



## Planning Proposal

**165-169 Holden Street,  
Ashbury  
“Ashfield Reservoir”**

June 2021





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## Introduction

*Canterbury Local Environmental Plan (LEP) 2012* is the statutory planning framework that establishes land use zones and building envelope controls such as floor space ratios and building heights in the former City of Canterbury.

City of Canterbury Bankstown Council is in receipt of a spot rezoning application requesting to amend *Canterbury LEP 2012* in relation to part of the site at 165–169 Holden Street in Ashbury. 165-169 Holden Street, Ashbury is currently owned and managed by Sydney Water and includes the operational Ashfield Reservoir, a state agency and local heritage item, directly south of the subject site proposed for rezoning.

Council considered the spot rezoning application at the Ordinary Meeting of 26 May 2020 and decided to proceed to the next stage, which is to submit a planning proposal to the NSW Department of Planning, Industry and Environment (DPIE) to seek a Gateway Determination. A Gateway Determination was issued on 24 December 2020 enabling the Planning Proposal to proceed to public exhibition provided that:

- Minor updates and corrections be made to the Planning Proposal;
- A Site-Specific Development Control Plan (DCP) be prepared; and
- Further information be submitted to DPIE to demonstrate consistency with Ministerial Direction 2.6 – Remediation of Contaminated Land.

In response the Planning Proposal has been updated and amended in accordance with the Gateway. The applicant has prepared a site-specific DCP, which has been revised and amended by Council. The applicant has provided Council with a Remediation Action Plan and amended Site Audit Report. These have been submitted to DPIE and approved for public exhibition.

It should be noted that the consolidated Canterbury Bankstown Local Environmental Plan is currently being assessed by DPIE. This planning instrument is expected to be gazetted in coming months. Once confirmation of the gazettal has been received the Planning Proposal will be updated accordingly. This is likely to occur post exhibition of the Planning Proposal. This does not change the intended outcomes of the Planning Proposal. In addition, the provisions within the Planning Proposal will not be affected by this and remain the same under either LEP. The Planning Proposal will amend whichever planning instrument is in force at the time the LEP is made.

According to the Department's publication '*A guide to preparing planning proposals*', a planning proposal is a document that sets out the justification for making changes to the CLEP 2012. A planning proposal is comprised of the following components:

Part 1	A statement of the intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved.
Part 2	An explanation of the proposed changes to CLEP 2012 to achieve the intended outcomes.
Part 3	The justification for making the proposed changes to CLEP 2012.
Part 4	Maps to identify the intended outcomes of the planning proposal.



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Part 5	Details of the community consultation that is to be undertaken on the planning proposal.
Part 6	Outline the indicative project timeline.

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Following receipt of the Gateway Determination, the exhibition process, a review of community feedback and any additional information may see updates and amendments to the planning proposal.



## Site Details

The site is located at 165-167 Holden Street, Ashbury (Lot 1 DP 911478 and Lot 1 DP 115504) at within the grounds of the Ashfield Reservoir. The area proposed to be rezoned is the portion of the site to the north of the Reservoir, comprising a total of 2,540 sqm (see Map 1).



**Figure One:** Site Map

This portion of the site does not contain any fabric of heritage significance and comprises a Depot Office and amenities building and three outbuildings, all of which are associated with the site's use as a maintenance depot and construction site for the City Tunnel, and large asphalt areas used as car parking. The layout of the site and its key features are identified in Figure 2.





**1. Ashfield Reservoir**



**2. Valve House**



**3. City Tunnel Access Shaft  
and Water Pumping Station**



**4. City Tunnel Ventilation and Secondary Access facility**



**5. Sheet Metal Shed**



**6. Corrugated Metal Shed**



**7. Depot Office and amenities building**



**8. Flammable Goods Store**

**Figure 2:** Aerial site map and photos showing the existing structures on the site

## Context

The site is located on Holden Street in the suburb of Ashbury, within the Ashbury Heritage Conservation Area (HCA). The Ashbury HCA comprises the whole suburb of Ashbury and parts of Croydon Park, and is a predominantly residential area which developed between 1912 and 1940. The area is characterised by a consistent subdivision pattern and streetscape, with Federation, California Bungalow and Inter-War style housing. This housing is mostly detached and single-storey cottages in landscaped settings with double or triple fronted gables to the street, semi-enclosed porches and verandas, asymmetrical facade composition and architectural expression at the base. The area has extensive street tree planting, typical of the Federation and Inter-War period.

The area in the vicinity of the subject site exhibits these characteristics and features single storey California Bungalow and Inter-War style housing with some two-storey additions from later periods. The west side of Holden Street especially features stretches of intact California Bungalow style housing with consistent built form, setbacks and architectural features. Both sides of Holden Street





have street tree planting which contribute to the character of the HCA. There are also important views to the Reservoir along Holden Street to the north and south of the site.



**Figure 3:** Photos of area on Holden Street surrounding the subject site





**Figure 4:** Heritage Items and HCAs in vicinity of site (Inner West and Canterbury-Bankstown LGAs)

**Table 1:** Heritage Items in vicinity of the Planning Proposal site

Item Number	Address	Name/Description
<i>Canterbury-Bankstown LGA (Canterbury LEP 2012)</i>		
I2	5 Second Street	Federation House
I3	7 Second Street	Federation House
I4	9 Second Street	Federation House
I5	11 Second Street	Federation House
I6	13 Second Street	Federation House
I7	15 Second Street	Federation House
<i>Inner West LGA (Ashfield LEP 2013)</i>		
3	250-252 Holden Street	School
4	262-270 Holden Street	Houses
25	17 Armstrong Street	House
98	5 Farleigh Street	House
99	29 Farleigh Street	House
130	8 Hillcrest Avenue	House
131	10 Hillcrest Avenue	Flats
132	12 Hillcrest Avenue	Flats
133	14 Hillcrest Avenue	Flats
148	126 Holden Street	Church



284	85 Queen Street	House
285	91 Queen Street	House
C3	Farleigh Estate	Heritage Conservation Area
C4	Goodwin Avenue	Heritage Conservation Area

## Statutory Listings

The site is included on the following heritage listings and registers:

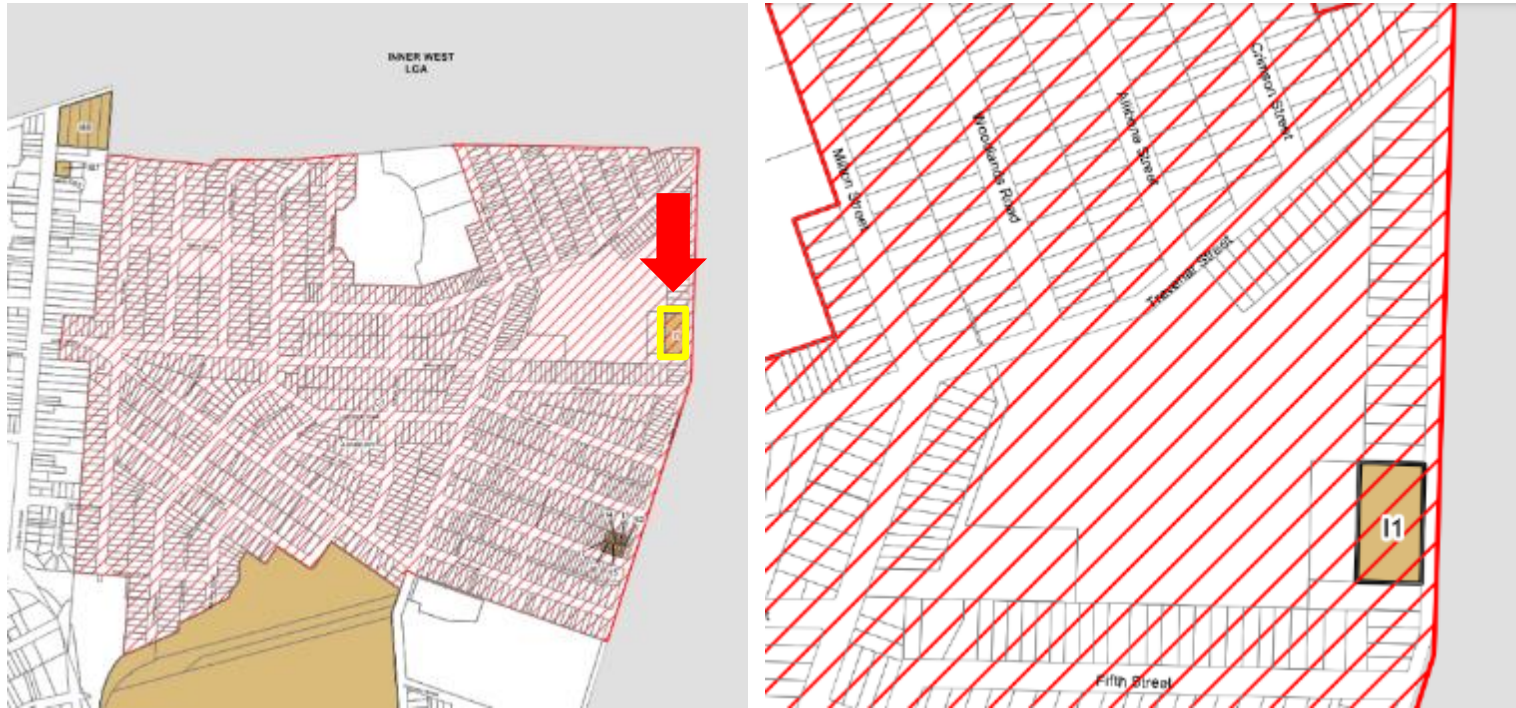
- State Heritage Register as *Ashfield Reservoir (Elevated)* (WS 0003)



**Figure 5:** State Heritage Register Curtilage (Heritage NSW)

- Schedule 5 Environmental Heritage of Canterbury LEP 2012 as I1 – Ashfield Reservoir (WS003)*. The site also falls within the boundaries of the Ashbury Heritage Conservation Area (HCA 01) identified as of local significance under *Canterbury LEP 2012*





**Figure 6:** Ashbury HCA and the site as identified under *Canterbury LEP 2012 Heritage Map*

- The site is listed on Sydney Water's Section 170 Register as 4575750 *Ashfield Reservoir (Elevated) (WS 0003)*



**Figure 7:** Sydney Water Register Curtilage plan for Ashfield Reservoir (Elevated)(WS 0003)





## Part 1 – Intended Outcomes

This planning proposal applies to land at 165-169 Holden Street in Ashbury (Lot 1 on DP 911478 and Lot 1 on DP 115504) as shown in Part 4 (Map 1).

The intended outcomes of this proposal are to amend the *Canterbury LEP 2012* to enable low density residential development of surplus Sydney Water land that is sympathetic to the prevailing character of the Ashbury Heritage Conservation Area and provides a new active transport connection to Peace Park.

The 2,540m<sup>2</sup> area recommended for rezoning and associated planning controls are intended to protect and preserve the adjacent Ashfield Reservoir which is listed on the State Agency Heritage Register.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending the *Canterbury LEP 2012* by:

- Amending the *Canterbury LEP 2012* Land Zoning Map on the identified surplus Sydney Water land from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential in accordance with the proposed zoning map (refer to Part 4, Map 3).
- Amending the *Canterbury LEP 2012* Heritage Map to alter the local heritage item (No. I1) curtilage of the Ashfield Reservoir (WS003) in line with the recommendations of this report as demonstrated in Part 4, Map 5, and supported by the attached Statement of Heritage Impacts (SOHI) report.  
  
*Realignment of the State Agency Heritage Item Curtilage for Ashfield Reservoir (No. WS003) will be subject to a separate application by the applicant to NSW Heritage.*
- Amending the *Canterbury LEP 2012* Height of Building Map as demonstrated in the proposed Height of Building Map (refer Map 7 in Part 4 of this report) to apply a maximum height of 8.5m to the portion of the site identified for rezoning.

No Floor Space Ratio (FSR) amendments are required for this site as it is managed under clause 4.4 and 4.4A of *Canterbury LEP 2012*.

It should be noted that the consolidated Canterbury Bankstown Local Environmental Plan is currently being assessed by DPIE. This planning instrument is expected to be gazetted in coming months. Once confirmation of the gazettal has been received the Planning Proposal will be updated accordingly. This is likely to occur post exhibition of the Planning Proposal. This does not change the intended outcomes of the Planning Proposal. In addition, the provisions within the Planning Proposal are not affected by this, the Planning Proposal will amend whichever planning instrument is in force at the time the LEP is made.



## Part 3 – Justification

### **Section A – Need for the planning proposal**

#### **1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

This planning proposal is not the result of any strategic study or report prepared by the Department of Planning, Industry & Environment, Greater Sydney Commission or Council.

However, the proposal is considered appropriate given its comparable use and outcome to the existing and future surrounding context. The rezoning and controls proposed, generally resemble those of the existing Heritage Conservation Area while providing a public benefit to the local community.

Council's assessment considered the following technical studies submitted with the spot rezoning application:

- Statement of Heritage Impact (SOHI) by Extent Heritage (dated October 2018)
- Preliminary Site Investigation and Sampling Analysis and Quality Plan by Parsons Brinckerhoff Australia (dated 14 May 2015)
- Detailed Site Investigation by Parsons Brinckerhoff Australia (dated 24 July 2015)
- Summary of Contamination Condition by Progressive Risk Management (dated 29 March 2019)
- Data Gap Analysis by Progressive Risk Management (dated 17 June 2019)
- Site Audit Report by JBS&G Australia (dated 16 August 2019)
- Potential Development Concept Plans by Prescott Architects (dated 27 November 2018)

Council also referred the planning proposal to NSW Heritage for comment due to the state significance of the Ashfield Reservoir Heritage Item. Both Council and NSW Heritage Officer assessments supported the proposal on the condition that a site specific DCP is applied to ensure sympathetic development.

Council's assessment indicates this planning proposal has strategic merit to proceed to Gateway subject to:

- Receipt of a Statement of Suitability of Proposed Uses (SSPU) (undertaken or reviewed by an accredited site auditor) prior to exhibition.
- The exhibition of a planning agreement and site-specific development control plan concurrently with the planning proposal.

Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to this planning proposal.

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

This planning proposal to rezone surplus Sydney Water land at 165-169 Holden Street, Ashbury is the best means of achieving the intended outcomes outlined in Part 2.



The proposed rezoning will provide for local housing needs and is consistent with low density residential character of the surrounding neighbourhood. This will be achieved through extending the R2 zoning from adjoining sites to the subject site, which is more efficient than introducing a site-specific clause.

The addition of relevant planning controls, including site specific controls, are to be applied over the subject site to facilitate delivery of new development that does not impact on the character of the Ashfield Reservoir and surrounding Ashbury Heritage Conservation Area (HCA).

A site-specific development control plan (DCP) has been drafted and exhibited concurrently with the planning proposal. This site-specific DCP will ensure development is sympathetic to the heritage item and surrounding Ashbury heritage conservation area.

## **Section B – Relationship to strategic planning framework**

### **3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

#### **3.1 Greater Sydney Region Plan 'A Metropolis of Three Cities'**

*A Plan for Growing Sydney* has been replaced by *A Metropolis of Three Cities* as the Metropolitan Regional Plan for the Greater Sydney area.

This planning proposal is generally consistent with the Greater Sydney Region Plan, *A Metropolis of Three Cities*, namely the objectives outlined in the table below.

<b>Objective</b>	<b>Rationale / Justification</b>
4 – Infrastructure use is optimised under 'A city supported by Infrastructure' direction	The proposal would encourage infill development within the established suburb of Ashbury which is frequently serviced by various bus routes. Furthermore, the rezoning of land is no longer required by Sydney Water for operational purposes. Residential development will facilitate maintenance and management of the Sydney Water network.
10 – Greater Housing Supply under the direction for 'Housing the City'	Rezoning the land for residential development will help meet the housing targets outlined in the GSRP while providing diverse housing supply.
13 – Environmental heritage is identified conserved and enhanced under 'A city of great places' direction, and	The proposal is within the Ashbury Heritage Conservation Area and will include a site specific DCP to ensure that a sympathetic built form is delivered as part of any new development.
37 – Exposure to natural and urban hazards is reduced under the direction for 'A resilient city'	As remediation works will be required to be undertaken prior to development, the proposal will reduce urban hazards and is not exposed to any known natural hazards. Therefore the proposal will reduce the exposure of residents within the Greater Sydney area to natural and urban hazards.





The proposed zoning and planning control amendments is consistent with the low density residential and conservation character of the surrounding neighbourhood and the significance of the Ashfield Reservoir.

### 3.2 South District Plan

The proposal is generally consistent with the South District Plan, namely:

Planning Priority	Rationale / Justification
S1: Planning for a city supported by Infrastructure	The proposal supports the infrastructure maintenance and management of the three cities by allowing underutilised public land to be opened up for residential development. Thus, enabling the optimisation of existing infrastructure within the established suburb of Ashbury. The proposed additional housing can be serviced by existing infrastructure, subject to the provision of a pedestrian connection to the park.
S5: Providing housing supply, choice and affordability with access to jobs, services and public transport	Rezoning the land for residential development will help achieve the housing targets outlined in the GSRP while providing diverse housing supply and choice.
S6: Creating and renewing great places and local centres, and respecting the District's heritage	Located within the Ashbury Heritage Conservation Area, the proposal will require a site specific DCP to ensure the infill development will be sympathetic to the surrounding character. Additionally, the delivery of a pedestrian connection to Peace Park from the west will expand green web access for the local community.
S16: Delivery High Quality Open Space	Whilst the proposal does not provide new open space and is located adjacent to Peace Park, access to the park is greater than 400m. The provision of a pedestrian connect to Peace Park will achieve consistency with S16, where all dwellings should be within 400m of open space. This will also create greater access and activation of Peace Park for surrounding residents.

The proposed rezoning will optimize infrastructure use by unlocking infrastructure land that is no longer required for operational purposes to provide greater housing supply within the greater Sydney region. Furthermore, the proposed R2 zone is consistent with the low density residential and conservation character of the surrounding suburban neighbourhood.

The reduction to the State Agency Heritage curtilage of the Item is considered appropriate as per advice from the Heritage Office and Heritage Consultant. Potential impacts to the Ashbury Conservation Heritage Area will be managed through application of a site-specific DCP, to will ensure consistency with surrounding and future uses on the site.



#### **4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

##### **4.1 Community Plan – CBCity 2028**

*CBCity 2028* is the Council's 10-year plan to guide the City of Canterbury Bankstown on its journey of seven directions to be a thriving, dynamic and real city.

The proposal is generally consistent with the Canterbury Bankstown Community Plan – *CBCity 2028*, especially direction 6 for a liveable and distinctive city, as it will provide additional housing diversity that is sympathetic to the local character within a heritage conservation area.

##### **4.2 Local Strategic Planning Statement (LSPS) – Connective City 2036**

This planning proposal is consistent with the Local Strategic Planning Statement (LSPS), *Connective City 2036*, namely Action E6.4 to Protect the low-density character of suburban neighbourhoods within Evolution 6 (Urban and Suburban Places, Housing the City). The proposed zone is consistent with the low-density residential character of the surrounding suburban neighbourhood.

On 10 December 2019, the Local Strategic Planning Statement (LSPS) – *Connective City 2036* was adopted by Canterbury Bankstown Council. The LSPS was endorsed by the Greater Sydney Commission on 16 March 2020.

*Connective City 2036* aims to integrate a variety of transport modes with different land uses so that more people can connect to more places within the City and beyond. It will help to improve the City's ecological and river systems and create quality places for healthy living and ecological integrity.

With a City-wide target of 50,000 new dwellings by 2036, the planning proposal delivers on Actions E6.4.119 and E6.4.120 of Evolution 6: Urban and Suburban Places, Housing the City. These actions are:

- E6.4.119 Reinforce the low-density character of suburban areas subject to Council's Local Housing Strategy
- E6.4.120 Identity the attributes that make special character areas unique, refine their boundaries and protect them from inappropriate development.
- E6.11.137 Affordable and social housing – prepare and exhibit the Affordable Housing Policy.

The proposal will ensure that impacts to the heritage water tower and heritage conservation area are minimised through a site-specific DCP that would be exhibited with the Planning Proposal. The proposed R2 Residential Zone is in keeping with the surrounding zone.

Council has adopted an Affordable Housing Strategy on the 23 June 2020. With the adoption of this strategy, the Planning Agreement Policy will be amended to require a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1000m<sup>2</sup> of residential floorspace, unless otherwise agreed with Council.

A potential yield of 4-6 dwellings (depending on lot configuration) could potentially trigger the 1000m<sup>2</sup> threshold for Council's *Affordable Housing Strategy*. Council and the proponent have



addressed this through a draft planning agreement, which includes a monetary affordable housing contribution to be paid to Council should the final uplift from the Planning proposal be greater than 1,000m<sup>2</sup> of residential floorspace.

As such the proposal is generally consistent with the LSPS – *Connective City 2036* and supports delivery of the evolutions as identified above.

#### 4.3 Canterbury Bankstown Housing Strategy (CBHS)

The *Canterbury Bankstown Housing Strategy* (CBHS) has been adopted by Council on the 23 June 2020 to support the LSPS, *Connective City 2036*, and guide future planning decisions within the LGA. Council has reviewed the new strategy and supports the applicant's position that the proposal is generally consistent with the local strategy.

With a forecast population of 500,000 by 2036 and the scarcity of greenfield development land, Council recognises that it cannot continue to rely on the delivery of housing in suburban areas.

The proposal delivers on the following strategic directions:

- #1 – Deliver 50,000 dwelling by 2036, subject to the NSW Government providing upfront infrastructure support;
- #4 – Ensure new housing in centres and suburban areas are compatible with the local character, and;
- #5 – Provide a choice of housing types, sizes, tenures and prices to suit each stage of life.

The proposal and intended form of housing supply in the Ashbury area aligns with the purpose of zone R2 Low Density Residential as outlined in the CBHS.

Subsequently, the planning proposal is generally consistent with the *Canterbury Bankstown Housing Strategy*.

### 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with the applicable State Environmental Planning Policies as shown in Attachment A, namely:

#### 5.1 State Environment Planning Policy (Infrastructure) 2007

This SEPP identifies matters for consideration in relation to development adjacent to state classified infrastructure such as transport, electrical and water supply facilities.

The proposal is consistent with the aim of this SEPP by allowing for the efficient development, redevelopment or disposal of surplus government owned land, whilst maintaining sufficient land for the water reservoir.





## **6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 of the EP&A Act)?**

This planning proposal is consistent with applicable Ministerial Directions (as shown in Attachment B), namely:

### **6.1 Direction 2.3 – Heritage Conservation**

The objectives of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Council referred the SOHI to the NSW Government Heritage Office for review and comment. The Heritage Office review supported the spot rezoning as the recommended controls are considered appropriate and in keeping with the surrounding residential development. The Heritage Office requested a site specific DCP to guide sympathetic development. Council has 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 Conservation Area, with application of a site specific DCP to guide sympathetic development.

The SOHI states that the planning proposal will maintain the item of significance, the Ashfield Reservoir. This is consistent with the requirements of this Ministerial Direction.

Council notes that the subdivision DA is on hold until the rezoning is resolved.

The development outcome/s that could result from the rezoning has the potential to be inconsistent with the conservation of the Ashbury Conservation Area character.

Based on this, Council requested a site specific DCP to facilitate protection of the Ashbury Conservation Area character. This was supported by the NSW Government Heritage Officer. The site specific DCP was developed by the proponent with specialist advice and has been amended and revised in accordance with recommendations received from Council's heritage planner and development assessment officers.

Based on the assessment the planning proposal can be made consistent with the requirements of Direction 2.3 – Heritage Conservation.

### **6.2 Direction 2.6 – Remediation of Contaminated Land**

This Ministerial Direction requires Council to consider land contamination where it is proposed to enable development for sensitive land uses. Division 9.1 of the EP&A Act reinforces this direction.

According to the DSI report and subsequent Site Auditor Report (SAR) submitted with the application for the proposed low-density residential use; the nature and extent of the contamination has been appropriately determined and the investigation, remediation or management plan is appropriate. The attached contamination reports (refer attachments J – N) has identified the site as contaminated and currently unsuitable for the proposed use without remediation works. As such, remediation will be required for development of the site.

In response to the conditions of the Gateway Determination, Council requested that the proponent prepare a Remediation Action Plan and amended Site Audit Report to demonstrate that the land



can be suitably remediated for all the uses permissible in the R2 Low Density Residential Zone. The Remediation Action Plan demonstrates the method and feasibility of remediation for the site and was submitted to DPIE for their review. Council has received written confirmation from DPIE that the Remediation Action Plan has satisfied the requirements of the Gateway condition.

It is noted that the site's location within the Ashbury Heritage Conservation Area restricts residential development under the State Environment Planning Policy (Exempt and Complying Development Codes) 2008, and instead will require a development application for redevelopment of the site.

### 6.3 Direction 3.1 – Residential Zones

The objectives of this direction is to encourage a variety of housing types, make efficient use of existing infrastructure and minimise the impact of residential development on environment and resource lands.

The planning proposal is consistent with this Ministerial Direction as the rezoning would provide suitably zoned land for additional dwellings in an existing residential area. The site-specific DCP will ensure any resultant development is in keeping with the heritage character of the locality.

### 6.4 Direction 3.4 – Integrated Land Use and Transport

The objective of this direction is to give effect to and be consistent with specific guidelines.

- *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*

Many of the planning principles in this guideline relate to location and design considerations for higher density housing. The rezoning of the subject site would allow for low density residential infill development within an established urban area. As such many of the principles in this guideline would not apply.

However, the subject site is in proximity to dedicated bus routes which access to the Hurlstone Park or Canterbury railway stations within 5 minutes and as such is consistent the principles of delivering new housing close to good transport options.

- *The Right Place for Business and Services – Planning Policy (DUAP 2001)*

This guideline refers to business and services. The planning proposal does not propose any business activities.

The planning proposal is an extension of an existing R2 Low Density Residential Zone. It is considered that any additional dwellings which result from the development of this land under this zone would utilise existing road networks and public transport services.

The planning proposal is consistent with this Ministerial Direction due to the minor significance of the proposal and its close proximity to bus services being in accordance with objectives 4 and 10 of the GSRP.



### 6.5 Direction 5.10 – Implementation of Regional Plans

The objectives of this direction is to give legal effect to the vision, land use strategy, policies outcomes and actions contained in regional plans.

The planning proposal is consistent with GSRP As set out in section 3 of this report.

### 6.6 Direction 6.2 – Reserving Land for Public Purposes

The objectives of this direction is to facilitate the provision of public services and facilities or the removal of reservations where the land is no longer required.

The proposal is consistent as the rezoning is requested by Sydney Water, the public authority responsible for the site. The site is identified by Sydney Water as no longer being required for operational uses.

### 6.7 Direction 7.1 – Implementation of *A Plan for Growing Sydney*

The objectives of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

The proposal is consistent with *A Plan for Growing Sydney* as per section 3 of this report, namely Direction 2.1: Accelerate housing supply across Sydney.

The proposal delivers on the following actions of Direction 2.1:

- Action 2.1.1: accelerate housing supply and local housing choices
- Action 2.1.3: Deliver more housing by developing surplus or under-used Government land.

## **Section C – Environmental, social and economic impact**

### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposal is consistent with the Ministerial Direction 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

### **8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The proposal is not affected by any other known environmental effects.





**9. Has the planning proposal adequately addressed any social and economic effects?**

The proposal would not have any other adverse social or economic effects that require management or mitigation. The proposal would have a positive social impact, through the provision of a through site link to the park.

**Section D – State and Commonwealth interests**

**10. Is there adequate public infrastructure for the planning proposal?**

The proposal is located within a suburb that is serviced by existing utility, community and transport networks. Council does not consider the scale of potential development, approximately 4 residential parcels, that could result from the rezoning to contribute to a significantly increased demand for services.

**11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

It is noted that the planning proposal has been sought for by Sydney Water. The proposal has not been the subject of consultation with State and Commonwealth public authorities, except for NSW Heritage.

NSW Heritage support the spot rezoning on the following grounds:

- the recommended controls are considered appropriate and in keeping with the surrounding residential development.
- a Conservation Management Plan (CMP) across the site is not required as there will be multiple owners under the Torrens title DAs in the future.
- the draft site-specific Development Control Plan (DCP) is referred to NSW Heritage for advice.

Additional consultation with the following State and Commonwealth public authorities will be undertaken as required by the Gateway Determination:

- Ashbury Public School
- Ausgrid
- Environmental Protection Authority
- Heritage NSW
- School Infrastructure NSW
- Sydney Water
- Transport for NSW



## Part 4 – Maps

The maps which support this planning proposal are:

- Map 1 – Land Application Map on Current Aerial
- Map 2 – Existing Land Zoning Map
- Map 3 – Proposed Land Zoning Map
- Map 4 – Existing Heritage Map
- Map 5 – Proposed Heritage Map
- Map 6 – Existing Height of Building Map
- Map 7 – Proposed Height of Building Map
- Map 8 – Current Aerial Image



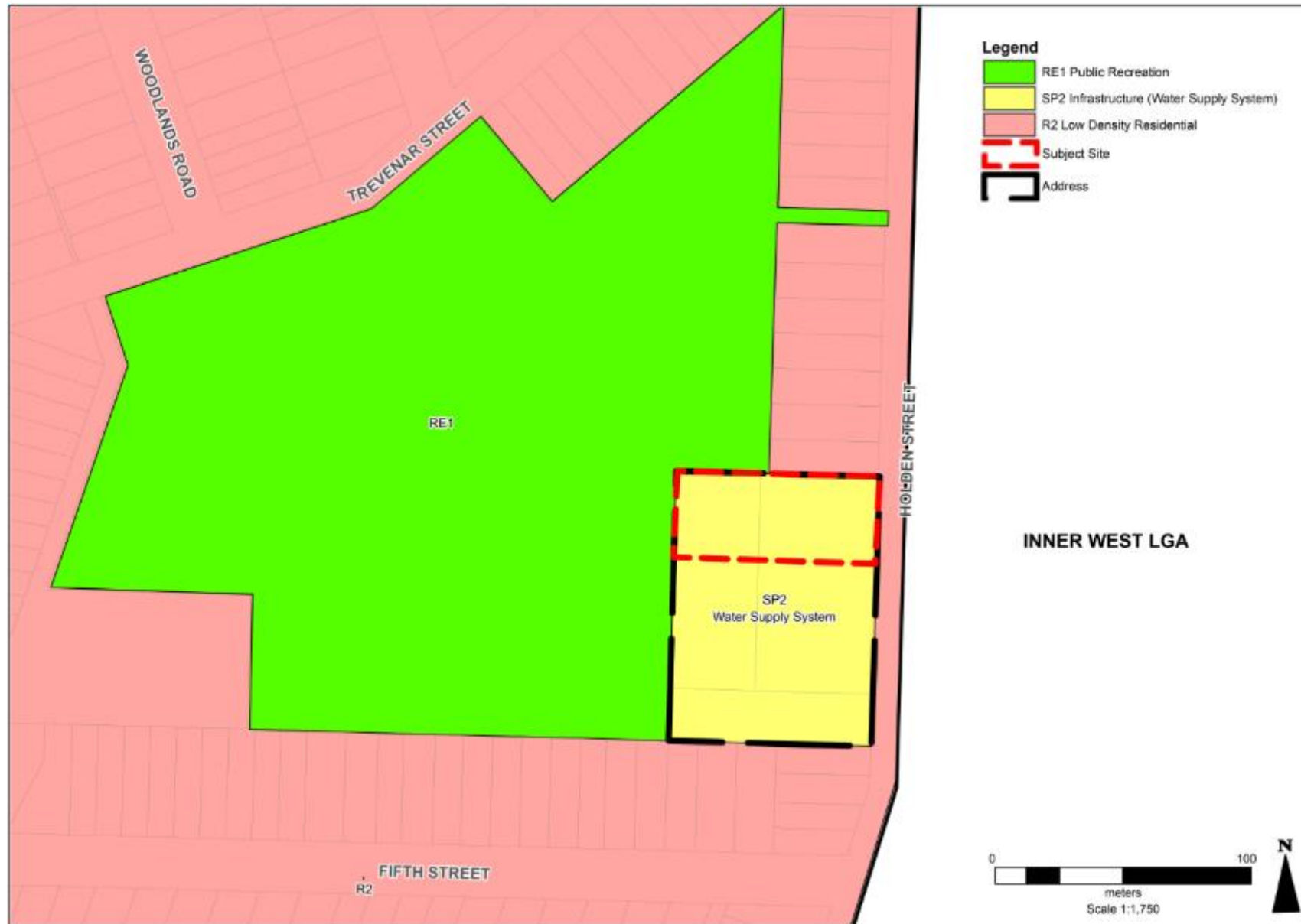
Map 1 – Land Application Map on Current Aerial





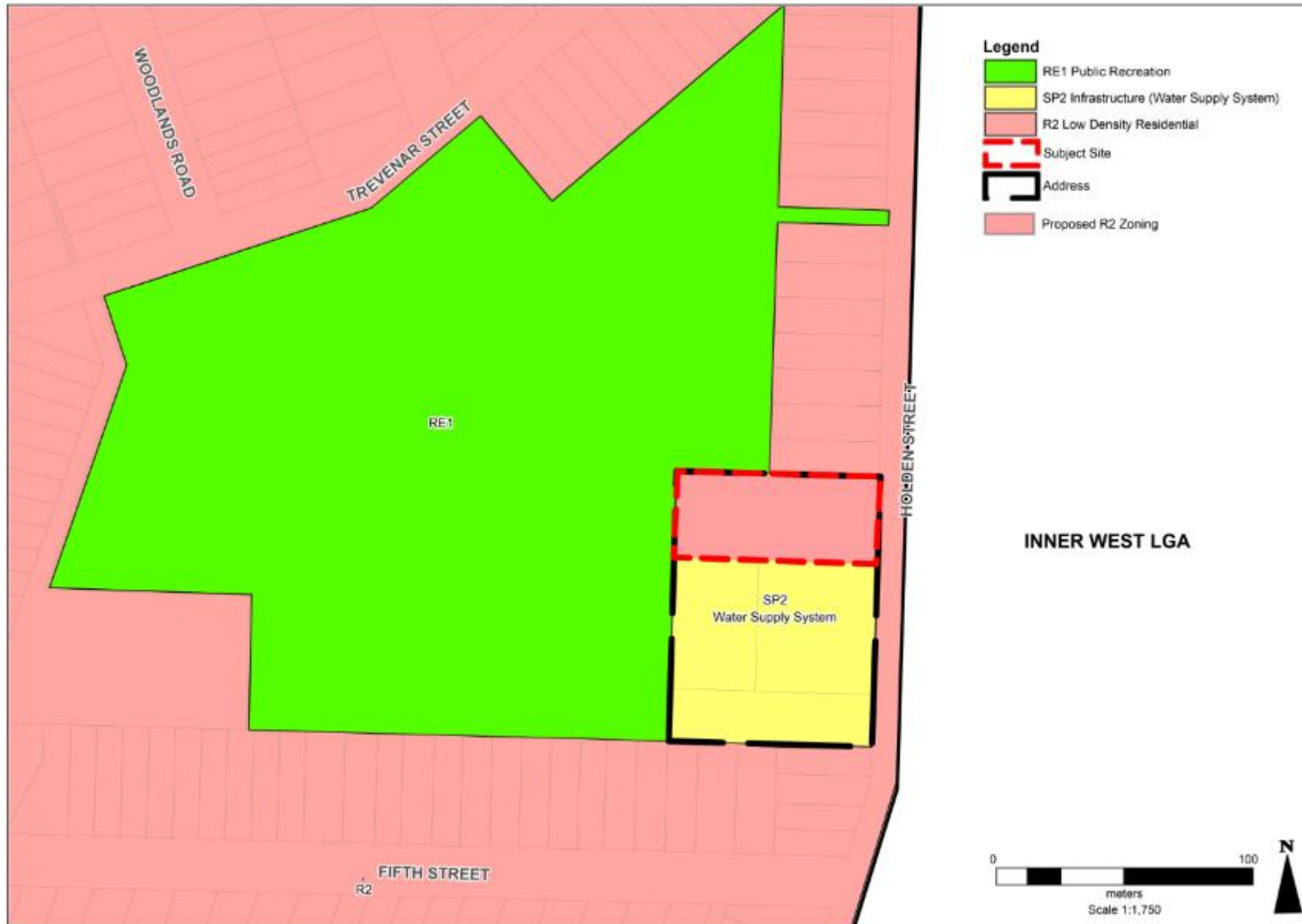


Map 2 – Existing Land Zoning Map





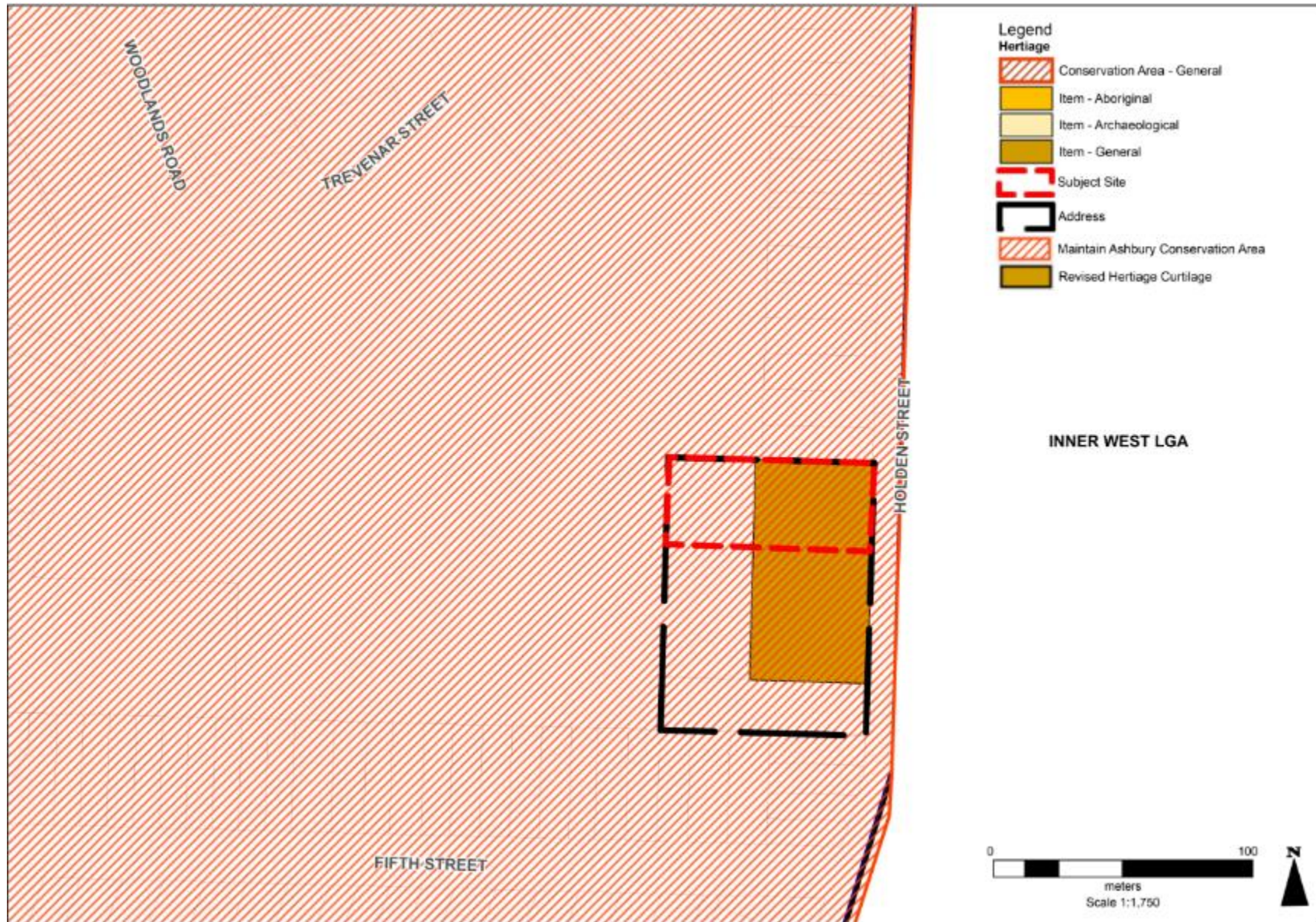
Map 3 – Proposed Land Zoning Map







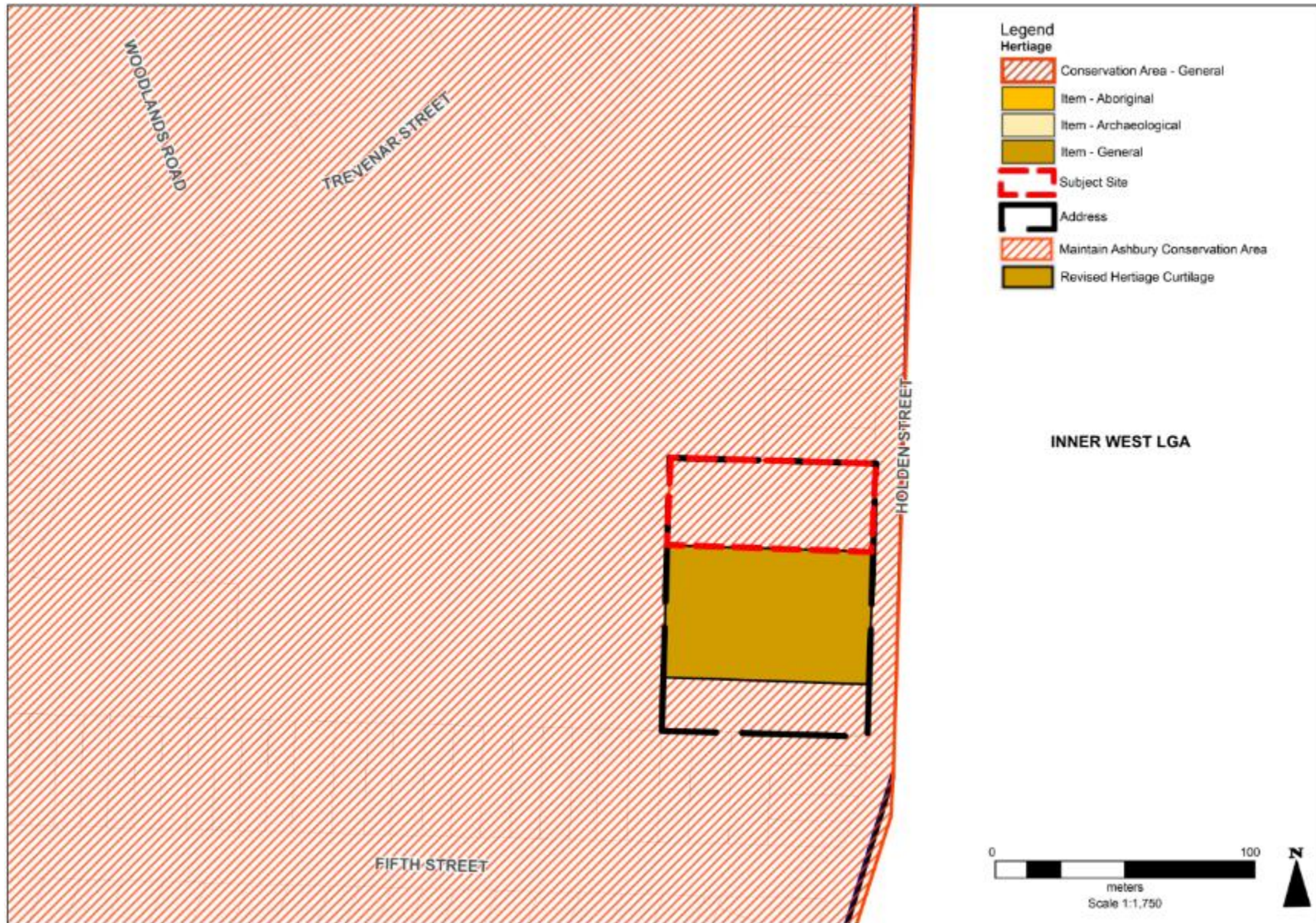
Map 4 – Existing Heritage Map





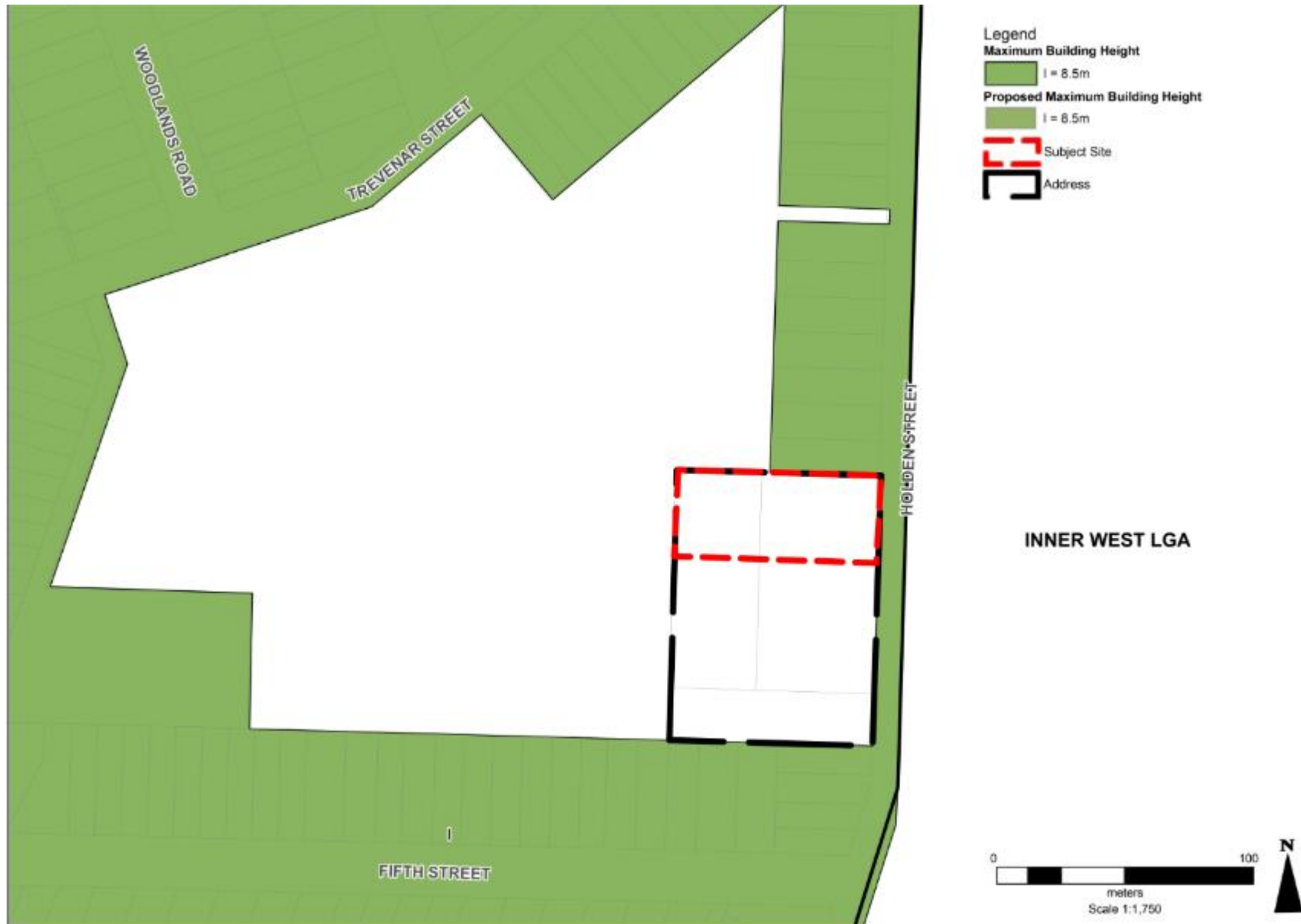


Map 5 – Proposed Heritage Map



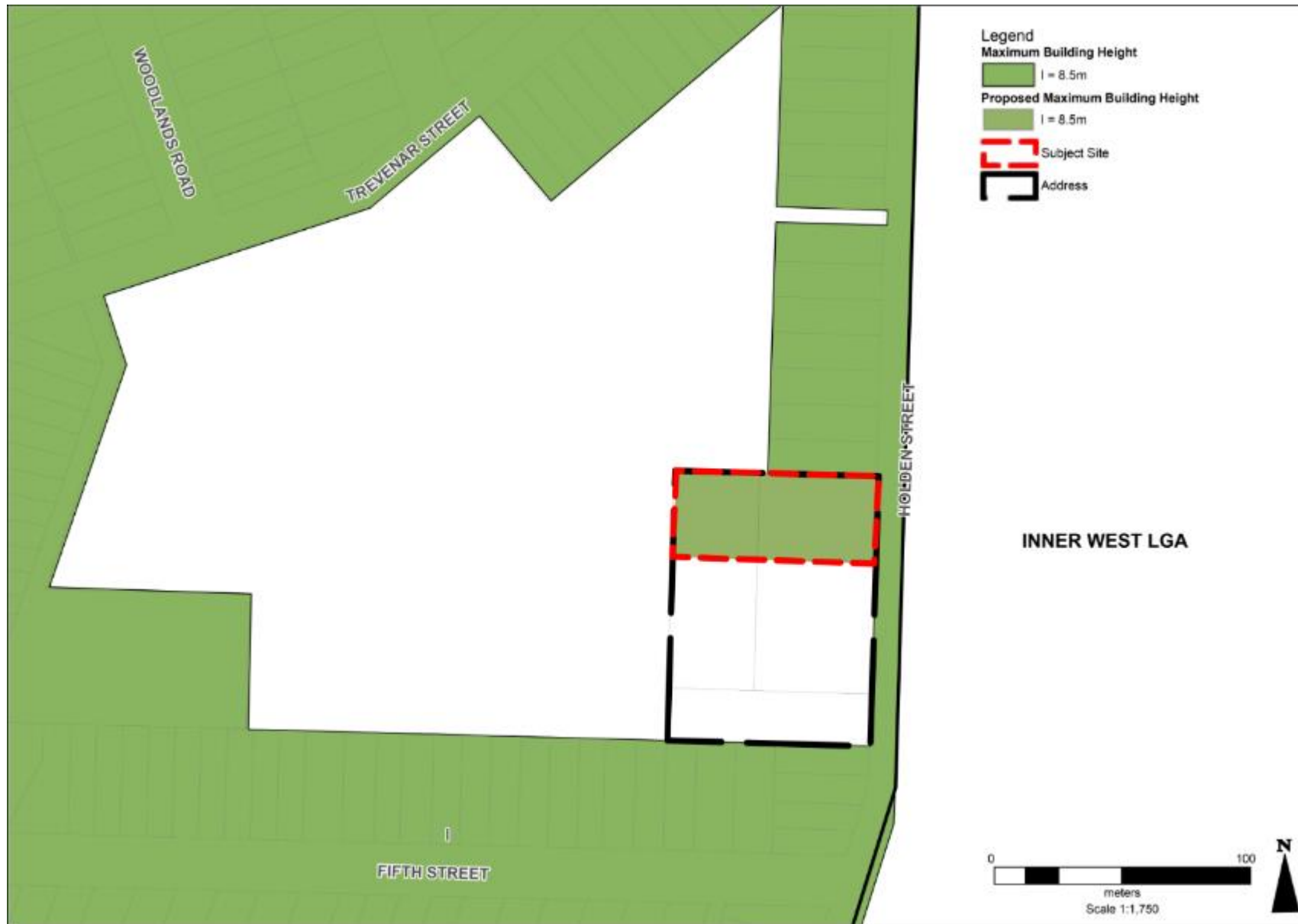


Map 6 – Existing Building Height Map





Map 7 – Proposed Building Height Map







Map 8 – Current Aerial Image







## Part 5 – Community Consultation

The exhibition period for this planning proposal is likely to take a minimum 28 days and would comprise:

- Notification in the local newspaper that circulates in the area affected by this planning proposal, if required.
- Displays on the Council corporate website.
- Written notification to affected and adjoining property owners.
- Written notification to public authorities including:
  - Ashbury Public School
  - Ausgrid
  - Environment Protection Authority
  - Inner West Council
  - School Infrastructure NSW
  - Heritage NSW
  - Sydney Water
  - Transport for NSW
  - Local bus operators



## Part 6 – Project Timeline

The table below provides a rough timeframe for completion of the planning proposal.

Task	Timing
Anticipated commencement date (Gateway Determination Issue Date)	24 December 2020
Anticipated timeframe for the completion of required technical information	16 weeks
Commencement and completion dates for public exhibition period	Minimum 4 weeks commencing 2 weeks after receipt and finalisation of technical information.
Government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in the Gateway determination. This will run concurrently with the public exhibition period.
Dates for public hearing (if required)	Not required.
Timeframe for consideration of submissions	2 weeks
Consideration of Planning Proposal by Council post exhibition (Ordinary Council Meeting)	24 August 2021
Date of submission to the Department/PCO to finalise the LEP	31 August 2021
Anticipated date the local plan-making authority will make the plan (if authorised) and/or forward to the PCO for publication.	24 September 2021



## ATTACHMENT A – State Environmental Planning Policies

No.	SEPPs (as at June 2020)	Applicable	Consistent
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
55	Remediation of Land	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Activation Precincts) 2020	No	N/A
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Coastal Management) 2018	No	N/A
	(Concurrences and Consents) 2018	Yes	Yes
	(Educational Establishments and Child Care Facilities) 2017	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes
	(Infrastructure) 2007	Yes	Yes
	(Koala Habitat Protection) 2019	No	N/A
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Major Infrastructure Corridors) 2020	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	Yes	Yes
	(State & Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non–Rural Areas) 2017	Yes	Yes
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes



	Sydney REP (Sydney Harbour Catchment) 2005	No	N/A
	SREP No 8 (Central Coast Plateau Areas)	No	N/A
	SREP No 9 – Extractive Industry (No 2 – 1995)	No	N/A
	SREP No 16 – Walsh Bay	No	N/A
	SREP No 20 – Hawkesbury-Nepean River (No 2 – 1997)	No	N/A
	SREP No 24 – Homebush Bay Area	No	N/A
	SREP No 26 – City West	No	N/A
	SREP No 30 – St Marys	No	N/A
	SREP No 33 – Cooks Cove	No	N/A





## ATTACHMENT B – Ministerial Directions

As per section 9.1(2) of the EPA Act 1979.

Direction [Issue Date]		Applicable	Consistent
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones [01/05/17]	No	N/A
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [28/02/19]	No	N/A
<b>Environment and Heritage</b>			
2.1	Environment Protection Zones [14/04/16]	No	N/A
2.2	Coastal Protection [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [14/04/16]	Yes	Yes
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
2.6	Remediation of Contamination Land [17/04/20]	Yes	No
<b>Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones [14/04/16]	Yes	Yes
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	No	N/A
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use and Transport [14/04/16]	Yes	Yes
3.5	Development Near Regulated Airports and Defence Airfields [14/04/16]	No	N/A
3.6	Shooting Ranges [16/02/11]	No	N/A
3.7	Reduction in non-hosted short term rental accommodation period [15/02/19]	No	N/A
<b>Hazard and Risk</b>			
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence and Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	No	N/A
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A



Direction [Issue Date]		Applicable	Consistent
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies [01/05/17]	No	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
	Directions 5.5 – 5.8 have been revoked		
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	Yes	Yes
5.11	Development of Aboriginal Land Council land [6/02/19]	No	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	Yes	Yes
<b>Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [09/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Land Use & Infrastructure Implementation Plan [20/08/18]	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan [25/09/18]	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct [25/09/18]	No	N/A