

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1898):** to amend Bankstown LEP to enable the staged redevelopment of the Bankstown Central Shopping Centre site through increased building height and floor space ratio (FSR) controls.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bankstown Local Environmental Plan 2015 to enable the staged redevelopment of the Bankstown Central Shopping Centre site through increased building height and FSR controls. should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - a. address consistency with Ministerial Direction 4.1 Flooding by confirming the timing for stormwater mitigation works and identify the flooding outcomes to the Bankstown Central Shopping Centre site.
  - b. address consistency with Ministerial Direction 5.1 Integrating Land Use and Transport by consulting and addressing matters raised by Transport for NSW including:
    - i. the need to satisfy TfNSW's traffic modelling and transport planning requirements;
    - ii. the demonstration of the site's development capacity based on transport constraints applying to the subject land and within the wider Bankstown Town Centre Master Plan Area defined by Councils Bankstown Town Centre Master Plan;
    - iii. the need to provide an evidence base in terms of methodology, assumptions, and calculations for the development potential reflected in proposed height and FSR standards and how these are related to traffic and transport constraints and future requirements; and
    - iv. clarification on the permanent location of the Bankstown bus interchange.
  - c. address consistency with Ministerial Direction 5.3 Development near Regulated Airports and Defence Airfields to clearly respond to the requirements of this Direction. This includes clarifying any intrusions into protected airspace and subsequent approvals from the relevant Commonwealth department.
  - d. include an updated urban design assessment that:
    - i. provides supporting built form testing and analysis including adequate solar access and building separation to address SEPP 65 and Apartment Design Guideline requirements. Should this not be adequately demonstrated, a reduction in the proposed planning controls may be required;
    - ii. provides further justification on the open space provided and addresses the comments and recommendations within the Community Infrastructure Needs Peer Review;
    - iii. clarifies the extent of deep soil planting intended to be delivered across the site; and
    - iv. addresses the integration with the Bankstown Central Shopping Centre (PP-2022-1898) planning proposal, particularly in relation to proposed

heights, densities, solar access/overshadowing, development incentives, and connectivity.

- e. provide further justification on the removal of the sustainability bonus (Clause 4.4A) for this site, particularly given the Bankstown City Centre planning proposal (PP-2022-1153) proposes to amend Clause 4.4A to apply more broadly across the Bankstown City Centre and to update the clause to meet current best practice standards for supporting Council's objective of achieving net zero emissions by 2050.
  - f. include an updated market depth/development potential assessment that:
    - i. assesses the level of impact of proposed commercial office space on other centres in the Local Government Area;
    - ii. assesses the current commercial office stock and market to clarify underlying and developing demand and uptake of commercial stock;
    - iii. considers the existing short-term accommodation in the area and clarification of how catchment share estimates were calculated to establish visitor nights;
    - iv. provides further details on the likely mix of tenancies in the proposed additional retail floor space; and
    - v. refines the student population numbers for the Bankstown Western Sydney University campus and longer term targets within Council's Local Strategic Planning Statement.
  - g. address and consider an LEP requirement for affordable housing in accordance with the objectives and intent of council's Affordable Housing Strategy.
  - h. confirm public infrastructure requirements, funding mechanisms such as the Canterbury Bankstown Contributions Plan 2022, and staging of delivery, including details relating to the Letter of Offer by the proponent.
  - i. include a full set of draft LEP maps.
2. Prior to commencement of community consultation, Council must consult with Sydney Airport and the Commonwealth Department of Infrastructure, Regional Development and Cities. Should Council be advised that permission is required in accordance with (2)(d) of section 9.1 Direction 5.3 and/or the *Airports Act 1996*, this permission must be granted prior to commencement of community consultation.
  3. The planning proposal is to be revised to address Conditions 1 and 2 above and forwarded to the Department for review and approval prior to the commencement of community consultation.
  4. Prior to finalisation, the planning proposal is to be updated to respond to any requirements arising from the NSW Government's Flooding Inquiry.
  5. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
    - a. the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 30 working days; and
    - b. the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 5 months following the date of the gateway determination.

6. Consultation is required with the following public authorities:

- Civil Aviation Safety Authority;
- Commonwealth Department of Infrastructure, Regional Development and Cities;
- Department of Education;
- Department of Planning and Environment – Environment, Energy and Science Group;
- NSW Heritage;
- Bankstown Airport Corporation Limited;
- Relevant service providers;
- South Western Sydney Local Health District;
- Sydney Water;
- Sydney Trains;
- Sydney Metro; and
- Transport for NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

7. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
9. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 28<sup>th</sup> day of October 2022.



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Homes**