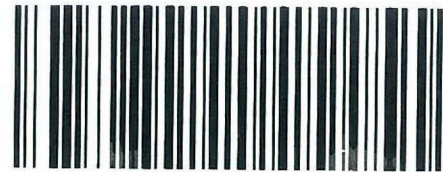


Department of Planning
Received
03 APR 2012
Scanning Room



PCU032343

30 March 2011

Mr P Goth
Regional Director, Sydney West
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Mr Goth,

Re: Section 56 Notification–Decision to submit a planning proposal for part of the Bankstown Golf Course site in Milperra

In accordance with Section 56(1) of the Environmental Planning and Assessment Act 1979, please be advised:

(a) Decision to submit a planning proposal

At the Ordinary Meeting of 27 March 2012, Bankstown City Council resolved to submit a planning proposal for the rezoning of part of the land known as the Bankstown Golf Course site to the Minister for Planning to seek a Gateway Determination.

The planning proposal applies to land known as Lot 161 DP 752013 and Lot 272 DP 752013.

The intended outcome of the planning proposal is to amend Bankstown Local Environmental Plan 2001 to enable the redevelopment of the subject site for low density housing with the exception of an area of land in the north western corner of the site.

(b) Attached information

To assist in the Gateway Determination of the planning proposal, the following information is attached:

- The planning proposal, prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, and the Department of Planning's publications 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals'.

- The Council report of the Ordinary Meeting of 27 March 2012.

If you have any enquiries or require further information, please contact me on 9707 9577.

Yours sincerely,

 30.3.12
Alejandra Rojas
Principal Strategic Planner

Report of the General Manager - 27 March 2012

ITEM 5.5 **Application to Rezone Part of the Bankstown Golf Course Site in Milperra**

ECM SUBJECT **Zoning - Rezoning Applications**

AUTHOR **City Planning and Environment**

ISSUE

Council is in receipt of a spot rezoning application, which is proposing to rezone part of the Bankstown Golf Course site in Milperra from part Zone 2(a) Residential and part 6(b) Private Recreation to Zone 2(b) Residential under Bankstown LEP 2001 (BLEP 2001).

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and the Department of Planning and Infrastructure (DoPI) guidelines under the LEP Gateway process. This assessment found the application as submitted could not be supported as it does not address State and Council policies. However, an amended proposal to allow low density residential land uses may be appropriate subject to satisfying certain issues such as flooding and land contamination impacts.

The purpose of this report is to inform Council of the assessment findings based on the information submitted by the proponent and to recommend whether to proceed with a planning proposal.

RECOMMENDATION

That Council submit a planning proposal for the rezoning of part of the land known as the Bankstown Golf Course site to the Minister for Planning and Infrastructure to seek a Gateway Determination as shown in Attachment A.

BACKGROUND

Description of the Spot Rezoning Application (RZ1/2012)

The subject site is currently used as a practice fairway and putting green with ancillary storage associated with the maintenance of the golf course. The site is around 2.77 hectares in area. The site is part of the larger Bankstown Golf Course land holding known as 70 Ashford Avenue in Milperra.

The site is bounded by Bullecourt Avenue to the south, residential dwelling houses to the west, Bullecourt Lane and Industrial properties to the east and the Bankstown Golf Course greens to the north as shown in Figure 1.

Figure 1 - Subject Site

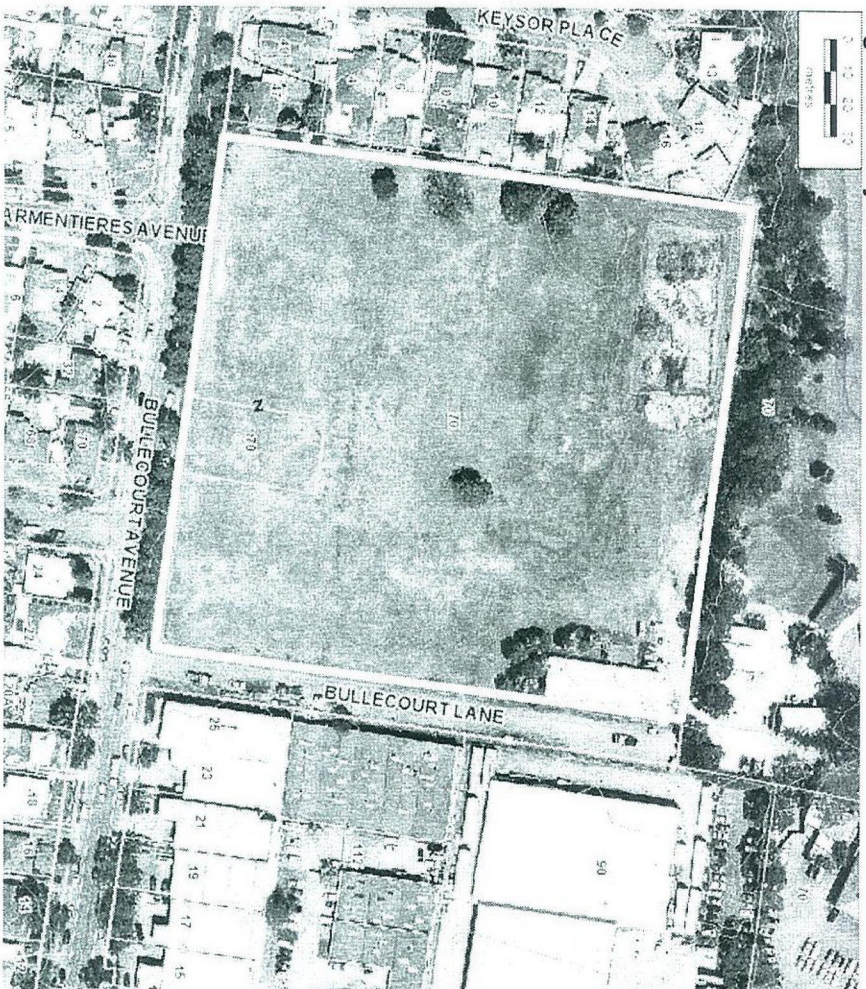
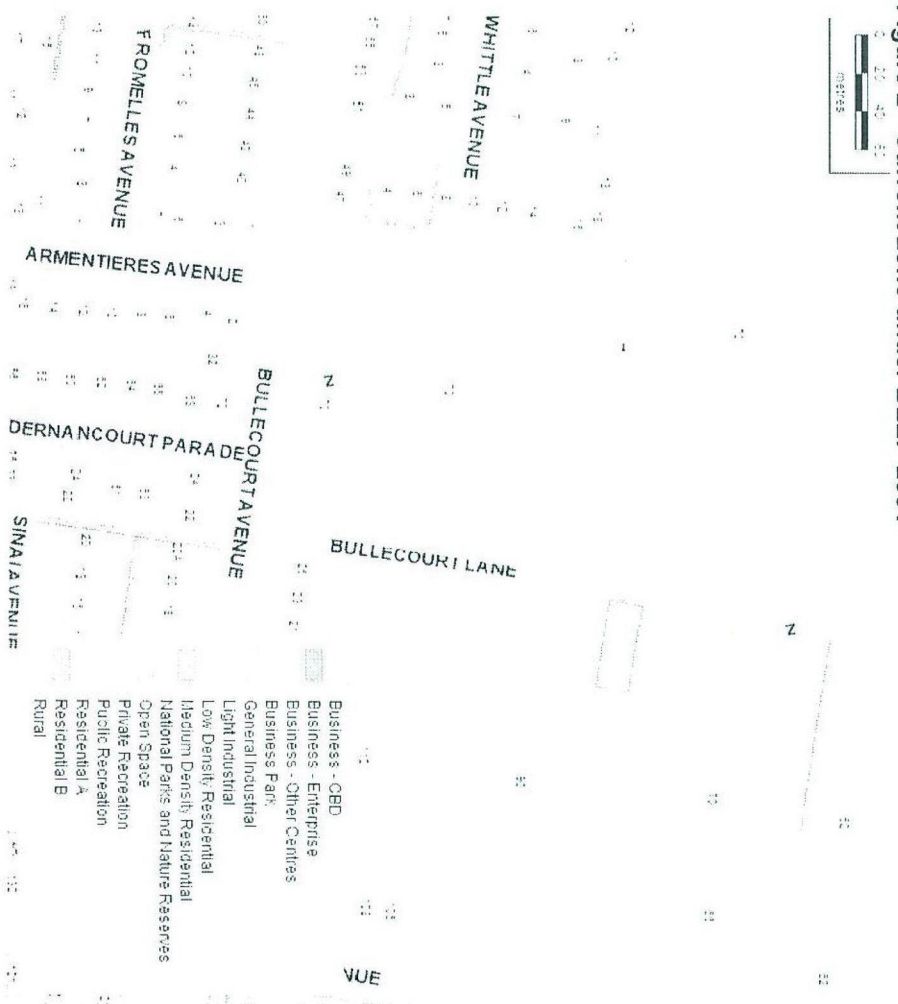
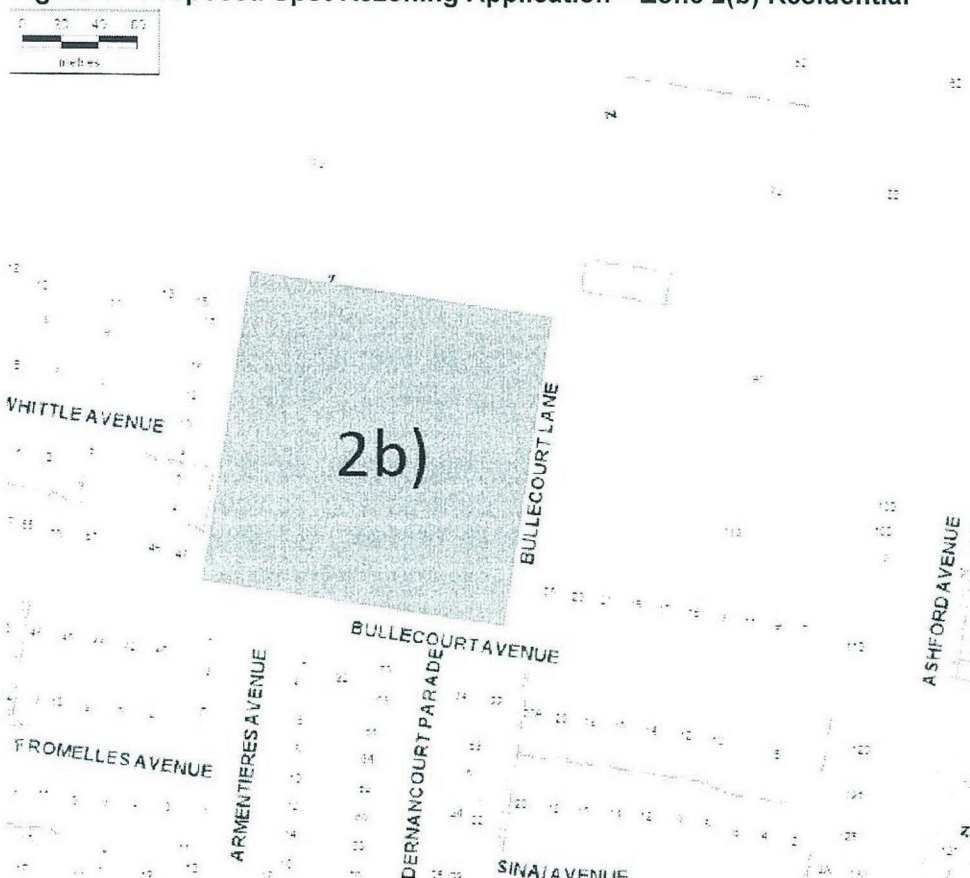


Figure 2 - Current zone under BLEP 2001



In January 2012, Council received a spot rezoning application and supporting studies from the owners of the Bankstown Golf Course site to rezone the subject site from part Zone 2(a) Residential/part Zone 6(b) Private Recreation to Zone 2(b) Residential under BLEP 2001 as shown in Figure 3. The 2(b) Residential zone would allow for a range of medium and high density housing types including residential flat buildings.

Figure 3 - Proposed Spot Rezoning Application – Zone 2(b) Residential



The studies supporting the spot rezoning application (as submitted) included:

- Bankstown Golf Club Flood Impact and Mitigation Strategies Assessment prepared by WMA Water (May 2011)
- Preliminary Contamination Assessment prepared by Geotechnique (May 2011)
- Traffic Constraints and Opportunities prepared by Traffix (May 2011)
- Site Development Overview prepared by SJB (May 2011)

REPORT

Key Issues

The application was assessed in accordance with the Environmental Planning and Assessment Act 1979 and DoPI guidelines under the LEP Gateway process. There are three key issues the planning proposal must address as part of the Gateway process. These are:

- Addressing State and Local Strategic Planning Policies
- Addressing Flood Impacts
- Addressing Land Contamination

- *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and*
- *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.*

This direction prohibits Council from rezoning flood planning areas to residential zones, unless it can satisfy the DoPI that the planning proposal is consistent with a Floodplain Risk Management Plan. Council's Flood Risk Management Plan identifies that residential and other sensitive land uses are considered unsuitable in high flood risk areas.

While there may be merit in residential land uses on the site, Council officers consider it appropriate to excise the high flood risk area from the proposal and to consider a 2(a) Residential zone in the remaining area. This will provide the justification required under this direction.

However, Council does require a more detailed flood study to confirm whether the proposal fully satisfies the Ministerial Direction. A more detailed flood study will need to address:

1. How the proposal addresses Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (REP 2) and Council's adopted flood studies and whether residential land uses are appropriate in this site.
2. Whether the proposed flood mitigation is appropriate. In particular,
 - i. any cut and fill required on the subject site
 - ii. any cut and fill required on the adjoining Bankstown Golf Course site.
3. Whether the proposal satisfies the sea level rise policy. Council's preliminary analysis of the impact of sea-level rise on the high flood risk area indicates the high risk precinct may extend further south towards Bullecourt Avenue. The outcome of this impact assessment may require further modifications to the planning proposal.
4. Should compensatory flood storage be proposed on the adjacent golf course lands whether Council is satisfied that the compensatory works will remain in perpetuity.

This impact assessment may require further changes to the planning proposal.

• **Addressing Land Contamination**

The LEP Gateway process requires the planning proposal to address *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55). SEPP 55 requires contamination and remediation to be considered in rezoning proposals. Part 7A of the Act reinforces the need for planning proposals to address contaminated land management guidelines related to SEPP 55.

The proponent of the spot rezoning application submitted a preliminary contamination assessment. The study found the site may be considered suitable for residential development subject to the outcomes of a Stage 2 contamination assessment. The Stage 2 contamination assessment will need to occur as part of the LEP Gateway process and will need to assess the following:

- Stockpiles and spoils in footprints of buildings in the southern portion of the site
- Soils in footprints of shed and hard stands areas after demolition and removal.
- Soils along northern and eastern boundaries to determine impact of site activities on the adjoining properties.
- Groundwater assessment.

The findings of the Stage 2 assessment may require further changes to the planning proposal.

Other Considerations

Planning proposals must be prepared with regard to the DoPI guidelines, in particular the justification for the proposal (Part 3 of the guideline) must be clearly set out. The table below provides an assessment of the planning proposal against Part 3 of the guideline.

Table 1: Summary of assessment against Part 3 of DoPI Planning Proposal Guideline

Matters to be addressed in Planning Proposal	Addressed in Planning Proposal
Section A	
1. <i>Is the planning proposal the result of any strategic study or report?</i>	The citywide strategic studies that would apply to the land include the DoPI's Metropolitan Plan and Draft West Central Subregional Strategy, and Council's Residential Development Study. The studies identify the need to accommodate 22,000 dwellings in the City of Bankstown by 2031. The focus is to locate the dwellings around existing centres with good access to public transport. The studies do not identify the Bankstown Golf Course site in Milperra as a priority area to achieve this dwelling target. However, it may be possible to accept a rezoning proposal to Zone 2(a) Residential prior to the completion of the Local Area Plan as this type of proposal can satisfy certain criteria under Council's spot rezoning procedures (as discussed in the key issues section of this report).
2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	The site is currently zoned part 2(a) Residential/part 6(b) Private Recreation. The 6(b) zone does not permit residential land uses or other urban purposes. The proposal is therefore the best means of achieving the intended outcome, which is to introduce a residential zone to accommodate housing development. However, it is recognised that the proposal would also allow a range of other land uses in the residential zone such as child care centres, seniors housing, hospitals and other sensitive land uses, which will be taken into consideration in the assessment.
3. <i>Is there a net community</i>	The proposal will facilitate the provision of additional

<i>benefit?</i>	dwellings which has a wider benefit.
Section B	
4. <i>Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies?</i>	The RDS is consistent with the Metropolitan Plan and Subregional Strategies. The DoPI and Council agreed to implement the RDS via a series of Local Area Plans. The Plans would focus on certain priority centres and surrounding areas to demonstrate how Council would achieve the DoPI required 80:20 centres to infill ratio in the City of Bankstown to 2031. This process would inform the conversion of Bankstown LEP 2001 to the Standard Instrument Principal LEP, which the DoPI views as a priority project. While the strategies do not identify the Bankstown Golf Course site in Milperra as a priority area to achieve this dwelling target, it may be possible to accept a rezoning proposal to Zone 2(a) Residential prior to the completion of the Local Area Plan.
5. <i>Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?</i>	The planning proposal is consistent with the Community Plan as it will <i>'facilitate new residential development within walking distance of facilities and infrastructure'</i> being neighbourhood shops (Bullecourt Avenue and Ashford Avenue), major road infrastructure (Henry Lawson Drive, M5), UWS Milperra Campus and the Milperra Specialised Centre (Employment Land). The RDS is the relevant other strategic plan. While the RDS does not identify the Bankstown Golf Course site in Milperra as a priority area to achieve this dwelling target, it may be possible to accept a rezoning proposal to Zone 2(a) Residential prior to the completion of the Local Area Plan.
6. <i>Is the proposal consistent with applicable state environmental planning policies?</i>	There are several SEPPs that apply to the proposal. The assessment indicates that further detailed technical studies are required to properly assess whether the proposal is consistent with the SEPPs, namely SEPP 55 and REP 2. These matters have been discussed in the key issues section.
7. <i>Is the proposal consistent with applicable Ministerial Directions (s.117 directions)?</i>	The Act sets out the Ministerial Directions, which Council must consider when assessing spot rezoning applications and planning proposals. The assessment indicates that further detailed technical studies are required to properly assess whether the proposal is consistent with Directions. In particular Direction 4.3 – Flood Prone Land and Direction 4.1 - Acid Sulfate Soils. Flood Impacts have been discussed in the key issues section of this report. In regards to Acid Sulfate Soils, the site is identified as Class 5 land. An Acid Sulfate Soils Assessment will need to be provided to assess the appropriateness of the change of land use given the presence of acid sulfate soils.

Section C	
8. <i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</i>	Council records show recorded listings of threatened species and remnant vegetation on lands adjacent to the subject site, within the Bankstown Golf Course greens. Should compensatory flood mitigation or storage be proposed on these lands, further information may be required to confirm the level of impact on threatened species and remnant vegetation..
9. <i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	Council must be satisfied that "...landfill is required for the reasonable economic use of the land on which it takes place....and there would be no adverse impact by the landfill on...private or public property...stormwater drainage or flooding." (Clause 27 BLEP 2001). These matters have been discussed in the key issues section of this report.
10. <i>How has the planning proposal adequately addressed any social and economic effects?</i>	It is considered that a low density residential land use would have minimal social and economic impacts. Low-density development, subject to environmental impacts being met, is considered appropriate. Part of the site is already zoned for this land use however has not been developed.
Section D	
11. <i>Is there adequate public infrastructure for the planning proposal?</i>	The planning proposal will facilitate new residential development within an already developed area within walking distance of neighbourhood shops (Bullecourt Avenue and Ashford Avenue), major road infrastructure (Henry Lawson Drive, M5), UWS Milperra Campus and the Milperra Specialised Centre (Employment Land).
12. <i>What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?</i>	This consultation will occur once a Gateway Determination is issued.

POLICY IMPACT

This matter will have policy implications as it proposes to rezone certain land in Milperra to enable a residential zone.

The planning proposal has been accepted by Council officers prior to the completion of the relevant Local Area Plan as this type of proposal can satisfy certain criteria under Council's spot rezoning procedures. It is noted that further studies are required to satisfy the criteria relating to environmental impacts.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council at this early stage.

RECOMMENDATION

That Council submit a planning proposal for the rezoning of part of the land known as the Bankstown Golf Course site to the Minister for Planning and Infrastructure to seek a Gateway Determination as shown in Attachment A.

ATTACHMENTS

A. Planning proposal for Bankstown Golf Course



Planning Proposal

BANKSTOWN
City of Progress



Bankstown Golf Course – Bullecourt Avenue Site - Milperra



March 2012

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Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan and sets out the justification for making that plan.

According to the Department of Planning and Infrastructure (DoPI) publication 'A guide to preparing planning proposals', the justification must be founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing an LEP, and is likely to evolve throughout the course of the Gateway LEP process. Updates and amendments to relevant parts of the planning proposal may be necessary subject to the outcome of technical studies and consultation.

A planning proposal is comprised of four parts:

- Part 1—A statement of the objectives or intended outcomes of the proposed LEP.
- Part 2—An explanation of the provisions that are to be included in the proposed LEP.
- Part 3—The justification for those objectives, outcomes and provisions and the process for their implementation.
- Part 4—Details of the community consultation that is to be undertaken on the planning proposal.

The preparation of a planning proposal must be consistent with the Environmental Planning & Assessment Act 1979, and the DoPI planning proposal guideline referred to above.

Part 1–Intended Outcomes

Part 1 is a concise statement setting the objectives or intended outcomes of this planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. The objectives or intended outcomes will be the basis for the drafting of the legal instrument (LEP).

The intended outcome of this planning proposal is to enable the rezoning of part of the Bankstown Golf Course site in Milperra shown in the Land Application Map to Zone 2(a) Residential under Bankstown LEP 2001 (BLEP 2001).

The planning proposal is based on the following guiding principles:

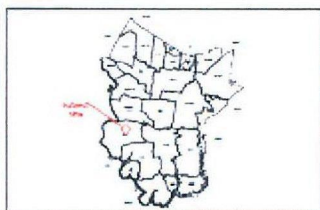
- To ensure the location and extent of the proposed residential and uses comply with metropolitan and citywide strategic studies, if Council is to achieve DoPI's directions to focus residential development around centres and achieve an 80:20 centres to infill ratio in the City of Bankstown.
- To ensure the location and extent of the proposed residential land uses fully respond to the flood risks, land contamination, acid sulfate soils and other environmental constraints that affect the site.
- To ensure the location and extent of any off-site flood mitigation fully protects any significant flora and fauna having biodiversity or other values and the ecological processes necessary for their continued existence located on the Bankstown Golf Course site.
- To ensure the location and extent of the proposed land uses integrate effectively with the topography of the site and the established character of the Milperra neighbourhood area, and enable the impacts to be managed appropriately.



**Bankstown City Council
Planning Proposal**

DRAFT Bankstown Golf Course (Bullecourt Ave)

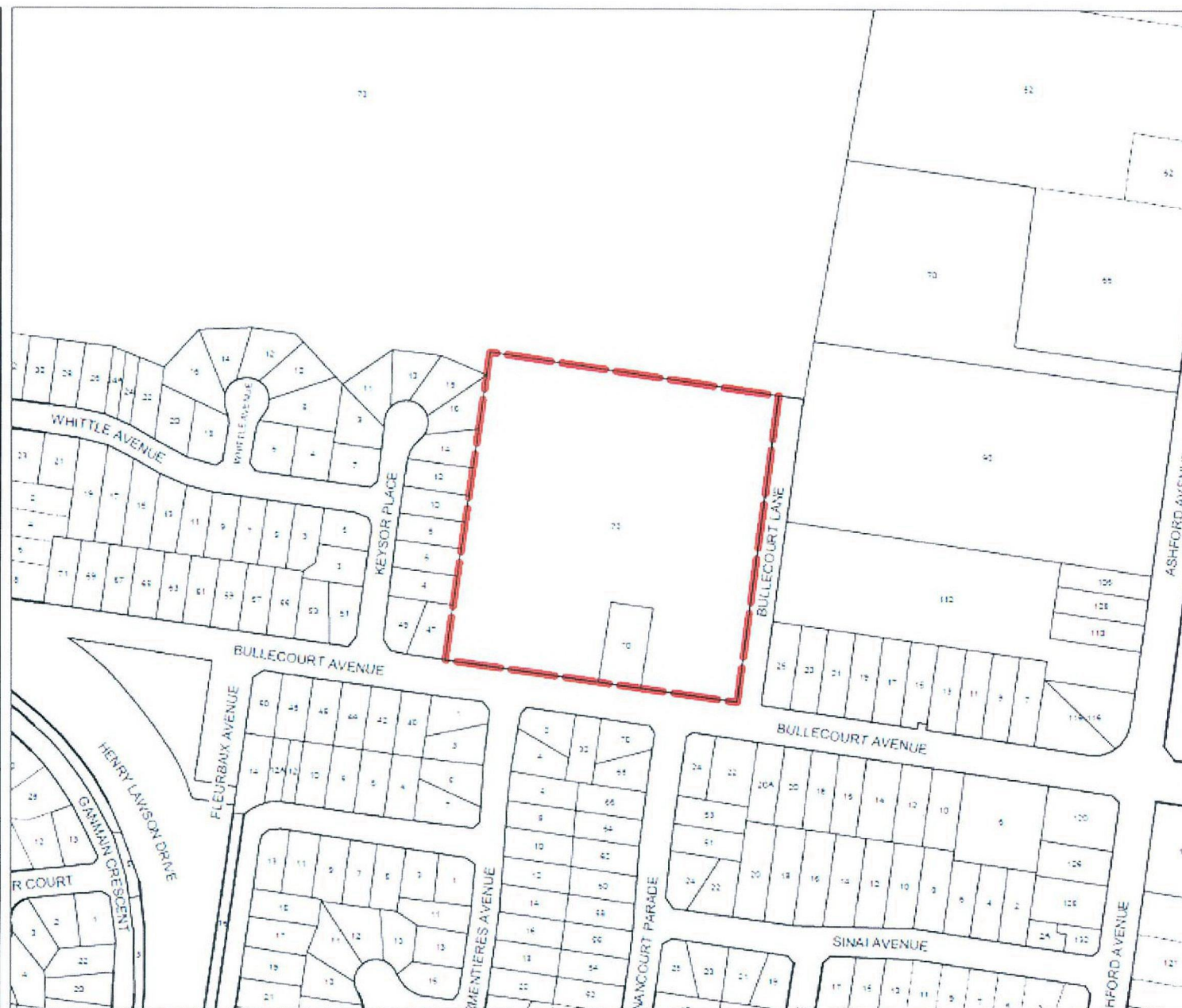
1 - Land Application Map



1:10,000 (2008/2009)
June 10

Approximate Scale
Not To Scale

Produced By: Land Information Management



Part 2–Explanation of Provisions

Part 2 is a concise statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

Council is submitting this planning proposal to amend BLEP 2001 which is the current statutory planning framework. BLEP 2001 establishes development standards for land use zonings, floor space ratios and building heights for development in the City of Bankstown. This is the preferred option given that Council is yet to complete a Standard Instrument Principal LEP.

The amendments to BLEP required under this planning proposal include:

Clause	Explanation of Provisions
8(2)	Amendment of 'the map' definition in accordance with the proposed zoning map, shown at Attachment 1. Explanation: The intended outcome of this planning proposal is to enable the rezoning of part of the Bankstown Golf Course site to zone 2(a) Residential under BLEP 2001.
30	Amendment of the Floor Space Ratio Map in accordance with the proposed floor space ratio map, shown at attachment 2. Explanation: The intended outcome is to apply a floor space ratio to the proposed residential zone, which is consistent with the floor space ratio of the established Milperra neighbourhood area.
36A	Insertion of an additional provision, which will indicate the maximum permissible building heights for the residential and private recreation zones in accordance with the Height of Buildings Map, shown at attachment 3. Explanation: The intended outcome is to apply a maximum permissible building height of 9 metres with the exception of villas, which is 9metres to the street and 6 metres to the rear.

Part 3–Justification

Part 3 sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP. Within the justification are a number of questions that must be addressed with appropriate justification provided. The aim is to ensure the planning proposal is comprehensive, yet is also concise for the benefit of a wider audience.

Section A–Need for the planning proposal

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

The planning proposal is not the result of any citywide strategic studies that apply to the land. However, this planning proposal will assist in meeting the infill housing demand identified in State and Local citywide strategic studies. This matter is discussed further below.

The citywide strategic studies that would apply to the land include the DoPI's Metropolitan Plan and Draft West Central Subregional Strategy, and Council's Residential Development Study (part funded by the Planning Reform Fund as part of a Memorandum of Understanding with the DoPI). The studies identify the need to accommodate 22,000 dwellings in the City of Bankstown by 2031. A key direction is to locate the majority of these dwellings within existing centres with good access to public transport.

The DoPI and Council agreed to implement the RDS via a series of Local Area Plans. The Plans would focus on certain priority centres and surrounding areas to demonstrate how Council would achieve the DoPI's required 80:20 centres to infill ratio in the City of Bankstown to 2031. This process would inform the conversion of Bankstown LEP 2001 to the Standard Instrument Principal LEP, which the DoPI views as a priority project.

The studies do not identify the Bankstown Golf Course site in Milperra as a priority area to achieve this dwelling target. However, it may be possible to accept a proposal to rezone the subject site to Zone 2(a) Residential prior to the completion of the Local Area Plan. This type of proposal can satisfy Council's spot rezoning procedures as follows:

- *the proposal is consistent with the established character of the surrounding residential zone, and enables the impacts to be managed appropriately; and*
- *the subdivision of the site (under a torrens title or community title scheme) makes a substantial contribution to the dwelling target, and complies with metropolitan and citywide strategic studies if Council is to achieve the Department of Planning & Infrastructure's directions to focus residential development around centres and achieve an 80:20 centres to infill ratio in the City of Bankstown; and*
- *there is appropriate access and infrastructure (and associated funding mechanism) to accommodate the proposal.*

It is noted that further studies are required to satisfy the remaining criteria relating to environmental impacts which is:

- *the proposal integrates effectively with the topography of the site and fully responds to any flood risks, land contamination, acid sulfate soils, bush fire risks, ecologically endangered communities or other environmental constraints that affect the site.*

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

The site is currently zoned part Residential 2(a) and part 6(b) Private recreation. The proposal is therefore the best means of achieving the intended outcome, which is to introduce a residential zone to accommodate housing development. However, it is recognised that the proposal would also allow a range of other land uses in the residential zone such as schools, child care centres, seniors housing, hospitals and other sensitive land uses, which should be taken into consideration in the assessment.

3. Is there a net community benefit?

According to the DoPI guidelines, an analysis of the net community benefit should include the costs and benefits that have a net impact on community welfare and not the benefits between individuals and businesses in the community.

The provision of additional infill housing to meet future demand is considered to be a net community benefit.

Section B—Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies)?

The RDS is consistent with the Metropolitan Plan and Draft West Subregional Strategy. The DoPI and Council agreed to implement the RDS via a series of Local Area Plans. The Plans would focus on certain priority centres and surrounding areas to demonstrate how Council would achieve the DoPI's required 80:20 centres to infill ratio in the City of Bankstown to 2031. This process would inform the conversion of Bankstown LEP 2001 to the Standard Instrument Principal LEP, which the DoPI views as a priority project.

While the strategies do not identify the Bankstown Golf Course site in Milperra as a priority area to achieve this dwelling target, it may be possible to accept a proposal to rezone the subject site to zone 2(a) Residential prior to the completion of the Local Area Plan.

This type of proposal can satisfy Council's spot rezoning procedures subject to appropriate assessment and mitigation of environmental impacts. These matters are discussed in further detail in Council's response to Questions 6, 7, 8, and 9 of this planning proposal.

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

The planning proposal is consistent with the Community Plan as it will 'facilitate new residential development within walking distance of facilities and infrastructure' being neighbourhood shops (Bullecourt Avenue and Ashford Avenue), major road infrastructure (Henry Lawson Drive, M5), UWS Milperra Campus and the Milperra Specialised Centre (Employment Land)

The RDS is the relevant other strategic plan. While the RDS does not identify the Bankstown Golf Course site in Milperra as a priority area to achieve Council's dwelling target, it may be possible to accept a proposal to rezone the subject site to Zone 2(a) Residential prior to the completion of the Local Area Plan. This type of proposal can satisfy Council's spot rezoning procedures subject to appropriate assessment and mitigation of environmental impacts. These matters are discussed in further detail in Council's response to Questions 6, 7, 8, and 9 of this planning proposal.

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

There are several SEPPs that would apply to the proposal. The assessment indicates that further detailed technical studies are required to properly assess whether the proposal is consistent with the SEPPs, namely SEPP 55 and REP 2. SEPP 32 is also discussed. An assessment against these SEPPs is summarised below:

▪ **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 requires the Relevant Planning Authority to consider site contamination when rezoning land. Part 7A of the EP&A Act reinforces this direction.

The proponent of the spot rezoning application submitted a preliminary contamination assessment. The study found the site may be considered suitable for residential development subject to the outcomes of a Stage 2 contamination assessment in accordance with SEPP55. The Stage 2 contamination assessment will need to occur as part of the LEP Gateway process and will need to assess the following:

- Stockpiles and soils in footprints of buildings in the southern portion of the site
- Soils in footprints of shed and hard stands areas after demolition and removal.

- Soils along northern and eastern boundaries to determine impact of site activities on the adjoining properties.
- Groundwater assessment.

The findings of the Stage 2 assessment may require further changes to the planning proposal.

▪ **Greater Metropolitan REP No 2 – Georges River Catchment**

The assessment also took into consideration the Greater Metropolitan Regional Environmental Plan No 2–Georges River Catchment. The REP (otherwise known as a SEPP) aims to set the planning principles to protect the environmentally sensitive areas around the river when the Relevant Planning Authority considers a local environmental plan.

The planning principles require the consent authority to consider issues such as the management of acid sulfate soils, bank disturbance, flooding, land degradation and urban stormwater, particularly as the stormwater run-off and nutrient load from the urban development may impact on neighbouring land, the endangered ecological communities, and ultimately the water quality of the Georges River. The LEP Gateway process would need to consider these issues to satisfy the SEPP requirements.

▪ **State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)**

The Urban Consolidation SEPP sets out provisions for consideration of the use of urban land for multi-unit housing. Multi unit housing is defined in this SEPP as *'development for residential purposes comprising more than one dwelling'*.

The planning proposal is consistent with this SEPP as it proposes to rezone the subject site to zone 2(a) Residential under BLEP 2001. The provisions for this zone already allow for multi-unit housing in the form of villas, row houses, and dual occupancies.

Assessment against all SEPPs is provided in Table 1 at Attachment 4.

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

The Act sets out the Ministerial Directions, which Council must consider when assessing spot rezoning applications and planning proposals. The assessment indicates that further detailed technical studies are required to properly assess whether the proposal is consistent with certain directions. An assessment against the applicable directions are summarised below:

▪ **Direction 2.1– Environment Protection Zones**

State records identify listings of threatened species and remnant vegetation on lands adjacent to the subject site, within the Bankstown Golf Course greens. These listings and other conservation value lands are identified in Council's adopted Biodiversity Strategy (2002).

Should compensatory flood storage be proposed on these lands, the Gateway process would need to consider the Ministerial (117) Direction 2.1–Environment Protection Zones to ensure:

- The proposal complies with the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 and the NSW Threatened Species Conservation Act 1995.
- The proposal protects the endangered ecological communities, the areas/corridors of biodiversity and species habitat values, and the ecological processes necessary for their continued existence, including appropriate buffers.
- Appropriately manage the conservation areas (including corridors) in perpetuity to maintain the biodiversity conservation values.

Further information will be required to confirm the level of impact on threatened species and remnant vegetation.

▪ **Direction 3.1–Residential Zones**

This direction encourages a variety of housing types to provide for existing and future needs, and to make more efficient use of existing infrastructure and services. The proposal is considered to be consistent with this direction given the proximity to infrastructure in the Milperra neighbourhood area such as the school and shops.

The planning proposal is consistent with this direction as it does not propose any amendment to the residential density permitted within Zone 2(a) Residential which includes dwelling houses, villas, row houses and dual occupancies.

▪ **Direction 3.4–Integrating Land Use and Transport**

The direction requires planning proposals to give effect to and be consistent with specific guidelines. The relevant principles of these guidelines and how the Planning proposal addresses these sections are discussed below.

- *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*

Many of the planning principles in this guideline relate to location and design considerations for higher density housing. The subject site would allow for low density residential infill development within an established urban area. As such many of the principle in this guideline would not apply.

However, the subject site is within 400m of a dedicated bus route which accesses the East Hills railway station and Bankstown railway station and as such is consistent within the broad principles location.

- *The Right Place for Business and Services – Planning Policy (DUAP 2001)*

This guideline refers to business and services. The planning proposal does not propose any business activities.

Further, the planning proposal is an extension of an existing 2(a) residential zone. It is considered that any additional dwellings which result from the development of this land under this zone would utilise existing road networks and public transport services.

▪ **Direction 4.1–Acid Sulfate Soils**

This direction aims to avoid an intensification of land uses on land identified as having a probability of containing acid sulfate soils. The site has a potential to contain acid sulfate soils being affected by Class 3 to 5 lands.

The LEP Gateway process would need to consider an acid sulfate soils study to assess the appropriateness of the land use changes, and excavation works associated with any proposed flood mitigation works.

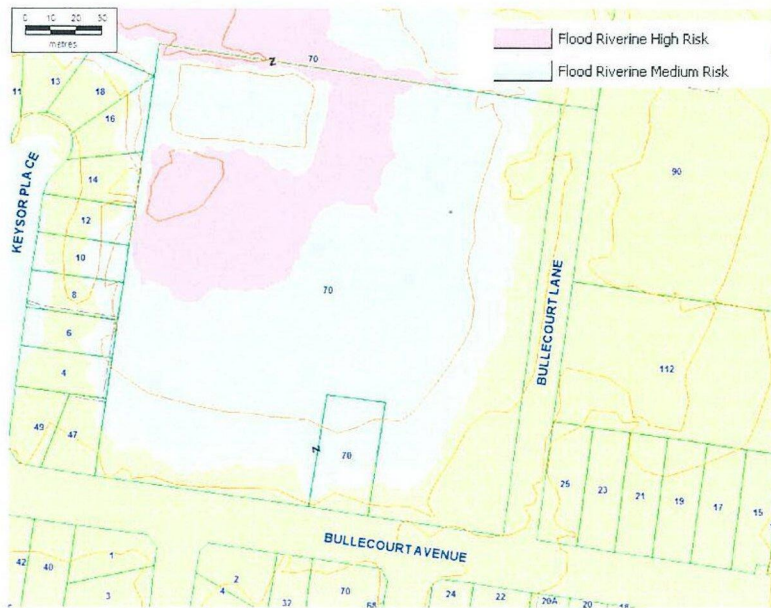
▪ **Direction 4.3–Flood Prone Land**

The LEP Gateway process requires the planning proposal to address Ministerial *Direction 4.3 – Flood Prone Land*. This direction has the following objectives:

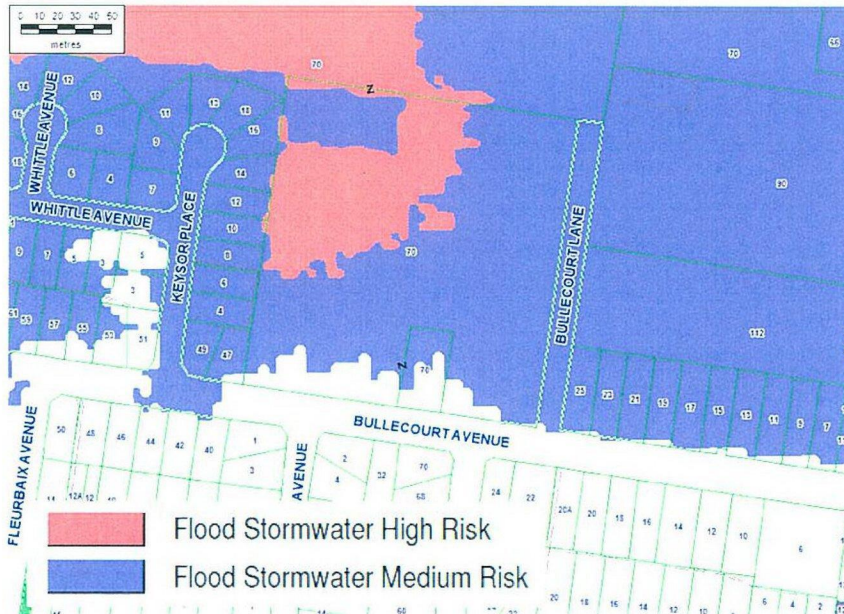
- *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and*
- *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

This direction prohibits Council from rezoning flood planning areas to residential zones, unless it can satisfy the DoPI that the planning proposal is consistent with a Floodplain Risk Management Plan.

In 2004, Council adopted a Flood Risk Management Plan for the Georges River. This plan identifies areas of high, medium and low flood risk which informs Council's flood risk mapping. The flood risk mapping indicates the site is predominantly affected by high and medium risk riverine flooding as shown in Figure 1.

Figure 1 - Riverine Flood Affection

In 2011, Council adopted a flood study for the Milperra Stormwater Catchment which indicates the site is also affected by high and medium risk stormwater flooding (as shown in Figure 2).

Figure 2 - Stormwater Flood Risk Affection

Council's Flood Risk Management Plan identifies that residential and other sensitive land uses are considered unsuitable in high flood risk areas.

While there may be merit in residential land uses on the site, Council officers consider it appropriate to excise the high flood risk area from the proposal and to consider a 2(a) residential zone in the remaining area.

Council will then require a more detailed flood study to confirm whether the area of land identified for investigation is appropriate for residential land uses and whether the proposal fully satisfies the Ministerial Direction. A more detailed flood study would need to address:

1. How the proposal addresses REP 2 (Georges River) and Council's adopted flood studies and whether residential land uses are appropriate in this site.
2. Whether the proposed flood mitigation is appropriate. In particular,
 - i. any cut and fill required on the subject site
 - ii. any cut and fill required on the adjoining Bankstown Golf Course site.
3. Whether the proposal satisfies the sea level rise policy. A preliminary analysis of the impact of sea-level rise indicates the high risk precinct may extend further south towards Bullecourt Avenue. The outcome of this impact assessment may require further modifications to the planning proposal.
4. Should compensatory flood storage be proposed on the adjacent golf course lands whether Council is satisfied that the compensatory works are appropriate and will remain in perpetuity. This impact assessment may require further changes to the planning proposal.

▪ **Direction 6.3—Site Specific Provisions**

The LEP Gateway process requires the planning proposal to address Ministerial *Direction 6.3—Site Specific Provisions*. The objective of this direction is to '*discourage unnecessarily restrictive site specific planning controls*'. The direction requires that a planning proposal:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The planning proposal recommends Zone 2(a) Residential. No amendments to the existing development controls associated with this zone are being recommended. As such the planning proposal is consistent with this Direction.

▪ **Direction 7.1 – Implementation of Metropolitan Plan for Sydney 2036**

As previously discussed in response to Question 1 of this planning proposal, the Metropolitan Plan and Council's RDS does not identify the Bankstown

Golf Course site as forming part of a centre or as a priority area to achieve the dwelling target.

However, it may be possible to rezone the subject site to Zone 2(a) Residential prior to the completion of the Local Area Plan.

This type of proposal can satisfy Council's spot rezoning procedures subject to appropriate assessment and mitigation of environmental impacts. These matters are discussed in further detail in Council's response to Questions 6, 7, 8, and 9 of this planning proposal.

Assessment against all directions is provided in Table 2 at Attachment 4.

Section C—Environmental, social and economic impact

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

As previously discussed in response to Question 2 of this planning proposal, State records identify listings of threatened species and remnant vegetation on lands adjacent to the subject site, within the Bankstown Golf Course greens. These listings and other conservation value lands are identified in Council's adopted Biodiversity Strategy (2002).

Should compensatory flood storage be proposed on these lands the Gateway Process would need to consider the Ministerial (117) Direction 2.1—Environment Protection Zones. This will require further studies to confirm the level of impact on any threatened species, remnant vegetation and other conservation value land.

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

The planning proposal has identified the need to consider in further detail the impacts of flooding, land contamination, acid sulphate soils and potentially significant flora and fauna and as part of the LEP Gateway process. While other impacts may be required as part of this process these are considered the key impacts which affect the subject site and the planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

It is considered that a low density residential land use, and the modest yield that could be drawn from the site, would have minimal social and economic impacts subject to appropriate assessment and mitigation of environmental impacts. Part of the site is zoned to 2(a) Residential however has not been developed for this land use.

Section D—State and Commonwealth interest

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal will facilitate infill development within the established urban area. The subject site is within walking distance of neighbourhood shops (Bullecourt Avenue and Ashford Avenue), major road infrastructure (Henry Lawson Drive, M5), UWS Milperra Campus and the Milperra Specialised Centre (Employment Land). The site is also serviced by local bus services providing access to East Hills and Bankstown Railway Stations.

12. What are the views of State and Commonwealth public authorities consulted in accordance with this gateway determination?

This section of the planning proposal is completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination and must summarise any issues raised by public authorities not already dealt with in the planning proposal, and address those issues as appropriate.

Part 4—Community Consultation

Part 4 outlines the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements of the DoPI's publication 'A guide to preparing local environmental plans'.

Although the Gateway Determination will confirm the public consultation that must be undertaken, the exhibition period for this planning proposal is likely to take 28 days and would comprise:

- Advertisements in the local newspapers.
- Displays at the Council administration building, library and corporate website.
- Display at a location in Milperra.
- Written notification to land owners and occupants in the surrounding area.

Should the Gateway Determination specify a different set of consultation requirements, this part of the proposal would be revised to reflect the terms of the Gateway Determination.

ATTACHMENT 1 – DRAFT LEP AMENDMENT

Bankstown Local Environmental Plan 2001 (Amendment NoXX)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

Minister for Planning and Infrastructure

1

Name of plan

This plan is Bankstown Local Environmental Plan 2001 (Amendment No XX).

2 Aims of plan

This plan aims to amend Bankstown Local Environmental Plan 2001 so as:

- (a) to enable the redevelopment of the site for low density residential development and other land uses that are compatible with the residential neighbourhood; and
- (b) to ensure the redevelopment of the site addresses the environmental constraints of the locality.

3 Land to which plan applies

This plan applies to land shown distinctively coloured and edged heavy black on Sheets 1–3 of the map marked "Bankstown Local Environmental Plan 2001 – (Amendment No. XX)" deposited in the office of Bankstown City Council.

4 Amendment of Bankstown Local Environmental Plan 2001

Bankstown Local Environmental Plan 2001 is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Schedule 1, Dictionary

Insert in appropriate order in the definition of "Floor Space Ratio Map":

Bankstown Local Environmental Plan 2001 (Amendment No XX)–Sheet 2

[2] Schedule 1, Dictionary

Insert in appropriate order in the definition of "the map":

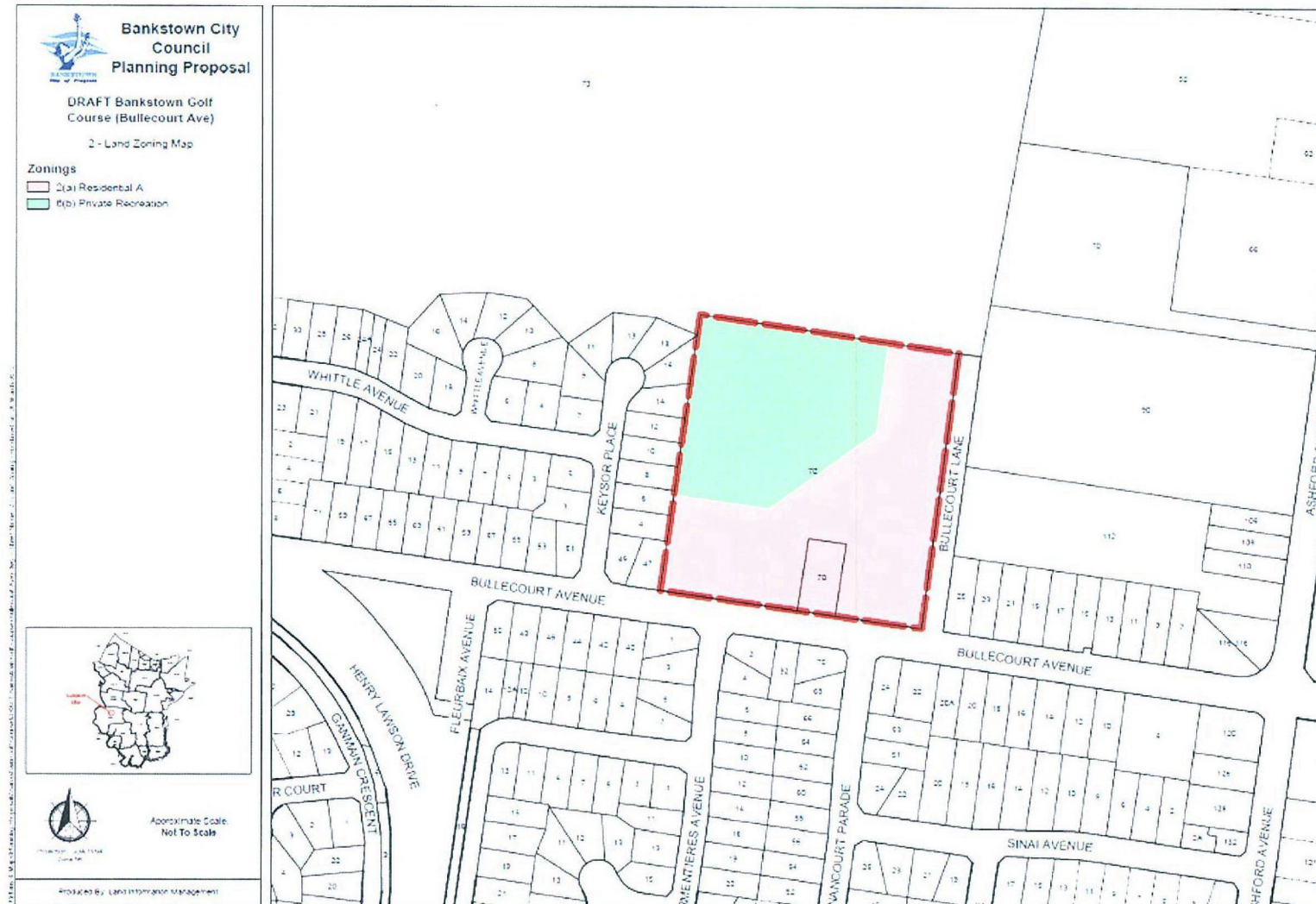
Bankstown Local Environmental Plan 2001 (Amendment No XX)–Sheet 1

[3] Schedule 9, Special requirements for particular sites

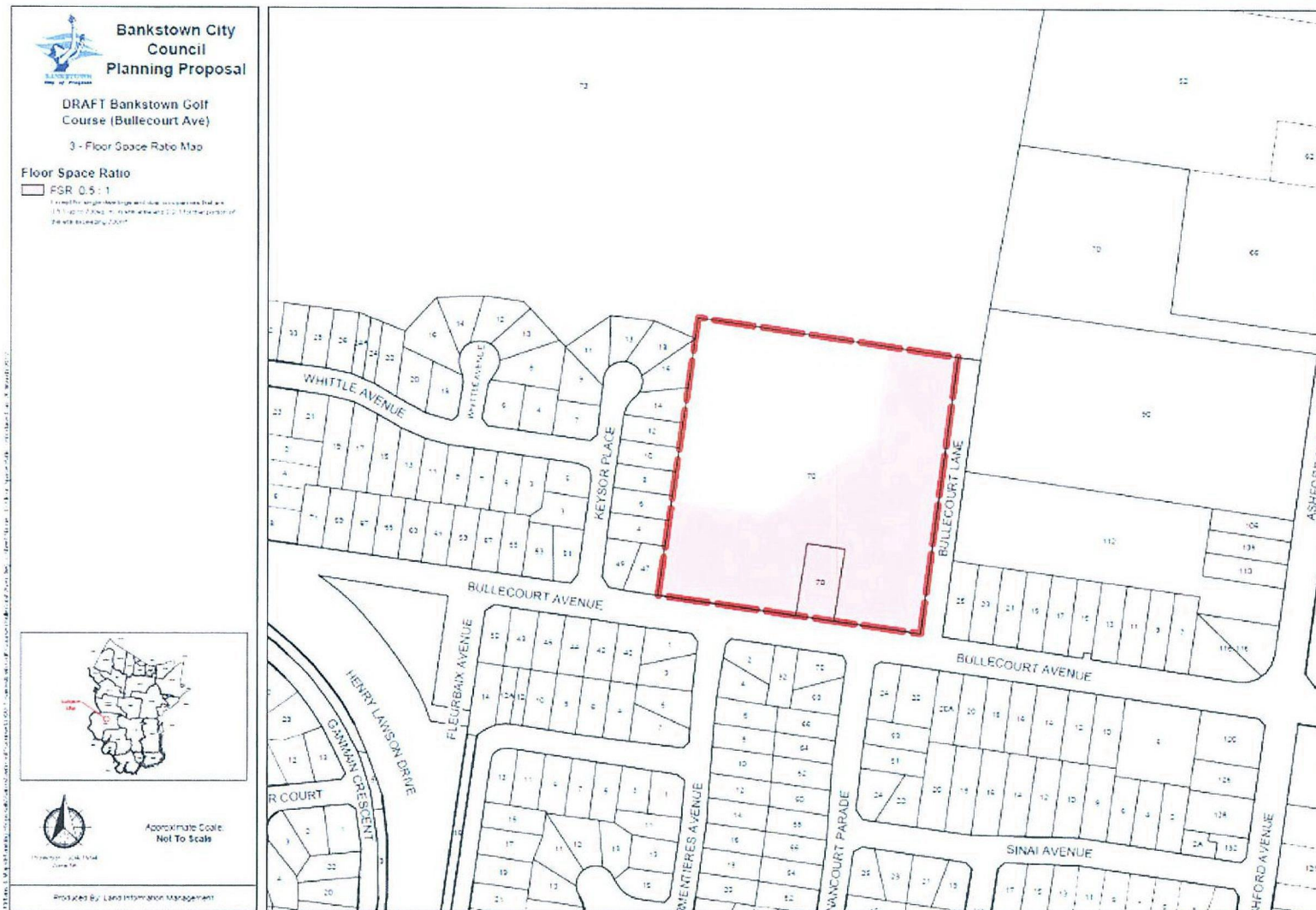
Insert in appropriate order:

Column 1	Column 2
Locality/Description	Requirement
Lot 161 DP 752013 272 DP 752013	The consent authority must be satisfied that: (a) the maximum building height is 9 metres above existing ground level as set out in Bankstown Local Environmental Plan 2001 (Amendment No XX)–Sheet 3 except for rear villas which have a maximum building height of 9 metres for any dwellings facing the street and 6 metres for all other dwellings at the rear of the allotment.

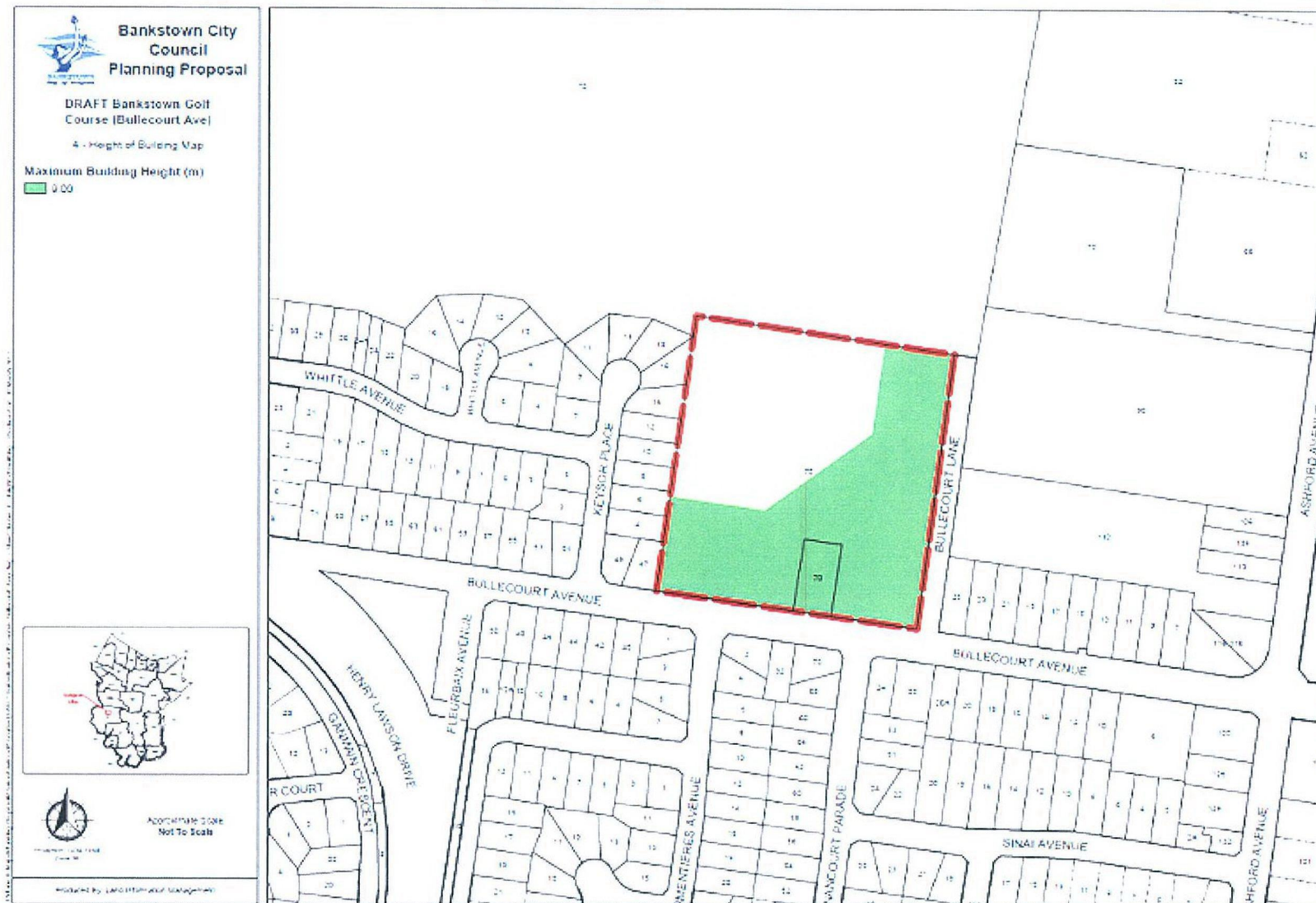
Attachment 1 – Draft Zoning Map



Attachment 2 – Draft FSR Map



Attachment 3 – Draft Maximum Building Heights Map



Attachment 4 – Assessment Tables**Table 1 – S117 Ministerial Directions**

No.	Direction & Issue Date	Relevant/ Applicable	Consistent
1.1	Business and Industrial Zones [01/07/09]	No	N/A
1.2	Rural Zones [01/07/09]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [01/07/09]	No	N/A
2.1	Environment Protection Zones [01/07/09]	Yes	No
2.2	Coastal Protection [01/07/09]	No	N/A
2.3	Heritage Conservation [01/07/09]	No	N/A
2.4	Recreation Vehicle Areas [01/07/09]	No	N/A
3.1	Residential Zones [01/07/09]	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates [01/07/09]	No	N/A
3.3	Home Occupations [01/07/09]	No	N/A
3.4	Integrating Land Use and Transport [01/07/09]	Yes	Yes
3.5	Development Near Licensed Aerodromes [01/07/09]	No	N/A
3.6	Shooting Ranges [01/07/09]	No	N/A
4.1	Acid Sulfate Soils [01/07/09]	Yes	No
4.2	Mine Subsidence and Unstable Land [01/07/09]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	No
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
5.1	Implementation of Regional Strategies [01/07/09]	No	N/A
5.2	Sydney Drinking Water Catchments [01/07/09]	No	N/A
5.3	Farmland of State/Regional Significance on Nth Coast [01/07/09]	No	N/A
5.4	Commercial/Retail Devt along Pacific Hwy, Nth Coast [01/07/09]	No	N/A
5.5	Devt in the vicinity of Ellalong, Paxton and Millfield (Revoked)	No	N/A

5.6	Sydney to Canberra Corridor (Revoked)	No	N/A
5.7	Central Coast (Revoked)	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [01/07/09]	No	N/A
6.1	Approval and Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	No	N/A
6.3	Site Specific Provisions [01/07/09]	Yes	Yes
7.1	Implementation of Metropolitan Plan for Sydney 2036 [01/02/10]	Yes	Yes

Table 2 – SEPPS

No.	SEPP Name	Applies	Consistent
1	Development Standards	Yes	Yes
4	Development Without Consent & Miscellaneous Development	Yes	Yes
6	Number of Storeys in a Building	Yes	Yes
14	Coastal Wetlands	No	N/A
15	Rural Landsharing Communities	No	N/A
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
22	Shops & Commercial Premises	Yes	Yes
26	Littoral Rainforests	No	N/A
29	Western Sydney Recreation Area	No	N/A
30	Intensive Agriculture	No	N/A
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
39	Spit Island Bird Habitat	No	N/A

41	Casino Entertainment Complex	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams & Other Works Land/Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	No
59	Central Western Sydney Regional Open Space & Residential	No	N/A
60	Exempt & Complying Development	No	N/A
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Flat Development	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A
71	Coastal Protection	No	N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	No
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes
	(Infrastructure) 2007	Yes	Yes
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Major Development) 2005	Yes	Yes
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes

	(Penrith Lakes Scheme) 1989	No	N/A
	(Rural Lands) 2008	Yes	Yes
	(SEPP 53 Transitional Provisions) 2011	No	N/A
	(State & Regional Development) 2011	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Temporary Structures) 2007	Yes	Yes
	(Urban Renewal) 2010	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A