1 on DP115504	8,225m ²

The site is occupied by a reservoir tower and ancillary buildings (including storage buildings). An area of land surrounding the reservoir tower has been identified as surplus land by Sydney Water, which it is seeking to rezone. The resultant portion of land proposed to be rezoned under this proposal (‘subject site’) is approximately 2,540m² which partially affects both Lot 1 on DP911478 and Lot 1 on DP115504 (see Figure 2). The remainder of the site is to be retained by Sydney Water and will continue to be used for operational purposes.



Figure 1: Site Identification with Aerial Photo (Council).

The site contains the heritage significant Ashfield Reservoir, an elevated reservoir, made of steel panels riveted together, standing on a steel frame. The base of the reservoir is concealed behind a concrete arched colonnade. The reservoir is located at a geographic high point and is a prominent local landmark. It is one of a group of four reservoirs in the Sydney Metropolitan area of similar construction and is listed on the State Heritage Register (WS003), and in Schedule 5 Environmental Heritage of Canterbury LEP 2012 (Item No.11). The site is also within the Ashbury Heritage Conservation Area.



Figures 2 and 3: Ashfield Reservoir now and in 1936. (Council, Royal Australian Historical Society)

This site is within the SP2 Infrastructure (Water Supply System) zone under the Canterbury Local Environmental Plan 2012 (CLEP 2012). There is currently no Floor Space Ratio (FSR), Height of Buildings (HOB) or minimum lot size controls on the site. Residential uses are not currently permitted.

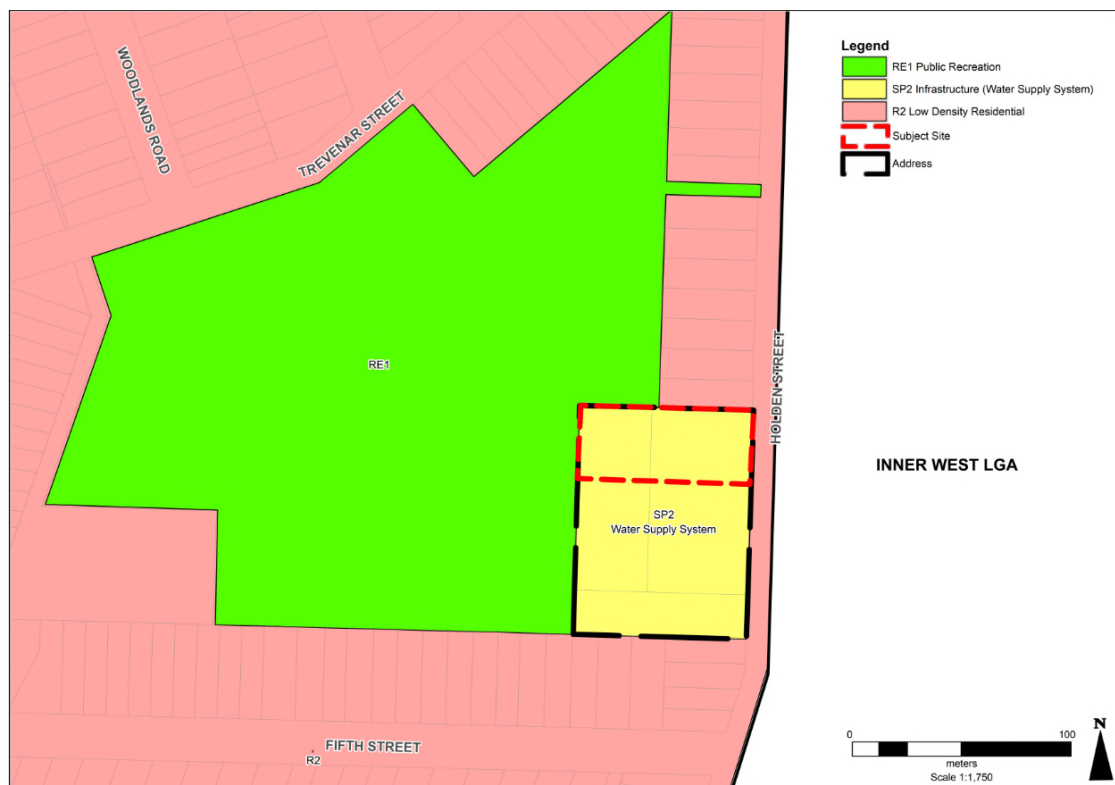


Figure 4: Existing Land Zoning Map (Council)

The address is bound to the north and south by low density residential dwellings (zoned R2), to the west by Peace Park and by Holden Street to the east. Lot 1 on DP911478 has a frontage of about 85m along Holden Street. The site sits at the crest of Holden Street and Peace Park and is occupied by disused Sydney Water buildings of an industrial nature.

The immediate area surrounding the site is characterised by detached, single storey, inter-war period housing comprising the Ashbury Heritage Conservation Area. While there is some contemporary housing in the area, it is predominately characterised by various heritage conservation areas.

While the site is about 1 kilometre away from either Ashfield or Canterbury Train Stations, it is within 400 metres of multiple bus stops.

Background

The Ashfield Reservoir site is owned by Sydney Water and made up of 3 parcels being Lot 1 DP911478, Lot 1 DP115504 and Lot 1 on DP711077. Sydney Water is seeking to subdivide and divest the northern parts of 1 DP911478, Lot 1 DP115504 which are surplus to Sydney Water's needs.

Prior to the application for a planning proposal, Sydney Water lodged a development application (DA-272/2017) on 18 July 2017 to subdivide the land and create two (2) lots.

Council advised Sydney Water that the subdivision could not progress without a planning proposal to rezone the surplus land for the intended use which is for residential development. The subdivision DA is on hold until the planning proposal is finalised. It is noted that the Subdivision DA will need to be amended once the planning proposal is finalised to reflect the final area approved for rezoning.

Planning Proposal Application

In October 2017, Council received an application to amend the zoning on 2,934m² ('the site') of the existing 8,225m² area from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential under the CLEP 2012 (refer Attachment A for maps).

The application proposes amending the development standards under the Canterbury Local Environmental Plan 2012 for the site at 165-169 Holden Street, to be consistent with the surrounding R2 Low Density Residential zoning as follows:

Control	Existing Controls	Application's Proposed Controls	Council Recommended Controls	Adjoining R2 Zoned Land
Zone	SP2 Infrastructure (Water Supply System)	R2 Low Density Residential	R2 Low Density Residential	R2 Low Density Residential
Building Height	N/A	8.5m	8.5m	8.5m
Minimum Lot Size	N/A	460m ²	Nil – to be managed through the Site Specific DCP.	460m ²
Floor Space Ratio	N/A	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012*.	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012.	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012*.
Heritage	State Heritage Curtilage – Ashfield Reservoir and Ashbury Heritage Conservation Area	Amend Heritage Item Curtilage Ashbury Heritage Conservation Area	Amend Heritage Item Curtilage Ashbury Heritage Conservation Area	n/a Ashbury Heritage Conservation Area.

Clause 4.4(2A)

Floor Space Ratio

(2A) Despite subclause (2), the maximum floor space ratio for a building that is a dwelling house or a semi-detached dwelling is as follows—

- (a) 0.65:1—if the site area is less than 200 square metres,*
- (b) 0.55:1—if the site area is at least 200 square metres, but less than 600 square metres,*
- (c) 0.5:1—in any other case.*

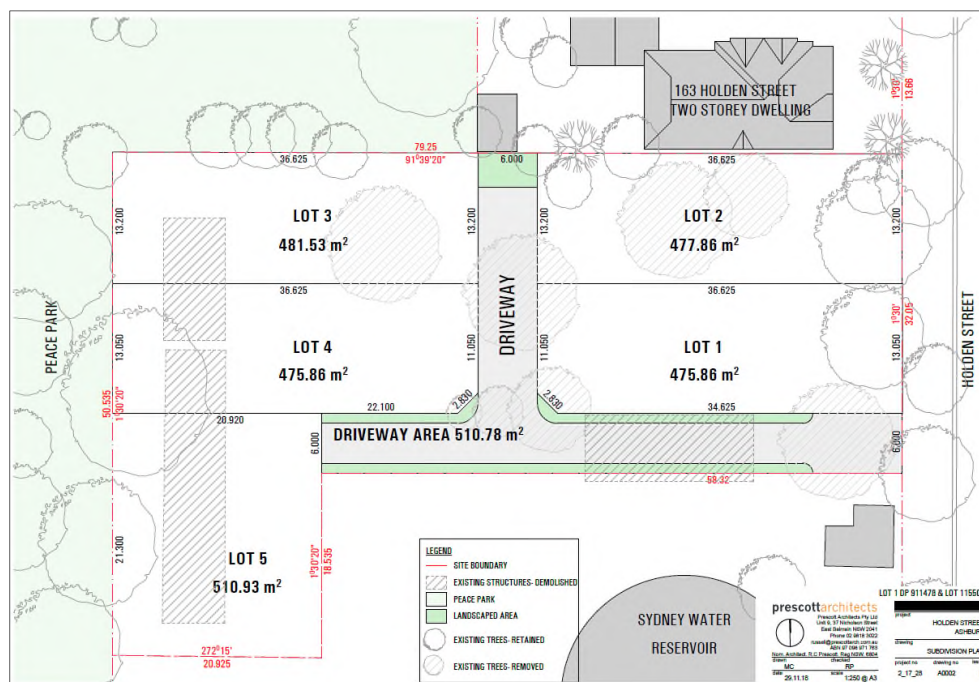
Clause 4.4A

Exceptions to maximum floor space ratio for non-residential development

(2) Despite clause 4.4, the floor space ratio for non-residential development on land to which this clause applies must not exceed—

- (a) if the land is in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—0.5:1,*

The applicant has also provided an indicative subdivision pattern for the new lot (Figure 5).



Further refinement of the subdivision pattern will be undertaken as part of the site specific DCP (which this report recommends preparing after a Gateway Determination is issued, but before exhibition).

Assessment Findings

Council's assessment indicates the proposal has strategic merit and should proceed to Gateway. A site specific DCP and additional studies are to be undertaken post Gateway, and prior to Exhibition, to ensure future development at the site would be in-keeping with the surrounding context. Additionally, a Planning Agreement is to be agreed and signed prior to gazettal of the planning proposal.

Proposed R2 Low Density Residential Zone

The application of the proposed R2 Low Density Residential zone aligns with the adjoining land zoning. The R2 zoning together with the proposed height of building, lot size and site specific DCP controls would ensure future development is compatible with the surrounding locality and delivers a consistent streetscape and character with the broader Ashbury Conservation Area.

Proposed Heritage Changes

The subject site is part of the Ashfield Reservoir State Heritage Item listed on Canterbury LEP 2012 (Schedule 5 Environment Heritage) and on Sydney Water's S170 Heritage Register.

The proposal seeks to realign the boundary of the Ashfield Reservoir (Heritage 'State' Item No. I1) in Part 1 of Schedule 5 Environmental Heritage of the Canterbury LEP 2012. The item will retain its listing within CLEP 2012 and continue to form part of the Ashbury Heritage Conservation Area.

The planning proposal and associated Statement of Heritage Impact (SOHI) (Attachment G) has been reviewed internally by the CBCity Heritage Officer and externally, by the Heritage NSW.

The Heritage NSW assessment supported the spot rezoning and curtilage reduction as the recommended controls are considered appropriate and in keeping with the surrounding residential development (refer attachment E). The Heritage Office requested a site specific DCP to ensure sympathetic development is achieved at the site.

Council's Heritage Officer reviewed the SOHI and agrees that the spot rezoning and potential future development will have minimal impact on the heritage significance of the Ashfield Reservoir or Ashbury Heritage Conservation Area, with the application of a site specific DCP to guide sympathetic development.

Proposed Site Specific Development Control Plan (DCP)

Based on the Heritage NSW request and internal consultation with CBCity's Heritage Officer, Council is recommending a site specific DCP for this planning proposal.

The recommendation was supported by an internal review of the Ashbury Heritage Conservation Area (HCA) which identified that the existing controls are insufficient to effectively manage new multi-lot development. Due to the developed nature of Ashbury as a suburb, it is reasonable to anticipate that any rezoning or land releases would require site specific responses to ensure development sympathetic of the surrounding heritage character, such as this planning proposal. Beyond heritage, contamination is the other key issue affecting this site.

Contaminated Land

Council notes that the controls for assessing contaminated land as part of a planning proposal for rezoning have changed since the matter was reported to the Local Planning Panel on 6 April 2020. The contaminated land requirements are now managed through a ministerial

direction (c9.1 of the *EP&A Act*) instead of State Environment Planning Policy 55 - Remediation of Land.

Following an internal review of the new provisions, Council is of the view that a Remediation Action Plan (RAP) is no longer required until the DA stage. Instead, in accordance with the Ministerial Direction 2.6(2)(c), a Statement that clearly addresses the suitability or how the land could be made suitable for all the proposed permitted uses (with or without consent) by an appropriately accredited person should be sufficient to meet the new ministerial direction. Accordingly, a *Statement of Suitability of Proposed Uses* will be required prior to exhibition.

The subject site has been identified as contaminated and currently unsuitable for the proposed use without remediation. As such, remediation will be required for development of the site. The attached contamination reports (refer attachments H – L) identify the contaminants and the proposed approach to remediation. It is noted that the site's location within the Ashbury Heritage Conservation Area restricts the application of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*, and instead redevelopment for residential purposes will require a development application to Council.

Proposed Driveway

Council's assessment of the driveway proposed to access the rear lots is that it should remain in private ownership and not be handed over to Council as a local road. This approach is recommended from an infrastructure planning perspective, given the site is contaminated and ownership of land that may be affected by a long term management plan.

This is a detailed design issue and will be resolved post gateway as part of the site specific DCP and potential planning agreement.

Impact on Surrounding Infrastructure

The proposal is located within a suburb that is adequately serviced by existing utility, community and transport infrastructure. The anticipated impacts of the potential development on transport and community infrastructure such as schools is relatively minor.

Future development at the site would also be subject Council's Section 94 Contributions Plan at the development application stage which would need to financially contribute to the provisions of local infrastructure.

Local Planning Panel

The Local Planning Panel considered Council's report on 6 April 2020 as shown in Attachments B and C. In accordance with the Department of Planning, Industry and Environment's Direction, the Panel's role is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway determination. The Panel's comments and recommendation are as follows (refer Attachment F for further details):

The Panel agrees that a large part of the site can be rezoned low density residential. However, the Panel does not agree that the rezoning should extend to the whole of the proposed lot 5 as shown in the indicative subdivision plan (Refer Figure 6 over page).

In the Panel's opinion the rezoning should be confined to generally the area of lots 1, 2, 3 and 4 with a single east west driveway on the southern side of any proposed lots.

While the Panel notes that there is the potential for another access way into Peace Park further north from the site, the Panel is of the opinion that this release of public land by the Waterboard provides an important opportunity for an additional pedestrian access way to the upper part of Peace Park. This would be in addition to any other access way that the Council may be able to arrange in the long term through the use of the Council land further to the north of the site. In the Panel's opinion, the additional public access way is an important public benefit that should occur from the rezoning of this land.

The Panel would have no objections to the southern boundary of the proposed rezoning being extended to the south to enable the east west driveway to include a proper pedestrian access along the length of the driveway to Peace Park which provides a clear line of sight from Holden Street to the park.

CBLPP Recommendation to Council:

1. The application to amend Canterbury Local Environmental Plan proceed to gateway subject to the following:
 - a) amend the PP to delete most of Lot 5 from the concept subdivision and continue the access road in a straight line from Holden St through to Peace Park to provide a direct line of sight from Holden St through to the Park as a community benefit (see attached sketch plan and notes "the Attached Plan").
 - b) in addition to the east west vehicular access on the southern part of the rezoned land, as described above, a separate public pedestrian access way for members of the public from Holden Street to Peace Park is to be provided on Sydney Water land within the curtilage of the Water Reservoir (see Attached Plan)
 - c) as a consequence of (a) and (b) the area to be rezoned from SP2 to R2 Low density be recalculated as generally shown in the Attached Plan

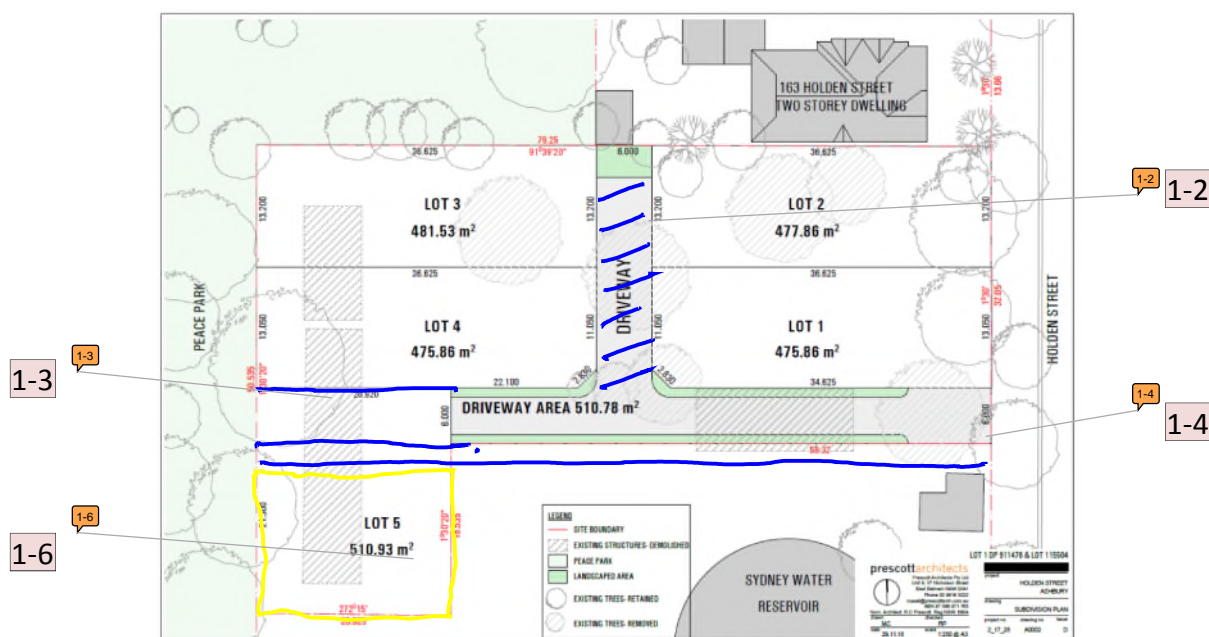


Figure 6: LPP Proposed Alterations to Indicative Subdivision (refer annotations below)

Annotations:

- 1-2 Consider deleting and re-orienting lots 3 and 4 to potentially creating a new lot 5.*
- 1-3 Extend driveway*
- 1-4 Widen to provide separate pedestrian path.*
- 1-6 Delete lot 5 and retain current zone except for extended driveway and pedestrian path.*

- d) Apply a maximum building height of 8.5m to the portion of the site that is proposed for rezoning to R2 Low Density Residential.*
- e) Apply a minimum lot size of 460m² to the portion of the site that is proposed for rezoning to R2 Low Density Residential.*

- 2. In the event that Council's affordable Housing strategy has been adopted, this is to be applied to the development at the subdivision stage.*

- 3. Council prepare a site specific DCP Amendment as outlined in Section 5 of the officers report for this item to ensure a development outcome that is sympathetic to the character of the surrounding area and exhibit the draft DCP concurrently with the planning proposal.*

- 4. Prior to any exhibition, following a gateway determination, the applicant is to prepare a Remediation Action Plan (RAP) and update the supporting studies to reflect the outcome of the RAP including a Site Audit Report (SAR) covering the RAP provided by EPA Accredited Site Auditor.*

Based on the Panel's recommendation to alter the lot form and create public access into Peace Park through the subject site a review of potential impacts was undertaken. The following issues were identified for further evaluation:

- Utilisation of existing Council owned land to the north of the site (adjacent to 149 Holden Street, Ashbury)
- Adoption of an accessway as part of this planning proposal, including consideration of existing Council owned land to the north of the site.
- Adoption of an accessway within the SP2 zoned land (owned, operated and managed by Sydney Water).
- Removal of the remaining Lot 5 area, if an accessway is adopted.
- Adoption of a Lot Size control.
- Consideration of the decreased developable area in triggering the Council's Draft Affordable Housing Strategy (currently under Exhibition).

Council Land Adjacent to 149 Holden Street, Ashbury

Council currently owns a piece of land adjacent to 149 and 151 Holden Street, Ashbury as shown in Figure 7 below which is approximately 6m wide by 43m in length.

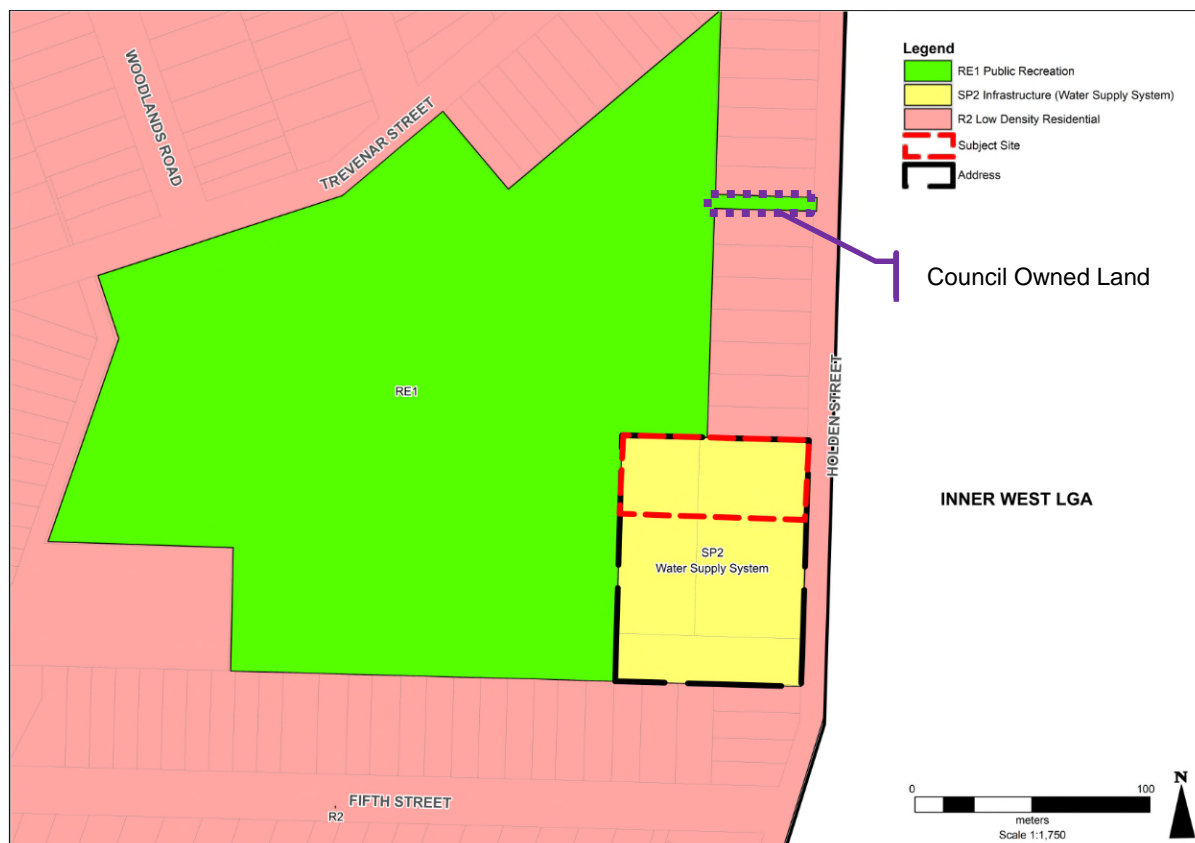


Figure 7: Council land identified to the north of the planning proposal subject site.

The land in question is part of the existing Peace Park lot from its former life as a Brickworks. Council records indicate that over 60 years ago the owners of 149 Holden Street approached the Brickworks operator and were granted informal temporary use of the land.

Following the closure of the Brickworks, the property associated with Peace Park (including the land in question) was transferred to Council in 1989.

Shortly afterwards, Council elected to formalise and allow continued temporary use on the condition that the land was maintained by the residents at 149 Holden Street, Ashbury at no cost to Council and no structures were erected on Council's land. Council notes that fencing, landscaping and a clothesline has been constructed on the Council owned land, early correspondence indicates that these erections were present at the time of the agreement.

The existing agreement including provisions for termination at Council's election with 1 month notice.

Since 1989, Council has transformed the former Brickworks site into Peace Park and has made ongoing improvements to the park.

The Panel recommended that an accessway be provided through the subject site. In response, the proponent advised that they do not intend to include the accessway and instead believe Council should promote the current access through the land adjoining 149 Holden Street.

Following the recommendation from the Panel, the subject site is considered a better option for providing access to Peace Park based on the following impediments to opening the existing enclosed connection:

- 6m width x 43m long pathway provides a narrow viewpoint
- 1.8m fences on either side with minimal opportunity for casual surveillance for pedestrians through this path
- Entry to the park at a 'low activity' area with minimal supporting infrastructure.
- Minimal opportunity to acquire and widen the existing path for park users given both adjoining properties contribute to the heritage character of the Ashbury Heritage Conservation Area.

There is merit in creating a link through the subject site as it would create an improved access pathway for the surrounding community and future residents on the subject site and this may be designed appropriately through the DCP.

Adoption of an Accessway to Peace Park from Holden Street

The Panel recommended adoption of an accessway to Peace Park from Holden Street as part of this planning proposal. The existing Council owned land (adjacent to 149 Holden Street, Ashbury) was considered as an access point to Peace Park, however, Council has assessed the benefits of the recommendations of the Panel and supports the Panel's position as outlined below:

From an urban design perspective, the site and surrounding neighbourhood would be improved by an accessway on the planning proposal site, regardless of if the site adjacent to 149 Holden Street, Ashbury is ever reopened. A pathway at the high point of Peace Park right near the observation tower presents a public benefit for residents. The proposed accessway would address safety concerns while increasing connectivity to the park.

The applicant's response to the Panel's recommendations is that as the opportunity for Council to connect Peace Park to Holden Street already exists adjacent to 149 Holden Street, Ashbury the "absence of access to the park from Holden Street as a result of Council's actions is not a matter that should be remedied by obtaining access to either Sydney Water land or any other privately owned land." Equally the applicant feels that the matter should be addressed via the future site specific DCP provisions with consideration to the value of the acquisition of an alternative access to Peace Park by Council.

While Council can appreciate the applicant's position, the overall public benefit of an accessway on this site:

- Strengthens the recreational destination value of Peace Park,
- Better services current and future local residents
- Would deliver a more attractive and integrated access option in comparison to narrow path adjoining 149 Holden Street
- Provides a material public benefit that Council and the community anticipates as part of any spot rezoning.

Based on the above feedback and evaluation, Council officers support the Panel's recommendation and amended the recommendation to Council accordingly.

Creation of an Accessway on the SP2 Zoned Land

CBLPP recommended the encroachment of a pathway into the heritage curtilage and on the SP2 zoned land (owned, operated and managed by Sydney Water).

Noting that the land is owned, operated and managed by Sydney Water and continues to operate as a Water Supply facility for the local community the applicant has noted a reluctance to provide any public access onto the land within the Heritage curtilage and SP2 zoning. The applicant also provided that public access to the SP2 Infrastructure (Water Supply Service) zoned land is inconsistent with the permitted uses as it is not a considered ordinarily incidental or ancillary to infrastructure development, nor consistent with the operational use of the reservoir. Council agrees with this assessment and requires the accessway to form part of the R2 Low Density Residential zone as recommended in this report.

If the accessway is adopted, it would either need to be dedicated or have an easement provided to Council following construction. Council is willing to resolve the location of the pathway as part of the site specific DCP.

Removal of Remaining Lot 5 Area from Rezoning

The Panel recommended the removal of the remaining Lot 5 area as identified by the yellow boundary in Figure 6 previously shown. This area is located behind the heritage item.

The proponent responded that the Panel's recommended reduction in rezoning was a negative outcome as the future form of development is unclear. Furthermore, Sydney Water intends to sell the land once rezoned and subdivided. A reduced area of approximately 2,540m² from the previous 2,934m² would limit future development at the site.

Council's position is that the proposed accessway with a regular subdivision would be more appropriate for the Ashbury area as recommended by the LPP, CBCity's Heritage Officer and an urban design perspective.

Based on the above assessment, Council supports the Panel's recommendation to remove the remaining Lot 5 area, which would reduce the area for rezoning from 2,934m² to approximately 2,540m².

Adoption of a Lot Size control

The Panel supported Council's original recommendation that a minimum lot size control of 460m² be adopted on the site as per the surrounding controls for R2 Low Density Residential uses.

With consideration to the decreased area for rezoning recommended by the CBLPP and intent to provide an accessway to Peace Park, Council has removed the Lot Size control from the recommendation and will review lot size provisions as part of the site specific DCP development, post Gateway and prior to public exhibition.

Proposed Affordable Housing Contribution

Council is currently exhibiting a Draft Affordable Housing Strategy. The draft strategy identifies that the Planning Agreement Policy will be amended to require a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1000m² of residential floorspace, unless otherwise agreed with Council.

With consideration to the decreased area for rezoning, Council reviewed this requirement and identified that there is an opportunity that the threshold requirement may be triggered.

Subsequently, Council recommends that a provision within the Planning Agreement for a 5% Affordable Housing contribution. It is noted that the Panel recommended this be implemented at the subdivision stage, however this generally occurs for the delivery of dwellings that are to be dedicated. If the proposal triggers the requirement, a dwelling or equivalent monetary contribution would be determined in a planning agreement as part of this planning proposal, in line the draft Affordable Housing Strategy.

The proponent will be asked to demonstrate how they can comply with this requirement post Gateway.

Next Steps

The next steps are as follows:

1. Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination for the following amendments to the Canterbury Local Environmental Plan 2012:
 - i. Rezone part of the site (approximately 2,540m²) from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential.
 - ii. Amend the heritage item curtilage and Statement of Heritage Impacts (SOHI) report on the Ashfield Reservoir (WS003, Item No.11) to align with the revised SP2 zoned lot as shown in Figure 2 of Attachment A.
 - iii. Apply a maximum building height of 8.5m to the area proposed for rezoning to R2 Low Density Residential.
2. The following actions be undertaken prior to any exhibition, following a Gateway determination:
 - i. A draft site specific Development Control Plan (DCP) be prepared to ensure a development outcome that incorporates the Council requirements while delivering a development layout which is sympathetic to the character of the surrounding area.
 - ii. Council request a Planning Agreement that includes a 5% contribution to Affordable Housing Outcomes if the threshold is triggered by the development.
 - iii. Council request a Planning Agreement for the delivery of an accessway with associated improvements to be delivered as part of the future development.
 - iv. Council request the applicant prepare a Statement of Suitability of Proposed Uses and update the supporting studies to address contamination and remediation of the site as required to support this planning proposal.

3. Council seek authority from the Department of Planning, Industry 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.
4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

Following the exhibition of the planning proposal and supporting documents, the outcomes would be reported to Council.