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## Planning Matters - 26 April 2016

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**ITEM 5.7**                      **South West Local Area Plan**

**DELIVERY  
PROGRAM  
(2013-2017)**

**TA 1. Council will have integrated plans for local areas that recognise each location's unique characteristics and heritage that guides the future development of our city.**

**AUTHOR**                      **City Planning and Environment**

**ISSUE**

This report summarises the re-exhibition of the Draft South West Local Area Plan, which provides a long term strategy for matters including land use planning, infrastructure provision, open space and community facilities.

**RECOMMENDATION**      That -

1. Council adopt the South West Local Area Plan as shown in Attachment A.
2. Based on the actions of the South West Local Area Plan, Council delegate authority to the General Manager to prepare and submit a planning proposal to the Department of Planning & Environment to seek a gateway determination.
3. Council seek authority from the Department of Planning & Environment to exercise the delegation of the Minister for Planning regarding the plan making functions under section 59 of the Environmental Planning & Assessment Act 1979.
4. Subject to approval from the Department of Planning & Environment, Council exhibit the planning proposal to provide further community comment, and the matter be reported to Council following the exhibition.
5. The funding requirements as outlined in this report be approved and reflected as part of Council's Quarterly Budget review process.

**BACKGROUND**

The City of Bankstown is changing in response to population growth, increased community expectations and environmental constraints. By 2031, the City of Bankstown is expected to grow by 22,000 dwellings and 6,000 new jobs. To address these challenges we need to plan ahead to meet the changing needs of residents, businesses, workers and visitors.

Council previously resolved to prepare Local Area Plans for the city by dividing the Local Government Area into seven different localities. Together the seven Local Area

Plans will provide a comprehensive strategic planning framework for the City of Bankstown to 2031.

The objectives of the Local Area Plans are primarily to set out the vision and spatial context for the distinctive localities, specify the best ways to accommodate residential and employment growth, and outline the delivery of supporting infrastructure, facilities and open space. Linking the Local Area Plans are the citywide directions (i.e. Liveable, Invest, Green and Connected) of the Bankstown Community Plan.

At the Ordinary Meeting of 24 November 2015, Council resolved to re-exhibit the Draft South West Local Area Plan as outlined in the Council report in Attachment B. The South West Local Area includes the suburbs of East Hills, Milperra, Panania and Picnic Point.

The purpose of this report is to summarise the key issues raised by submissions and to recommend certain amendments to the South West Local Area Plan following a consideration of the key issues.

Should Council adopt the South West Local Area Plan, the next step is to submit a planning proposal to the Department of Planning & Environment to seek a gateway determination. The planning proposal will be subject to further community feedback prior to a final decision of Council.

## **REPORT**

### **Exhibition**

Council exhibited the Draft South West Local Area Plan from 15 December 2015 to 26 February 2016. The exhibition process included:

- Displays at Council's customer service centre, corporate website and libraries.
- Advertisements in the local newspapers.
- Notification letters to property owners in and around the centres.
- Notification letters to property owners in the industrial precincts and corridors.
- Notification letters to property owners affected by the proposed changes to the zoning, reclassification, heritage and biodiversity provisions.
- Notification letters to state agencies and community service providers.
- Notification letters to persons and groups who made a submission during the first exhibition of the draft local area plans.
- Flyers to occupiers in the centres and neighbourhood shops.
- Individual feedback where residents could speak direct with Council officers.
- Meetings with interested groups.

- On 18 February 2016, an independent facilitator hosted two Public Listening Sessions where members of the public had the opportunity to verbally provide their feedback to Council. Attachment C contains the Public Listening Sessions Report, which details the process, attendance and the key outcomes from the verbal presentations.

Council received 35 submissions from residents, community groups, property owners, industry and key stakeholders, and 7 submissions from public authorities in response to the exhibition of the South West Local Area Plan.

### **Review process**

Centres and neighbourhoods never stay the same. The suburbs of the 1960s were very different to today. It will also be very different in 2031. The decision we must face is whether we want to manage this change to create a liveable, green place or whether we allow change to occur in an ad hoc unplanned manner.

Council officers carried out a comprehensive review of the submissions based on:

1. Alignment with the planning context, vision and structure plans.
2. Additional research to inform the Draft Local Area Plan including:
  - Further urban design analysis of key sites to review relevant land use and building envelope controls.
  - An assessment of transport management around centres.
  - A review of the interface between zones and heights.
3. Councillor Briefings, which outlined the results of the consultation process and possible changes to the Draft Local Area Plan.

Following the re-exhibition of the Draft South West Local Area Plan, it is proposed to make certain amendments to the Local Area Plan in response to consultation with the community, industry, public authorities and key stakeholders.

### **Key Findings of the Review Process**

The majority of submissions responded to the proposed changes in the centres. The submissions varied from some requesting more development and others requesting less. Tables 1–4 summarise the key issues raised in submissions.

It is not possible to meet both of these expectations at the same time. The proposed amendments to the South West Local Area Plan aim to balance these different expectations and to respond to future challenges.

Table 5 highlights the proposed key changes to the South West Local Area Plan. The Submissions Report (as shown in Attachment D) summarises the key findings of the review process in more detail, and Council's response to the matters raised in submissions.

**Table 1–Land use zones and building changes in Panania and East Hills**

Key issues	Council response
<p>Most submissions are in response to the proposed zoning and building envelope changes in the Panania Small Village Centre.</p> <p>Property owners generally request an increase in the proposed building envelope controls (FSR and building heights) for certain properties in the centres.</p> <p>Residents provided a mixed response. Some residents support the changes, whilst some residents and community groups do not support the proposed zoning and building height changes as it will impact on the character and amenity of the centres and the surrounding suburban neighbourhood.</p>	<p><b>Change:</b> Amend the Local Area Plan as outlined in Table 5.</p> <p><b>Reason:</b> In response to community feedback, Council reviewed the structure plans to ensure the centres are compact places, whilst responding to and reflecting the village feel and unique characteristics of the centres.</p> <p>The review process identifies the commercial core of the Panania Small Village Centre as a place of well-proportioned, human scale buildings and streets to contribute to the sense of comfort and village feel. Based on the urban design analysis, the commercial core of a traditional centre is comprised of buildings that create a dense urban form, generally of a similar height and not more than 6 storeys. This continuous urban form helps to define the streets, and helps to achieve a street proportion (i.e. building height relative to street width) of no more than 1:1 to create a comfortable level of spatial enclosure.</p> <p>In the case of the East Hills Neighbourhood Centre, the commercial core is comprised of buildings that create a dense urban form, generally of a similar height and not more than 4 storeys. However, there is the opportunity for a 6 storey element at No. 31 Maclaurin Avenue (adjacent to the railway line) to create a diverse and visually interesting skyline.</p> <p>For the Residential Frame precinct surrounding the commercial core of centres, the review process identifies medium-rise and low-rise buildings as appropriate for this location. The intended outcome is to provide an appropriate built form transition to the low-rise housing in the suburban neighbourhood.</p> <p>The economic analysis indicates the proposed building envelopes are feasible.</p> <p>In considering the review findings, it is not proposed to amend the structure plans for the centres. However, the review findings do identify certain properties where it is proposed to make some building envelope changes (as outlined in Table 5) consistent with the urban design analysis.</p>
<p>Some residents and community groups raise concern the proposed zoning and building height changes will impact on traffic, parking and infrastructure in the centres.</p>	<p><b>Change:</b> No change to the Local Area Plan is proposed.</p> <p><b>Reason:</b> As part of the local area planning process, Council consulted state agencies. The state agencies such as Transport for NSW, Roads &amp; Maritime Services, Ausgrid, NSW Health–South Western Sydney Local Health District, Sydney Water and Department of Education did not</p>

identify any significant impact on services as a result of the proposed changes in the centres.

In terms of transport improvements, the local area planning process carried out further research to ensure the centres are a place of connection. The movement of people is fundamental to the success of the centres. The further research included a transport workshop with the community, and the preparation of a Centres Transport Action Plan. The re-exhibited Draft Local Area Plan incorporated the findings and infrastructure improvements recommended by the Centres Transport Action Plan.

Based on the findings, Council considers that the traffic and parking mitigation works are one aspect of the solution to the traffic congestion. The Draft Local Area Plan supports an integrated transport approach, which requires a whole of government approach. Some of the actions include:

- Advocate for public transport improvements and accessible railway stations.
- Advocate for state road improvements and work with the Roads & Maritime Services to improve regional road infrastructure in centres.
- Provide a balanced transport system where cars travel slowly in the centres, making streets easier to cross and a pleasant place to walk, sit and talk (together with footpath and pedestrian crossing upgrades).
- Continue to implement Council's Town Centre Improvement Program.
- Allow for gradual increases in parking capacity at convenient locations around the centres.
- Formalise the regional on-road cycle route which traverses through the local streets with painted markings.

**Table 2–Community facilities and open space**

Key issues	Council response
<p>Some residents and community groups do not support the proposal to redevelop the community facilities and open space at the Panania library site. The preferred option is to retain these properties as open space.</p>	<p><b>Change:</b> Amend the Local Area Plan (Action L1) to indicate that Council will provide public space when preparing the concept plan for the Panania library site.</p> <p><b>Reason:</b> As part of the exhibition, the Draft Local Area Plan proposed to transform Panania library site into a successful civic space with a modern community facility. This will replace the ageing buildings at these locations.</p> <p>To facilitate this action, Council will prepare a concept plan to explore the development options to create an enlivened mixed use destination at the Panania library site. The concept plan will provide public space at this location.</p>
<p>Some residents do not support the proposal to divest part of No. 13A Kathleen Parade in Picnic Point (Part Kathleen Reserve). The preferred option is to retain this part of the property as open space.</p>	<p><b>Change:</b> Amend the Local Area Plan (Action G1) to indicate the northern part of the property at No. 13A Kathleen Parade will not be considered for divestment.</p> <p><b>Reason:</b> As part of the exhibition, Action G1 proposed to investigate divestment of the northern part of the property at Part No. 13A Kathleen Parade Road (known as Kathleen Reserve), and to utilise the funds for the purchase and embellishment of new and existing open space.</p> <p>In response to community feedback, Council reviewed Action G1 and the status of this property. The review process recognises the southern part of the property contains environmental significance and this property should continue to function as open space. The northern part of the property at No. 13A Kathleen Parade will therefore not be considered for divestment.</p>

**Table 3–Heritage**

Key issues	Council response
<p>The property owner does not support the proposal to heritage list the church building at No. 183 Tower Street in Panania.</p>	<p><b>Change:</b> Amend the Local Area Plan (Action L1) to indicate the property at No. 183 Tower Street in Panania will not be considered as a potential heritage item.</p> <p><b>Reason:</b> In considering this submission, Council reviewed the heritage assessment and property owner’s submission. The review process indicates the principal item of significance is the form / shape of the church building. Recognising this significance can be achieved in many different ways without requiring a heritage listing.</p> <p>The Bankstown Heritage Committee considered this matter on 13 April 2016. Based on the review process, the Committee does not recommend that the church building be considered for listing in the Local Environmental Plan.</p>

## Table 4–Public Listening Sessions

On 18 February 2016, an independent facilitator hosted two Public Listening Sessions. The purpose of the sessions was to provide an alternative forum for members of the public to have their say on the Draft Local Area Plan, within an independent forum, and to verbally provide their feedback to Council in front of members of their community.

A total of 16 individuals registered to speak (10 people spoke at the morning session and 6 people spoke at the evening session). In addition, 30 people attended to listen to the morning session and 35 people attended to listen to the evening session. There were a range of themes across both Public Listening Sessions relating to loss of open space, demand for / loss of community facilities, and either support for or opposition to proposed rezonings to allow increased densities and height.

The table below summarises the key themes specific to the South West Local Area Plan. Attachment E summarises Council’s response to the matters raised in the Public Listening Sessions.

Key issues	Council response
Concern about the size and scale of development proposed for Panania and East Hills, and impacts on traffic and parking.	<p><b>Change:</b> Amend the Local Area Plan as outlined in Table 5.</p> <p><b>Reason:</b> Table 1 of this report comments on the proposed size and scale of centres, and impacts on traffic and parking.</p> <p>In considering the review findings, it is not proposed to amend the structure plans for the centres. However, the review findings do identify certain properties where it is proposed to make some building envelope changes (as outlined in Table 5) consistent with the urban design analysis.</p>

**Table 5–Summary of proposed key changes to the South West Local Area Plan**

The table below summarises the proposed key changes to the South West Local Area Plan in response to the submissions and Public Listening Sessions. The changes relate mostly to zoning and building envelope controls to achieve the desired character in the centres.

<b>Properties</b>	<b>Exhibited Draft Local Area Plan</b>	<b>Proposed amendment</b>	<b>Reason</b>
Nos. 34–48 Anderson Avenue, Nos. 35–63 Anderson Avenue, Nos. 99–103A Marco Avenue, Edwards Reserve & Anderson Avenue car park in the Panania Small Village Centre	Nos. 34–48 and 35–63 Anderson Avenue & No. 103A Marco Avenue: Zone B2 Local Centre (4 storeys / 2:1 – 6 storeys / 2.5:1 FSR)  Nos. 99–103 Marco Avenue: Zone R4 High Density Residential (4 storeys / 1:1 FSR)	Amend Action L1: Amend Figure 9.6 to illustrate that Council will prepare a masterplan for this space and adjoining land.	A masterplan would provide the opportunity to better utilise this space and adjoining land (in the context of up to 6 storeys on the eastern side of Anderson Avenue).
Tower Street (south side) in the Panania Small Village Centre	Zone B2 Local Centre (4 storeys / 2:1 FSR)	Amend Action L1: Introduce rear setback controls.	This amendment would provide a more appropriate transition to the adjoining lower density residential zone (2 storeys).
No. 147 Tower Street in the Panania Small Village Centre	Zone B2 Local Centre (3 storeys / 0.5:1 FSR)	Amend Action L1: Increase to 4 storeys / 2:1 FSR.	This amendment would make this property consistent with the neighbouring business zoned land at this location.
No. 183 Tower Street in the Panania Small Village Centre	Potential item	Amend Action L1: The property will not be considered as a potential item.	This amendment is consistent with the review process and the Bankstown Heritage Committee’s recommendation.
Panania Library site	Prepare a concept plan to transform this location into a successful mixed use destination with a modern community facility.	The concept plan will provide public space at this location.	This amendment clarifies Council’s intent to continue to provide public space at the Panania Library site.

## Dual Occupancies

Some residents raised concern with the number of dual occupancies in the suburban neighbourhood, and the impact it is having on amenity, vehicle movements and on-street parking in local streets.

At present, Council permits dual occupancies in Zone R2 Low Density Residential subject to development consent. Dual occupancies are not permitted as complying development in this zone. This allows Council to assess development proposals in accordance with the LEP and DCP, which have been adopted in consultation with the community, industry, state agencies and relevant stakeholders.

The Local Area Plan (Action L3) proposes a review of the design of dual occupancies to ensure this housing type continues to achieve high quality residential development that is compatible with the prevailing suburban character and amenity of the low density residential zone.

The prevailing suburban character includes the subdivision pattern, the front building setback, off-street parking behind the front building line and the landscaping of front yards with canopy trees and deep soil plantings. The review will look at the lot size, building envelope, building design and landscaped area requirements for dual occupancies to ensure this housing type is in keeping with the desired housing character for the suburban neighbourhood.

However, the State Government's planning policy is proposing to decrease the thresholds for dual occupancy development.

In December 2015, the Department of Planning & Environment exhibited a Discussion Paper, which proposes to expand complying development to include medium density housing such as dual occupancies, manor homes and multi dwelling housing.

At the Ordinary Meeting of 15 December 2015, Council considered this matter and made a submission to the Department outlining its concerns with the Discussion Paper, namely:

- Complying development does not take into consideration the unique characteristics and issues within the various suburbs in the City of Bankstown, and is not designed to customise solutions to address potential impacts.
- Private certifiers are not qualified to assess the architectural merits of medium density housing (such as dual occupancies) to ensure it meets community expectations, particularly in the suburban neighbourhood of the City of Bankstown.
- Complying development does not provide the community with the opportunity to comment on medium density housing proposals (such as dual occupancies) in the same way as development applications.
- The proposed development controls will result in medium density housing (including dual occupancies) that is incompatible with the prevailing character and amenity of the suburban neighbourhood in the City of Bankstown.

The Department is currently reviewing the submissions in response to the Discussion Paper.

## **NEXT STEPS**

### **Planning Proposal**

Should Council decide to adopt the South West Local Area Plan, the next step is to implement the Local Area Actions in the statutory planning framework, commencing with Bankstown Local Environmental Plan 2015.

Bankstown Local Environmental Plan 2015 is Council's principal planning document to regulate the function and growth of the local area. The Local Environmental Plan provides objectives, zones and development standards such as floor space ratios, building heights, lot sizes and densities.

Based on the actions of the South West Local Area Plan (as shown in Attachment A), it is proposed to have Council delegate authority to the General Manager to prepare and submit a planning proposal to the Department of Planning & Environment to seek a gateway determination.

The actions of the Local Area Plan are proposing certain changes to the Local Environmental Plan to achieve the desired character for the identified precincts, namely:

- Proposed zoning changes.
- Proposed floor space ratio and building height changes.
- Proposed mapping of significant biodiversity areas for future protection.
- Proposed reclassification of certain open space to meet future community and operational needs.
- Proposed inclusion of certain buildings as heritage items.
- Proposed additional permitted uses on certain properties.
- Proposed mapping of locations that require active street frontages.

Subject to approval from the Department of Planning & Environment, Council will need to exhibit the planning proposal to provide further community comment. Following the exhibition, the planning proposal would be reported to Council for consideration.

### **Development Control Plan**

The South West Local Area Plan recommends certain changes to Bankstown Development Control Plan 2015. These changes will supplement the planning proposal to achieve well-designed development.

The proposed changes to Bankstown Development Control Plan 2015 will be reported separately once the Department of Planning & Environment issues a gateway determination for the planning proposal.

### **Infrastructure**

The South West Local Area Plan recommends certain changes to Council's Operational Plan, Section 94A Development Contributions Plan and Planning Agreements Policy. These changes will deliver a number of community infrastructure

works to improve the local area and support the growing residential and employment population.

The proposed changes to the Section 94A Development Contributions Plan and Planning Agreements Policy will be reported separately once the Department of Planning & Environment issues a gateway determination for the planning proposal.

### **POLICY IMPACT**

The South West Local Area Plan responds to the Department of Planning & Environment's target of 22,000 new dwellings in the City of Bankstown by 2031. The actions in the Local Area Plan will underpin Council's amendments to the statutory planning framework and infrastructure priorities to see the local area continue to prosper within the West Central district context.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

This matter has financial implications for Council as the redevelopment of the local area would require certain infrastructure improvements to support the redevelopment and growth, as outlined in the South West Local Area Plan.

To facilitate the delivery of the Panania North masterplan, it is recommended that Council allocate \$30,000 from its Land and Investment Fund to commence the preparation of the masterplan.

### **RECOMMENDATION** That -

1. Council adopt the South West Local Area Plan as shown in Attachment A.
2. Based on the actions of the South West Local Area Plan, Council delegate authority to the General Manager to prepare and submit a planning proposal to the Department of Planning & Environment to seek a gateway determination.
3. Council seek authority from the Department of Planning & Environment to exercise the delegation of the Minister for Planning regarding the plan making functions under section 59 of the Environmental Planning & Assessment Act 1979.
4. Subject to approval from the Department of Planning & Environment, Council exhibit the planning proposal to provide further community comment, and the matter be reported to Council following the exhibition.
5. The funding requirements as outlined in this report be approved and reflected as part of Council's Quarterly Budget review process.

### **ATTACHMENTS**

- A. South West Local Area Plan
- B. Council Report–Ordinary Meeting of 24 November 2015
- C. Public Listening Sessions Report
- D. Submissions Report
- E. Council's Response to the Public Listening Sessions