



Mr Matthew Stewart  
Interim General Manager  
Po Box 8  
Bankstown NSW 1885

16/11262

Attention: James Carey

Dear Mr Stewart *Matt*

### **Planning Proposal to amend Bankstown Local Environmental Plan 2015**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding the planning proposal to amend *Bankstown Local Environmental Plan 2015* (LEP) by changing the Floor Space Ratio (FSR) and height of building controls for 30-46 Auburn Road, Regents Park.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have conditioned the determination to reflect the recommendation of the Sydney West Joint Regional Planning Panel that the maximum FSR not be subject to the provision of public benefits. I support the Panel's recommendation that the proponent and council engage in discussion regarding an appropriate mechanism to achieve improved links to Regents Park Village.

I note that Council previously resolved to increase the FSR to 2.25:1 and that Council now proposes to review the FSR for the site. I request Council to complete this review and confirm the proposed FSR. The proposal will need to be amended (if necessary) and resubmitted to the Department for approval prior to community consultation.

I have also agreed that the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance, and that no further approval is required in relation to this Direction. In relation to S117 Direction 4.3 Flood Prone land, Council is required to undertake and provide a flood study that either demonstrates consistency with this Direction, or demonstrates that any inconsistency is minor and justified. A copy of the study must be included in the proposal prior to public exhibition.

I understand that contamination investigations were undertaken in 2005 when the site was rezoned from an industrial zone to a high density residential. However, the contamination investigations are based on a significantly smaller scale residential development compared to the current proposal. Therefore, it is requested that Council undertake and report on relevant site investigations to address the requirements of the

*State Environmental Planning Policy No 55 - Remediation of Land*. A copy of the study must also be included in the proposal prior to public exhibition.

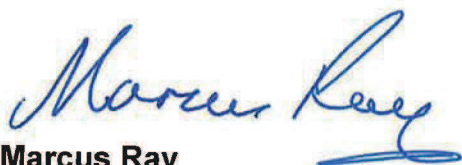
Plan making powers were delegated to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposals and have decided not to issue an authorisation for Council to exercise delegation to make the plan.

The amending LEP is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Commission may take action under s54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Daniel Gorgioski, of the Department's regional office on 9860 1538.

Yours sincerely



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

23/09/2016

**Delegate of the Greater Sydney Commission**

Encl:  
Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_CBANK\_001\_00):** to amend the floor space ratio and height of buildings controls for land at 30 - 46 Auburn Road, Regents Park.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the proposed amendment to the *Bankstown Local Environmental Plan (LEP) 2015* to amend the floor space ratio (FSR) and height of building controls for land at 30 - 46 Auburn Road, Regents Park should proceed subject to the following conditions:

1. Prior to undertaking community consultation the planning proposal is to be amended to:
  - a) reflect the outcome of FSR review (either 1.75:1 or 2.25:1, or an alternative FSR);
  - b) remove the requirement for the provision of public benefits to achieve the maximum FSR;
  - c) include a contamination study which addresses the requirements *State Environmental Planning Policy No 55 - Remediation of Land*; and
  - d) include a flood study which addresses the requirements of section 117 Direction 4.3 - Flood Prone Land.
2. Prior to undertaking community consultation, consultation is required with the following public authorities under section 56(2)(d) of the Act:
  - Transport for NSW - Sydney Trains
  - Roads and Maritime Services
  - Environment Protection Authority
  - Australian Rail Track Corporation
  - Ausgrid
  - Telstra
  - Sydney Water

The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

If any public authority requires additional information, or specifies any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission.

3. The planning proposal is to be amended to reflect conditions 1 and 2 and a copy is to be provided to the Director Sydney Region West for approval prior to community consultation being undertaken.

4. Community consultation is required under sections 56(2) and 57 of the Act as follows:
  - a) the planning proposal must be made publicly available for 28 days; and
  - b) 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'.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Dated 23rd day of September 2016



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**