

167 Hume Highway, Greenacre


Planning Proposal for a Mixed Use Development

On behalf of
Iris Capital
June 2020



Project Director

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01 June 2020

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*This document is for discussion purposes only unless signed and dated by the project director.

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Appendix 1 – Checklist for Classification/Reclassification of Public Land

Introduction

This planning proposal report (planning proposal) is submitted to Canterbury-Bankstown Council (Council) on behalf of Iris Capital Pty Ltd (the proponent) in order to seek amendments to Bankstown Local Environmental Plan (LEP) 2015 in relation to the land at 167-183 Hume Highway, Greenacre (the site), also known as "The Palms Hotel".

The intent of the planning proposal is to facilitate redevelopment of the existing ageing hotel into a high-quality mixed use development including new residential and commercial uses.

The planning proposal specifically seeks the following amendments to Bankstown LEP 2015:

- Rezone a portion of the site from B6 Enterprise Corridor to RE1 Public Recreation;
- Rezone a portion of Peter Reserve from RE1 Public recreation to B6 Enterprise Corridor;
- Increase the maximum FSR to 1.25:1 with minimum commercial provision of 0.25:1; and
- Increase the maximum height to part 11m (front 10m of site fronting Hume Highway), part 14m and part 18m.

The proposed rezoning will result in a net increase in RE1 land.

The planning proposal been prepared in accordance with:

- Section 3.33 of the Environmental Planning and Assessment Act 197 (EP&A Act); and
- NSW Department of Planning, Industry and Environment's (DPIE's) A Guide to Preparing Planning Proposals (2016).

The proposal is supported by the following technical reports:

- Urban Design Report (Squillace, May 2020);
- DA Acoustic Assessment (8 May 2020, Acoustic Logic);
- Air Quality Assessment (CTEC, 15 May 2020);
- Social Impact and Community Needs Investigation (31 January 2019) and Social Impact and Community Needs Investigation – Open Space Addendum (GHD, 14 May 2020); and
- Estimate of Operational Impacts (Atlas, May 2020).

Background

The proponent has been engaged in ongoing discussions with Council officers regarding redevelopment of the site since 2014, when the North East Local Area Plan was being prepared. The proponent's original intent was to achieve redevelopment through the Local Area Plan process. However, this process has stalled, and the proponent has opted to move ahead with a site-specific planning proposal. This approach was discussed with and supported by Council officers at a meeting with the proponent on 31 May 2018.

Site description

The site comprises two lots located at 167-183 Hume Highway and 2 Peter Crescent, Greenacre, as shown in Figure 1. Table 2 provides a description of the site's key characteristics.



Figure 1 – Aerial view of site

Source: Nearmap

Table 1 – Site description

| Item | Detail |
|----------------------|--|
| Legal description | Lot 402 DP631754 |
| Total site area | Approx. 11,744sqm |
| Shape | The site is irregular in shape. |
| Frontage | 171.35m to Hume Highway |
| Site topography | The site falls by approximately 5m from north to south. |
| Existing development | The site is currently occupied by a two-storey hotel known as "The Palms" containing a sports bar, VIP lounge, bistro, function centre and short term accommodation, plus a large at-grade car park within the front setback. The site also contains a public park known as Peter Reserve. |
| Access and | Access to the site is via a four driveways off Hume Highway, two in the |

Table 1 – Site description

| | |
|------------------|---|
| parking | middle of the site and one at either end. |
| Public transport | <p>The site located less than 100m walking distance from a bus stop on the north side of Hume Highway, which provides services to Lidcombe Station.</p> <p>The site is also approximately 130m walking distance from a bus stop on Hillcrest Avenue, which provides services to Bankstown Station. The trip from the site to Bankstown Station is less than 20 minutes.</p> |

Photographs of the site are provided in the following figures.



Figure 2 – Site main entry along Hume Highway

Source: Google Maps



Figure 3 – Hume Highway frontage looking west

Source: Google Maps



Figure 4 – Hume Highway frontage looking east
Source: Google Maps



Figure 5 – Peter Reserve (Zone RE1 Public Recreation) at the rear of site
Source: Google Maps

Local context and surrounding development

The site is located along the Hume Highway Enterprise Corridor, specifically the Greenacre Motor Alley. The south side of the highway consists of a mix of houses, motels, shops, car dealerships and a number of large, underutilised sites, including the subject site.

The locality generally consists of industrial development to the north across Hume Highway and low-density residential development to the south, east and west. Refer to the local context map below.

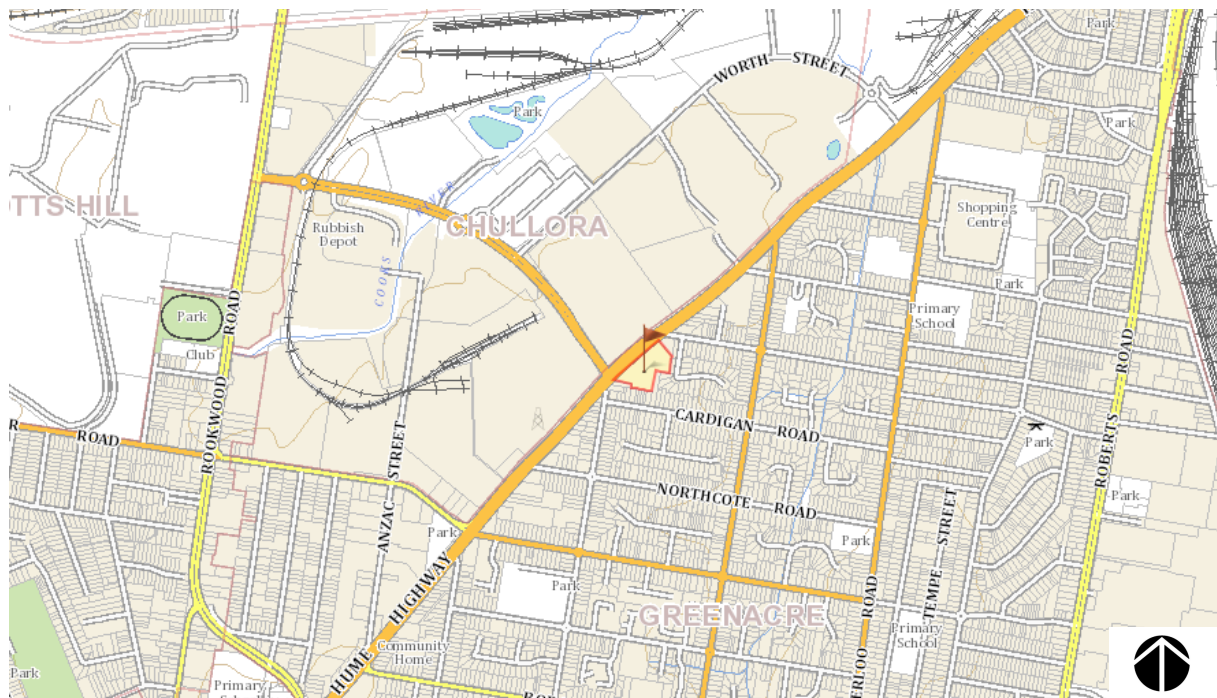


Figure 6 – Local context map

Source: SIX Maps

Surrounding development includes:

- To the north:** The Chullora Industrial Precinct is located immediately to the north of the site across Hume Highway. Further to the north is the Chullora TAFE campus.
- To the south:** To the south the site is adjoined by a low density residential neighbourhood generally comprised of one to two storey dwelling houses.
- To the east:** To the east the site is adjoined by a single storey commercial building at 165 Hume Highway, which is currently occupied by a granite and marble supplier; Peter Reserve, a small pocket park with open space and playground; and a number of one to two storey dwelling houses and semi detached dwellings.
- To the west:** To the west the site is adjoined by a single storey dwelling house. Similar development continues along Hume Highway.

Regional context

The site is located within the local government area of Canterbury-Bankstown, approximately 10km south east of Parramatta CBD and 15km west of Sydney CBD. Under the Greater Sydney Region Plan, the site forms part of the Central River City and is within the South District.



Existing planning controls

The site is subject to Bankstown LEP 2015. The following key provisions apply to the site:

- Land use zone: B6 Enterprise Corridor;
- Maximum building height: 14m (other than the front 20m facing Hume Highway, which has a maximum height of 11m); and
- Maximum floor space ratio: 1:1.

The following figures show the relevant current LEP maps.

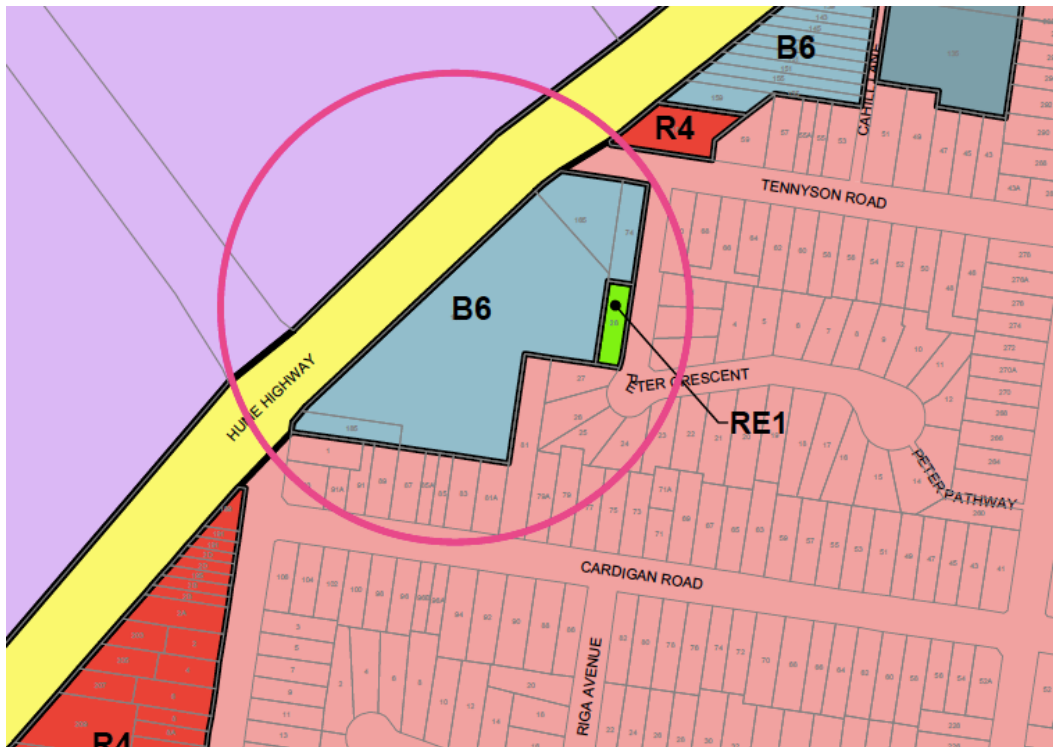


Figure 8 – Land use zone map
Source: Bankstown LEP 2015



Figure 9 – Height of building map
Source: Bankstown LEP 2015

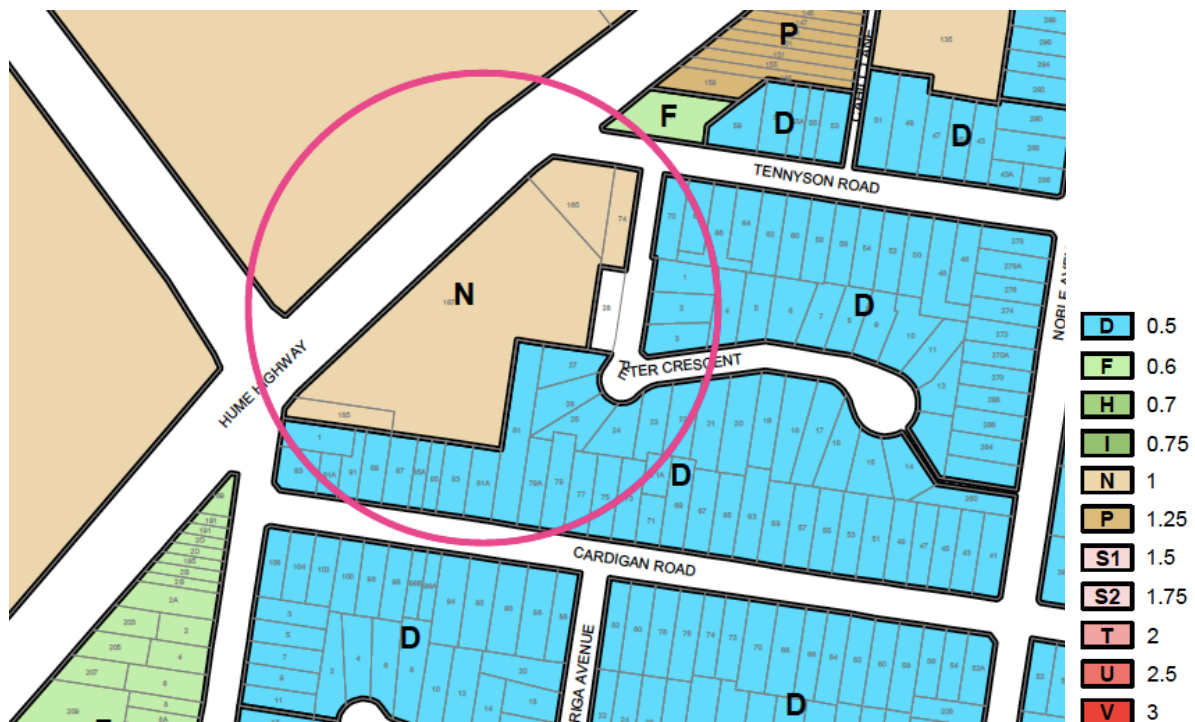


Figure 10 – Floor space ratio map
Source: Bankstown LEP 2015

Structure of this planning proposal

This planning proposal has been prepared in accordance with the requirements of Section 3.33 of the EP&A Act and the DP&E's *A Guide to Preparing Planning Proposals* (2016), and is structured as follows:

- Part 1—A statement of the objectives and intended outcomes;
- Part 2—An explanation of the provisions to be included in the proposed instrument;
- Part 3—Justification of the objectives, outcomes and the process for implementation;
- Part 4—Maps to identify the modifications required to the proposed instrument and the area to which it applies;
- Part 5—Details of the community consultation to be undertaken; and
- Part 6—Draft timeline for the planning proposal.

Part 1: Objectives or intended outcomes

The objectives and intended outcomes of the proposal are:

- To facilitate redevelopment of an ageing hotel into a high-quality mixed use development;
- To facilitate urban renewal that aligns with local and State strategic planning objectives;
- To provide additional housing within 30-minutes by public transport to the strategic centre of Bankstown;
- To provide for high-amenity residential accommodation that improves housing choice and affordability and caters to the needs of the community;
- To provide for suitable vehicular access to the site while increasing the area of Peter Reserve.

Part 2: Explanation of provisions

The proposal seeks to achieve the intended outcomes through the following amendments to Bankstown LEP 2015:

- Rezone a portion of the site from B6 Enterprise Corridor to RE1 Public Recreation;
- Rezone a portion of Peter Reserve from RE1 Public recreation to B6 Enterprise Corridor;
- Increase the maximum FSR to 1.25:1 with minimum commercial provision of 0.25:1; and
- Increase the maximum height to part 11m (front 10m of site fronting Hume Highway), part 14m and part 18m.

The proposed changes to the zoning, maximum FSR and maximum height would be achieved by amending the relevant mapping in Bankstown LEP 2015. The proposed mapping is shown in Part 4 of this report.

The minimum commercial provision would be achieved by inserting a site-specific provision in the Part 6 (Additional local provisions) of the LEP.

The proposed rezoning involves classification and reclassification of public land. The public land classification/reclassification checklist (as set out in DPIE's practice note PN 16-001) is addressed at Appendix 1 of this report.

Part 3: Justification

Section A—Need for the proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

This planning proposal implements key actions in Council's North East Local Area Plan (LAP), which identifies the site as suitable for redevelopment for residential purposes. The proposal's consistency with the LAP is discussed in further detail in Section B below.

Q2. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?

This planning proposal is the most appropriate method of achieving the intended outcome. The intended outcome requires changing height, FSR and zoning, and this can only be achieved by amending the LEP.

An alternative option would be to await the implementation of Council's LAP Planning Proposal, which proposes generally the same standards as the subject proposal. However, the LAP Planning Proposal has stalled indefinitely, and the proponent wishes to move ahead with redevelopment of this key site. This site-specific planning proposal provides the most effective way of giving certainty for the landowner and community about the site's future.

Section B—Relationship to strategic planning framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the objectives and actions contained within the following plans and strategies:

NSW State and Premier's Priorities

The 18 NSW State Priorities were introduced in 2015 to identify key policy commitments for the State Government. One particular priority is relevant to this planning proposal, as outlined in the table below.

The NSW Premier's Priorities consist of 12 priorities personally set out and committed to by the Premier. The priorities contain measurable targets intended to guide the social and economic development of the State. One of the priorities is particularly relevant to this planning proposal, as outlined in the table below.

Table 2 – NSW State and Premier's Priorities

| Priority | Consistency |
|--------------------------------|---|
| State Priorities | |
| Increasing housing supply | The planning proposal contributes to this priority by facilitating additional residential development, which would help meet the State's target of 50,000 approvals per year. |
| Premier's Priorities | |
| Making housing more affordable | The planning proposal facilitates additional residential development, which would help meet the Premier's target of 61,000 housing completions per year. |

Greater Sydney Region Plan

The Greater Sydney Region Plan (2018) (Region Plan) forms Sydney's overarching metropolitan strategic plan. The Region Plan builds on the three cities vision introduced by Towards our Greater Sydney 2056 (2017).

The Region Plan is structured around four key themes—infrastructure and collaboration, liveability, productivity and sustainability—and sets out a number of directions and objectives

to guide delivery of these themes. The planning proposal's consistency with relevant key directions and objectives is outlined in the table below.

| Table 3 – Greater Sydney Region Plan (2018) | | |
|---|--|---|
| Direction | Objective | Consistency |
| A city supported by infrastructure | 4. Infrastructure use is optimised | The proposal facilitates additional residential development in a location close to jobs (e.g., in Bankstown strategic centre) accessible by public transport. |
| Housing the city | 10. Greater housing supply | The proposal enables approximately 167 additional dwellings, which will help meet Canterbury-Bankstown LGA's target of 13,250 additional dwellings by 2021. |
| | 11. Housing is more diverse and affordable | The proposal's increase in housing supply would exert downward pressure on housing prices. |
| A city of great places | 12. Great places that bring people together | The proposal facilitates redevelopment of the existing ageing development into a well-designed mixed use development, including residential communal areas that will encourage interaction between residents. |
| Jobs and skills for the city | 21. Internationally competitive health, education, research and innovation precincts | The planning proposal enables additional residential development in close proximity to the identified health and education precinct of Bankstown,, which will support the competitiveness and success of the precinct by providing suitable housing for workers in the precinct. |
| A city in its landscape | 30: urban tree canopy cover is increased | The planning proposal facilitates redevelopment of the existing site, which is largely hardstand area, into a mixed use precinct with increased landscaping and deep soil areas for large canopy trees. |
| | Objective 31: Public open space is accessible, protected and enhanced | <p>The proposal also involves a greater than 50% increase in the size of Peter Reserve, which provide for the protection and enhancement of public open space in accordance with this objective.</p> <p>As demonstrated by the concept design in the Urban Design Report, the planning proposal facilitates development that addresses and provides easy access to the adjoining Peter Reserve.</p> |

South District Plan

The South District Plan (2018) (District Plan) supports the Region Plan and sets out a 20-year vision to guide the growth of the District within the context of Greater Sydney's three cities.

The District Plan sets out a number of planning priorities structured around the Region Plan's four key themes. Key relevant priorities are discussed in the table below.

| Table 4 – South District Plan (2018) | |
|--|---|
| Priority | Consistency |
| S1. Planning for a city supported by infrastructure | The planning proposal would allow for more intense development within walking distance of public transport (bus). |
| S5. Providing housing supply, choice and affordability, with access to jobs and services | The planning proposal would allow for approximately 167 dwellings in close proximity to the strategic centre of Bankstown. |
| S6. Creating and renewing great places and local centres, and respecting the District's heritage | The planning proposal would prove for the redevelopment of an aging hotel into a well-designed mixed use development This would help renew the area and contribute to a well-designed built environment along the Hume Highway. |
| S12. Delivering integrated land use and transport planning and a 30-minute city | The planning proposal would support delivery of a 30-minute city by placing workers and residents within 30 minutes by public transport of Bankstown strategic centre. |
| S16. Delivering high quality open space | The planning proposal would increase the size of Peter Reserve and enhance the quality of the park (via VPA), ensuring dwellings in the area are within 400m of high quality open space. |

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The following local strategic documents are relevant to the planning proposal:

North East Local Area Plan

On 11 May 2016 Council resolved to adopt the North East Local Area Plan (LAP). The North East sets out the vision for the North East Local Area to 2031 and provides a detailed list of priority actions to guide the community, planners, businesses, government and developers about appropriate directions and opportunities for change.

The LAP identifies the site as a key site suitable for residential development with increased density and height. The planning proposal's consistency with key relevant directions and actions is outlined below.

| Table 5 – North East Local Area Plan | | |
|---|---|--|
| Direction | Action/Outcome | Consistency |
| L5. Plan for additional dwelling growth in the Enterprise Corridors | A3. Within Zone B6 Enterprise Corridor, a review indicates it may be possible to increase the building envelope to 1.5:1 FSR to better match the current building height limits for the following key development | The proposal seeks a maximum 1.25:1 FSR for the site in accordance with this action. This action is given effect in the LAP Planning Proposal, which is |

Table 5 – North East Local Area Plan

| | | |
|---|--|---|
| | <p>sites:</p> <ul style="list-style-type: none"> • No. 167 Hume Highway in Greenacre • Nos. 225–241A Hume Highway and No. 112 Northcote Road in Greenacre. <p>[Emphasis added]</p> | discussed below the table. |
| | <p>A4. Within Zone B6 Enterprise Corridor, avoid wide horizontal buildings (of similar height) that increase the perception of bulk and scale when viewed from the Hume Highway. For buildings facing the highway, allow the north–east corner to incorporate an architectural corner feature to add visual interest. This may be in the form of an extra storey or other measure that provides a balanced response to the horizontal and vertical proportions of the buildings. This would apply to the following key development sites:</p> <ul style="list-style-type: none"> • No. 167 Hume Highway in Greenacre • Nos. 225–241A Hume Highway and No. 112 Northcote Road in Greenacre <p>[Emphasis added]</p> | <p>The proposal incorporates increased heights at the north east portion of the site generally in accordance with this action.</p> <p>Note: This action is given effect in the LAP Planning Proposal, which is discussed below the table.</p> |
| | <p>A5. Within Zone B6 Enterprise Corridor, a review indicates it may be possible to reduce the minimum highway setback for dwellings on large sites, from 20 metres to 10 metres provided there is appropriate amenity (noise and air quality) protection for future residents. Otherwise a 20 metre setback will apply. This may apply to the following key development sites:</p> <ul style="list-style-type: none"> • Nos. 139–159 Hume Highway and No. 3 Cahill Lane in Greenacre. • Nos. 165–185 Hume Highway and No. 74 Tennyson Road in Greenacre. • Nos. 225–241A Hume Highway and No. 112 Northcote Road in Greenacre. <p>[Emphasis added]</p> | <p>The concept design included as part of this proposal provides for a 10m setback (for residential uses) from the northern boundary and 13m setback from the curb of Hume Highway in accordance with this action.</p> |
| | <p>A7. Within Zone B6 Enterprise Corridor, maintain the landscaping requirement to enhance the Remembrance Driveway landscape corridor.</p> | <p>The concept design included with this proposal provides for landscaping within the front setback area which will enhance the visual appearance of the corridor.</p> |
| L7. Lead the way with better standards of | <p>A review of design excellence provisions, and to apply SEPP 65 to serviced apartments and boarding houses.</p> | <p>The concept design included with this proposal demonstrates a high standard of design. All</p> |

Table 5 – North East Local Area Plan

| | |
|-----------------|---|
| building design | apartments, both residential and serviced, have been designed to comply with ADG design criteria. This is discussed in Table 6 below. |
|-----------------|---|

Planning Proposal—Local Area Plans

The actions of the North East LAP (as well other LAPs) are given effect in Council's Local Area Plans Planning Proposal (PP_2016_CBANK_002_00), which received Gateway determination on 19 May 2017. Despite the Gateway determination, the proposal is not currently progressing, and its future implementation is uncertain.

A key relevant intended outcome of the proposal is:

- (g) *Strengthening the function of the enterprise employment corridors, and limiting residential flat buildings to certain key development sites that can provide residents with good amenity in relation to noise and air quality.*

The LAP Planning Proposal proposes the following specific standards for the site:

- Maximum height of 11m for front 10m of the site fronting Hume Highway (reduced from 20m) and maximum height of 17m for a portion of the site (refer to Figure 11); and
- Maximum 1.5:1 FSR (refer to Figure 12).

Note: The maps below show only the amendments to the LEP maps, not the full LEP maps. It should also be noted that the proposed “N2” (14m) strip along Hume Highway in Figure 11 below is not located directly along the boundary but is set back 10m. The effect of the amendment, therefore, is to reduce the “L” (11m) strip from its current 20m width to a 10m width.

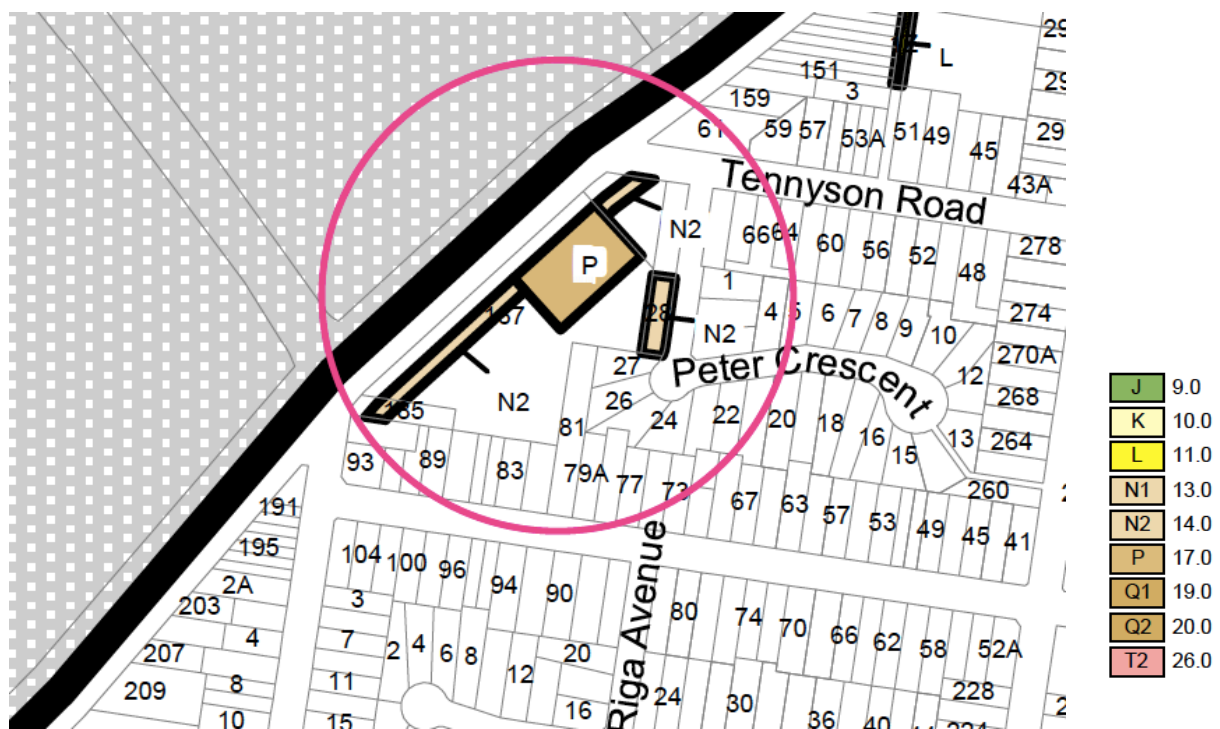


Figure 11 – Height of building map

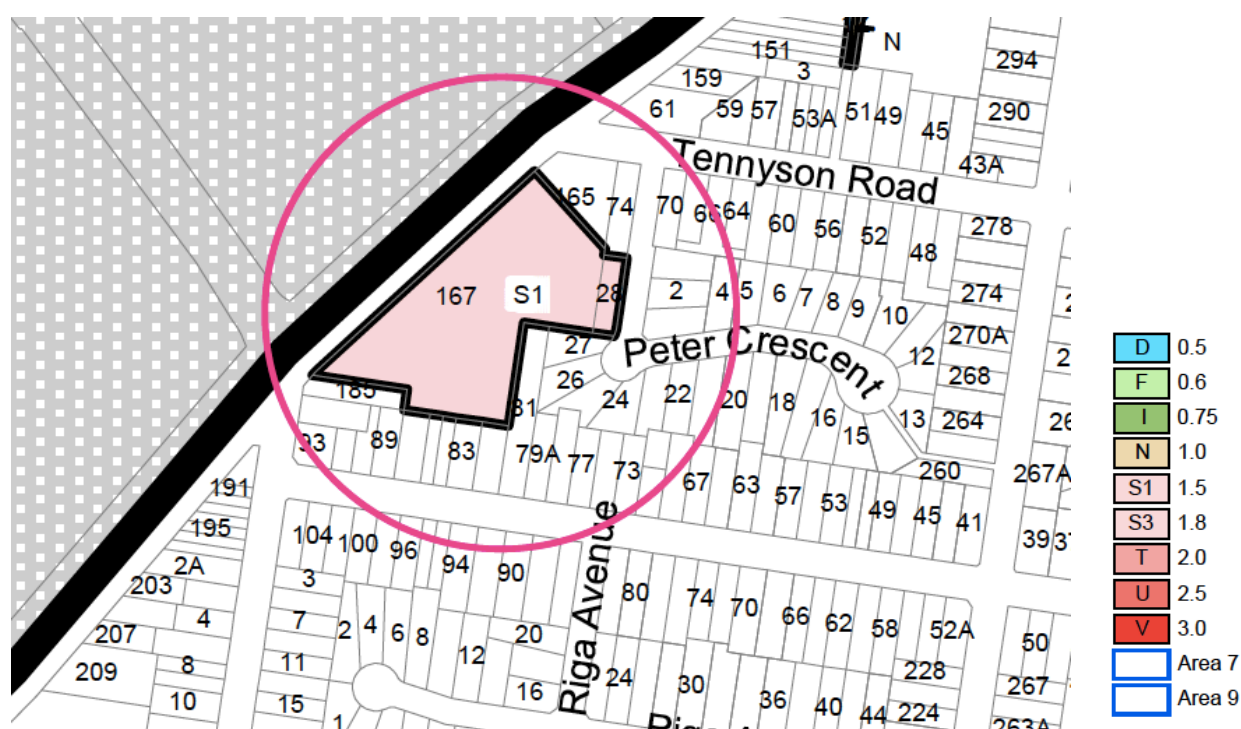


Figure 12 – Floor space ratio map

Source: Planning Proposal – Local Area Plans

The subject planning proposal is generally consistent with the LAP Planning Proposal. It proposes a slightly lower FSR of 1.25:1 (vs. the LAP's 1.5:1) and a slightly higher maximum height of 18m (vs. the LAP's 17m). The proposal's height distribution is slightly different, which is a change resulting from site-specific urban design investigations. Overall the planning proposal is consistent with the LAP Planning Proposal and aligns with its intended outcomes.

Q5. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) as outlined in Table 6.

Table 6 – State Environmental Planning Policies

| SEPP | Consistent | Comment |
|---------------------------------------|----------------|---------|
| SEPP No. 1- Development Standards | Not Applicable | - |
| SEPP No. 14 – Coastal Wetlands | Not Applicable | - |
| SEPP No. 19 – Bushland in Urban Areas | Not Applicable | - |
| SEPP No 21 – Caravan Parks | Not Applicable | - |

Table 6 – State Environmental Planning Policies

| | | |
|---|----------------|---|
| SEPP No. 26 – Littoral Rainforests | Not Applicable | - |
| SEPP No. 30 – Intensive Agriculture | Not Applicable | - |
| SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land) | Consistent | The proposal is an example of infill development and provides for multiple uses on site. The proposal meets the aims and objectives of this SEPP. |
| SEPP No. 33 – Hazardous and Offensive Development | Not Applicable | - |
| SEPP No. 36 – Manufactured Home Estates | Not Applicable | - |
| SEPP No. 44 – Koala Habitat Protection | Not Applicable | - |
| SEPP No. 47 – Moore Park Showground | Not Applicable | - |
| SEPP no. 50 – Canal Estate Development | Not Applicable | - |
| SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas | Not Applicable | - |
| SEPP No. 55 – Remediation of Land | Not Applicable | No change of use is proposed. |
| SEPP No. 62 – Sustainable Aquaculture | Not Applicable | - |
| SEPP No. 64 – Advertising and Signage | Not Applicable | - |
| SEPP No. 65 – Design Quality of Residential Flat Development | Consistent | <p>As demonstrated by the concept scheme in the Urban Design Report, the planning proposal facilitates redevelopment that is consistent with SEPP 65 design principles and with key ADG design criteria.</p> <p>Compliance with ADG design criteria is discussed in further detail below the table.</p> <p>Any future development application for the site would be subject to a detailed</p> |

Table 6 – State Environmental Planning Policies

| | | |
|--|----------------|--|
| | | assessment under SEPP 65 and associated ADG. |
| SEPP No. 70 – Affordable Housing (Revised Schemes) | Consistent | The proposal does not affect the schemes within this SEPP, nor does it propose any new scheme for affordable housing that would need to be included in this SEPP. The planning proposal is consistent with the objectives of this SEPP. |
| SEPP No. 71 – Coastal Protection | Not Applicable | - |
| SEPP (Affordable Rental Housing) 2009 | Consistent | The proposal does not inhibit any operations of this SEPP. |
| SEPP (Building Sustainability Index: BASIX) 2004 | Consistent | The proposal does not inhibit any operations of this SEPP. Any future development application for residential uses at the site would be accompanied by a BASIX certificate. |
| SEPP (Exempt and Complying Development Codes 2008 | Consistent | The proposal does not inhibit any operations of this SEPP. |
| SEPP (Housing for Seniors or People with a Disability) 2004 | Consistent | The proposal does not inhibit any operations of this SEPP. |
| SEPP (Infrastructure) 2007 | Consistent | This proposal considers the relevant guidelines for land adjacent to road corridors. The SEPP would be considered in detail during the development application stage. |
| SEPP (Kosciuszko National Park – Alpine Resorts) 2007 | Not Applicable | - |
| SEPP (Kurnell Peninsula) 1989 | Not Applicable | - |
| SEPP (Major Development) 2005 | Consistent | The proposal does not inhibit the operations of the former Part 3A provisions or the replacement measures. |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Not Applicable | - |

Table 6 – State Environmental Planning Policies

| | | |
|---|----------------|---|
| SEPP Penrith Lakes Scheme | Not Applicable | - |
| SEPP (Rural Lands) 2008 | Not Applicable | - |
| SEPP (State and Regional Development) 2011 | Not Applicable | - |
| SEPP (State Significant Precincts) 2005 | Not Applicable | - |
| SEPP (Sydney Drinking Water Catchment) 2011 | Not Applicable | - |
| SEPP (Sydney Region Growth Centres) 2006 | Not Applicable | - |
| SEPP (Three Ports) 2013 | Not Applicable | - |
| SEPP (Urban Renewal) 2010 | Not Applicable | - |
| SEPP (Western Sydney Employment Area) 2009 | Not Applicable | - |
| SEPP (Western Sydney Parklands) 2009 | Not Applicable | - |
| SREP No. 8 – Central Coast Plateau Areas | Not Applicable | - |
| SREP No. 9 – Extractive Industry (No 2 – 1995) | Not Applicable | - |
| SREP No. 16 – Walsh Bay | Not Applicable | - |
| SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997) | Not Applicable | - |
| SREP No. 24 – Homebush Bay Area | Not Applicable | - |
| SREP No. 26 – City West | Not Applicable | - |

Table 6 – State Environmental Planning Policies

| | | |
|--------------------------------------|----------------|---|
| SREP No. 30 – St Marys | Not Applicable | - |
| SREP No. 33 – Cooks Cove | Not Applicable | - |
| SREP (Sydney Harbour Catchment) 2005 | Not Applicable | - |

SEPP 65/ADG discussion

The concept scheme (refer to Urban Design Report submitted under separate cover) demonstrates compliance with key ADG criteria, as outlined below:

- 92/129 (75%) of apartments achieve at least two hours of sunlight between the hours of 9am and 3pm at the winter solstice to their living room windows and private open space areas, which is greater than the minimum of 70%. It is noted that two of the buildings—Building A and Building C—do not individually comply with the requirement, achieving 56% and 63%, respectively. This is considered acceptable given the buildings will be constructed and will function as a single whole, having a shared basement and shared communal open space. Nonetheless, the architect has prepared potential alternative floorplates for Building A and Building C in order to demonstrate a scheme in which each building individually complies with solar access requirements. Under this alternative scheme (which includes 10 additional apartments), 104/139 (75%) of apartments achieve the required two hours of sunlight, with each building achieving 70% or greater.
- 84/129 (65%) of apartments are naturally cross-ventilated, which is greater than the minimum of 60%.
- The required building separation is provided between buildings on site and between the buildings and the site boundary.
- 2,940sqm or (25% of the site area) is devoted to communal open space, which is greater than the minimum of 25%. Furthermore, 50% of the principal usable area of the communal open space receives at least two hours of sunlight between the 9am and 3pm at the winter solstice.

It is noted that each individual building does not achieve full compliance with solar and cross-ventilation controls (but the development as a whole achieves compliance as noted above). This is considered acceptable given that development is an integrated, master-planned project with single basement that will be carried out as a single inter-connected development.

A full compliance assessment against the SEPP 65 design principles and the ADG would be undertaken at the future development application stage.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The planning proposal is consistent with all applicable Ministerial Directions under the previous Section 117 of the EP&A Act (now Section 9.1) as outlined in the table below.

Table 7 – Section 117 Ministerial Directions

Table 7 – Section 117 Ministerial Directions

| Clause | Direction | Consistency | Comment |
|--|---|----------------|--|
| 1. Employment and Resources | | | |
| 1.1 | Business and Industrial Zones | Consistent | The proposal retains the site's business zoning and does not reduce the total potential floor space for employment uses. |
| 1.2 | Rural Zones | Not Applicable | - |
| 1.3 | Mining, Petroleum Production and Extractive Industries | Not Applicable | - |
| 1.4 | Oyster Aquaculture | Not Applicable | - |
| 1.5 | Rural Lands | Not Applicable | - |
| 2. Environment and Heritage | | | |
| 2.1 | Environment Protection Zones | Not Applicable | - |
| 2.2 | Coastal Protection | Not Applicable | - |
| 2.3 | Heritage Conservation | Not Applicable | - |
| 2.4 | Recreation Vehicle Areas | Not Applicable | - |
| 2.5 | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | Not Applicable | - |
| 3. Housing, Infrastructure and Urban Development | | | |
| 3.1 | Residential Zones | Not Applicable | - |
| 3.2 | Caravan Parks and Manufactured Home Estates | Not Applicable | - |
| 3.3 | Home Occupations | Consistent | - |
| 3.4 | Integrating Land Use and Transport | Consistent | The proposal is consistent with this direction in that it increases density for potential residential and commercial uses in a location close to public transport (bus). |
| 3.5 | Development Near Licensed | Not Applicable | - |

Table 7 – Section 117 Ministerial Directions

| | | | |
|---------------------|---|----------------|---|
| | Aerodromes | | |
| 3.6 | Shooting Ranges | Not Applicable | - |
| 4. Hazard and Risk | | | |
| 4.1 | Acid Sulfate Soils | Not Applicable | - |
| 4.2 | Mine Subsidence and Unstable Land | Not Applicable | - |
| 4.3 | Flood Prone Land | Not Applicable | - |
| 4.4 | Planning for Bushfire Protection | Not Applicable | - |
| 5 Regional Planning | | | |
| 5.1 | Implementation of Regional Strategies | Not Applicable | - |
| 5.2 | Sydney Drinking Water Catchments | Not Applicable | - |
| 5.3 | Farmland of State and Regional Significance on the NSW Far North Coast | Not Applicable | - |
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | Not Applicable | - |
| 5.5 | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) | Not Applicable | - |
| 5.6 | Sydney to Canberra Corridor (Revoked 10 July 2008. See Amended Directions 5.1) | Not Applicable | - |
| 5.7 | Central Coast (Revoked 10 July 2008. See amended Directions 5.1) | Not Applicable | - |
| 5.8 | Second Sydney Airport: Badgerys Creek | Not Applicable | - |

Table 7 – Section 117 Ministerial Directions

| | | | |
|-------------------------|--|----------------|---|
| 5.9 | North West Rail Link Corridor Strategy | Not Applicable | - |
| 5.10 | Implementation of Regional Plans | Not Applicable | - |
| 6 Local Plan Making | | | |
| 6.1 | Approval and Referral Requirements | Consistent | The proposal does not include consultation, referral or concurrence provisions, nor does it identify development as designated development. |
| 6.2 | Reserving Land for Public Purposes | Consistent | The proposal seeks to alter the existing RE1 Public Recreation zone boundary of Peter Reserve. The alteration is considered acceptable given it will result in an increase in public land and is supported by the relevant public authority (Council). |
| 6.3 | Site Specific Provisions | Consistent | The planning proposal seeks to impose a site-specific requirement for a minimum commercial FSR of 0.25:1. This type of requirement is relatively common and is not considered unnecessarily restrictive. |
| 7 Metropolitan Planning | | | |
| 7.1 | Implementation of A Plan for Growing Sydney | Consistent | As demonstrated in Table 3 above, the planning proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways in the Greater Sydney Region Plan, which has replaced A Plan for Growing Sydney as Sydney's overarching metropolitan strategy. |
| 7.2 | Implementation of Greater Macarthur Land Release Investigation | Not Applicable | - |

Section C—Environmental, social and economic impact

Q7. 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?

There are no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that would be affected by this planning proposal.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The planning proposal would not result in any unacceptable environmental impacts as discussed below:

Built form

Squillace Architects has prepared an Urban Design Report which explores the opportunity for redevelopment of the site and provides a concept design that fits within the built form parameters established by the planning proposal. The design is for a mixed use development featuring a total of 129 residential apartments and a ground floor pub.

The concept design features four distinct buildings arranged so as to minimise impacts on surrounding residential properties. The tallest built form (4-5 storeys) is located at the northern end of the site adjacent Hume Highway and other commercial property, away from the surrounding low density residential area. The southern portion of the site, which adjoins the lower density residential area, contains the lower 2-3 storey built form.

The proposal will have a positive impact on the streetscape, providing a high quality built form in place of an aging hotel development in accordance with the desired future character of the site.

Acoustic impacts

A DA Acoustic Assessment (Acoustic Logic, 8 May 2020) accompanies the proposal. The assessment addresses noise impacts from Hume Highway and noise emissions in principle from operational noise, mechanical plant and vehicle noise from on-site movements.

Key points from the assessment are outlined below:

- Apartments will achieve acoustic requirements with windows closed subject to implementation of the recommended façade treatments;
- Where it is not possible for apartment ventilation to draw from windows/doors and still achieve the recommended noise levels, alternative mechanical means of ventilation would be required. This can be further investigated at the DA stage.
- Noise levels from the operation of the pub to the façade of the residential apartments will meet acoustic requirements subject to implementation of the recommended façade treatments.
- All plant item swill be capable of meeting noise emissions requirements, with detailed design to be done at the CC stage.
- Specific hours and management measures are recommended for the loading dock in order to minimise impacts on residents.

Air quality

An Air Quality Assessment (CETEC, 15 May 2020) accompanies the proposal. The assessment discusses potential vehicle emissions impacts from Hume Highway, provides preliminary recommendations for mitigation air quality impacts and further assessment. The assessment is based on a desktop review of air quality and weather data and a site visit.

The assessment concludes the following:

- Based on site observations, it is expected that the site will comply with acceptable air quality guidelines on days of “normal” weather conditions, i.e., days when extreme temperatures are not occurring (as extreme temperature days are more likely to produce very hot, still conditions where the vehicular hot exhaust is more likely to

possess similar buoyancy to the ambient temperature and is therefore less likely to dissipate).

- When external air quality is poor, infiltration of air through the building envelope may diminish indoor air quality. Therefore, it is recommended that the design and construction of the building meet building air tightness standards such as Green Star, ATTMA or NIBS.
- To prevent airborne particulates being drawn into the building through the mechanical ventilation system (if installed), appropriately designed particulate filters are recommended (e.g. MERV 13 or higher).
- If installed, the mechanical design should consider the pressure differential between outdoors and indoors.
- The design of the main entrance (i.e. the main entrance facing the Hume Highway) should limit the flow of unfiltered air from the outside.
- Indoor air quality testing should be conducted after construction is complete and mechanical systems are operating normally to confirm indoor air quality is acceptable at the site.

Overshadowing

The concept design seeks to minimise the impact of overshadowing to surrounding properties, including Peter Reserve. This is achieved through generous setbacks and careful building articulation. The proposal ensures that the principal private open space of adjoining properties maintains solar access of at least two hours between 9am and 3pm at the mid-winter (21 June) in accordance with ADG design guidance. Peter Reserve will retain solar access to approximately 50% of its area for three hours at mid-winter, which is considered an acceptable outcome given the reserve's size, location and orientation. For further detail, refer to the detailed overshadowing diagrams in the Urban Design Report.

Amalgamation with neighbouring sites

The North East LAP identifies the subject site as part of a combined potential redevelopment site including neighbouring properties to the north (165 Hume Highway and 74 Tennyson Road) and to the south (185 Hume Highway). The proponent has approached the landowners of the neighbouring sites with commercial offers to amalgamate, but the offers have been declined. Accordingly, these sites have not been included in the planning proposal.

Regardless of the unsuccessful attempts to amalgamate, the neighbouring sites would not be isolated or incapable of redevelopment as a result of the planning proposal. The dwelling house at 185 Hume Highway, although zoned B6 Enterprise Corridor, is consistent with the surrounding residential development and would not be stranded as a solitary dwelling. The sites at 165 Hume Highway and 74 Tennyson Road, which are directly to the north of the subject site and comprise a combined area of more than 2,000sqm, are capable of redeveloping on their own for the purposes of shop top housing. While Bankstown LEP 2015 does not permit a residential flat building in the B6 zone on a site with an area of less than 5,000sqm (cl. 4.1B), there is no similar restriction related to shop top housing in the B6 zone. These sites could also redevelop for purely commercial purposes.

It is noted that the LEP restricts development in "Area 2" to a maximum height of 11m unless the site is at least 5,000sqm (cl. 4.3(2A)). The sites at 165 Hume Highway and 74 Tennyson Road are located in Area 2 and do not achieve a combined 5,000sqm area. Nonetheless, the 11m restriction does not preclude redevelopment of these sites but only moderately limits the height of redevelopment.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social effects

The proponent intends to dedicate a portion of the site at no cost to Council (via voluntary planning agreement) in order to expand the adjoining Peter Reserve. This area is shown in the Urban Design Report (Squillace, May 2020). A Social Impact and Community Needs Assessment – Open Space Addendum (GHD, May 2020) has been prepared to assess the community impacts of expanding the size of the reserve. The assessment concludes the following:

- There is currently a low provision of open space in and around the site. Retaining and expanding Peter Reserve would improve residents' access to quality open space and, in turn, enhance benefits generally associated with access to open space, including:
 - Improved physical and mental health and well-being;
 - Opportunities for passive recreation;
 - Strengthen social and cultural identity; and
 - Contribute to a sense of place.

As a Play Level 3 (Playgrounds & Play Spaces Strategic Plan, Canterbury-Bankstown Council, 2018), the reserve is expected to service residents located within a 5-10 minute walk and provide basic playgrounds or landscape play.

Overall, retaining and increasing the size of the reserve is expected to deliver community benefits for both new residents and existing surrounding residents.

Economic effects

The planning proposal would have a number of positive economic effects, including:

- Rejuvenated commercial offering at the site;
- Provision of convenient, accessible housing for workers in the strategic centre of Bankstown;
- 159 full time equivalent (FTE) jobs (79 direct FTE) through retail/commercial operations and dispersed jobs in new residential units; and
- 56 FTE jobs (33 direct FTE) supported by annual household expenditure from through the new dwellings.

For further detail refer to the Estimate of Operational Impacts (Atlas, 22 May 2020).

Section D—State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is currently serviced by all essential services and infrastructure. Certain infrastructure may be required to be upgraded to service future development. This would be determined at the future development application stage in consultation with the relevant utility authorities.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage, the views of appropriate State and Commonwealth public authorities have not been obtained. This would occur following Gateway determination.

Part 4: Mapping

The table below outlines the proposed changes to the provisions of Bankstown LEP 2015.

| Table 8 – Proposed mapping changes | | |
|------------------------------------|---|--|
| Item | Current provisions | Proposed provisions |
| Zone | Part B6 Enterprise Corridor Part RE1 Public Recreation | Partial boundary adjustment between two zones |
| Height | Part 11m Part 14m | Part 11m Part 14m Part 18m |
| FSR | 1:1 | 1.25:1 with minimum commercial provision of 0.25:1 |

The proposed changes would be reflected in amendments to the Land Use Zoning Map, Height of Building Map and Floor Space Ratio Map in Bankstown LEP 2015 as shown in the figures below.

Note: The site is classified as being within “Area 2” on the existing Height of Buildings Map. This means there is an 11m height limit for any development with a site area less than 5,000sqm. This planning proposal seeks no changes to the site's Area 2 classification. The Area 2 label has been removed from the proposed mapping below for clarity only. It is expected that the label will remain in the final amended instrument.

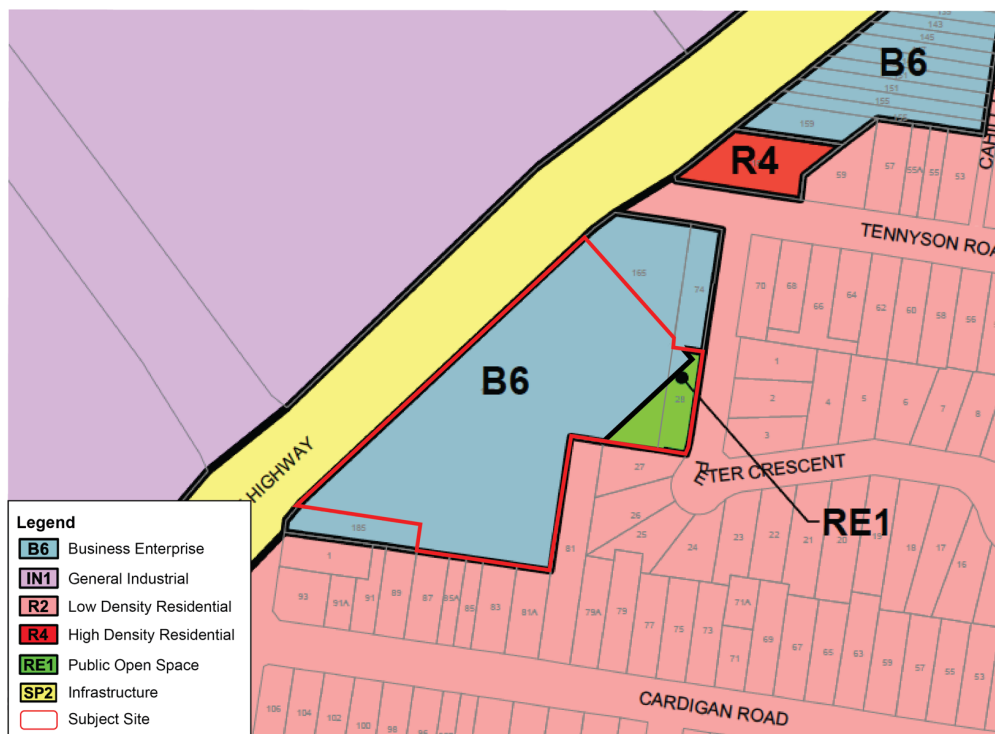


Figure 13 – Proposed zoning map

Source: Mecone



Figure 14 – Proposed height of buildings map

Source: Mecone

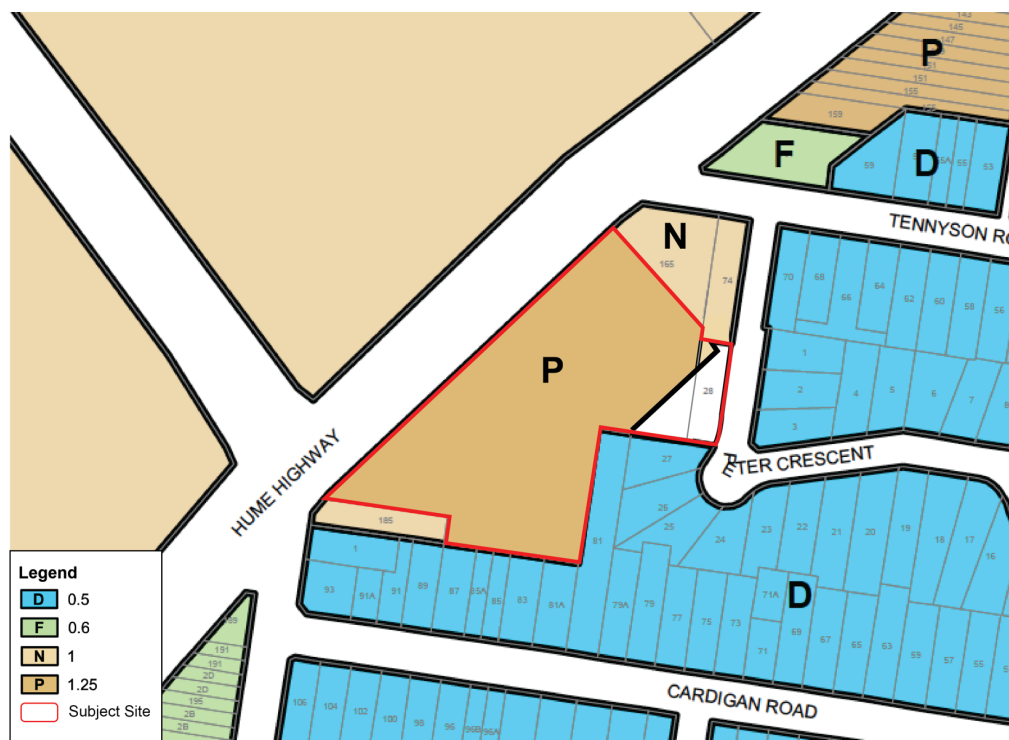


Figure 15 – Proposed FSR map

Source: Mecone

Part 5: Community Consultation

Community consultation would take place following a Gateway determination, in accordance with Section 3.34 and Clause 4 of Schedule 1 of the EP&A Act. It is anticipated that public exhibition would include:

- Notification on the Canterbury-Bankstown Council website;
- Advertisement in local newspapers that are circulated within the local government area;
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders; and
- A four-week exhibition period.

Part 6: Project timeline

This project timeline has been provided to assist with monitoring the progress of the planning proposal through the plan making process and assist with resourcing to reduce potential delays.

| Table 9 – Project timeline | | |
|---|-----------------------------|---|
| Milestone | Date | Comments |
| Anticipated commencement date (date of Gateway determination) | July 2020 | |
| Anticipated timeframe for the completion of required technical information | Completed prior to lodgment | Updates to be made if necessary |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | August 2020 | Other relevant agencies to be consulted as necessary or required by the Gateway determination |
| Commencement and completion dates for public exhibition period | September 2020 | |
| Dates for public hearing (if required) | Within exhibition period | |
| Timeframe for consideration of submissions | October-November 2020 | |
| Timeframe for consideration of a proposal post exhibition | As above | |
| Date of submission to the department to finalise the LEP | December 2020 | |
| Anticipated date for publishing of the plan | January 2021 | |
| Anticipated date RPA will forward to the department for notification | As above | |

Conclusion

This planning proposal has provided full justification of the proposed changes to Bankstown LEP 2015 in line with DPIE's standardised pathway for Gateway rezonings. The justification demonstrates that the proposal:

- Is consistent with the Greater Sydney Region Plan and South District Plan;
- Is consistent with relevant local strategies;
- Is consistent with relevant Ministerial Directions;
- Is consistent with relevant State Environmental Planning Policies;
- Provides for a high-quality mixed use development that is compatible with the existing and future built form context;
- Facilitates additional residential accommodation and rejuvenated commercial space in close proximity to public transport; and
- Provides a range of housing types that would contribute to State and local housing targets and serve the needs of the local community.

Appendix 1:

Public Land Classification/Reclassification Checklist

| Item | Comment on Classification |
|---|---|
| the current and proposed classification of the land; | It is proposed to rezone a portion of the existing B6 Enterprise Corridor land to RE1 Public Recreation and to rezone a portion of the existing RE1 land to B6. This will result in a net increase in 329sqm of RE1 land (i.e., 70sqm removed from the reserve to form part of the B6 site area and 399sqm added to the public reserve). |
| whether the land is a 'public reserve' (defined in the LG Act); | Yes, Peter Reserve is classified as a public reserve. |
| the strategic and site specific merits of the reclassification and evidence to support this; | The classification will increase the size of Peter Reserve and deliver community benefits for both new residents of the site and existing surrounding residents. For further discussion refer to The Palms Social Impact and Community Needs Investigation – Open Space Addendum (GHD, 14 May 2020). |
| whether the planning proposal is the result of a strategic study or report; | The proposed RE1 rezoning specifically does not result from a strategic study or report. The planning proposal as a whole, however, implements key actions in Council's North East Local Area Plan (LAP), which identifies the site as suitable for redevelopment for residential purposes. Refer to Section A of the planning proposal report for further discussion. |
| whether the planning proposal is consistent with council's community plan or other local strategic plan; | Council's Open Space Strategic Plan considers divestment of Peter Reserve as a strategic opportunity. However, after consideration of the subject planning proposal, Council has identified that retention and expansion of the reserve is a positive outcome for the local area that will align the planning proposal with the strategic objective under the South District Plan to provide residents with 400m access to public open space. |
| a summary of council's interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc; | The B6 land to be classified as public open space forms part of the current Lot 402 DP631754. The owner of the lot (the planning proposal proponent) intends to dedicate the land to Council as part of a voluntary planning agreement. |
| whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why; | As part of the VPA Council would discharge its ownership of a small portion of Peter Reserve in order to rationalise or "square off" the shape of the adjoining Lot 402 DP631754. |

| Item | Comment on Classification |
|--|--|
| the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged); | The effect of the classification/reclassification would be a 329sqm net increase in public open space, which will benefit new residents of the site and the surrounding local community. |
| evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents); | To be completed by Council. |
| current use(s) of the land, and whether uses are authorised or unauthorised; | The B6 land to be classified is currently used for storage associated with The Palms Hotel, and the RE1 land is used as a public open space (Peter Reserve). Both uses are authorised. |
| current or proposed lease or agreements applying to the land, together with their duration, terms and controls; | NA |
| current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time); | NA |
| any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy); | The classification/reclassification is associated with a rezoning as described in the planning proposal report. The rezoning will result in a 329sqm net increase in RE1 land. |
| how council may or will benefit financially, and how these funds will be used; | Council will not benefit financially. The classification/reclassification will be dealt with via a land "swap" forming part of a voluntary planning agreement between the proponent and Council. |
| how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal; | NA |
| a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and | To be completed by Council. |
| preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable. | NA |