

North West Local Area

Proposal Title : **North West Local Area**

Proposal Summary : **The planning proposal intends to amend the land use table for the 2(b) and 3(b) zones. The planning proposal also intends to implement the Local Area Plan for the North West Local Area (which includes the suburbs of Bass Hill, Chester Hill, Georges Hall, Lansdowne, Sefton and Villawood East) by amending the zoning, height, heritage, biodiversity protection and FSR maps.**

PP Number : **PP_2013_BANKS_001_00**

Dop File No : **13/18257**

Proposal Details

Date Planning
Proposal Received : **24-Oct-2013**

LGA covered : **Bankstown**

Region : **Sydney Region West**

RPA : **Bankstown City Council**

State Electorate : **AUBURN
BANKSTOWN
EAST HILLS
FAIRFIELD**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The planning proposal applies to the suburbs of Bass Hill, Chester Hill, Georges Hall, Lansdowne, Sefton and Villawood East (refer to Figure 1 on page 4 of the planning proposal).**

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	2,363
Gross Floor Area :	0	No of Jobs Created :	6,000
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	To the best of the regional team's knowledge, there have been no meetings or communications with registered lobbyists.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal aims to give effect to the North West Local Area (NWLA) Plan which includes the following objectives:**

- strengthen the function of the Chester Hill village centre and the primary commercial and community centre in the NWLA;
- integrate retail, commercial, residential and other development in accessible centres;
- strengthen the industrial precincts
- provide for a range of residential densities and housing types;
- enable provision of multi-functional community facilities and open spaces;
- protect heritage;
- provide sufficient floor space to accommodate future employment and housing growth;
- accommodate taller buildings in village and small village centres with an appropriate transition in building heights to neighbouring areas; and
- encourage consolidation of certain land for redevelopment.

Considering the significance of the planning proposal it is considered that further detail should be included to highlight some of the key changes being proposed, similar to the level of detail included in the relevant report to Council of 24 September, 2013.

Part 1 - Intended Outcomes of the planning proposal needs to be amended to include

proposed changes to the land use table for the 2(b) Residential and 3(b) Business - Other Centres zones.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to make various changes to Bankstown LEP 2001, including the following:

- amend the land use table for the 3(b) Business - Other Centres zone to prohibit dual occupancies, dwelling houses, home offices, rowhouses and villas;
- amend the land use table for the 2(b) Residential zone to prohibit dual occupancies, rowhouses and villas and allow multi dwelling housing with consent;
- amend the Land Zoning Map, Biodiversity Protection Map, Building Height Map and Floor Space Ratio map;
- amend Schedule 2 by allowing certain additional uses on nominated sites;
- amend Schedule 4 by reclassifying 12 sites from community to operational and one site from operational to community;
- amend Schedule 9 to delete the special requirements for properties at 64 Johnston Road and 1 Arundle Road, Bass Hill; and
- delete Schedule 10 as well as clauses 30(3), 45(3) and 46(11) that address lot consolidation.

Part 2 - Explanation of Provisions needs to be amended to make it clear that various maps will be amended, not just the definition of the maps.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036

* May need the Director General's agreement

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 55—Remediation of Land
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

S117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The proposal is consistent with this Direction as it retains the extent and capacity of employment areas and provides additional capacity in village and small village centres and the Villawood Industrial Precinct.

s117 DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

The proposal is consistent with this Direction and will facilitate environmental protection via the Biodiversity Protection Map.

s117 DIRECTION 2.3 HERITAGE CONSERVATION

The proposal is consistent with this Direction as it will list additional heritage items in accordance with a heritage study.

s117 DIRECTION 3.1 RESIDENTIAL ZONES

The proposal is inconsistent with this Direction. This Direction applies to any zone in

which significant residential development is permitted and requires that a draft LEP shall broaden the choice of building types. The proposal intends to prohibit dual occupancies, dwelling houses, rowhouses and villas in the 3(b) Business - Other Centres Zone. The proposal also intends to prohibit dual occupancies, rowhouses and villas in the 2(b) Residential zone and replace this with multi-dwelling housing. Although the overall permissible residential density of land will not be reduced, the choice of building types will be reduced. These matters have not been addressed or justified in the planning proposal.

s117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The proposal is consistent with this Direction as it directs future residential growth within the walkable catchments to public transport.

S117 DIRECTION 3.5 DEVELOPMENT NEAR LICENSED AERODROMES

The planning proposal is justifiably inconsistent with this Direction. The Direction requires that Council obtain permission from the relevant Department of the Commonwealth, or a delegate, if proposed amendments to the height of buildings map permits development that encroaches above the Obstacle Limitation Surface. Council consulted with the Commonwealth Department of Infrastructure and Transport and Bankstown Airport Limited and has not received a response that satisfies the direction.

This is an ongoing issue with the direction as the Commonwealth has the view that it will not address the above issue at the zoning stage but rather on a DA-by-DA basis.

S117 DIRECTION 4.1 ACID SULFATE SOILS

The proposal is inconsistent with this Direction as it proposes an intensification of land uses on land identified as affected by acid sulfate soils. This affects properties at 997-987 Hume Highway in Lansdowne and Business zoned land within the Georges Hall neighbourhood Centre. The inconsistency is considered to be of minor significance given that the soils are graded as class 5.

S117 DIRECTION 4.3 FLOOD PRONE LAND

The planning proposal is justifiably inconsistent with this Direction. The proposal intends to increase residential density from low to medium density residential within a medium flood risk area. As required by the Direction, the proposal is in accordance with the Duck River Catchment Floodplain Risk Management Plan.

S117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The proposal will rezone a council owned site at 158 Virgil Avenue, Chester Hill for open space. This section of the planning proposal should make it clear that certain lands will also have the existing open space zoning removed, including the Chester Hill Scouts Hall (which is proposed for 2(a) Residential).

S117 DIRECTION 6.3 SITE SPECIFIC PROVISIONS

There are three sites for which Council intends to allow additional uses (refer to page 7 of the planning proposal) although the inconsistency with this Direction is not discussed.

PUBLIC CONSULTATION

During Public Exhibition of the NWLAP, the Land and Housing Corporation (formerly Housing NSW) requested high density housing within the medium density area in the Villawood East Precinct as well as higher densities along the proposed new access from Miller Road to Thurina Park via Nurragi Street. As such, Land and Housing Corporation should be consulted during the public exhibition period.

Council should be advised that inconsistencies with s117 Directions 3.5, 4.1 and 4.3 are of minor significance and no further approval is required in relation to these Directions.

Inconsistency with s117 Directions 3.1, 6.2 and 6.3 needs to be further addressed within the planning proposal.

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Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Inconsistency with s117 Directions 3.1, 6.2 and 6.3 needs to be further addressed within the planning proposal.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps within the planning proposal are not of a legible scale. Council should ensure that public exhibition materials include maps of a suitable scale to enable street and lot details to be easily identified.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intend to exhibit the planning proposal for a period of 28 days, advertise in the local newspapers and send written notifications as appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **The draft Principal LEP ceased public exhibition in mid August, 2013. The land uses and development standards within the planning proposal are designed to be consistent with the SI LEP to enable future integration.**

Assessment Criteria

Need for planning proposal : **Key matters addressed by the planning proposal include:**

- the purpose of the planning proposal is to amend the existing Bankstown LEP 2001.
- the planning proposal applies to the whole LGA as it will amend land use tables for the 2(b) Residential and 3(b) Business - Other Centres zones.
- the primary purpose of the planning proposal is to implement the North West Local Area Plan (LAP) as adopted by Council in 2013.

The LAP provides actions to: inform changes to the statutory framework, strengthen the role of the area as an important economic and transport connection to the West Central Subregion's Global Economic Corridor and the West Central Industrial Belt, ensure adequate land, infrastructure, facilities and open space are available and appropriately located to sustainably accommodate future housing and employment needs whilst protecting and enhancing environmental values.

The LAP also envisages 8 distinct precincts to be in place by 2031. For more information, see pages 2 - 3 of the planning proposal.

- Council has prepared maps for zoning, height, floor space ratio, and biodiversity. These are attached to the planning proposal.

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See Part 2 Explanation of Provisions section in the planning proposal for more detailed information.

It is considered that a planning proposal is the best way to implement and deliver Council's proposals for the North West Local Area.

Consistency with strategic planning framework :

The proposal is consistent with the Draft Sydney Metropolitan Strategy 2031 and the Draft West Central Subregional Strategy. The proposal:

- will provide close to 2,300 new dwellings by 2031 within the walking catchment of the village and small village centres;
- identifies government assets that require further investment to support the Metropolitan Strategy and the envisaged role of the village and small village centres;
- provides sufficient land to achieve employment growth;
- promote healthier communities; and
- protect ecologically sensitive areas.

Environmental social economic impacts :

The proposal will facilitate the protection of ecologically sensitive areas by utilising the Biodiversity Protection Map. It addresses flooding hazard by minimising the intensification of development in high flood risk areas. The relevant guidelines under SEPP Infrastructure 2007 have been taken into account in addressing noise hazard from the freight rail line.

The proposal seeks to achieve integrated social and economic renewal of the North West Local Area.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	DDG
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Public Authority Consultation - s56(2)(d) :	Office of Environment and Heritage Transport for NSW Transport for NSW - RailCorp Transport for NSW - Roads and Maritime Services Adjoining LGAs
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

The Local Area Plan which is being implemented via the planning proposal, identifies the following infrastructure priorities that must occur at a regional level to integrate with dwelling and job targets:

- redevelop and expand the Chester Hill Railway Station;
- improve public transport services in the NWLA;
- enhance accessibility across the NWLA;
- encourage opportunities for the renewal of the Villawood East Precinct;
- maximise the recreational and ecological functions of the Mirrambeena Regional Park;

and

- embellish the Remembrance Drive landscape corridor.

As a result, consultation should occur with Transport for NSW, Railcorp and RMS during the public exhibition period.

Documents

Document File Name	DocumentType Name	Is Public
01.Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - North West Local Area.pdf	Proposal	Yes
Council Report - 24 September 2013.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **S117 DIRECTIONS**

Council should be advised that inconsistencies with s117 Directions 3.5, 4.1 and 4.3 are of minor significance and no further approval is required in relation to these Directions.

Inconsistency with s117 Directions 3.1, 6.2 and 6.3 needs to be further addressed within the planning proposal.

DELEGATION

Council has not requested delegation and as the proposal is for a precinct it is not considered to be a minor matter. Therefore it is recommended that the Deputy Director General exercise the plan making delegation.

RECOMMENDATION

That the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal as follows:

(a) The introduction and Part 1 - Intended Outcomes are to be corrected to identify that the planning proposal applies to the entire LGA, not just the North West Local Area. An explanation is to be included regarding proposed changes to the land use tables.

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(b) Part 1 of the planning proposal is to include the following information from the report to Council dated 24 September, 2013:

- details under the heading of "proposed land use changes" contained on page 17;
- the tables outlining proposed zoning changes contained on pages 11 -15; and
- the text under the heading "proposed floor space ratio and building height changes on pages 17 and 18.

(c) Include the column "current use" from the table on page 21 of the Council report into the relevant table on page 7 of the planning proposal.

(d) Revise the planning proposals attached maps to ensure that the maps exhibited are of a high enough resolution and size to enable the community's review of proposed controls on a site by site basis (eg. A3).

(e) Update the information on page 11 of the planning proposal regarding s117 Direction 3.1 Residential Zones to include a commentary on proposed changes to the land use tables and justify inconsistency with clause 4(a).

(f) Update the information on page 12 of the planning proposal regarding s117 Direction 6.2 to include the address of any sites proposed to be rezoned from open space and discuss whether this is consistent with the Direction.

(g) Include a commentary on the inconsistency with s117 Direction 6.3 Site Specific Provisions with regard to the proposed additional uses outlined on page 7 of the planning proposal.

(h) Reword the table in Part 2 - Explanation of Provisions to make it clear that various maps will be amended, not just the definition of these maps.

2. Council is to consult with the following agencies during the public exhibition period:

- Transport for NSW (including Transport NSW, RMS and Railcorp);
- Office of Environment and Heritage;
- Land and Housing Corporation; and
- adjoining LGA's

3. The planning proposal be publicly exhibited for 28 days.

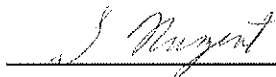
4. The timeframe for making of the LEP is to be 9 months from the week following the Gateway determination.

Supporting Reasons :

This planning proposal is supported as:

1. It will implement Council's adopted North West Local Area Plan;
2. It seeks to achieve the dwelling targets within the Draft West Central Subregional Strategy; and
3. It aims to provide sufficient land to achieve employment growth as specified in the Employment Lands Development Study.

Signature:



Printed Name:

SHANE NUGENT

Date:

15/11/13