



Planning Proposal to amend:

- **Bankstown LEP 2015 (Amendment #):
Residential uses in Zone R2 Low Density
Residential and controls for dual
occupancy**
- **Canterbury LEP 2012 (Amendment #)
controls for dual occupancy**

May 2018



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LOCAL GOVERNMENT AREA: Canterbury Bankstown Council

ADDRESS OF LAND:

- The former Bankstown Local Government Area:
 - Land zoned R2 Low Density Residential
 - Land where dual occupancy development are permissible
- The former Canterbury Local Government Area:
 - Land where dual occupancy development are permissible

NAME OF PLANNING PROPOSAL:

- Amendment to Bankstown LEP 2015 (Amendment #): Residential uses in Zone R2 Low Density Residential and controls for dual occupancy
- Amendment to Canterbury LEP 2012 (Amendment #) controls for dual occupancy

SUPPORTING MATERIAL:

Appendix 1:Information Checklist

Appendix 2: List of State Environmental Planning Policies

Appendix 3: Local Planning Directions

Appendix 4: Evaluation Criteria for Delegation

Appendix 5: Council report and minute

Appendix 6: Mayoral Minute

Appendix 7: Draft Consolidated Canterbury Bankstown Residential Development Strategy



Background

Medium Density Housing Code

In November 2015 the NSW Department of Planning and Environment exhibited a Discussion Paper *"Expanding complying development to include low-rise medium density housing types"*. The discussion paper outlined that it was proposed to amend the Codes SEPP to include low-rise medium density development to be made complying development in the R1, R2, R3 and RU5 zones. The types of development include:

- Dual occupancies (2 dwellings on a single lot);
- Manor homes (3 or 4 dwellings in a single building on a lot);
- Townhouses and terraces (3-10 dwellings on a lot).

The discussion outlined the Government's aim to provide more housing, more housing choice to address Sydney's current and future housing needs.

Council's position on the Code

In December 2016, Council officers made a submission to the Department advising that that Council did not support the expansion of complying development to include medium density development. Some of the key concerns were:

1. The proposed development controls will result in medium density housing that is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.
2. Complying development does not take into consideration the unique characteristics and issues within the various suburbs in the City of Canterbury–Bankstown, and is not designed to customise solutions to address potential impacts.
3. Private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets community expectations, particularly in the suburban neighbourhoods of the City of Canterbury–Bankstown.
4. Complying development does not provide the community with the opportunity to comment on medium density housing proposals in the same way as development applications.
5. The Draft Medium Density Housing Code does not recognise Council's demonstrated record that it can fast track the supply of medium density housing via the development assessment process.
6. The Draft Medium Density Housing Code does not recognise current state and local strategic planning which already delivers medium density housing in the City of Canterbury–Bankstown. The Draft Code also pre-empted the Draft District Plans prepared by the Greater Sydney Commission, in particular the requirement for councils to prepare local housing strategies to identify the best positions for medium density housing in the city.



Mayoral Minute

The NSW government has recently announced the Medium Density Housing Code will commence on 6 July 2018.

In response to this announcement a Mayoral minute was released on 24 April 2018. The minute reiterates Council's position and concern with the policy.

At the Council meeting on 24 April 2018, the Mayor moved the following:

1. That the General Manager seek an urgent meeting with the Hon. Anthony Roberts (Minister for Planning) to also be attended by the Mayor and Director Planning to seek an exemption from the Codes SEPP amendments within the R2 zone and to request that our local planning controls prevail over the State Policy until the planning proposal at point 2 below has been gazetted.
2. To protect our community from future impacts from the Code:
 - a. Council immediately and concurrently prepare a planning proposal to:
 - (i) Prohibit manor houses from the R2 Low Density Residential Zone.
 - (ii) Prohibit terraces/town house/villa development from the R2 Low Density Residential Zone.
 - (iii) Restrict dual occupancy development to current planning rules.
 - b. Submit the planning proposal to the Greater Sydney Commission for Gateway approval.
 - c. Delegate to the General Manager any administrative arrangements to progress the planning proposal including exhibition once a Gateway Determination has been received.



Implications of the Code on R2 low density residential zones

The planning proposal is seeking to reinstate Council's policy position in relation to maintaining the low density residential character and amenity of the suburban neighbourhoods in the City of Canterbury Bankstown.

The review of the Medium Density Housing Code has identified the following key issues in relation to the impact of the Code on the R2 low density zone:

- **Introduction of manor houses and multi dwelling housing (terraces) in Zone R2 Low Density Residential and inconsistency with Council's strategic planning**

The objectives of Zone R2 Low Density Residential are to provide for the housing needs of the community within a low density residential environment, to allow for the development of low density housing that has regard to local amenity, and to require landscape as a key characteristic in the low density residential environment.

Council permits dwelling houses and dual occupancies in Zone R2 Low Density Residential consistent with the zone objectives. Based on Council's strategic planning framework, Council also permits multi dwelling housing solely in the form of villas (two storey at the front and single storey at the rear) in keeping with the prevailing low density character and amenity of the suburban neighbourhoods.

According to the Draft Medium Density Housing Code, complying development is not intended to override a council's strategic planning, but work with the controls developed through Council's strategic planning to efficiently deliver simple housing forms.

However, the Draft Code is proposing to override Council's strategic planning by introducing two new forms of medium density housing in Zone R2 Low Density Residential, to be known as manor houses and multi dwelling housing (terraces).

This proposal is not supported as:

- This proposal introduces manor houses in Zone R2 Low Density Residential, which is a low-rise form of residential flat buildings. At present, residential flat buildings are prohibited in Zone R2.
- This proposal introduces multi dwelling housing (terraces) in Zone R2 Low Density Residential, which is a low-rise form of attached dwellings. At present, attached dwellings are prohibited in Zone R2.
- This proposal attempts to fit three or more dwellings on the same lot size as a dual occupancy which will result in a built form that is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods.



- It is noted the Department of Planning and Environment supported the prohibition of multi dwelling housing (terraces) in Zone R2 when Council (former Bankstown) converted to the Standard Instrument LEP. At the time, this development type was known as row houses.
- **Increased floor space ratio in Zone R2 Low Density Residential and inconsistency with Council's strategic planning**

According to the Draft Medium Density Design Guide, dual occupancies tend to have limited impact on the streetscape and surrounds as the scale of the development is consistent with that of a large freestanding house.

In the case of the City of Canterbury–Bankstown, the limited impact on the streetscape is achieved by applying a maximum 0.5:1 floor space ratio to dwelling houses, dual occupancies and multi dwelling housing in Zone R2 Low Density Residential.

The floor space ratio ensures the building envelope of dual occupancies and multi dwelling housing are compatible with the prevailing low density character and amenity of the suburban neighbourhoods. However, the Draft Medium Density Housing Code is proposing a higher floor space ratio for dual occupancies, manor houses and multi dwelling housing (terraces) in Zone R2 Low Density Residential as follows:

Development type	Maximum FSR in Zone R2 under Council's LEP	Maximum FSR proposed for complying development (for each lot) in Zone R2
Dual occupancies	Bankstown LEP 2015 – 0.5:1	200-300m ² = 0.75:1 >300-400m ² = 0.7:1
	Canterbury LEP 2012 – 0.5:1	>400-500m ² = 0.65:1 >500m ² = 0.6:1
Multi dwelling housing	Bankstown LEP 2015 – 0.5:1	Multi dwelling housing (terraces) 200-300m ² = 0.8:1 >300-400m ² = 0.75:1 >400-500m ² = 0.65:1 >500m ² = 0.6:1 Manor houses >600-700m ² = 0.6:1 >700-900m ² = 0.5:1 >900m ² = 0.4:1



The proposed floor space ratio will result in increased building bulk, reduced setbacks, less off-street car parking, less private open space and landscaping, and no building design or amenity considerations.

This approach is inconsistent with the objectives of Zone R2 Low Density Residential, and is likely to undermine the community's confidence in dual occupancies and multi dwelling housing as a housing option in this zone. Particularly, if the built form is contrary to community expectations and is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods.

This approach is also inconsistent with the Land & Environment Court's planning principle (Roy Salanitro-Chafei v Ashfield Council) in relation to floor space ratios, which reads:

The standard of 0.5:1 FSR has found expression in numerous planning instruments and policies whose aim is to integrate increased density housing into low-density residential areas without destroying the existing open character. The Seniors Living State Environmental Planning Policy adopts a FSR of 0.5:1 as a "deemed to comply" standard. State Environmental Planning Policy 53 – Metropolitan Residential Development adopts it as the maximum permissible density in relation to dual occupancy. Many local planning instruments and policies guiding dual occupancy development in suburban areas also contain a maximum FSR control of 0.5:1.

The above suggests that there is a general acceptance by the planning profession that an open suburban character is most easily maintained when the FSR of buildings does not exceed 0.5:1. The question raised above may therefore be answered thus: The upper level of density that is compatible with the character of typical single-dwelling areas is around 0.5:1. Higher densities tend to produce urban rather than suburban character. This is not to say that a building with a higher FSR than 0.5:1 is necessarily inappropriate in a suburban area; only that once 0.5:1 is exceeded, it requires high levels of design skill to make a building fit into its surroundings.

It is noted private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets the above planning principle or community expectations.



- **Inconsistency between the Draft Code and Design Guide's criteria and Council's development controls**

The Draft Medium Density Housing Code proposes to adopt the complying development criteria currently applicable to dwelling houses under the State Environmental Planning Policy (Exempt and Complying Development) 2007.

The Draft Code gives the explanation that medium density housing has similarities with dwelling houses in that each dwelling has a frontage to a street, each dwelling has a front and rear setback, and private open space is typically located at ground level.

Following a review of the Draft Code and the Draft Medium Density Design Guide, this proposal is not supported as the proposed development controls will result in a built form that is contrary to community expectations and is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods. A table outlining the controls in the Code and Council's controls is shown as an attachment to council report is shown as Appendix 5.

- **The Draft Medium Density Housing Code does not recognise current State and local strategic planning which already delivers medium density housing in the City of Canterbury–Bankstown. The Draft Code also pre-empted the Draft District Plans prepared by the Greater Sydney Commission, in particular the requirement for councils to prepare local housing strategies to identify the best positions for medium density housing in the city.**

Council has a demonstrated record of efficiently delivering medium density housing, removing existing obstacles to delivering this form of housing, and providing a variety of housing choice in areas that are zoned for medium density housing.

Council adopted Local Area Plans to identify the best positions for medium density housing across the city, consistent with the Metropolitan Plan 'A Plan for Growing Sydney' and the Draft South District Plan. This occurred in consultation with the community, industry, state agencies and other key stakeholders. Consistent with community and market expectations, the best positions are located in areas that are well serviced by infrastructure and community facilities, and have access to good public transport. The zoning and planning control changes have been or are in the process of being incorporated in Council's LEP and DCP.

As a result, Canterbury–Bankstown Council delivered 1,853 new dwellings in 2014/15 and 1,572 new dwellings in 2015/16. Around half of the new dwellings are in the form of medium density housing.

The concern with the complying development process is it does not take into account the above matters, which are important to ensure medium density housing is compatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.



The concern with the complying development process is it also pre-empted the proposed actions under the Draft Amendment to 'A Plan for Growing Sydney' and the Draft South District Plan (page 61), which read:

Councils are in the best position to investigate opportunities for medium density in these areas, which we refer to as the 'missing middle'. Medium density housing is ideally located in transition areas between urban renewal precincts and existing suburbs, particularly around local centres and within the one to five kilometre catchment of regional transport where links for walking and cycling help promote a healthy lifestyle.

Based on Council's strategic planning, the suburban neighbourhoods are generally located outside the transition areas of centres and regional transport, and do not meet the above criteria to have intensified medium density housing such as manor houses and multi dwelling housing (terraces).

Council's housing strategies and Local Area Plans do not identify the suburban neighbourhoods (i.e. Zone R2 Low Density Residential) as appropriate locations for manor houses and multi dwelling housing (terraces).

- **Impact of Code on delivery of development in Department's priority precinct**

The proposed Code may have the potential to impact on the delivery of development allowed under the State government's strategy plans such as the Sydenham to Bankstown Urban renewal Corridor and Riverwood Priority Precinct. The Code would override higher development potential being developed for the planned precincts.



Part 1 - Intended Outcomes

The intention of this Planning Proposal is to:

- Reinstate Council policy position in relation to maintaining the low density residential character and amenity of the suburban neighbourhoods in the City of Canterbury Bankstown.
- Apply the current planning controls for dual occupancy development.

This will be achieved through amending Bankstown LEP 2015 by removing Multi Dwelling Housing as a permitted use in the R2 Low Density Residential zone. Multi dwelling housing is a non-mandated use in the standard instrument.

A similar approach has already been adopted in the former Canterbury areas where multi dwelling housing is not permitted in the R2 zone. The intended outcome will be consistency in ensuring our low density residential zones are protected from intense forms of medium density development that are allowed under the Code.

In relation to planning controls for dual occupancy development, Council seeks to apply the current development standards that apply for dual occupancy development in the Canterbury and Bankstown LEP so that they override the dual occupancy controls in the Medium Density Housing Code.

Council is willing to exercise Authorisation to delegate the plan making functions for this Planning Proposal should such a delegation be issued as part of the Gateway determination. The evaluation criteria for the issuing of an Authorisation is attached as Appendix 4.



Part 2 - Explanation of Provisions

A. Amendment to the written instrument

The proposed outcomes will be achieved by amending the land use table in Bankstown LEP 2015 (BLEP 2015) for Zone R2 Low Density Residential by removing '*Multi Dwelling Housing*' as permitted with consent.

The new Code will permit manor houses and terraces as complying development, but only where multi dwelling housing or residential flat buildings are permissible under a Council's LEP and it is located in the R1, R2, R3 and R5 zones.

BLEP 2015 permits multi dwelling housing within the R2 low density zone in the form of villas. Therefore under the new code, manor houses and terraces will be permitted in the R2 Low Density Residential zone. This is not consistent with the desired outcomes envisaged by BLEP 2015 for its localities in terms of density and built form.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The planning proposal is a result of a Mayoral Minute considered at the Council meeting on 24 April 2018 which identified the need to prepare a planning proposal to protect the Canterbury Bankstown community from future impacts of the new Code. The Mayoral Minute is attached as Appendix 6.

The planning proposal is also a result of a review of the Medium Density Housing that was undertaken for a report submitted to the Council meeting on 6 December 2016. The report to Council is attached as Appendix 5.

The review has identified the Medium Density Housing Code has the potential to significantly impact on the character and amenity of the city's suburban neighbourhoods.

The removal of multi dwelling housing in the R2 Low Density Residential zone (in the former Bankstown LGA) will ensure the impacts of the Code are minimised from medium density development such as manor homes and terrace housing.

The proposal is also part of a broader Council strategy which aims to achieve a consistent set of controls for our low density residential zones in for the newly merged Canterbury Bankstown LGA.



2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there are better way?

An amendment to the BLEP 2015 to prohibit multi dwelling housing in the R2 zone and applying controls in the Canterbury and Bankstown LEP for dual occupancy development carried out under the Medium Density Housing Code is considered the best means of achieving the planning objectives and intended outcomes detailed in Part 1.

There are no other relevant means of amending the land use table than to amend BLEP 2015 as promoted by this planning proposal.



Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies).

State/Regional

A Metropolis of Three Cities – the Greater Sydney Region Plan

The Greater Sydney Region Plan (A Metropolis of Three Cities) was released by the Greater Sydney Commission on 18 March 2018.

The proposal is consistent with the objectives and actions in A Metropolis of Three Cities. Specifically, the proposal is consistent with the following:

- Liveability
 - Housing the City
 - i. Objective 10 Greater housing supply
 - ii. Objective 11 Housing is more diverse and affordable
 - iii. Objective 12 Great places that bring people together

Comment: While the Plan emphasises the need to provide ongoing housing supply with a range of housing types, it also recognises that these dwellings need to be in the right location in order to support and create liveable neighbourhoods. The Plan notes that *‘Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density development’*.

The former Bankstown Council adopted Local Area Plans (LAP) to identify the best positions for medium density housing across the city. The preparation of the Local Area Plans occurred in consultation with the community, industry, state agencies and other key stakeholders. Consistent with community and market expectations, the best positions are located in areas that are well serviced by infrastructure and community facilities, and have access to good public transport. The planning proposal seeks to implement the findings of the Local Area Plan which identified medium density housing to occur in areas which are traditionally zoned for medium density development such as R3 or in centres such as B2 zones

South District Plan

The Greater Sydney Commission (GSC) released the South District Plan on 18 March 2018. The District Plan contains planning priorities and actions to guide the growth of the South District while improving the Districts social, economic and environmental assets.



Planning priority S5 of the District Plan seeks to encourage the provision of housing supply, choice and affordability with access to jobs and service and public transportation. It is considered that the proposal is consistent with this priority as it seeks to provide for housing capacity in the right location.

According to this planning priority Councils are in the best position to investigate opportunities for medium density in these areas, which we refer to as the 'missing middle'. Medium density housing is ideally located in transition areas between urban renewal precincts and existing suburbs, particularly around local centres and within the one to five kilometre catchment of regional transport where links for walking and cycling help promote a healthy lifestyle. Based on Council's strategic planning, the suburban neighbourhoods are generally located outside the transition areas of centres and regional transport, and do not meet the above criteria to have intensified medium density housing such as manor houses and multi dwelling housing (terraces). Council's housing strategies and Local Area Plans do not identify the suburban neighbourhoods (i.e. Zone R2 Low Density Residential) as appropriate locations for manor houses and multi dwelling housing (terraces). It is for this reason that removing multi dwelling housing in the R2 zone and to apply the current LEP controls for dual occupancy development is considered appropriate and a way to achieve the above listed action.

As discussed below, the proposal is consistent with the community's vision of the area as it integrates the community's shared values (as identified in the draft community strategic plan) to cultivate and enhance the areas local distinctive character through collaboration.

The proposal is therefore consistent with the South District Plan as it won't impede Council's ability to provide an increase in housing supply more broadly, while also recognising the community's desire for well designed and well managed housing.



4. Is the Planning Proposal consistent with the local council's community strategic plan or other local strategic plan?

4.1 Draft 2028 CB City

The draft Community Strategic Plan (CBCity 2028) was recently exhibited and applies to the newly formed Council area. CBCity 2028 clearly identifies the community's desire for better designed and well managed development, including medium density housing. The proposal is consistent with CBCity 2028 as it is the mechanism for implementing the community's vision for a well-designed and attractive city.

4.1 Draft consolidation of the former Bankstown and Canterbury Council's RDS

At the Ordinary meeting of 27 June 2017, Council endorsed a set of directions to inform the consolidation of the former Bankstown and Canterbury City Councils' residential development strategies into a single local housing strategy.

The consolidation of the former Bankstown and Canterbury's City Councils' residential development strategies into a single local housing strategy should continue to implement the current planning framework, namely:

- Continue to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population;
- Continue to protect the low density, landscaped character of the suburban neighbourhoods.

The planning proposal is consistent with this direction because it will continue to allow for the development of low density housing that has regard to local amenity, and to require landscape as a key characteristic in the low density residential environment.

A copy of the draft consolidated Canterbury Bankstown RDS is attached as Appendix 7

5. Is the Planning Proposal consistent with applicable state environmental planning policies?

Yes the Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. For a complete checklist of SEPPs refer to Appendix 2. In summary, it is considered that the Planning Proposal to remove a form of medium density development (multi dwelling housing) in the low density residential R2 zone and to apply current LEP controls for dual occupancy development is not inconsistent with any of the SEPPs.



6. Is the Planning Proposal consistent with applicable Ministerial (S 9.1) Directions?

Yes. The planning proposal is generally consistent with the applicable S9.1 Ministerial Directions. See Appendix 3 for a listing of all applicable Directions. The following specific comments are provided:

- Direction 3.1 Residential zones

This planning Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensures that new housing has appropriate access to infrastructure and services. The direction ensures that the impacts of residential development on the environment and resources lands are minimised.

Comment: The planning proposal is consistent with this direction as it will protect our low density residential neighbourhood from impacts associated with increased forms of development such as manor homes, terraces and dual occupancy allowed under the new Code. The new Code is expected to introduce a significant increase in residents living with no major infrastructure planned or funded to support this growth.



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?**

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

- 8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are no likelihood of adverse environmental impact as a result of this planning proposal.

- 9. How has the Planning Proposal adequately addressed any social and economic effects?**

The planning proposal is considered to have a positive social impact as it will protect the amenity of residents in suburban neighbourhood from intense forms of development allowed under the Code.

Section D – State and Commonwealth Interests

- 10. Is there adequate public infrastructure for the Planning Proposal ?**

The planning proposal will not result in extensive additional development and is therefore unlikely to place further demands on public infrastructure. It will regulate Council and the community's desired built form outcomes in all R2 Low Density Residential zones.



11. What are the views of State and Commonwealth public authorities consulted in accordance with this Gateway Determination?

No consultation has been carried out with State and Commonwealth public authorities at this stage. Consultation will occur with any relevant public authorities identified as part of the Gateway Determination.

Part 4 – Maps

No changes to the Bankstown LEP 2015 maps are proposed or required.

Part 5 – Community Consultation

Although the Gateway Determination will confirm the public consultation that must be undertaken, the exhibition period for this Planning Proposal is proposed to be 28 days and would comprise:

- A notice in the local newspapers that circulate in the area affected by the planning proposal.
- Displays at the Council's Customer Service Centres.
- Providing information about the planning proposal on the Have Your Say section of Council's website.

Part 6 – Project Timeline

Council estimates that a timeframe of 12 months, from the issue of a Gateway determination, is required to complete the process.

Dates	Project timeline
June 2018	Issue of Gateway Determination
July 2018	Reporting the outcome of the Gateway Determination.
August/September 2018	Exhibit Planning Proposal
October 2018	Report to Council following the exhibition
November 2018	Submit Planning Proposal to Department of Planning and Environment for determination



Appendix 1: Information Checklist



Appendix 2: List of State Environmental Planning Policies

The following tables list the State Planning Policies (SEPPs) which are applicable to the Canterbury Bankstown Local Government Area, the applicability to, and compliance of, the Planning Proposal with these policies.

STATE ENVIRONMENTAL PLANNING POLICIES APPLICABLE TO CANTERBURY BANKSTOWN LOCAL GOVERNMENT AREA

State Environmental Planning Policies (SEPPs) deal with issues significant to the state and people of New South Wales. They are made by the Minister for Planning and may be exhibited in draft form for public comment before being gazetted as a legal document.

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT
SEPP No.19 – Bushland in Urban Areas	N/A	
SEPP No.21 – Caravan Parks	N/A	
SEPP No.26 – Littoral Rainforests	N/A	
SEPP No.30 – Intensive Agriculture	N/A	
SEPP No.33 – Hazardous and Offensive Development	N/A	
SEPP No.39 – Spit Island Bird Habitat	N/A	
SEPP No.50 – Canal Estates	N/A	
SEPP No.55 – Remediation of Land	N/A	
SEPP No.62 Sustainable Aquaculture	N/A	
SEPP No.64 Advertising and Signage	N/A	



SEPP No.65 Design Quality of Residential Flat Development	N/A	
SEPP (Affordable Rental Housing)	Yes	The Planning Proposal is consistent with this policy.
SEPP (Building Sustainability Index: BASIX 2004)	Yes	
SEPP (Exempt and Complying Development Codes) 2008	N/A	
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP (Infrastructure) 2007	Yes	The Planning Proposal is consistent with this policy.
SEPP (Major Development) 2005	N/A	
SEPP (Mining, Petroleum Production and Extractive industries) 2007	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	N/A	



Appendix 3 - Local Planning Directions

The following Directions have been issued by the Minister for Planning and Environment to relevant planning authorities under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. These directions apply to Planning Proposals lodged with the Department of Planning and Environment.

PLANNING DIRECTION	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT
Employment and Resources		
1.1 Business and Industrial Zones The objectives of this direction are to: a) Encourage employment growth in suitable locations; b) Protect employment land in business and industrial zones; and c) Support the viability of identified strategic centres.	N/A	
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	N/A	
1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	
1.4 Oyster Aquaculture The objective of this direction are: a) to ensure that Priority Oyster Aquaculture Areas and oyster	N/A	



<p>aquaculture outside such an area are adequately considered when preparing a Planning Proposal .</p> <p>b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>	
<p>1.4 Rural Lands</p> <p>The objectives of this direction are to:</p> <p>a) Protect the agricultural production value of rural land,</p> <p>b) Facilitate the orderly and economic development of rural and related purposes.</p>	N/A
<p>Environment and Heritage</p>	
<p>2.1 Environment Protection Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	N/A
<p>2.2 Coastal Protection</p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicle.</p>	N/A
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	N/A



2.4 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	
Housing, Infrastructure and Urban Development		
3.1 Residential Zones The objectives of this direction are: a) to encourage a variety and choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands.	Yes	The Planning Proposal is consistent with this direction. See Part 3, Section B of the Planning Proposal.
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: a) to provide for a variety of housing types, and b) to provide opportunities for caravan parks and manufactured home estates	N/A	
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses	N/A	
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures,	N/A	



building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

3.5 Development Near Licensed Aerodromes N/A

The objectives of this direction are:

- a) to ensure the effective and safe operation of aerodromes, and
- b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
- c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise



Hazard and Risk		
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Yes	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Any application received based on the proposed provisions affected by acid sulfate soils will be subject to detailed assessment. Nothing in this Planning Proposal would contradict this direction.
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land The objectives of this direction are: a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Yes	The planning proposal maintains the current provisions with respect to the management of flood prone land. The proposal is consistent with this direction.
4.4 Planning for Bushfire Protection The objectives of this direction are: a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible	N/A	



<p>land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p>		
Local Plan Making		
6.1 Approval and Referral Requirements	N/A	
<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>		
6.2 Reserving Land for Public Purposes	N/A	
<p>The objectives of this direction are:</p> <p>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>		
6.3 Site Specific Provisions	No	
<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>		
Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Yes	
<p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>		<p>Consistent, as the Planning Proposal aligns with the vision, land use strategy, goals, directions and actions contained in 'A Plan for Growing Sydney'.</p> <p>See Part 3, Section B of the Planning Proposal.</p>



Appendix 4 – Evaluation Criteria for the delegation of plan making functions

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Bankstown Local Government Area (former)

Name of draft LEP: Bankstown Local Environmental Plan - residential uses in R2 low density residential zone

Address of Land (if applicable): Land Zoned R2 Low Density Residential

Intent of draft LEP: to remove multi dwelling housing as a permitted use in R2 low density residential zone.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		N/A		
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		N/A		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).</p>		N/A		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.



Appendix 5 – Council report to 6 December 2016 Council meeting and Minutes

Planning Matters - 6 December 2016

ITEM 5.6 **Draft Medium Density Housing Code and Design Guide to Expand Complying Development to include Medium Density Housing**

AUTHOR **Planning**

ISSUE

This report outlines Council's submission to the Department of Planning & Environment's proposal to expand complying development to include medium density housing such as dual occupancies, manor houses and multi dwelling housing (terraces). The proposal has the potential to significantly impact on the character and amenity of the city's suburban neighbourhoods.

RECOMMENDATION

That Council endorses the submission to the Department of Planning and Environment Draft Medium Density Housing Code and Draft Medium Density Design Guide as shown in Attachment A.

BACKGROUND

Exhibition of Discussion Paper

At present, the State Environmental Planning Policy (Exempt and Complying Development) 2007 allows houses, outbuildings and alterations/additions to existing residential development to be assessed as complying development under a fast track approval system. Council or private certifiers can approve complying development.

In November 2015 to March 2016, the Department of Planning & Environment exhibited a Discussion Paper, which proposed to expand the range of residential development that can be undertaken as complying development across NSW. It proposed to expand complying development to include medium density housing such as dual occupancies, manor houses and multi dwelling housing (villas, terrace houses and townhouses).

At the Ordinary Meeting of 15 December 2015, Council endorsed a submission on the Discussion Paper. The submission did not support the proposal to expand complying development to include medium density housing.

Exhibition of Draft Medium Density Housing Code and Design Guide

In October 2016, the Department of Planning & Environment commenced the exhibition of a Draft Medium Density Housing Code and Design Guide.

Draft Medium Density Housing Code

The Draft Code proposes to expand complying development to include medium density housing, specifically dual occupancies (attached–side by side), dual occupancies (attached–one dwelling over the other), dual occupancies (detached), manor houses and multi dwelling housing (terraces).

According to the Draft Code, the intended outcomes are to provide an efficient mode of delivery for low–rise medium density housing, remove existing obstacles to delivering this form of housing, and providing a variety of housing choice across NSW in areas that are zoned for medium density housing.

The Draft Code will apply to Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone RU5 Village. The Draft Code will not apply to Zone R4 High Density Residential, heritage conservation areas or draft heritage conservation areas.

The Draft Code will also provide principal development standards for complying development such as floor space ratio, building height, lot size, landscaped area, setbacks and subdivision.

Draft Medium Density Design Guide

The Draft Medium Density Design Guide may apply to both complying development and development applications.

In relation to complying development, the Draft Guide requires the designer to submit a design verification statement. The statement must provide evidence of compliance with the design criteria if it is to be issued with a complying development certificate. The design criteria includes solar access, visual privacy, private open space, dwelling size, car parking, ancillary development and other design matters.

In relation to development applications, Council will have the option to adopt the Draft Guide by reference within a development control plan. Should Council decide to take this option, it must adopt the Draft Guide in its entirety and the requirement for a design verification statement will apply. Proposed development can comply with the design criteria or use an alternate solution that satisfies the objectives.

Attachment B contains a summary of the exhibition of the Draft Medium Density Housing Code and Design Guide. Council has until 12 December 2016 to make a submission.

REPORT

Following a review of the Draft Medium Density Housing Code and Design Guide, Council does not support the proposal to expand complying development to include medium density housing for the following key reasons:

1. The proposed development controls will result in medium density housing that is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.
2. Complying development does not take into consideration the unique characteristics and issues within the various suburbs in the City of Canterbury–Bankstown, and is not designed to customise solutions to address potential impacts.
3. Private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets community expectations, particularly in the suburban neighbourhoods of the City of Canterbury–Bankstown.
4. Complying development does not provide the community with the opportunity to comment on medium density housing proposals in the same way as development applications.
5. The Draft Medium Density Housing Code does not recognise Council's demonstrated record that it can fast track the supply of medium density housing via the development assessment process.
6. The Draft Medium Density Housing Code does not recognise current state and local strategic planning which already delivers medium density housing in the City of Canterbury–Bankstown. The Draft Code also pre-empts the Draft District Plans prepared by the Greater Sydney Commission, in particular the requirement for councils to prepare local housing strategies to identify the best positions for medium density housing in the city.

Attachment A discusses these key reasons in more detail.

POLICY IMPACT

Council has a demonstrated record of efficiently delivering medium density housing, removing existing obstacles to delivering this form of housing, and providing a variety of housing choice in areas that are zoned for medium density housing.

Firstly, Council adopted Local Area Plans to identify the best positions for medium density housing across the city, consistent with the Metropolitan Plan '*A Plan for Growing Sydney*' and the Draft South District Plan. This occurred in consultation with the community, industry, state agencies and other key stakeholders. Consistent with community and market expectations, the best positions are located in areas that are well serviced by infrastructure and community facilities, and have access to good public transport. The zoning and planning control changes have been or are in the process of being incorporated in Council's LEP and DCP.

As a result, Canterbury–Bankstown Council delivered 1,853 new dwellings in 2014/15 and 1,572 new dwellings in 2015/16. Around half of the new dwellings are in the form of medium density housing.

Secondly, the Environmental Planning & Assessment Act 1979 provides an appropriate development assessment process to consider and determine medium density housing proposals, particularly within Zone R2 Low Density Residential.

The development assessment process must consider Council's LEP and DCP, which have been adopted in consultation with the community, industry, state agencies and other key stakeholders. The development assessment process must also consider the likely impacts of development, the suitability of the site for the development, any submissions made during the notification period and the public interest.

Council has a demonstrated record that it can manage the development assessment process within the required 40 day period under the Act. In the 2014/15 financial year, the median time for determining development applications was 36 days and in 2015/16, the median time for determining development applications was 35 days.

The concern with the complying development process is it does not take into account the above matters, which are important to ensure medium density housing is compatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.

In addition, the requirement for design verification statements does not provide an adequate safeguard to ensure complying development will deliver better quality building designs that respond appropriately to the character of the area, landscaped setting and surrounding built form. Private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets community expectations.

Council therefore does not support the Department of Planning & Environment's proposal to expand complying development to include medium density housing.

It is noted the proposal to expand complying development to include medium density housing pre-empts the proposed actions under the Draft District Plans, prepared by the Greater Sydney Commission. These include the requirement to complete the Sydenham to Bankstown Urban Renewal Corridor Strategy and the requirement for Council to prepare a local housing strategy to identify the best positions for medium density housing in the city.

If strategic planning is to occur in a coordinated and orderly manner in NSW, Council should first be given the opportunity to complete the above strategic planning. Once Council demonstrates that it can continue to efficiently deliver medium density housing in the city, it should also be given the opportunity to be exempt from the Draft Medium Density Housing Code (similar to the exemption granted under the former State Environmental Planning Policy No. 53, which aimed to stimulate medium density housing in targeted areas).

FINANCIAL IMPACT OF RECOMMENDATIONS

The Draft Medium Density Housing Code does not discuss the process for the collection of Section 94A Development Contributions or subdivision costs for complying development proposals.

RECOMMENDATION

That Council endorses the submission to the Department of Planning and Environment Draft Medium Density Housing Code and Draft Medium Density Design Guide as shown in Attachment A.

ATTACHMENTS

[Click here for attachments](#)

- A. Council's Submission
- B. Exhibition Summary–Draft Medium Density Housing Code and Design Guide

ATTACHMENT A – Council’s Submission to the Exhibition of the Draft Medium Density Housing Code and Draft Medium Density Design Guide

Following a review of the Draft Medium Density Housing Code and Design Guide, Council does not support the proposal to expand complying development to include medium density housing for the following key reasons:

Key Concern 1: The proposed development controls will result in medium density housing that is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury–Bankstown.

At present, Council permits dual occupancies, attached dwellings and multi dwelling housing in the following residential zones subject to development consent:

Local Environmental Plans	Zone R2 Low Density Residential	Zone R3 Medium Density Residential
Bankstown LEP 2015	Dual occupancies and multi dwelling housing (i.e. villas)	Attached dwellings and multi dwelling housing (i.e. villas and townhouses)
Canterbury LEP 2012	Dual occupancies	Dual occupancies, attached dwellings and multi dwelling housing (i.e. villas and townhouses)

Dual occupancies, attached dwellings and multi dwelling housing are not permitted as complying development in these zones. 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 proposal to expand complying development to include dual occupancies, manor houses and multi dwelling housing (terraces) in these zones removes this capability, and introduces a ‘one size fits all’ blanket approach that is not customised to the unique characteristics of the City of Canterbury–Bankstown or is informed by community consultation.

There is significant concern this approach will result in development that is incompatible with the prevailing character and amenity of the suburban neighbourhoods, namely:


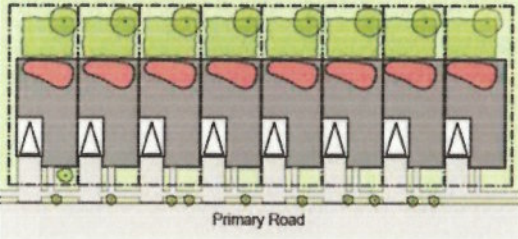
1. Introduction of manor houses and multi dwelling housing (terraces) in Zone R2 Low Density Residential and inconsistency with Council's strategic planning

The objectives of Zone R2 Low Density Residential are to provide for the housing needs of the community within a low density residential environment, to allow for the development of low density housing that has regard to local amenity, and to require landscape as a key characteristic in the low density residential environment.

Council permits dwelling houses and dual occupancies in Zone R2 Low Density Residential consistent with the zone objectives. Based on Council's strategic planning, Council also permits multi dwelling housing solely in the form of villas (two storey at the front and single storey at the rear) in keeping with the prevailing low density character and amenity of the suburban neighbourhoods.

According to the Draft Medium Density Housing Code, complying development is not intended to override a council's strategic planning, but work with the controls developed through strategic planning to efficiently deliver simple housing forms.

However, the Draft Code is proposing to override Council's strategic planning by introducing two new forms of medium density housing in Zone R2 Low Density Residential, to be known as manor houses and multi dwelling housing (terraces).

	<p>Manor house means a building containing 3 or 4 dwellings on one lot of land where:</p> <ul style="list-style-type: none"> • each dwelling is attached top another dwelling by a common wall and / or floor, and • the building contains no more than two storeys excluding any basement storey.
	<p>Multi dwelling housing (terraces) means 3 or more dwellings (whether attached or detached) on one lot of land, each dwelling has a frontage to a public road and no other dwellings are above or below.</p>

Following a review of the Draft Code, this proposal is not supported as:

- This proposal introduces manor houses in Zone R2 Low Density Residential, which is a low-rise form of residential flat buildings. At present, residential flat buildings are prohibited in Zone R2.
- This proposal introduces multi dwelling housing (terraces) in Zone R2 Low Density Residential, which is a low-rise form of attached dwellings. At present, attached dwellings are prohibited in Zone R2.
- This proposal attempts to fit 3 or more dwellings on the same lot size as a dual occupancy which will result in a built form that is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods.

2. Increased floor space ratio in Zone R2 Low Density Residential and inconsistency with Council's strategic planning

According to the Draft Medium Density Design Guide, *dual occupancies tend to have limited impact on the streetscape and surrounds as the scale of the development is consistent with that of a large freestanding house.*

In the case of the City of Canterbury–Bankstown, the limited impact on the streetscape is achieved by applying a maximum 0.5:1 floor space ratio to dwelling houses, dual occupancies and multi dwelling housing in Zone R2 Low Density Residential.

The floor space ratio ensures the building envelope of dual occupancies and multi dwelling housing are compatible with the prevailing low density character and amenity of the suburban neighbourhoods.

However, the Draft Medium Density Housing Code is proposing a higher floor space ratio for dual occupancies, manor houses and multi dwelling housing (terraces) in Zone R2 Low Density Residential as follows:

Development type	Maximum FSR in Zone R2 under Council's LEPs	Maximum FSR proposed for complying development (for each lot) in Zone R2	Compatibility with the prevailing character and amenity of the suburban neighbourhoods in the City of Canterbury Bankstown
Dual occupancies	Bankstown LEP 2015 – 0.5:1	200–300m ² = 0.75:1 > 300–400m ² = 0.7:1	X
	Canterbury LEP 2012 – 0.5:1	> 400–500m ² = 0.65:1 > 500m ² = 0.6:1	X
Multi dwelling housing	Bankstown LEP 2015 – 0.5:1	Multi dwelling housing (terraces)	X

		200–300m ² = 0.8:1 > 300–400m ² = 0.75:1 > 400–500m ² = 0.65:1 > 500m ² = 0.6:1 Manor houses > 600–700m ² = 0.6:1 > 700–900m ² = 0.5:1 > 900m ² = 0.4:1	
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The proposed floor space ratio will result in increased building bulk, reduced setbacks, less off-street car parking, less private open space and landscaping, and no building design or amenity considerations.

This approach is inconsistent with the objectives of Zone R2 Low Density Residential, and is likely to undermine the community's confidence in dual occupancies and multi dwelling housing as a housing option in this zone. Particularly, if the built form is contrary to community expectations and is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods.

This approach is also inconsistent with the Land & Environment Court's planning principle in relation to floor space ratios, which reads:

The standard of 0.5:1 FSR has found expression in numerous planning instruments and policies whose aim is to integrate increased density housing into low-density residential areas without destroying the existing open character. The Seniors Living State Environmental Planning Policy adopts a FSR of 0.5:1 as a "deemed to comply" standard. State Environmental Planning Policy 53 – Metropolitan Residential Development adopts it as the maximum permissible density in relation to dual occupancy. Many local planning instruments and policies guiding dual occupancy development in suburban areas also contain a maximum FSR control of 0.5:1.

The above suggests that there is a general acceptance by the planning profession that an open suburban character is most easily maintained when the FSR of buildings does not exceed 0.5:1. The question raised above may therefore be answered thus: The upper level of density that is compatible with the character of typical single-dwelling areas is around 0.5:1. Higher densities tend to produce urban rather than suburban character. This is not to say that a building with a higher FSR than 0.5:1 is necessarily inappropriate in a suburban area; only that once 0.5:1 is exceeded, it requires high levels of design skill to make a building fit into its surroundings.

It is noted private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets the above planning principle or community expectations.

3. Inconsistency between the Draft Code and Design Guide's criteria and Council's development controls

The Draft Medium Density Housing Code proposes to adopt the complying development criteria currently applicable to dwelling houses under the State Environmental Planning Policy (Exempt and Complying Development) 2007.

The Draft Code gives the explanation that medium density housing has similarities with dwelling houses in that each dwelling has a frontage to a street, each dwelling has a front and rear setback, and private open space is typically located at ground level.

Following a review of the Draft Code and the Draft Medium Density Design Guide, this proposal is not supported as the proposed development controls will result in a built form that is contrary to community expectations and is incompatible with the prevailing low density character and amenity of the suburban neighbourhoods as shown in the tables below:

(a) Dual occupancies

Development controls	Council's development controls for dual occupancies in the former City of Bankstown	Council's development controls for dual occupancies in the former City of Canterbury	Proposed complying development controls for dual occupancies (detached and attached—side by side)	Compatibility with the prevailing character and amenity of the suburban neighbourhoods in the City of Canterbury Bankstown
Minimum lot size	Attached – 500m ² Detached – 700m ²	600m ²	Not less than minimum lot size in LEP	✓
Minimum lot width	Attached – 15 metres Detached – 20 metres	15 metres	12 metres	X
Subdivision	Torrens or strata. Must not be a battle axe lot.	Torrens or strata. Must not be a battle axe lot.	Torrens or strata. Must not be a battle axe lot.	✓
Minimum subdivision lot size	250m ²	300m ² and 7.5 metre frontage.	200m ² and 6 metre frontage.	X
Dwelling orientation	Both dwellings must face the street.	Each dwelling to have frontage to the street.	Each dwelling has a frontage to a primary, secondary or parallel road.	✓

Maximum floor space ratio	0.5:1	0.5:1	200–300m ² = 0.75:1	X
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			$> 300-400\text{m}^2 = 0.7:1$ $> 400-500\text{m}^2 = 0.65:1$ $> 500\text{m}^2 = 0.6:1$	
Maximum building height	9 metres	8.5 metres	8.5 metres	✓
Maximum wall height	7 metres	7 metres	No requirement	X
Storey limit	2 storeys plus attic	2 storeys	2 storeys plus attic	✓
Minimum front setback (primary road)	5.5 metres	6 metres	$200-300\text{m}^2 = 3.5$ metres $> 300-900\text{m}^2 = 4.5$ metres $> 900-1,500\text{m}^2 = 6.5$ metres $> 1,500\text{m}^2 = 10$ metres	X
Minimum front setback (secondary road)	3 metres	3.5 metres	$200-900\text{m}^2 = 2$ metres $> 900-1,500\text{m}^2 = 3$ metres $> 1,500\text{m}^2 = 5$ metres	X
Minimum side setback	Wall height < 7 metres = 0.9 metre Wall height 7 metres or more = 1.5 metres	1.2 metres	Front half of lot = 1.2 metres Rear half of lot = 45° plane projected from a height 3.6m above the boundary.	✓
Minimum rear setback	Must accommodate 80m^2 private open space per dwelling.	6 metres	Where building height is < 4.5 metres: $200-600\text{m}^2 = 3$ metres $> 600-1,500\text{m}^2 = 6$ metres $> 1,500\text{m}^2 = 15$ metres Where building height is 4.5 metres or more: $200-1,500\text{m}^2 = 10$ metres $> 1,500\text{m}^2 = 15$ metres	X
Minimum private open space	80m^2 per dwelling	50m^2 per dwelling	16m^2 per dwelling	X

Minimum width of private open space	5 metres	2.5 metres	1.5 metres	X
Minimum landscaped area	45% of the front yard.	Merit assessment	200–300m ² = 20% > 300–400m ² = 25% > 400–500m ² = 30% > 500m ² = 35%	X
Solar access requirements	Living area of each dwelling and adjoining dwellings = Minimum 3 hours between 8.00am and 4.00pm on the winter solstice.	Living area of each dwelling and adjoining dwellings = Minimum 2 hours between 9.00am and 3.00pm on the winter solstice.	Living room windows = Minimum 2 hours between 9am and 3pm on the winter solstice. For adjoining dwellings, living room windows more than 3 metres from the boundary = Minimum 2 hours between 9am and 3pm on the winter solstice.	X
Privacy requirements	Privacy requirements for windows and balconies that face onto adjoining dwellings and private open spaces.	Privacy requirements for windows and balconies that face onto adjoining dwellings and private open spaces.	Windows with sill levels less than 1.5 metres above a floor level that is more than 1 metre above ground level must be screened if they are less than 3 metres from a boundary. Balconies / terraces with an area > 3m ² must include privacy screens.	X

Facade design	Asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses.	Do not use identical facades for each dwelling – use variations in terms of plan dimensions, shape, plus height and wall alignment as well as colours and materials.	Submit design verification statement.	X
Minimum car parking provision	1 car space per dwelling with 2 or less bedrooms; or 2 car spaces per dwelling with 3 or more bedrooms.	1–2 bedroom dwelling = 1 space; 3+ bedroom dwelling = 2 spaces	1 car space per dwelling	X

(b) Manor houses and dual occupancies (attached—one dwelling over the other)

Development controls	Council's development controls for dual occupancies in the former City of Bankstown	Council's development controls for dual occupancies in the former City of Canterbury	Proposed complying development controls for manor houses and dual occupancies (attached—one dwelling over the other)	Compatibility with the prevailing character and amenity of the suburban neighbourhoods in the City of Canterbury Bankstown
Minimum lot size	Attached – 500m ² Detached – 700m ²	600m ²	600m ²	X
Minimum lot width	Attached – 15 metres Detached – 20 metres	15 metres	15 metres	X
Subdivision	Torrens or strata. Must not be a battle axe lot.	Torrens or strata. Must not be a battle axe lot.	Strata. Must not be a battle axe lot.	✓
Dwelling orientation	Both dwellings must face the street.	Each dwelling to have frontage to the street.	Each dwelling has a frontage to a primary, secondary or parallel road.	✓
Maximum floor space ratio	0.5:1	0.5:1	> 600–700m ² = 0.6:1 > 700–920m ² = 0.5:1 > 920m ² = 0.4:1	X
Maximum building height	9 metres	8.5 metres	8.5 metres	✓
Maximum wall height	7 metres	7 metres	No requirement	X
Storey limit	2 storeys plus attic	2 storeys	2 storeys plus attic	✓
Minimum front setback (primary road)	5.5 metres	6 metres	600–900m ² = 4.5 metres > 900–1,500m ² = 6.5 metres > 1,500m ² = 10 metres	X
Minimum front setback	3 metres	3.5 metres	600–1,500m ² = 3 metres > 1,500m ² = 5 metres	✓

(secondary road)				
Minimum side setback	<p>Wall height < 7 metres = 0.9 metre</p> <p>Wall height 7 metres or more = 1.5 metres</p>	1.2 metres	<p>Front half of lot = 1.5 metres</p> <p>Rear half of lot = 45° plane projected from a height 3.6m above the boundary.</p>	✓
Minimum rear setback	Must accommodate 80m ² private open space per dwelling.	6 metres	<p>Where building height is <4.5 metres: 600–1,500m² = 6 metres > 1,500m² = 15 metres</p> <p>Where building height is 4.5 metres or more: 200–1,500m² = 10 metres > 1,500m² = 15 metres</p>	X
Minimum private open space	80m ² per dwelling	50m ² per dwelling	<p>1 bedroom dwelling = 8m²</p> <p>2–3+ bedroom dwelling = 12m²</p> <p>Ground floor dwelling = 16m²</p>	X
Minimum width of private open space	5 metres	2.5 metres	2 metres	X
Minimum landscaped area	45% of the front yard.	Merit assessment	<p>600–750m² = 30%</p> <p>> 750–900m² = 35%</p> <p>> 900–1,500m² = 40%</p> <p>> 1,500m² = 45%</p>	X
Solar access requirements	Living area of each dwelling and adjoining dwellings = Minimum 3 hours between 8.00am and 4.00pm on the	Living area of each dwelling and adjoining dwellings = Minimum 2 hours between 9.00am and 3.00pm on the	Living room or private open space in 75% of dwellings = Minimum 2 hours between 9am and 3pm on the winter solstice. For adjoining dwellings,	X

	winter solstice.	winter solstice.	living room windows more than 3 metres from the boundary = Minimum 2 hours between 9am and 3pm on the winter solstice.	
Privacy requirements	Privacy requirements for windows and balconies that face onto adjoining dwellings and private open spaces.	Privacy requirements for windows and balconies that face onto adjoining dwellings and private open spaces.	Windows with sill levels less than 1.5 metres above a floor level that is more than 1 metre above ground level must be screened if they are less than 3 metres from a boundary. Balconies / terraces with an area > 3m ² must include privacy screens.	X
Minimum car parking provision	1 car space per dwelling with 2 or less bedrooms; or 2 car spaces per dwelling with 3 or more bedrooms.	1-2 bedroom dwelling = 1 space; 3+ bedroom dwelling = 2 spaces	1 car space per dwelling	X

(c) Multi dwelling housing (terraces)

Development controls	Council's development controls for multi dwelling housing in Zone R2	Proposed complying development controls for multi dwelling housing (terraces)	Compatibility with the prevailing character and amenity of the suburban neighbourhoods in the City of Canterbury Bankstown
Minimum lot size	1,200m ²	No requirement	X
Minimum lot width	20 metres	No requirement	X
Subdivision	Strata. Must not be a battle axe lot.	Torrens or strata. Must not be a battle axe lot.	X
Minimum subdivision lot size	1 dwelling per 300m ² of site area.	200m ² and 6 metre frontage.	X
Dwelling orientation	The front dwellings must face the street.	Each dwelling has a frontage to a primary, secondary or parallel road.	✓
Maximum floor space ratio	0.5:1	200–300m ² = 0.8:1 > 300–400m ² = 0.75:1 > 400–500m ² = 0.65:1 > 500m ² = 0.6:1	X
Maximum building height	9 metres for front dwellings and 6 metres for rear dwellings.	8.5 metres	✓
Maximum wall height	7 metres for front dwellings and 3 metres for rear dwellings.	No requirement	X
Storey limit	2 storeys (plus attic) for front dwellings and single storey (plus attic) for rear dwellings.	2 storeys plus attic	X
Minimum front setback (primary road)	5.5 metres	200–300m ² = 3.5 metres > 300–900m ² = 4.5 metres > 900–1,500m ² = 6.5 metres	X

		> 1,500m ² = 10 metres	
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Minimum front setback (secondary road)	4.5 metres	200–900m ² = 2 metres > 900–1,500m ² = 3 metres > 1,500m ² = 5 metres	X
Minimum side setback	5 metres (walls with windows) and 2 metres (blank walls).	Front half of lot = 1.2 metres Rear half of lot = 45° plane projected from a height 3.6m above the boundary.	X
Minimum rear setback	5 metres (walls with windows) and 2 metres (blank walls).	Building height <4.5 metres: 200–600m ² = 3 metres > 600–1,500m ² = 6 metres > 1,500m ² = 15 metres Building height 4.5 metres or more: 200–1,500m ² = 10 metres > 1,500m ² = 15 metres	X
Minimum private open space	60m ² per dwelling	16m ² per dwelling	X
Minimum width of private open space	5 metres	3 metres	X
Minimum landscaped area	Merit assessment	200–300m ² = 20% > 300–400m ² = 25% > 400–500m ² = 30% > 500m ² = 35%	✓
Solar access requirements	Living area of each dwelling and adjoining dwellings = Minimum 3 hours between 8.00am and 4.00pm on the winter solstice.	Living room windows = Minimum 2 hours between 9am and 3pm on the winter solstice. For adjoining dwellings, living room windows more than 3 metres from the boundary = Minimum 2 hours between 9am and 3pm on the winter solstice.	X

Privacy requirements	Privacy requirements for windows and balconies that face onto adjoining dwellings and private open spaces.	Windows with sill levels less than 1.5 metres above a floor level that is more than 1 metre above ground level must be screened if they are less than 3 metres from a boundary. Balconies / terraces with an area > 2m ² must include privacy screens.	X
Minimum car parking provision	1 car space per 1 bedroom dwelling; or 1.5 car spaces per 2 bedroom dwelling; or 2 car spaces per 3 or more bedroom dwelling; and 1 visitor car space per 5 dwellings.	1 car space per dwelling. Where a basement car park serves more than 10 dwellings = 1 visitor space per 5 dwellings.	X

Key Concern 2: Complying development does not take into consideration the unique characteristics and issues within the various suburbs in the City of Canterbury–Bankstown, and is not designed to customise solutions to address potential impacts.

Council has a demonstrated record of efficiently delivering medium density housing, removing existing obstacles to delivering this form of housing, and providing a variety of housing choice in areas that are zoned for medium density housing.

Firstly, Council adopted Local Area Plans to identify the best positions for medium density housing across the city, consistent with the Metropolitan Plan 'A Plan for Growing Sydney' and the Draft South District Plan. This occurred in consultation with the community, industry, state agencies and other key stakeholders. Consistent with community and market expectations, the best positions are located in areas that are well serviced by infrastructure and community facilities, and have access to good public transport. The zoning and planning control changes have been or are in the process of being incorporated in Council's LEP and DCP.

As a result, Canterbury–Bankstown Council delivered 1,853 new dwellings in 2014/15 and 1,572 new dwellings in 2015/16. Around half of the new dwellings are in the form of medium density housing.

Secondly, the Environmental Planning & Assessment Act 1979 provides an appropriate development assessment process to consider and determine medium density housing proposals, particularly within Zone R2 Low Density Residential.

The development assessment process must consider Council's LEP and DCP, which have been adopted in consultation with the community, industry, state agencies and other key stakeholders.

The development assessment process also enables Council to consider various issues that have direct implications on the siting and building design of dual occupancies and multi dwelling housing as required by the objectives and section 79C of the Environmental Planning & Assessment Act 1979. These include the likely impacts of development, the suitability of the site for the development, any submissions made during the notification period and the public interest.

Council has a demonstrated record that it can manage the development assessment process within the required 40 day period required by the Act. In the 2014/15 financial year, the median time for determining development applications was 36 days and in 2015/16, the median time for determining development applications was 35 days.

It is important for this process to continue as it enables Council to assess dual occupancies and multi dwelling housing within the local context of the suburban neighbourhoods, and to ensure these forms of development deliver better quality building designs that respond appropriately to the character of the area, landscaped setting and surrounding built form.

It is also important to customise solutions to address potential impacts resulting from medium density housing, in particular:

- Narrow streets and the cumulative impact of traffic on the local road network.
- Impact on amenity (solar access and privacy) within the development site or on neighbouring properties.
- Impact on topography and slopes.
- Impact on the foreshore scenic quality particularly adjacent to the Georges River.
- Compatibility with Council's Tree Preservation Order policy.
- Impact on the canopy and roots of trees on neighbouring properties.
- Compatibility with Council's waste collection requirements.
- Compatibility with environmental constraints such as flooding, bushfire risk, acid sulfate soils, ANEF noise contours, and OLS building height restrictions adjacent to the Bankstown Airport.
- Proximity to industrial lands, and the need for certain setbacks from industries that may have noise and air quality impacts.
- Impact if the proposal is in the vicinity of heritage items.

- Vehicle access to state and regional roads and amenity impacts (noise and air quality) from traffic.
- Impact on endangered ecological communities and biodiversity corridors within development sites and neighbouring properties.
- Contamination.
- Replacement of dividing fences.
- Impact on stormwater disposal and the requirement for downstream easements
- Impact on site cover
- Impact of excavation and geotechnical / engineering requirements.
- The staging of development and associated infrastructure in accordance with planning agreements.
- Referrals for integrated development.

The concern with the complying development process is it does not consider any of these important matters.

The complying development process also does not acknowledge community expectations for high quality design and built form outcomes, and does not apply the same rigour as the development assessment process to address urban design issues.

Key Concern 3: Private certifiers are not qualified to assess the architectural merits of medium density housing to ensure it meets community expectations, particularly in the suburban neighbourhoods of the City of Canterbury–Bankstown.

It is important to assess dual occupancies and multi dwelling housing within the local context of the suburban neighbourhoods, and to ensure these forms of development:

- Deliver better quality design for buildings that respond appropriately to the character of the area, landscaped setting and surrounding built form.
- Deliver a more diverse housing mix and choice.

Whilst some of the assessment may be in the form of numerical requirements, experience has shown a large part of the assessment is based on merit assessment, particularly when responding to community concerns raised during the notification process. This requires the skill of qualified practitioners such as architects and town planners.

The requirement for design verification statements also does not provide an adequate safeguard to ensure complying development will deliver better design outcomes (compared to the development assessment process) when assessing merit issues such as building design and amenity.

In particular, the Draft Medium Density Housing Code and Design Guide do not require a proper assessment of building design within the local context of the

suburban neighbourhoods (such as the impact of facade treatment, roof pitch and garage appearance from the street).

Experience has shown that once developers receive approval for a particular building design (particularly with dual occupancies and multi dwelling housing), they tend to duplicate the same symmetrical building design in all their projects. This does not deliver better quality design or a more diverse housing mix and choice. It is likely that complying development may encourage this poor design practice.

Key Concern 4: Complying development does not provide the community with the opportunity to comment on medium density housing proposals in the same way as development applications.

At present, the development assessment process must consider the matters under section 79C of the Environmental Planning & Assessment Act 1979. These include the likely impacts of development, the suitability of the site for the development, any submissions made in accordance with the Act, and the public interest. As part of the development assessment process, the community has 14 days to review proposals and to make formal submissions for Council to consider.

The concern with the complying development process is it does not provide the community with this opportunity to comment on medium density housing proposals, and it does not take into consideration the public interest. This is despite the potential for these proposals to be inconsistent with the existing urban fabric.

Key Concern 5: The Draft Medium Density Housing Code does not recognise Council's demonstrated record that it can fast track the supply of medium density housing via the development assessment process.

According to the Draft Medium Density Housing Code, one of the intended outcomes is to fast track housing supply. It mentions that complying development applications take less time to approve compared to development applications.

However, the Draft Medium Density Housing Code does not recognise Council's demonstrated record that it can fast track the supply of medium density housing via the development assessment process. In the 2014/2015 financial year, the median time for determining development applications was 36 days and in 2015/2016, the median time for determining development applications was 35 days.

Key Concern 6: The Draft Medium Density Housing Code does not recognise current state and local strategic planning which already delivers medium density housing in the City of Canterbury-Bankstown. The Draft Code also pre-empts the Draft District Plans prepared by the Greater Sydney Commission, in particular the requirement for councils to

prepare local housing strategies to identify the best positions for medium density housing in the city.

Council has a demonstrated record of efficiently delivering medium density housing, removing existing obstacles to delivering this form of housing, and providing a variety of housing choice in areas that are zoned for medium density housing.

Council adopted Local Area Plans to identify the best positions for medium density housing across the city, consistent with the Metropolitan Plan 'A Plan for Growing Sydney' and the Draft South District Plan. This occurred in consultation with the community, industry, state agencies and other key stakeholders. Consistent with community and market expectations, the best positions are located in areas that are well serviced by infrastructure and community facilities, and have access to good public transport. The zoning and planning control changes have been or are in the process of being incorporated in Council's LEP and DCP.

As a result, Canterbury-Bankstown Council delivered 1,853 new dwellings in 2014/15 and 1,572 new dwellings in 2015/16. Around half of the new dwellings are in the form of medium density housing.

The concern with the complying development process is it does not take into account the above matters, which are important to ensure medium density housing is compatible with the prevailing low density character and amenity of the suburban neighbourhoods in the City of Canterbury-Bankstown.

The concern with the complying development process is it also pre-empted the proposed actions under the Draft Amendment to 'A Plan for Growing Sydney' and the Draft South District Plan, which read:

Councils are in the best position to investigate opportunities for medium density in these areas, which we refer to as the 'missing middle'. Medium density housing is ideally located in transition areas between urban renewal precincts and existing suburbs, particularly around local centres and within the one to five kilometre catchment of regional transport where links for walking and cycling help promote a healthy lifestyle.

Based on Council's strategic planning, the suburban neighbourhoods are generally located outside the transition areas of centres and regional transport, and do not meet the above criteria to have intensified medium density housing such as manor houses and multi dwelling housing (terraces).

Council's housing strategies and Local Area Plans do not identify the suburban neighbourhoods (i.e. Zone R2 Low Density Residential) as appropriate locations for manor houses and multi dwelling housing (terraces).

If strategic planning is to occur in a coordinated and orderly manner in NSW, Council should first be given the opportunity to complete the above strategic planning. If Council demonstrates that it can continue to efficiently deliver

medium density housing in the city, it should also be given the opportunity to be exempt from the Draft Medium Density Housing Code (similar to the exemption granted under the former State Environmental Planning Policy No. 53, which aimed to stimulate medium density housing in targeted areas).

Medium Density Design Guide and Medium Density Housing Code

Frequently Asked Questions

October 2016



**Planning &
Environment**

Medium Density Design Guide and Medium Density Housing Code



Frequently Asked Questions

October 2016

What is the Medium Density Design Guide?

- The Department of Planning and Environment has prepared a draft Medium Density Design Guide to encourage more low rise medium density housing to be built in NSW, providing greater housing choice, more housing affordability and better quality design.
- The Design Guide provides benchmarks for designing and assessing low rise medium density housing types including:
 - Terrace style housing on small lots (attached dwellings);
 - Dual occupancies and semi-detached dwellings;
 - Multi-dwelling housing (strata titled terrace housing);
 - Multi-dwelling housing (strata titled villas and townhouses);
 - Community titled master-planned medium density developments of up to 2 storeys; and
 - Manor homes (2 storey buildings comprising 3-4 dwellings).
- It is proposed that the Design Guide will be used for both complying developments and development applications to promote good design outcomes for medium density housing types across NSW.

Why was the Design Guide prepared?

- We need more housing for NSW's growing population and also a greater variety of housing in response to an ageing population, as well as smaller household sizes to suit individual needs, preferences and budgets.
- Better quality design is also important to ensure that new low rise medium density housing is well designed, environmentally sustainable and contributes positively to the existing character of an area.
- The Discussion and Background Paper 'Options for low rise medium density housing as complying development' was publicly exhibited from 27 November 2015 to 1 March 2016. The Discussion Paper proposed the expansion of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to include low rise medium density housing as complying development. The aim is to make approvals for these housing types faster and more straightforward, providing greater housing supply and choice including more affordable housing.
- The Discussion Paper recommended the development of a Design Guide for medium density housing, similar to the Apartment Design Guide established under the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)*, to ensure good design outcomes are achieved.
- The draft Design Guide has been developed with the input of architects, councils and industry stakeholders, who were supportive of the development of a guide to promote good design outcomes for medium density housing across the state.



Planning &
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Medium Density Design Guide and Medium Density Housing Code

Frequently Asked Questions

October 2016

How will the Guide work?

- The Design Guide will be used to promote good design outcomes for medium density housing for both complying developments and development applications.
- It will improve the design of medium density housing with standards that will address design issues such as layout, landscaping and private open space, sunlight, natural ventilation and privacy.
- A two storey height limit will ensure the size and scale of development is low rise and will easily fit into established streetscapes and areas.
- Applicants will be required to provide a Design Verification Statement prepared by the building designer for all medium density complying developments, which certifies that the development meets the design criteria and key design quality principles set out in the Design Guide.
- Medium density housing will only be able to be carried out as complying development in areas that already allow medium density development under a council's local environmental plan.

Will the Design Guide be legally enforceable?

- The Design Guide will be legally enforceable for complying development and any certifier that assesses a development will also need to ensure the development standards and design principles are met.
- Proposed building and design standards include requirements for minimum setbacks, maximum building height, site coverage and landscaping. These standards take into account the topography of a property and are designed to minimise privacy and overshadowing impacts on neighbours and preserve residential amenity.
- Whilst the Design Guide will not be legally enforceable for medium density housing developments assessed as a development application, it is intended that it will be used by the council as a reference document to guide good design outcomes.
- Councils may also decide to adopt some or all of the design principles and standards within their local planning policies.



Medium Density Design Guide and Medium Density Housing Code



Frequently Asked Questions

October 2016

What is the existing State policy for complying development?

- Complying development is a fast tracked planning and building approval for straightforward development where an application can be determined by an accredited council or private certifier without the need for a development application as long as it meets specific building standards.
- The State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) commenced in 2009.
- The Codes SEPP applies across NSW and allows for certain types of development to be carried out as exempt (without approval), or complying development (projects that can be fast-tracked through the approval process).
- There are currently twelve exempt and complying development codes set out in the Codes SEPP, which include controls for a range of developments such as residential, commercial and industrial.
- The Codes SEPP currently allows new single storey and two storey dwelling houses to be approved as complying development, provided they comply 100 per cent with pre-determined development standards including maximum height, minimum setbacks and landscaping.
- The Government is aware of concerns that have been raised in relation to existing complying development policy. Those concerns are being considered as part of the current review of the Environmental Planning and Assessment Act.



Planning &
Environment

Medium Density Design Guide and Medium Density Housing Code



Frequently Asked Questions

October 2016

What is the Medium Density Housing Code?

- The new 'Medium Density Housing Code' will be inserted into the Codes SEPP. This new Code will contain the development standards that a proposal for medium density housing must meet in order to be assessed as complying development.
- The new Code will:
 - provide an efficient form of delivery for low rise medium density housing by providing a more streamlined (complying development) assessment pathway;
 - promote a variety of housing choices across NSW in areas that are already zoned for medium density housing.
- The Explanation of Intended Effect explains the development controls to be included in the new Medium Density Housing Code that a proposed medium density development will need to comply with in order to be carried out as a complying development.
- The Medium Density Housing Code is based on the design principles set out in the Design Guide to ensure greater design outcomes can be achieved.



Figure 1

Medium Density Design Guide and Medium Density Housing Code



Frequently Asked Questions

October 2016

- Figure 1 below illustrates the process for the assessment of Complying Development.

What happens next?

- At the end of the public consultation period, we will review all submissions and prepare a report which addresses the key issues raised and explains any amendments to the Code for the Minister for Planning as a result of feedback.
- Once the Minister reviews the submissions and feedback about the amendment, and a decision is made, an update will be published on the Department of Planning and Environment's website at: planspolicies.planning.nsw.gov.au
- We will also write to everyone who made a submission to provide them with an update.

How do I comment on the proposal?

- Public submissions on the draft Medium Density Design Guide and draft Medium Density Housing Code can be received up until 12th December 2016.
- You can view the draft proposal:
 - online at planning.nsw.gov.au/proposals
 - at the Department's Information Centre, Level 22, 320 Pitt Street, Sydney.
- You can make a submission by:
 - responding online at: planning.nsw.gov.au/proposals
 - emailing: codes@planning.nsw.gov.au
 - by mail to the: Director, Codes and Approval Pathways,
NSW Department of Planning
GPO Box 39, Sydney, NSW 2001
- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: planning.nsw.gov.au/privacy

Where can I find out more?

- Call our Information Centre on 1300 305 695.
- If English is not your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.



Planning &
Environment

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 6 DECEMBER 2016**

ITEM 5.4 DRAFT CANTERBURY DEVELOPMENT CONTROL PLAN 2012

(265) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the draft Canterbury Development Control Plan 2012 be adopted and made effective in accordance with the *Environmental Planning and Assessment Regulation 2000*.

ITEM 5.5 BANKSTOWN DCP 2015 (AMENDMENT NO. 6)

(266) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 6) as shown in Attachment A and B.
2. Bankstown Development Control Plan 2015 (Amendment No. 6) will come into effect on the date specified in the public notice and will apply to any development applications lodged on or after this date.

**ITEM 5.6 DRAFT MEDIUM DENSITY HOUSING CODE AND DESIGN GUIDE TO EXPAND
COMPLYING DEVELOPMENT TO INCLUDE MEDIUM DENSITY HOUSING**

(267) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council endorses the submission to the Department of Planning and Environment Draft Medium Density Housing Code and Draft Medium Density Design Guide as shown in Attachment A.

SECTION 6: REPORT OF THE GENERAL MANAGER

ITEM 6.1 STRONGER COMMUNITIES FUND

(268) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council fund 27 applications totaling \$985,326 recommended by the Assessment Panel under the SCF Community Grant Program.



Appendix 6 – Mayoral Minute

Mayoral Minutes - 24 April 2018

ITEM 4.9

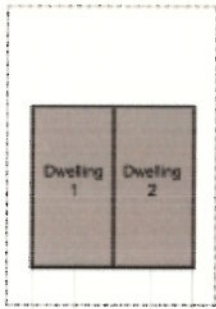
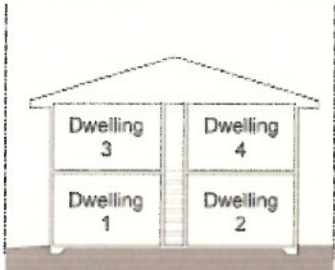
The Missing Middle - A Train Wreck of a Policy Totally Missing the Point

At the same time the Federal Member for Banks has been out there scaremongering the community and spreading mistruths about Council's Local Area Plans, the Government has released a policy that will completely railroad any chance we have to protect our low density residential areas from utter devastation and overdevelopment.

What we have seen is a slow train wreck of policies and strategies coming out of the Government which will destroy local neighbourhoods, local character, in fact all we know and love about our areas. This is not a thought bubble of the Government. The changes to the State planning policy to enable more density, with no safeguards in place, is already here and coming to a site near you.

All the talk about the importance of strategic planning, the role of district plans, how we can better plan for our local areas and the need to protect the character of our lower density areas must have fallen out of fashion. That was last month's news.

The new policy will introduce the following complying development types in our low density residential areas:

Two storey dual occupancies on 12 metre wide lots. Each dwelling only needs to provide 1 parking space and 16m ² of private open space. This represents one fifth of the current open space requirement under the current planning rules.	
Two storey manor houses, which are really residential flat buildings containing 4 units. Can build manor houses on a similar lot size as single homes. Manor houses only need to provide 1 parking space per unit.	

Two storey terrace houses with no limit to how many can be built in the one development. Each dwelling can be a minimum 7.5 metres wide and only needs to provide 1 parking space and 16m² of private open space.



In the Greater Sydney Commissions' own words included in the *Greater Sydney Region Plan* only released last month:

Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities. (Pg.61)

The Government has not even waited for the ink to dry before it has completely disregarded the Greater Sydney Commission and headed in the complete opposite direction. We have not been given any opportunity to investigate the impact or confirm the appropriateness of uncontrolled medium density development across the city. I welcome any pearls of wisdom from the Member for Banks on how this Policy will help his community and protect it from inappropriate overdevelopment.

Before more misinformation so eloquently rolls off the tongue of the Member for Banks, Council's preliminary analysis of the potential impact of the Government's most recent changes reveals:

- Early analysis indicates that there is the potential for over 80,000 new dwellings that are unplanned, will have no merit assessment, no oversight, no consultation and left in the hands of private certifiers. This is on top of the 50,000 new dwellings under the South District Plan.
- This could bring 240,000 new residents living in these properties with no new major infrastructure planned or funded to support this growth.
- These residents will bring additional vehicles on our local roads and in our residential neighbourhoods.

What is worse, private certifiers have been put in the position of being able to approve medium level density under the code, with no consultation, no regard to amenity, no regard to neighbouring views, no discussion with Council, indeed no accountability whatsoever.

Across the city we are scattered with medium density housing in the form of dual occupancy development, townhouses, terraces and villa development. This has been an important source of housing in our city and has been supported with the necessary oversight by Council. But, as the demand for housing has continued to accelerate in our area, we are now seeing the strain of this form of development. This will become uncontrollable with the introduction of the new code.

It is now time we pull the handbrake on this form of development and refocus on successfully managing growth in our centres and corridors that have established services and facilities and transport infrastructure to support them.

What has been produced by the Government will result in a nightmare for our city and feuds between families and unaccountable developers and certifiers. I will not stand for this and I know this Council and its community does not want to see this nightmare turn to reality.

In this regard, I move:

1. That the General Manager seek an urgent meeting with the Hon. Anthony Roberts (Minister for Planning) to also be attended by the Mayor and Director Planning to seek an exemption from the Codes SEPP amendments within the R2 zone and to request that our local planning controls prevail over the State Policy until the planning proposal at point 2 below has been gazetted.
2. To protect our community from future impacts from the Code:
 - (a) Council immediately and concurrently prepare a planning proposal to:
 - (i) Prohibit manor houses from the R2 Low Density Residential Zone.
 - (ii) Prohibit terraces/town house/villa development from the R2 Low Density Residential Zone.
 - (iii) Restrict dual occupancy development to current planning rules.
 - (b) Submit the planning proposal to the Greater Sydney Commission for Gateway approval.
 - (c) Delegate to the General Manager any administrative arrangements to progress the planning proposal including exhibition once a Gateway Determination has been received.
3. That the General Manager seek legal opinion on other options to address this issue.
4. That the NSW Government's policy changes and what it means for our City be widely communicated to all our residents.



Appendix 7 – Draft consolidated Canterbury Bankstown Residential Development Strategy



Appendix 7 – Draft consolidated Canterbury Bankstown Residential Development Strategy



RDS Update Report

June 2017





1. Executive Summary

The following directions provide a starting point to inform the consolidation of the former Bankstown and Canterbury City Councils' residential development strategies into a single local housing strategy:

<i>Direction 1: Continue to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population.</i>	
Action 1.1	Continue to implement the current planning framework as outlined in the former Bankstown and Canterbury City Councils' residential development strategies, namely: <ul style="list-style-type: none"> • Continue to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population. • Continue to protect the low density, landscaped character of the suburban neighbourhoods.
Action 1.2	Continue to prepare Local Area Plans to implement the local housing strategy.
Action 1.3	Implement the findings of the Canterbury Road Corridor Review.
Action 1.4	Apply criteria to decide the types of planning proposals that Council may progress whilst it prepares the Local Housing Strategy.
<i>Direction 2: Reflect the new Community Strategic Plan.</i>	
Action 2.1	Reflect the vision and priorities of the new Community Strategic Plan.



<i>Direction 3: Respond to the Draft South District Plan.</i>	
Action 3.1	<p>Review the Draft South District Plan's 20 year dwelling target (and assumptions) in collaboration with the Greater Sydney Commission, and ensure the dwelling target:</p> <ul style="list-style-type: none"> • Provides upfront infrastructure support from the State Government. • Identifies new funding mechanisms for local infrastructure (e.g. value capture), as well as support Council's request to vary the levy rate for section 94 and 94A development contributions in growth areas.
Action 3.2	<p>Review the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy in collaboration with the Department of Planning & Environment to ensure the strategy identifies the local infrastructure and funding arrangements needed to support growth.</p>
Action 3.3	<p>Review the redevelopment of the Riverwood North Estate in collaboration with the Land & Housing Corporation to ensure the project identifies the local infrastructure and funding arrangements needed to support growth.</p>
<i>Direction 4: Advocate for an exemption from the Draft Medium Density Housing Code.</i>	
Action 4.1	<p>Continue to advocate the Department of Planning & Environment to allow Council to prepare a local housing strategy that demonstrates it can continue to efficiently deliver medium density housing in the city. Once Council demonstrates that it can continue to efficiently deliver medium density housing in the city, it should be given the opportunity to be exempt from the Draft Medium Density Housing Code.</p>



<i>Direction 5: Continue to work with the Southern Sydney Regional Organisation of Councils to develop a position on housing affordability.</i>	
Action 5.1	Continue to work with the Southern Sydney Regional Organisation of Councils to develop a position on housing affordability specific to the South District and the City of Canterbury–Bankstown.
<i>Direction 6: Monitor housing outcomes.</i>	
Action 6.1	Develop a framework that consolidates the data collection processes of the former Bankstown and Canterbury City Councils if Council is to monitor and report on the delivery of the 20 year dwelling target.



2. Introduction

In 2005, the Department of Planning & Environment directed the former Bankstown and Canterbury City Councils to prepare residential development strategies to implement the State Government's urban consolidation objectives and dwelling targets (2006–31).

The former Bankstown City Council adopted the Residential Development Study in 2009 and the former Canterbury City Council adopted the Residential Development Strategy in 2012.

The main conclusions drawn then remain true today, namely:

- The former Bankstown and Canterbury City Councils continue to meet the urban consolidation objectives by providing housing choice.
- The former Bankstown and Canterbury City Councils are well-established urban areas with little surplus land for rezoning. Local redevelopment opportunities exist in centres that offer good access to public transport, shops, community facilities and open space to service the growing population.

In 2016, the Greater Sydney Commission released the Draft South District Plan to update the State Government's urban consolidation objectives and dwelling targets.

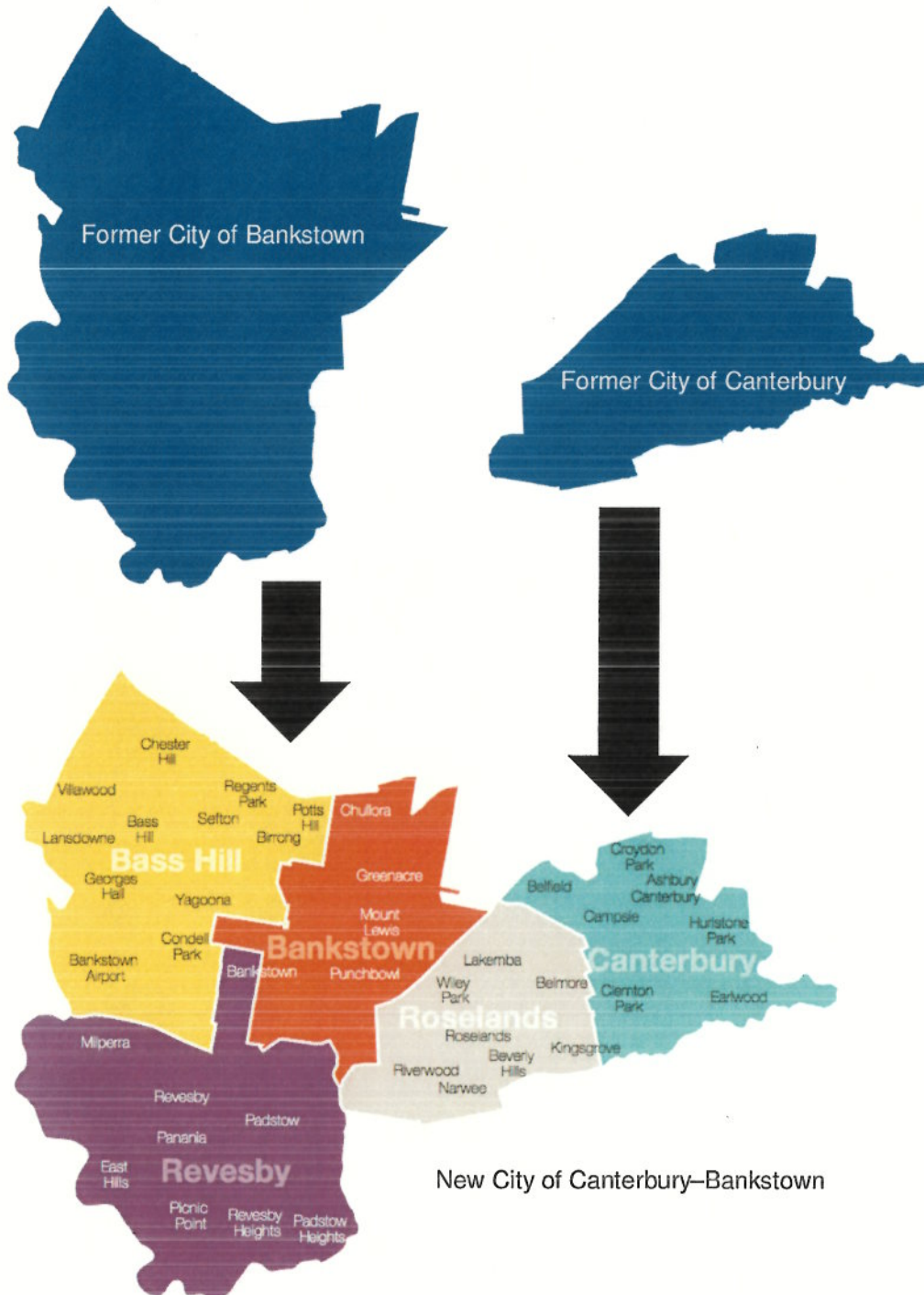
The Draft Plan will establish a 20 year dwelling target (2016–36) for the newly merged Canterbury–Bankstown Council, and will require Council to prepare a local housing strategy to action this target.

The purpose of this RDS Update Report is to provide a starting point to inform a local housing strategy for Canterbury–Bankstown Council by:

- Outlining the context of the former Bankstown and Canterbury City Councils' residential development strategies.
- Providing an update on the delivery of the former Bankstown and Canterbury City Councils' dwelling targets.
- Providing directions for the consolidation of the former Bankstown and Canterbury City Councils' residential development strategies into a single local housing strategy.



Figure 1: City of Canterbury–Bankstown.





3. Context

This section outlines the context of the former Bankstown and Canterbury City Councils' residential development strategies.

3.1 State Planning Reforms

In 2005, the Department of Planning & Environment introduced planning reform legislation to standardise the NSW planning system.

A major reform relevant to the former Bankstown and Canterbury City Councils was to prepare residential development strategies to implement the urban consolidation objectives of the Metropolitan Strategy. The Metropolitan Strategy is the State Government's blueprint for the future of Sydney, and directs all councils to accommodate a share of the projected population growth.



The Metropolitan Strategy set the following 25 year targets for the former Bankstown and Canterbury City Councils to deliver in the period 2006–2031:

	Dwelling Target	Jobs Target
Former Bankstown City Council	22,000 dwellings	8,000 jobs
Former Canterbury City Council	7,100 dwellings	500 jobs



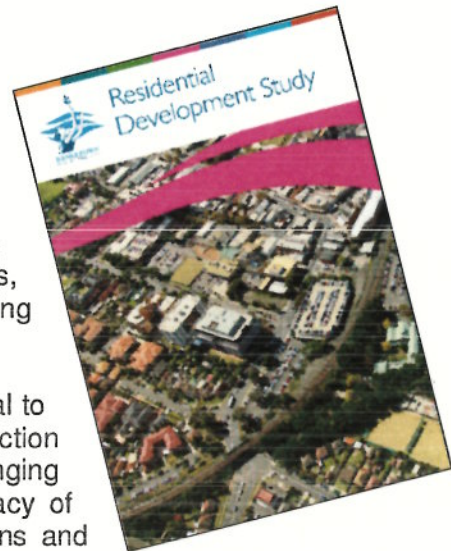
3.2 Former Bankstown City Council's Residential Development Study

Current planning framework

At the Ordinary Meeting of 13 October 2009, the former Council adopted the Residential Development Study. Figure 2 outlines the strategic directions to implement the urban consolidation objectives and dwelling target to 2031.

A key strategic direction is to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population.

As shown in Figure 3, there are 13 centres with potential to accommodate more housing based on the above selection criteria, in addition to existing urban structures, changing demographics, market trends, land availability, adequacy of infrastructure, environmental constraints, local conditions and community values.



Centre Type	Centres Hierarchy
Major Centre	Bankstown CBD
Village Centres	Chester Hill, Padstow, Revesby, Yagoona
Small Village Centres	Bass Hill, Greenacre, Panania, Punchbowl, Sefton
Neighbourhood Centres	Birrong, East Hills, Rookwood Road Precinct

The strategic directions also seek to protect the low density, landscaped character of the suburban neighbourhoods, whilst acknowledging that the long-established infill approach (dual occupancies and villas) would continue to contribute to new dwelling stock to reflect market demand.

The Department of Planning & Environment endorsed the study under the Planning Reform Funding Program.



Figure 2: Residential Development Study (2009)–Strategic Directions & Actions.

Strategic Direction: Stage the supply of housing numbers.
Action 1: Meet a dwelling target of 16,000. This action would require a review of the Residential Development Study after 2021 to meet the balance of the dwelling target to 2031.
Strategic Direction: Ensure the distribution of housing numbers enhances neighbourhood character and amenity.
Action 2: Locate 60% of the dwelling target in centres and 40% in neighbourhood areas. This may involve fine tuning the medium density housing options to include townhouses in the neighbourhood areas that surround the centres.
Strategic Direction: Ensure the distribution of housing numbers supports the opportunity to make the local shopping centres a model of sustainable renewal and redevelopment.
Action 3: Apply sustainable housing numbers to support the renewal of 13 centres: Bankstown CBD, Bass Hill, Birrong, Chester Hill, East Hills, Greenacre, Padstow, Panania, Punchbowl, Revesby, Rookwood Road Precinct, Sefton and Yagoona. This action would meet the expectation of having 60% of the dwelling target in centres.
Action 4: Prepare more detailed integrated plans to guide the sustainable renewal and redevelopment of the centres and surrounding neighbourhood areas. Whilst renewal and increased residential densities may occur in these areas over the next 25 years, this will occur at an appropriate scale and pace to enhance the character, amenity and liveability of the centres.
Action 5: The 6,000 dwellings for the 10 year period 2022 to 2031 should occur in the centres to achieve an 80:20 centres to infill ratio.
<p>Action 6: Council may consider planning proposals within centres where the objective is to allow development that has not been prioritised as part of the 2006–2021 dwelling target. The potential to progress any such proposals would depend on:</p> <ul style="list-style-type: none"> (a) consistency with the Metropolitan Strategy and the Residential Development Study; (b) ability to contribute to the dwelling target of 22,000 in the long term; and (c) relevant planning investigations and infrastructure capacity. <p>Consideration is also given to relevant rezoning processes to ensure controls and contributions plans are in place in a coordinated manner.</p>



Implementation

Since 2009, the former Council adopted Local Area Plans to implement the strategic directions and actions of the Residential Development Study as shown in Figure 4.

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

The implementation of the Local Area Plans primarily involves changes to Council's statutory planning framework and infrastructure priorities.

Together, the Local Area Plans have a potential dwelling yield of 24,267 dwellings and provide sufficient capacity to meet housing needs to 2031. Housing growth is to be staged to align with infrastructure provision and to address complex renewal issues affecting the city.

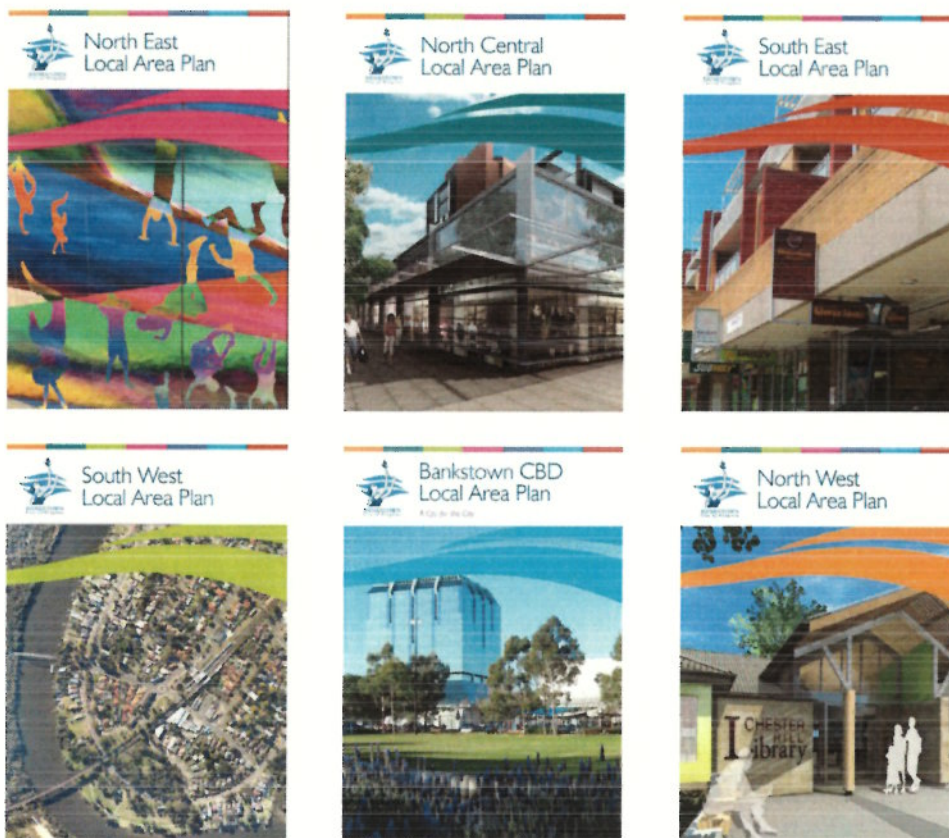




Figure 4: Snapshot of Local Area Plans.

Local Area Plan	Status	Potential net dwelling yield to 2031	
Bankstown CBD	Local Area Plan adopted 20 September 2011. LEP Amendment came into effect 24 March 2014.	Bankstown CBD (Major Centre)	3,808
North West	Local Area Plan adopted 24 September 2013. LEP Amendment came into effect 22 January 2016.	Chester Hill Village Centre	725
		Sefton Small Village Centre	164
		Bass Hill Small Village Centre	640
		Suburban Neighbourhood	834
North Central	Local Area Plan adopted 11 May 2016. LEP Amendment currently with the Department of Planning & Environment, awaiting a Gateway determination.	Yagoona Village Centre	2,792
		Birrong Neighbourhood Centre	567
		Rookwood Road Neighbourhood Centre	300
		Regents Park Urban Precinct	591
		Suburban Neighbourhood	1,385
North East	Local Area Plan adopted 11 May 2016. LEP Amendment currently with the Department of Planning & Environment, awaiting a Gateway determination.	Greenacre Small Village Centre	2,139
		Punchbowl Small Village Centre	1,770
		Suburban Neighbourhood	930
South East	Local Area Plan adopted 11 May 2016. LEP Amendment currently with the Department of Planning & Environment, awaiting a Gateway determination.	Revesby Village Centre	1,703
		Padstow Village Centre	2,737
		Suburban Neighbourhood	600
South West	Local Area Plan adopted 11 May 2016. LEP Amendment currently with the Department of Planning & Environment, awaiting a Gateway determination.	Panania Small Village Centre	1,122
		East Hills Neighbourhood Centre	960
		Suburban Neighbourhood	500
		TOTAL	24,267



3.3 Former Canterbury City Council's Residential Development Strategy

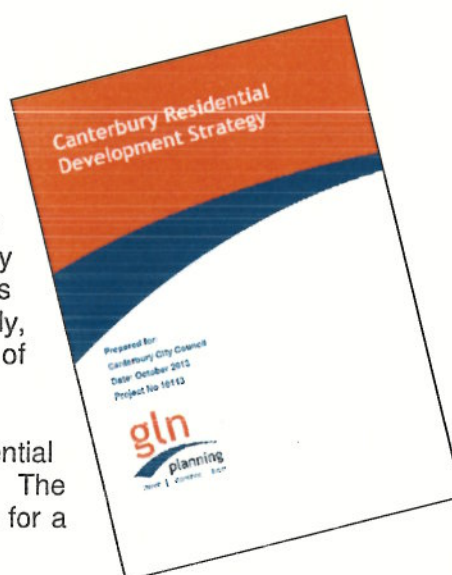
Current planning framework

At the Ordinary Meeting of 24 October 2013, the former Canterbury City Council adopted the Residential Development Strategy. Figure 5 outlines the strategic directions to implement the dwelling target to 2031.

There is a relatively clear urban structure within the former City of Canterbury that has emerged in response to market forces and reinforced by various planning controls over time.

Medium and high density housing is predominantly found along the railway corridor, north of Canterbury Road. This reflects a long history of apartments being developed in these suburbs. Conversely, houses are the predominant housing type south of Canterbury Road.

The strategy identified significant dwelling potential remaining under the current planning framework. The former City of Canterbury has a theoretical capacity for a further 28,800 dwellings.



Around three quarters of the local redevelopment opportunities are in the R3 and R4 residential zones. Other opportunities are in the centres, Riverwood North, Clemton Park Village (former Sunbeam site) and the Canterbury Road Corridor.

The strategy concludes there is no pressing need to adjust the planning controls applying to housing in the former City of Canterbury. The former city is likely to continue to provide a wide range of housing types for a range of sub-markets, well into the future.



Figure 5: Residential Development Strategy (2012)–Strategic Directions.

Strategic Directions	
1	Housing planning decisions should accord with State and metropolitan planning directions set by the State Government.
2	Ensure that the suite of zoning and other development controls support viable opportunities for a full range of housing types, sizes and tenures throughout the Canterbury LGA. There should be adequate opportunities for Tier 1 developers to provide housing product in the LGA.
3	Housing with the highest densities (i.e. shop top housing and apartments) should be located in and adjacent to centres, and within the walk catchment of major transport nodes.
4	Fine-tune planning controls to ensure that areas that are currently set aside for medium and high density housing are efficiently developed within amenity constraints.
5	Apply a consistent approach to requests to adjust the zoning or controls applying to residential development land.
6	Infrastructure contributions plans should be regularly updated to ensure the increased residential growth can be supported with the necessary infrastructure.



Implementation

Since 2012, the former Council prepared LEP Amendments to implement certain aspects of the Residential Development Strategy.

Firstly, Canterbury LEP 2012 (Amendment No. 3) proposed to upzone the following properties to Zone R4 and increase the building envelope controls to allow high density residential development:

- 436 and 446–454 Canterbury Road in Campsie.
- 591–605 Canterbury Road in Belmore.
- 754–794 Canterbury Road and 1A Trafalgar Street in Belmore.

Canterbury Local Environmental Plan 2012 (Amendment No. 3) came into effect on 11 April 2014.

Secondly, Canterbury LEP 2012 (Amendment No. 6) proposed to upzone the following properties to Zone R4 and increase the building envelope controls to allow high density residential development:

- 53A Benaroon Road, 92 Knox Street, 60 and 67 Lucerne Street and 61 and 65 Yangoora Road in Belmore.
- 1–9 Alfred Street and part of 2–12 Harp Street in Campsie.
- 1 Assets Street and 26–30 Campsie Street in Campsie.
- 134–140 Brighton Avenue in Campsie.
- 56 Graham Road in Narwee.
- 131–133 Victoria Road in Punchbowl.

This LEP Amendment also proposed to upzone 28–42 Josephine Street in Riverwood to Zone R3, and to allow an increased building height at 2–16 Sixth Avenue in Campsie provided the site achieved a certain lot size.

Canterbury Local Environmental Plan 2012 (Amendment No. 6) came into effect on 5 March 2015.



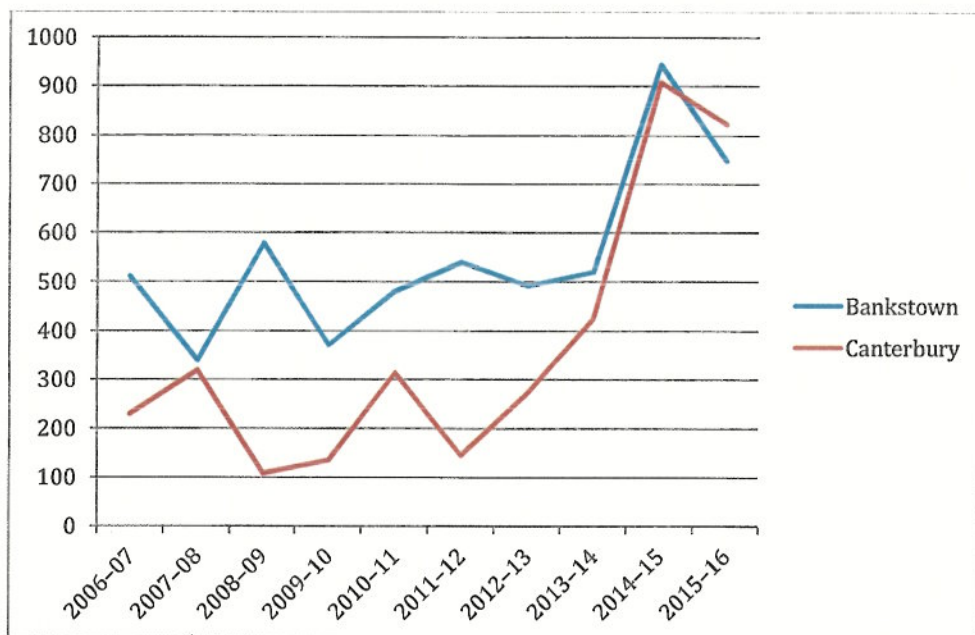
4. Delivery

This section provides an update on the delivery of the former Bankstown and Canterbury City Councils' dwelling targets.

4.1 The dwelling stock is on the rise

The former Councils are meeting the State Government's urban consolidation objectives and dwelling targets by delivering a combined total of 9,219 dwellings since 2006.

Figure 6: Net dwelling completions (2006–16).



(Source: Metropolitan Development Program, Department of Planning & Environment)



In relation to the former City of Bankstown, the net dwelling stock increased by 5,533 dwellings (2006–16).

The development rate is generally consistent with the assumptions underlying the Residential Development Study, and would suggest that developers are finding development opportunities under the current planning controls. The increase in 2014 reflects the close alignment of the apartment market with the boom–bust investment cycle.

In relation to the former City of Canterbury, the net dwelling stock increased by 3,686 dwellings (2006–16).

The development rate increased in 2014 due to a combination of factors, namely:

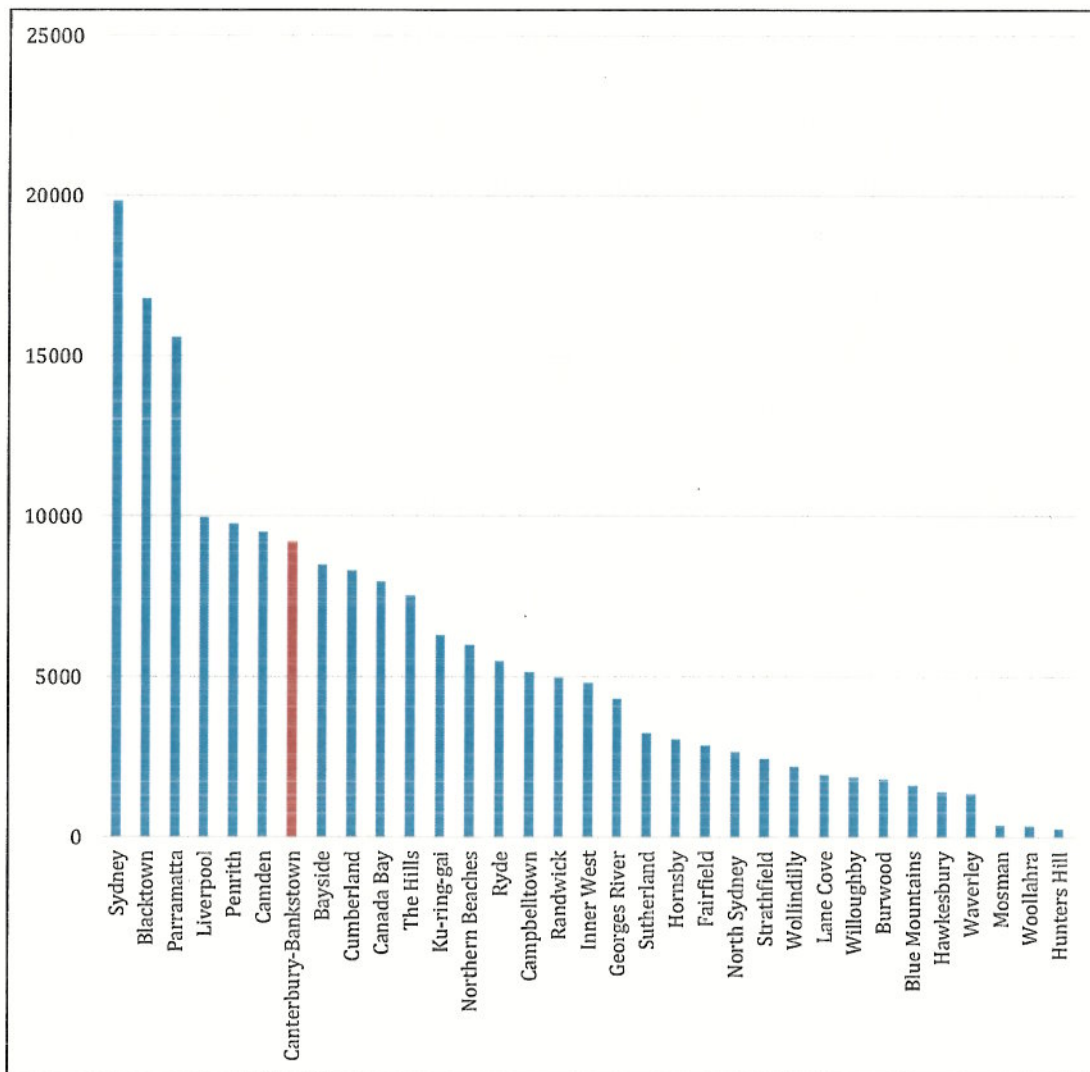
- Pent up housing demand after a period of low dwelling growth in Sydney.
- The eastern part of the former City of Canterbury tapping into the inner west market and emerging as a sought after place to live.
- The commencement of construction activity following the gazettal of LEP Amendments for the Canterbury Town Centre in 2010, and the gazettal of LEP Amendments for certain development sites in 2014–15.
- The commencement of construction activity following the adoption of the Town Centres DCP in 2010, which increased building heights in centres.
- Two Part 3A approvals for shop top housing and apartments in Clemton Park Village (former Sunbeam site) and Riverwood North.
- Approvals granted under SEPP (Affordable Rental Housing) 2009, which facilitates infill affordable housing and secondary dwellings.
- The commencement of construction activity along the Canterbury Road Corridor.



4.2 The former Bankstown and Canterbury City Councils are experiencing high growth compared to the rest of Sydney

As shown in Figures 7 and 8, the former Councils recorded the 7th highest dwelling increase compared to the 33 councils that make up the Greater Sydney Region. This is a substantial contribution to Sydney's dwelling stock compared to most established councils.

Figure 7: Net dwelling completions (2006–16) in the Greater Sydney Region.



(Source: Metropolitan Development Program, Department of Planning & Environment)



Figure 8: Net dwelling completions (2006–16) in the Greater Sydney Region.

Top 10 councils	Net dwelling completions (2006–16)
Sydney	19,828
Blacktown	16,792
Parramatta	15,591
Liverpool	9,975
Penrith	9,780
Camden	9,522
Canterbury–Bankstown	9,219
Bayside	8,510
Cumberland	8,316
Canada Bay	7,979

(Source: Metropolitan Development Program, Department of Planning & Environment)

The Draft South District Plan predicts Council will move up to record the 4th highest dwelling increase in the next 5 years as shown in Figure 9.

This increase is a 'business as usual' scenario based on current planning controls i.e. a combination of actual constructions and an assumption that development applications either approved or currently under assessment will be constructed sometime in the next 5 years. Construction activity along the Canterbury Road Corridor is a primary contributor to the supply figure.

Figure 9: Predicted net dwelling completions (2016–21) in the Greater Sydney Region.

Top 5 councils	Predicted net dwelling completions (2016–21)
Parramatta	21,650
Sydney	18,300
Blacktown	13,950
Canterbury–Bankstown	13,250
Camden	11,800

(Source: Draft South District Plan, Greater Sydney Commission)



4.3 Housing choice is on the rise

Former City of Bankstown

Since 2006, the net dwelling stock increased by 1,834 dwellings in the centres and 3,699 in the suburban neighbourhoods as shown in Figure 10.

For the purposes of the Department of Planning & Environment's Metropolitan Development Program which collates the data, centres are defined as an 800 metre walkable catchment from a railway station and a 400 metre catchment from a bus node.

There is ongoing strong market demand for houses and dual occupancies in the suburban neighbourhoods. In the past 10 years, houses and dual occupancies represented 40% of all new dwellings built and one third of all development application approvals. The introduction of SEPP (Affordable Rental Housing) 2009 reinforced this trend.

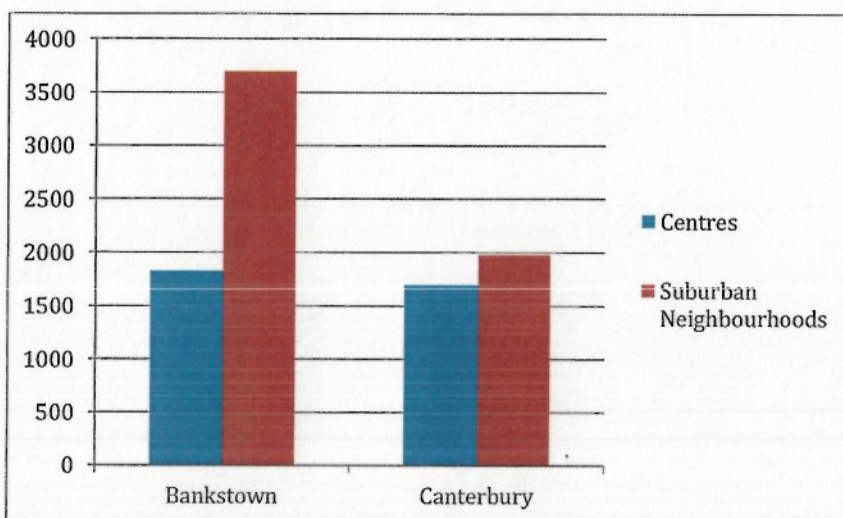
The development rate for houses and dual occupancies is also generally consistent over the years, whilst the development rate for shop top housing and apartments tends to fluctuate and is closely aligned with the boom–bust investment cycle.

In future, the implementation of the Local Area Plans is likely to see shop top housing and apartments in the centres increase as a proportion of new dwellings entering the market. This is exemplified by the recent implementation of the Bankstown CBD and North West Local Area Plans:

Local Area Plan	Implementation status	Number of dwellings
Bankstown CBD	Since 2014, 49 DAs (shop top housing and apartments) approved.	2,860
	7 DAs (shop top housing and apartments) under assessment.	367
	Planning proposal and DA for Compass Centre site on exhibition.	471
North West	Since 2016, 9 DAs (shop top housing and apartments) approved.	200
	6 DAs (shop top housing and apartments) under assessment.	318

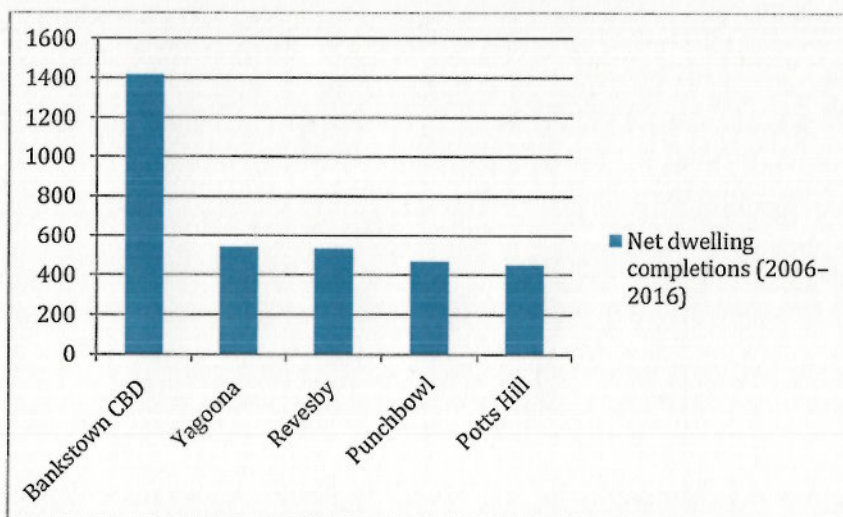


Figure 10: Net dwelling completions (2006–16) by location.



(Source: Metropolitan Development Program, Department of Planning & Environment)

Figure 11: Net dwelling completions (2006–16) by top 5 suburbs.



(Source: Metropolitan Development Program, Department of Planning & Environment)

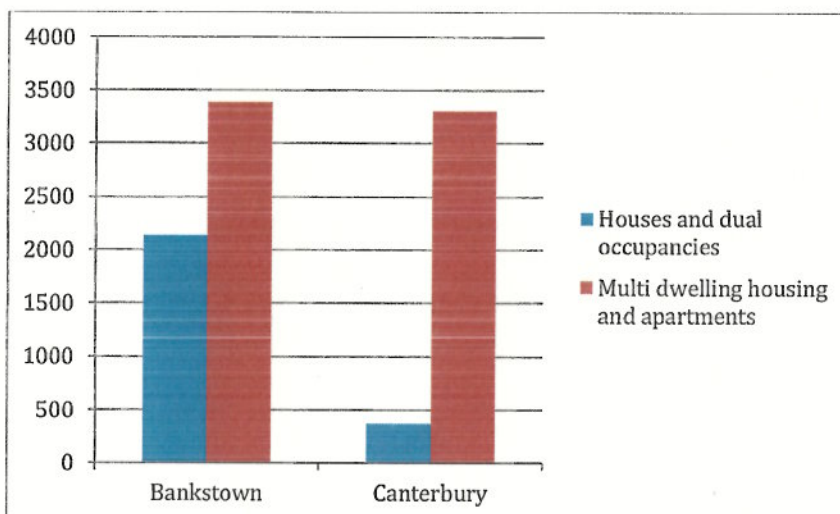


Former City of Canterbury

Since 2006, the net dwelling stock increased by 1,702 dwellings in the centres and 1,984 in the suburban neighbourhoods. The suburban neighbourhoods includes sections of the Canterbury Road Corridor.

Whilst shop top housing and apartments represent 90% of all new dwellings built (as shown in Figure 12), a significant proportion has occurred in the suburban neighbourhoods. Construction activity along the Canterbury Road Corridor is a primary contributor to the supply figure.

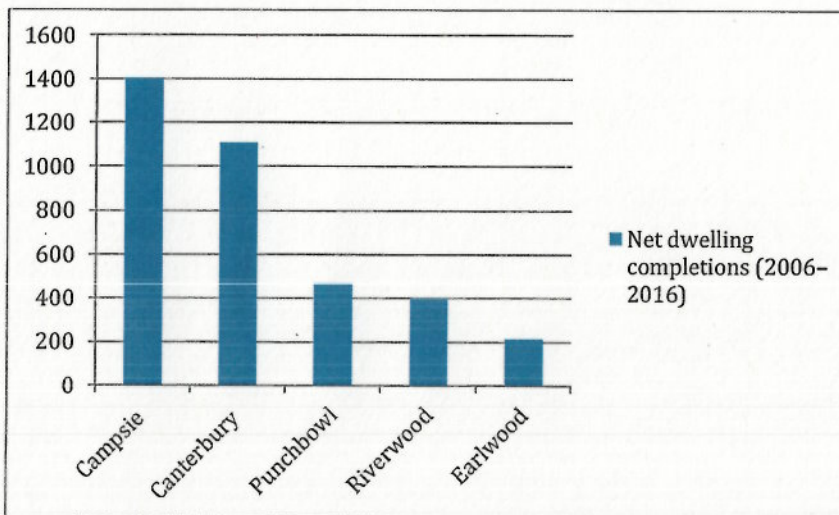
Figure 12: Net dwelling completions (2006–16) by housing types.



(Source: Metropolitan Development Program, Department of Planning & Environment)



Figure 13: Net dwelling completions (2006–16) by top 5 suburbs.

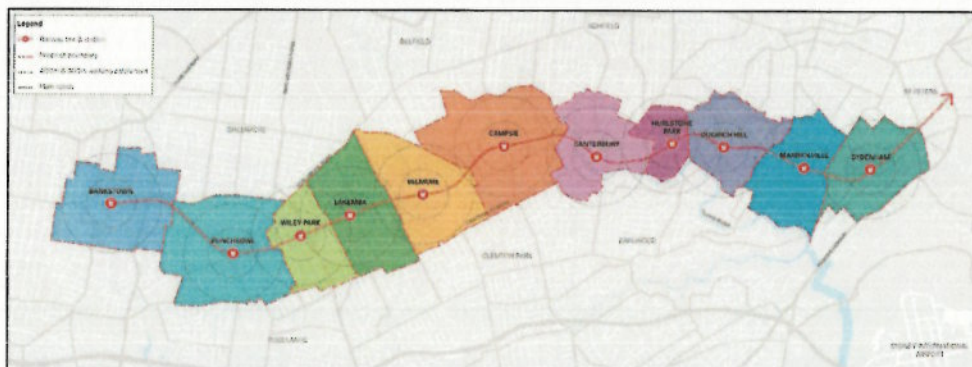


(Source: Metropolitan Development Program, Department of Planning & Environment)

In future, the Department of Planning & Environment's Draft Sydenham to Bankstown Urban Renewal Corridor Strategy is likely to see further increases in the number of shop top housing and apartments in the centres as a proportion of new dwellings entering the market.

As shown in Figure 14, approximately 36,000 additional dwellings could be built within the corridor by 2036. The majority of new housing will be within a 400 metre radius of the metro stations. However, the projected net dwelling yield may change as the draft strategy remains a work in progress.

Figure 14: The Sydenham to Bankstown Urban Renewal Corridor.



(Source: Draft Sydenham to Bankstown Urban Renewal Corridor Strategy, 2015)



5. Directions for the Local Housing Strategy

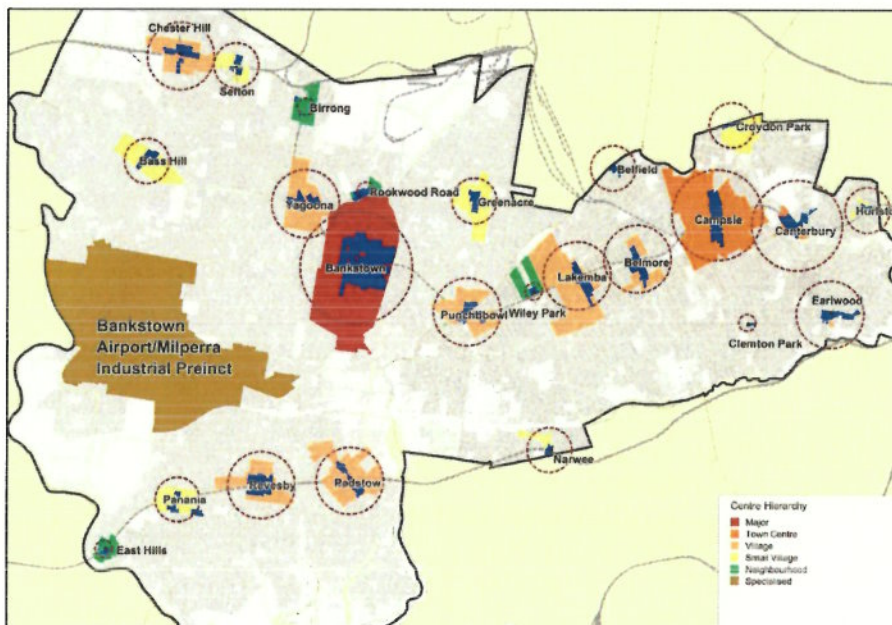
The following directions provide a starting point to inform the consolidation of the former Bankstown and Canterbury City Councils' residential development strategies into a single local housing strategy:

DIRECTION 1: Continue to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population.

The consolidation of the former Bankstown and Canterbury City Councils' residential development strategies into a single local housing strategy should continue to implement the current planning framework, namely:

- Continue to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population as shown in Figure 15.
- Continue to protect the low density, landscaped character of the suburban neighbourhoods.

Figure 15: Centres hierarchy of the former Bankstown and Canterbury City Councils.





Locating a greater proportion of residents closer to public transport and services will make the centres more liveable and attractive places as it achieves the following sustainability principles derived from Government and Local Council policies:

- It makes it easier for residents to go about their daily activities by making more activities available in the one location.
- It promotes healthier communities by giving more residents the option of taking public transport, walking and cycling.
- It connects people to jobs and services.
- It leverages current and future infrastructure provision.
- It avoids increased densities in out-of-centre locations (i.e. suburban neighbourhoods) and reduces dependence on cars.

In relation to the delivery of housing choice, the current planning framework provides sufficient capacity to meet housing needs to 2036. A substantial amount of work and investment has occurred to implement the current planning framework, with ongoing implementation via the Local Area Plans, the Canterbury Road Corridor Review, and the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy.

There is no pressing need to identify any new investigation (growth) areas to meet the dwelling targets or to accelerate housing supply.

To ensure the delivery of housing supply continues in a coordinated and orderly manner, the types of planning proposals that Council may progress whilst it prepares the Local Housing Strategy must comply with the following criteria:

1. Proposals within the Sydenham to Bankstown Urban Renewal Corridor

In accordance with the Council resolutions of 26 July 2016 and 18 April 2017, Council will defer planning proposals relying on the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy for justification, until the Strategy is finalised.

Once the strategy is finalised and a clear policy direction is endorsed, any requests for the preparation of planning proposals must address the desired future character of not just the site but also the block and the neighbourhood. In some cases, this may mean applying planning proposals beyond land owned by the applicant so that the broader vision for the area can be achieved.



This approach is consistent with the Department of Planning and Environment's *Apartment Design Guide*, which refers to the need for proposals to consider the 'neighbourhood scale', and the principles of State Environmental Planning Policy No. 65.

2. Proposals within the Canterbury Road Corridor

In accordance with the Council resolution of 22 November 2016, Council will defer planning proposals until the Canterbury Road Corridor Review is finalised and a clear policy direction is endorsed.

3. Proposals within the remaining areas of the City of Canterbury-Bankstown

Council may progress planning proposals that comply with the following:

- the proposal is consistent with the Department of Planning & Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*; and
- the proposal is consistent with the Local Area Plans; and
- the proposal is consistent with the established character of the surrounding residential zone, and enables the impacts to be managed appropriately; and
- the proposal integrates effectively with the topography of the site and fully responds to any flood risks, land contamination, acid sulfate soils, bush fire risks, ecologically endangered communities or other environmental constraints that affect the site; and
- there is appropriate access and infrastructure (and associated funding mechanism) to accommodate the proposal.

It is unlikely Council will progress planning proposals that do not comply with the above criteria.



Action 1.1	Continue to implement the current planning framework as outlined in the former Bankstown and Canterbury City Councils' residential development strategies, namely: <ul style="list-style-type: none"> • Continue to focus housing growth in centres that offer good access to public transport, shops, community facilities and open space to service the growing population. • Continue to protect the low density, landscaped character of the suburban neighbourhoods.
Action 1.2	Continue to prepare Local Area Plans to implement the local housing strategy.
Action 1.3	Implement the findings of the Canterbury Road Corridor Review.
Action 1.4	Apply criteria to decide the types of planning proposals that Council may progress whilst it prepares the Local Housing Strategy.

DIRECTION 2: Reflect the new Community Strategic Plan.

In May 2016, the State Government merged the former Bankstown and Canterbury City Councils to form Canterbury–Bankstown Council, now the largest Council in NSW with 360,000 residents.

It would be timely for the local housing strategy to reflect the vision and priorities of Council's new Community Strategic Plan, scheduled to be adopted in 2018.

Action 2.1	Reflect the vision and priorities of the new Community Strategic Plan.
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DIRECTION 3: Respond to the Draft South District Plan.

In 2016, the Greater Sydney Commission released the Draft South District Plan to update the State Government's urban consolidation objectives and dwelling targets.

The Draft South District Plan will establish a 20 year dwelling target for the newly merged Canterbury–Bankstown Council, and will require Council to prepare a local housing strategy to action this dwelling target.

To inform the local housing strategy, the Draft South District Plan (Action L3) will require Council to implement the following actions:

- Monitor and support the delivery of Council's 5 year target of 13,250 dwellings recognising significant growth from both infill development and the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy currently under investigation.
- Work with the Land & Housing Corporation to progress the redevelopment of the Riverwood North Estate.

In June 2017, the Department of Planning & Environment announced Riverwood as a new priority precinct. The State Government's investment in the redevelopment of the Riverwood North Estate will be a catalyst for the renewal of the Riverwood station precinct.

- Investigate local opportunities with a particular focus on the Sydenham to Bankstown Urban Renewal Corridor and other areas with high accessibility.

In June 2017, the Department of Planning & Environment announced Belmore, Campsie, Canterbury and Lakemba as new priority precincts. Concurrently with releasing a revised strategy for the Sydenham to Bankstown Urban Renewal Corridor, the Department will identify areas within the centres to prioritise for more detailed planning.

However, this proposal by the Draft South District Plan to increase housing capacity, on top of Council's current planning framework, would require both significant upfront infrastructure support from the State Government and a review of the economic levers that influence both the housing market and land costs.





It is important for the Greater Sydney Commission to provide more detailed guidance if Council is to start preparing a local housing strategy that ensures upfront infrastructure support from the State Government.

Action 3.1	<p>Review the Draft South District Plan's 20 year dwelling target (and assumptions) in collaboration with the Greater Sydney Commission, and ensure the dwelling target:</p> <ul style="list-style-type: none">• Provides upfront infrastructure support from the State Government.• Identifies new funding mechanisms for local infrastructure (e.g. value capture), as well as support Council's request to vary the levy rate for section 94 and 94A development contributions in growth areas.
Action 3.2	<p>Review the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy in collaboration with the Department of Planning & Environment to ensure the strategy identifies the local infrastructure and funding arrangements needed to support growth.</p>
Action 3.3	<p>Review the redevelopment of the Riverwood North Estate in collaboration with the Land & Housing Corporation to ensure the project identifies the local infrastructure and funding arrangements needed to support growth.</p>



DIRECTION 4: Advocate for an exemption from the Draft Medium Density Housing Code.

Separate to district planning, the Department of Planning & Environment applies state environmental planning policies to accelerate housing supply.

For example during the 1990s, the Department pursued a more rigorous approach to urban consolidation by introducing State Environmental Planning Policy No. 53—Metropolitan Residential Development. Dual occupancies and villas in the suburban neighbourhoods increased as a result.

This was followed by State Environmental Planning Policy (Affordable Rental Housing) 2009, which facilitates infill affordable housing, boarding houses and secondary dwellings in the suburban neighbourhoods.

Today, the Department is proposing to introduce the Medium Density Housing Code. The intended outcome is to expand complying development to include medium density housing such as dual occupancies, manor houses and multi dwelling housing (terraces). This proposal has the potential to significantly impact on the character and amenity of the suburban neighbourhoods.

Council's position is it does not support the proposal to expand complying development to include medium density housing.

If strategic planning is to occur in a coordinated and orderly manner, Council should first be given the opportunity to complete the local housing strategy. Once Council demonstrates that it can continue to efficiently deliver medium density housing in the city, it should be given the opportunity to be exempt from the Draft Medium Density Housing Code (similar to the exemption granted under the former SEPP 53, which aimed to stimulate medium density housing in targeted areas).

Action 4.1	Continue to advocate the Department of Planning & Environment to allow Council to prepare a local housing strategy that demonstrates it can continue to efficiently deliver medium density housing in the city.
	Once Council demonstrates that it can continue to efficiently deliver medium density housing in the city, it should be given the opportunity to be exempt from the Draft Medium Density Housing Code.



DIRECTION 5: Continue to work with the Southern Sydney Regional Organisation of Councils to develop a position on housing affordability.

Housing affordability is a broad term that is used to describe the challenges people across a range of income groups experience in finding affordable accommodation to rent or own.

According to the Greater Sydney Commission, housing affordability is key challenge for Sydney. This challenge is particularly acute in established areas undergoing urban renewal. For this reason, the Draft South District Plan identifies a range of measures to improve affordability. These include increasing housing supply and diversity, and introducing an Affordable Rental Housing Target.

The State Government also recently announced a NSW Housing Affordability Reforms Package, with a goal of 61,000 completions statewide annually for the next 5 years. The package includes first home buyer subsidies, infrastructure funding, and planning changes to fast track housing supply.

The issue is that fixing housing affordability in Sydney is not simply a matter of increasing housing supply. Despite State Government announcements that dwelling approvals and completions in Sydney are currently at their highest level in 16 years, there remains an affordability issue.

The Southern Sydney Regional Organisation of Councils is currently developing a position on housing affordability specific to the South District. Council should continue to work with SSROC to improve housing affordability.

Action 5.1	Continue to work with the Southern Sydney Regional Organisation of Councils to develop a position on housing affordability specific to the South District and the City of Canterbury–Bankstown.
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DIRECTION 6: Monitor housing outcomes.

The Greater Sydney Commission will require Council to monitor and report on the delivery of the 20 year dwelling target once the Draft South District Plan is made.

In the short term, Council will need to develop a framework that consolidates the data collection processes of the former Bankstown and Canterbury City Councils to keep track of development application approvals, complying development certificate approvals, number of dwellings approved, and number of dwellings constructed.

Action 6.1	Develop a framework that consolidates the data collection processes of the former Bankstown and Canterbury City Councils if Council is to monitor and report on the delivery of the 20 year dwelling target.
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