

Planning Services

Gateway Determination Report

LGA	Canterbury Bankstown
PPA	Canterbury Bankstown Council
NAME	Planning proposal to rezone the SP2 Water Supply System part of 10 Simmat Avenue zoned to R2 Low Density Residential and introduce a maximum floor space ratio, height of building and minimum lot size over that land.
NUMBER	PP_2018_CBANK_006_00
LEP TO BE AMENDED	Bankstown Local Environment Plan 2015
ADDRESS	10 Simmat Avenue, Condell Park
DESCRIPTION	Lot 2 DP 1219439
RECEIVED	20 August, 2018
FILE NO.	IRF18/4725
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal seeks to rectify a mapping anomaly in relation to surplus land formerly owned by Sydney Water and aligning the land zoning with the intended use of the land and the land ownership.

This planning proposal only relates to the small triangular part of the site zoned SP2. Council's planning proposal states that Sydney Water no longer own's 10 Simmat Avenue, Condell Park.

The planning proposal seeks to amend the Bankstown Local Environment Plan 2015 by rezoning this part of the lot zoned SP2 Water Supply System to R2 Low Density Residential and introduce the following planning controls on that land:

- a maximum building height of 9m;
- a maximum floor space ratio of 0.5:1; and
- a minimum lot size of 450m².

Site description

The subject site has a single street frontage to Simmat Avenue and is an irregular shaped battle-axe lot. The site composing the former Sydney Water depot and water tower now composes two lots. These are known as Lot 1 and Lot 2. Lot 1 contains the water tower infrastructure and is to be retained by Sydney Water. Whilst Lot 2, which composes the former depot and has been part zoned R2 Low Density Residential is the lot subject to this planning proposal. Lot 2 has an area of 4,659m², with approximately 373m² zoned SP2 Water Supply System. This 373m² of land is the subject of the rezoning.

The site is currently vacant but until being identified as being surplus to Sydney Water's infrastructure requirements was used as a depot. There are several remanent concrete slabs of demolished buildings located on the site, a hardstand area formerly used for vehicle parking and sporadic tree coverage.



Figure 1: Aerial photo of the subject site highlighted in orange

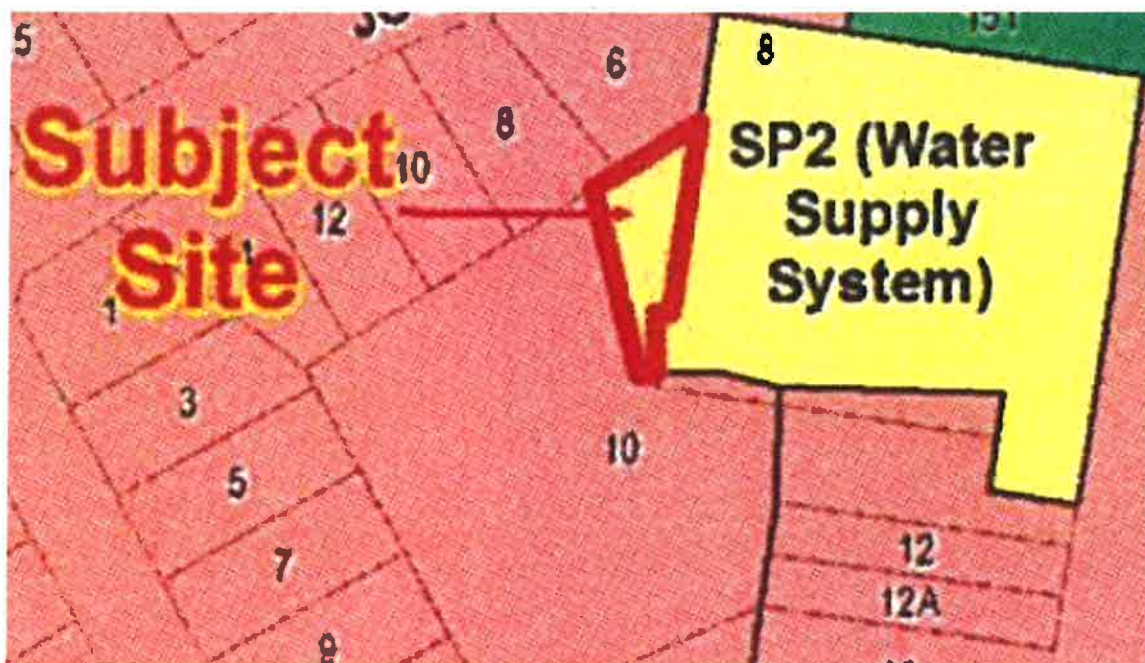


Figure 2: Land zoning map showing the subject site and part land use zones.

Existing planning controls

The part of the site zoned SP2 Water Supply System is not currently subject to any existing planning controls beyond the land use zone.

The remainder of the site zoned part R2 Low Density Residential is subject to the following planning controls:

- a maximum floor space ratio of 0.5:1;
- a maximum building height of 9m; and
- a minimum lot size of 450m².

The proposal seeks to introduce these controls onto the part of the lot subject to this planning proposal.

Surrounding area

The land to the north is zoned SP2 Water Supply System to support the water tower use of the site and remains in Sydney Water ownership. The remainder of the land surrounding 10 Simmat Avenue is zoned R2 Low Density Residential as shown in **Figure 2**.

Background

The site known as 10 Simmat Avenue in Condell Park was occupied by Sydney Water for the purposes of both a reservoir tower and depot.

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 existing lots into two lots. The intent was to have the reservoir tower (Lot 1) remain in the ownership of Sydney Water whilst the surplus land (Lot 2) would convert to residential uses. Development

Consent to amalgamate and subdivide the site was issued on 16 August 2011. The approved plan of subdivision is shown below in Figure 3.

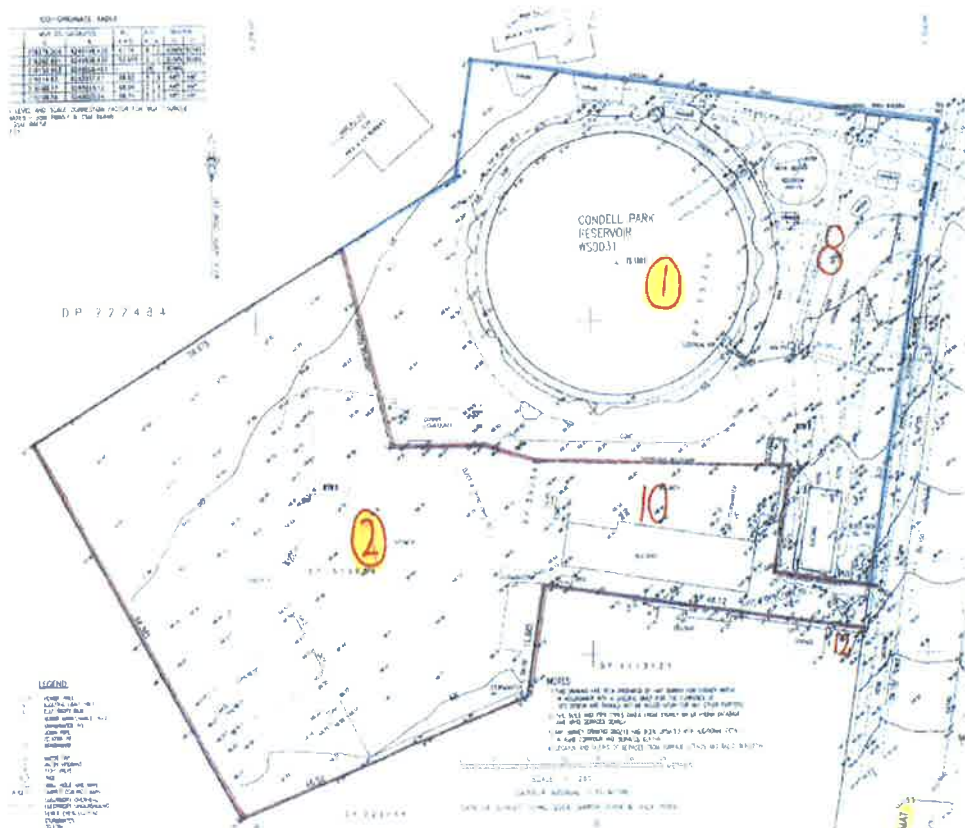


Figure 3: Approved Plan of Subdivision

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) to R2 Low Density Residential. The Bankstown LEP 2015 was made on the 5 March 2015 and part of the site was subsequently rezoned R2 Low Density Residential. This rezoning was consistent with the approved plan of subdivision above.

However, when the subdivision was registered on 27 July 2016, the lots were not consistent with the approved plan of subdivision and thus the zone boundaries were not consistent with the registered lot configuration. This difference can be attributed to a boundary adjustment occurring during endorsement of the subdivision certificate by Canterbury Bankstown Council. This can occur, as subject to the criteria being met within the Exempt and Complying Code 2008, a boundary adjustment is an exempt form of development. An extract of the registered deposited plan is shown below in Figure 4.

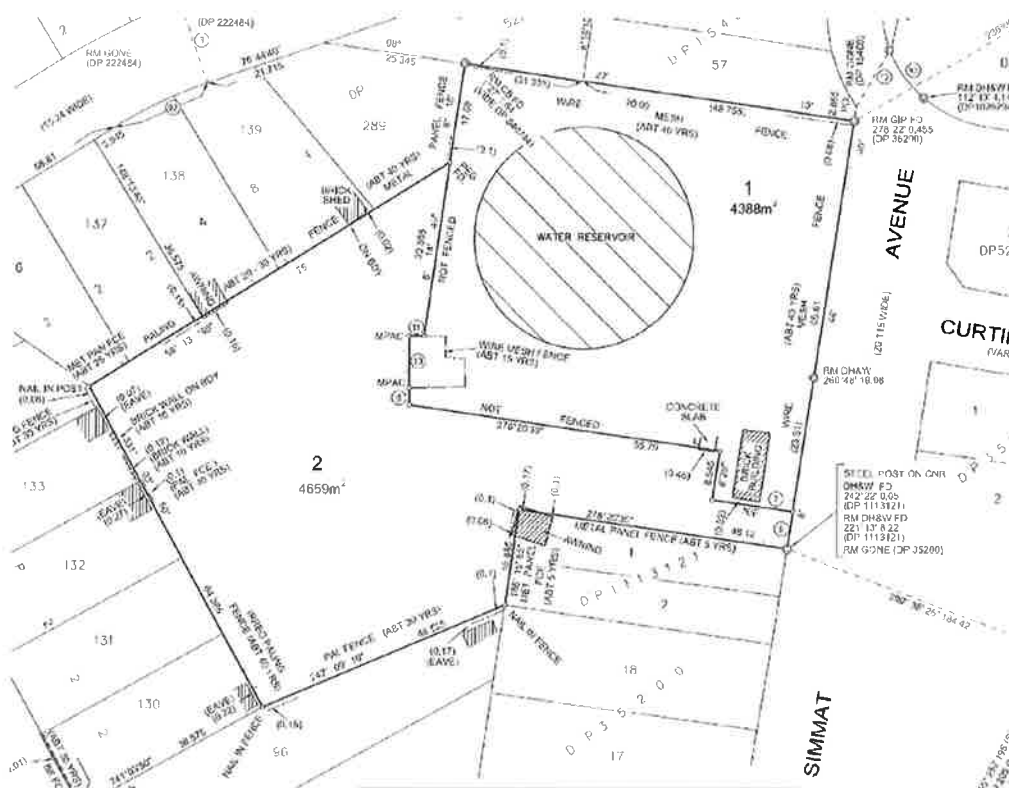


Figure 4: Extract of registered deposited plan

Finally, within Sydney Water's letter to Council dated 26 October 2017, they acknowledge that when the zone boundaries were amended, this was based on a draft plan of subdivision provided to Council. As a result, the site subject to this planning proposal was not rezoned to R2 Low Density Residential, hence resulting in the mapping anomaly.

Summary of recommendation

It is recommended that the proposal proceed subject to conditions because it:

- is consistent with A Metropolis of Three Cities and the South District Plan and the relevant section 9.1 Ministerial Directions and state environmental planning policies;
- It will assist in delivering new infill housing within the Condell Park area;
- It will rationalise the land use zones in line with the land ownership, rectify a mapping anomaly and facilitate orderly development outcomes; and
- The scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or can be appropriately mitigated as part of the development assessment process.

PROPOSAL

Objectives or intended outcomes

The proposal's principle objective is to amend the Bankstown LEP 2015 to rectify a mapping anomaly identified in the land use mapping and application of development standards relating to surplus land formerly owned by Sydney Water.

The objectives and intended outcome are considered clear and adequate for the purposes of the planning proposal.

Explanation of provisions

Council has included an explanation of the provisions. The intent of the proposal is to amend the Bankstown LEP 2015 to:

1. Amend and replace the Land Zone Map (Sheet LZN_002) of the Bankstown LEP 2015;
2. Amend and replace the Height of Building Map (Sheet HOB_002) to introduce a maximum building height of 9m on the rezoned land;
3. Amend and replace the Floor Space Ratio Map (Sheet FSR_002) to introduce a maximum floor space ratio of 0.5:1 on the rezoned land; and
4. Amend and replace the Minimum Lot Size Map (Sheet LSZ_002) to introduce a minimum lot size of 450m² on the rezoned land.

Mapping

Indicative mapping has been provided with the planning proposal showing the proposed changes to the land zoning, FSR, height of building and minimum lot size maps and is deemed sufficient. Mapping prepared in accordance with DPE technical guidelines will be required for submission prior to the making of the plan.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is the result of an anomaly in the Bankstown LEP 2015 mapping. This has been attributed to the approved subdivision of the site differing from the initial submission made by Sydney Water to the exhibition process for the then draft Bankstown LEP 2015. This has resulted in 10 Simmat Avenue being the subject of split zones.

The planning proposal is intending to rectify this anomaly by rezoning the part SP2 to the R2 Low Density zone found over the rest of the site and introducing the same planning controls applicable to the site.

A planning proposal is the only suitable option for the rezoning of the part SP2 infrastructure land. The Bankstown LEP 2015 did not adopt Clause 5.3 'Development near zone boundaries' of the standard instrument, thus precluding the use of the adjoining residential zone and controls to resolve this matter.

STRATEGIC ASSESSMENT

Region

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released *The Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan) which aims to coordinate and manage growth of Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

Of relevance in the Region Plan is 'Objective 10: Greater housing supply'. This objective seeks to provide ongoing housing supply and a range of housing types in

the right locations in the right locations to create more liveable neighbourhoods and support a growing Greater Sydney.

The planning proposed is consistent with the Region Plan as the rezoning of the SP2 land to R2 residential and introduction of commiserate planning controls over this land will provide greater housing supply, in the right locations on the site to ensure a more liveable neighbourhood and city.

As such, the planning proposal is considered to be consistent in relation to the Greater Sydney Region Plan.

District

South District Plan

The South District Plan operates to give effect to the regional plan. The South District Plan encompasses the Canterbury Bankstown Local Government Area.

This planning proposal is consistent with the outcomes and direction in the plan, specifically Planning Priority S5 - Objectives 10 and 11.

Objective 10 seeks greater housing supply for the district, which this proposal will facilitate through a rationalising of the zones and a greater provision of residential land. This will provide a greater opportunity for more housing to be provided on the site, facilitating an acceptable built form and reducing land constraints. This will enable an acceptable built form outcome in the right places on the site and reducing environmental impacts, consistent with the planning priority.

Objective 11 seeks a greater diversity of housing to promote affordability. The rationalising of the zoning on the subject site will facilitate the potential development of different forms of residential accommodation permitted in the R2 zone. This will provide greater housing choice and affordability, consistent with the planning priority.

Local

Canterbury Community Plan – '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 as it will facilitate greater residential accommodation in proximity to the Condell Park neighbourhood centre.

Section 9.1 Ministerial Directions

The proposal is consistent with the applicable section 9.1 Ministerial Directions.

3.1 Residential Zones

The Direction applies as this planning proposal will affect land proposed to be a residential zone. It requires that a planning proposal contain provisions that encourages housing to broaden building types and locations available in the housing market, reduce consumption for housing on the urban fringe and not contain provisions which will reduce the permissible residential density of land.

The planning proposal is consistent with this Direction as it will provide a greater opportunity for more housing to be provided on the infill site, facilitating an acceptable built form and reducing land constraints and urban sprawl.

Finally, the proposal will not alter the existing R2 permitted land uses or planning controls, thus not reducing the permissible residential density. Therefore, the proposal is considered to be consistent with Direct 3.1 Residential Zones.

6.2 Reserving Land for Public Purposes

The objective of this direction is to facilitate the provision of public services and facilities and 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 to Council, 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".

Despite this written correspondence being received by Council, a condition of the Gateway determination includes a requirement to consult with Sydney Water about the planning proposal. Nonetheless the proposal is considered to be consistent with Direct 6.2 Reserving Land for Public Purposes.

State environmental planning policies

State Environmental Planning Policy No.55 – Remediation of Land

This SEPP requires the planning authority to be satisfied that the land is suitable, or can be made suitable, for all uses permissible in the zone, or in this case the proposed zone.

Council has advised that the proposal is accompanied by a Site Audit Statement which states the following:

- 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.

The proposal is considered to be consistent with all other applicable State Environmental Planning Policies (SEPPs).

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal states that the proposed amendments to the Bankstown LEP 2015 will achieve key planning outcomes with resultant community benefits, by supporting growth within an existing residential area by providing new housing on residual government land and facilitating orderly development by bringing a uniform low density residential zone to the subject site.

Environmental

The planning proposal is located within an existing urban area and is therefore unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Economic

The planning proposal states that rezoning will achieve key planning outcomes with resultant economic benefits, by supporting growth within an existing residential area by providing new housing on residual government land.

CONSULTATION

Community

The planning proposal outlines the means of the proposed minimum 28-day community consultation. This period is considered adequate.

It is noted that Council, as the planning proposal authority, will be responsible for public consultation. They have advised that this will include newspaper notification, displays at the Council administration building (Bankstown Branch), Council webpage and written notification to affected and adjoining property owners.

Agencies

The proposal does specify a written notification to Sydney Water during the 28-day notification period. Though the proposal is of a minor nature and Sydney Water's written correspondence, dated 26 October 2017, confirming support for the rezoning of the part SP2 zoned land, it is recommended that they be consulted about the planning proposal.

TIME FRAME

Council has included a project timeline which has projected a finalisation of May 2019, indicating 9 months from an expected Gateway Determination of September 2018. A timeframe of 12 months is considered appropriate.

DELEGATION

Council has requested delegation to make the plan. The planning proposal is deemed to be minor and of a local nature. Council is therefore authorised to exercise delegations.

CONCLUSION

The planning proposal is supported to proceed subject to conditions as outlined below. The planning proposal is:


- consistent with A Metropolis of Three Cities and the South District Plan and the relevant section 9.1 Ministerial Directions and state environmental planning policies;
- It will assist in delivering new infill housing within the Condell Park locality;
- It will rationalise the land use zones in line with the land ownership, rectify a mapping anomaly and facilitate orderly development outcomes; and
- The scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or can be appropriately mitigated as part of the development assessment process.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal must be made publicly available for a minimum of 28 days.
2. Prior to community consultation the planning proposal is to be amended to:
 - (a) Update the project timeline.
3. Consultation is required with Sydney Water.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan making authority.

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