

The NEW City of
CANTERBURY
BANKSTOWN

Planning Proposal –
Nos. 30–46 Auburn Road in
Regents Park

July 2016

Part 1–Intended Outcomes

This planning proposal applies to the following site as shown in Part 4 (Map 1):

Property Address	Property Description
No. 30 Auburn Road in Regents Park	Lot 1, DP 656032
No. 46 Auburn Road in Regents Park	Lot 2, DP 433938

The intended outcome of this planning proposal is to give effect to the Joint Regional Planning Panel’s recommendation of 9 March 2016 by:

- (a) Enabling increased residential development within a reasonable walking distance of the Regents Park railway station.
- (b) Providing an appropriate mechanism to ensure that the development of the site delivers certain public improvement works, and to realise these improvement works in a timely manner.

Part 2–Explanation of Provisions

Bankstown Local Environmental Plan 2015 is the statutory planning framework that establishes development standards such as land use zones, building heights and floor space ratios for development in the former local government area of the City of Bankstown. The site at Nos. 30–46 Auburn Road in Regents Park is currently within Zone R4 High Density Residential. The maximum building height is 13 metres (i.e. 3 storeys plus attic), and the maximum floor space ratio is 0.6:1.

To achieve the intended outcome of this planning proposal, the proposed amendments to Bankstown Local Environmental Plan 2015 are:

1. Building height

Apply a maximum building height of 19 metres (i.e. 6 storeys) to the part of the site that fronts Auburn Road, and a maximum building height of 25 metres (i.e. 8 storeys) to the remainder of the site in accordance with the Height of Buildings Map shown in Part 4 (Map 2).

2. Floor space ratio and improvement works

Apply a maximum floor space ratio of 1.75:1 to the site in accordance with the Floor Space Ratio Map shown in Part 4 (Map 3). This is subject to a clause that only permits development to achieve the maximum floor space ratio of 1.75:1 if the development delivers the following public benefits to the satisfaction of Council:

- The highest standard of architectural, urban and landscape design.
- The embellishment of Magney Reserve to support the increased residential development on the site.
- The construction of footpaths on both sides of Auburn Road and the streets surrounding Magney Reserve to complete the footpath network, and the installation of kerb build-outs, pedestrian crossings and traffic calming measures at certain locations.
- The embellishment of Auburn Road and local streets with street trees to create a pleasant place to walk and cycle.
- The construction of a north–south cycle link along Auburn Road.

If the development does not deliver these public benefits to the satisfaction of Council, then a maximum floor space ratio of 1.5:1 will apply to the site.

It is noted the proposed clause is consistent with the Department of Planning & Environment's advice to the Panel dated 2 March 2016.

Part 3–Justification

Section A–Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is the result of the Joint Regional Planning Panel's pre-gateway review and recommendation for the development of the site.

The pre-gateway review considered a request by the proponent to amend Bankstown Local Environmental Plan 2015 by increasing the building height and floor space ratio for the site.

Based on this pre-gateway review dated 9 March 2016, the Joint Regional Planning Panel recommended that:

1. *The matter proceed to a gateway determination.*
2. *Based on the publicly exhibited North Central Local Area Plan prepared by the Council and as supported by detailed urban design and traffic analysis, the Panel recommends that:*
 - (a) *The planning proposal proceed at a maximum floor space ratio of 1.75:1 and maximum height provisions reflecting the plan of 6 storeys for Auburn Road and 8 storeys for the remainder of the site.*
 - (b) *There is a need for improvement works to establish linkages to Regents Park Village for the benefit of the site and that these works will need to be brought forward to align with development of the site. In this regard, should the matter proceed to Gateway, then the Panel recommends that the proponent and the Council engage in discussion regarding an appropriate mechanism to realise these improvement works in a timely manner.*

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 of Planning & Environment's letter dated 10 June 2016 also states this planning proposal is the best means of achieving the intended outcome.

Section B–Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This planning proposal is consistent with the directions and actions of the Metropolitan Plan, *'A Plan for Growing Sydney'*, namely:

- **Direction 2.1–Accelerate housing supply across Sydney:** This planning proposal enables increased residential development close to Regents Park.
- **Direction 2.2–Accelerate urban renewal across Sydney:** This planning proposal facilitates urban renewal and enables increased residential development within a reasonable walking distance of the Regents Park railway station.

This planning proposal is also consistent with the objectives and actions of the Draft West Central Subregional Strategy, namely:

- **Direction C1.3–Plan for increased housing capacity targets in existing areas:** This planning proposal increases the housing capacity in Regents Park.
- **Direction C2.1–Focus residential development around centres, town centres, villages and neighbourhood centres:** This planning proposal enables increased residential development within a reasonable walking distance of the railway station. This is subject to the development of the site delivering certain public improvement works to improve linkages to the Regents Park Small Village Centre.
- **Direction F2.2–Investigate future options for open space provision and management:** This planning proposal promotes the integration of new public domain improvements in new medium and higher density residential developments. This is subject to the development of the site delivering certain public improvement works to improve linkages to the Regents Park Small Village Centre.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

At the Ordinary Meeting of 11 May 2016, Council adopted the North Central Local Area Plan to identify the priority areas where population and housing growth may occur in a sustainable way, and the required public improvement works to keep pace with population growth.

In particular, Action L5 outlines the local context, the structure plan, and the detailed urban design and traffic analysis which informed the recommended building envelope for the development of the site (i.e. 6–8 storeys / 1.75:1 FSR). Action L5 also reflects the Joint Regional Planning Panel’s pre-gateway review and recommendation for the site dated 9 March 2016.

This planning proposal is consistent with the recommendations of the North Central Local Area Plan.

However, it is noted that Council resolved at the Ordinary Meeting of 11 May 2016 to increase the maximum floor space ratio to 2.25:1 subject to traffic and public domain works. In considering Council’s resolution, it is proposed to undertake a review of the proposed 2.25:1 FSR during the exhibition of the planning proposal, and to report the review findings to Council following the exhibition.

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

This planning proposal is consistent with applicable state environmental planning policies as shown in Attachment A, namely:

- **SEPP 65 (Design Quality of Residential Apartment Development):** This planning proposal takes into consideration the design principles and the Apartment Design Guide in developing the building envelope standards.
- **SEPP (Infrastructure) 2007:** This planning proposal takes into consideration the relevant acoustic guidelines for land adjacent to the Southern Sydney Freight Line.

However, this planning proposal is inconsistent with the following state environmental planning policy:

- **SEPP 55 (Remediation of Land):** This SEPP requires Council to consider site contamination as part of the planning proposal process. Part 7A of the EP&A Act reinforces this direction.

As background, the rezoning of the site from an industrial zone to a high density residential zone took place in 2005. At the time, the contamination investigations looked at the suitability of the site for residential purposes and concluded that *“the potential for extensive contamination of the site is low and that the site can be practically remediated and rendered suitable for the proposed residential use”*, and that *“it may be prudent to conduct further investigations on the site to fully characterise the site in terms of site contamination”*.

However, the contamination investigations are based on a significantly smaller scale residential development compared to the current proposal. Industrial related activities have also continued to occur on the site since the rezoning.

To date, Council's knowledge in relation to the extent of contamination on the site is incomplete.

This planning proposal therefore requires further detailed technical studies to properly assess whether the proposal is consistent with the SEPP. This is particularly the case if the capacity, site cover, basement excavation and resident numbers are to increase on the site.

This requirement reflects an earlier recommendation of the Joint Regional Planning Panel dated 30 August 2013.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal is consistent with applicable Ministerial (117) directions as shown in Attachment B, namely:

- **Direction 3.4–Integrating Land Use and Transport:** This planning proposal ensures land uses, built form and infrastructure directly relate to the walkable catchment of public transport. This is subject to the development of the site delivering certain public improvement works to improve linkages to the Regents Park Small Village Centre.
- **Direction 3.5–Development near Licensed Aerodromes:** This planning proposal ensures development does not compromise the operation of licensed aerodromes. In addition, Council will consult with the Commonwealth Department of Infrastructure & Regional Development and Sydney Metro Airports Bankstown.
- **Direction 7.1–Implementation of A Plan for Growing Sydney:** This planning proposal is consistent with the directions and actions contained in the Metropolitan Plan, 'A Plan for Growing Sydney' (see Section B(3) of this planning proposal for a more detailed summary).

However, this planning proposal is inconsistent with the following Ministerial (117) directions:

- **Direction 3.1–Residential Zones:** This planning proposal is inconsistent with clause 10 of this direction, which does not permit residential development until the site is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The Joint Regional Planning Panel and the North Central Local Area Plan identify the need for certain public improvement works to service the site and to establish linkages to the Regents Park Small Village Centre for the benefit of the site.

In accordance with clause 11 of this direction, the inconsistency is justified provided there is a site specific provision to realise the improvements works in a timely manner.

- **Direction 4.3–Flood Prone Land:** This planning proposal is inconsistent with clause 6(c) of this direction as it would permit a significant increase in the development of land within a flood planning area.

In accordance with clause 9(a) of this direction, Council adopted the Duck River Floodplain Risk Management Plan. The Risk Management Plan combined with the development controls of Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015 indicate the proposed increase in the development of the land is possible.

- **Direction 6.3–Site Specific Provisions:** This planning proposal is inconsistent with clause 4(c) as it proposes to add a site specific provision in addition to those already contained in Bankstown Local Environmental Plan 2015.

In accordance with clause 6 of this direction, the inconsistency is considered to be of minor significance as the proposed provision does not apply unnecessarily restrictive site specific planning controls or drawings that show details of the development proposal.

A site specific provision is deemed necessary to give Council comfort that there is an appropriate mechanism to realise the improvement works in a timely manner.

Section C–Environmental, social and economic impact

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

This planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The site adjoins the Southern Sydney Freight Line and industrial zoned land. In relation to noise and the impact on residential amenity, this planning proposal takes into consideration the relevant guidelines under SEPP (Infrastructure) 2007, together with appropriate setback controls. The setback controls will be included in the Development Control Plan and will apply to the development of the site.

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

This planning proposal broadens the choice of building types available in the housing market (in the form of residential flat buildings) to provide for existing and future housing needs.

However, the Joint Regional Planning Panel and the North Central Local Area Plan identify the need for certain public improvement works to service the site and the growing population. This includes establishing linkages to the Regents Park Small Village Centre for the benefit of the site, and to improve the amenity and public domain of the locality for the benefit of residents. These works will need to be brought forward to align with the development of the site.

To adequately address the social and economic effects, it is proposed to apply a site specific provision to realise the improvements works in a timely manner.

Section D–State and Commonwealth interests?

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

The site is within a reasonable walking distance of the Regents Park Small Village Centre and railway station, which provide appropriate facilities and public transport services. Sydney Trains and Cumberland Council are also widening the railway overpass to improve traffic movements on Auburn Road.

However, the Joint Regional Planning Panel and the North Central Local Area Plan identify the need for certain public improvement works to service the needs of the growing population.

The intended outcome is to establish linkages to the Regents Park Small Village Centre for the benefit of the site, and to improve the amenity and public domain of the locality for the benefit of residents. The proposed improvement works include (but are not limited to) the following actions:

- Embellish Magney Reserve to support the growing population resulting from the increased residential development on the site.
- Construct footpaths on both sides of Auburn Road and the streets surrounding Magney Reserve to complete the footpath network, and install kerb build-outs, pedestrian crossings and traffic calming measures at certain locations.
- Embellish Auburn Road and local streets with street trees to create a pleasant place to walk and cycle.
- Formalise a north–south cycle link along Auburn Road.

In relation to process, it is proposed to exhibit a voluntary planning agreement concurrently with the planning proposal. The voluntary planning agreement is required to legally capture the public benefits to be delivered by the proposed site specific provision applying to the site.

11. What are the views of State and Commonwealth public authorities consulted in accordance with this gateway determination?

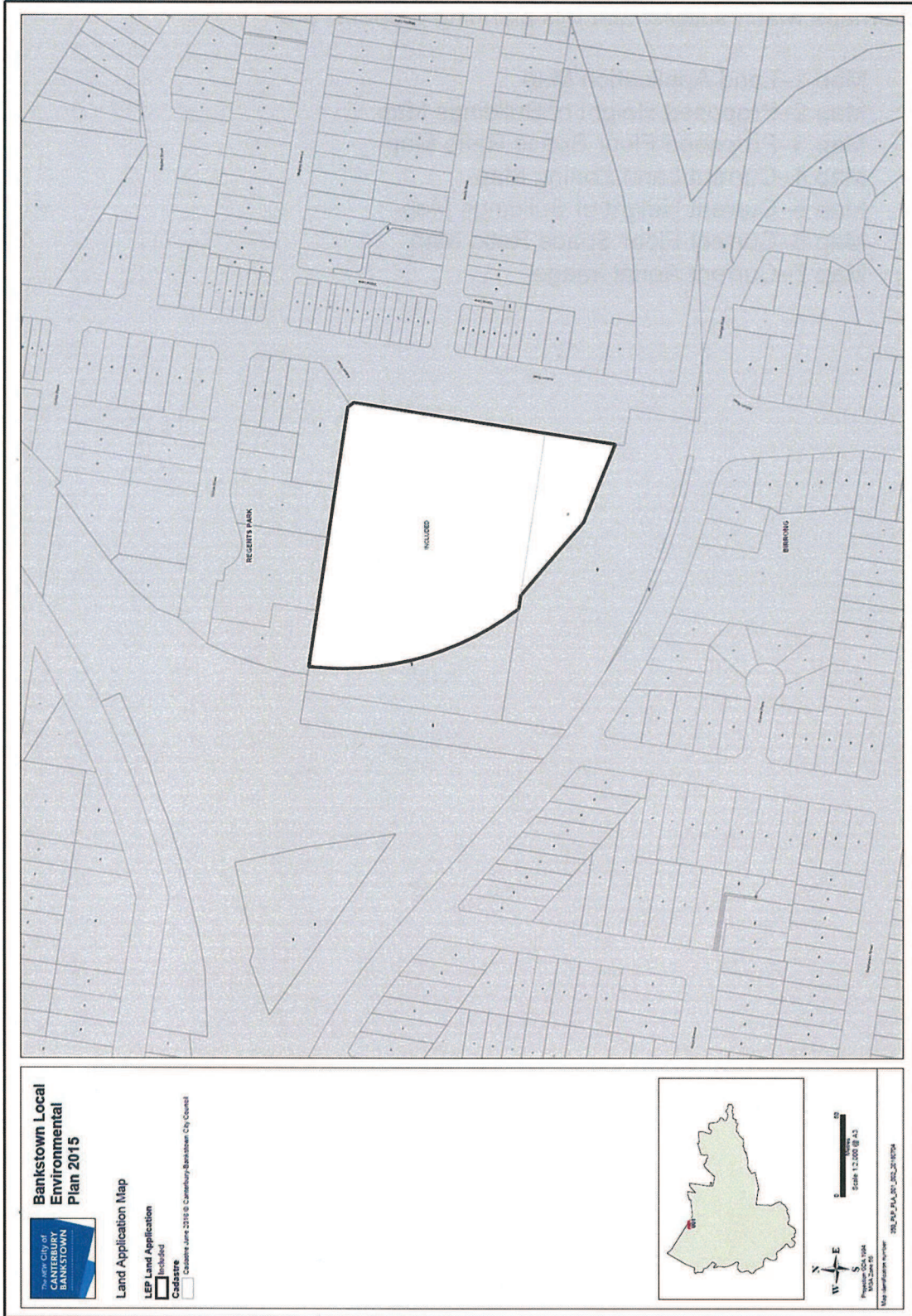
An update to this section of the planning proposal will occur following consultation with State and Commonwealth public authorities following the gateway determination.

Part 4–Mapping

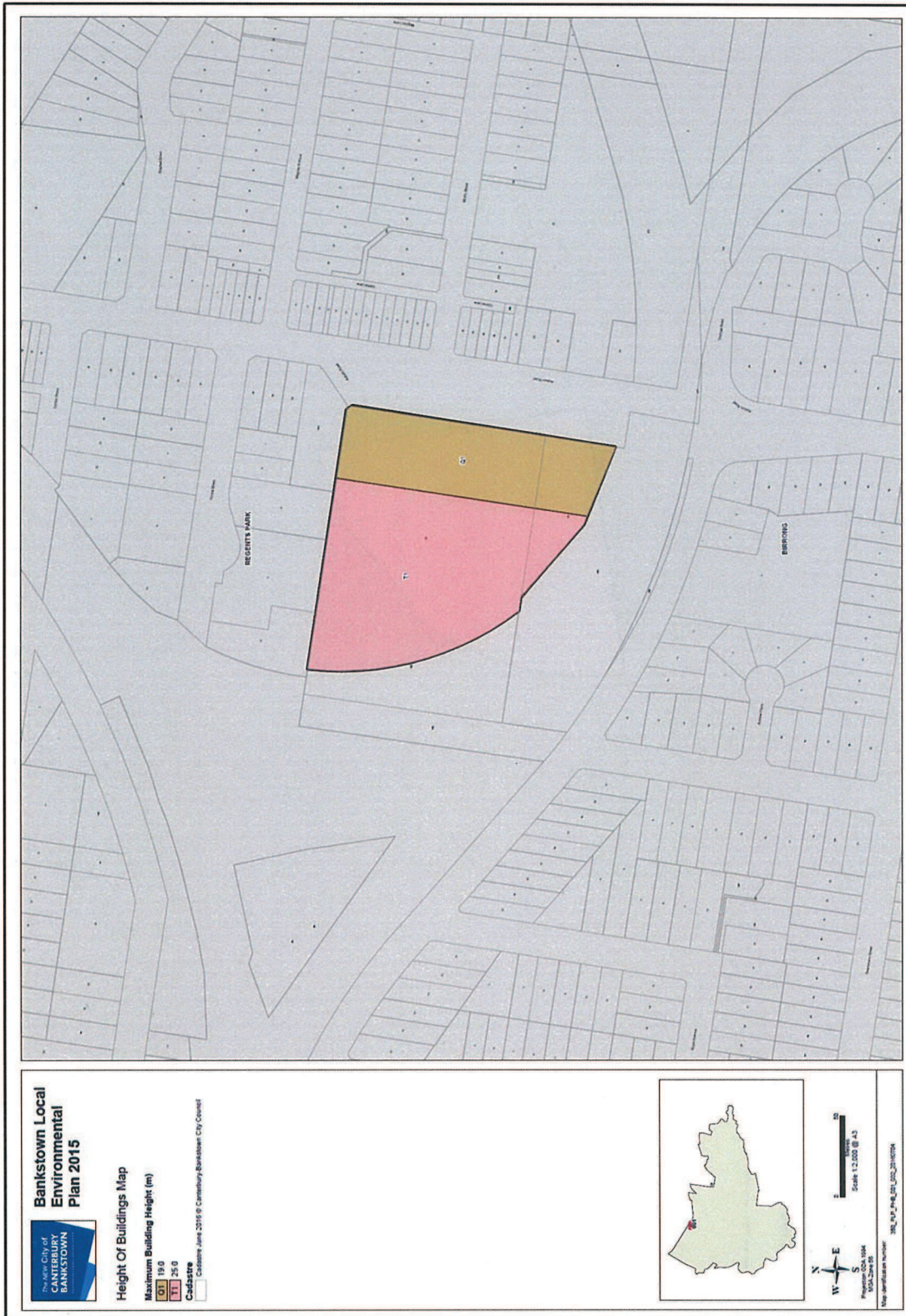
The maps which supplement this planning proposal are:

- Map 1–Land Application Map
- Map 2–Proposed Height of Buildings Map
- Map 3–Proposed Floor Space Ratio Map
- Map 4–Current Land Zoning Map
- Map 5–Current Height of Buildings Map
- Map 6–Current Floor Space Ratio Map
- Map 7–Current Aerial Image

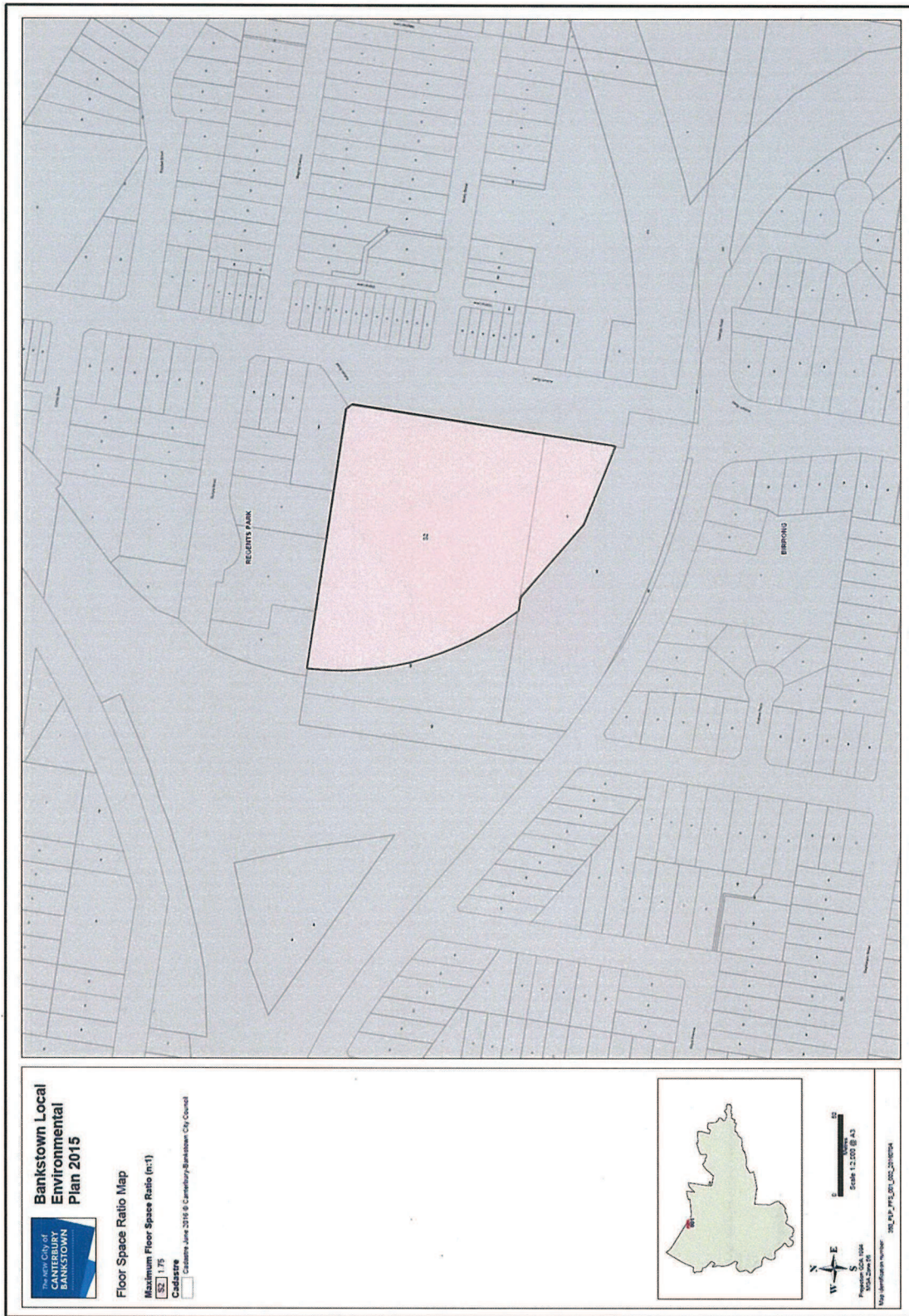
Map 1-Land Application Map



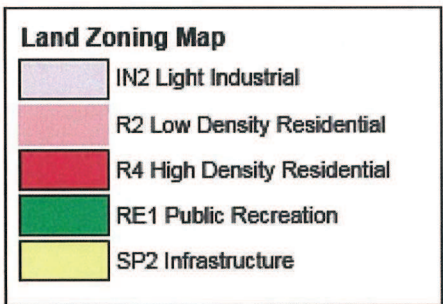
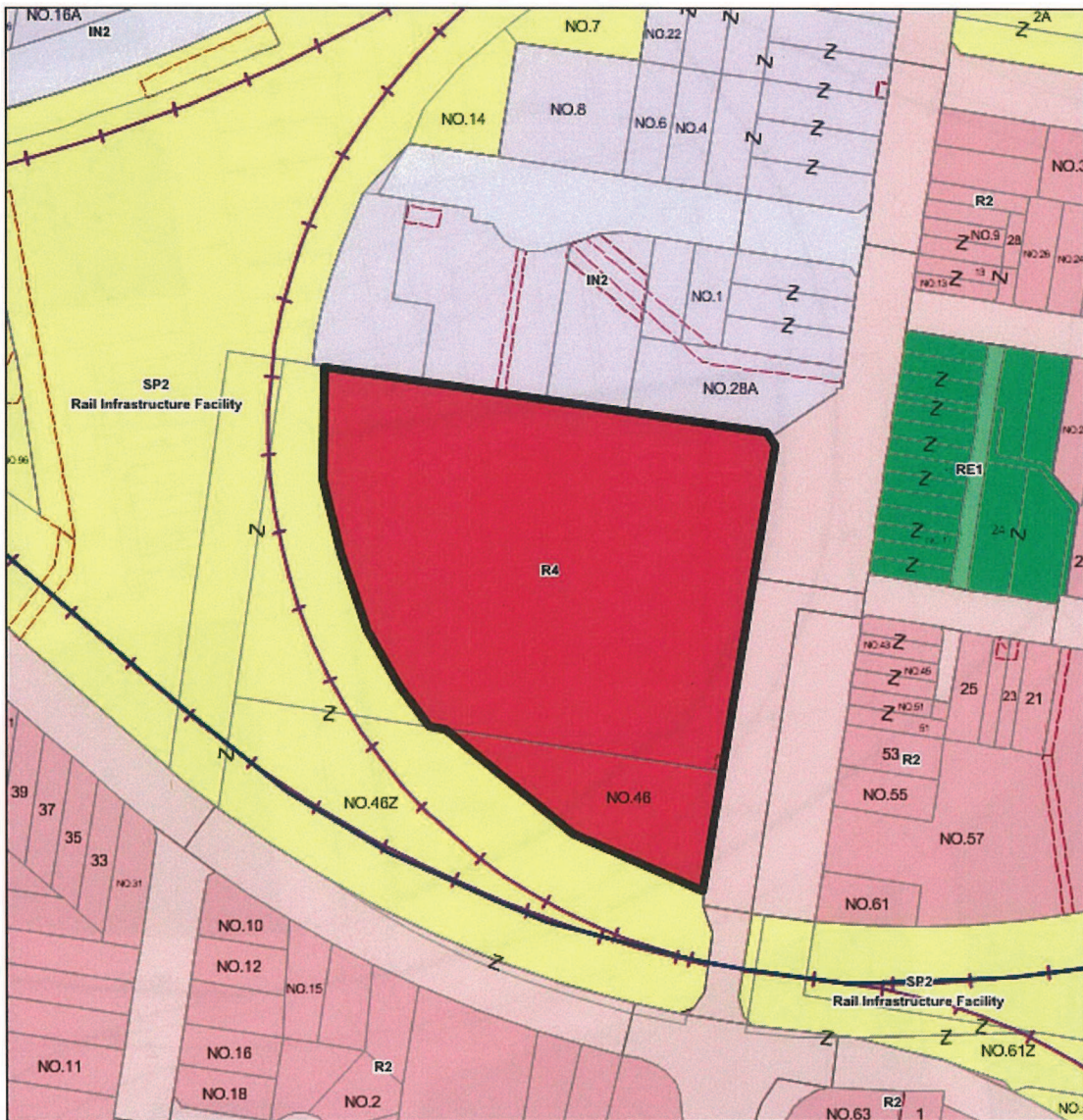
Map 2-Proposed Amendment to the Height of Buildings Map



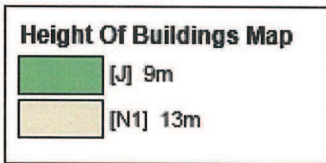
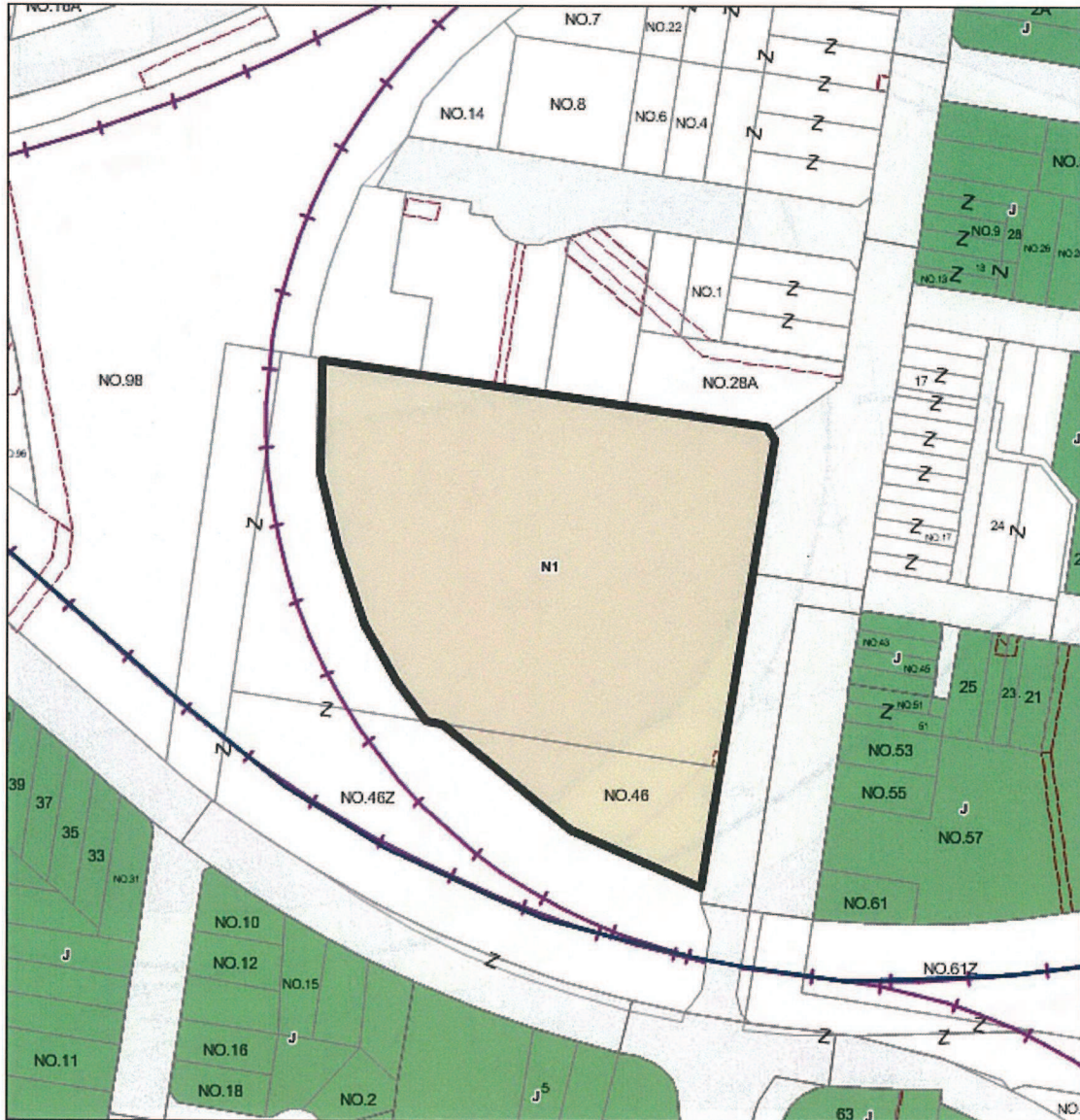
Map 3–Proposed Amendment to the Floor Space Ratio Map



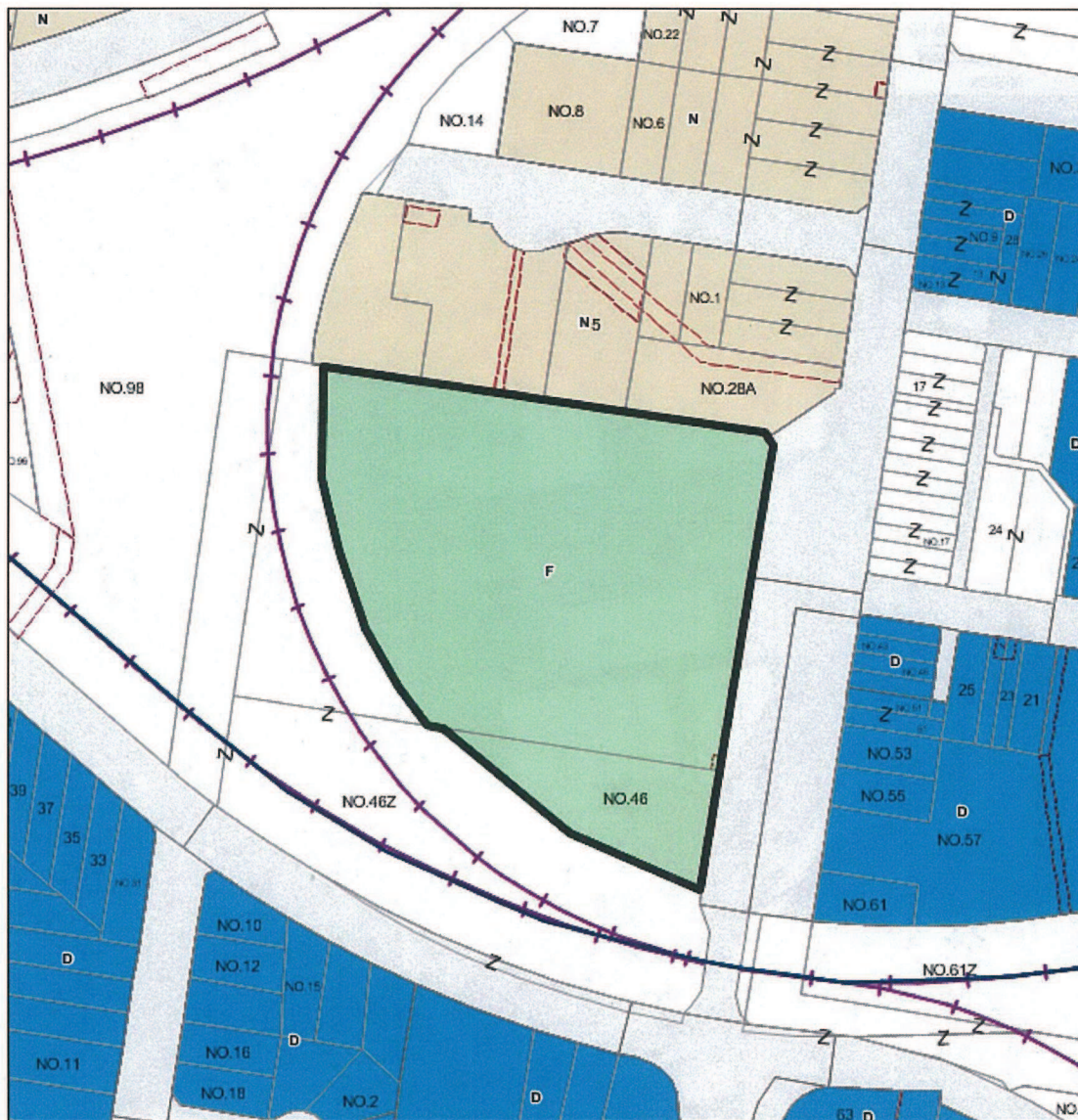
Map 4-Current Land Zoning Map






Map 5-Current Height of Buildings Map

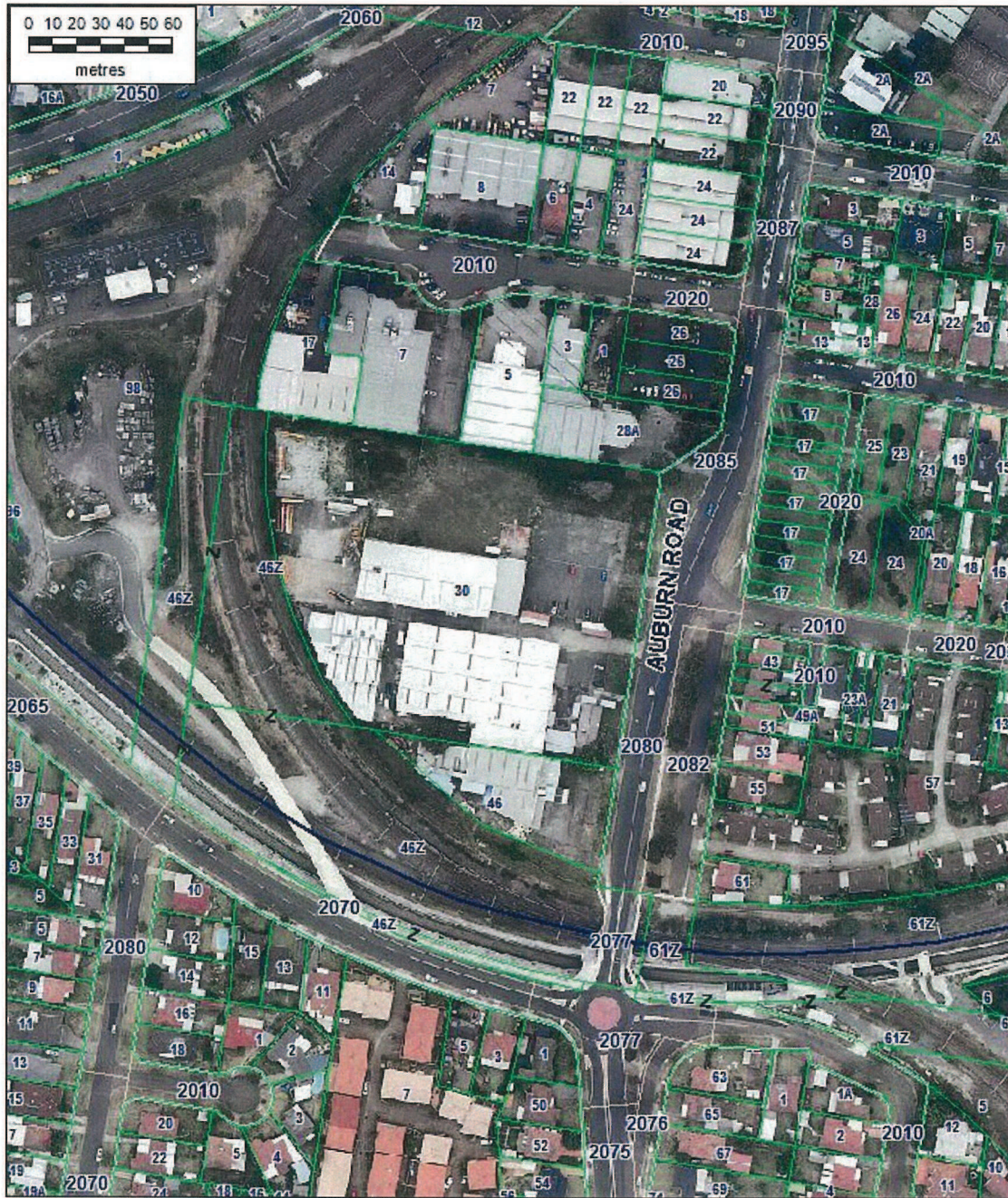


Map 6-Current Floor Space Ratio Map



Floor Space Ratio Map	
	[D] 0.5:1
	[F] 0.6:1
	[N] 1:1

Map 7–Current Aerial Image



Part 5–Community Consultation

Although the gateway determination will confirm the public consultation that must be undertaken, the exhibition period for this planning proposal is likely to take 28 days and would comprise:

- Advertisements in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building (Bankstown Branch) and corporate website.
- Written notification to affected and adjoining property owners where practical.
- Written notification to relevant agencies and local councils including:
 - Commonwealth Department of Infrastructure & Regional Development
 - Sydney Metro Airports Bankstown
 - Australian Rail Track Corporation
 - Ausgrid
 - Environment Protection Authority
 - Roads & Maritime Services
 - Sydney Water
 - Sydney Trains
 - Transport for NSW
 - Cumberland Council.

Part 6–Project Timeline

Dates	Project timeline
July 2016	Report to Council to request approval to proceed with the planning proposal
September 2016	Issue of gateway determination
October 2016	Public exhibition of planning proposal and voluntary planning agreement
February 2017	Report to Council following the exhibition
April 2017	Submit planning proposal to the Department of Planning & Environment for determination.

It is noted the project timeline is subject to Council and the proponent finalising the terms of the voluntary planning agreement prior to the exhibition.

ATTACHMENT A–State Environmental Planning Policies

SEPPs (as at July 2016)		Applicable	Consistent
1	Development Standards	Yes	Yes
14	Coastal Wetlands	No	N/A
15	Rural Land Sharing Communities	No	N/A
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
26	Littoral Rainforests	No	N/A
29	Western Sydney Recreation Area	No	N/A
30	Intensive Agriculture	Yes	Yes
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
39	Spit Island Bird Habitat	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams & Other Works in Land & Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	No
59	Central Western Sydney Regional Open Space & Residential	No	N/A
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	No	N/A
71	Coastal Protection	No	N/A
	(Affordable Rental Housing) 2009	Yes	Yes

SEPPs (as at July 2016)	Applicable	Consistent
(Building Sustainability Index: BASIX) 2004	Yes	Yes
(Exempt & Complying Development Codes) 2008	Yes	Yes
(Housing for Seniors or People with a Disability) 2004	Yes	Yes
(Infrastructure) 2007	Yes	Yes
(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
(Kurnell Peninsula) 1989	No	N/A
(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
(Miscellaneous Consent Provisions) 2007	Yes	Yes
(Penrith Lakes Scheme) 1989	No	N/A
(Rural Lands) 2008	No	N/A
(SEPP 53 Transitional Provisions) 2011	No	N/A
(State & Regional Development) 2011	Yes	Yes
(State Significant Precincts) 2005	Yes	Yes
(Sydney Drinking Water Catchment) 2011	No	N/A
(Sydney Region Growth Centres) 2006	No	N/A
(Three Ports) 2013	No	N/A
(Urban Renewal) 2010	No	N/A
(Western Sydney Employment Area) 2009	No	N/A
(Western Sydney Parklands) 2009	No	N/A
Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes
Sydney REP (Sydney Harbour Catchment) 2005	Yes	Yes

ATTACHMENT B–Ministerial (117) directions

Direction & Issue Date		Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones [14/04/16]	No	N/A
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [01/07/09]	No	N/A
Environment and Heritage			
2.1	Environment Protection Zones [14/04/16]	Yes	Yes
2.2	Coastal Protection [14/04/16]	No	N/A
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [14/04/16]	Yes	Yes
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones [14/04/16]	Yes	No
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	Yes	Yes
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use and Transport [14/04/16]	Yes	Yes
3.5	Development Near Licensed Aerodromes [14/04/16]	Yes	Yes
3.6	Shooting Ranges [16/02/11]	No	N/A
Hazard and Risk			
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence and Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	No
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
Regional Planning			
5.1	Implementation of Regional Strategies [14/04/16]	No	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/07/09]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked]	No	N/A
5.6	Sydney to Canberra Corridor [Revoked]	No	N/A
5.7	Central Coast [Revoked]	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [14/04/16]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	Yes	Yes
Local Plan Making			
6.1	Approval and Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	Yes	No
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A