

Planning Proposal

Cardinal Gilroy Village 45 Barcom Street, Merrylands West

March 2021

(Exhibited version following Gateway Determination)

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Supporting Documents

Gateway Determination and letter Cumberland Local Planning Panel report and advice Cumberland Council report and resolution Cumberland Local Strategic Planning Statement Masterplan and Urban Design Report (Issue D) Social Impact Statement Economic Impact Assessment Heritage Impact Assessment (Nov 20) Visual Impact Assessment (Nov 20) Transport Impact Assessment (Nov 20)

Introduction

Cumberland City Council (Council) prepared this planning proposal in response to a request made by Planning Ingenuity on behalf of registered housing provider Southern Cross Care NSW & ACT (the Proponent).

The planning proposal seeks to facilitate the redevelopment and expansion of Cardinal Gilroy Village, 45 Barcom Road, Merrylands West, which has been in operation on the site for over 50 years.

The Planning Proposal proposes the following amendments to Holroyd Local Environmental Plan (LEP) 2013:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Increase the Height of Building control for the site from 9m to 15 metres
- Increase the Floor Space Ratio control for the site from 0.5:1 to 0.85:1
- Insert a new clause under Part 6 (Additional Local Provisions) limiting retail/commercial floor space to 1,480m².

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and NSW Department of Planning, Industry and Environment's guidelines for preparing planning proposals and local environmental plans.

The proposal has been updated in light of the Gateway Determination issued on 20 July 2020 for post-gateway exhibition to address Gateway determination condition 1 to address the existing minor wording change of 1,480m² non- residential floor space to 1,480m² of retail/commercial floorspace.

Site description

The site is located at 45 Barcom Road, Merrylands East and comprises three lots with a total area of 7.44ha (refer Table 1 and Figure 1).

Lot	DP	Area (ha)
5	701151	2.42
8	732058	1.928
11	1075418	3.092

Table 1: Description of land subject to this planning proposal

Site location and context

The site is located approximately 2.5km from Merrylands Town Centre and 3.5km west of Parramatta CBD (Figure 2).



Figure 1: Aerial view of site (outlined in red and shaded yellow)



Figure 2: Location of the site within the Central City District

Existing land use

The site is owned by registered housing provider, Southern Cross Care NSW & ACT, and is used for the purpose of seniors living development established in 1973. Exiting structures on the site include 236 independent living units (Figure 3) and a 123 bed residential aged care facility.

Surrounding development

The surrounding locality is characterised by an eclectic mix of development including:

- 3-4 storey walk up residential flat buildings to the north-west,
- 1-2 storey dwelling-houses and dual occupancies to the north-east and east
- Merrylands High School and Cerdon College to the south and southwest,
- heritage listed Sherwood Scrubs buildings, a listed heritage item, to the west,

Existing planning controls

Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan (DCP) 2013, apply to the site.

Existing Land Use Zone

The subject site is currently zoned R2 Low Density Residential.

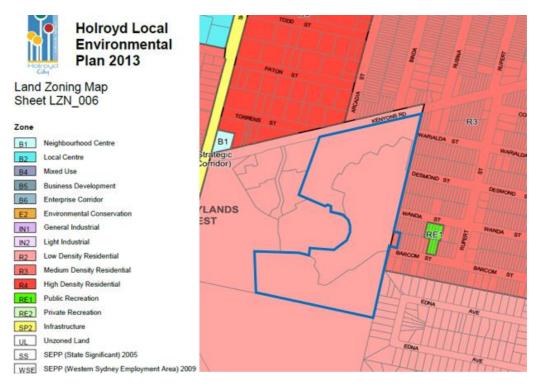


Figure 3: Extract from existing Zoning Map (LZN_006)

A Height of Building control of 9 meters applies across the site.





Floor Space Ratio

A Floor Space Ratio control of 0.5:1 applies across the site (Figure 14).



Figure 5: Extract from existing FSR Map (FSR_006)

<u>Heritage</u>



Figure 6: Extract from existing Heritage Map (HER_006)

The proposed site is also located within close proximity of 'Sherwood Scrubs' (181) as shown in Figure 6. The proposal is supported by a heritage impact statement and the impacts are further discussed in section C of this report.

Holroyd Development Control Plan 2013

There are no site-specific building envelope and town planning controls within Holroyd DCP 2013 that apply to the site. However, a number of controls within HDCP 2013 that are relevant to the proposed redevelopment of the site.

If a favourable Gateway determination is issued, Council will prepare a sitespecific Development Control Plan based on the Proponent's Site Specific DCP to guide future development of the site.

Part 1: Objectives or intended outcomes

The planning proposal seeks to facilitate redevelopment and expansion of the existing seniors living development on the site, consistent with the Proponent's proposed Masterplan for the site.

The Masterplan involves the construction of 18 new buildings, ranging from 2 to 6 storeys in height, comprising:

- 460 independent living units
- 153 bed residential aged care facility
- 1,311 sqm of community facilities (in addition to the Community Centre building currently being assessed under DA2019/105)
- 1,480 sqm of permissible retail/commercial floor space and uses in the R4 zone
- Basement level car parking with 688 car parking spaces
- 46,803sqm (62.5% of the total site area) of open space (including publicly accessible, communal and private open space), with significant areas of landscaping to support local flora and fauna
- New publicly accessible spaces are proposed to be created throughout the site including potential new or improved vehicle and pedestrian through-site links.

Part 2: Explanation of provisions

The intended outcome is proposed to be achieved via the following amendments to Holroyd Local Environmental Plan (LEP) 2013:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Increase the Height of Building control (HoB) for the site from 9m to 15m
- Increase the Floor Space Ratio control (FSR) for the site from 0.5:1 to 0.85:1
- Insert a new clause under Part 6 (Additional Local Provisions) limiting retail/commercial floor space to 1,480m².

Part 3: Justification

Section A - Need for the proposal

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

Council prepared the planning proposal in response to a request made by the Proponent to facilitate the redevelopment of the site. The Proponent's original planning proposal was considered by Cumberland Local Planning Panel and Council. While both the Panel and Council determined that the proposal had strategic merit, certain changes to the proposal were considered necessary to protect local amenity and the viability of neighbouring commercial centres. These changes are discussed below.

The Proponent's planning proposal

The Proponent lodged a Planning Proposal Request with Council in September 2019, seeking the following amendments to Holroyd LEP 2013:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Increase the Height of Building control from 9m to **20 metres**
- Increase the Floor Space Ratio control from 0.5:1 to 0.85:1.

The key justification provided for the proposed changes to planning controls is that the site's existing buildings, accommodation and facilities are nearing the end of their economic life and are in urgent need of replacement to provide comparable accommodation and facilities to other, newer, Seniors Housing developments in the region.

Advice from Cumberland Local Planning Panel

Cumberland Local Planning Panel considered a report on the Proponent's planning proposal on 11 March 2020 and recommended that Council consider amending the proposal to provide:

- i. A range of building height standards across the site up to a maximum of **15 metres**, rather than a blanket 20 metres. This recommendation was made due to the built form context of the locality, the proposal's relationship to the adjoining heritage item to the west, and the scale of adjoining residential development to the east and south-east in the R2 and R3 zones;
- ii. A special provision limiting the quantum of retail/commercial floor space on the site so as not to compete with neighbouring commercial centres.

Council resolution to proceed to Gateway

Council considered the Proponent's planning proposal and the Panel's advice on 15 April 2020 and resolved to pursue the following amendments to Holroyd LEP 2013:

- i. Rezone the site from R2 Low Density Residential to R4 High Density Residential;
- ii. Increase the Height of Building control from 9m to 15m;
- iii. Amend the Floor Space Ratio control for the site from 0.5:1 to 0.85:1;
- iv. Insert a clause to Part 6 Additional Local Provisions of Holroyd LEP 2013 to **limit retail/commercial floor space to 1,480m².**

If a favourable Gateway determination is issued, Council also intends to enter into a Voluntary Planning Agreement with the Proponent to derive public benefit from the proposal, and to prepare a site-specific development control plan to guide the future development of the site.

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

Yes, while the site enjoys existing use rights as a seniors living development and associated facilities, 'seniors living' is not a specified and use under the existing R2 Low Density Residential zone.

Section B - Relationship to strategic planning framework

Table 2 Consistency with Creater Sydney Peace Plan

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)?

Yes, the planning proposal's consistency with relevant metropolitan and district plans is discussed below:

Greater Sydney Region Plan

The Greater Sydney 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 two themes of liveability and sustainability are particularly relevant to this Planning Proposal, as outlined overleaf.

Table 2- Consistency with Greater Sydney Region Plan		
Direction/Objective	Consistency	
Objective 4: Infrastructure use is optimised	The proposal seeks to facilitate the redevelopment of the site for a large modern senior's housing development with 1,480m ² of retail/commercial floor space and community facilities in proximity to established infrastructure and services that are accessible and cater for a wider ageing population.	
Objective 7: Communities are healthy, resilient and socially connected	The Planning Proposal promotes and fosters a healthy community by providing for additional seniors housing for an ageing population in residential neighbourhood as the proposal site is well connected to a number of local and strategic centres by public transport.	
Objective 10: Greater housing supply	The Planning Proposal will increase the supply of housing for aged care and people with a disability.	
Objective 11: Housing is more diverse and affordable	The proposal will also deliver accessible housing to a broader spectrum of seniors housing to cater for an ageing population providing for a combination of 460 independent living units, 153 bed residential aged care facility, community facilities, small amount of non- residential uses, open space and parking contributing to the broader community and diversity in the area.	

Table 2- Consistency with Greater Sydney Region Plan

Objective 14: Integrated land use and transport creates walkable and 30- minute cities	The Planning Proposal supports this objective by placing new seniors housing in a location less than 30 minutes by public transport from jobs and services from Merrylands strategic Centre and Merrylands West Local Centre and key stations.
Objective 30: Urban tree canopy cover is increased	The Planning Proposal facilitates redevelopment of the site including increased landscaping, open space, tree canopy cover, being visually sensitive and responsive to its immediate and heritage significant surrounds.

Central City District Plan

The Central City District Plan 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. The Planning Proposal's consistency with this Plan is discussed in Table 3 below.

Table 3 - Cons	sistency with Central City D	istrict Plan
Theme	Priority	Consistency
Liveability	Fostering healthy, creative, culturally rich and socially connected communities (Priority C4)	The Planning Proposal promotes and fosters healthy, creative, culturally rich and socially connected communities as the proposal site is well connected to a number of strategic and local centres by public transport.
	Providing housing supply, choice and affordability, with access to jobs and services (Priority C5)	The Planning Proposal site contributes towards providing purpose built large seniors housing complex to cater for an ageing population and increase the housing supply in the Cumberland area, assisting Council to meet its dwelling targets.
land use and transport prio planning and a 30- in a minute city (Priority C9) by p Mer		The Planning Proposal supports this priority by placing seniors housing in a location less than 30 minutes by public transport (bus) from Merrylands West Local Centre and Merrylands Strategic Centre.
Sustainability	Increasing urban tree canopy cover and delivering Green Grid connections (Priority C16)	The Planning Proposal facilitates redevelopment of the site including increased landscaping, open space and tree canopy cover, being visually sensitive, responsive to its immediate and heritage significant surrounds.

Table 3 - Consistency	y with Central City District Plan

Adapting to the impacts of urban and natural hazards and climate change (Priority C20) Planning Proposal's proposed masterplan assists to mitigate the urban heat island effect by increasing tree canopy cover on the site.

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

Yes, the planning proposal's consistency with relevant local strategies. This is discussed below:

Cumberland 2030: Our Local Strategic Planning Statement

Cumberland 2030: Our Local Strategic Planning Statement was endorsed by Council in March 2020. This document sets the vision for Cumberland local government area over the next 10 years, providing strategic direction and a coordinated approach to effectively manage growth and development in the area.

The Statement identifies Merrylands as a proposed strategic centre and Merrylands West as a local centre that provides for strategic land use opportunities for various types of housing and jobs. The planning proposal is consistent with the following key priorities of Cumberland 2030 under 'housing and community':

- Local Planning Priority 5 Delivering housing diversity to suit changing needs, as the proposal will supply increase housing options for an ageing population.
- Local Planning Priority 6 Delivering affordable housing suitable for the needs of all people at various stages of their lives, as the future redevelopment will incorporate a number housing accommodation options to enable people from a variety of backgrounds and socioeconomic status to "age in place".

Cumberland Council Community Strategic Plan 2017-2027

This plan was developed by Cumberland Council in close consultation with the Cumberland community. It identifies the community's vision for the future, the strategies in place to achieve it, and how progress towards or away from the vision will be measured. The plan identifies six strategic goals and a number of accompanying outcomes, activities and measures.

The Planning Proposal is considered to be a broadly consistent with the plan as outlined in the table 4 overleaf.

Table 4 – Cumberland Council Community Strategic Plan 2017-2027				
Strategic Goal	Outcome	Consistency		
A great place to live	We live healthy and active lifestyles	The Planning Proposal promotes and fosters healthy, active, creative, culturally rich and socially connected communities in a residential neighbourhood as the proposal site is well connected to a number of strategic and local centres by public transport.		
A safe, accessible community	We feel safe in all areas of Cumberland at all times	The Planning Proposal facilitates new development that incorporates the principles of CPTED.		
	We have equal access to local services and facilities	The subject site is located in an area where seniors can either walk or take public transport to local services and facilities, including those to Merrylands West Local Centre, Merrylands Strategic Centre and Parramatta CBD.		
A clean and green community	We value the environment and have measures in place to protect it	The Planning Proposal facilitates new development with appropriate environmental safeguards, such as stormwater management, replacement of greenery and protection of existing surrounding heritage.		
A strong local economy	We have access to jobs locally and in our region	The Planning Proposal places additional seniors housing in close proximity to job opportunities in the local community of Merrylands West and nearby Merrylands.		
	We have access to great local education and care services	The Planning Proposal places additional seniors housing in close proximity to a range of education and community facilities in a residential neighbourhood.		
A resilient built economy	Our planning decisions and controls ensure the community benefits from development We have a range of transport options that connect our town centres and to wider Sydney	The Planning Proposal seeks to facilitate the desired redevelopment through the appropriate planning pathway and seeks to align with the strategic vision for the area. The Planning Proposal seeks to place additional seniors housing in a location serviced by bus transport.		

Table 4 – Cumberland Council Community Strategic Plan 2017-2027			
Transparent and accountable leadership	Decision making is transparent, accountable and based on community engagement	Should a Gateway Determination be issued to proceed, the Planning Proposal will be publicly exhibited in accordance statutory requirements.	

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

Yes, the planning proposal's consistency with relevant State Environmental Planning Policies (SEPPs) is discussed below.

Table 5 – Consistency with State Environmental Planning Policies		
SEPP	Comment	
Remediation of Land (SEPP 55)	A Preliminary Site Investigation report has not been prepared for the proposal site since the site is currently zoned R2 Low density residential and has been operating as a seniors housing complex since early 1970s for almost 50 years.	
	The proposal is unlikely to result in activities which would be likely to expose humans or the environment to risks of contamination. Should this be required at post Gateway, the proponent will prepare an assessment and should the proposal proceeds this would be addressed at the DA stage.	
Affordable Housing – Revised Schemes (SEPP 70)	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 aims of this SEPP.	
SEPP (Affordable Rental Housing) 2009	The proposal does not prevent any operations of this SEPP.	
SEPP (Building Sustainability Index)2004	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	The proposal is consistent with the aims of this SEPP and does not inhibit the operation of this SEPP.	
(Housing for Seniors or People with a Disability SEPP) 2004	The proposal is consistent with the aims of this SEPP and does not inhibit the operations of this SEPP.	

Table 5 – Consistency with State Environmental Planning Policies		
SEPP (Infrastructure) 2007	The proposal does not inhibit the operations of the former Part 3A provisions or the replacement measures.	
SEPP 65 (Design quality of Residential Apartment	The proposal is consistent with the aims of the SEPP and does not change the way in which the SEPP applies to the site or the proposed master planned development.	
Development)	The design quality of any residential development will be considered as part of the development application process and will be required to comply with the SEPP.	
SEPP(Vegetation in Non- Rural Areas) 2017	The proposal is consistent with the aims of the SEPP and does not change the way in which the SEPP applies to the site or the proposed master planned development.	
SEPP 64 (Advertising and Signage)	The proposal is consistent with the aims of the SEPP and does not change the way in which the SEPP applies to the proposal site or the proposed master planned development.	

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

Yes, the planning proposal's consistency with applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 is discussed below.

Table 6 – Section 117 Ministerial Directions				
Clause	Direction	Comment		
2. Envir	onment and Herita	ge		
2.3	Heritage Conservation	The proposal site and master planned development is located within the vicinity of a heritage item (Sherwood scrubs) and is unlikely to create or result in significant impacts or alter/remove the existing heritage item above or disrupt any view lines. The proposal also provides indicative building heights and separation distances to the above heritage item, any impacts anticipated as a result would be further considered and detailed when a draft site specific DCP is prepared.		
3. Hous	3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	The proposal allows for a range of seniors housing types, consistent with the existing trends and market demands with access to existing infrastructure and services.		

Table	6 – Section 117 Mini	sterial Directions			
3.4	Integrating Land Use and Transport	The proposal is consistent with this direction in that it increases residential density in a location close to public transport. The proposal is supported by traffic assessment which includes minimal impact on traffic generation.			
4. Haz	ard and Risk				
4.1	Acid Sulfate Soils	There is no probability of acid sulfate soils within the proposal site or in the immediate vicinity of the site based on Acid Sulfate Soils Map under Holroyd LEP 2013.			
5. Reg	ional Plans				
5.10	Implementation of Regional Plans	The proposal is broadly consistent with the Greater Sydney Region Plan as discussed in Part 3 of this Planning Proposal.			
6 Loco	al Plan Making				
6.1	Approval and Referral Requirements	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	The proposal does not contain any land that has been reserved for a public purpose, and no requests have been made to reserve such land.			
6.3	Site Specific Provisions	The Planning Proposal does not impose any unnecessarily restrictive site-specific controls.			
7 Metr	7 Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	As demonstrated in Table 3 above, the proposal is consistent with the planning principles, directions and priorities for sub- regions, 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.			

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 habitats 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?

Potential environmental impacts that are likely to arise from the proposal and proposed strategies manage those impacts are discussed below:

Traffic and parking

The planning proposal is supported by transport impact statement which concludes that the proposal will generate only an estimated 81 net additional trips during any peak hour given. Given the satisfactory traffic conditions of the local intersections, the additional peak hour trips are not expected to generate a significant impact to intersection performance, delays, or queues.

An additional access point off the roundabout intersection of Kenyons Road and Arcadia Street is also proposed. The aim of the additional access point is to stagger the additional trips generated from the site.

Built form and urban design

The proposal is supported by a masterplan and urban design report which concludes that the increase in the scale and density of development on the site is balanced through the design and siting of the proposed buildings and the provision of large setbacks to neighbouring properties, including the adjoining heritage item, Sherwood Scrubs.



Figure 7 – The site's proposed concept masterplan

The proposed site specific Development Control Plan provides certainty that the key elements of the masterplan will be implemented even if the site is sold to another owner, which is considered unlikely.

The proposed site specific development control plan contains a range development controls including:

- The siting of permissible retail/commercial land uses along Kenyons Road
- The location of open space elements of the redevelopment
- Setbacks to neighbouring land uses
- Building height controls
- Building seperation controls
- Movement network.

The information submitted by the proponent will be able to be used as a guide for Council to prepare a site specific Development Control Plan for the site. However, further work, generally relating to building heights and their relationship to neighbouring land uses, is required.

Heritage Impact on Sherwood Scrubs

The proposal is supported by a Hertiage Impact and a visual impact assessment which conclude that:

- The redevelopment will not not alter how the adjoining heritage item is appreciated or understood;
- The proposed building envelopes will sit primarily below the existing tree line in views from the heritage item;
- The proposed landscape setting on the subject site, specifically the boundary treatment and the central green space, enhances the current setting of the item by visually extending views across the shared boundary; and
- The layout of the masterplan provides opportunities for views from, and of, the heritage item that did not exist before, thereby widening the audience who have the opportunity to appreciate the significance of the place.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

Social effects

The Planning Proposal is supported by a Social Impact Assessment which concludes that the proposed master planned residential housing and aged care services development could:

- result in providing a high level of amenity or facilities expected in modern retirement villages and bring renewal to the existing facility that is currently in operation and is at the end of its life span;
- cater for the strong demand for seniors housing and complementary services and facilities in the Cumberland LGA, with strong growth in the over 55's demographic;

- result in improving and increasing the health and well-being, social interaction, and connectedness of aged care residents leading to a more active community; and
- Provide for improved community facilities for residents and broader community of Merrylands West to participate and connect.

Economic effects

The Planning Proposal is supported by an Economic Impact Assessment which concludes that the proposed additional commercial/retail floor space proposed (1,480m²) within the Cardinal Gilroy Village:

- Is unlikely to threaten the economic viability of nearby existing strategic and local centres;
- will provide for the daily needs of local neighbourhood and on-site residents;
- will result in improving the range of retail, medical and other facilities available to provide more choice, competition and reduce the need for local residents to travel; and
- Create 134 more additional jobs (direct and indirect) to promote youth employment.

Section D - State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

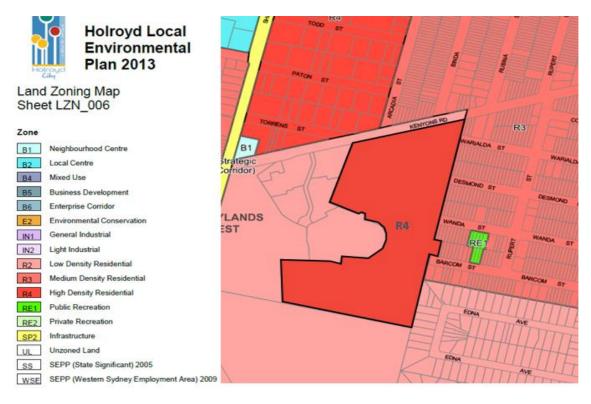
The site is located in an established residential area, serviced by all essential services and infrastructure. Given that the Proponent is seeking to expand the existing seniors' housing development, certain infrastructure may be required to be upgraded. This will be a matter for consideration and will be addressed as part of the development application stage in consultation with other relevant public authorities.

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

The views of appropriate State and Commonwealth public authorities will be sought as part of the statutory consultation phase as required post-Gateway.

Part 4: Mapping

LAND ZONE





HEIGHT OF BUILDING

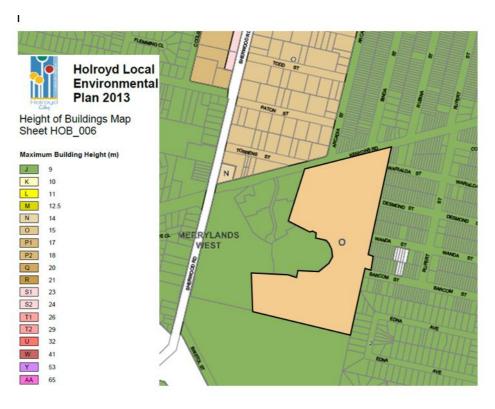


Figure 9 Height of Buildings Map

FLOOR SPACE RATIO

Proposed: 0.85:1 maximum across the site

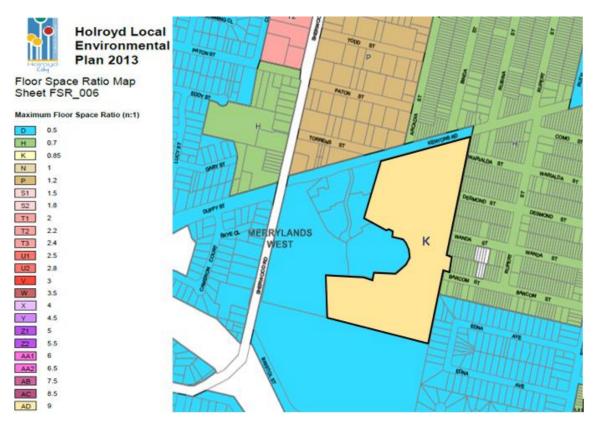


Figure 10 Floor Space Ratio Map

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 Cumberland Council's website
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders, and
- A four-week exhibition period.

Part 6: Project timeline

An anticipated project timeline is set out in the table 7 below.

Table 7 – Project timeline	
Milestone	Estimated timeframe
Gateway request	June'20
Gateway Determination	End July/early Aug'20
Statutory exhibition	Late Nov'20
Consideration of submissions	Dec'20
Post-exhibition report to Council	April/May'21
Drafting and finalisation of the Plan	May'21
Notification of the Plan	June/July'21