

Gateway Determination

Planning proposal (Department Ref: PP_2019_CBANK_004_00): to amend the maximum height of buildings and floor space ratio development standards and introduce a local provision to maintain solar access to public open space for land at 74 Rickard Road and part 375 Chapel Road, Bankstown.

I, the Executive Director, Eastern Harbour City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Bankstown Local Environmental Plan (LEP) 2015* to increase the maximum height and floor space ratio standards, and to include a provision to protect solar access to Paul Keating Park should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - (a) correct the wording to state 'Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields';
 - (b) address the South District Plan planning priorities:
 - i. S1 – Planning for a city supported by infrastructure;
 - ii. S2 – Working through collaboration;
 - iii. S11 – Supporting growth of targeted industry sectors; and
 - iv. S12 – Delivering integrated land use and transport planning and a 30-minute city.
 - (c) include the existing LEP maps:
 - i. Heritage Map; and
 - ii. Special Provisions Map.
 - (d) update proposed LEP maps to the Department's standards and provide a map of the exact extent of Paul Keating Park the solar access control will apply to;
 - (e) Remove reference to the repealed SEPPs [including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions) 2007] and make reference to the SEPPs currently in force [such as SEPP (Koala Habitat Protection) 2019 and SEPP (Concurrences and Consents) 2018];

- (f) demonstrate consistency or justify the inconsistency with the following section 9.1 Directions:
 - i. 6.3 Site Specific Provisions by:
 - 1. clarifying if the proposed height and FSR standards are contingent on achieving the solar access control for Paul Keating Park;
 - 2. providing modelling to demonstrate the proposed solar access control for Paul Keating Park is achievable at this height and FSR, and if not, the height, FSR and solar access provisions are to be reviewed;
 - 3. applying the solar access control to all sites that adjoin Paul Keating Park;
 - 4. advising how in future, further overshadowing of Paul Keating Park by the other adjoining sites will be mitigated;
 - 5. clearly defining the boundary of Paul Keating Park for the purposes of calculating solar access, noting that the lot containing the heritage listed Council Chambers has development potential and is currently zoned B4 Mixed Use;
 - ii. 2.6 Remediation of Contaminated Land which has been introduced since the planning proposal was submitted for Gateway
 - iii. 4.3 Flood Prone Land by providing details of flood mitigation measures;
- (g) provide further traffic modelling as outlined in the 'Peer Review of Transport and Traffic' prepared by TTPP, dated 13 September 2019;
- (h) update Part 5 – Community Consultation to reflect consultation arrangements following recent legislative changes and remove community consultation requirements that are not possible in light of the COVID-19 pandemic; and
- (i) update the project timeline.

The revised planning proposal is to be provided to the Department for review and approval for public exhibition.

- 2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - (a) Transport for NSW;
 - (b) Transport for NSW (former Roads and Maritime Services);
 - (c) Sydney Metro Authority;
 - (d) NSW Department of Planning, Industry and Environment - Environment, Energy and Science Group (former Office of Environment and Heritage);
 - (e) Sydney Water;
 - (f) NSW State Emergency Services; and
 - (g) Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, to reclassify land).
5. The time frame for completing the LEP is to be **10 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.

Dated 10th day of June 2020.



Malcolm McDonald
Executive Director,
Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces