



Planning Proposal

Bankstown Local Environmental Plan 2015 (Housekeeping Amendments)





Part 1–Intended Outcomes

This planning proposal applies to the former City of Bankstown.

The intended outcome is to implement certain housekeeping amendments following a periodic review of Bankstown Local Environmental Plan 2015.

Part 2–Explanation of Provisions

To achieve the intended outcome, it is proposed to make the following amendments to Bankstown Local Environmental Plan 2015:

- **Land Use Table:** Permit home businesses in the following zones: Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential and Zone B1 Neighbourhood Centre.
- **Clause 4.1 (Minimum subdivision lot size):** Insert an objective to ensure that lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential.
- **Clause 4.1A (Minimum lot sizes and special provisions for dual occupancies):** Amend clause 4.1A(1)(a) to ensure that lot sizes and dimensions are able to accommodate development that is consistent with the objectives and planning provisions for dual occupancies.
- **Schedule 2:** Delete ‘Subdivision (dual occupancies–Torrens Title and Strata)’ from the schedule.



Part 3–Justification

Section A–Need for the planning proposal for the proposed rezoning

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

This planning proposal is the result of a periodic review of Bankstown Local Environmental Plan 2015 as reported to the Ordinary Meeting of 25 July 2017.

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

This planning proposal is the best means of achieving the intended outcome for the following reasons:

Proposed Amendments	Reasons
Land Use Table: Permit home businesses in the following zones: Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential and Zone B1 Neighbourhood Centre.	At the time that Council exhibited the Draft LEP, the Land Use Table listed home businesses as permitted with consent in the following zones: Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential and Zone B1 Neighbourhood Centre. However, the Department of Planning & Environment required Council to remove home businesses from the Land Use Table prior to gazettal. The Department considered that home businesses could be carried out as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Of concern is the increasing number of cases where proposed home businesses cannot comply with the SEPP. Residents do not have the option of lodging a development application given that home businesses are not listed in the Land Use Table for certain zones. Should this issue continue, it would be inconsistent with the aims of the LEP (clause 1.2), in particular the aim to provide a range of business opportunities to encourage local employment. To address this issue, the periodic review identifies the need to reinstate home businesses in the Land Use Table for certain zones.



Clause 4.1 (Minimum subdivision lot size): Insert an objective to ensure that lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential.	An aim of the LEP (clause 1.2) is to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas. The periodic review identifies the need to supplement the objectives of clause 4.1 to ensure subdivision proposals are consistent with the above aim and deliver high quality design outcomes. This is particularly important in Zone R2, where the intended outcome is to maintain the prevailing low density character and subdivision pattern of the suburban neighbourhoods.
Clause 4.1A (Minimum lot sizes and special provisions for dual occupancies): Amend clause 4.1A(1)(a) to ensure that lot sizes and dimensions are able to accommodate development that is consistent with the objectives and planning provisions for dual occupancies.	An aim of the LEP (clause 1.2) is to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas. The periodic review identifies the need to amend the objective under clause 4.1A(1)(a) by adding the word 'dimensions'. This amendment better reflects the need for dual occupancies to address both the minimum site area and lot width requirements if this development type is to be consistent with the above aim.
Schedule 2: Delete 'Subdivision (dual occupancies–Torrens Title and Strata)' from the schedule.	The former Bankstown City Council permitted the subdivision of dual occupancies (Torrens Title and Strata) as exempt development. The intended outcome was to allow the subdivision of older style dual occupancies built during the 1990s in the former City of Bankstown. However, this type of exempt development is no longer relevant as Council no longer receives subdivision certificate applications to formalise the subdivision of older style dual occupancies built during this period. To address this issue, the periodic review identifies the need to delete 'Subdivision (dual occupancies–Torrens Title and Strata)' from Schedule 2. For future dual occupancies, it is important to consider any proposed subdivision as part of the development application process. This will ensure the proposed lot sizes are consistent with the objectives and planning provisions for dual occupancies.



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)?

3.1 Metropolitan Plan ‘A Plan for Growing Sydney’

This planning proposal is consistent with the directions and actions of the Metropolitan Plan, ‘A Plan for Growing Sydney’, namely Direction 1.4 (Transform the productivity of Western Sydney through growth and investment).

The intended outcome of Direction 1.4 is to improve the mix of job opportunities in Western Sydney. Western Sydney will require new jobs closer to homes to meet the needs of current and future populations and to reduce commuting times. The proposal to permit home businesses in certain zones (with consent) is consistent with this direction.

3.2 Draft Amendment to the Metropolitan Plan (Towards our Greater Sydney 2056)

This planning proposal is consistent with the Draft Amendment to the Metropolitan Plan, released for public comment in November 2016.

3.3 Draft South District Plan

This planning proposal is consistent with the Greater Sydney Commission’s Draft South District Plan, released for public comment in November 2016. In particular, the proposal is consistent with the following priorities and actions:

Section 3.1.1–Access to jobs

According to this section, we must support the growth of jobs locally. The proposal to permit home businesses in certain zones (with consent) is consistent with this section.

Productivity Priority 9–Deliver housing diversity

According to this priority, Council should align local planning controls to provide housing diversity that is relevant to the needs of the existing and future local housing market, and deliver high quality design outcomes. The proposal to supplement the objectives and planning provisions for subdivision proposals and dual occupancies is consistent with this priority as it informs high quality design outcomes.



4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

4.1 Bankstown Community Plan 2023

This planning proposal is consistent with the Bankstown Community Plan 2023, namely the vision which is to have 'a thriving centre of Greater Sydney. We enjoy the services and facilities of a prosperous, growing city with lively neighbourhoods and a proud history. Our diverse population live and work together in harmony. Bankstown is a modern, active community with quality transport infrastructure, clean waterways, pristine bushland and great community spaces and parks'.

Term Achievement 2 will achieve this vision by having a leading local planning framework that effectively manages development in the city. The proposal to supplement the objectives and planning provisions for subdivision proposals and dual occupancies is consistent with this term achievement as it supports the local planning framework.

4.2 Bankstown Employment Lands Development Study

This planning proposal is consistent with the Employment Lands Development Study, which Council adopted at the Ordinary Meeting of 22 September 2009. In particular, the proposal to permit home businesses in certain zones (with consent) is consistent with section 3.4.1 which highlights the benefits of residential renewal and the ability for residents to look for employment opportunities closer to home.

5. Is the planning proposal consistent with applicable state environment planning policies?

This planning proposal is consistent with applicable state environmental planning policies as shown in Attachment A.

6. Is the planning proposal consistent with applicable Ministerial (117) directions?

This planning proposal is consistent with applicable Ministerial (117) directions as shown in Attachment B.



Section C–Environmental, social and economic impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

This planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

There are no other likely environmental effects as a result of this planning proposal.

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

In relation to social and economic effects, this planning proposal is consistent with the Greater Sydney Commission's Draft South District Plan, released for public comment in November 2016 (see Section B(3) of this planning proposal for details).

Section D–State and Commonwealth interest

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

There is adequate public infrastructure to support this planning proposal.

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

An update to this section of the planning proposal will occur following consultation with the State and Commonwealth public authorities following the Gateway determination.



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 likely to take 28 days and would comprise:

- Advertisements in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building (Bankstown Branch) and corporate website.

Part 6–Project Timeline

Dates	Project timeline
October 2017	Issue of gateway determination.
February 2018	Exhibit planning proposal.
April 2018	Report to Council following the exhibition.
May 2018	Submit planning proposal to the Department of Planning & Environment for determination.



ATTACHMENT A–State Environmental Planning Policies

SEPPs (as at August 2017)		Applicable	Consistent
1	Development Standards	Yes	Yes
14	Coastal Wetlands	No	N/A
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
26	Littoral Rainforests	No	N/A
30	Intensive Agriculture	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams & Other Works in Land & Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	Yes
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	No	N/A
71	Coastal Protection	No	N/A
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	Yes	Yes



SEPPs (as at August 2017)		Applicable	Consistent
	(Integration and Repeals) 2016	No	N/A
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
	(Miscellaneous Consent Provisions) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Rural Lands) 2008	No	N/A
	(State & Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes
	Sydney REP (Sydney Harbour Catchment) 2005	Yes	Yes
	Draft (Coastal Management) 2016	Yes	Yes



ATTACHMENT B–Ministerial (117) Directions

Direction & Issue Date		Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones [14/04/16]	Yes	Yes
1.2	Rural Zones [14/04/16]	Yes	Yes
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [01/07/09]	No	N/A
Environment and Heritage			
2.1	Environment Protection Zones [14/04/16]	Yes	Yes
2.2	Coastal Protection [14/04/16]	No	N/A
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [14/04/16]	Yes	Yes
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones [14/04/16]	Yes	Yes
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	Yes	Yes
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use and Transport [14/04/16]	Yes	Yes
3.5	Development Near Licensed Aerodromes [14/04/16]	Yes	Yes
3.6	Shooting Ranges [16/02/11]	No	N/A
Hazard and Risk			
4.1	Acid Sulfate Soils [01/07/09]	Yes	Yes



4.2	Mine Subsidence and Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	Yes
4.4	Planning for Bushfire Protection [01/07/09]	Yes	Yes
Regional Planning			
5.1	Implementation of Regional Strategies [01/05/17]	No	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked]	No	N/A
5.6	Sydney to Canberra Corridor [Revoked]	No	N/A
5.7	Central Coast [Revoked]	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [14/04/16]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	Yes	Yes
Local Plan Making			
6.1	Approval and Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	Yes	Yes
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [19/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan [15/05/17]	No	N/A