



14 August 2018

Ms Amanda Harvey
Director, Sydney Region East
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
20 AUG 2018
Scanning Room

Dear Ms Harvey,

Section 3.34 Notification—No. 10 Simmat Avenue in Condell Park

In accordance with section 3.34 of the Environmental Planning & Assessment Act 1979, please be advised:

(a) Decision to submit a planning proposal

At the Ordinary Meeting of 24 July 2018, Canterbury–Bankstown Council resolved to submit a planning proposal to the Department of Planning & Environment to seek a Gateway Determination.

The intended outcomes of the planning proposal are to rectify a mapping anomaly in relation to surplus land formerly owned by Sydney Water, and to provide for local housing needs consistent with the low density residential character of the surrounding suburban neighbourhood.

Council also resolved to seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.

(b) Attached information

The planning proposal and the Council Report of the Ordinary Meeting of 24 July 2018 are attached for your information.

If you have any enquiries or require further information, please contact Council officer Amita Maharjan on (email) amita.maharjan@cbc.city.nsw.gov.au or (phone) 9707 9806.

Yours sincerely,



Mauricio Tapia
Team Leader Strategic Planning

If you need help understanding this document
please contact Council on 9707 9000.

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Planning Matters - 24 July 2018

ITEM 5.7 Application to Amend Bankstown LEP 2015 – 10 Simmat Avenue, Condell Park

AUTHOR Planning

PURPOSE AND BACKGROUND

To consider the application to amend Bankstown Local Environmental Plan 2015 for part of the site at 10 Simmat Avenue, Condell Park.

ISSUE

Council is in receipt of an application to prepare a planning proposal for part of the site at 10 Simmat Avenue, Condell Park. The intended outcome is to rectify a mapping anomaly by rezoning part of the site (373m²) from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.

The Local Planning Panel considered Council's report on 2 July 2018. In accordance with the Department of Planning and Environment's Direction, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. The Panel's recommendation is for the application to be approved, in accordance with the Council staff report recommendation.

RECOMMENDATION That -

1. Council submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015, as shown in Attachment A:
 - (a) Rezone part of the site 10 Simmat Avenue, Condell Park from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.
 - (b) Permit a maximum nine metre building height, a maximum 0.5:1 FSR, and a minimum 450m² subdivision lot size requirement.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

ATTACHMENTS

- A. Proposed Amendments to Bankstown LEP 2015
- B. Local Planning Panel Meeting—Council Report
- C. Local Planning Panel Meeting—Minutes

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

This matter does not impact on the community of Canterbury–Bankstown.

DETAILED INFORMATION

Proposal

In March 2018, Council received an application from Sydney Water in relation to the site known as 10 Simmat Avenue in Condell Park (Lot 2, DP 1219439). The site is 4,659m² in area.

The site contains a split zone and is part Zone R2 Low Density Residential and part Zone SP2 Infrastructure (Water Supply System) under Bankstown Local Environmental Plan 2015.

The application and supporting material prepared by Sydney Water is specific to the part of the site that is within Zone SP2 Infrastructure (Water Supply System). The area of this part of the site is 373m² and is triangular in shape. The intended outcome is 'to rectify an anomaly identified in land use mapping and application of development standards relating to surplus land formerly owned by Sydney Water' by removing the split zone as follows:

Development standards	Current	Proposed
Zoning	Zone SP2 Infrastructure (Water Supply System)	Zone R2 Low Density Residential
Maximum FSR	Does not apply to Zone SP2	0.5:1
Maximum building height	Does not apply to Zone SP2	9 metres (2 storeys + attic)
Minimum subdivision lot size	Does not apply to Zone SP2	450m ²

The proposed zoning and development standards would match the remainder of the site as shown in Attachment A.

Local Planning Panel

The Local Planning Panel considered Council's report on 2 July 2018. In accordance with the Department of Planning and Environment's Direction, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. The Panel's comments and recommendation are:

The Panel notes that this is effectively a zoning anomaly that should have been picked up on the previous rezoning. The Panel agrees with the assessment.

CBLPP Recommendation: THAT the application be approved, in accordance with the Council staff report recommendation.

The Council report to the Local Planning Panel and the minutes in relation to the matter are shown in Attachments B and C.

Next Step

The next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination. The planning proposal will request the following amendments to Bankstown Local Environmental Plan 2015, as shown in Attachment A:

- Rezone part of the site at 10 Simmat Avenue, Condell Park from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.
- Permit a maximum nine metre building height, a maximum 0.5:1 FSR, and a minimum 450m² subdivision lot size requirement.

ATTACHMENT A—Proposed Amendments to Bankstown LEP 2015

Attachment A outlines the proposed amendments to Bankstown Local Environmental Plan 2015 for the subject site at 10 Simmat Avenue in Condell Park.

Figure 1: Current Land Zoning Map

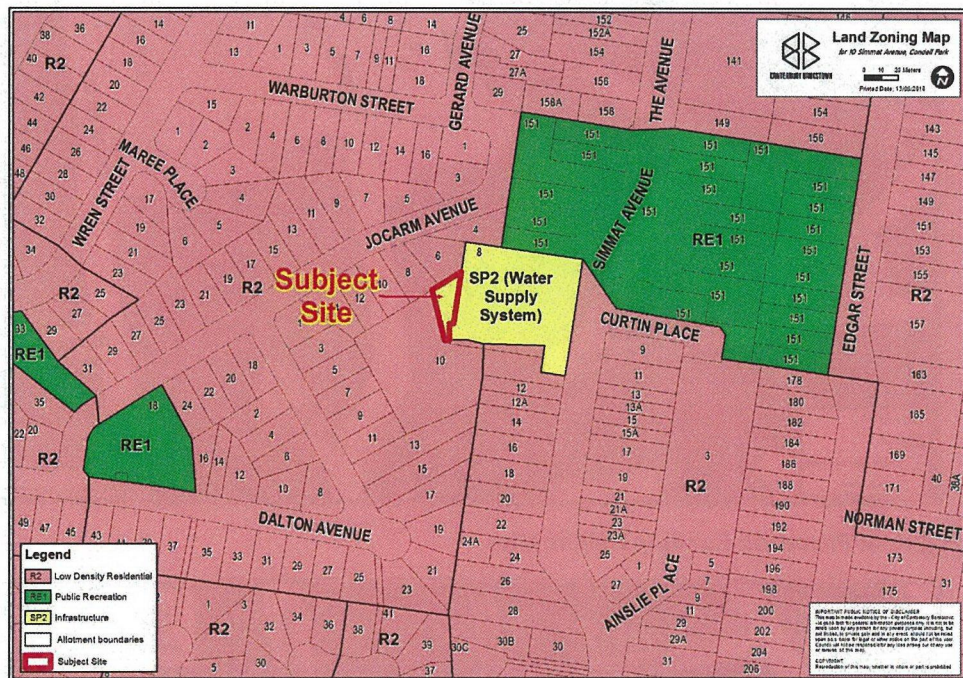


Figure 2: Proposed Land Zoning Map

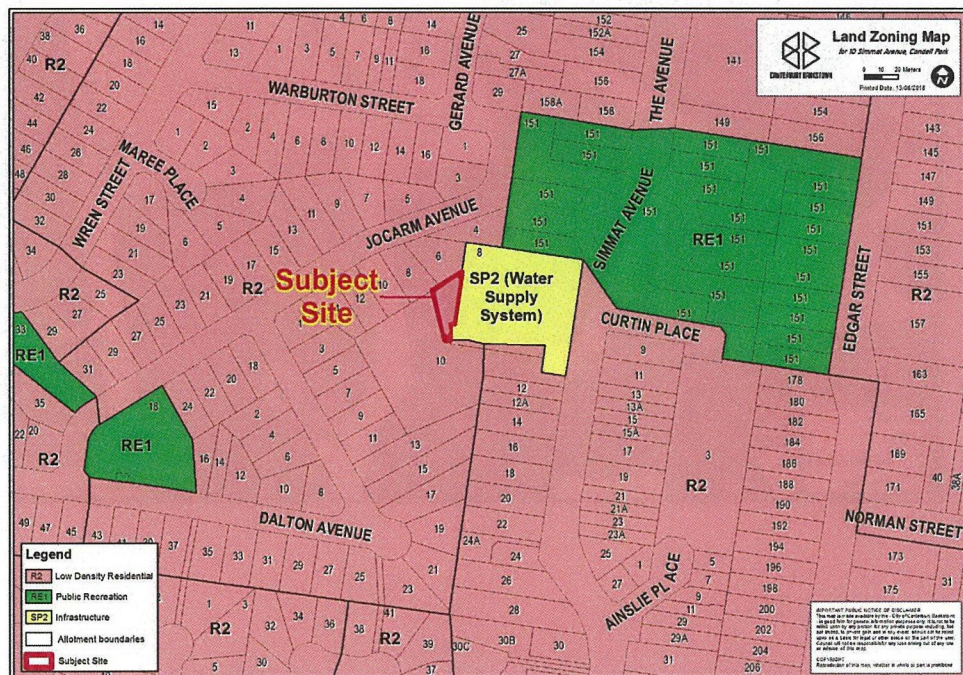


Figure 3: Current Building Height Map

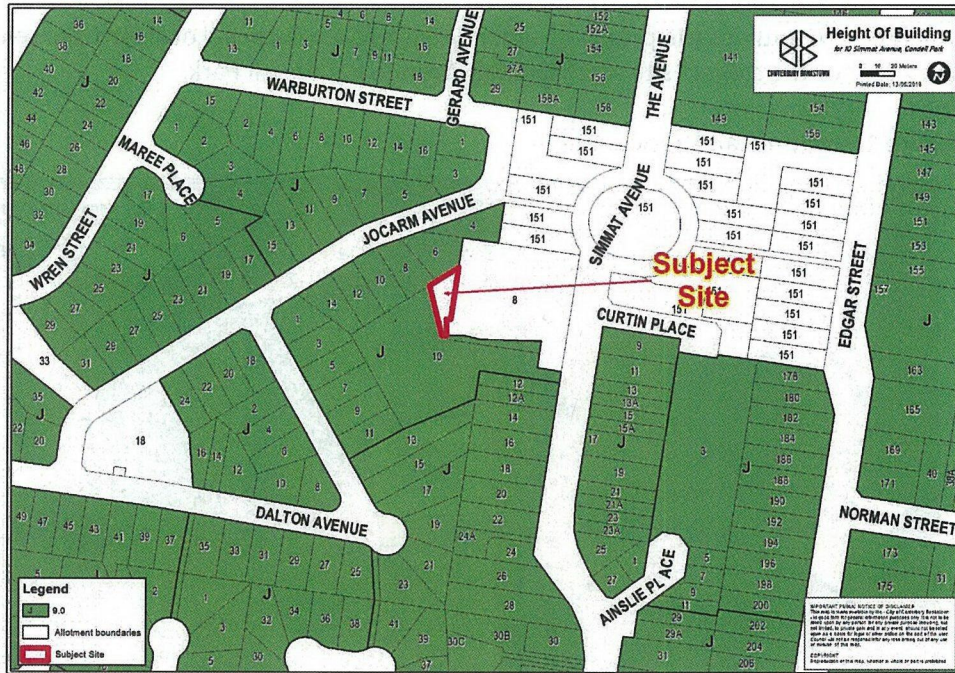


Figure 4: Proposed Building Height Map

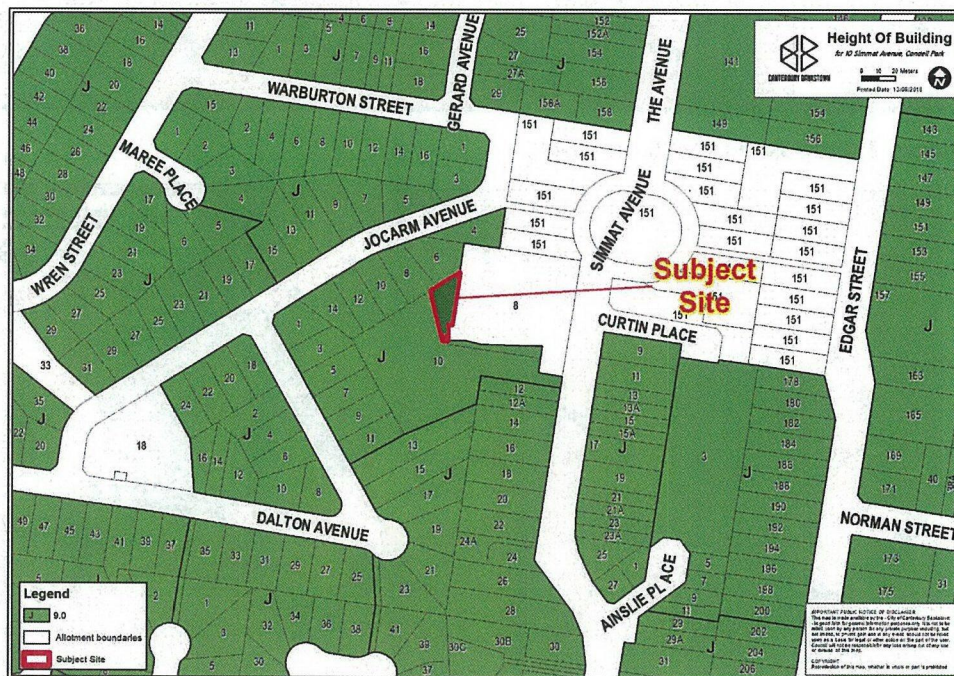


Figure 5: Current FSR Map

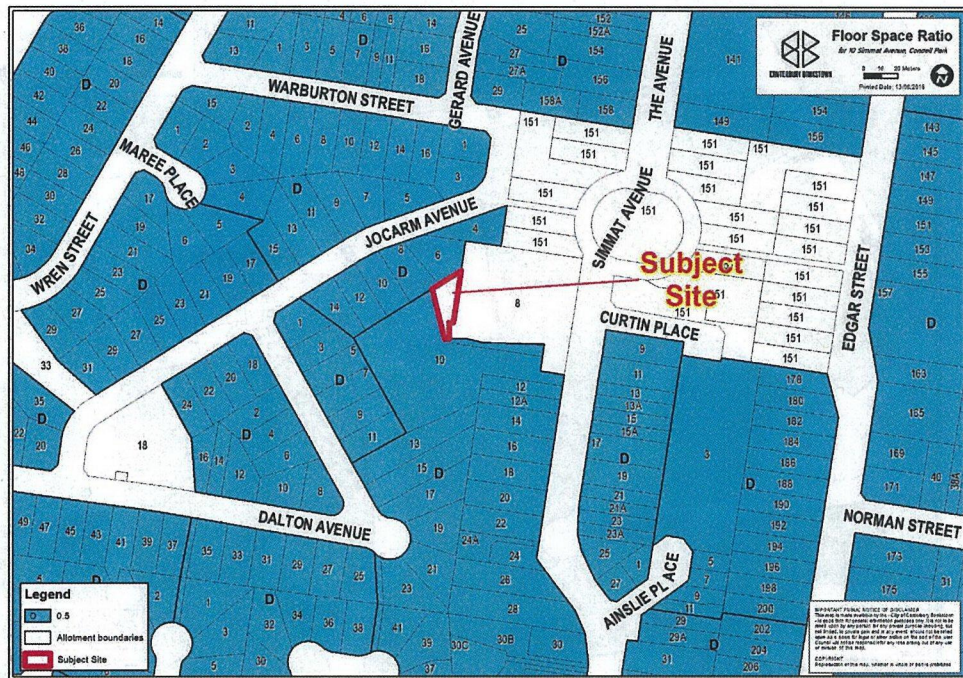


Figure 6: Proposed FSR Map

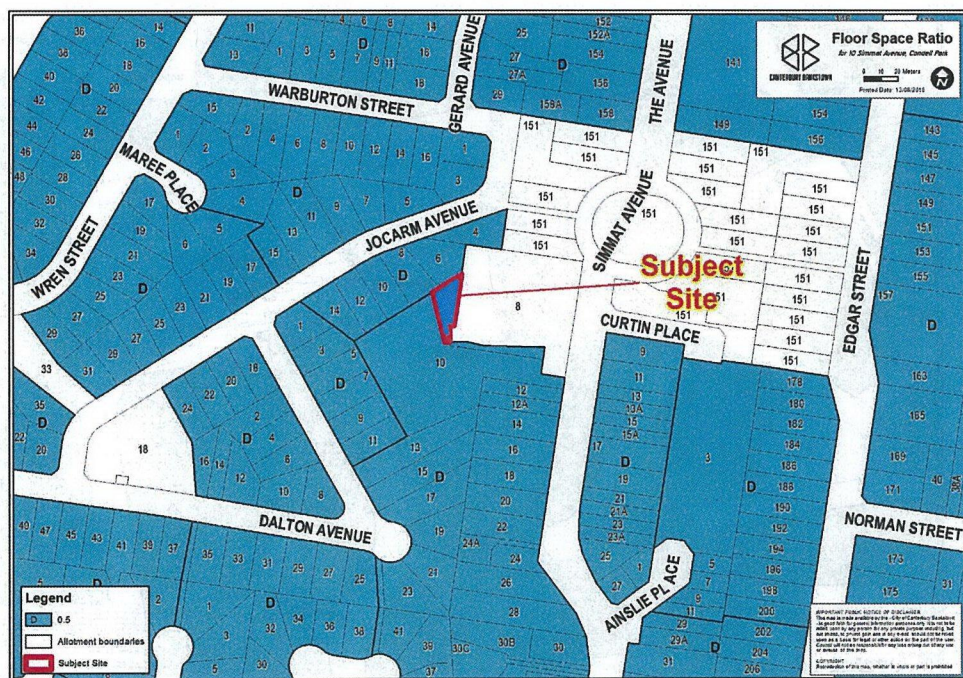


Figure 7: Current Lot Size Map

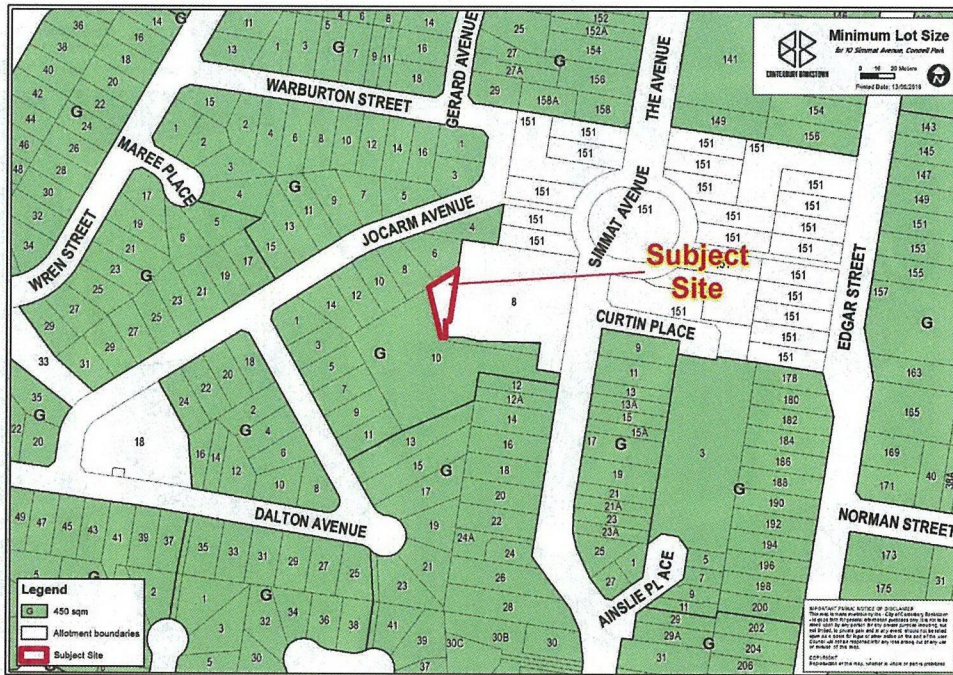
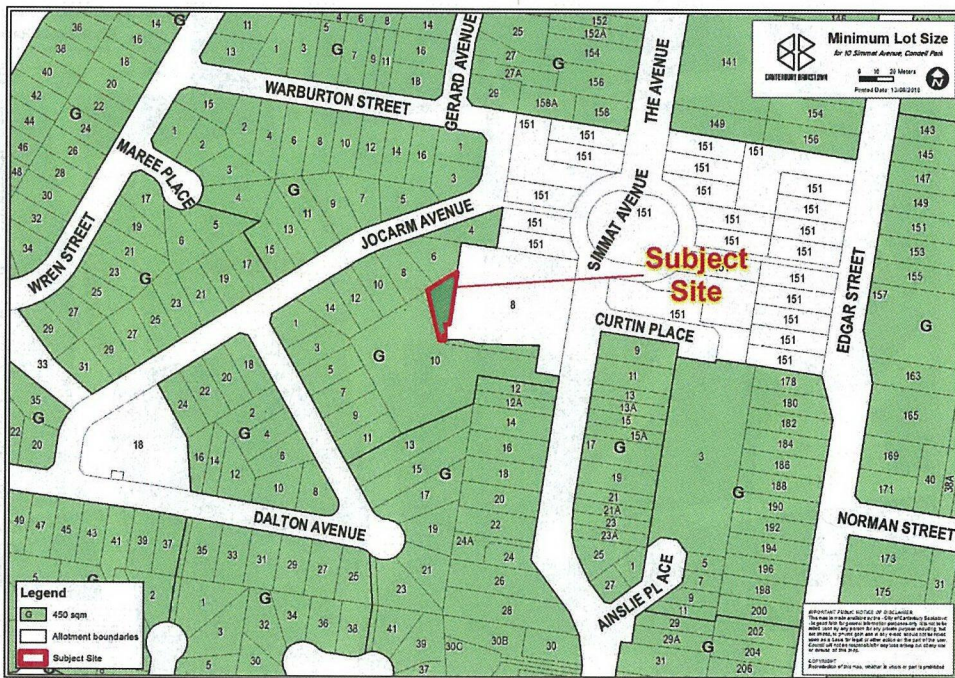


Figure 8: Proposed Lot Size Map



Canterbury Bankstown Local Planning Panel - 2 July 2018

ITEM 2 Application to amend Bankstown Local Environmental Plan 2015: 10 Simmat Avenue in Condell Park

AUTHOR Planning

PURPOSE AND BACKGROUND

Council is in receipt of an application to prepare a planning proposal for the site at 10 Simmat Avenue in Condell Park. The intended outcome is to rectify a mapping anomaly by rezoning part of the site (373m²) from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.

ISSUE

In accordance with the Local Planning Panel's Direction, the Panel is requested to recommend whether a planning proposal for the site at 10 Simmat Avenue in Condell Park should proceed to Gateway.

RECOMMENDATION That -

1. The application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following provisions as shown in Attachment A:
 - (a) Rezone from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.
 - (b) Permit a maximum 9 metre building height, a maximum 0.5:1 FSR, and a minimum 450m² subdivision lot size requirement.
2. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

- A. Proposed Amendments to Bankstown LEP 2015
- B. Assessment Findings

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

This matter has no community implications for Council.

DETAILED INFORMATION

SITE DESCRIPTION

Background

The site was formerly known as 10 Simmat Avenue in Condell Park (Lots 20–24, DP35200; Lot A, DP393549; and Lot 1, DP516066). Sydney Water occupied the site for the purposes of a reservoir tower and depot. In relation to local context, the site is located within the low density suburban neighbourhood.

In 2008, Sydney Water identified the part of the site containing the depot as being surplus to their infrastructure needs.

In July 2008, the Department of Planning & Environment issued a Site Compatibility Certificate, which enabled Sydney Water to convert the surplus land to residential uses subject to the consolidation of the seven lots into two lots. The intent was to have the reservoir tower (Lot 1) remain in the ownership of Sydney Water. The surplus land (Lot 2) would convert to residential uses.

In 2013, Sydney Water made a submission to the exhibition of Council's Draft Bankstown Standard Instrument Principal LEP. The submission requested Council to rezone the surplus land (Lot 2) from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential, consistent with the Site Compatibility Certificate.

At the Ordinary Meeting of 25 February 2015, Council resolved to rezone the surplus land (Lot 2) to Zone R2 as part of the Draft Bankstown Standard Instrument Principal LEP. The rezoning was informed by the Site Compatibility Certificate and the subdivision plan submitted by Sydney Water (DA 128/2010).

Following the gazettal of Bankstown LEP 2015, Sydney Water registered the two lots, known as:

Property address	Property description	Use
8 Simmat Avenue in Condell Park	Lot 1, DP 1219439	Reservoir tower
10 Simmat Avenue in Condell Park	Lot 2, DP 1219439	Surplus land

However, it appears Sydney Water registered a subdivision plan which was different to the submission made to the exhibition of the Draft Bankstown Standard Instrument Principal LEP. As a result, the boundary alignment between Lots 1 and 2 is different to the boundary alignment shown on the planning maps under Bankstown LEP 2015, resulting in both Lots 1 and 2 having split zones.

According to the application, Sydney Water sold the surplus land in April 2016.

PROPOSAL

In March 2018, Council received an application in relation to the site known as 10 Simmat Avenue in Condell Park (Lot 2, DP 1219439). The site is 4,659m² in area.

The site contains a split zone and is part Zone R2 Low Density Residential and part Zone SP2 Infrastructure (Water Supply System) under Bankstown LEP 2015.

The application is specific to the part of the site that is within Zone SP2 Infrastructure (Water Supply System). The area of this part of the site is 373m² and is triangular in shape. The intended outcome is *'to rectify an anomaly identified in land use mapping and application of development standards relating to surplus land formerly owned by Sydney Water'* by removing the split zone as follows:

Development standards	Current	Proposed
Zoning	Zone SP2 Infrastructure (Water Supply System)	Zone R2 Low Density Residential
Maximum FSR	Does not apply to Zone SP2	0.5:1
Maximum building height	Does not apply to Zone SP2	9 metres (2 storeys + attic)
Minimum subdivision lot size	Does not apply to Zone SP2	450m ²

The proposed zoning and development standards would match the remainder of the site as shown in Attachment A.

The proponent submitted a planning proposal report (prepared by DMPS, dated March 2018) in support of the application. This document has been provided to the Canterbury-Bankstown Local Planning Panel.

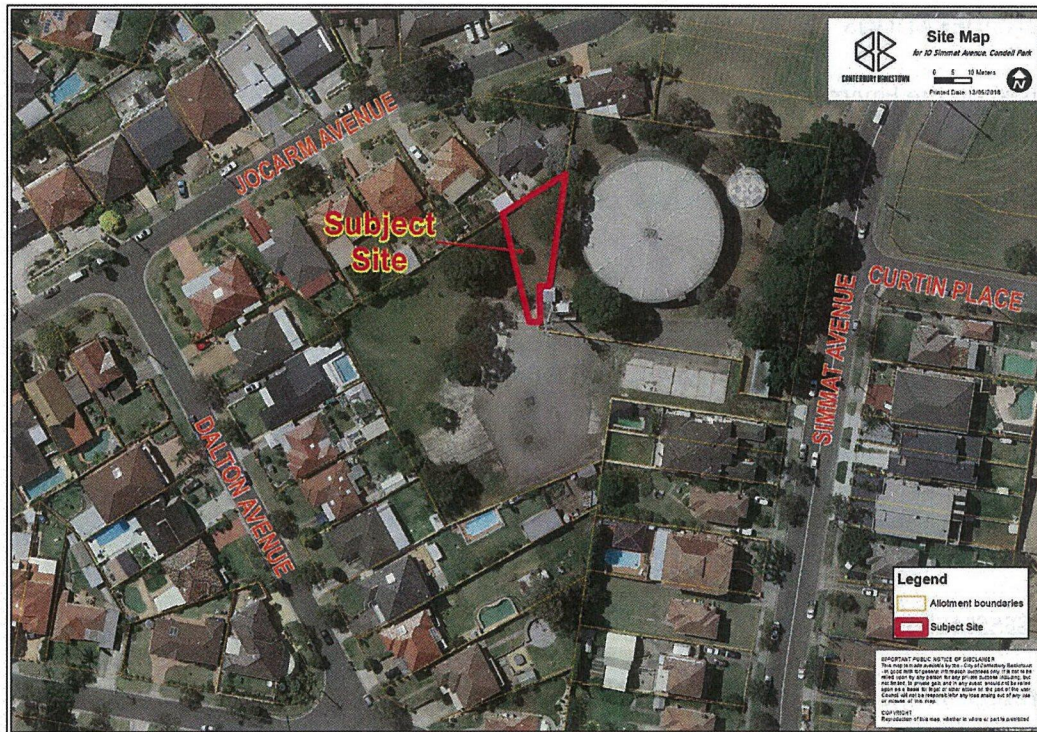


Figure 1: Site

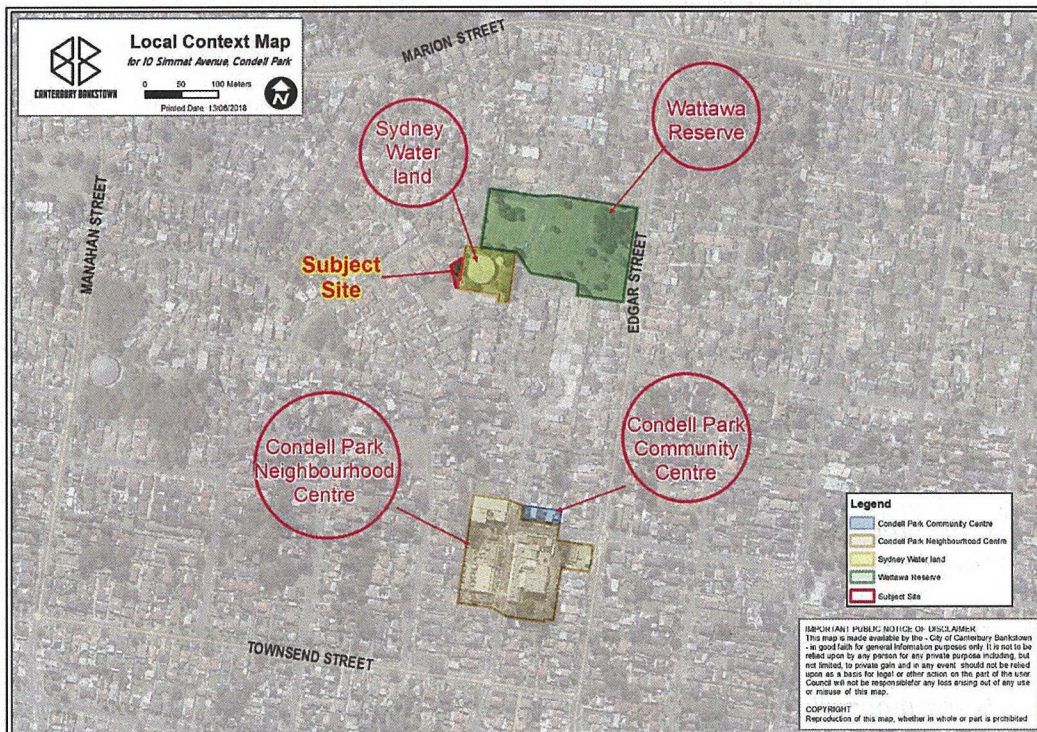


Figure 2: Locality Map

CONSIDERATIONS

Based on the Environmental Planning & Assessment Act 1979 and the Department of Planning & Environment's guidelines, the following key policies are relevant;

- Metropolitan Plan (*A Plan for Growing Sydney*)
- Greater Sydney Region Plan (*A Metropolis of Three Cities*)
- South District Plan
- Council's North Central Local Area Plan
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

SUMMARY

The application manages the likely environmental effects as a result of the proposal. An assessment does not identify the need for additional information.

ASSESSMENT

Strategic Merit Test

In August 2016, the Department of Planning and Environment introduced the Strategic Merit Test to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*, the following issues are raised:

1. *Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?*

The proposal is consistent with the Greater Sydney Region Plan and the South District Plan, namely the objective to provide ongoing housing supply and a range of housing types in the right locations. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.

2. *Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?*

The proposal is consistent with Council's North Central Local Area Plan.

3. *Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?*

The initial rezoning of the site was based on Sydney Water determining the site was surplus to their infrastructure needs. The proposal formalises the intent of the original proposal to enable low density housing on the site.

Other Considerations

In relation to other considerations, Council assessed the proposal based on the justification matters outlined in the Department of Planning & Environment's publication *A Guide to Preparing Planning Proposals*.

The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway based on consistency with relevant state environmental planning policies and Ministerial Directions.

Based on the assessment, the proposal is considered to be consistent with the relevant state environmental planning policies and Ministerial Directions, namely SEPP 55 in relation to site contamination and the Ministerial Direction 6.2 in relation to requiring Sydney Water's approval to remove the special use zone.

Attachment B outlines the assessment findings.

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON 2 JULY 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Jan Murrell - Expert Member
Mr David Epstein - Expert Member
Ms Inaam Tabbaa - Community Representative Bass Hill and Bankstown
Mr Karl Saleh - Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Chauntelle Mitchell (Local Planning Panel Administration Officer)
Mr Brad McPherson (Manager Governance, not present for the closed session)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning - East, not present for the closed session)
Mr Mauricio Tapia (Team Leader Strategic Planning, not present for the closed session)
Ms Amita Maharjan (Strategic Planner, not present for the closed session)
Ms Casandra Gibbons (Senior Planner, not present for the closed session)
Mr Timothy Mahoney (Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports and the recommendation from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s), determining the development applications and providing advice to Council on planning proposals.

DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest. It is noted however, that prior to the meeting Allan Winterbottom had disclosed a non pecuniary non significant interest for item 1. He indicated that as a Councillor previously for Bankstown Council that he had voted on the Development Applicant for this matter. The Chairperson asked Mr Winterbottom to not to sit on this matter and he agreed and Ms Inaam Tabbaa took his place as the community representative for this matter.

DECISION

- 1 **5, 7 AND 9 FRENCH AVENUE AND 2 CONWAY ROAD, BANKSTOWN: DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF AN ELEVEN STOREY MIXED RESIDENTIAL/COMMERCIAL FLAT BUILDING COMPRISING OF 81 RESIDENTIAL UNITS AND BASEMENT CAR PARKING.**

SECTION 4.55(2) AMENDMENT: INCREASE THE HEIGHT OF THE LIFT SHAFT ON THE ROOF BY 500MM, NEW LOBBY ENCLOSURE FOR LIFTS ON ROOF, TWO NEW INTERNAL STAIRS TO ACCESS NEW POS ROOF TERRACE AREAS, MINOR AMENDMENTS TO RETAIL/COMMERCIAL WASTE AREA, NEW STREET AWNING, LOUVRES TO FAÇADES AND ELECTRICITY SUBSTATION TO GROUND FLOOR

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Written Submission

- A written submission dated 28 June 2018 from the applicant was received for this matter.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr Glenn Francis (representing applicant)

Panel Assessment and Reasons

Ms Inaam Tabbaa was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the report and the recommendations of the report.

The applicant agrees with the report, except for the proposed changes to condition 3A regarding the communal open space. The applicant's submission (including the late submission) sought to justify the reduction of communal open space on the roof by asserting that there was sufficient or additional communal open space to be provided at the ground floor.

The Panel has reviewed the proposed communal open space on the ground floor and the Panel is of the view that the southern handle of area A and the eastern handle of area A are no more than accessways to the main part of the communal open space on the ground floor in the north eastern corner.

These areas are not consistent with the objectives of the ADG in relation to communal open space. These areas are not consolidated into well designed, easily identified and usable areas and they do not provide direct equitable access to communal open space from common circulation areas, entranceways and lobbies. This is reinforced by access only being gained into these areas by leaving the site and re-entering the site along the northern part of area A. There is no direct access from the lift area to the southern handle of area A.

Similarly, the southern handle of area B is adjacent to and is the accessway to the waste rooms. The other part of area B is an enclosed area under the building behind the substation and is not an optimal or communal open space area.

All these areas of common open space do not function or operate, in the Panels view, as proper usable communal open space.

For these reasons the Panel is of the opinion that the communal open space on the rooftop should not be reduced as proposed by the applicant and should remain as approved, except for the private open space of 11.03 as proposed and the area on the roof to the east of the lift now also to be common open space.

In addition, the Panel is of the opinion that a unisex single disabled toilet should be provided, together with wash up facilities, BBQ facilities and seating to the rooftop communal open space.

A further plan should be provided to demonstrate defined usable areas within the communal open space area on the roof area, together with suitable landscaping.

Also, the Panel is of the opinion that there should be a plan of management to manage the use of the rooftop open space and this should include provisions relating to use, noise, hours and numbers of people within the area in any time or certain times and use of the area on special occasions. This is also important in this situation because of the co-location of private open space on the rooftop which will assist in self regulating this area. This also is addressed by requiring defined spaces within the area as referred to above.

CBLPP Determination

THAT Development Application DA-738/2015 be **MODIFIED** in accordance with the Council staff report recommended conditions together with the following additional and amended conditions:

1. Amend condition 3A to read as follows:
"3A The proposal must be amended and the roof top areas shown to private open space to units 1104 and 1105 being 84sqm and 76sqm respectively must be amended and redesigned to remove the barriers to the north and north east between the open space areas and the communal open space. The additional staircase access proposed from within the units must be removed, as shown marked in red on the approved plans. The areas shown to form private open space on the roof top for units 1104 and 1105 must have the open space revised and access between these spaces must be provided as communal open space. The proposal must also be amended to allocate part of the communal open space to private open space to unit 11.03 as shown on plan CC16 G dated 7/3/18 except for the area to the north of the access stairs which is to be part of the communal open space. Any indicative barriers, low retaining walls, fences and planters used to enable the area to be used for private recreation must be removed to ensure the area can function and forms part of a cohesive communal open space area (as referred to in Condition 50A)."
2. Insert a new condition 50A and 50B as follows:
"50A The approved landscape plans approved under condition 7 with the Construction Certificate are to be amended to include the following on the rooftop terrace areas:
 - Changes referred to in condition (3)(a);
 - Allocation of part of the communal space to private open space to unit 11.03 as shown on plan CC16 G dated 7/3/18 except for the area to the north of the access stairs which is to be part of the communal open space;

- The area on the roof to the east of the lift is to be communal open space;
- Continuation of the existing planter boxes around the communal open space area;
- A unisex single disabled toilet;
- BBQ facilities and wash up facilities;
- Seating;
- Defined usable areas within the communal open space.

This plan is to be finalised and to be submitted to the Principal Certifying Authority by 31 August 2018.

50B A plan of management to manage the use of the communal rooftop open space is to be finalised and to be submitted to the Principal Certifying Authority prior to the issue of any occupation certificate. This should include provisions relating to use, noise, hours and numbers of people within the area in any time or certain times and use of the area on special occasions."

3. Amend condition 54 to read as follows:
"54. Landscaping is to be installed in accordance with the approved landscape plans referred to in condition 7 and 50A. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate."
4. Insert new condition 69, as follows:
"69. The approved landscaping shall be maintained for the lifetime of the development."

Vote: 4 – 0 in favour

DECISION

2 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 10 SIMMAT AVENUE, CONDELL PARK

Site Visit

Ms Inaam Tabbaa was the community panel member present for the deliberation and voting for this matter.

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr Michael Williamson (Proponent)

Panel Assessment and Reasons

The Panel notes that this is effectively a zoning anomaly that should have been picked up on the previous rezoning. The Panel agrees with the assessment.

CBLPP Recommendation

THAT the application be approved, in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

DECISION

- 3 23 CROYDON STREET, LAKEMBA (ALTERNATIVELY KNOWN AS 62 THE BOULEVARDE, LAKEMBA): ADDITIONS TO CANTERBURY EMERGING COMMUNITIES RESOURCE CENTRE LOCATED AT LAKEMBA COMMUNITY CENTRE TO CONSTRUCT A UNISEX ACCESSIBLE TOILET AND SHOWER, ACCESS RAMP AND FENCE TO CREATE A SECURE OUTDOOR PLAY AREA**

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

There was no public address for this item.

Panel Assessment and Reasons

Mr Karl Saleh was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the report and the recommendation.

The only additional matter is for some landscaping details in and around the courtyard area. The Panel suggests that there be screen planting up to 1.2 metres along the street side of the courtyard and a suitable tree of similar size to the existing tree (to be removed) adjacent to the proposed access ramp.

CBLPP Determination

THAT Development Application DA-504/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

Insert a new condition 4B, as follows:

"4B A landscape plan is to be submitted with the construction certificate which provides for screen planting which is to be no higher than 1.2 metres along the street side of the courtyard and for a suitable tree of similar size to the existing tree (to be removed) adjacent to the proposed access ramp."

Vote: 4 – 0 in favour

DECISION

- 4 CANTERBURY BANKSTOWN LOCAL PLANNING PANEL OPERATIONAL PROCEDURES**

Public Addresses

There was no public address for this item.

Panel Assessment

The Panel voted on this matter in the open session.

CBLPP Decision

The Local Planning Panel adopt the Canterbury Bankstown Local Planning Panel Operational Procedures as provided in Attachment A of the report.

Vote: 5 – 0 in favour

DECISION

5 DELEGATION OF SPECIFIC FUNCTIONS FROM CANTERBURY BANKSTOWN LOCAL PLANNING PANEL TO GENERAL MANAGER AND DIRECTOR PLANNING

Public Addresses

There was no public address for this item.

Panel Assessment

The Panel voted on this matter in the open session.

CBLPP Decision

The functions of the Canterbury Bankstown Local Planning Panel under s.8.15(4) of the Environmental Planning and Assessment Act 1979 in relation to planning appeals be delegated by the Panel to the General Manager and Director Planning in accordance with the instrument of delegation as provided in Attachment A of the report.

Vote: 5 – 0 in favour

The meeting closed at 7.17 p.m.

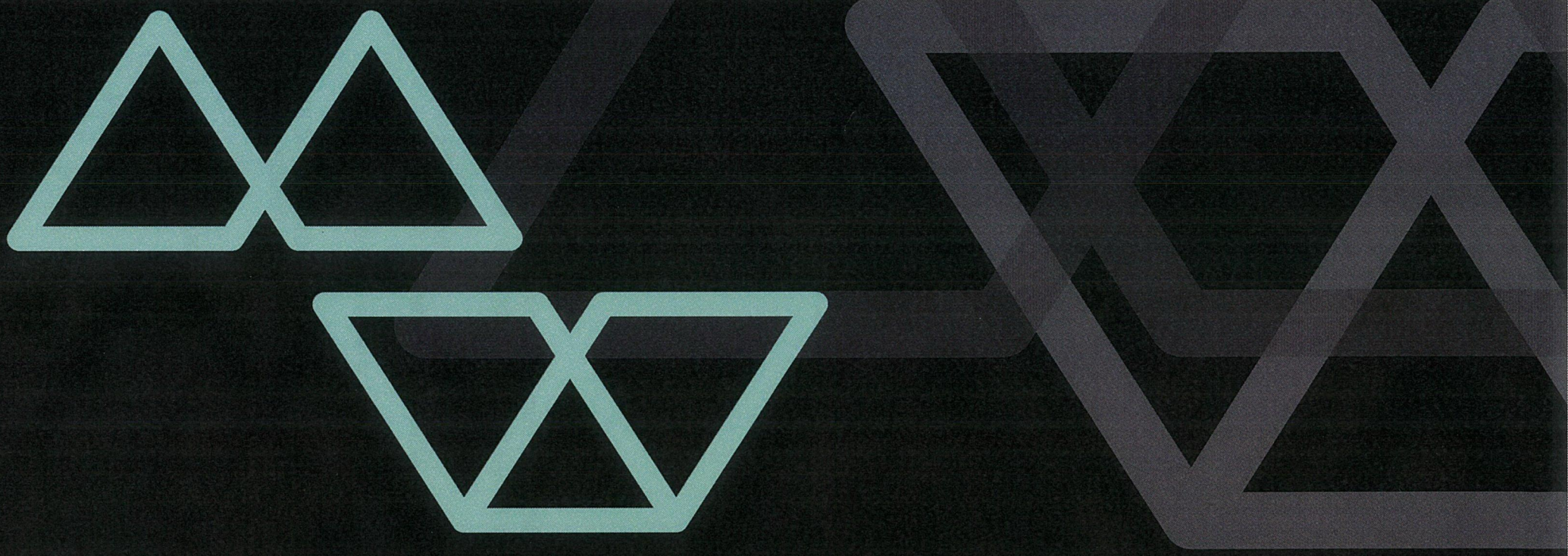


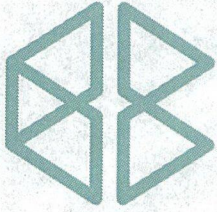
**CANTERBURY
BANKSTOWN**

Planning Proposal

**No. 10 Simmat Avenue
in Condell Park**

August 2018



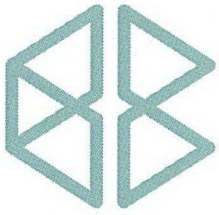


Part 1–Intended Outcomes

This planning proposal applies to part of the site at 10 Simmat Avenue in Condell Park (Lot 2, DP 1219439) as shown in Part 4 (Map 1).

The intended outcomes are:

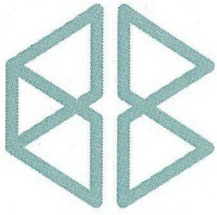
- To rectify a mapping anomaly in relation to surplus land formerly owned by Sydney Water.
- To provide for local housing needs consistent with the low density residential character of the surrounding suburban neighbourhood.



Part 2–Explanation of Provisions

To achieve the intended outcomes, it is proposed to amend Bankstown Local Environmental Plan 2015 by:

- Rezoning part of the site (373m²) at 10 Simmat Avenue in Condell Park from Zone SP2 infrastructure (Water Supply System) to Zone R2 Low Density Residential.
- Permitting a maximum 9 metre building height, a maximum 0.5:1 FSR, and a minimum 450m² subdivision lot size requirement.



Part 3–Justification

Section A–Need for the planning proposal

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

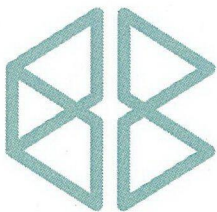
This planning proposal is not the result of any strategic study or report prepared by the Department of Planning & Environment, Greater Sydney Commission or Council. However, the proposal is considered appropriate given the minor nature of the mapping amendments.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal to rezone part of the site at 10 Simmat Avenue from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential is the best means of achieving the intended outcomes. The intended outcomes are:

- To rectify a mapping anomaly in relation to surplus land formerly owned by Sydney Water.
- To provide for local housing needs consistent with the low density residential character of the surrounding suburban neighbourhood.

The proposed zone rectifies the mapping anomaly and is consistent with the low density residential character of the surrounding suburban neighbourhood.



Section B–Relationship to strategic planning framework

- 3. Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?**

3.1 Metropolitan Plan ‘A Plan for Growing Sydney’

This planning proposal is consistent with the directions of the Metropolitan Plan, ‘*A Plan for Growing Sydney*’, namely Action 2.1.3 to deliver more housing by developing surplus government land.

3.2 Greater Sydney Region Plan ‘A Metropolis of Three Cities’

This planning proposal is consistent with the Greater Sydney Region Plan, namely Objective 10 to provide ongoing housing supply and a range of housing types in the right locations. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.

3.3 South District Plan

This planning proposal is consistent with the South District Plan, namely Planning Priority S5 to provide housing supply in the form of local infill development. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.

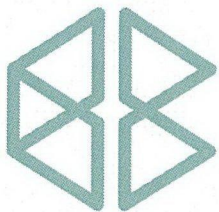
- 4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?**

4.1 CBCity 2028

The vision of Council’s Community Plan ‘CBCity 2028’ is to have a city that is ‘*thriving, dynamic and real*’. The ‘Liveable & Distinctive’ Direction will achieve this by promoting a well-designed city which preserves the identity and character of local villages. The proposal is consistent with the Community Plan.

4.2 North Central Local Area Plan

This planning proposal is consistent with the North Central Local Area Plan, namely Action L6 to plan for the suburban neighbourhood precinct. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.



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:

- **State Environment Planning Policy No. 55–Remediation of Land**

This SEPP requires Council to consider land contamination where it is proposed to enable development for sensitive land uses such as dwellings. Part 7A of the EP&A Act reinforces this direction.

According to the Site Audit Statement submitted with the application:

- The site is considered suitable for dwellings and other sensitive land uses such as schools and child care centres.
- There is no requirement for ongoing management in relation to contamination. Any soil removal from the site should be appropriately classified in accordance with the Waste Classification Guidelines (DECC, April 2008). Any soil imported to the site should be validated as being suitable for use on the site. Due to regional contamination issues and because groundwater quality may change with time, groundwater should not be extracted for any purpose without appropriate assessment.

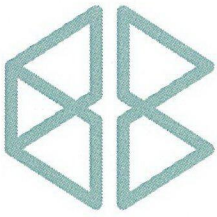
6. Is the planning proposal consistent with applicable Ministerial Directions?

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

- **Direction 3.1–Residential Zones**

The objectives of this direction are to ensure new housing has appropriate access to infrastructure and services, minimises the impact of residential development on the environment and resource lands.

The proposal is consistent with this direction as it makes more efficient use of existing infrastructure and services, and does not contain provisions which would reduce the permissible residential density of land.



- **Direction 6.2–Reserving Land for Public Purposes**

The objective of this direction is to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

To be consistent with this direction, a proposal cannot alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority. In this case, the relevant public authority is Sydney Water.

According to a letter dated 26 October 2017 submitted with the application, Sydney Water raises no objection to the proposal as follows:

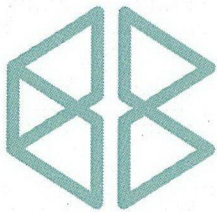
We note in July 2008, a site compatibility certificate (SCC) was issued and it determined that the property was compatible for residential use. A requirement of the SCC was to subdivide 7 lots into 2 lots. It was intended that new Lot 1 would remain zoned as SP2 Infrastructure Water Supply and new Lot 2 would be rezoned to R2 Low Density Residential.

It appears the rezoning boundaries were amended based on a draft plan of subdivision. The final plan of subdivision was slightly different to the draft plan, consequently, the zoning and property boundaries do not completely align. This has resulted in both lots containing a mix of SP2 and R2 zoned land.

It is noted that Sydney Water has no strategic interest in the land zoned SP2 within Lot 2, and we would prefer not to have R2 zoned land within Lot 1. Accordingly, Sydney Water would support an amendment to align the zonings with the property boundaries as originally intended.

- **Direction 7.1–Implementation of A Plan for Growing Sydney**

The proposal is consistent with the Metropolitan Plan (*A Plan for Growing Sydney*), namely Action 2.1.3 to deliver more housing by developing surplus government land.



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 is consistent with the Ministerial Direction 2.1 as it does 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?**

This planning proposal has regard to the natural environment (including known significant environmental values and hazards).

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

In relation to social and economic effects, this planning proposal is consistent with the Greater Sydney Region Plan and the South District Plan (see Section B(3) of this planning proposal for details).

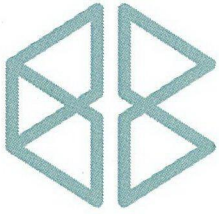
Section D—State and Commonwealth interests

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

This planning proposal has regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal.

- 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

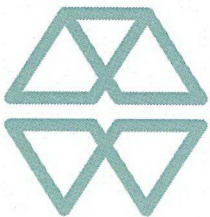
This planning proposal has not been the subject of consultation with State and Commonwealth public authorities.



Part 4–Maps

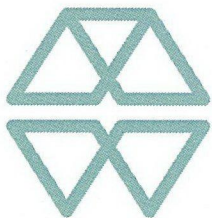
The maps which support this planning proposal are:

- Map 1–Land Application Map
- Map 2–Proposed Land Zoning Map
- Map 3–Proposed Floor Space Ratio Map
- Map 4–Proposed Building Height Map
- Map 5–Proposed Lot Size Map
- Map 6–Current Land Zoning Map
- Map 7–Current Floor Space Ratio Map
- Map 8–Current Building Height Map
- Map 9–Current Lot Size Map
- Map10–Current Aerial Image



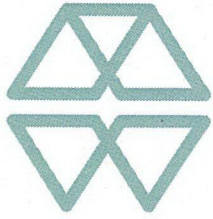
Map 1—Land Application Map





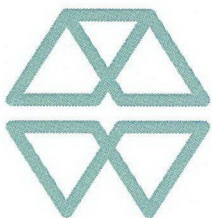
Map 2-Proposed Land Zoning Map





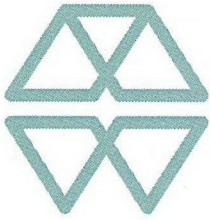
Map 3—Proposed Floor Space Ratio Map



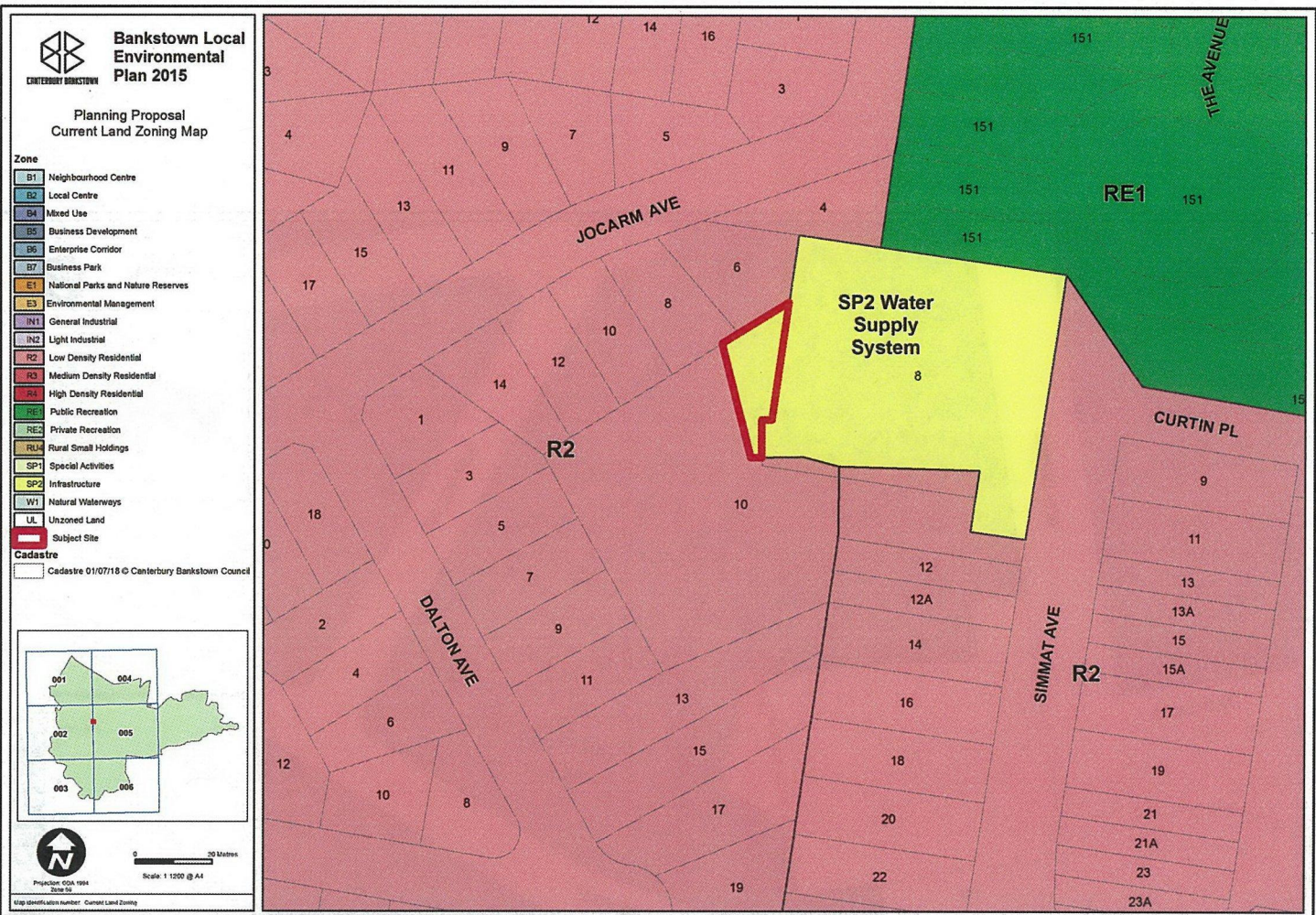


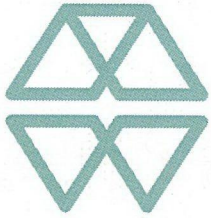
Map 4-Proposed Building Height Map



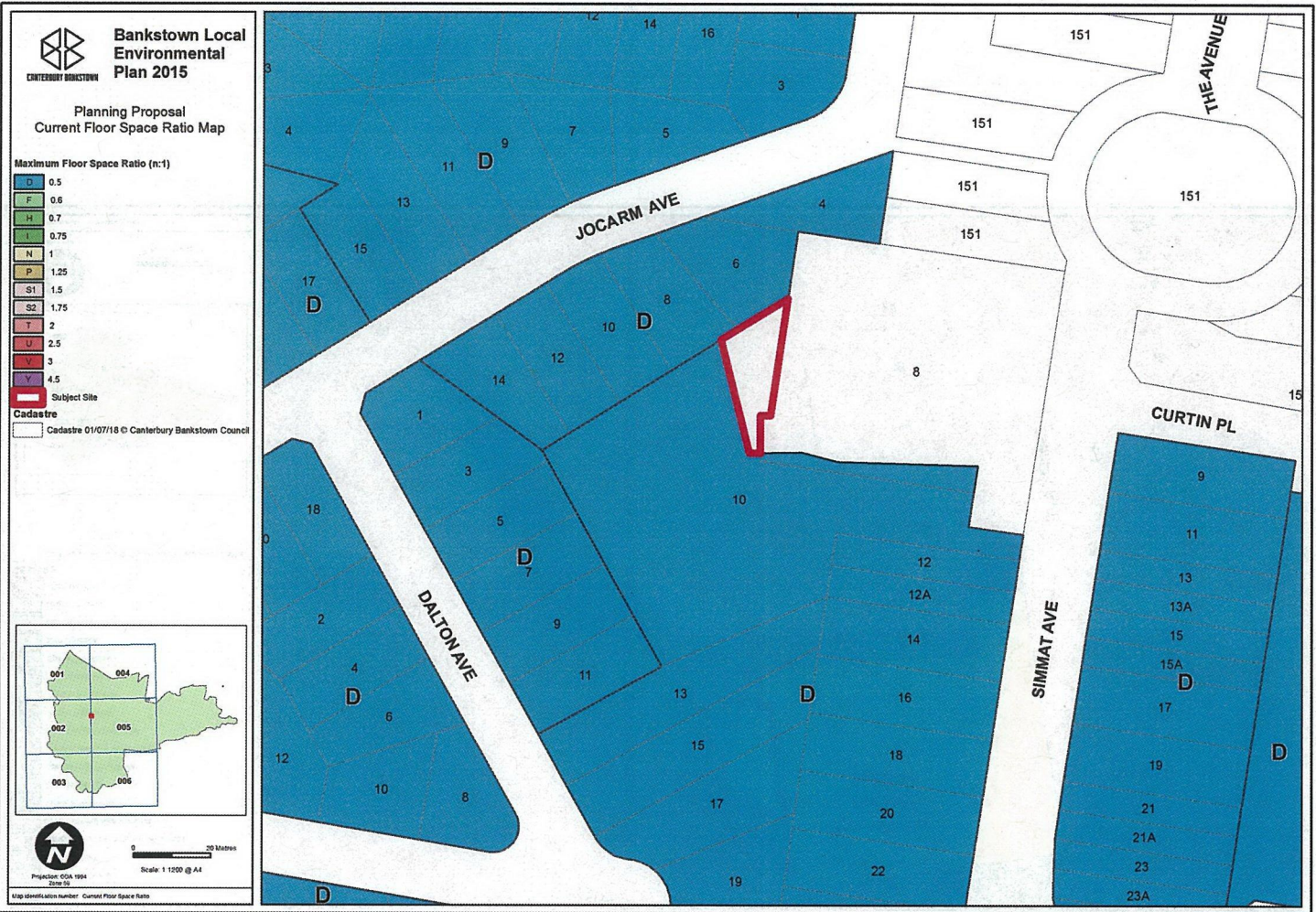


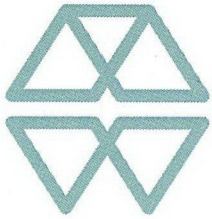
Map 6-Current Land Zoning Map





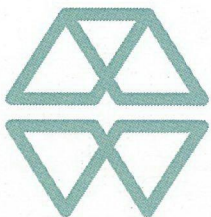
Map 7—Current Floor Space Ratio Map





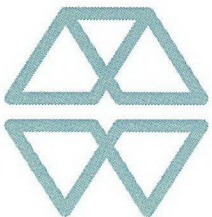
Map 8—Current Building Height Map



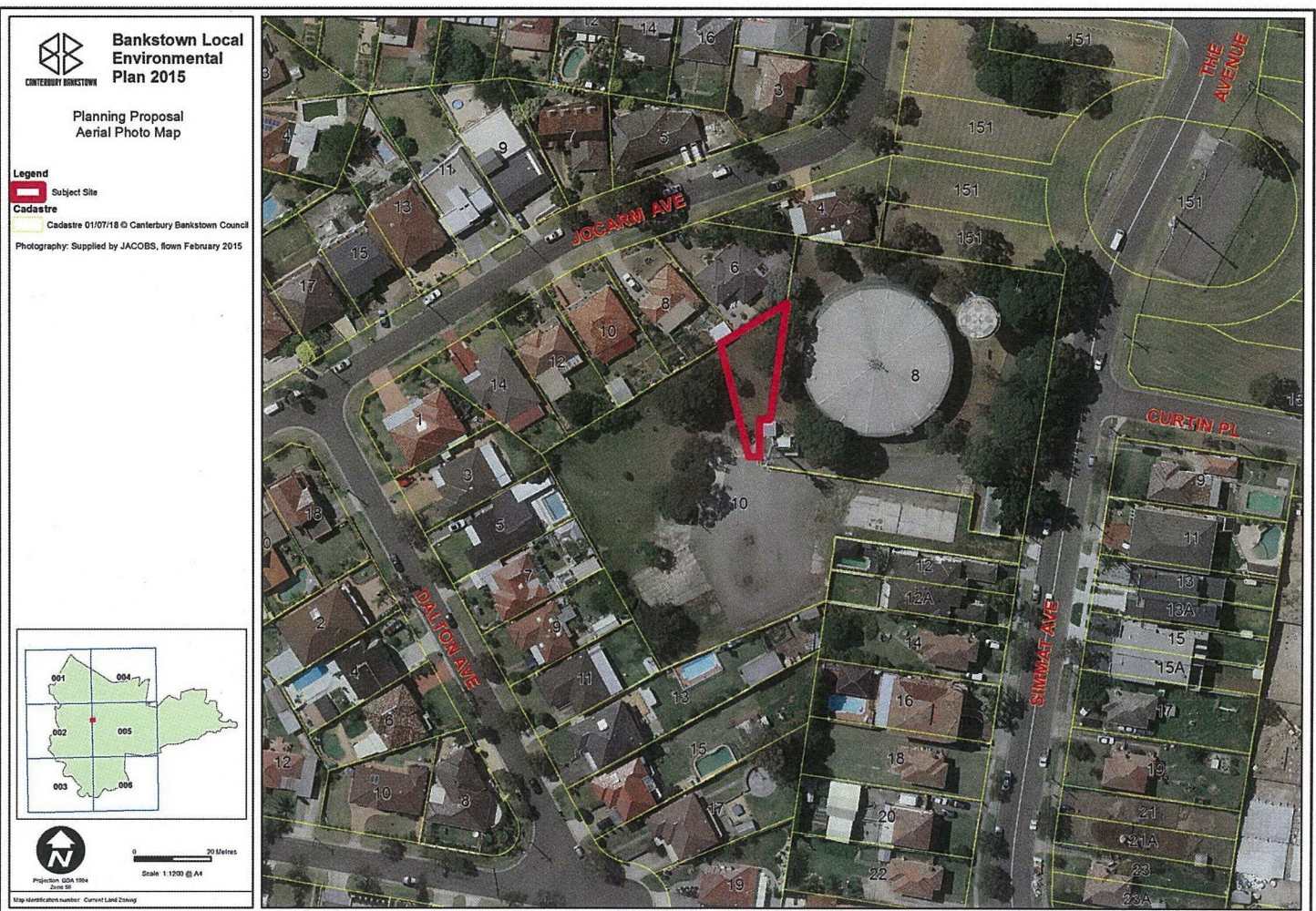


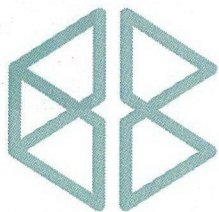
Map 9—Current Lot Size Map





Map10-Current Aerial Image





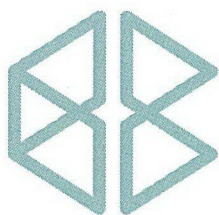
Part 5–Community Consultation

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:

- Notification 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 the following State agencies: Sydney Water.
- Written notification to affected and adjoining property owners where practical.

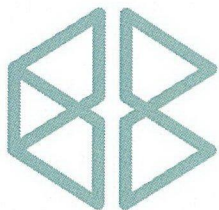
Part 6–Project Timeline

Dates	Project timeline
September 2018	Issue of Gateway Determination.
November 2018	Exhibit planning proposal.
February 2019	Report to Council following the exhibition.
March 2019	Submit Draft Local Environment Plan to the Parliamentary Counsel's Office to seek an Opinion.
May 2019	Submit Local Environment Plan to the Department of Planning & Environment for notification purposes.

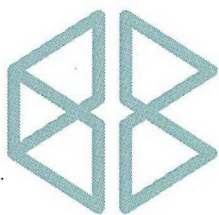


ATTACHMENT A–State Environmental Planning Policies

SEPPs (as at August 2018)		Applicable	Consistent
1	Development Standards	Yes	Yes
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
30	Intensive Agriculture	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	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	Yes
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
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Coastal Management) 2018	No	N/A
	(Educational Establishments and Child Care Facilities) 2017	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes
	(Infrastructure) 2007	No	N/A
	(Integration and Repeals) 2016	No	N/A

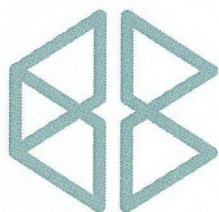


SEPPs (as at August 2018)		Applicable	Consistent
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
	(Miscellaneous Consent Provisions) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Rural Lands) 2008	No	N/A
	(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	No	N/A

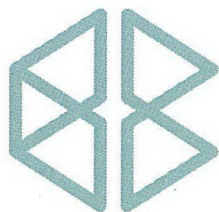


ATTACHMENT B—Ministerial Directions

Direction & Issue Date		Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones [01/05/17]	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]	No	N/A
2.2	Coastal Protection [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	No	N/A
2.4	Recreation Vehicle Areas [14/04/16]	No	N/A
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	Yes
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 [12/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	No	N/A
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
Housing, Infrastructure and Urban Development			
5.1	Implementation of Regional Strategies [Revoked]	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 [01/05/17]	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]	No	N/A
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]	No	N/A



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
7.3	Parramatta Road Corridor Urban Transformation Strategy [19/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A