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Canterbury Bankstown Consolidated Local
Environmental Plan 2023

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Acknowledgment of Country

The Department of Planning and Environment (the Department) acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1.1.3 Purpose of plan

The objectives and intended outcomes of the draft LEP are to:

1. Combine and harmonise *Bankstown Local Environmental Plan 2015* (BLEP 2015) and *Canterbury Local Environmental Plan 2012* (CLEP 2012) into a Consolidated Local Environmental Plan to produce a single set of planning provisions for the unified Canterbury Bankstown Local Government Area; and
2. Implement key actions of current land use strategies by:
 - a) strengthening the function of Yagoona, Revesby and Padstow as local centres and enabling the future redevelopment of land within a reasonable walking distance of a railway station for shop top housing, residential flat buildings and multi dwelling housing.
 - b) strengthening the function of Greenacre as a local centre and enabling the future redevelopment of land within a reasonable walking distance of the commercial main street for shop top housing, residential flat buildings and multi dwelling housing.
 - c) strengthening the function of Birrong, East Hills, Panania and Regents Park as Small Village Centres and enabling the future redevelopment of land within a reasonable walking distance of a railway station for shop top housing, residential flat buildings and multi dwelling housing.
 - d) retaining and managing industrial lands and other employment lands to meet the employment needs of the city and the wider district.
 - e) reinforcing the low-density character of the suburban neighbourhoods.
 - f) achieving better standards of design quality.
 - g) encouraging a high quality and activated public domain with good solar access.
 - h) protecting areas of high biodiversity significance.
 - i) strengthening the function of existing open spaces that serve community and visitor needs.
 - j) enhancing waste and resource recovery activities at the Kelso Waste Precinct.
 - k) minimising risk to the community in areas subject to environmental hazards by restricting development in sensitive areas.

The draft LEP was prepared in response to amendments made in March 2018 to the *Environmental Planning and Assessment Act 1979*, which required all metropolitan councils to review and amend their LEPs to give effect to the relevant District Plan.

Canterbury Bankstown Council was identified as a priority council and received funding under an Accelerated LEP Funding Agreement to support the preparation of a Local Strategic Planning Statement (LSPS) and to implement this through amendments to Council's planning instruments. In this case, this included the preparation and delivery of a new Consolidated LEP that gives effect to the Canterbury Bankstown Council's Local Strategic Planning Statement (LSPS).

1.1.4

Local Area Plans

A key aspect of the draft LEP is implementation of the former Bankstown Council's Local Area Plans (LAPs), which seek to provide housing growth in existing centres, along key road and rail networks and in close proximity to employment precincts.

Seven LAPs were prepared by former Bankstown Council to provide a vision and strategic framework for growth in former Bankstown LGA to 2031. The LAPs were also informed by the *Bankstown Residential Development Study* (2009), the *Bankstown Employment Lands Development Study* (2009) and LAP technical studies including:

- an issues papers for each of the local areas;
- a retail and commercial floor space needs analysis;
- a market feasibility report;
- a centres transport action plan;
- a heritage review; and
- an urban design study.

Whilst the LAPs date to 2011, Council's Local Housing Strategy (conditionally approved by the Department in 2021) indicates the LAPs remain valid and will contribute towards the provision of additional housing and jobs in the short to medium term.

The draft LEP primarily relates to four of the LAPs being North East, North Central, South West and South East (**Figure 2**). These LAPs contain provisions for the following suburbs:

- **North Central LAP** - Birrong, Chullora, Condell Park, Yagoona and parts of Bankstown CBD.
- **North East LAP** - Greenacre, Mount Lewis, and Punchbowl.
- **South East LAP** - Padstow, Padstow Heights, Revesby and Revesby Heights.
- **South West LAP** - East Hills, Milperra, Panania, and Picnic Point.

Whilst most proposed changes relate to the LAPs listed above, there are some changes that relate to sites within the other three LAPs.

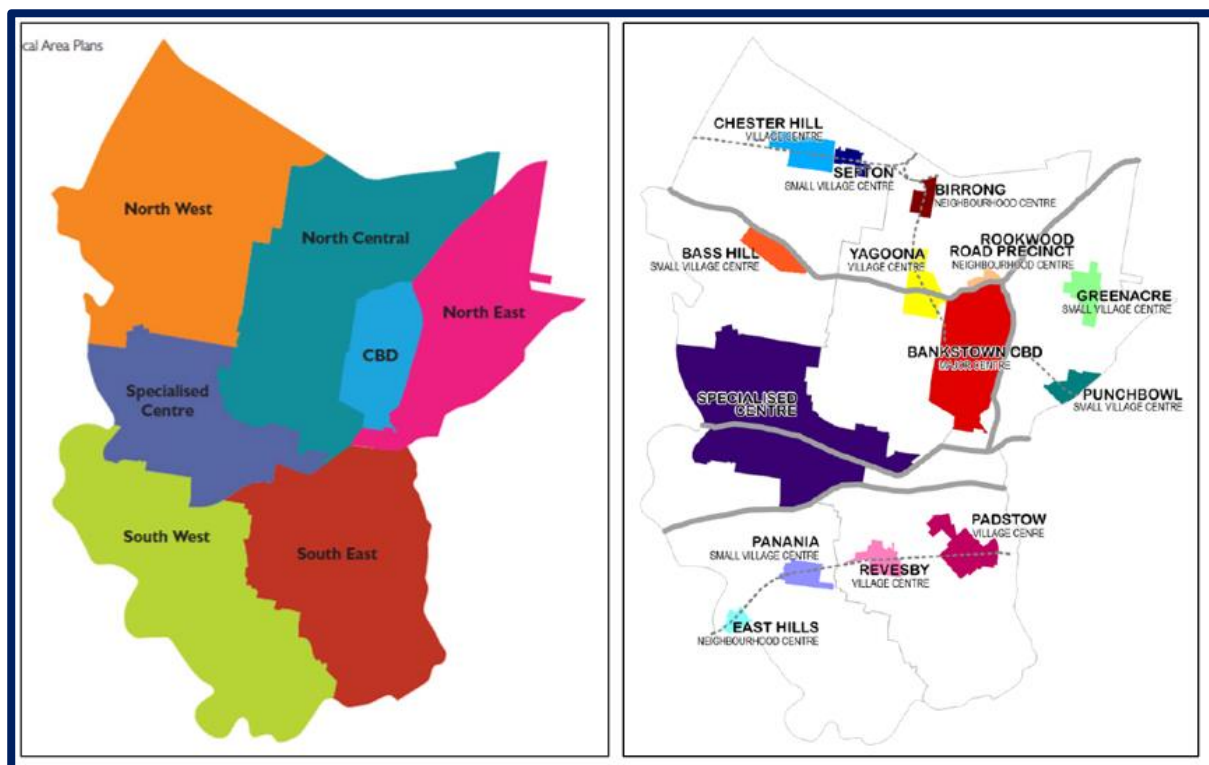


Figure 2 - Former Bankstown City Council 2016 LAP areas (Source: North Central Local Area Plan)

Table 1 History of LAPs and related planning proposals

Date	Summary
Sep 2011	Former Bankstown Council adopted the Bankstown CBD LAP.
July 2012	Gateway determination was granted for the Bankstown CBD LAP planning proposal.
Sep 2013	Former Bankstown Council adopted the North West LAP, which applies to the areas of Chester Hill, Sefton, Villawood, Bass Hill and Georges Hall.
Dec 2013	Gateway determination was granted for the North West LAP planning proposal.
Mar 2014	Bankstown LEP was amended to give effect to Bankstown CBD LAP.
Oct 2014	Former Bankstown Council exhibited the North East, North Central, South East and South West LAPs. Exhibition resulted in 526 submissions.
Nov 2015	Former Bankstown Council amended and re-exhibited the North East, North Central, South East and South West LAPs. Exhibition resulted in 191 submissions.
Jan 2016	Bankstown LEP was amended to give effect to North West LAP.
Apr 2016	Former Bankstown Council deferred the North East, North Central, South East and South West LAPs to a Councillor briefing session to allow any proposed amendments to be considered.
May 2016	Former Bankstown Council adopted the North East, North Central, South East and South West LAPs with amendments relating to building heights and floor space ratios which had not been previously exhibited. These proposed amendments can be viewed in detail here .
May 2016	On 12 May 2016 the NSW Government announced the immediate merger of Canterbury and Bankstown Councils to form Canterbury Bankstown Council
May 2017	Gateway determination was granted for a planning proposal for the North East, North Central, South East and South West LAPs (PP_2016_CBANK_002_00). The Gateway conditions required that the planning proposal be consistent with the recommendations of the LAPs and removed most of the changes to the LAPs that were adopted by Council in May 2016.
Nov 2017	A Gateway alteration was granted for the planning proposal for the North East, North Central, South East and South West LAPs (PP_2016_CBANK_002_00) on 28 November 2017 to require that a Stage 1 preliminary contamination assessment and acid sulphate soils assessment be completed prior to finalisation, rather than exhibition.
Oct 2018	On 23 October 2018, the Gateway determination for the 2016 LAP planning proposal for the North East, North Central, South East and South West LAPs was altered not to proceed. This reflected Council's decision to include the LAP changes in the Consolidated LEP planning proposal.
June 2019	A planning proposal was submitted to the Department for a Gateway determination for 1-17 Segers Avenue Padstow. This site is located in the South East LAP.

Date	Summary
Sep 2019	On 24 September 2019, Canterbury Bankstown Council resolved to prepare and submit a planning proposal to the Department of Planning, Industry and Environment for Gateway Determination to create the new Canterbury Bankstown Local Environmental Plan (known as the Consolidated LEP).
Dec 2019	The Greater Sydney Commission's Bankstown CBD and Bankstown Airport Place Strategy was finalised. This strategy applies to Bankstown Airport, Bankstown CBD, Milperra and Condell Park (Specialised Centre LAP) as well as Yagoona (North Central LAP)
Jan 2020	Council provided additional information to the Department, which proposed modifications to the LAPs. These modifications sought to respond to changes in the strategic planning framework since preparation of the LAPs, including: <ul style="list-style-type: none"> • Council's Local Strategic Planning Statement; • Council's Employment Lands Strategy; • progression of site specific planning proposals, including 1-17 Segers Avenue, Padstow; and • a refined to implementation of the LAPs, which would see some LAP recommendations separately pursued to the Comprehensive LEP. These included heritage listings and land reclassifications.
Feb 2020	On 20 February 2020, a Gateway determination was issued for the Consolidated LEP Planning Proposal. This incorporates the North East, North Central, South East and South West LAPs (PP_2019_CBANK_005_00). Condition 1(c)(iii) of the Gateway determination provides for progression of the changes to the LAPs requested by Council in January 2020. Condition 1(g) of the Gateway determination required that the 1-17 Segers Avenue, Padstow Planning Proposal be incorporated into the Consolidated LEP planning proposal.
Feb 2020	On 25 February 2020, Council considered the planning proposal to create the new Canterbury Bankstown Local Environmental Plan in accordance with its resolution dated 24 September 2019 - see Section 3 of this report for further discussion.
Dec 2020	<i>Council withdrew the site-specific planning proposal for 1-17 Segers Avenue, Padstow to adhere to Gateway Condition 1(g) of the subject Consolidated LEP planning proposal.</i>

1.1.4 State electorate and local members

The draft LEP's area of application covers several state electorates, comprising of:

- Bankstown - represented by Hon. Jihad Dib MP
- Canterbury - represented by Hon. Sophie Cotsis MP
- East Hills - represented by Hon. Kylie Wilkinson MP
- Oatley - represented by Hon. Mark Coure MP
- Strathfield - represented by Hon. Jason Yat-Sen Li MP
- Summer Hill - represented by Hon. Jo Haylen MP

The draft LEP's area of application also covers several federal electorates, comprising of:

- Banks - represented by Hon. David Coleman MP
- Barton - represented by Hon. Linda Burney MP
- Blaxland - represented by Hon. Jason Clare MP
- Grayndler - represented by Hon. Anthony Albanese MP
- Watson - represented by Hon. Tony Burke MP

1.1.5 Representations from State and Federal MPs

Written correspondence has been received from Hon. David Coleman MP, Hon. Sophie Cotsis MP and the former member of state parliament for East Hills Hon. Wendy Lindsay MP.

The issues raised by the members of the Federal and State Parliaments included:

- the basis for the decision by the Local Planning Panel's (LPP) to progress the proposed Consolidated LEP was unclear and not adequately described in the Panel minutes;
- the number of additional dwellings created by the proposed Consolidated LEP (by suburb and centre) and nexus to the Local Housing Strategy is unclear;
- the capacity and sequencing of infrastructure to accommodate the proposed growth has not been addressed;
- proposed built form outcomes were thought to have an adverse impact on the character of the area (in particular East Hills);
- some community members were not aware of the proposed Consolidated LEP exhibition;
- status of the Accelerated LEP Funding Agreement (\$2.5 million) and whether Council met its obligations;
- delegation for finalisation of the LEP and whether the Minister will determine the proposal; and
- concern over the transparency and accountability of Council.

2 Gateway determination

On 20 February 2020, the Department issued the Gateway Determination for the draft LEP. The Gateway assessment stated that the provision of a consolidated LEP will provide a singular reference to Council's planning provisions that aligns with the new Council boundaries and set the platform for future comprehensive amendments to the instrument.

Condition 1(c) of the Gateway determination required that the planning proposal be limited to consolidation of the Bankstown LEP 2015 and Canterbury LEP 2012, introduction of a design quality clause and implementation of the Local Area Plans (LAPs). These aspects of the proposal were not well justified and/or explained.

The proposed changes that were omitted under the Gateway determination include:

- changes to the permissibility of residential land uses or development standards;
- rezoning of land other than that included in the LAPs;
- reclassification of drainage reserves from community to operational land;
- rationalisation of the former Canterbury and former Bankstown Councils' R2 Low Density Residential and R3 Medium Density Residential zones;
- introduction of special character areas;
- amendments to dual occupancy controls; and
- prohibition of medium density housing in the R2 Low Density Residential zone.

3 Delegation to the Canterbury Bankstown Local Planning Panel

On 25 February 2020, Council resolved to remove itself from the decision-making process in relation to the draft LEP to manage conflicts of interest, stating specifically:

‘that given the nature and number of disclosures of interest, and the lack of quorum, Council delegate to the Local Planning Panel its statutory function(s) in considering and voting and determining the Minister’s Gateway Determination with request to the proposed Canterbury Bankstown LEP.’

The Local Planning Panel therefore acted as the Planning Proposal Authority instead of the councillors.

4 Public exhibition

The planning proposal was publicly exhibited by Canterbury Bankstown Council from 10 March 2020 to 22 May 2020. This was in accordance with the Gateway determination. It is understood Council extended the exhibition period because of Covid-19.

Council has indicated that their exhibition process included the following:

- notification letters to all property owners, government agencies, neighbouring councils and Members of Parliament;
- notices in local newspapers, advertisements on radio and social media;
- information on Council’s website, customer service centres and planning kiosks; and
- online meetings via teleconference.

Information was translated in Arabic, Greek, Simplified Chinese and Vietnamese.

4.1 Submissions

A total of 500 community submissions were received, including 10 responses from State government agencies.

Of the community submissions, approximately 385 objected to the proposal and 90 supported the proposal. A further 25 submissions provided general comments.

4.1.1 Community submissions

The key issues raised in submissions objecting to the proposal included the following:

- do not support changes to local centres, including Padstow, Revesby, Panania and East Hill, which are along the East Hills Rail Line at (approx. 120 submissions);
- do not support growth as this was often seen as overdevelopment (approx.70 submissions);
- do not support Council’s Local Housing Strategy dwelling target of 50,000 dwellings (approx.70 submissions);
- do not support more secondary dwellings and dual occupancies in suburban neighbourhoods (approx.60 submissions);
- do not support proposed changes in the Padstow local centre (approx.50 submissions);
- do not support exhibition during the Covid-19 pandemic (approx.40 submissions);
- do not support proposed changes in the Revesby local centre (approx.30 submissions); and
- request site-specific LEP changes for land outside of the Local Area Plans (approx.30 submissions).

Submissions supporting the proposal generally related to the proposed changes under the Local Area Plans (subject to site specific changes) or the supporting strategies (e.g. Council's Local Housing Strategy).

The Department's response to Council's assessment of the key issues raised in submissions is discussed in **Table 2** below.

Table 2 - Summary of key issues raised in community submissions

Issue(s) raised	Council and Department Responses
<ul style="list-style-type: none"> Do not support proposed changes along the East Hills Line. Do not support growth and Council's 50,000 dwelling target 	<p><u>Council's Response</u></p> <p>In response to these concerns raised by community submission, Council noted:</p> <ul style="list-style-type: none"> the proposed rezoning of centres along the East Hills Line implements the LSPS, including: <ul style="list-style-type: none"> providing an additional 13,250 dwellings in the Canterbury Bankstown LGA by 2021 and sets an implied target of over 58,000 dwellings to be built in the LGA by 2036; and locating future housing within a 5–10 minute walk of centres that are focussed on local transport. the community were widely engaged during the preparation of the LSPS to provide a pathway to manage growth and change across the Canterbury Bankstown LGA to 2036. Based on community feedback, a key action is to protect the low density character of the suburban neighbourhoods; a total of 80% of future growth is in centres, particularly those with good transport connectivity, high amenity, ready access to services and facilities; the first stage to implementing the LSPS is to integrate current land use strategies into the planning framework. This includes the proposed LAPs sought by the subject planning proposal, which accommodate some of the residential and employment growth based on the centres hierarchy and deliver supporting infrastructure, facilities and open space; and the LAPs are informed by detailed analysis and community consultation. <p>Council also made post-exhibition amendments – see Section 5 of this report for further discussion.</p> <p><u>Department comment</u></p> <p>The Department considers Council's response to be adequate, noting:</p> <ul style="list-style-type: none"> the proposed growth in the draft LEP relates to implementation of the LAPs which are underpinned by technical studies and community consultation prior to being adopted by Council. The LAPs have been incorporated into Council's LHS and will contribute to short and medium term housing needs of the LGA; the proposed growth was considered and supported by the Department's approval review process of the LHS – see Section 6.1.2 of this report for further discussion; Council made a number of post-exhibition changes at mid-block interfaces in response to concerns of growth – see Section 6.3 of this report for further discussion; and the proposed growth is in areas with good transport connectivity, high amenity and access to services.

Issue(s) raised	Council and Department Responses
<ul style="list-style-type: none"> • Building height and scale • Building design and R2 interface 	<p><u>Council's Response</u></p> <p>In response to these concerns raised by community submissions, Council noted:</p> <ul style="list-style-type: none"> • the proposed built form is appropriate in the context of the centre's hierarchy under the LSPS; • the proposed built form protects the low-density character of the suburban neighbourhoods. This is achieved by concentrating apartments and multi dwelling housing in compact centres; • the proposed built form in the commercial core of centres mostly comprises of low and medium-rise buildings that create an urban form of generally similar height. It is proposed to address the existing 'village' scale through appropriate upper level setbacks through a development control plan; • the NSW Government applies SEPP 65 and the Apartment Design Guide to provide appropriate guidance to apartment design outcomes to ensure a high level of amenity and design quality. In addition, Council is proposing the following actions to support design quality: <ul style="list-style-type: none"> ○ the draft LEP apply design quality requirements to apartments, multi dwelling housing, boarding houses, seniors housing, mixed use development, shop top housing, commercial premises, industrial buildings, warehouses or distribution centres, centre-based child care centres, schools, places of public worship, registered clubs and community facilities; ○ establish a Design Review Panel to improve building designs at the pre-DA lodgement stage, consistent with LSPS Action E8.2; and ○ review the Council's Development Control Plan (DCP) in relation to design quality, consistent with LSPS Action E8.3. Note that this DCP was adopted by Council in May 2021. • it is proposed to frame the centres with 3 to 4 storey buildings to provide height transition to the suburban neighbourhoods. <p><u>Department comment</u></p> <p>The Department considers Council's response to be adequate, noting:</p> <ul style="list-style-type: none"> • Council made several post-exhibition changes at mid-block interface sites in response to amenity and growth concerns - see Section 6.3 of this report for further discussion; • the LAPs adopted a centre-based building typology framework with development concentrated in the business zone close to railway stations with a residential frame area to transition the built form down towards the lower density R2 residential zones in the broader suburban neighbourhoods; and • a review of the LAP urban design study concluded that the proposed changes to FSR and heights are appropriate – see Section 6.3 of this report for further discussion.
<p>Infrastructure to support increased residential population and capacity of centres</p>	<p><u>Council's Response</u></p> <p>In response to these concerns raised by community submission, Council noted:</p> <ul style="list-style-type: none"> • as part of the exhibition process, Council consulted all relevant government authorities, including: <ul style="list-style-type: none"> ○ Transport for NSW;

Issue(s) raised	Council and Department Responses
	<ul style="list-style-type: none"> ○ NSW Health; and ○ Department of Communities and Justice. • Council exhibited an Integrated Access and Movement Strategy with the LSPS, which provides the LGA's overall traffic and transport approach; • Council will update its Infrastructure Contributions Plans to incorporate the local infrastructure requirements identified by land use strategies. The contributions plans will help to fund local infrastructure improvements in centres, including: <ul style="list-style-type: none"> ○ new multi-purpose community facilities in a number of centres; ○ improvements to recreation and leisure facilities; ○ open space embellishments; ○ footpath and pedestrian crossing upgrades to provide a balanced transport system where cars travel slowly in the centres, making streets easier to cross and a pleasant place to walk, sit and talk; ○ ongoing implementation of Council's Town Centre Improvement Program; ○ gradual increases in parking capacity at convenient locations around the centres; and ○ formalisation of the regional on-road cycle route which traverses through the local streets with painted markings. • Note that Council has since adopted this Contributions Plan. • Council will continue to advocate the NSW Government for public transport and state road improvements. <p><u>Department comment</u></p> <p>The Department considers Council's response to be adequate, noting:</p> <ul style="list-style-type: none"> ○ Response to the agencies submissions is discussed in further detail in Section 4.1.2 of the report.
<p>Support for the proposed built form in centres</p> <p>Requests for site-specific building envelope control changes</p> <p>Request for planning control changes to sites outside the LAP areas</p>	<p><u>Council's Response</u></p> <p>In relation to the site-specific requests for changes, consideration was given to the Department's strategic merit test, as outlined in the publication <i>A Guide to Preparing Local Environmental Plans (now superseded by the Local Environmental Plan Making Guidelines)</i>. Based on the test, a request would demonstrate strategic merit if it was consistent with the Region and District Plans, or consistent with the Local Area Plans or it is responding to a change of circumstances.</p> <p>In summary, it is proposed to continue with the proposed controls as exhibited for the following reasons:</p> <ul style="list-style-type: none"> • according to the Gateway Determination, the Draft Consolidated LEP can only rezone properties that are included in the established Local Area Plans. • it is not proposed to increase the building envelope controls as the requests do not demonstrate strategic merit. The requests are inconsistent with the Local Area Plans and there is no change in circumstances that would: <ul style="list-style-type: none"> ○ require the centres to further increase their proposed capacity to meet State and local policies; and

Issue(s) raised	Council and Department Responses
	<ul style="list-style-type: none"> ○ require increased building heights, particularly if the overshadowing and visual impacts on the street and surrounding buildings would be greater. <p><u>Department comment</u></p> <p>The Department considers Council's response to be adequate, noting:</p> <ul style="list-style-type: none"> • the planning proposal was primarily seeking to consolidate the existing Canterbury Local Environmental Plan 2012 (CLEP 2012) and Bankstown Local Environmental Plan 2015 (BLEP 2015), implement Council's Local Area Plans to deliver additional housing and jobs, protects additional areas of biodiversity significance and introduces design excellence provisions; • other proposed changes where Council thinks is appropriate can form part of a separate and subsequent planning proposal(s); and • post-exhibition amendments to specific sites to increase development density and/or heights are best further publicly exhibited, to allow adequate opportunity for community and agency comment. No further exhibition of the proposal has been carried out since the original exhibition in 2020.
Requests for other amendments to the draft LEP	<p><u>Department comment</u></p> <p>A number of submissions were received with requests for other amendments to the proposed Consolidated LEP (e.g. aims, zone objectives, local provisions and maps).</p> <p>Council made a number of post-exhibition changes including:</p> <ul style="list-style-type: none"> • changes to objectives; • increasing the HOB control at 7A-17 Marco Avenue to 40m; • addition of new APUs in Schedule 1; and • errors on maps. <p>The Department supported some of these changes, whilst removing others – see Section 5.2 of this report for further discussions.</p>

All other issues raised in submissions

All other issues and matters raised in the community submissions are considered to have been resolved by the post-exhibition changes, adequately addressed by the Local Planning Panel or are not considered to warrant further change to the proposed Consolidated LEP.

4.1.2 Advice from agencies

In accordance with the Gateway Determination, Council consulted with the relevant agencies. A response to their feedback is summarised in Table 3 below.

Table 3 - Submissions from public authorities

Issue / Comment	Council and Department of Planning Responses
Heritage NSW	
Clause 1.2(2)(c) Aims of Plan - recommends reference to 'Aboriginal cultural heritage'	<p><u>Council</u></p> <p>A post-exhibition change was made to Clause 1.2(2)(c) to protect Aboriginal heritage.</p> <p><u>Department</u></p> <p>This post-exhibition change is consistent with the District Plan.</p>
Supports changes to Heritage Map including removal of five local items	<p><u>Council</u></p> <p>This submission is noted.</p> <p><u>Department</u></p> <p>The removal of the five local heritage items is supported.</p>
Any amendments to controls should not have a negative impact on the Commonwealth Heritage listed 'Villawood Immigration Centre' 15 State heritage items and 68 Recorded Aboriginal Sites	<p><u>Council</u></p> <p>No change is proposed.</p> <p><u>Department</u></p> <p>The draft LEP will not adversely impact these items or sites.</p>
Recommends amendment to include heritage as a consideration in clauses 4.1(1)(d), 4.1A(1)(b), 4.1AA(1)(d) and 4.1B(1)(b).	<p><u>Council</u></p> <p>Post-exhibition changes were made to Clauses 4.1(d), 4.1AA(1)(d), 4.1A(b), 4.1B to reference heritage conservation areas.</p> <p><u>Department</u></p> <p>This post-exhibition change to Clauses 4.1, 4.1A and 4.1B are consistent with the District Plan. A post-exhibition change was made to 4.1AA to delete the objective that references heritage as the objective does not specifically relate to community title subdivision.</p>
Clause 4.3 Height of buildings – recommends minimising visual impact of development on heritage items and conservation areas	<p><u>Department</u></p> <p>The objectives in Clause 5.10 Heritage conservation satisfactorily address conservation of heritage items and conservation areas including settings and views.</p>

Issue / Comment	Council and Department of Planning Responses
Clause 6.14 – Design quality – recommends design consider impact on heritage items, conservation areas and historically significant buildings	<p><u>Department</u></p> <p>Council's draft design quality clause required development to address impacts on heritage items, conservation areas or historically significant buildings. A post-exhibition change was made to remove reference to 'historically significant buildings' as the term is not defined. Reference to heritage items and conservation areas is retained.</p>
NSW Environmental Protection Agency (EPA)	
Clause 1.2(2)(e) - recommends reference 'urban and natural hazards'	<p><u>Council</u></p> <p>A post-exhibition change was made to Clause 1.2(2)(e) of the proposed Consolidated LEP to refer to 'urban and natural hazards' instead of 'environmental hazards'.</p> <p><u>Department</u></p> <p>This post-exhibition change is consistent with the South District Plan.</p>
Clause 1.2(2) – recommends new aim referencing waterway health outcomes	<p><u>Department</u></p> <p>Clause 1.2 of the proposed Consolidated LEP includes aims to consider cumulative impacts of development on waterways. Council may consider this recommendation in future amendments.</p>
Zones R2, R3 and R4 do not contain an objective to minimise conflict between land uses within these zones and land uses within adjoining zones	<p><u>Council</u></p> <p>A post-exhibition change was made to add new objectives to the R2, R3, R4 zones in the proposed LEP to minimise conflict between land uses within this zone and land uses within adjoining zones.</p> <p><u>Department</u></p> <p>These post-exhibition changes are consistent with the District Plan.</p>
Zone B4 does not contain an objective to minimise conflict between land uses within these zones and land uses within adjoining zones; or an objective to minimise impacts on the environment	<p><u>Department</u></p> <p>The B4 Mixed Use zone applies to Bankstown CBD.</p> <p>At the time of writing this report, a Gateway request has been submitted to the Department for a planning proposal that affects this land. It seeks to amend the objectives of the B4 Mixed Use zone to reflect the status of Bankstown as a Strategic Centre. This proposal is under separate assessment for Gateway determination.</p>
Zones IN1 and IN2 do not contain an objective to prevent and minimise potential impacts on the environment	<p><u>Council</u></p> <p>Post-exhibition changes recommended by Council to the objectives in the IN1 and IN2 zones (to minimise adverse effects of development on the environment) were deleted by LPP.</p> <p><u>Department</u></p> <p>Post-exhibition changes were made by the Department to amend these objectives to minimise environmental impacts in the IN1 and IN2 zones to give effect to the District Plan.</p>

Issue / Comment	Council and Department of Planning Responses
Zone IN2 does not permit resource recovery facilities	<p><u>Council</u></p> <p>The LPP resolved to make a post-exhibition change to permit resource recovery facilities.</p> <p><u>Department</u></p> <p>This post-exhibition change is consistent with the District Plan and aligns with existing Resource recovery facilities already operating in this zone, including existing sites in Chullora.</p>
Requests inclusion of circular economy infrastructure in definitions, aims, land uses, zone objectives and local provision	<p><u>Council</u></p> <p>This matter should be addressed by the Department in the Standard Instrument.</p> <p><u>Department</u></p> <p>The proposed Consolidated LEP appropriately provides for land uses with associated standards that provide for facilities that store, transfer, sort, reprocess or repurpose materials and goods to retain their productive value and prevent their disposal to landfill.</p> <p>This includes uses in the draft LEP IN1 zone such as, waste or resource management facilities and waste disposal facilities.</p>
Requests Clause 4.4A be amended to include a requirement to deliver waste and recycling servicing in commercial/mixed use development in Bankstown CBD	<p><u>Council</u></p> <p>This can be addressed in the DCP.</p> <p><u>Department</u></p> <p>Support Council's consideration of this matter in the DCP.</p>
Requests Clause 6.2 be amended to introduce additional requirements for excavated material	<p><u>Council</u></p> <p>Clause 6.2 of the proposed Consolidated LEP is based on the Department's model provision.</p> <p><u>Department</u></p> <p>Clause 6.2 of the proposed Consolidated LEP is the model provision used by the Department for earthworks, which requires consideration of the source of fill and destination of any excavated material to be considered. This is sufficient for the purposes for council.</p> <p>Conditions of any development consent can further address this matter by requiring fill material to be virgin excavated natural material (VENM) or fill that meets all of the conditions of a resource recovery order issued by the EPA.</p>
NSW Health	
Clause 1.2(2)(c) Aims of Plan - recommends reference to 'Aboriginal heritage' to give effect to LSPS	<p><u>Council</u></p> <p>A post-exhibition change was made to Clause 1.2(2)(c) of the proposed Consolidated LEP to protect Aboriginal heritage.</p> <p><u>Department</u></p>

Issue / Comment	Council and Department of Planning Responses
	<p>This post-exhibition change is consistent with the District Plan. A further post-exhibition change was made to 'identify and conserve', rather than just 'protect' heritage. This is consistent with the District Plan.</p>
<p>Clause 1.2(2)(l) Aims of Plan - recommends reference to 'healthy living, quality of life and social wellbeing' to give effect to LSPS</p>	<p><u>Council</u></p> <p>Clause 1.2(2)(l) of the proposed Consolidated LEP is considered appropriate to address this issue.</p> <p><u>Department</u></p> <p>A post-exhibition change was made to 'support healthy living' to give effect to planning priority S4 in the SDP and transfer the intent of aim (g) of CLEP 2012.</p>
<p>Zone RU4 does not contain an objective to support healthy living through local consumption of fresh food</p>	<p><u>Department</u></p> <p>The proposed RU4 zone objectives are consistent with the Standard Instrument LEP and insufficient evidence is provided to demonstrate the need for this amendment.</p> <p>It is also not appropriate and beyond the scope of a LEP to regulate the quality of food because it is not an environmental planning consideration under the EP&A Act.</p>
<p>Zones R3, R4, B1, B5, B6, B7, IN1, IN2, RE1, RE2 do not contain objectives to maximise public transport patronage and walking and cycling</p>	<p><u>Council</u></p> <p>A post-exhibition change was proposed by council to add a new objective to the R3 zone to increase density in accessible locations that maximise public transport and active travel.</p> <p><u>Department</u></p> <p>This post-exhibition change is supported and responds to a number of government priorities to increase dwelling yield and housing choice in locations close to public transport, in existing centres with good access to jobs, shops, services and infrastructure.</p>
<p>Zone R3 does not contain an objective for housing diversity close to centres and public transport</p>	<p><u>Council</u></p> <p>Council has made a post-exhibition change to add a new objective to support increased density in accessible locations that maximise public transport and active travel.</p> <p><u>Department</u></p> <p>The Department has added in an objective in the proposed Consolidated LEP to encourage Council to provide a variety of housing types.</p>
<p>Zone R4 does not contain on objective for high density close to centres and public transport</p>	<p><u>Council didn't respond to this matter.</u></p> <p><u>Department</u></p> <p>An objective is included in the proposed Consolidated LEP to provide a variety of housing types within a high-density environment. Another objective seeks to ensure increased residential density is in accessible locations to support public transport and active travel.</p>
<p>Zone B4 does not contain an objective for a mix of</p>	<p><u>Council didn't respond to this matter.</u></p>

Issue / Comment	Council and Department of Planning Responses
compatible land uses that support an active day and evening economy	<p><u>Department</u></p> <p>The B4 zone applies to Bankstown CBD. Council is preparing a separate master plan for the centre, which is supported by a planning proposal that will review zone objectives and land uses.</p>
Zone B4 does not contain objective to support social wellbeing through development that provides formal and incidental social interaction	<p><u>Council didn't respond to this matter.</u></p> <p><u>Department</u></p> <p>The B4 zone applies to Bankstown CBD. Council is preparing a separate master plan for the centre, which is supported by a planning proposal that will review zone objectives and land uses.</p>
Zones RE1 and RE2 do not contain an objective to allow development that does not diminish public use of, or access to, public open space	<p><u>Council didn't respond to this matter.</u></p> <p><u>Department</u></p> <p>A key objective in the RE1 and RE2 zones is to enable land to be used for open space or recreation. The objectives for these zones are adequately support this outcome without further changes.</p>
Zones RE1 and RE2 do not contain an objective to achieve design and amenity outcomes	<p><u>Council</u></p> <p>A post-exhibition change was proposed by Council to add a new objective to allow for the development of land uses that achieve a high standard of urban and landscape design and have regard to local amenity.</p> <p><u>Department</u></p> <p>A further post-exhibition change was made by the Department to delete this objective because it:</p> <ul style="list-style-type: none"> • is repeated in most zones; • will be addressed by the stand-alone design excellence provisions for certain uses permitted in these zones; and • can be appropriately addressed through development controls in Council's DCP.
Zone W1 does not contain an objective to ensure development does not impacts on the natural environment or obstruct navigation of the waterway	<p><u>Council didn't respond to this matter.</u></p> <p><u>Department</u></p> <p>An objective is included in the W1 zone to protect waterways.</p>
Clause 6.4 Stormwater management – supports WSUD; suggests 'avoid' rather than 'minimise'; suggests objective to achieve positive urban design outcomes and best use of water resources	<p><u>Council</u></p> <p>The proposed Consolidated LEP should include objectives to achieve this.</p> <p><u>Department</u></p> <p>Post-exhibition changes have been made to enable WSUD principles to be framed as development controls. Language in the proposed clause was unclear and has been reverted to reflect CLEP 2012.</p>

Issue / Comment	Council and Department of Planning Responses
<p><i>Clause 6.15 Active Street frontages</i> - does not contain an objective to minimise conflict between pedestrian, cyclist and vehicular movements</p>	<p><u>Council</u></p> <p>A post-exhibition change was made to add an objective to minimise conflict between pedestrian, cyclist and vehicular movements.</p> <p><u>Department</u></p> <p>This post-exhibition change is supported as it is consistent with the District Plan.</p>
Transport for NSW (TfNSW)	
<p>Zones R3 and R4 do not contain an objective in relation to supporting public transport and active transport.</p>	<p><u>Council</u></p> <p>Post-exhibition changes were made to add objectives to the R3 and R4 zones for increased residential density in accessible locations that maximise public transport patronage and encourage walking and cycling.</p> <p><u>Department</u></p> <p>These post-exhibition changes are supported given that they are consistent with the District Plan.</p>
<p>Supports the including of Clause 5.3 Development near zone boundaries</p>	<p><u>Council</u></p> <p>This submission is noted.</p> <p><u>Department</u></p> <p>Satisfactory.</p>
<p><i>Clause 6.15 Active street frontages</i> – recommends application to Metro stations and existing street frontages</p>	<p><u>Council</u></p> <p>Future master planning of the Sydney Metro Southwest corridor may consider this further.</p> <p><u>Department</u></p> <p>Satisfactory.</p>
<p>Requests that TfNSW corridors and reservations are maintained as SP2 Infrastructure with no changes unless written approval is provided</p>	<p><u>Council</u></p> <p>Post-exhibition changes were made to correct errors relating to the draft mapping of these areas was corrected.</p> <p><u>Department</u></p> <p>Further post-exhibition consultation was undertaken with TfNSW in relation to existing Land Reservation Acquisition and zoning maps due to map alignment issues, which have now been addressed and resolved.</p>
<p>Any major increase in dwelling and employment yields should be supported by a comprehensive transport assessment</p>	<p><u>Department</u></p> <p>As discussed in Section 1.1.4 of this report, a key aspect of the draft LEP is implementation of the former Bankstown Council's Local Area Plans (LAPs) which will provide housing growth in existing centres, main roads and employment precincts. This growth is focused on several existing centres.</p> <p>During the finalisation process additional consultation was undertaken by the Department with TfNSW on these centres. TfNSW subsequently confirmed that further detailed traffic assessments will need to be undertaken through the development assessment process. TfNSW identified two key principles to</p>

Issue / Comment	Council and Department of Planning Responses
	<p>guide the assessment and mitigation of traffic impacts in these centres as a basis for developing suitable planning controls:</p> <ul style="list-style-type: none"> • cumulative traffic impacts need to be assessed and managed. This includes the consideration of the combined impact of individual development sites within a locality and cumulative contribution to traffic generation; • depending on how the development of significant growth occurs, Council may need to consider additional traffic studies as circumstances change over time. <p>TfNSW requested that the traffic assessment requirements be included in LEP or DCP conditions based on the principal that the required traffic assessments would be completed through the development assessment process. TfNSW advised that it can support the progression of the proposed Consolidated LEP provided that suitable planning mechanisms are in place.</p> <p>Having regard to the comments of TfNSW, the Department notes the following:</p> <ul style="list-style-type: none"> • the proposed changes give effect to strategic growth in identified centres as unilaterally sought by the GCC assured LSPS, Council's Department approved Local Housing Strategy and the South District Plan— see Section 6.1.1 of this report for further discussion; • the proposed growth is focused on the core of these centres with access to existing well served public transport, including the East Hills Line for Padstow, Revesby, Panania and East Hills and the Bankstown Line for Yagoona, Birrong and Regents Park. • these proposed rezonings have sought to ensure new growth is located within approximately 400m walking distances of this existing public transport infrastructure; • the take up of the proposed uplift is expected to occur over an extended period of time, especially given the sites proposed to be rezoned are in fragmented ownership; • the LAPs included transport analysis undertaken by Council which identified improvements required to support the anticipated growth in the identified centres. These are now supported by Council's adopted Comprehensive Contributions Plan which commenced on 1 January 2023, and includes: <ul style="list-style-type: none"> ○ physical improvements to provide for additional and improved footpaths in centres to improve walking and cycling conditions and participation. This is also intended to encourage greater use of public transport; and ○ upgrade of intersections and streets in support of increased development. Priority Town Centres include Greenacre, Padstow and Revesby. <p>The Department acknowledges that further traffic assessment work will be required to address the requirements of TfNSW as part of future development assessment stages. However, the introduction of additional LEP clauses to address this matter is not considered appropriate as there are existing requirements within the planning framework to ensure that future development applications within these centres adequately address any</p>

Issue / Comment	Council and Department of Planning Responses
	<p>potential traffic impacts. This includes the requirements of Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>Council's DCP does however already require traffic impacts to be considered as part of certain types of development and for a transport impacts assessment to be undertaken. This aligns with the expectations of TfNSW for new development in these centres to carefully address and potentially mitigate impacts to the transport system.</p>
<p>Notes that TfNSW owns land in the LGA and requests involvement in future master planning and LEP amendments. Also requests involvement in planning for local centres and centres in the Sydenham to Bankstown Metro corridor</p>	<p><u>Council</u></p> <p>As part of the LAPs, Council consulted TfNSW and RMS. No issues were raised in relation to significant impacts on services as a result of the uplift. Council will continue to work with TfNSW.</p> <p><u>Department</u></p> <p>Satisfactory.</p>
NSW Rural Fire Service (RFS)	
<p>No objection. Future development located on bushfire land must comply with <i>Planning for Bush Fire Protection 2019</i></p>	<p><u>Council</u></p> <p>This submission is noted.</p> <p><u>Department</u></p> <p>Satisfactory.</p>
Sydney Metro Airports	
<ul style="list-style-type: none"> • Clause 4.3 Height of buildings - must consider the Obstacle Limitation Surface and PANS-OPS surface; and • Development in the vicinity of a Licensed Aerodrome must also consider the National Airport Safeguarding Framework Principles and Guidelines 	<p><u>Council</u></p> <p>This is a consideration at the development application stage.</p> <p><u>Department</u></p> <p>These matters are discussed further in Section 6.2 of this report.</p>
<p>Supports insertion of Clause 6.6 BLEP 2015 – Development in areas subject to aircraft noise</p>	<p><u>Council</u></p> <p>This clause is being transferred from BLEP 2015</p> <p><u>Department</u></p> <p>Satisfactory</p>

Issue / Comment	Council and Department of Planning Responses
Concern regarding the inconsistency with Ministerial Direction of Development near Licensed Aerodromes	<u>Department</u> The Department's assessment of the proposal against the requirements of Ministerial Direction 5.3 is discussed further in Section 6.2 of this report.
NSW Department of Communities and Justice	
No objection	Noted
NSW DPE – Environment, Energy and Science Group (EES Group)	
No objection	Noted
Sydney Water	
No objection	Noted
Georges River Council	
No objection	Noted

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

5 Post-exhibition changes

Several post-exhibition changes have been made to the planning proposal by both the Panel and the Department. These are discussed in further detail below:

5.1 Council's post-exhibition changes

On 30 June 2020, the Local Planning Panel as PPA considered the submissions received in the post-exhibition report.

The Panel resolved to:

"1. adopt the Planning Proposal as provided in Attachment A to the Panel's agenda report with the following changes:

- (a) Part 2 Section 2A-Delete the proposed zone objectives to Zones IN1 and IN2 which reads: To minimise adverse effects of the development on the environment.*
- (b) Part 2 Section 2A-Amend the height reference in the explanatory note to Clause 4.4D from 38 metres to 40 metres.*
- (c) Part 2 Section 2A-CBLEP item 27 of schedule 1 the maximum gross floor area changed from 100sq m to 150sq m.*
- (d) Part 2 Section 2A-permit resource recovery facilities in the INS zone.*
- (e) Part 2 Section 28-Amend the Height of Buildings Map by removing the proposed 26 metre building height from the section of road that adjoins 7A Marco Avenue, Revesby.*
- (f) Part 2 Section 2B-The Planning Proposal proposed to rezone 185-217 Tower Street and 30A Hinemoa Street, Panania to Zone B2 with controls as exhibited of four storeys and 2:1 FSR.*

2. submit the planning proposal to the Department of Planning to make the Consolidated Local Environmental Plan (LEP).

3. in submitting the proposed LEP to the Department a request be made that the Department / Parliamentary Counsel give further consideration to the wording of proposed Clause 1.9(1A) to ensure that the final wording achieves the desired outcome of the SEPP applying to the specified uses."

On 10 July 2020, the planning proposal was submitted to the Department, requesting finalisation under Section 3.36 of the *Environmental Planning and Assessment Act 1979* (the Act).

The Department's assessment of the planning proposal submitted for finalisation is discussed further in **Section 6** of this report.

5.2 The Department's post-exhibition changes

The Department's finalisation assessment and any associated changes to the proposed Consolidated LEP has been guided by:

- the conditions of the Gateway determination;
- the intended outcomes of the exhibited planning proposal;
- matters raised by members of the community and stakeholders;
- feedback from government agencies;
- necessary administrative amendments undertaken as part of the drafting process by Parliamentary Counsel. These are minor and do not affect the intent of the exhibited planning proposal; and
- necessary administrative amendments undertaken to the mapping which:

- are stylistic changes required to align with the Standard Technical Requirements for Spatial Datasets and Maps;
- ensure the mapping accurately reflects the intent of the exhibited planning proposal; and
- account for recently notified planning proposals.

This approach has resulted in the Department being unable to support several proposed amendments, including:

- changes to restrict existing residential permissible uses;
- changes to introduce new Additional Permitted Uses (APU's);
- changes to reduce existing residential development densities;
- rezoning of some existing SP2 infrastructure sites;
- rezoning of some sites where insufficient contamination assessment has occurred;
- rezoning of some sites where insufficient flooding analysis has occurred; and
- post-exhibition changes that sought additional uplift beyond that proposed and exhibited in for the proposed Consolidated LEP or under other separate planning proposals.

Nonetheless, this does not preclude their further consideration and potential support where merit can be demonstrated as part of future planning proposals in accordance with the requirements of the plan making process under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Department will continue to support Council as necessary to ensure its vision for the LGA under the LSPS is appropriately implemented. This can occur within the context of the Department's work to reform the planning system to improve processes for assessing and finalising planning proposals more efficiently.

The Department's assessment of the planning proposal submitted for finalisation is discussed further in **Section 6** of this report.

6 Planning Assessment

This section assesses the draft LEP against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement.

The draft LEP is a predominantly consolidation of planning controls and implementation of LAPs, rather than a comprehensive review of provisions. The proposed changes were limited by the Gateway conditions which has resulted in some existing provisions being carried over that may be inconsistent with current policies. These matters have not been assessed.

Subject to the recommended post-exhibition changes detailed above, the draft LEP is consistent, or any inconsistency justified with:

- the Region and District Plan;
- Council's Local Strategic Planning Statement;
- all relevant Section 9.1 Directions with acceptable exceptions as detailed below; and
- all relevant SEPPs.

Table 4 and **Table 5** below identify whether the planning proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis, or requires reconsideration of any unresolved matters - these matters are addressed in the following sections.

Table 4 - Summary of strategic assessment

	Consistency with assessment at Gateway	
Region Plan	<input checked="" type="checkbox"/> Yes, refer to Section 6.1.1	<input type="checkbox"/> No
South District Plan	<input checked="" type="checkbox"/> Yes, refer to Section 6.1.1	<input type="checkbox"/> No
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes, refer to Section 6.1.1	<input type="checkbox"/> No
Local Planning Panel (LPP) recommendation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The draft LEP includes post-exhibition changes recommended by the Department and detailed in this report which further modify the planning proposal that was endorsed by the Local Planning Panel	
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes, refer to Section 6.2	<input type="checkbox"/> No The draft LEP is consistent with the Ministerial Directions, with some minor exceptions that are assessed in detail below and considered to be generally acceptable
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes, refer to Section 6.3	<input type="checkbox"/> No

Table 5 - Summary of site-specific assessment

Site-specific assessment	Consistency with assessment at Gateway	
Social and economic impacts	<input checked="" type="checkbox"/> Yes, refer to Section 6.5	<input type="checkbox"/> No
Environment impacts	<input checked="" type="checkbox"/> Yes, refer to Section 6.5	<input type="checkbox"/> No
Infrastructure	<input checked="" type="checkbox"/> Yes, refer to Section 6.5	<input type="checkbox"/> No

6.1 Strategic plans

6.1.1 Greater Sydney Region Plan, South District Plan and Canterbury Bankstown Local Strategic Planning Statement

On 16 March 2020, the Canterbury Bankstown LSPS was assured by the then Greater Sydney Commission (GSC) (now the Greater Cities Commission (GCC)).

This process confirmed that Council had aligned its LSPS Priorities with the Sydney Metro Region Plan, the Planning Priorities in the South District Plan as well as Council's own Community Strategic Plan. It is also noted that process involved consultation with relevant agencies, including TfNSW. Though an assessment of the draft LSPS was undertaken at Gateway, it is necessary to address the assured LSPS prior to finalisation.

A summary of the consistency of the proposed Consolidated LEP with relevant parts of the strategic planning framework is summarised below in Table .

Table 6 - Summary of consistency with the Greater Sydney Region Plan (GSRP), Southern District Plan (SRP) and Council's LSPS

Objectives	Assessment
GSRP (Objective 2) and SDP (Planning Priority S1) – Planning for a city supported by infrastructure	The Consolidated LEP proposes to implement the four LAPs, which seek to increase dwelling yield and housing choice in locations close to public transport, in existing centres with good access to jobs, shops, services and infrastructure. This will assist in delivering a 30-minute city.
GSRP (Objective 14) and SDP (Planning Priority S12) – Delivering integrated land use and transport planning and a 30-minute city	
GSRP (Objective 7) and SDP (Planning Priority S4) – Fostering healthy, creative, culturally rich and socially connected communities	The co-location of additional housing diversity with these services and the accessibility of proposed uplift will help contribute to more healthy and socially connected communities by creating more walkable and cycle friendly places.
GSRP (Objective 10) and SDP (Planning Priority S5) – Providing housing supply, choice and affordability, with access to jobs, services and public transport	The location of additional density in existing centres will facilitate people ageing within existing neighbourhoods as their housing needs change.
LSPS E1.6–Undertake the City's evolution through a well-tested, design-led process	The LAPs allow for a range of different residential development typologies through a centre hierarchy and building envelope typology that reflects the characteristics of each centre. By implementing these changes, the Consolidated LEP can facilitate the provision of housing choice and diversity and contribute to affordability.
LSPS E6.1–Create the hierarchy of centres to guide future growth	
LSPS E6.3–Improve design quality throughout the City	
LSPS E6.8–Implement current land use strategies	

Objectives	Assessment
<p>GSRP (Objective 6) and SDP (Planning Priority S3) – Providing services and social infrastructure to meet people’s changing needs</p> <p>LSPS E7.5–Match community infrastructure size and type with centre size and type</p>	<p>In accordance with the LAPs the Consolidated LEP seeks to optimise the use of public and private land holdings to create opportunities for the renewal of social infrastructure in the heart of certain centres. This can help ensure social infrastructure meets changing community needs and is accessible to people of all ages and abilities.</p>
<p>GSRP (Objective 12) and SDP (Planning Priority S6) – Creating and renewing great places and local centres</p> <p>LSPS E8.3 – Ensure high-quality design underpins Council policies and controls</p>	<p>The LAPs used a place-based planning approach to inform proposed land use and built form changes in centres. The Consolidated LEP also includes new objectives and provisions that seek to help deliver a well-designed built environment and public domain including specific provisions in relation to design quality across the LGA.</p>
<p>GSRP (Objective 22) and SDP (Planning Priority S9) – Growing investment, business opportunities and jobs in centres</p> <p>LSPS E3.5 – Attract investment in health, education, research and technology and 3.7 – Increase the number of people living and working in the City</p>	<p>The Consolidated LEP proposes expansion of business zoned land alongside building envelop uplift in existing centres. It also includes new objectives and provisions to help ensure active street frontages. Post-exhibition changes will protect commercial floor space capacity to meet community needs.</p> <p>The Consolidated LEP identifies new B5 and B6 zoned land.</p>
<p>GSRP (Objective 23) and SDP (Planning Priority S10) – Retaining and managing industrial and urban services land</p> <p>LSPS E3.6 – Protect and enhance employment lands</p>	<p>The Consolidated LEP retains existing industrial zoned land that will help to safeguard industries from competing pressures. Rezoning of industrial lands to other uses is not proposed.</p> <p>The Consolidated LEP also includes new objectives and provisions to help ensure the protection and maintenance of industrial land, including removal of land uses that may compete with the core uses.</p> <p>The Consolidated LEP does not rezone any existing industrial land.</p>
<p>GSRP (Objective 25) and SDP (Planning Priority S13) – Protecting and improving the health and enjoyment of the District’s waterways</p> <p>LSPS E9.11 – Optimise water conservation and reuse by adopting water sensitive urban design</p>	<p>The Consolidated LEP amends the stormwater management requirements to require consideration of water sensitive urban design principles including the protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments and the integration of riparian, stormwater and flooding measures.</p>
<p>GSRP (Objective 27) and SDP (Planning Priority S14) – Protecting and enhancing bushland and biodiversity</p> <p>LSPS E5.8 – Use ecological areas and waterways as the foundation for all open spaces</p>	<p>The Consolidated LEP will protect additional areas of high biodiversity significance.</p>

Objectives	Assessment
<p>GSRP (Objectives 31/32) and SDP (Planning Priorities S15/S16) –Delivering high-quality open space and Green Grid connections</p> <p>LSPS E5.5–Develop and integrated citywide network of parks and trails</p>	<p>In accordance with the LAPs the Consolidated LEP identifies open space to help meet the demand of increased development and proposes to rezone land that was informally used for recreation purposes to recognise its contribution to the open space network (Green Grid).</p>
<p>GSRP (Objective 37) and SDP (Planning Priority S18) – Adapting to the impacts of urban and natural hazards and climate change</p>	<p>The Consolidated LEP generally limits dwelling growth in areas subject to hazards such as flooding and contamination with a focus on uplift in existing centres around public transport.</p> <p>The Department has recommended that several sites with potential for contamination are removed from the Consolidated LEP to ensure that this matter can be adequately addressed as part of a further and separate planning proposal once suitable investigations have been undertaken.</p> <p>Refer to Section 6.3 of this report for further discussion as part of Section 9.1 Direction 4.4.</p> <p><u>Land use safety planning considerations</u></p> <p>Canterbury Bankstown LGA is affected by several dangerous and hazardous goods pipelines and industrial facilities.</p> <p>Though the risks to life and property from this infrastructure is low, it is necessary to ensure the draft LEP responds appropriately.</p> <p>The Department is responsible for preparing and administering state-wide policies and guidelines for hazard risk assessments and land use safety planning. These are known as the <i>NSW Land Use Safety Planning Framework</i> (the Framework).</p> <p>The Framework assess risk in two different ways:</p> <ul style="list-style-type: none"> • individual risk – risk from the hazardous infrastructure to an individual; and • societal risk – risk to the surrounding community. Societal risk measures the risk of incidents from the hazardous infrastructure that would critically injure a significant number of the population surrounding the infrastructure. <p>In response to the draft LEP seeking to increase existing densities near the Moomba Sydney Ethane Pipeline in East Hills, Panania, Revesby and Padstow town centres, Council prepared a Land Use Safety Study (LUSS). This study considered the Framework and the compatibility of the proposed with the hazard risk from the pipeline.</p>

Objectives	Assessment
	<p>The LUSS made recommendations to ensure that the future development of these centres proposed under the draft LEP would be compatible with the hazard risks, being:</p> <ul style="list-style-type: none"> • sensitive land uses within 5E-07/AvgYear contour be prohibited. These uses include childcare centres, schools, hospitals and seniors housing; and • residential land uses within 1E-06 AvgYear contour be constructed to particular fire safety standards. The standards reference are found within the National Construction Code. <p>The Department considers that the LUSS and associated recommendations adequately addresses the Guidelines, including:</p> <ul style="list-style-type: none"> • capturing site-specific information on the pipeline, including concrete slapping, operating pressure and pipe thickness; • adoption of appropriate technical assumptions; and • consideration of both the individual and cumulative societal risks compared against the HIPAP No.4 risk criteria. <p>As such, the Consolidated LEP has been updated to include Clauses 6.30 and 6.31 with associated mapping which appropriately respond to these recommendations. This will then ensure future development is compatible through the development application process.</p> <p>On 28 February 2023, Council adopted updates to its new DCP which further gives effect to the LUSS and its recommendations. This includes detailed design measures to ensure future development is compatible with the hazard risks.</p> <p><i>Pipeline Operator</i></p> <p>Section 2.77 - Development adjacent to pipeline corridors under State Environmental Planning Policy (Transport and Infrastructure) requires development within 20m of a pipeline to be referred to the relevant pipeline operator.</p> <p>This existing provision, applied during the development application process, ensures the requirements of the pipeline operator are satisfied.</p>

Objectives	Assessment
LSPS E4.10–Improve water quality when planning urban, suburban and natural places	Stormwater management provisions in the proposed Consolidated LEP will ensure future development considers the water sensitive urban design (WSUD) principles including the protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments.

6.1.2 Local Housing Strategy

In June 2021, the Department approved the Council endorsed Canterbury Bankstown Local Housing Strategy (LHS) subject to conditions.

The LHS sets out the housing vision for the LGA, being:

“Canterbury Bankstown will have housing that meets the needs of its growing and changing population. New housing development will provide a mix of housing types and sizes in a range of price points. Larger developments will provide affordable housing. New housing growth will be targeted to centres that can offer residents a high level of amenity and access to jobs, services and community facilities”

The vision is supported by four strategic directions:

1. Deliver 50,000 new dwellings by 2036 subject to the NSW Government providing upfront infrastructure support
2. Stage the delivery of new dwellings to address complex renewal issues affecting Canterbury Bankstown
3. Focus at least 80% of new dwellings within walking distance of centres and places of high amenity
4. Ensure new housing in centres and suburban areas are compatible with local character

The LHS indicates that the directions in the LAPs remain valid and were incorporated into the LHS.

The draft LEP is consistent with the LHS because it implements place-based LAPs distributed throughout the LGA by supporting delivery of opportunities for additional dwellings in local and small village centres where there is good access to existing facilities, services and public transport.

The proposal will generate the planning control capacity for approximately 14,000 new dwellings. This is the theoretical capacity where all land to be rezoned by this proposal will generate this much capacity.

However, the delivery of this new housing through this increased planning control capacity will occur over time which is consistent with the outcomes and approach sought by the Council's LHS.

It should be noted that there are no changes to residential land uses or development standards that restrict existing residential development potential.

6.1.3 Affordable Housing Strategy

Canterbury Bankstown Council's Affordable Housing Strategy was endorsed by Council in June 2021. The strategy has not been reviewed or endorsed by the Department.

The Affordable Housing Strategy seeks to increase the supply of affordable housing and locate it near established centres to provide access to transport, jobs and services.

The Affordable Housing Strategy commits to a 5% affordable housing contribution for new future proposals resulting in uplift of more than 1,000sqm residential floorspace, unless otherwise agreed by Council.

The implementation of Council's Affordable Housing Strategy in the draft LEP is expected to be pursued through future planning proposals in accordance with the Department's affordable housing policy. The Department is currently assessing a Gateway request (PP-2022-1153) to introduce an Affordable Housing Contributions Scheme (AHCS) to the LEP to set out how, where and at what rate contributions can be collected for affordable housing. This includes sites within the Bankstown City Centre (PP-2022-1153) and is also sought to be expanded to other sites in Campsie under PP-2022-2726.

The subject planning proposal will generate new opportunities for housing in the local government area that will help to address demand for new housing.

6.1.4 Canterbury Road Review

The Canterbury Road Review applies to an 8km corridor along Canterbury Road from Hurlstone Park to Punchbowl. The Review by Council sought to address increased traffic volumes and built forms that were emerging along the road corridor from a former masterplan in 2010.

In 2018, Council resolved to support the Review in-principle and subsequently endorsed the LSPS, which includes an action to implement the Canterbury Road Review recommendations.

The Canterbury Road Corridor Review recommends concentrating mixed use development at seven key junctions and additional housing at a further 11 localities. It also recommends excluding multi-storey housing from other land fronting Canterbury Road and revised planning controls to support ground floor bulky and light industry in mixed use developments on Canterbury Road and delivery of medium density housing on R3 zoned land in the corridor.

The proposed Consolidated LEP involves deletion of an aim at Clause 1.2 of CLEP 2012 that seeks to: *'revitalise Canterbury Road by encouraging a mix of land uses that does not detract from the economic viability of existing town centres'*.

The proposed Consolidated LEP also involves changes to non-residential land uses across the zones including prohibition of certain uses in the B5 zone. The existing Additional Permitted use (APU) for residential accommodation in the B5 zone in CLEP 2012 will be retained. This only allows for this form of development along Canterbury Road provided it is part of a mixed use development.

These changes are supported as they do not inhibit Council from implementing the Canterbury Road Review recommendations. It is noted that the proposed Consolidated LEP does not include changes to zoning, floor space ratios, heights or residential permissibility along the Canterbury Road Corridor.

6.1.5 Bankstown CBD and Bankstown Airport Collaboration Area

The Greater Sydney Commission's Bankstown CBD and Bankstown Airport Place Strategy was made in December 2019.

The strategy sets out a vision for growth and infrastructure in the collaboration area, which includes Bankstown CBD, Yagoona, Condell Park, Milperra (including the airport) and Georges Hall. The strategy responds to the future direction for Sydney Metro South West, investment in health services in Bankstown and the relocation of Western Sydney University Campus from Milperra to Bankstown.

The planning proposal does not affect the implementation of the Greater Cities Commission's Bankstown CBD and Bankstown Airport Place Strategy.

6.2 Section 9.1 Ministerial Directions

The following section provides details of the Department's assessment of key matters against the applicable Section 9.1 Ministerial Directions.

Direction 1.1 - Implementation of Regional Plans

Ministerial Direction 1.1 seeks to give effect to the vision, land use strategy, goals, directions and actions contained in Regional Plan. The Plan that applies to the Canterbury Bankstown LGA is the Greater Sydney Region Plan (Region Plan).

The proposed Consolidated LEP is consistent with the Direction as it gives effect to the Region Plan as detailed in **Section 6.1.1** of this report.

Direction 1.3 – Approval and referral requirements

Ministerial Direction 1.2 seeks to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The proposed Consolidated LEP is consistent with this Direction because it does not:

- require concurrence, consultation or referral of development applications to a Minister or public authority; and
- not identify development as designated development.

Direction 1.4 – Site-specific provisions

Ministerial Direction 1.4 seeks to discourage restrictive site-specific planning controls.

The proposed Consolidated LEP is inconsistent with the Direction as it proposes:

- a new site-specific clause for 1-17 Segers Avenue, Padstow and 15 and 7A Marco Avenue, Revesby;
- transfers existing site-specific provisions and APUs from BLEP 2015 and CLEP 2012; and
- new APUs, mostly to retain existing residential permissibility of each of the LEPs in accordance with the Gateway conditions.

This inconsistency with the Direction is considered of minor significance as any additional standards appropriately respond to a place-based planning approach and the Gateway determination.

Direction 3.1 – Conservation zones

Ministerial Direction 3.1 seeks to protect and conserve environmentally sensitive areas.

The proposed Consolidated LEP is consistent with this Direction, because:

- it incorporates existing environmental protection policies from CLEP 2012 and BLEP 2015, including Clause 6.4 Biodiversity, 6.5 Riparian Land and Watercourses, 6.6 Limited Development on Foreshore Area, which facilitate the protection and enhancement of environmentally sensitive land;
- the proposed Consolidated LEP will add new mapped biodiversity areas to give effect to the LAPs and Council's Biodiversity Strategic Plan. These are consistent with the LAPs except for:
 - areas in Bankstown Aerodrome/Milperra – these areas are within the Specialised Area LAP. Notwithstanding this, the proposed biodiversity areas are consistent with Council's Biodiversity Strategic Plan; and
 - Riverlands Golf Course (56 Prescott Parade and 25 Martin Crescent, Milperra) – no additional biodiversity areas have been added to this site (despite the LAP showing it as a larger area) as this site already has mapped areas and a site-specific clause which requires consideration of biodiversity.

- no existing biodiversity areas are being removed;
- the E1 National Parks and Nature Reserves and W1 Natural Waterways zone objectives remain consistent with the Standard Instrument and there are no rezonings affecting these zones; and
- the proposed Consolidated LEP includes some low impact changes to land uses in the W1 zone.

Direction 3.2 – Heritage conservation

Ministerial Direction 3.2 seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The proposed Consolidated LEP is consistent with this Direction because:

- it consolidates the CLEP 2012 and BLEP 2015 existing heritage items;
- the deletion of existing heritage items is supported by Council's heritage review; and
- a new design excellence clause will facilitate the further protection of heritage items and conservation areas.

Detailed discussion of heritage matters relevant to the Direction is below.

Deletion of heritage items

The proposed Consolidated LEP proposes to delete five local heritage items. This is acceptable as the items either no longer exist or were found by a Heritage Review to no longer meet the threshold required to support heritage listing at a local level as their heritage significance has been damaged or destroyed, refer to **Table 7** below.

Table 7 - Heritage items being removed from Schedule 5

Part 1 – Heritage items							
Suburb	Item Name	Address	Property Description	Significance	Item	Change	Department assessment
Lakemba	Federation weatherboard house	78 Quigg Street South	Lot A, DP 371916	Local	Former I143 CLEP 2012	Removed	Council has confirmed this house no longer exists
Bankstown	House	89 Restwell Street	Lot 20, DP 13055	Local	Former I12 BLEP 2015	Removed	Council has confirmed this house no longer exists

Part 3 – Archaeological sites							
Suburb	Site name	Address	Description	Significance	Item Number	Change	Department assessment

Part 3 – Archaeological sites							
Chullora	Site of “Royal Arms Inn”	2–2A Hume Highway	Lot 12, DP 834734; Lot 1, DP 547215	Local	Former A2 BLEP 2015	Removed	Council submitted a Heritage Review for this site post-exhibition which concludes that the site of the Royal Arms Inn should not be included in the LEP as the exact location of the site could not be determined and physical and documentary evidence is insufficient to justify listing
Yagoona	Site of “Globe Inn”	2/20 and 3/20 Diffy Lane and 656 Hume Highway	SP 60927	Local	Former A7 BLEP 2015	Removed	Council submitted a Heritage Review for this site post-exhibition which concludes that the site of The Globe Inn should not be included in the LEP as it is likely that the recent redevelopment of the site has impacted on most if not all substantial archaeological evidence
Yagoona	Site of “Crooked Billet Inn”	724–734 Hume Highway	Lots 25 and 26 and 32–38, DP 13125; Lots 1 and 2, DP 519501	Local	Former A8 BLEP 2015	Removed	Council submitted a Heritage Review for this site post-exhibition which concludes that there is insufficient physical or archaeological evidence to warrant listing is as a heritage item

Aboriginal heritage

The LAPs did not identify any potential impacts to Aboriginal objects or places of heritage or significance. Heritage NSW has advised the LGA includes 68 Recorded Aboriginal Sites. The proposed Consolidated LEP is unlikely to impact Recorded Aboriginal Sites. In relation to areas of potential Aboriginal heritage significance, the Local Strategic Planning Statement (Action E7.4.146, page 81) proposes to develop a Citywide Aboriginal Cultural Heritage Study.

Council should be encouraged to consider how Aboriginal cultural heritage and cultural landscapes can be provided in the new Consolidated LEP in future LEP amendments (as per Heritage NSW submission).

State heritage items

Post-exhibition changes were made to State heritage items to align the proposed Consolidated LEP with the gazetted curtilage maps on the State Heritage Register. These changes, made in consultation with NSW Heritage and Council, refer to **Table 8** below.

Table 8 - Post-exhibition changes to State heritage items

Suburb	Item Name	Change
Ashbury	Ashbury Public School – Building B00C	This State heritage item was added
Bankstown	Bankstown Reservoir	This property description and mapped curtilage were updated
Belmore	Federation railway station buildings	This property description and mapped curtilage were updated
Canterbury	Federation railway station buildings	This property description and mapped curtilage were updated
Canterbury	Canterbury Sugar Works (former)	This property description and mapped curtilage were updated
Auburn, Chester Hill, Chullora, Greenacre, Guildford, Potts Hill, Regents Park, Sefton	Pressure Tunnel, Shaft No 1 and associated infrastructure	This property description and mapped curtilage were updated Note: part of the mapped heritage curtilage remains inconsistent with the SHR. Council should be encouraged to resolve this inconsistency with NSW Heritage in a future planning proposal
Condell Park	Air Defence Headquarters Ruin Sydney (former)	This property description and mapped curtilage were updated
Earlwood	Western Outfall Main Sewer–Cooks River Aqueduct	This item name, property description and mapped curtilage were updated
Earlwood	Western Outfall Main Sewer–Wolli Creek Aqueduct	This item name and mapped curtilage were updated
Georges Hall	The Homestead building and site	This property description and mapped curtilage were updated
Potts Hill	Potts Hill Reservoirs 1 and 2 and site	This property description and mapped curtilage were updated

Suburb	Item Name	Change
Earlwood	Western Outfall Main Sewer – Rockdale to Homebush	This State Heritage Item was added

Additional Heritage Items identified in LAPs

It is noted that the LAPs identify several heritage items to be listed in the heritage schedule (115 William Street Condell Park, 7 Avoca Street Yagoona, 110, 112, 116, 118 Marion Street and 2A Pringle Avenue Bankstown).

These were supported by a detailed heritage assessment including Bankstown Heritage North East and North Central Heritage Review (Paul Davies Pty Ltd 2013). These have not been included by Council in the proposed Consolidated LEP. Council is encouraged to investigate if these items still warrant local listing as part of a future planning proposal(s).

Other heritage changes

Post-exhibition changes were made to transfer 35 local heritage items and six heritage conservation areas from CLEP Amendment 21 made in December 2020.

Several minor changes were made to correct errors. Several errors relate to CLEP Amendment 21, whilst others relate to the exhibited draft LEP.

A post-exhibition change was made to the draft LEP aims in Clause 1.2 to 'identify and conserve' as well as protect heritage, and to include 'Aboriginal' heritage. These changes respond to Heritage NSW and NSW Health submissions.

Direction 3.5 – Recreational vehicle area

Ministerial Direction 3.5 seeks to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

The proposed Consolidated LEP is consistent with Direction 3.5 as there are no changes to permissible uses in the E1 National Parks and Nature Reserves zone.

Direction 4.1 – Flooding

On 14 July 2021, the NSW Flood Prone Land Package came into effect. It introduced a new mandatory flood planning clause (Clause 5.21) and removed flood plan mapping from LEPs. A new optional provision for special flood consideration for sensitive land uses was not adopted by Council. This existing approach has been applied to the proposed Consolidated LEP.

The NSW Flood Prone Land Package also included revisions to Direction 4.1 Flood Prone Land, which has been applied to the draft LEP. The objectives of Ministerial Direction 4.1 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 (FPM Manual)*
- (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*

The proposed Consolidated LEP applies to several stormwater catchments. Council has completed flood studies for each of these catchments. An overlay of the catchments is shown in **Figure 3**, including the proposed centre rezonings under the LAPs.

Based on the flood studies, Council has completed floodplain risk management plans for the Salt Pan Creek, Duck River and Mid Georges River Catchments. The plans for the Prospect Creek and Cooks River Catchments require the involvement of neighbouring councils and the plan making process has commenced. An overlay of the catchments with the LAP Area related changes is shown in **Figure 4**.

The Direction applies to planning proposals that create, remove or alter a zone or provision that affects flood prone land, and states that planning proposals must include provisions that give effect to and are consistent with plans and policies, such as the NSW Flood Prone Land Policy.

The Direction states that planning proposals must not:

- rezone land within flood planning areas from recreation, rural, special purpose or environmental protection zones to residential, business, industrial or special purpose zone; and
- contain provisions that apply to the flood planning area, for example, permitting residential accommodation in high hazard areas or permitting a significant increase in the development and/or dwelling density of that land.

The proposed Consolidated LEP is inconsistent with this Direction because it seeks to:

- increase dwelling density in the stormwater flood planning area; and
- permits development for the purposes of residential accommodation in high hazard areas as identified under the stormwater flood planning area.

However, as discussed in detail below, these inconsistencies are acceptable because these inconsistencies are restricted to a limited number of sites, which are only marginally affected and are still capable of development in accordance with the proposed new zone.

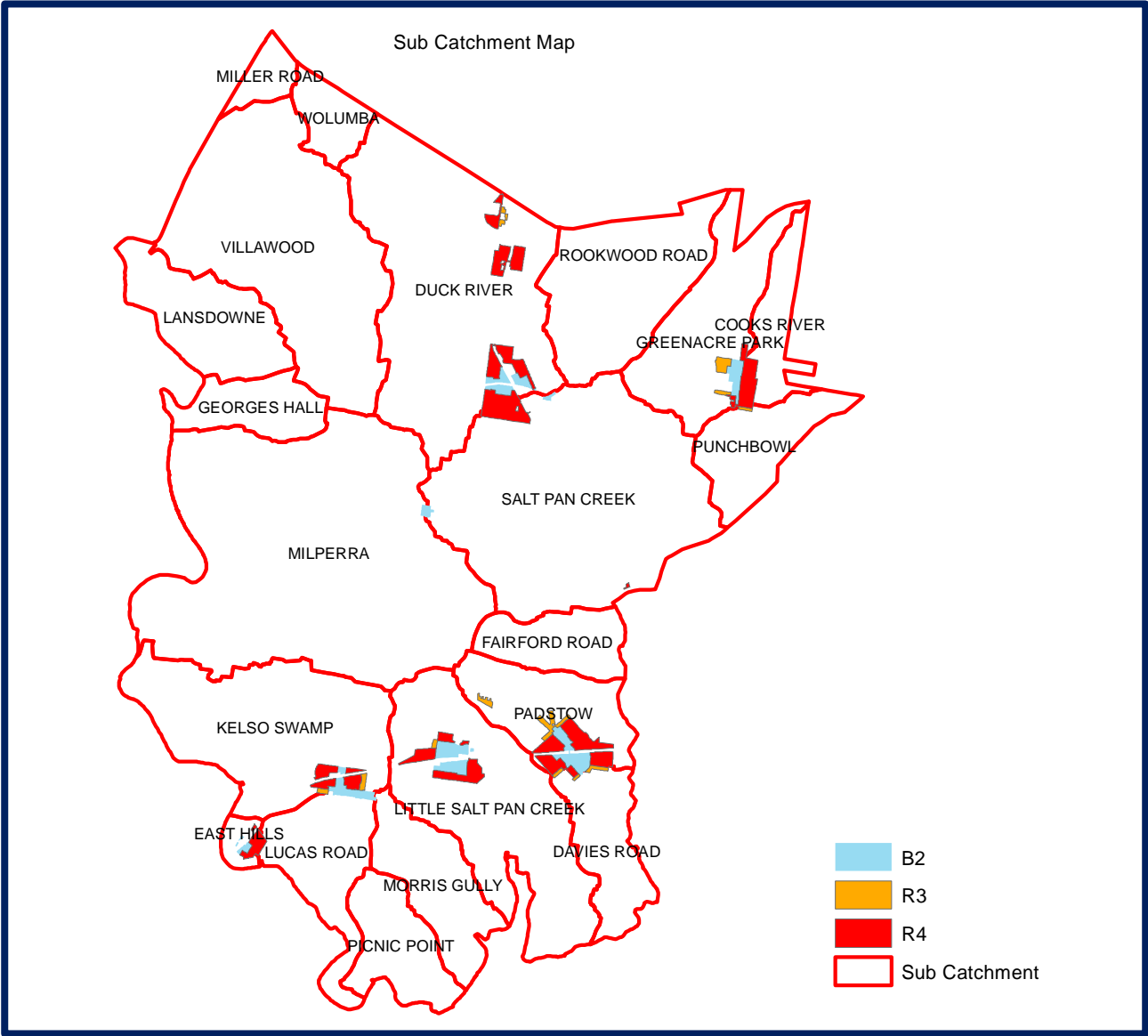


Figure 3 - Sub-catchments supported by flood studies overlayed with LAP Area related changes
(Source: Council)

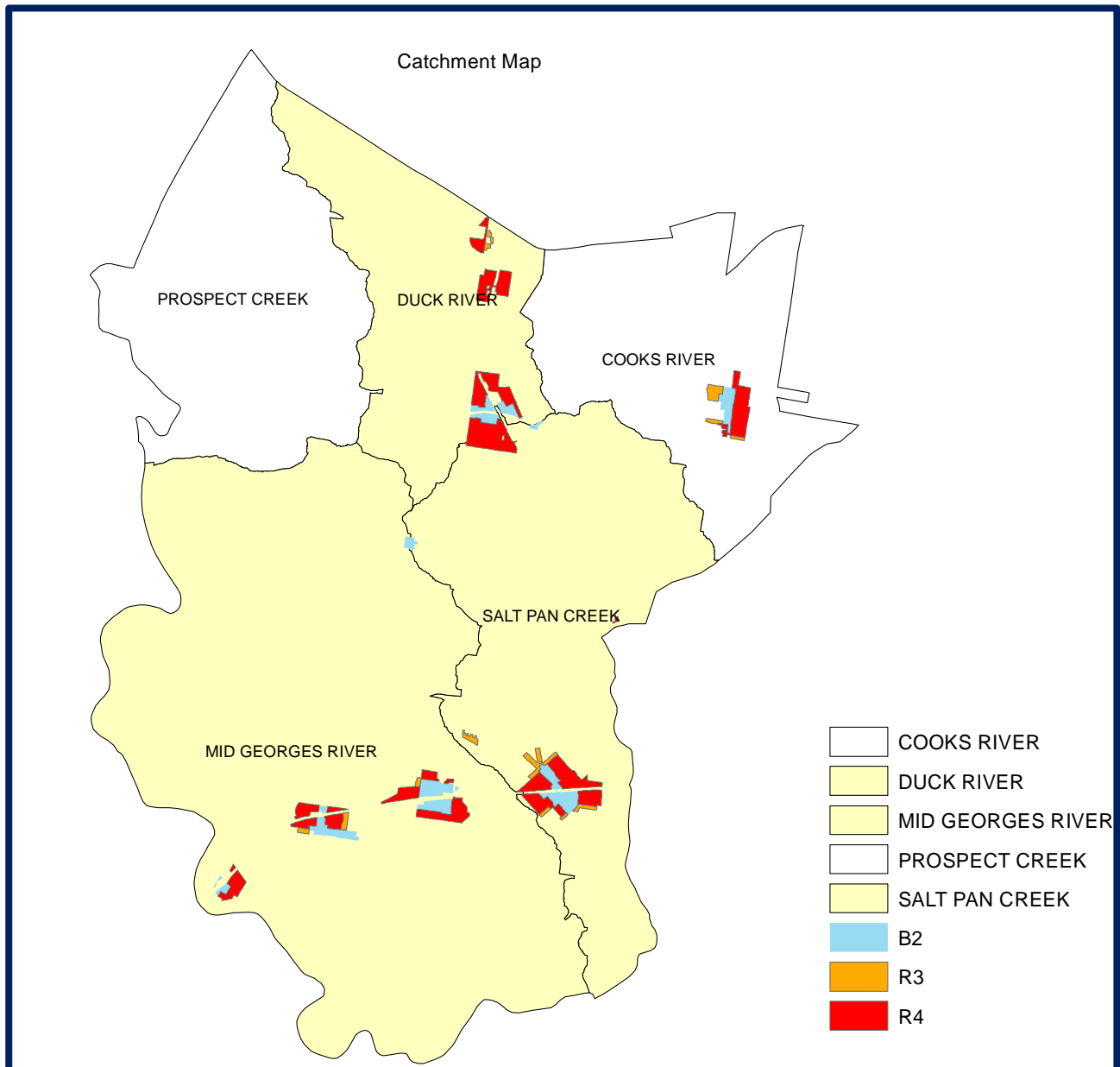


Figure 4 - Catchments supported by Stormwater Catchment Floodplain Management Plans overlayed with LAP Area related changes (Source: Council)



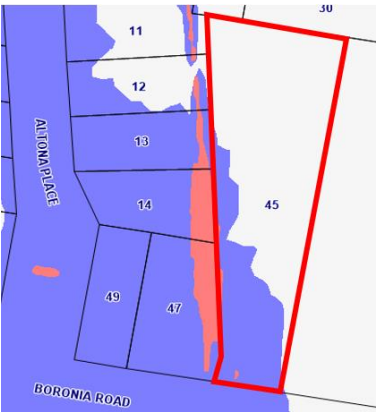
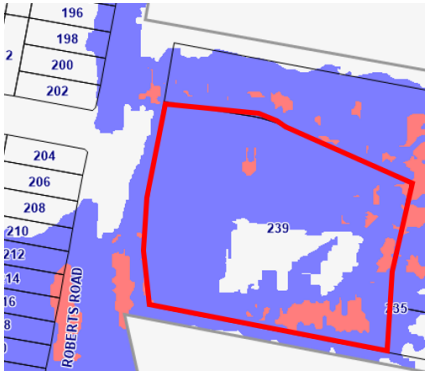
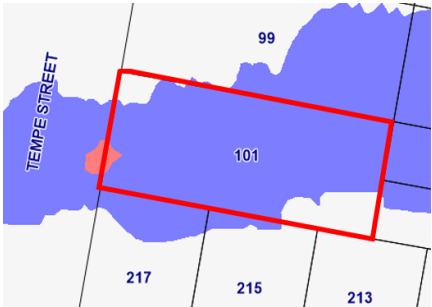
High risk flood area

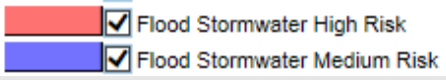
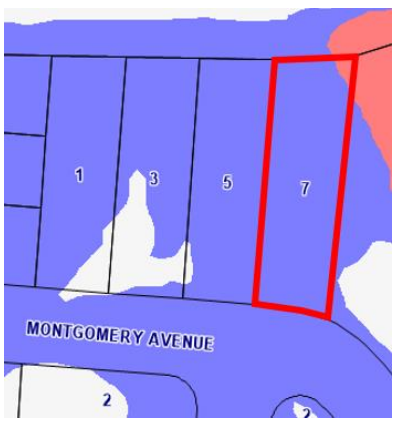
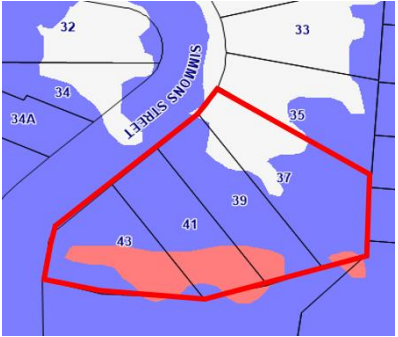
The proposed Consolidated LEP seeks to facilitate increased development density on some sites that are identified in Council's stormwater flood studies as having a high risk¹ flooding impact.

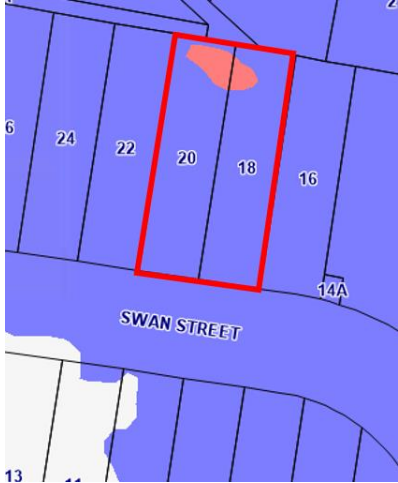
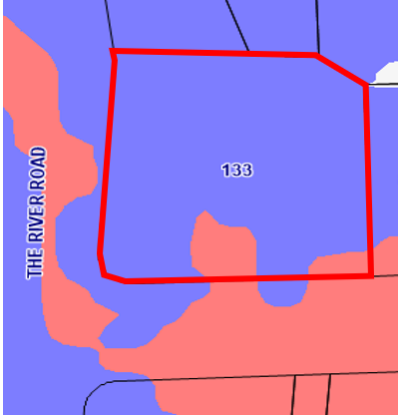
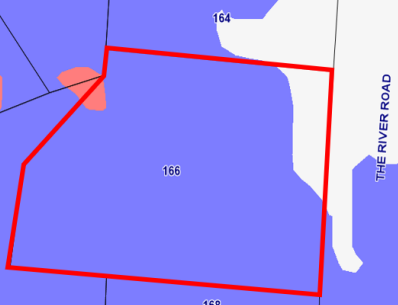
These sites and the Department's assessment for suitability is included in Error! Reference source not found..

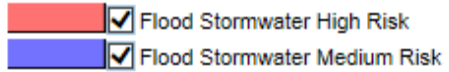
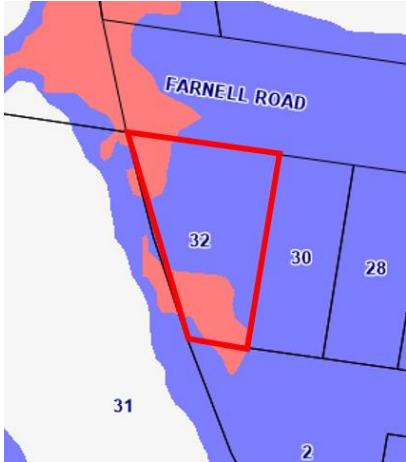
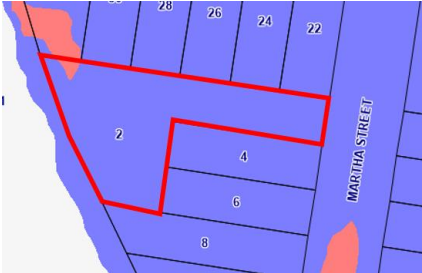
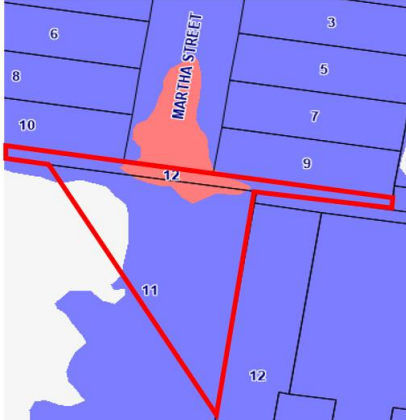
¹ Council's flood studies define Flood Stormwater High Risk as land below the 100 year ARI flood that is either subject to a provisional high hydraulic hazard (in accordance with Fig G2 of the FPM Manual) or where there are significant evacuation difficulties.

Table 9 - Sites where uplift is proposed in high-risk stormwater flood areas at the probable maximum flood (PMF)

Site address	Proposed Zoning change	Proportion of land affected by the high-risk stormwater flood precinct (sites highlighted red) <div> Flood Stormwater High Risk  Flood Stormwater Medium Risk</div>	Department's Assessment
45 Boronia Road, Greenacre	R2 → R3		<p>Due to this site being immediately adjacent to a waterway/drainage line and existing transmission easement affectation, there is limited opportunities to appropriately address the site's flooding affectation.</p> <p>In response, the existing zoning and development standards will be retained. This will preclude an unjustified increase in the flooding risk for the site.</p>
239 Roberts Road, Greenacre	R2 → B6		<p>Only a minor part of the site is impacted by high risk flooding and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>Further the controls regulating any future development would be required to adhere to Council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved.</p>
101 Tempe Street, Greenacre	R2 → R4		<p>Only a minor part of the site is impacted by high risk flooding and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>Further the controls regulating any future development would be required to adhere to Council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved.</p>

Site address	Proposed Zoning change	Proportion of land affected by the high-risk stormwater flood precinct (sites highlighted red) 	Department's Assessment
7 Montgomery Avenue, Revesby	R2 → R4		<p>Only a minor part of the site is significantly impacted and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed. Further the controls regulating any future development would be required to adhere to council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved.</p>
37-43 Simmons Street, Revesby	R2 → R4		<p>Only the southern part of the site is impacted by high risk flooding and can be addressed as part of any future stormwater treatment/designs for the site if development were to proceed.</p> <p>The site would also likely be required to amalgamated with adjoining sites due to minimum lot size requirements for denser development in order to develop for other more intensive uses (i.e. apartments).</p> <p>Redevelopment of the site will better address the flood impacts and provide the opportunity for engineered drainage solutions that are likely to minimise flood impacts to the site and upgrade supporting stormwater infrastructure on and off the site.</p> <p>The maximum FSRs and building height are to be increased from 0.5:1 to part 0.75:1 & part 1:1 and from 9m to part 10m & part 14m, respectively.</p> <p>These proposed increases are also not significant and are compatible with the local FSRs.</p>

Site address	Proposed Zoning change	Proportion of land affected by the high-risk stormwater flood precinct (sites highlighted red) <div> <input checked="" type="checkbox"/> Flood Stormwater High Risk <input checked="" type="checkbox"/> Flood Stormwater Medium Risk </div>	Department's Assessment
18-20 Swan Street, Revesby	R2 → R4		<p>Only a minor part of the site is impacted by high risk flooding and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>Further the controls regulating any future development would be required to adhere to Council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved.</p>
133 The River Road, Revesby	R2 → B2		<p>The site is currently wholly covered in development and impervious surfaces. Future development of this site may present the opportunity to address onsite and off site stormwater impacts, thereby improving flooding impacts to the site and its surrounds.</p> <p>Further the land use zone proposed better reflects the current land uses, which are less sensitive in comparison to the current R2 Low Density Residential zoning of the site.</p>
166 The River Road, Revesby	B2 → No change to zone, but increased HOB & FSR		<p>Only a minor part of the site is impacted by high risk flooding and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>The controls regulating any future development would be required to adhere to council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved.</p> <p>Further, the site is to be retained for commercial uses and currently has a highly impervious to pervious development ratio on the site.</p>

Site address	Proposed Zoning change	Proportion of land affected by the high-risk stormwater flood precinct (sites highlighted red) 	Department's Assessment
32 Farnell Road, Yagoona	R2 → R4		<p>Only a minor part of the site is impacted by high risk flooding and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>The site would also likely be required to amalgamated with adjoining sites due to minimum lot size requirements in order to develop for other more intensive uses (i.e. apartments).</p> <p>Redevelopment of the site will better address the flood impacts and provide the opportunity for engineered drainage solutions that are likely to minimise flood impacts to the site and upgrade supporting stormwater infrastructure on and off the site.</p> <p>The proposed increases to the FSR and HOB increases are also not significant.</p>
2 Martha Street, Yagoona	R2 → R4		<p>Only a minor part of the site is significantly impacted (ie. high risk) and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>Further the controls regulating any future development would be required to adhere to Council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved. On this basis it is recommended that this site proceed to be rezoned per the proposal.</p>
11-12 Martha Street, Yagoona	R2 → R4		<p>Only a minor part of the site is significantly impacted (ie. high risk) and can be addressed as part of the stormwater treatment/designs for the site if development were to proceed.</p> <p>Further the controls regulating any future development would be required to adhere to Council's DCP requirements and any Government Policy that may be implemented prior to the time this development is approved. On this basis proceed to rezone per the proposal.</p>

As detailed in **Table 9** above, where the inconsistencies could not be justified at certain sites in Boronia Road, Greenacre and Simmons Street, Revesby, the existing LEP zones and associated development standards have been applied. This will ensure no additional flooding impacts are introduced onto these sites where it is not justified and appropriate.

Otherwise, the inconsistencies of the proposed Consolidated LEP with the Ministerial Direction for high risk flood affected areas are not of major significance, because the portion of land that is high risk flood affected on each of the properties is limited as detailed in **Table 9**. This provides for compatible development of the land to occur in accordance with the zoning associated development standards and DCP planning controls.

The consideration of these provisions, including building materials and other suitable engineering solutions such as floor heights, building structures and on-site flood mitigation works. This can also include accounting for the specifics of the proposed development, and up-to date flood information. These provisions can be appropriately considered and applied during the development application process to determine if development should proceed.

It is also noted the affected sites do not involve rezoning land from recreation, special purpose or environmental protection zones, which is fully consistent with Clause 5 of the Direction.

Medium risk flood area

The proposed Consolidated LEP is inconsistent with the Direction as there are properties that will receive increased densities within medium risk² stormwater flood areas.

The inconsistency of the proposed Consolidated LEP with the Ministerial Direction for medium risk flood affected areas is of minor significance, because where sites are affected by medium risk stormwater flooding,

- the land is:
 - below the 1 in 100-year floor level;
 - is not subject to a high hydraulic hazard; and
 - where there is no significant evacuation difficulties.
- flooding impacts in medium risk areas can be mitigated by implementing DCP flood controls and suitable stormwater design as part of the DA stage. These controls and design outcomes include development of habitable floor levels with a required freeboard, and design of parking and access to minimise inundation. The Council's adopted Consolidated DCP3 also gives effect to flood risk management plans, which are in accordance with the NSW Floodplain Development Manual; and
- any proposed increases in development density at certain locations within the medium flood risk areas are subject to Council's development controls, which align with the principles and approach of the NSW Government's Flood Policy, the Flood Development Manual 2005. Development consent should only be granted where the development demonstrates compliance with these requirements.

² Council's flood studies define Flood Stormwater Medium Risk as land below the 100 year ARI flood that is not subject to a provisional high hydraulic hazard (in accordance with Fig G2 of the FPM Manual) and where there are no significant evacuation difficulties.

³ On 25 May 2021, the draft Consolidated DCP was adopted by Council and will come into force when the proposed Consolidate LEP is made.

Flood risk management controls that apply to Carinya Road, Picnic Point

On 25 July 2017, Canterbury Bankstown Council adopted the *Mid Georges River Catchment Floodplain Risk Management Plan* (the Mid Georges River CFRMP).

The Mid Georges River CFRMP recommended that certain sensitive land uses at Carinya Road, Picnic Point be precluded because of the area's high flood risk classification (**Figure 5**). These sensitive land uses, include:

- dual occupancies;
- centre-based child care facilities;
- community facilities;
- health consulting rooms;
- places of public worship; and
- respite day care centres.

In response, the draft LEP proposes to zone this land R2 Low Density Residential and prohibit these sensitive land uses through proposed Clause 6.28 - Restriction on development on land in Area 2 (**Figure 5**). This prohibition is consistent with the requirements of the Mid Georges River CFRMP and the Direction because it prevents sensitive land uses in high-risk flood areas.

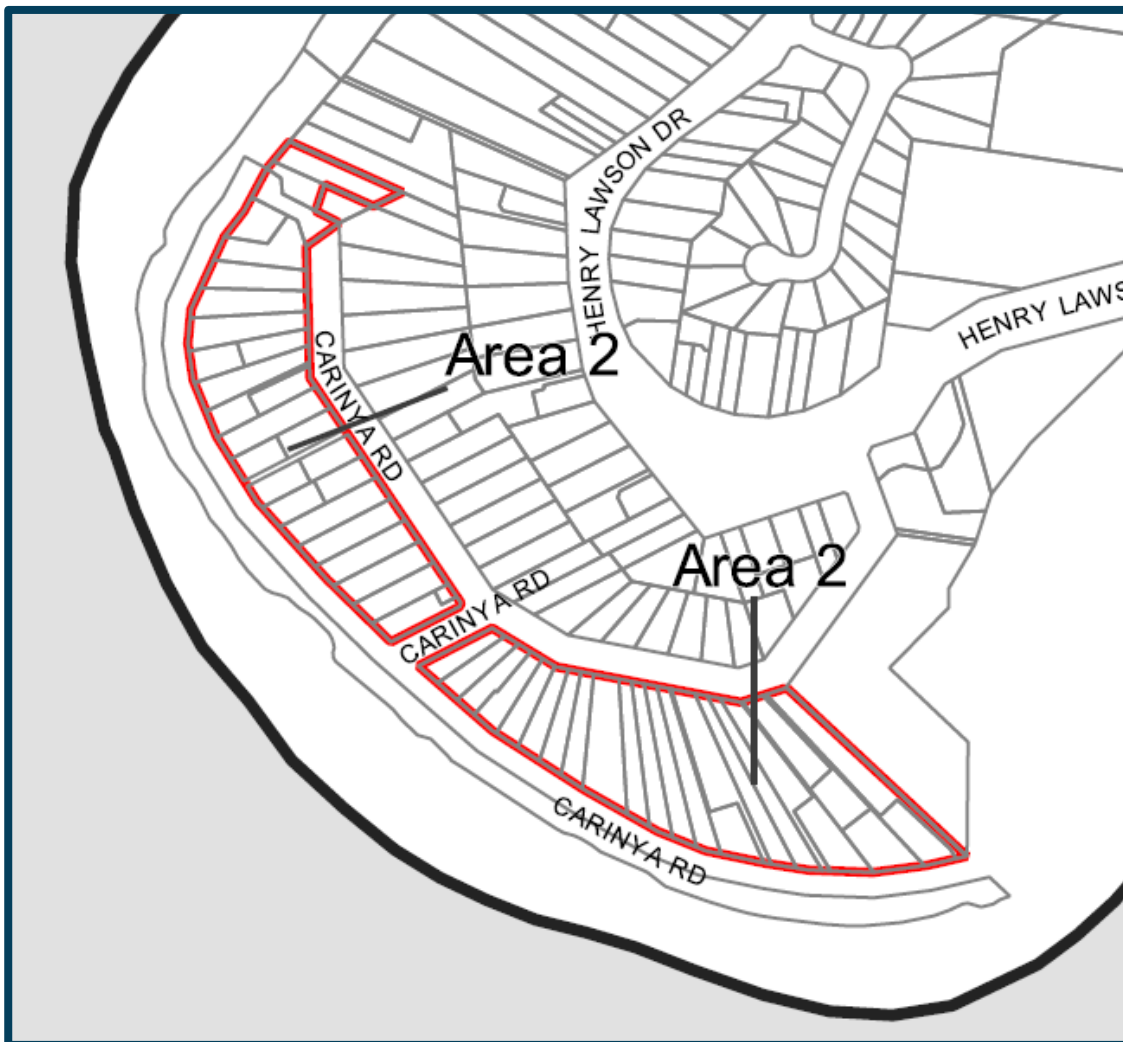


Figure 5 - Carinya Road, Picnic Point Mid Georges River FRMS&P sensitive uses prohibited
(Source: Council)

Direction 4.2 – Coastal management

Ministerial Direction 4.2 seeks to protect and manage coastal areas of NSW. The Coastal Management SEPP (Resilience and Hazards) 2021 applies to parts of the Canterbury Bankstown LGA (see **Figure 7**).

The proposed Consolidated LEP seeks to rezone and increase the intensity of development on several sites that are mapped as 'coastal use area' and 'coastal environment area' under the SEPP (**Figure 7**).

Specifically the planning proposal seeks to rezone some of this affected land from R2 Low Density Residential to R4 High Density Residential, and increase the maximum FSR from 0.5:1 to 1:1 and maximum building heights from 9m to 13m. This results in an inconsistency with Direction 4.2.

Despite this, this inconsistency is minor and acceptable because:

- the land which needs protection under the SEPP is in the Monash Reserve, which is situated and separated by the land subject to proposed zoning and built form control changes;
- the land to be rezoned by the proposed Consolidated LEP is currently used for residential purposes and is not technically affected by the SEPP and does not include sensitive wetlands or the like; and
- any potential impacts to wetlands or coastal protected habitat can be further assessed during the development process in accordance with the SEPP.

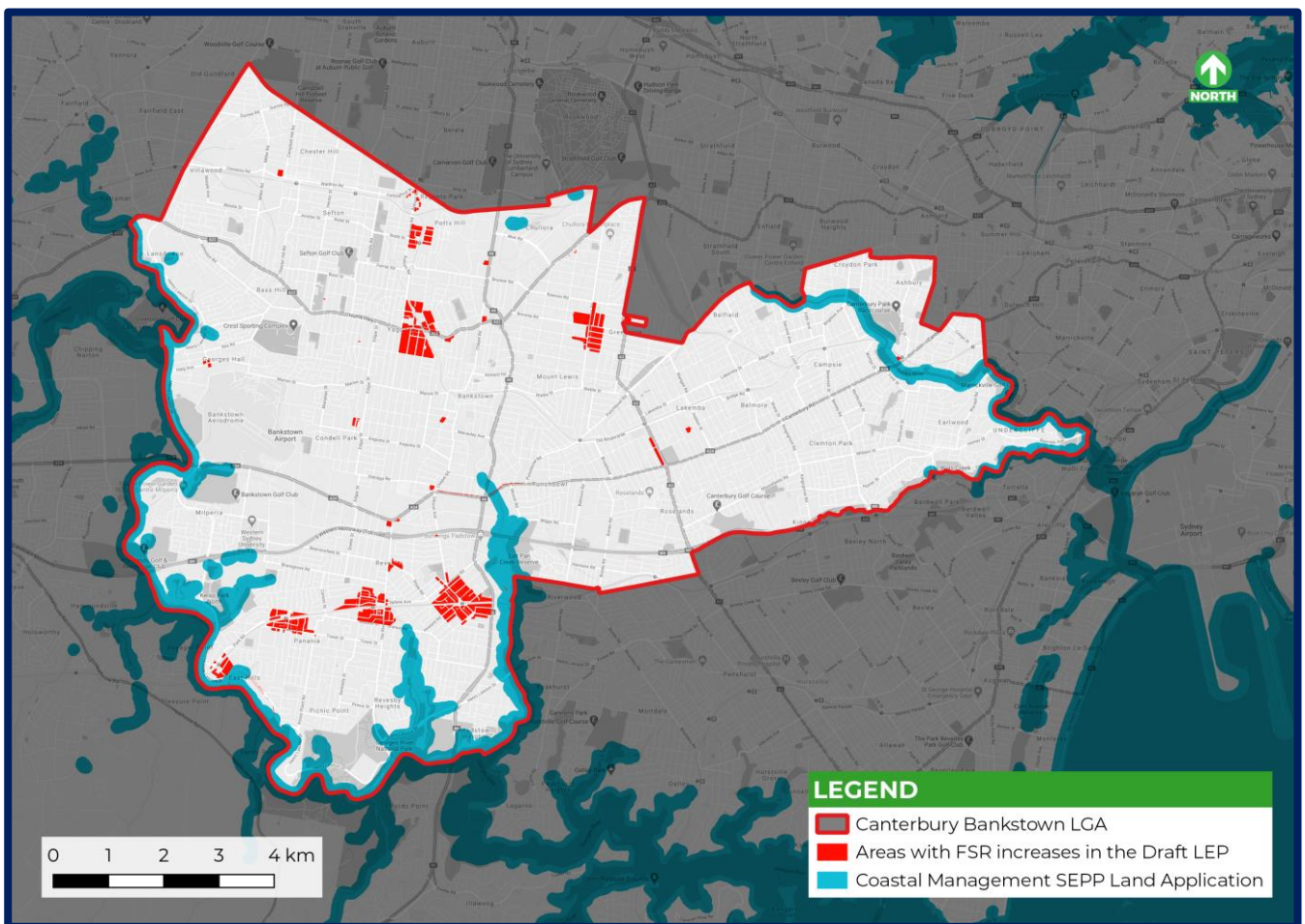


Figure 6 - Area of application for Chapter 2 Coastal Management 2018 of the SEPP (Resilience and Hazards) 2021 (Source: NSW Planning Portal E-Spatial viewer)



Figure 7 - Rezoning and uplift on a site in east Hills on which the Chapter 2 Coastal Management 2018 of the SEPP (Resilience and Hazards) 2021 applies (Source: NSW Planning Portal E-Spatial viewer)

Direction 4.3 – Planning for bushfire protection

The objectives of Ministerial Direct 4.3 are:

- “(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas*
- (b) to encourage sound management of bush fire prone areas”*

The proposed Consolidated LEP is consistent with this Direction, because:

- it does not propose to intensify existing development potential on bushfire prone land in the draft LEP; and
- Rural Fire Service of NSW raised no objection to the planning proposal.

Direction 4.4 – Remediation of contaminated land

Ministerial Direction 4.4 seeks to reduce the risk of harm to human health and the environment by ensuring that planning proposal authorities consider contamination and remediation.

Clause 4 of the Direction requires consideration of potentially contaminated sites if a planning proposal proposes to permit a change of use of land to enable residential, educational, recreational, childcare and hospital purposes.

The proposed Consolidated LEP seeks to rezone land that may have been contaminated and preliminary contamination investigations have been submitted by Council during the finalisation process. These reports include:

- Reditus, Preliminary Site Investigation, 35 Cahors Road Padstow, August 2020;
- 4 Pillars Environmental Consulting, Preliminary Site Investigation, 38 Cantrell Street Yagoona, March 2018;
- GHD, Preliminary Site Investigation, 222 Waldron Road Chester Hill, October 2018; and
- Senversa, Preliminary Site Investigation, Multiple Sites, July 2020.

A summary of the investigations of affected is provided in **Table 10** below.

Table 10 Site with contamination assessment

Address	Zoning change	DPE assessment	Conclusion/ Recommendation
35 Cahors Road, Padstow	SP2 → B2	<p>The LPP resolved not to rezone this site as there was no contamination report. However, the owner submitted a contamination report in August 2020.</p> <p>The site includes a church and parking area. The contamination report concludes that the site is suitable for the proposed local centre zoning land uses without further remediation or management.</p>	Permit B2 zoning based on suitability of site being confirmed.

Address	Zoning change	DPE assessment	Conclusion/ Recommendation
222 Waldron Road, Chester Hill	SP2 → R4	<p>This site contains an existing aged care facility but is adjacent to an existing fill site and service station. The planning proposal identified the site as surplus infrastructure land.</p> <p>A preliminary contamination report was provided which identifies the main potential source of contamination for the site is the adjacent service station site.</p> <p>The available site history concludes that the site:</p> <ul style="list-style-type: none"> • was unoccupied with only unsealed tracks running across the site between 1965 and 1970 when a single structure was constructed near the eastern boundary. • the existing aged care facility was constructed from 1991. <p>The preliminary assessment concludes that targeted investigation to assess potential vapour intrusion impacts in the south-eastern corner of the site will be required. The area of concern is largely limited to a small section of the site adjacent to the existing service station.</p>	<p>Permit R4 zoning based on:</p> <ul style="list-style-type: none"> • no identified site history to suggest the site is not capable of being remediated for residential purposes. • the extent of concern is limited to the south-eastern corner of the site providing substantial opportunity to develop the remainder of the site. • the existing use of the site for aged care purposes. <p>These matters can be further addressed as part of future development assessment.</p>
1 Spence Street Revesby	RE1 → R4	<p>This site includes a car park.</p> <p>No contamination assessment or significant remedial action planning have been undertaken to demonstrate the site is suitable with or without remediation.</p>	<p>DPE recommends that the site's RE1 zone be retained on the basis there is no evidence that the site is or can be made suitable for residential uses.</p>

Noting the preliminary investigations by Council, the Department has identified further sites as being potentially contaminated. The rezoning of these sites has also been reverted to retain existing permissibility (**Table 11**) as insufficient evidence has been provided to the Department to demonstrate that these sites are suitable and free from contamination or can be made suitable with remediation.

Table 11 Sites without contamination assessments

Address	Proposed zoning changes	Post-exhibition change
6–8 Chapel Road, Bankstown	B1/SP2 → B1	Post-exhibition change to retain the existing B1/SP2 zoning
14 Eldridge Road, Bankstown	SP2 → B1	Post-exhibition change to retain the existing SP2 zoning
64 Australia Street, Bass Hill	RE1 → R2	Post-exhibition change to retain the existing RE1 zoning
36A Maclaurin Avenue, East Hills (aka 26 Maclaurin Avenue East Hills)	SP2 → B2	Post-exhibition change to retain the existing SP2 zoning
210–224 Weston Street, Panania	SP2 → B2	Post-exhibition change to retain the existing SP2 zoning
91 The River Road, Revesby	SP2 → B1	Post-exhibition change to retain the existing SP2 zoning
100 The River Road, Revesby	SP2 → B1	Post-exhibition change to retain the existing SP2 zoning
104 Carlingford Street, Sefton (North West LAP)	SP2 → B2	Post-exhibition change to retain the existing SP2 zoning
210, 212, 214, 218, 220, 222, 224 Weston Street, Panania	SP2 → B2	Post-exhibition change to retain the existing SP2 zoning
15D Forrest Road, East Hills	SP2 → R4	Post-exhibition change to retain the existing SP2 zoning
45 Simmons Street, Revesby*	SP2 → B2	Post-exhibition change to retain the existing SP2 zoning
16 Howard Road Padstow*	SP2 → B2	Post-exhibition change to retain the existing SP2 zoning

* The sites at 45 Simmons Street, Revesby and 16 Howard Road, Padstow contain multi storey public car parks. The draft LEP proposed to remove the split zoning by rezoning part of the sites from SP2 to B2.

It is noted that sites at 45 Simmons Street, Revesby and 16 Howard Road, Padstow contain multi-storey public car parks and the proposed Consolidated LEP seeks to remove the split zoning by rezoning part of the sites from SP2 to B2. Council considers that a preliminary contamination assessment is not required as the SP2 portion of the sites will continue to operate as a public car park.

Whilst Council does not intend to redevelop at present, the planning proposal must be assessed on the potential changes to land uses that may result from the rezoning. As such, the requirements of the Direction cannot be adequately addressed and the current SP2 zone for this site in Padstow is retained.

Direction 4.5 – Acid sulphate soils

Ministerial Direction 4.5 relates to land with high probability of containing acid sulphate soils and requires formal assessment into the proposed intensification of development.

The proposed Consolidated LEP is consistent with Ministerial Direction 4.1 as there are no proposed changes to land where Class 1, 2 or 3 acid sulphate soils exist and there are no changes to the acid sulphate soil maps.

It is noted that the exhibited planning proposal sought to amend provisions on two sites with a high probability of acid sulphate soils, being:

- 23 Canterbury Road, Punchbowl; and
- 2–6 Monash Avenue, East Hills.

Council requested the property owners of the affected properties to submit acid sulphate soils investigation studies. Council did not receive a response. Consequently, Council resolved to maintain the existing zones because of insufficient information. This approach is supported by the Department.

Direction 5.1 – Integrating land use and transport

The objectives of Ministerial Direction 5.1 are to ensure that land use, development and built form and street layouts achieve the following:

- (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.*

The Ministerial Direction also requires a planning proposal to be consistent with:

- *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*
- *The Right Place for Business and Services – Planning Policy (DUAP 2001)*
- The proposed Consolidated LEP is consistent with Direction 5.1, because the growth proposed is in locations well serviced by existing public transport and infrastructure as discussed in **Section 4.1.2** of this report.
- It is also noted that post-exhibition changes to aims and objectives which seek to strengthen integrating land use and transport outcomes, including:
 - Clause 1.2 Aims of the Plan – the Department amended reference to ‘rail transport’ was replaced with ‘high frequency public transport’ to encourage growth around other modes of public transport; and
 - Zone objectives – Council included new objectives to the R3 and R4 zones to support increased density in accessible locations that maximise public transport and active travel. These are supported by the Department.

Direction 5.2 – Reserving land for public purposes

Ministerial Direction 5.2 stipulates that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.

Details of post-exhibition changes to the planning proposal relevant to this Direction are discussed below.

Revision of zoning for land as a public purpose

The proposed Consolidated LEP seeks to alter the zoning of lands for a public purpose. The proposed changes and the Department's assessment of these are included below (Error! Reference source not found.).

Table 12 - Post-exhibition amendments to proposed rezoning of sites that altered land for public purposes

Site address	Zoning change	Relevant Public Authority	Department's assessment
North Terrace, Bankstown	R2 → RE1	TfNSW	DPE post-exhibition amendment to retain existing R2 zone as concurrence has not been provided by TfNSW to rezoning.
213 Ashford Avenue, 217 & 252 Bransgrove Road, 555A & 557 Henry Lawson Drive, Panania (Kelso Waste Precinct)	RE1 → SP2	TfNSW Crown Land DPE Roads & Maritime Services	The rezoning to SP2 Waste or resource management facility is not supported by DPE as the proposed rezoning of RE1 land was not publicly exhibited or justified.

▪ RE1 Public open spaces

Council's Open Space Strategic Plan established criteria to assist Council in making decisions about where to acquire and divest open spaces. Uplift and increased development density should be adequately supported by appropriately located quantum of public open spaces and through protection of existing land used for public open spaces.

In this regard, the proposed Consolidated LEP rezones several sites to RE1 Public Recreation (**Figure 8**), including existing public parks at:

- Amber Reserve, Bass Hill;
- 50 Lucinda Avenue, Bass Hill; and
- Explorer Reserve, Georges Hall.

Open Space in LAPs

A limited number of sites in the LAPs are zoned (but not used for) public open space and were considered by Council to be no longer required for this purpose. These sites include 38 Cantrell Street, Yagoona and 9 and 9A Victor Avenue, Panania, which are proposed to be rezoned to a zone consistent with existing uses or neighbouring development (typically R2 Low Density Residential).

These rezonings are appropriate because they are:

- sites are no longer required to support current community open space needs;
- in private ownership;
- not used as public open space; and
- in some instances these sites have a split RE1 and R2 zone.

However, the rezoning of the site at 75A-75C Marco Avenue, Revesby from RE1 Public Recreation to R4 High Density Residential is not supported. The reason for this is that there is a lack of analysis to justify the removal of land zoned for public recreation purposes. Should this rezoning be pursued in the future it should include detailed analysis to demonstrate that the rezoning of this land would not undermine open space needs for the area and that the site is suitable for residential uses.

Based on the above assessment and with the Department's own changes the proposed Consolidated LEP is consistent with the Direction, because:

- the proposed rezonings of public land has been supported by the relevant public authority. Where the relevant public authority has not provided support for the rezoning of land for a public purpose, the existing zoning has been retained;
- any rezonings inconsistent with the Gateway determination have been removed from the proposal; and
- any newly rezoning land for a public purpose has a relevant acquisition authority for that land as appropriate.

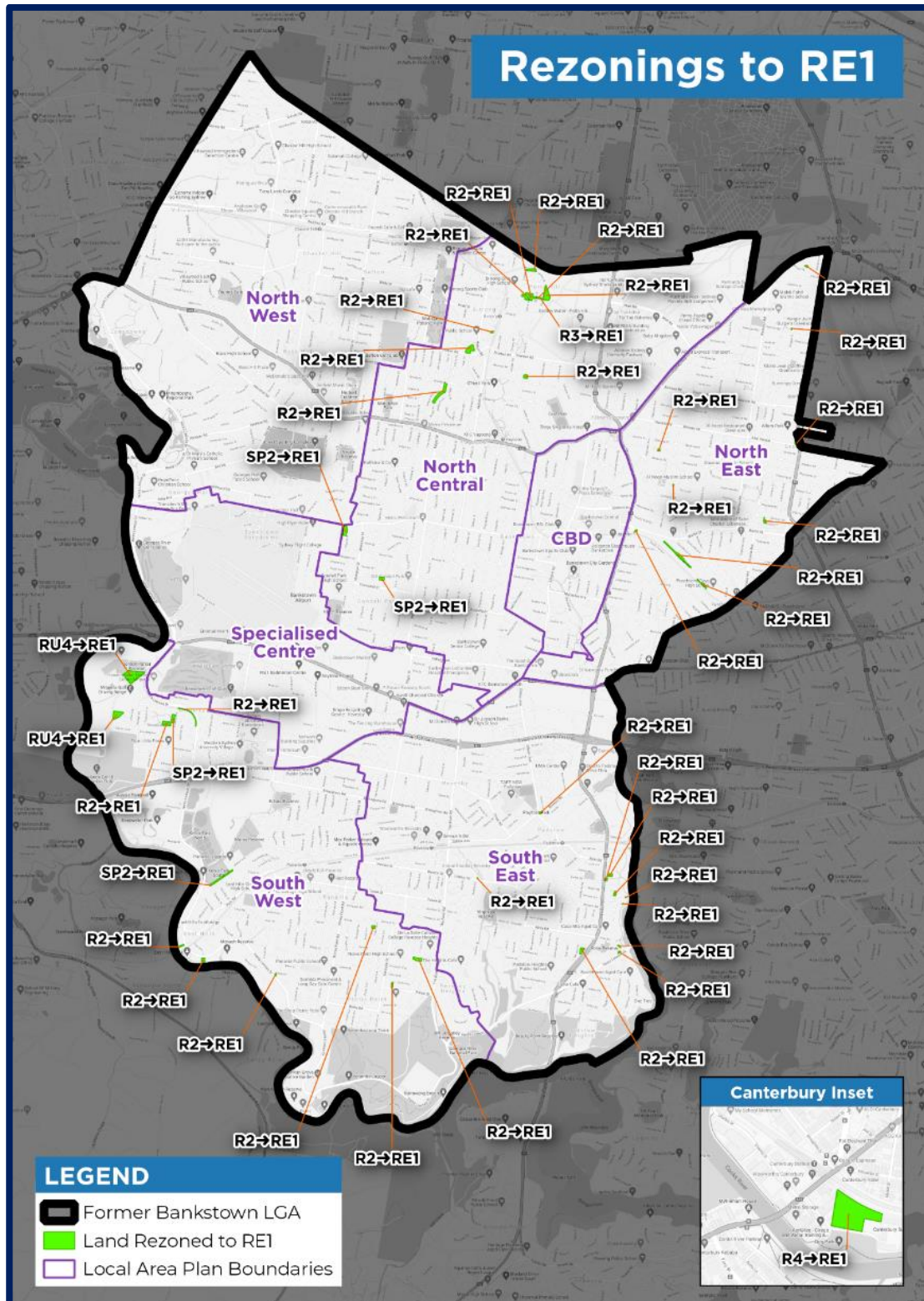


Figure 8 The draft LEP proposes to rezone sites to RE1 Public Recreation

Direction 5.3 – Development near licensed aerodromes

The objectives of Ministerial Direction 5.3 are to:

- (a) to ensure the effective and safe operation of regulated airports and defence airfields*
- (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*
- (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise*

Bankstown Airport's aircraft noise exposure forecast (ANEF) levels and obstacle limitation surface (OLS) are statutory surfaces designed to protect airport operations from surrounding development growth.

Council notified the Department of Infrastructure, Transport, Regional Development and Communications; Civil Aviation Safety Authority and Bankstown Airport in accordance with the Gateway Determination. Council received a submission from the Bankstown Airport.

The proposed Consolidated LEP is consistent with this Direction, because:

- the existing Clause 6.6 – Aircraft Noise in BLEP 2015 has been retained. This clause will continue to ensure that development subject to the ANEF contours of Bankstown Airport responds appropriately to aircraft noise through the development application process.;
- the proposed building heights are consistent with the Obstacle Limitation Surfaces and PANS-OPS Surfaces of Bankstown Airport;
- the proposed land uses are consistent with the ANEF contours of Bankstown Airport; and
- a new Clause 6.7 – Aircraft Operations will be included in this LEP by the Department post-exhibition to ensure future development responds appropriately the existing aircraft operation surfaces under the *Airport Act 1996* through the development application process.

The inclusion of this provision appropriately responds to Metro Airport's submission requesting consideration of the various aircraft operation surfaces which apply to land surrounding Bankstown Airport under the *Airport Act 1996*.

Direction 6.1 – Residential zones

The objectives of Ministerial Direction 6.1 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.*

The proposed Consolidated LEP is consistent with this Direction because it:

- increases residential density through the LAPs by rezoning land will facilitate additional residential development. It is intended that 80% of new development is within walking distance of centres with existing access to public transport. This approach is intended to create transit-oriented development and allow the preservation of the existing character of the low-rise suburban neighbourhoods;
- includes Additional Permitted Uses (APUs) that maintain existing residential permissibility across all zones that are transferred across from the respective Legacy LEPs;
- retains existing residential development controls from the Legacy LEPs; and

- includes a new design excellence clause which seeks to ensure development exhibits high quality architectural, urban and landscape design.

The proposed Consolidated LEP's consistency with the Direction, including post exhibition changes, is discussed in further detail below.

LAP uplift on residential land

There are 132 lots to be rezoned from residential zones to B1 or B2 in the LAPs. The majority of these rezonings are from R2 Low Density and some are R4 High Density Residential. These amendments will continue to permit residential development in the forms of shop top housing, residential flat buildings and seniors housing under the new B1 and B2 zones.

The planning proposal also includes the rezoning of considerable areas of R2 land to R3 Medium Density and R4 High Density Residential. More than 1,800 residential lots are being rezoned to a higher residential zone, or will receive an increased floor space ratio or building height to support delivery of a wider variety of housing types.

It is noted that a clause has been added to require non-residential uses of the ground floor level in the B1 and B2 zones (entire LGA) as well as the B5 zone (former Canterbury LGA only). The intention of this is to protect the land for employment purposes. This is supported as it will not have an adverse impact on residential development potential because the rezonings are generally accompanied by increases in development potential.

Rezoning of residential land for other purposes

There are 10 lots being rezoned from R2 to B6 in Greenacre, Revesby and Yagoona. These are LAP related changes and relate to existing commercial uses on the lots. It is noted that a clause has been added in the LEP to permit seniors housing, multi dwelling housing and residential flat buildings in the former Bankstown local government area, where these rezonings are occurring. This clause will apply to certain size lots and if forming part of a mixed uses development which will ensure ongoing residential permissibility on affected lots.

There are a number of lots being rezoned from R2 Low Density Residential to RE1 Public Open Space. These represent LAP related changes and generally relate to existing open spaces that have residential zonings. These rezonings will resolve existing zoning anomalies and ensure the ongoing use of land for public recreation purposes to support proposed uplift from the LAPs (see **Figure 8**).

15 Close Street Canterbury (Canterbury Bowling Club)

On 8 November 2017 and as part of a previous planning proposal, part of Canterbury Bowling Club was reclassified to Operational land and rezoned from RE1 Public Recreation to R4 High Density Residential. The land is currently under Council ownership. On 26 May 2020, Council resolved to rezone the R4 High Density Residential zoned section of this site back to RE1 Public Recreation.

The resolution also involved removing the height of building control, floor space ratio control and a site-specific clause from applying to the site. On 28 May 2020, Council wrote to the Department seeking inclusion of the rezoning as a post-exhibition change in the finalisation of the proposed Consolidated LEP.

The rezoning of land will reduce the residential development potential for the land. In this instance, this is considered acceptable as it will give effect to the objectives of Council's LSPS to provide additional open space near in the town centre. It is also noted that Council is currently preparing a master plan for the Canterbury Town Centre, which will address future jobs and housing growth in this area as part of a comprehensive analysis.

Direction 7.1 – Business and industrial zones

Ministerial Direction 7.1 relates to the encouragement of employment growth in suitable locations, the protection of employment land in business and industrial zones, as well as supporting the viability of identified centres.

The proposed draft Consolidated LEP (as amended by the Department) aligns with this Direction as outlined in following section of this report.

The proposed Consolidated LEP seeks to provide for additional employment floor space by:

- rezoning land to business zones and uplift in some centres and enterprise corridors from the implementation of the LAPs;
- amending land use tables to remove some non-residential uses that are inconsistent with the underlying zone objectives;
- retaining the existing Clause 6.5 in CLEP 2012 to enable adaptive reuse of existing buildings in the R2, R3, R4 zones for certain non-residential uses in former Canterbury LGA;
- retaining the existing Clause 6.9 in BLEP 2015 to require the ground and first floor level of a building be used for commercial or non-residential uses in the B4 Mixed Use zone in Bankstown CBD;
- retaining the existing Clause 1 in Schedule 1 CLEP 2012 (Additional Permitted Uses) to ensure residential accommodation along Canterbury Road in the B5 zone only occurs if part of a mixed-use development;
- providing new active street frontage control and map;
- facilitating specialised retail premises as additional permitted uses on land at 122, 134 and 148 Canterbury Road, Bankstown and 62 Hume Highway, Chullora; and
- providing new site-specific clause for 1-17 Segers Avenue Padstow specifying a minimum 0.5:1 FSR for ground floor retail and business premises.

Post Exhibition Changes Made by the Department

The Department has made the following post-exhibition changes to the proposed Consolidated LEP:

- adding in further APUs to maintain residential permissibility in business zones to ensure consistency with the Gateway determination;
- added in a new APU for certain non-residential uses in residential zones in former Canterbury LGA to enable retention of Clause 6.5 CLEP 2012 for adaptive reuse of certain non-residential buildings;
- retention of existing FSR controls for non-residential development in residential zones;
- retaining the existing objective for the B6 zone and moving it into the APU to *'provide for residential uses, but only as part of mixed use development'*;
- prohibiting certain new non-residential uses in the B7 zone to avoid uses that may compete with the primary function of the zone;
- retaining Clause 6.7 in BLEP 2015 to enable continuation of business premises to as part of live/work on the fringe of Bankstown CBD; and
- retaining Clause 6.7 CLEP 2012 to require that the ground floor level of development in the B1, B2 or B5 zones not be used for residential accommodation. This clause was extended to apply to the B1 and B2 zones in former Bankstown LGA to protect employment floorspace.

These post-exhibition changes are discussed in further detail below.

Retaining residential development as permitted uses in certain business zones

Residential land uses are currently permitted in some of the existing business zones. In response to the Gateway determination, existing residential permissibility will be maintained by identifying these as Additional Permitted Uses (APUs) in Schedule 1 of the new Consolidated LEP

These APUs and the relevant zones under the existing LEPs to which the APUs apply are detailed in Table below.

Table 13 - Residential land uses in business zones to be retained as APUs in Schedule 1 of the Consolidated LEP

Existing LEP	Permitted development in existing B1 Neighbourhood Centre zones	Permitted development in existing B2 Local centre zones	Permitted development in existing B5 Business development zones	Permitted development in existing B6 Enterprise corridor zones
Bankstown LEP 2015	Shop top housing Residential flat buildings Seniors Housing	Shop top housing Residential flat buildings Seniors housing	No residential development permitted	Residential flat buildings Multi dwelling housing Seniors housing
Canterbury LEP 2012	Shop top housing	Shop top housing	Shop top housing	No residential development permitted

Note: there are no changes in the draft Consolidated LEP impacting the B4 and B7 business zones

Ground floor non-residential use requirement – expanded to all B1 Neighbourhood Centre zone and B2 Local Centre zone

Through the implementation of the LAPs, several existing and new business zones will benefit from increases in height and floor space ratio (FSR) controls. The increase to these controls can promote redevelopment of these sites to permit residential uses (such as residential flat buildings) without any protection of employment floor space.

In response, the Department expanded the proposed requirement that the ground floor of any building in the B1 Neighbourhood Centre and B2 Local Centre zones not to be used for residential accommodation.

The proposed new LEP clause is consistent with Council's Employment Lands Strategy and will ensure employment land is protected in accordance with Ministerial Direction 7.1 which indicates that housing should not compromise a centre's primary role to provide goods and services and the opportunity for the centre's employment function to grow and change over time.

It is noted that without this provision, employment floor space in the centres would be compromised by residential development because the Active Street Frontage (ASF) control applies in limited areas of centres' street frontages.

B5 Business Development and B6 Enterprise Corridor zones

Council's Employment Lands Strategy examined the strategic impact and future need for employment lands across the LGA and found the Bankstown and Canterbury LEPs applied the B5 Business Development zone in different ways. In response, the Council's strategy recommends this B5 zone be used as a 'bulky goods zone'.

Noting this approach the Council strategy recommends that employment lands along the Hume Highway and Canterbury Road corridors be rezoned B6 Enterprise Corridor. Some additional sites

are to be rezoned B6 in accordance with this approach under the proposed Consolidated LEP – see **Figure 9**.

This approach is appropriate, because:

- the B6 zoning provides for the range of business uses identified by Council as being required across the LGA and the main road locations of these areas;
- sites identified in the LAPs for B5 zoning were exhibited as B6 zoning with this planning proposal. Rezoning these sites to B6 is consistent with the Gateway determination condition 1(c)(iii), which allows for some modification of the LAPs.

The B6 Business Enterprise Corridor zone in former Bankstown LGA currently permits some residential uses. Despite the Council's Employment Lands Strategy proposes to prohibit residential uses in the B6 zone, the Department has made a post-exhibition change to include an APU to maintain residential permissibility, but only for sites that are already zoned B6.

The post-exhibition change is appropriate, because:

- this aligns with the conditions of the Gateway determination to retain residential permissible land uses; and
- protect employment land on newly rezoned sites.

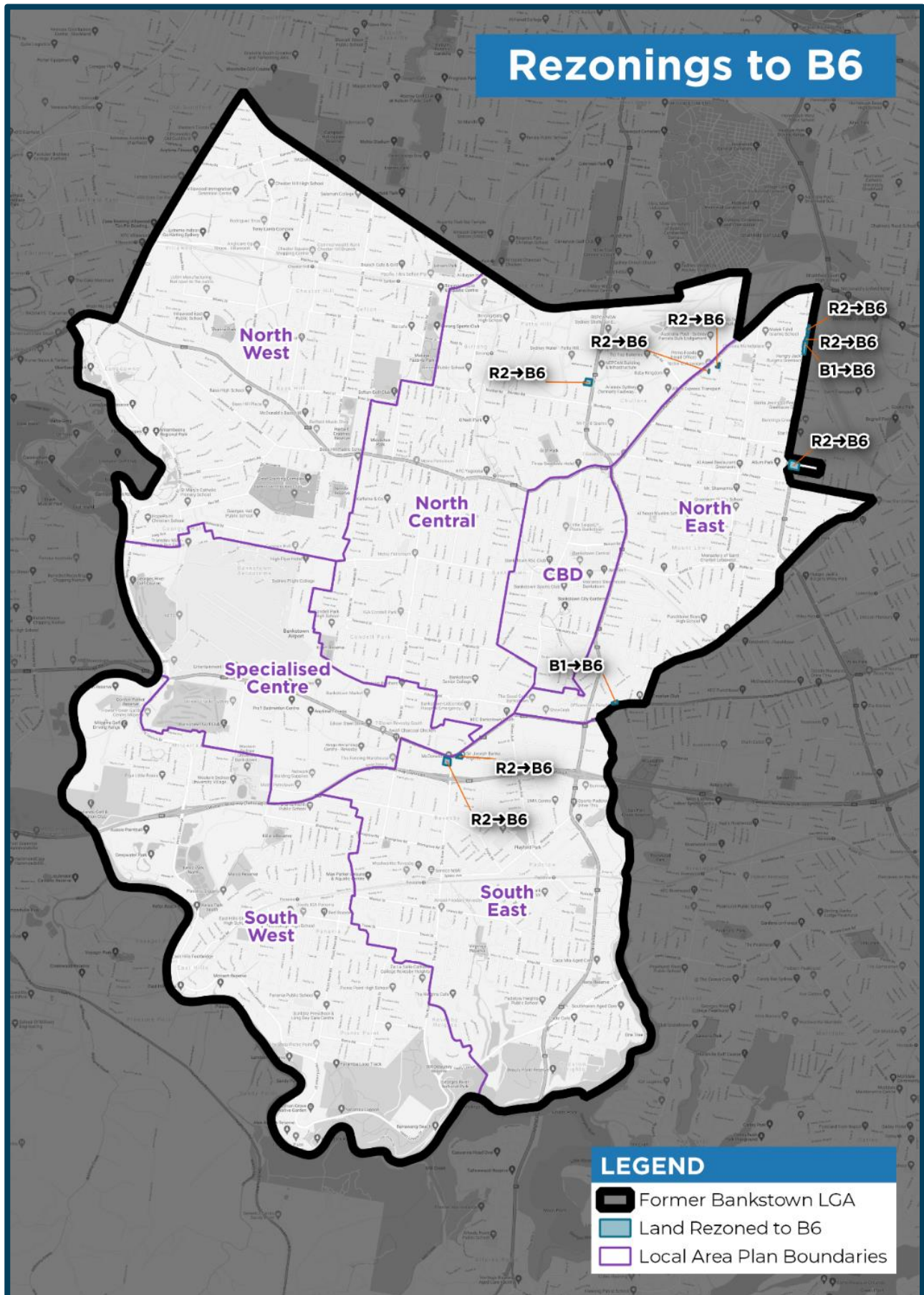


Figure 9 - Proposed rezonings to B6 Enterprise Corridor in the draft LEP

Rezoning land to Business zones in the LAPs

The implementation of the LAPs includes the rezoning of mostly residential and special purposes land to various business zones as well as higher density residential zones. This is predominately by rezoning land around existing centres to B1 or B2, increasing the size of the centre and its capacity for employment and productivity outcomes. Uplift in building envelopes is also proposed within existing business zones, which will help support the growth and viability of identified centres. Centres.

The places where rezoning and uplift are proposed by the draft LEP are near to, or adjacent to, existing centres. These centres are located close to local train stations and other public transport opportunities as well as shops and services. Additional capacity for employment land uses combined with the proposed increases in residential densities in the vicinity of centres facilitates the delivery of transit-oriented development and the co-location of facilities and infrastructure.

The rezonings will support the expansion of commercial floor space, allowing for services which support the needs of the community, including the additional uplift proposed by the LAPs. This will enhance the viability of these centres.

The Industrial zones

The proposed Consolidated LEP protects the existing industrial zones and encourages employment growth by:

- rezoning of land at 14 Gunya Street in Regents Park from SP2 Infrastructure to IN2 Light Industrial with an FSR of 1:1 and no height limit control. This is consistent with the surround industrial area;
- a reduction in the minimum lot size from 1,500sqm to 1,000sqm for several sites in the specialised centre LAP zoned IN1 and IN2;
- facilitating specialised retail premises as additional permitted uses on land at 122, 134 and 148 Canterbury Road, Bankstown and 62 Hume Highway, Chullora. This amendment is consistent with the intended outcomes of the proposal. It is also noted that the Greater Cities Commissions provided comment on these two additional APU's during finalisation, with no objections raised; and
- providing for uses which are compatible with the objectives of the IN1 and IN2 zones. There are also no new permissible land uses introduced that would be incompatible with industrial land uses.

Council has also made the following appropriate post-exhibition changes to this effect:

- insertion of an objective in the R2, R3 and R4 zones to minimise land use conflict. This was in response to a submission from the Environmental Protection Authority. The intent is to ensure future development applications in these residential areas addresses industrial land and amenity; and
- amendment of an objective to minimise adverse effects on the environment in the IN1 and IN2 zones. This was added in response to a submission from the Environmental Protection Authority.

The proposed Consolidated LEP is consistent with Direction 7.1 Business and Industrial Zones, because:

- new business zones and uplift to existing business zones are in suitable locations that support the viability of centres, which encourages transit-oriented development within walking catchments of railway stations and existing centres;
- APUs are proposed to carry forward existing land use permissibility; and
- post-exhibition changes are recommended to limit impacts of competing residential uses on employment lands by introducing a clause to ensure the ground floor level in the B1 and B2 zones comprise of non-residential uses.

Direction 9.1 – Rural zones

Ministerial Direction 9.1 seeks to protect the agricultural production value of rural land.

The former Bankstown LGA includes land zoned RU4 Primary Production Small Lots. The proposed Consolidated LEP proposes to retain this zone for the same sites and prohibit some uses (agriculture, dairies (restricted), feedlots, intensive livestock agriculture, pig farms and poultry farms) given that these are not mandated uses for the zone.

Two lots within the RU4 zone (2 Auld Avenue and 17 Martin Crescent Milperra) are proposed under the proposed Consolidated LEP to be rezoned to RE1 as per the South West LAP. These sites are heavily vegetated and have been included in the Terrestrial Biodiversity Map, triggering consideration of Clause 6.4 – Biodiversity provisions of the LEP. This clause will:

- prevent development of this land that will result in a loss of the existing vegetation on the sites; and
- prevent permissible land uses that cannot adequately satisfy Clause 6.4 Biodiversity provisions under the LEP.

The proposed Consolidated LEP is consistent with Ministerial Direction 9.1 because it:

- does not rezone rural land to a residential, business, industrial, village or tourist zoning; and
- does not increase the permissible density of land within the rezoned land.

6.3 State Environmental Planning Policies (SEPPs)

SEPP (Biodiversity and Conservation) 2021

Chapter 6 Bushland in Urban Areas

The purpose of this chapter is to protect and preserve bushland within the urban areas. Whilst part of the Canterbury Bankstown falls within the land application of this SEPP, there are no rezonings changes proposed for land identified under the SEPP.

Chapter 11 Georges River Catchment

This chapter of the SEPP requires consideration of the following matters in making a LEP:

- the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas;
- the cumulative impact of the proposed development or activity on the Georges River or its tributaries;
- any relevant plans of management including any River and Water Management Plans and the Georges River Catchment Regional Planning Strategy; and
- all relevant State Government policies, manuals and guidelines.

The proposed Consolidated LEP is consistent with this chapter of the SEPP because it adequately responds to:

- acid sulfate soil affection – see **Section 6.2** of this report for further discussion; and
- flooding affectation - see **Section 6.2** of this report for further discussion.

SEPP (Transport and Infrastructure) 2021

This SEPP requires consultation with TfNSW for land referenced in the SEPP, such as areas adjacent to railway lines.

Council has consulted with TfNSW in relation to the draft LEP, with the response to this submission discussed further in Section 4.1.2 of this report.

SEPP (Resilience and Hazards) 2021**Chapter 2 Coastal Management 2018**

This has been addressed under Ministerial Direction 4.2 Coastal Management.

Chapter 4 Remediation of Land

On 17 April 2020, the Minister approved the removal of Clause 6 (contamination and remediation to be considered in zoning or rezoning proposal) of SEPP 55 and transferred the requirements to Ministerial Direction 4.4. The proposed Consolidated LEP's consistency with Direction 4.4 is discussed further in **Section 6.2** of this report.

SEPP 65 – Design Quality of Residential Apartment Development

SEPP 65 aims to improve the design quality of residential apartment development in NSW. SEPP 65 provisions require that the design quality principles, the Apartment Design Guide (ADG) and advice from a design review panel (if any) be considered before a development application is determined by the relevant consent authority.

SEPP 65 includes design principles that are required to be considered as part of any future DA for a mixed-use development that has a residential component. More detailed assessment of the proposal against the SEPP is outlined below.

Residential Uplift in the LAPs

In preparing the LAPs, Council applied centre-based building typology controls. The approach aimed to respond to the centres hierarchy and provide a transition to lower density residential areas.

The LAPs apply centre-based building typology controls to ensure growth is proportional with the function and infrastructure for each centre. Growth is typically located within a 5-10 minute walk of the railway station and retail and commercial services.

For the larger centres (Padstow, Revesby, Yagoona), the following maximum building heights are proposed:

- 6-8 storeys in the commercial core; and
- 4-6 storeys in the high density residential frame.

For smaller centres (Greenacre, Panania, Regents Park, Birrong, East Hills), building heights of 4-6 storeys are proposed.

For some sites, the planning controls originally envisioned in the LAPs were sought to be amended by Council at the post-exhibition stage. These proposed amendments sought to address community submissions following public exhibition and are detailed in the Council's post-exhibition report to the Local Planning Panel on 30 June 2020.

It is noted that several submissions were received that sought additional uplift beyond the exhibited planning proposal. In response, Council did not support these requests, because:

- the Gateway Determination only allowed for rezoning properties that are included in the established Local Area Plans;
- the proposed increase in building envelope controls did not demonstrate strategic merit;
- the requests were inconsistent with the Local Area Plans (LAPs) and there is no change in circumstances that would:
 - require the centres to further increase their proposed capacity to meet State and local policies; and
 - require increased building heights, particularly if the overshadowing and visual impacts on the street and surrounding buildings would be greater.

It is noted that this does not prevent reconsideration of these proposed increases as part of future planning proposals in accordance with the plan making process under the EP&A Act. Future and

separate proposals would need to demonstrate strategic and site-specific merit as required by the Department's *Local Environmental Plan Making Guideline (2022)*.

Following the finalisation request from Council, the Department has:

- examined all built form controls, including height and floor space ratio combinations, across the LGA as submitted for finalisation;
- undertaken detailed design testing on selected sites in some centres, and considered the resultant built form outcomes and the ability of these developments to comply with the Apartment Design Guide (ADG), specifically in relation to building separation and building depths; and
- modelled of likely built form outcomes considering detailed setback and other guidance contained in Council's draft Consolidated DCP.

The Department found from this analysis that:

- most sites could achieve satisfactory outcomes in accordance with the requirements of the ADG, including building depths, separation distances and solar access;
- one site at 11-37 Selems Parade, Revesby, may not achieve the maximum building heights and floor space ratio. This may be the result of the site's existing narrow lots (around 6m), which must be consolidated to a minimum site width of 18m to access the maximum floor space ratio control of 3:1.
- despite this, this same combination of controls were tested across other sites, with over 100 lots in the existing LEPs having this combination of controls and was found to be satisfactory. Thus, while some sites may not be able to achieve the maximum controls, this will be determined through further testing at DA stage which will enable designs to respond to the site characteristics, such as lot width.

1-17 Segers Avenue, Padstow

In June 2019, a separate planning proposal was submitted to the Department for land at 1-17 Segers Avenue Padstow. The Consolidated LEP Gateway determination required that this planning proposal be incorporated into the proposed Consolidated LEP.

Clause 6.23 of the draft Consolidated LEP includes specific controls for 1-17 Segers Avenue Padstow. A comparison of these controls with how they have progressed through the plan-making process is provided in **Table 14** below.

Table 14: 1-17 Segers Avenue Padstow – proposed planning controls

Development controls	Current controls	South East LAP	Applicant's proposed controls	Council resolution 30 April 2019	Exhibited LEP provisions 2020	Consolidated LEP - proposed provisions
Zone	R2 Low Density Residential	R4 High Density Residential	B2 Local Centre	B2 Local Centre	B2 Local Centre	B2 Local Centre
Maximum FSR	0.5:1	1.5:1	2.5:1	Max 2.5:1 subject to: (i) min 40 metre lot width; and (ii) min 0.5:1 FSR for ground floor	2.5:1 (FSR Area 1 - <18 m width = 2:1 FSR)* This was changed to FSR Area 3	2:1 (FSR map), but up to 2.5:1 under Cl6.19 subject to 40m lot width and a minimum 0.5:1 FSR of ground floor floorspace to be used for

Development controls	Current controls	South East LAP	Applicant's proposed controls	Council resolution 30 April 2019	Exhibited LEP provisions 2020	Consolidated LEP - proposed provisions
				commercial. Otherwise, a max 2:1 FSR would apply	(<30m width = 2:1) as a post-exhibition change by Council	retail or business premises
Maximum building height	9 metres (2 storeys)	20 metres (6 storeys)	24 metres (6 storeys)	Maximum 23 metre building height (six storeys), where any part of the building within two metres of the height limit is solely for the purposes of equipment servicing the building (such as plant, lift motor rooms, fire stairs and the like)	20 metres (6 storeys)	20 metres (6 storeys)
Additional controls	n/a	n/a	n/a	Active street frontages along Segers Avenue and Padstow Pathway	C4.4B - Minimum ground floor commercial FSR 0.5:1 C4.1B(4) Lot Consolidation (1,700sqm + 40m width) Active Street Frontages	C6.9 - Active Street Frontages

The Department has amended the site-specific provision post-exhibition to refine the application of minimum lot width and lot size requirements and their interaction with the proposed maximum FSR of 2.5:1. The provision submitted by Council for finalisation sought to apply two different lot width requirements, being:

- a 1,700sqm minimum lot size with a 40m minimum lot width; and
- that should a lot width of only <30m be achieved, a maximum 2:1 FSR could only be achieved. If a greater lot width could be achieved, the maximum 2.5:1 FSR would apply.

This approach sought to accommodate the proposal into existing planning controls under Bankstown LEP. However, the Department considered this approach to be confusing and unnecessary. In response, a consolidated minimum 40m width requirement was applied. This requirement, along with the minimum 0.5:1 FSR for business and retail uses on the ground floor, would need to be achieved to attain the 2.5:1 maximum FSR. Council has indicated they do not object to this approach.

The Department then undertook further analysis of the proposal at 1-17 Segers Avenue, Padstow, which accounted for these post-exhibition amendments. This analysis found the proposed draft LEP provisions are appropriate, because:

- the proposal provides for holistic benefits to the surrounding area, including support of local living outcomes by providing for a mixed-use development with improved local access to shops, facilities and services;
- the proposal expands the Southern Commercial Core to the south-west, whilst providing for activation of the ground plane and public spaces.

This expansion is appropriate because the existing through site link from Segers Avenue to the commercial core on Padstow Parade will be enhanced by:

- its widening to 6m secured through site specific DCP provisions; and
 - active street frontage requirements in the LEP.
- the proposal promotes connectivity and accessibility between the train station and the neighbourhood to the south-west, which can incorporate Padstow Public School into the local centre;
- the provisions provide for a development which is in keeping with surrounding built form and land use outcomes, including the Padstow Town Centre commercial core and surrounding residential frame areas; and
- the LEP provides for these outcomes by requiring ground floor retail and commercial aspects to achieve the appropriate maximum FSR of 2.5:1.

In this regard, the provisions in proposed Clause 6.23 of the LEP for 1-17 Segers Avenue are appropriate and capable of achieving compliance with the requirements of SEPP 65 and the ADG through the development application process.

Transfer of sites from HOB Area control to FSR Area control

Clause 4.3 of BLEP seeks to encourage the amalgamation of sites to achieve additional building height. Where lot amalgamation cannot be achieved to meet the requirement, the maximum building height is limited to 17m.

Clause 4.3 applies to sites in Chester Hill that have maximum control standards of 26 metres and FSR of 3:1 on current LEP maps. These sites fall within the North West LAP and are subject to 'FSR Area' controls in Clause 4.4 of Bankstown LEP; which limits the maximum FSR to 2:1 if the site is less than 18m wide.

The proposed Consolidated LEP seeks to remove the HOB Area 1 provision but retain the requirements for lot amalgamation in the FSR Area provisions.

The deletion of this clause is appropriate because it will:

- still retain a provision for encouraging site amalgamations, being consistent with the Gateway determination; and

- remove a provision that is current duplicated in the maximum HOB and FSR provisions in BLEP.

Reduction of FSR Area control from 20m to 18m

Clause 4.4 of BLEP encourages the amalgamation of development sites to achieve the maximum FSR.

The LAPs and proposed Consolidated LEP seeks to include an overarching change to FSR Area 1 and Area 2, which reduces the minimum frontage width requirement from 20 m to 18 m. This means that amalgamated sites can only achieve the maximum FSR applicable to their land if they achieve the minimum 18 m frontage width. This responds to the fine grain traditional shops in the former Bankstown LGA that have a site frontage width of 5-6 m. This change reduces the requirement for approximately 4 sites to amalgamate to 3 sites.

This is acceptable because it:

- provides for enhanced feasibility for redevelopment without negatively impacting appropriate built form outcomes; and
- is consistent with the LAPs and the Gateway determination.

SEPP Housing (2021)

State Environmental Planning Policy (Housing Diversity)

In March 2022, the new State Environmental Planning Policy (Housing Diversity) came into effect, which included:

- consolidating three existing, housing-related SEPPs:
 - *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the Affordable Housing SEPP);
 - *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (the Seniors Housing SEPP); and
 - *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70).
- Prohibited boarding houses in the R2 zone under the Canterbury LEP 2012 and Bankstown LEP 2015; and
- implemented measures to mitigate the loss of existing affordable housing.

The proposed Consolidated LEP gives effect to the new Housing SEPP, including retention of the prohibition of boarding houses in the R2 zone.

Chapter 2 Affordable Housing

The proposed Consolidated LEP does not address the matter of affordable housing. Council has endorsed an affordable housing strategy last year that will inform future amendments to the LEP to deliver additional affordable housing in the LGA.

SEPP (Exempt and Complying Development Codes) 2008

This SEPP covers a range of development standards related to development that is deemed to be exempt or complying and will continue to apply to Canterbury-Bankstown LGA.

Low-rise Housing Diversity Code

On 1 July 2020, the Low-rise Housing Diversity Code came into effect. It forms part of *State Environmental Planning Policy (Exempt and Complying Development) 2008* (Codes SEPP).

Due to the Gateway conditions, which omit changes to residential land uses and development standards, the proposed Consolidated LEP does not result in amendments that impact application of the Low-rise Housing Diversity Code.

6.4 Draft Policy Amendments since the Gateway determination

Employment Zones Reforms

On 26 April 2023, the new employment zones were introduced. The legacy LEPs were deferred from the introduction of the new employment zones because of the complexity in translating the existing LEPs whilst also working to finalise the proposed LEP.

This deferment of the legacy LEPs is given effect through the Standard Instrument (Local Environmental Plans) Order 2006 (the Order).

The Order has been updated to ensure the deferment is transitioned to the Consolidated LEP. Council is responsible for preparing a planning proposal to implement the new employment zones. This will include consultation with the community and stakeholders.

Amendments to Clause 4.6

From 31 March to 12 May 2021, the Department exhibited 'Varying Development Standards: A Case for Change'. The proposed revisions to Clause 4.6 include:

- the consent authority would need to be satisfied that the applicant's written request demonstrates consistency with the objectives of the relevant development standard and land use zone;
- applicants would also have to demonstrate that the contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened; and
- that councils will no longer be able to exclude provisions from the operation of clause 4.6. A transitional period is proposed, so that the current exclusions in clause 4.6(8) of LEPs will continue to apply for a period of one year from commencement of the clause.

The Consolidated LEP seeks to transfer exceptions to Clause 4.4 and Clause 4.4a from BLEP 2015, which apply to land in the Bankstown CBD. Other changes to the standard provisions for Clause 4.6 are still subject to review and will not be implemented into the Consolidated LEP.

6.5 Detailed Site-Specific Assessment

6.5.1 Social

The inclusion and implementation of a design quality clause in the draft LEP is expected to support the delivery of high quality development and provide increased certainty for the community.

The further inclusion of the LAPs is expected to progress and finalise Council's long term strategic planning for the respective centres to deliver places with high level of amenity and capacity for renewal.

6.5.2 Environmental

The Consolidated LEP includes updated aims, objectives and additional biodiversity which will help protect and conserve the environment.

6.5.3 Economic

The implementation of the LAPs is expected to support renewal of the corresponding town centres that will support improve the level of services and facilities that supports these communities. The Department has made post-exhibition changes to better protect employment floorspace in business zones to ensure renewal accommodates employment generating uses as well as residential development.

6.5.4 Infrastructure

The implementation of the former Bankstown Council's Local Area Plans (LAPs) will provide housing growth in existing centres, main roads and employment precincts. The use of existing and delivery of future infrastructure is satisfactory for the following reasons:

- growth is focused on several existing centres with access to existing well served public transport, including the East Hills Line for Padstow, Revesby, Panania and East Hills and the Bankstown Line for Yagoona, Birrong and Regents Park.
- the proposed rezonings have sought to ensure new growth is located within approximately 400m walking distances of this existing public transport infrastructure;
- the take up of the proposed uplift is expected to occur over an extended period of time, especially given the sites proposed to be rezoned are in fragmented ownership;
- the LAPs included transport analysis undertaken by Council which identified improvements required to support the anticipated growth in the identified centres. These are now supported by Council's adopted Comprehensive Contributions Plan which commenced on 1 January 2023, and includes:
 - physical improvements to provide for additional and improved footpaths in centres to improve walking and cycling conditions and participation. This is also intended to encourage greater use of public transport; and
 - upgrade of intersections and streets in support of increased development. Priority Town Centres include Greenacre, Padstow and Revesby.

Having regard to these matters, the Department is satisfied that the development growth facilitated under this planning proposal is capable of being adequately delivered and supported through existing and future planning processes.

7 Post assessment consultation

The Department has consulted with the following stakeholders after the assessment.

Table 15 - Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	<p>The new LEP map package consists of 16 map layers.</p> <p>7 of 16 map layers were prepared by Council</p> <p>9 of 16 map layers were prepared by the Department</p> <p>The maps have been checked by the Department's ePlanning team and meet the technical requirements.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, see below for details</p>
Council	<p>On 3 March 2022, Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council was also provided a final version of the plan (including mapping) on 22 May 2023.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, see below for details</p>

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Parliamentary Counsel Opinion	On 9/05/2023 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

8 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- it has strategic and site specific merit being generally consistent with the Greater Sydney Region Plan, South District Plan, SEPPs, the LSPS and LHS;
- any inconsistencies with Section 9.1 Ministerial Directions are minor or justified;
- issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal; and
- it will have satisfactory environmental, social and economic impacts.

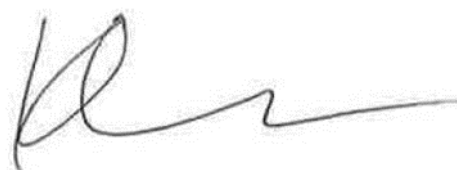


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