

The background of the cover features a dark blue diagonal band across the center. Above and below this band are light gray geometric shapes, including cubes and rectangles, some of which are outlined in white. In the background, a blurred city skyline with tall buildings is visible.

Planning Proposal

30-46 Auburn Road, Regents Park

Submitted to Department of Planning, Industry and Environment

JULY 2021

REPORT REVISION HISTORY

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SECTION A – OVERVIEW

1. EXECUTIVE SUMMARY

This Planning Proposal applies to 30-46 Auburn Road, Regents Park and has been prepared by City Plan Strategy and Development at the request of the Department of Planning, Industry and Environment (the Department). Sydney South Planning Panel has been appointed the Planning Proposal authority as the City of Canterbury - Bankstown Council (Council) has declined to continue to perform the role in this instance. The applicant for the Planning Proposal is Pacific Planning Pty Ltd.

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to Bankstown Local Environmental Plan 2015 (BLEP 2015). The amendment is a site specific LEP for 30-46 Auburn Road, Regents Park (the site). It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the relevant Department of Planning Guidelines including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

This Planning Proposal seeks to amend the Floor Space Ratio (FSR) and Height of Building (HOB) controls applying to the site to permit an increase in development density. The site is zoned R4 High Density Residential under the BLEP 2015, and no change is sought to that zoning. The amendments would change the building typology permitted from 2 storey to higher rise buildings if this proposal is supported.

The Planning Proposal has a significant history with multiple reviews by various bodies shaping its form. Key events include:

- Issue of a Gateway determination by the then Department of Planning and Environment (PP_2016_CBANK_001_00) in 2016 which included a condition requiring the FSR and building height to be amended to reflect the outcomes of a Council review of planning controls.
- A review by the Canterbury Bankstown Independent Hearing and Assessment Panel in July 2017 recommended a maximum FSR (1.75:1) but identified the potential for additional FSR (2.25:1) subject to the satisfaction of certain criteria.
- Extensive built form analysis and negotiations between the Department, Council and the applicant resulting in an alteration to the Gateway determination in February 2020.
- A Gateway determination review by the Independent Planning Commission (IPC) in December 2020.
- Further alteration of the Gateway determination in December 2020.
- Appointment of the Sydney South Planning Panel as the Planning Proposal Authority by the Minister's delegate in January 2021.

This Planning Proposal was prepared to reflect the outcomes of the most recent Gateway alteration (December 2020) and confirm consistency with current legislation and policy.

This Planning Proposal results in the potential for further intensification of an R4 High Density Residential site located close to the Regents Park train station and local centre. There is strategic merit to proceed with the Planning Proposal subject to Council and the applicant agreeing to appropriate local infrastructure contributions and the resolution of environmental constraints (localised flood impacts and contamination).

2. BACKGROUND

2.1. Planning history

The IPC's Gateway Determination Review identified an extensive planning history to the site, including:

- The applicant submitted a Planning Proposal in 2015 to amend the BLEP 2015 to increase the permitted FSR from 0.6:1 to 4:1 and HOB controls from 13m to between 17m and 64m (five to twenty storeys).
- Council considered the Planning Proposal and resolved at its meeting on 26 July 2016 that it did not support the proposed controls and instead recommended a FSR of 1.75:1 with HOB up to 27 metres (eight storeys). Council submitted a Planning Proposal to the Department on 27 July 2016 seeking a Gateway determination on those terms.
- The Department issued a Gateway determination on 23 September 2016 which included conditions requiring; the FSR to be amended to align with the outcomes of a Council review and removal of the requirement for additional public benefits to achieve the FSR. The determination also required additional assessment of flooding and land contamination impacts.
- Subsequent to the issue of the Gateway determination, the site's development capacity was subject to significant examination by all parties. The Department issued an alteration to the Gateway determination on 26 February 2020, allowing for an FSR of 2:1 and HOB of 19m (six storeys), 25m (eight storeys) and 38m (12 storeys).
- The applicant was dissatisfied with the altered Gateway determination and on 17 April 2020 requested that it be reviewed.

The IPC conducted a review and issued its Gateway Determination Advice Report on 18 December 2020, supporting a FSR of 2:1 with building heights of 23m (six storeys), 29m (eight storeys) and 41m (twelve storeys).

Following this Gateway Determination Advice Report, the Department issued an alteration to the Gateway Determination on 23 December 2020.

2.2. Consultation with City of Canterbury Bankstown Council

On 3 February 2021, City of Canterbury Bankstown Council wrote to the Department advising it no longer wished to be the Planning Proposal authority.

On 3 March 2021, the Department informed Council that the Sydney South Planning Panel was appointed as the Planning Proposal authority.

2.3. City Plan role

Following the appointment of the Sydney South Planning Panel as the Planning Proposal Authority, the Department sought City Plan's services to prepare a revised Planning Proposal.

3. THE SITE

3.1. Location and description

The site is located at 30-46 Auburn Road, Regents Park, and comprises Lot 1 DP 656032 and Lot 2 DP 433938 (Figure 1). It has an area of 21,170m² and is within the Canterbury-Bankstown Local Government Area. It is 500m south of the Regents Park train station.



Figure 1: Site Locality (Source: Nearmap)

3.2. Existing development

The site is occupied by industries and the Sydney Construction Training School (Figure 2).



Figure 2: Existing on-site industries (Source: Google maps)

3.3. Adjacent and surrounding development

The site is bound by Auburn Road and 1-2 storey low density suburban residential development to the east (Figure 3), low rise industries to the north (Figure 4), and the Bankstown railway line to the west and south (Figure 5).

The site also adjoins the Southern Sydney Freight Line which intersects the Bankstown railway line at the Auburn Road overpass. It is a dedicated 30-kilometre freight line between Macarthur and Sefton and is a third track in the rail corridor.



Figure 3: Adjacent suburban neighbourhood to the east (Source: Google maps)



Figure 4: Adjacent industries to the north (Source: Google maps)



Figure 5: Adjacent Bankstown railway line to the south and west (Source: Google maps)

SECTION B – PLANNING PROPOSALS

4. PART 1 – OBJECTIVES AND THE INTENDED OUTCOMES

4.1. Objectives of the Planning Proposal

The objective of the planning proposal is to amend the Floor Space Ratio and Height of Building controls contained in the Bankstown Local Environmental Plan 2015 to enable the redevelopment of 30-46 Auburn Road, Regents Park site for residential development at a greater intensity than is permitted under the existing controls.

The Planning Proposal would capitalise on opportunities, generated through the location of the site in close proximity to services. It would provide an economic and orderly use for the land which supports a quantum of housing that would reasonably contribute to district housing targets without adverse impacts to the amenity and environment of the local area.

4.2. Intended development outcome

The Planning Proposal would enable additional residential development within a short walking distance of the Regents Park railway station. It is intended that it would achieve the following development outcomes:

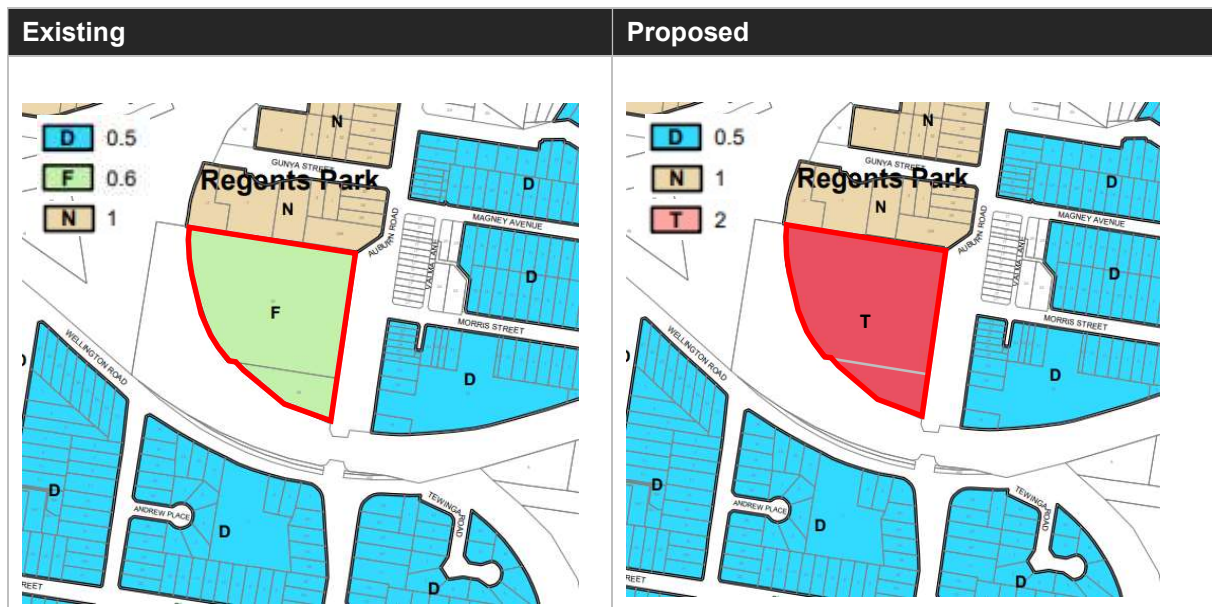
- Intensify development across a large, formerly industrial site, that has a high degree of serviceability.
- Built form that can be compatible with the locality.
- Maximise the use of public transport and walking and cycling for trips to Regents Park local centre, by integrating accessibility to services and public transport as well as the provision of on-site parking.
- Potential to provide additional affordable housing within the area (through consistency with Council's Affordable Housing Policy).
- Identify the relevant community public benefits and infrastructure contributions which are provided as a direct result of this Planning Proposal via a Draft Planning Agreement.

5. PART 2 – EXPLANATION OF THE PROVISIONS

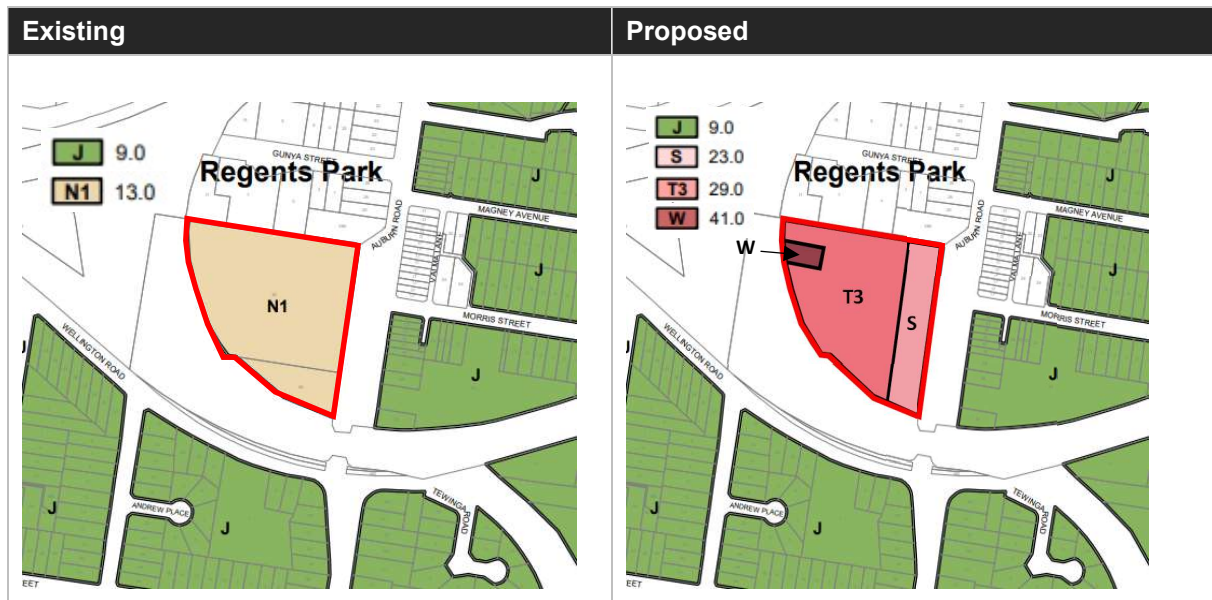
The BLEP 2015 is the statutory planning instrument that establishes development standards such as building heights and FSR for development in the former City of Bankstown.

This Planning Proposal seeks to alter the planning controls for 30-46 Auburn Road, Regents Park to permit additional residential development to occur. This would be achieved by the following modification to the BLEP:

- Amend the Bankstown Local Environmental Plan Floor Space Ratio Map (004) for the site from 0.6:1 to 2:1.



- Amend the Bankstown Local Environmental Plan Height of Building Map (004) for the site to 23 metres fronting Auburn Road, 41 metres at the site's north west corner and 29 metres across the remainder of the site.



This Planning Proposal seeks to introduce a site-specific Development Control Plan (DCP) for the site to provide more detailed guidance and controls for future development. The DCP would address future built form and design principles, housing mix, improvements to the public domain, environmental impacts such as overshadowing and solar access, acoustic controls to mitigate noise from the Southern Sydney Freight Line operations, visual and acoustic privacy, tree canopy and site circulation and access. The site-specific DCP would be introduced through an additional provision within the BLEP 2015.

6. PART 3 – JUSTIFICATION

6.1. Need for a Planning Proposal

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

The Planning Proposal has strategic and site-specific merit and is supported by a number of strategic documents.

A Metropolis of Three Cities – The Greater Sydney Region Plan

The Greater Sydney Region Plan responds to the needs of Greater Sydney's people and the region's current and future structural changes. The Greater Sydney Region Plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Greater Sydney Region Plan identifies 10 directions and 38 objectives to support a liveable, productive and sustainable framework. Several of the applicable directions and objectives are as follows:

- Direction 1 - A city supported by infrastructure. Objective 4, Infrastructure use is optimised.
- Direction 3 - A city for people. Objective 8, Communities are healthy, resilient and socially connected.
- Direction 4 - Housing the city. Objective 10, Greater housing supply.
- Direction 4 - Housing the city. Objective 11, Housing is more diverse and affordable.

The Planning Proposal is generally consistent with the applicable Directions and Objectives of the Greater Sydney Region Plan as it has the potential to lead to additional diverse housing supply in an appropriately connected and serviced location. The Department will need to satisfy itself the proposal is consistent with the Region Plan's Planning Priority S18 – Adapting the impacts of urban and natural hazards and climate change and in particular Objective 37: Exposure to natural and urban hazards is reduced.

South District Plan

The Planning Proposal falls within an area identified by the South District Plan. The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies. The Planning Priorities established within the District Plan relevant to the Planning Proposal are as follows:

- Planning Priority S4 – Fostering healthy, creative, culturally rich and socially connected communities.
- Planning Priority S5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.
- Planning Priority S6 – creating and renewing great places and local centres and respecting the District's heritage.

The Planning Proposal is consistent with the South District Plan as it would allow for the orderly development of the site in a manner that is consistent with the Planning Priorities identified for the area.

The amended FSR and HOB proposed within this Planning Proposal are not inconsistent with the respective 20-year and 40-year visions for the South District Plan and Greater Sydney.

Canterbury-Bankstown Local Strategic Planning Statement – Connective City 2036

The Canterbury-Bankstown Local Strategic Planning Statement, Connective City 2036, guides how Council intends to shape future growth over the next 20 years. It proposes the area south of Regents Park progresses as a small village centre with supporting urban amenity. The Planning Proposal therefore needs to proceed with heights and densities that are consistent with the desired intent for the area as a small village centre.

Multiple FSRs have been explored for the site ranging from 2.4:1 to 1.75:1, as well as multiple heights ranging from 23m to 47m. The Department reviewed the applicant's scheme which proposed a 2.4:1 FSR and determined that it failed to comply with the solar and daylight access requirements of the Apartment Design Guidelines both at a precinct and building scale. The IPC review identified that the 2:1 FSR and 23m to 29m to 41m heights were suitable for the location and consistent with the intended character of Regents Park. This final Height and FSR was reflected within the second altered Gateway determination issued in December 2020.

The Planning Proposal's intent to facilitate a building form that steps down in height towards Auburn Road would minimise the impact on surrounding residential landscape, retaining the intended small village character of the area. If the Planning Proposal proceeds, the character of Regents Park is unlikely to be altered and would therefore be consistent with the Canterbury-Bankstown Local Strategic Planning Statement. The additional population housed by Planning Proposal would provide demand within the retail catchment of Regents Park, supporting continued viability of the local centre.

Cumberland 2030 Local Strategic Planning Statement

Although the site is not located within the Cumberland LGA it does rely upon its close proximity to the Regents Park local centre which is within that LGA. The Cumberland 2030 Local Strategic Planning Statement supports utilisation of the centre's public transport link and for additional job and housing growth in the area. The Planning Proposal is not inconsistent with the character desired by that statement.

Canterbury-Bankstown Local Housing Strategy

The Canterbury-Bankstown Local Housing Strategy (LHS) was endorsed by Council on 23 June 2020 and has been submitted to the Department for evaluation and endorsement. The LHS guides the development of local environmental plans and future planning decisions and outlines the expected delivery of new dwellings to 2036. Within the LHS, Council sets an ambitious target for 80% of housing growth to be within centres.

The Regents Park centre falls within the Cumberland Council LGA. The LHS does not specify how the area surrounding Regents Park centre, within the Canterbury-Bankstown LGA, will grow over the life of the strategy. However, it does identify planning implications that should be considered for future development within the R4 High Density Residential zone. It recommends that any future planning controls should be determined based on the suitability of the site. The IPC review found that the 2:1 FSR and 23m to 29m to 41m heights, identified within the Department's urban design team review were suitable for the site and were subsequently reflected in the second amendment to the Gateway Determination.

The proposed planning controls, established through the urban design review and amended Gateway Determination, are consistent with the intent of the LHS.

Canterbury Bankstown Affordable Housing Strategy

The aim of the Affordable Housing Strategy (AHS) is to reduce the level of housing stress experienced by residents across the Canterbury-Bankstown LGA. The AHS recognises that housing stress is a significant issue within Canterbury-Bankstown with almost twenty-two thousand households (or 18.6%) experiencing housing stress, compared to 11.8% within Greater Sydney when the AHS was prepared in February 2020.

The guiding principles of the AHS seek to increase the supply of affordable housing within the Canterbury Bankstown LGA through the establishment of clear processes and procedures for delivery. The AHS identifies that for any planning proposal that would result in uplift of more than 1,000m² of residential floor space, there is a requirement for a 5% affordable housing contribution to Council. The applicant obtained Secretary's Environmental Assessment (SSD-20724880) requirements for a mixed-use State Significant development application including 567 dwellings comprised of 50% affordable rental housing and 50% build to rent housing. This does not involve dedication of any proportion to Council.

For a typical development of the scale envisaged by this proposal, to be consistent with the AHS, the applicant would be required to contribute 5% of the total residential floor space as affordable rental housing, either in dedication (perpetuity) or monetary contributions. Council's AHS does not state how it will interact with a possible Built to Rent scheme.

Council has also indicated that alternatively, at Development Application Stage, the applicant could formally present a case for decreasing or off-setting the AHS strategy requirements for Council's review and consideration.

The Planning Proposal is capable of being consistent with the AHS strategy or providing a feasible alternative, and the applicant would need to finalise the affordable housing arrangement with Council.

Should this Planning Proposal be supported, and analysis demonstrate feasibility, the Department could investigate options for incorporating a provision requiring a contribution or dedication of 5% affordable rental housing to Council or other arrangements to Council's satisfaction. Should this be included, Council could determine, in negotiating a voluntary planning agreement (VPA), whether a 5% affordable rental housing scheme operated by the applicant's registered community housing entity sufficiently meets the intent of the provision and VPA policy.

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

A Planning Proposal is the best means of achieving the intended outcome as it would provide Council, the community and the proponent with certainty as to the development outcomes envisioned for the site. The Department's Gateway Determination and altered Gateway Determinations recognise a Planning Proposal is the best means of achieving the intended outcomes.

There are no other mechanisms available to achieve the intended outcomes.

6.1.3. 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)?

As identified within section 6.1.1, the Planning Proposal is consistent with the intent of following applicable regional, or District plan or strategies:

- A Metropolis of Three Cities – The Greater Sydney Region Plan
- South District Plan
- Canterbury-Bankstown Local Strategic Planning Statement
- Canterbury-Bankstown Local Housing Strategy
- Canterbury-Bankstown Affordable Housing Strategy

There are no site-specific objectives or actions applicable to the subject site within the identified strategies.

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

As identified within section 6.1.1, the Planning Proposal is consistent with the Canterbury-Bankstown Local Strategic Planning Statement, Connective City 2036. Connective City 2036 encourages future growth to be located in areas that will not impact on the surrounding amenity and in close proximity to public transport. The Planning Proposal is consistent with this direction as the proposed height controls along Auburn Road would minimise the impact on surrounding development and the site is within walking distance of Regent Park train station.

6.1.5. Is the planning proposal consistent with applicable state environmental planning policies?

Table 1: Consistency with State Environmental Policies (SEPPs).

SEPP Title	Applies	Consistency/Comment
SEPP No. 19 Bushland in Urban Areas	Yes	N/A
SEPP No. 21 Caravan Parks	Yes	N/A
SEPP No. 33 Hazardous and Offensive Development Complex	Yes	N/A
SEPP No. 36 Manufactured Home Estates	Yes	N/A
SEPP No. 47 Moore Park Showground	Yes	N/A
SEPP No. 50 Canal Estate Development	Yes	N/A
SEPP No. 55 Remediation of Land	Yes	The site has a history of operations that could be sources of contamination. Contamination studies completed to date indicate remediation of contaminants can occur safely. The Department will need to be satisfied, should the proposal proceed to finalisation, that the site is suitable for further intensification. Any future development applications for the site would also need to consider the contamination and remediation requirements of SEPP 55.
SEPP No. 64 Advertising and Signage	Yes	N/A
SEPP No. 65 Design Quality of Residential Flat Development	Yes	The Planning Proposal has taken into consideration the design principles and Apartment Design Guidelines in accordance with the requirements of SEPP 65. In November 2020, the Department's urban design team tested various built form scenarios to establish the ability for a future developments to achieve consistency with the Apartment Design Guidelines (ADG) design criteria (e.g. solar access, overshadowing, delivery of open space). The review identified that an FSR of 2:1 with building heights of

SEPP Title	Applies	Consistency/Comment
		23m (six storeys), 29m (eight storeys) and 41m (twelve storeys) is capable of delivering built form consistent with the criteria. Further consideration will need to be given to the ADG during the assessment of future detailed development applications.
SEPP No. 70 Affordable Housing (Revised Schemes)	Yes	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP. In finalising future amendments to the Bankstown LEP, the Department would need to ensure the Planning Proposal is consistent with any endorsed housing strategy and AHS. Should the applicant proceed with affordable housing on site, the relevant controls in this SEPP will also apply at the development consent stage.
SEPP (Aboriginal Land) 2019	N/A	-
SEPP (Affordable Rental Housing) 2009	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP. Any further development application seeking approval under this SEPP will need to be consistent with the development assessment provisions. Should a Build-to-Rent scheme be pursued, the relevant controls in this SEPP will also apply at the development consent stage.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Coastal Management) 2016	N/A	-
SEPP (Concurrences and Consents) 2018	N/A	-
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	-
SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Gosford City Centre) 2018	N/A	-
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The Planning Proposal does not contain provisions that will contradict or would hinder application of this SEPP. Given the proximity of the site to the freight rail line, an acoustics study was prepared to ensure future development is capable of complying with the existing and future noise environment. This is especially important as the Southern Sydney Freight

SEPP Title	Applies	Consistency/Comment
		<p>Rail Line may in the future be connected with the planned Western Sydney Freight Line and expanded inter modal terminal facilities in Western Sydney.</p> <p>The acoustic study, prepared by EMM Consulting, undertook a desktop review of likely noise impacts if development enabled by the Planning Proposal was to proceed. The study concluded a minimal level of noise mitigation would be required for buildings located on the western side of the site. The level of mitigation is not likely to be considered onerous by a developer, and as such, it is considered reasonable and feasible to achieve internal noise criteria.</p> <p>Future development applications will need to consider the impact of rail noise or vibration on non-rail development (as identified in s.87 of the SEPP).</p>
SEPP (Koala Habitat Protection) 2020	N/A	-
SEPP (Koala Habitat Protection) 2021	N/A	-
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Major Infrastructure Corridors) 2020	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Penrith Lakes Scheme) 1989	N/A	-
SEPP (Primary Production and Rural Development) 2019	N/A	-
SEPP (State and Regional Development) 2011	N/A	-
SEPP (State Significant Precincts) 2005	N/A	-
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SEPP (Sydney Region Growth Centres) 2006	N/A	-
SEPP (Three Ports) 2013	N/A	-
SEPP (Urban Renewal) 2010	N/A	-
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	The Planning Proposal is not proposing to clear any vegetation. Any future applications for development that result in the clearing of vegetation will need to seek authority conferred by the City of Canterbury Bankstown Council.

SEPP Title	Applies	Consistency/Comment
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-

There are no deemed State Environmental Planning Policies (former Regional Environmental Plans (REPs)) applicable to the PP.

6.1.6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the Act by the Minister to councils, as demonstrated in the assessment of the following:

Table 2: Consistency with S9.1 Ministerial Directions.

Direction Title	Applies	Consistency/Comment
Employment and Resources		
1.1 Business and Industrial Zones	No	This Planning Proposal does not propose to affect land within an existing or proposed business or industrial zone. The site is zoned R4.
1.2 Rural Zones	No	This Planning Proposal does not propose to affect rural zoned land.
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A
1.4 Oyster Aquaculture	No	N/A
1.5 Rural Lands	No	N/A
Environment and Heritage		
2.1 Environment Protection Zones	Yes	Consistent. The Planning Proposal does not include any elements that would inhibit the protection and conservation of environmentally sensitive areas.
2.2 Coastal Protection	No	N/A
2.3 Heritage Conservation	Yes	Consistent. There are no known items of heritage significance located on the site or in the immediate environs of it.
2.4 Recreation Vehicle Areas	Yes	Consistent. The Planning Proposal does not include provisions to enable land to be developed for the purpose of recreation vehicle areas.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A
2.6 Remediation of Contaminated Land	Yes	Consistent. This direction is applicable as some former uses of the site are identified in Table 1 of the Managing Land Contamination Planning Guidelines.

Direction Title	Applies	Consistency/Comment
		<p>The applicant prepared a Preliminary Contamination Investigation and Remediation Action Plan to identify how the site can be made suitable for the proposed use. An independent review of the information was undertaken and identified gaps in the assessment, including a need to:</p> <ul style="list-style-type: none"> conduct a more detailed assessment of historical investigation reports. undertake soil and groundwater sampling of the entire site to include all the data gaps that are identified underneath building footprints and groundwater <p>The applicant provided supplementary information which assessed potential soil and groundwater health risks under a high-density residential setting. It concluded that contamination was capable of being managed if identified, through appropriate remediation measures.</p> <p>The information confirms consistency of the Planning Proposal with Direction 2.6.</p>
Housing, Infrastructure and Urban Development		
3.1 Residential zones	Yes	Consistent. The Planning Proposal does not propose to alter the site's R4 residential zoning. The amendments to the FSR and Building Height will encourage a variety and choice of housing types to provide for existing and future housing needs, whilst making efficient use of existing infrastructure and services. The Planning Proposal demonstrates that an appropriate built form can be achieved whilst minimising the impact of residential development on the environment.
3.2 Caravan Parks and Manufactured Home Estates	No	N/A
3.3 Home Occupations	N/A	Revoked 9 November 2020.
3.4 Integrating land use and transport	Yes	Consistent. The Planning Proposal is consistent with the direction as it promotes housing near public transport services, minimising the need for a dependence on car transportation.
3.5 Development Near Licensed Aerodromes	No	N/A
3.6 Shooting Ranges	No	N/A
3.7 Reduction in non-hosted short term rental accommodation period	No	N/A
Hazard and Risk		
4.1 Acid sulfate soils	No	N/A The site is not mapped as acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No	N/A The site is not within a mine subsidence district.

Direction Title	Applies	Consistency/Comment
4.3 Flood Prone Land	Yes	<p>Consistent. An independent review of the applicant's flooding assessment was undertaken. The review identified that:</p> <ul style="list-style-type: none"> it was unclear whether the northern portion of the site was constrained by flooding. recent development adjacent to the site may impact water movement and has not been sufficiently accounted for. <p>It recommended further flood modelling addressing the above be undertaken using a finer resolution version of the Duck River model.</p> <p>The applicant updated their flood model in accordance with the recommendations of the independent review, with their analysis concluding:</p> <ul style="list-style-type: none"> There are no significant flood flows along the northern boundary. Water ponding in these areas would be collected by the site drainage system and would be resolved at the DA stage. Basement flooding can be controlled by adopting an appropriate driveway crest level which would be addressed at the DA stage. A childcare centre could be accommodated given the flooding conditions at the site. The details of the childcare centre in terms of floor level and access can be resolved at the DA stage. The revised flood modelling assessment has demonstrated that the site is subject to shallow 'flood fringe' flow characteristics and as such, development of the site could be undertaken without significantly impacting flood behaviour to the north of the site. <p>The revised flooding information is consistent with the requirements Direction 4.3.</p>
4.4 Planning for Bushfire Protection	No	N/A The site is not located within a Bushfire prone area.
Regional Planning		
5.1 Implementation of Regional Strategies	N/A	Revoked 17 October 2017
5.2 Sydney Drinking Water Catchments	No	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	N/A	Revoked 18 June 2010

Direction Title	Applies	Consistency/Comment
5.6 Sydney to Canberra Corridor	N/A	Revoked 10 July 2008
5.7 Central Coast	N/A	Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek	N/A	Revoked 20 August 2018
5.9 North West Rail Link Corridor Strategy	Yes	N/A
5.10 Implementation of Regional Plans	Yes	Consistent. The Planning Proposal is generally consistent with the Greater Sydney Region Plan (see section 6.1.1).
5.11 Development of Aboriginal Land Council land.	No	N/A
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Consistent. The Planning Proposal does not contain excessive provisions that will encourage inefficient use of resources by containing provisions requiring concurrence, consultation or referral of a Minister or public authority.
6.2 Reserving Land for Public Purposes	Yes	Consistent. The Planning Proposal does not propose to reserve land for public purpose.
6.3 Site Specific Provisions	Yes.	Consistent. The Planning Proposal does not contain any unnecessarily restrictive site-specific planning controls. It does propose a provision requiring a site-specific Development Control Plan to be prepared prior to any development proceeding to approval, which is necessary to manage development on the site.
Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	Revoked 9 November 2020.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Revoked 28 November 2019.
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A

Direction Title	Applies	Consistency/Comment
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.9 Implementation of Bayside West Precincts 2036 Plan	No	N/A
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A

6.2. Environmental, Social and Economic Impact

6.2.1. 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 site has previously been cleared and has a long history of industrial operations occurring on it. There is almost no vegetation left on site. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

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

Traffic

The Planning Proposal seeks to take advantage of the proximity to Regents Park train station and to encourage patronage of the local train services. However, additional height and FSR would also result in increased vehicle movements to and from the site. A number of traffic reports have been prepared by both the applicant and Council to understand the possible traffic impacts.

The applicant's traffic assessment reports, prepared in 2014, with a supplementary report, prepared in 2015, tested development scenarios for a range of dwelling outcomes and the future performance of key intersections. It identified the road network (subject to the road widening works which were completed in 2016/17) had the capacity to support the proposed development.

Council commissioned a traffic assessment, prepared by ARUP in 2015, which identified that more than 250 residential dwellings located on the site had the potential to result in vehicle delays rising by more than 10% at the Auburn Road/Railway Overbridge roundabout. However, should the railway overbridge be upgraded, it was unlikely that the proposal would induce undue traffic impacts in other parts of the network.

Since the preparation of Council's traffic assessment, the railway overbridge intersection has been upgraded. Therefore, the road network is capable of supporting the additional demand created by the future development enabled by the Planning Proposal.

Further analysis of traffic impacts will be made in the assessment of future development applications. Any network upgrades not included in Council's existing Section 7.11 developer contributions plan will need to be negotiated with Council and the relevant road authority before development consent is granted. At present there has been no correspondence identifying that development of the site will trigger significant upgrades.

Contamination

As per section 6.1.6 of the 9.1 Ministerial Directions (Remediation of Land), contamination is considered a possible environmental impact. An independent review of the Remediation Action Plan was sought and identified gaps in the contamination assessment, including a need for to conduct a more detailed assessment of historical investigation reports, undertake soil and groundwater sampling of the entire site, to include all the data gaps that are identified underneath building footprints and groundwater.

The applicant responded to the independent review by providing supplementary information incorporating a more comprehensive assessment. It assessed potential soil and groundwater health risks for future use of the land under a high-density residential setting and concluded that contamination was capable of being managed, if identified, through appropriate remediation measures. Therefore, the Planning Proposal is consistent with 9.1 Ministerial Direction (Remediation of Land).

Flooding

As per section 6.1.6 of Ministerial Directions 9.1 (Direction Flood Prone Land), flooding is considered a likely environmental impact. Additional information provided by the applicant identified that flooding impacts likely to be experienced on site are capable of being managed through appropriate design and consideration at the development assessment stage. The information provided by the applicant is sufficient for the Planning Proposal to proceed to exhibition.

Compatibility with surrounding development

The Planning Proposal is proposing a height and density significantly more than many of the adjoining lots. The heights proposed on the site have been thoroughly explored throughout the stages of evaluation of the Planning Proposal preceding this report. The Department's urban design review in 2020 concluded that the FSR of 2:1 with building heights of 23m (six storeys), 29m (eight storeys) and 41m (twelve storeys) is capable of delivering a built form outcome consistent with the Apartment Design Guidelines. Furthermore, the staggering of the building heights towards the Auburn Rd frontage would improve the compatibility of any future development with existing building typology in the surrounding area. In addition, the areas with the greatest height are located on the lowest part of the site and set back from adjoining low density residential areas to minimise their visual impact.

Overshadowing

The Planning Proposal is proposing heights up to 41m with the potential to overshadow neighbouring properties. The Department's urban design assessment identified the most likely impact would be internal overshadowing of buildings. To mitigate this impact, the design of future built forms will need to be consistent with the design criteria and amenity requirements of the Apartment Design Guideline.

To the south and west of the site is land used for freight and passenger rail lines. Residential dwellings to the east are the only likely receiver capable of being overshadowed. The disbursement of the proposed heights across the site and stepping down of buildings towards Auburn Rd reduces any potential overshadowing impacts on these residences. Overshadowing provisions can be included in the proposed DCP to complement amendments to the LEP. Mitigation of overshadowing would also need to be further evaluated during the development application stage.

Noise

The site adjoins the Bankstown and Southern Sydney Freight railway lines and as such is vulnerable to noise impacts. The freight line is anticipated to experience increased movements due to a planned connection with a future Western Sydney Freight Line. Section 6.1.5 of SEPP (Infrastructure) 2007

identifies a need to consider the impact of rail noise or vibration on non-rail development. The Planning Proposal is not proposing to alter any uses already permitted on the site. However, it does propose to intensify the level of development permitted.

An acoustic study, prepared by EMM Consulting concluded a minimal level of noise mitigation would be required for buildings located on the western side of the site adjacent to the railway lines. The level of mitigation is not likely to be considered onerous by a developer, and as such, it is considered reasonable and feasible to achieve internal noise criteria.

Future development applications will need to consider the impact of rail noise or vibration on non-rail development (as identified in s.87 of the SEPP).

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

The Planning Proposal will help increase the supply and diversity of available residential accommodation in the LGA. This has the potential to address housing supply demands and affordability. The proposal promotes the efficient utilisation of land, services and support facilities and encourages the orderly growth of the area.

The Planning Proposal would contribute to the continued social growth of the area by encouraging a pattern of development which will help to diversify and increase housing choice.

This Planning Proposal would enable the development of site which supports the current and future social character of the locality. It also has the potential to sustain and support the economic development and of Regents Park centre. Given the proximity of the site to public transport, services and infrastructure, this is suitable site for more intensive residential development.

The Planning Proposal is located in close proximity from a local primary school (less than 200m) and high school (500m). Capacity of the local education and health infrastructure's capability to support the Planning Proposal will be confirmed through consultation with agencies during the exhibition period.

Under Council's Affordable Housing Strategy, the applicant will be required to provide affordable housing as part of the development application process, at a rate of 5% for planning proposals which result in uplift of more than 1,000 sqm of residential floor space - either in dedication (perpetuity) or monetary contributions. Any dedicated dwellings will need to be a mix of sizes, types and locations within a building or development to ensure an acceptable standard of amenity and a mix of dwelling types to meet the needs of a range of households.

The applicant has also flagged an intent to proceed with affordable housing on site through the provision of a 'Build to Rent' (BTR) housing scheme. BTR housing offers a purpose-built facility that is aimed at increasing housing market options and offers longer term leases to tenants. The requirements for a BTR scheme include that the housing is held in single ownership, is professionally managed, and provides for a minimum of 50 dwellings. Developers are encouraged to provide a better tenant experience through the provision of shared facilities and services in order to attract and retain tenants. Any BTR scheme will need to be assessed on its merit at the development assessment stage.

Accordingly, it is considered that the Planning Proposal would have a positive effect on the local economy and community.

6.3. State and Commonwealth Interests

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

The Planning Proposal is located in close proximity to an active public transport network at Regents Park train station. The Planning Proposal also has access to public open space with Magney Reserve located opposite it. Council has identified future uplift from the Planning Proposal would attract developer contributions and that a contributions agreement would need to be put in place to ensure upgrades to local infrastructure to support the increased density on the site are captured. Council and the applicant

have commenced discussions regarding a contributions agreement, however an agreed position has not yet been reached.

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

The Gateway Determination identified that during public exhibition of the proposal, consultation with the following agencies is required:

- Department of Planning Infrastructure and Environment – The Environment Energy and Science Group
- Transport for NSW – Sydney Trains
- Transport for NSW (former Roads and Maritime Services)
- Environment Protection Authority
- Australian Rail Track Corporation
- Ausgrid
- Telstra
- Sydney Water

At this stage of this planning proposal process, the appropriate State and Commonwealth public authorities have not yet been consulted.

7. PART 4 – MAPPING

The proposal requires a straightforward mapping change to the Bankstown LEP 2015:

1. Floor Space Ratio Map (004), increasing the FSR for the to 2:1.
2. Height of Buildings Map (004), increasing the Height to 23 metres fronting Auburn Road, 41 metres at the site's north west corner and 29 metres across the remainder of the site.

8. PART 5 – COMMUNITY CONSULTATION

The Gateway Determination identified that community consultation occurs as follows:

1. The Planning Proposal must be made publicly available for 28 days; and
2. The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.

9. PART 6 – PROJECT TIMELINE

The Gateway alterations issued in December 2020 included a condition identifying a timeframe for completion of the LEP:

- The timeframe for completing the LEP is to be 12 months from the date of this Alteration of Gateway determination. Council is required to exhibit and report on the proposal in accordance with the specified milestone dates as follows:
 - The planning proposal must be exhibited 7 months from the date of this Alteration of Gateway determination;
 - The planning proposal must be reported to Council for a final recommendation 10 months from the date of this Alteration of Gateway determination

10. CONCLUSION

This Planning Proposal is a proposal would enable the high-density residential development to occur at 30-46 Auburn Road in accordance with the proposed floor space ratio and height standards specified.

The Planning Proposal: -

- Is consistent with the objectives of the proposed R4 High Density zoning pursuant to the current Bankstown Local Environmental Plan (LEP) 2015.
- Is a suitable development which is consistent with the existing and future desired built form.
- Would not cause a significant adverse impact on the locality.
- Is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities and South District Plan objectives to locate increased residential density closer to public transport and access to mature road networks and existing urban centres.
- Is consistent with the relevant SEPPs and Ministerial Directions.
- Would positively contribute to net community benefits should Council collect contributions in line with its Section 7.11 plan.

APPENDIX 1

GATEWAY DETERMINATION

- 23 September 2016

APPENDIX 2

GATEWAY ALTERATIONS

- 21 September 2018
- 26 February 2020
- 23 December 2020

APPENDIX 3

APPLICANT'S FLOODING INFORMATION

APPENDIX 4

APPLICANT'S REPORT

CONTAMINATION

APPENDIX 5

NOISE REPORT

APPENDIX 6

TRAFFIC REPORT

APPENDIX 7

TRAFFIC REPORT ADDENDUM

APPENDIX 8

NSW INDEPENDENT PLANNING COMMISSION REVIEW REPORT

APPENDIX 8

DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT - GATEWAY REVIEW JUSTIFICATION ASSESSMENT REPORT

Received by NSW Independent Planning
Commission with covering letter - 18 November
2020