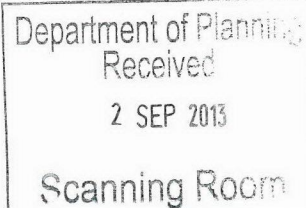


PCU047614

29 August 2013

Ms R Cumming
A/Regional Director, Sydney West
Department of Planning & Infrastructure
GPO BOX 39
SYDNEY NSW 2001



Dear Ms Cumming,

Section 56 Notification—Decision to submit a planning proposal for Weigand Avenue & CBD Reclassifications

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 August 2013, Bankstown City Council resolved to submit a planning proposal to the Minister for Planning & Infrastructure to seek a Gateway Determination. The planning proposal applies to certain properties within the Bankstown Central Business District.

(b) Attached information

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

- The planning proposal.
- The Council report of the Ordinary Meeting of 27 August 2013.

If you have any enquiries or require further information, please contact Council officer Ryan Bevitt on 9707 9869.

Yours sincerely,



Mauricio Tapia
Team Leader Strategic Planning

Planning Matters - 27 August 2013

ITEM 4.12 **Amendment to the Weigand Avenue & CBD Reclassifications Planning Proposal**

ECM SUBJECT **LAP - Bankstown CBD**

**DELIVERY
PROGRAM
(2013-2017)**

TA 1. Council will have integrated plans for local areas that recognise each location's unique characteristics and heritage that guides the future development of our city.

AUTHOR **City Planning and Environment**

ISSUE

Council is in the process of submitting a planning proposal to the Department of Planning & Infrastructure as a result of the Council approval of the Bankstown CBD planning proposal. This report is proposing to insert two additional matters relating to Weigand Avenue and reclassifications in the planning proposal prior to seeking a gateway determination.

RECOMMENDATION That -

1. Council submits a planning proposal (as shown in Attachment A) to the Minister for Planning & Infrastructure to seek a gateway determination for the following amendments to Bankstown Local Environmental Plan 2001:
 - (a) Rezone the properties at Nos. 2 & 2A–2C Weigand Avenue in Bankstown from Zone 5 (Special Uses–Railway Purposes) to Zone 2(c) Residential.
 - (b) Amend Schedule 2 by inserting community facilities as an additional permitted land use on the property at No. 2E Weigand Avenue in Bankstown.
 - (c) Reclassify the properties at No. 36/402 Chapel Road, Nos. 20A & 31A Chelmsford Avenue, No. 62A Oxford Avenue, No. 60A Northam Avenue and Nos. 301 & 311 South Terrace in Bankstown from community land to operational land.
2. Council requests a Written Authorisation to Exercise Delegation from the Department of Planning & Infrastructure under section 23 of the Environmental Planning & Assessment Act 1979.

REPORT

At the Ordinary Meeting of 26 March 2013, Council resolved to adopt the Bankstown Central Business District (CBD) planning proposal.

The intended outcome of the planning proposal is to implement the Bankstown CBD Local Area Plan by enabling future development within a reasonable distance of the railway station to achieve the dwelling and jobs targets. The planning proposal will involve amendments to zonings and development standards under Bankstown Local Environmental Plan 2001.

Council also resolved to submit a planning proposal to address the following specific issues raised by submissions during the exhibition period:

- Rezone the properties at Nos. 2A & 2C Weigand Avenue in Bankstown from Zone 5 (Special Uses–Railway Purposes) to Zone 2(c) Residential.
- Allow community facilities as an additional permitted land use on the property at No. 2E Weigand Avenue in Bankstown, subject to RailCorp carrying out a contamination investigation to satisfy the requirements of SEPP No. 55.
- Reclassify the properties at Nos. 301 & 311 South Terrace and Nos. 20A & 31A Chelmsford Avenue, No. 62A Oxford Avenue and No. 60A Northam Avenue in Bankstown from community land to operational land.

Council is in the process of submitting the planning proposal and based on new information, it is proposed to insert the following two additional matters in the planning proposal prior to seeking a gateway determination:

Proposed rezoning of the property at No. 2 Weigand Avenue in Bankstown

The Council resolution of 26 March 2013 contained the option to rezone the property at No. 2 Weigand Avenue from Zone 5 (Special Uses–Railway Purposes) to Zone 2(c) Medium Density Residential provided the property owner submitted a contamination investigation to satisfy State Environmental Planning Policy No. 55 (Remediation of Land).

In July 2013, the property owner submitted the required contamination investigation, which indicates the property is suitable for residential uses. Council officers have assessed the submitted report and consider the findings appropriate for the property at No. 2 Weigand Avenue to be included as part of the planning proposal. This will confirm the rezoning of the property from Zone 5 (Special Uses–Railway Purposes) to Zone 2(c) Medium Density Residential.

Proposed reclassification of the property at No. 36/402 Chapel Road in Bankstown

Council is in receipt of new information regarding the classification of the property at No. 36/402 Chapel Road in Bankstown. This property is an office premises, however it is classified as community land. Council should reclassify this property to operational land to reflect the current operational use. This property is to be included as part of the planning proposal.

NEXT STEPS

The next steps in the LEP gateway process are:

1. Council obtains a Gateway Determination from the Department of Planning & Infrastructure to proceed with the planning proposal. As part of the Gateway Determination, Council is seeking a Written Authorisation to Exercise Delegation from the Department of Planning & Infrastructure which would enable Council to carry out the following plan making functions:
 - The ability to decide whether to make or not to make the LEP.
 - The ability to defer a matter from the LEP.
 - The ability to identify which matters must be considered and which stages of the plan making process must be carried out again prior to resubmission if Council decides not to proceed with a proposal or if a matter is deferred from the LEP.
2. Completion of the contamination investigations for the properties in Weigand Avenue.
3. Council exhibits the planning proposal and holds a public hearing. The matter is reported to Council following the exhibition.
4. Council makes the local environmental plan in accordance with the Written Authorisation to Exercise Delegation and advises the Department of Planning & Infrastructure.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

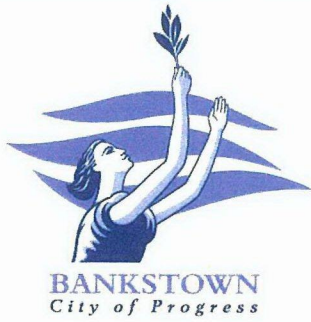
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2. Council requests a Written Authorisation to Exercise Delegation from the Department of Planning & Infrastructure under section 23 of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

- A. Planning Proposal



Weigand Avenue & CBD Reclassifications Planning Proposal



August 2013

Part 1–Intended Outcomes

The intended outcomes of this planning proposal are:

- (a) To enable the redevelopment of the properties at Nos. 2 and 2A–2C Weigand Avenue in Bankstown within a medium density residential environment.
- (b) To provide for community facilities in the Bankstown CBD, which include the property at No. 2E Weigand Avenue in Bankstown.
- (c) To reclassify the properties at No. 36/402 Chapel Road, No. 31A Chelmsford Avenue, No. 62A Oxford Avenue, No. 60A Northam Avenue and Nos. 301 & 311 South Terrace in Bankstown to meet future operational needs in the Bankstown CBD.

Part 2–Explanation of Provisions

The proposed amendments to Bankstown Local Environmental Plan 2001 are:

1. Amend the zonings for the properties at Nos. 2 and 2A–2C Weigand Avenue in Bankstown as shown in Part 4 (Map 2).
2. Amend Schedule 2 by inserting community facilities as an additional permitted land use on the property at No. 2E Weigand Avenue in Bankstown.
3. Reclassify the following properties to meet future operational needs in the Bankstown CBD:

Property	Current use	Current classification	Proposed Classification
36/402 Chapel Road	Office	Community	Operational
31A Chelmsford Avenue	Drainage reserve	Community	Operational
62A Oxford Avenue	Drainage reserve	Community	Operational
60A Northam Avenue	Drainage reserve	Community	Operational
301 & 311 South Terrace	Bus Interchange	Community	Operational

The reclassifications will not result in the discharge of any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land.

Part 3–Justification

Section A–Need for the planning proposal

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

This planning proposal is the result of the Bankstown CBD Local Area Plan.

At the Ordinary Meeting of 20 September 2011, Council adopted the Local Area Plan to set out the vision and spatial context for the Bankstown CBD locality; to specify the best ways to accommodate residential and employment growth; and to outline the delivery of supporting infrastructure, facilities and open space.

As part of the plan making process, Council consulted with the community, business and other interested people and groups. Council also commissioned specialists studies and researched current policies, targets and best practice at the local, state and national levels. As a result, the Local Area Plan recommends certain LEP changes to achieve the following sustainability principles and desired character for the Bankstown CBD locality, namely:

- Action L1: Plan for additional dwelling growth within the walking catchment of the Bankstown CBD locality.
- Action L6: Develop local facilities for community services.
- Action C1: Redevelop and expand the Bankstown Railway Station.

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

The Metropolitan Plan and the Bankstown CBD Local Area Plan recognise the need to enable residential growth in the Bankstown CBD locality to achieve the dwelling target. The Bankstown CBD Local Area Plan therefore recommends this planning proposal as the best means to achieve the intended outcome, as it will involve certain LEP changes to land uses and classifications.

Section B–Relationship to strategic planning framework

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

This planning proposal is consistent with the objectives and actions of the Metropolitan Plan and the Draft West Central Subregional Strategy, namely Action B1.3. This action identifies the Bankstown CBD as a major centre that will grow and change over time to provide additional housing, employment and services.

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

This planning proposal is consistent with the Bankstown Community Plan, where the vision is to have residents “enjoy the services and facilities of a prosperous, growing city with lively neighbourhoods and activities for people of all ages. The City of Bankstown will be a modern, active community with quality transport infrastructure, clean waterways, pristine bushland and great community spaces and parks”. The Bankstown Community Plan identifies the actions to achieve Council's vision, which includes implementing the Bankstown CBD Local Area Plan (and supporting planning proposal).

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

This planning proposal is consistent with applicable state environment planning policies, with some additional information required to satisfy SEPP 55 (Remediation of Land). The additional information includes:

- A review of the ‘Phase 2 Environmental Site Assessment Report’ submitted for the properties at Nos. 2A & 2C Weigand Avenue in Bankstown.
- An update to the ‘Preliminary Site Investigation’ submitted for the property at No. 2E Weigand Avenue in Bankstown.

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

This planning proposal is consistent with applicable Ministerial (117) directions (as shown at Attachment 8), namely:

- **Direction 3.1–Residential Zones:** This planning proposal identifies Weigand Avenue in Bankstown as a residential area that may assist to achieve the dwelling target and broaden the choice of housing types to meet community needs.
- **Direction 3.4–Integrating Land Use and Transport:** This planning proposal ensures land uses, building forms and infrastructure directly relates to the walkable catchments to public transport. This will help to improve access to walking, cycling and public transport, and reduce dependence on cars.
- **Direction 7.1–Implementation of the Metropolitan Plan for Sydney 2036:** This planning proposal is consistent with the actions contained in the Metropolitan Plan.

However, the proposed rezoning of Nos. 2 and 2A–2C Weigand Avenue in Bankstown is likely to be inconsistent with Ministerial (117) Direction 4.3–Flood Prone Land. This planning proposal is inconsistent with clause 6(c) of this direction, as it proposes to increase densities (in the medium flood risk area as identified by the Salt Pan Creek Stormwater Catchment Flood Study) to medium density housing.

In accordance with clause 9(a) of this direction, Council is in the process of completing the Salt Pan Creek floodplain risk management plan to satisfy this direction. The draft risk management plan combined with the controls of the Standard Instrument and Bankstown Development Control Plan 2005–Part E3 (Flood Risk Management) indicate the proposed densities are possible.

Section C–Environmental, social and economic impact

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

This planning proposal is consistent with Ministerial (117) direction 2.1 as it does not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

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

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

This planning proposal is consistent with the framework to achieve integrated social and economic renewal of the Bankstown CBD locality as outlined in the Local Area Plan, Residential Development Study and Employment Lands Development Study.

Section D–State and Commonwealth interest

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

The Local Area Plan identifies the infrastructure priorities that must occur at a regional level to integrate with population growth and the dwelling / jobs targets, namely the development and expansion of the Bankstown railway station precinct.

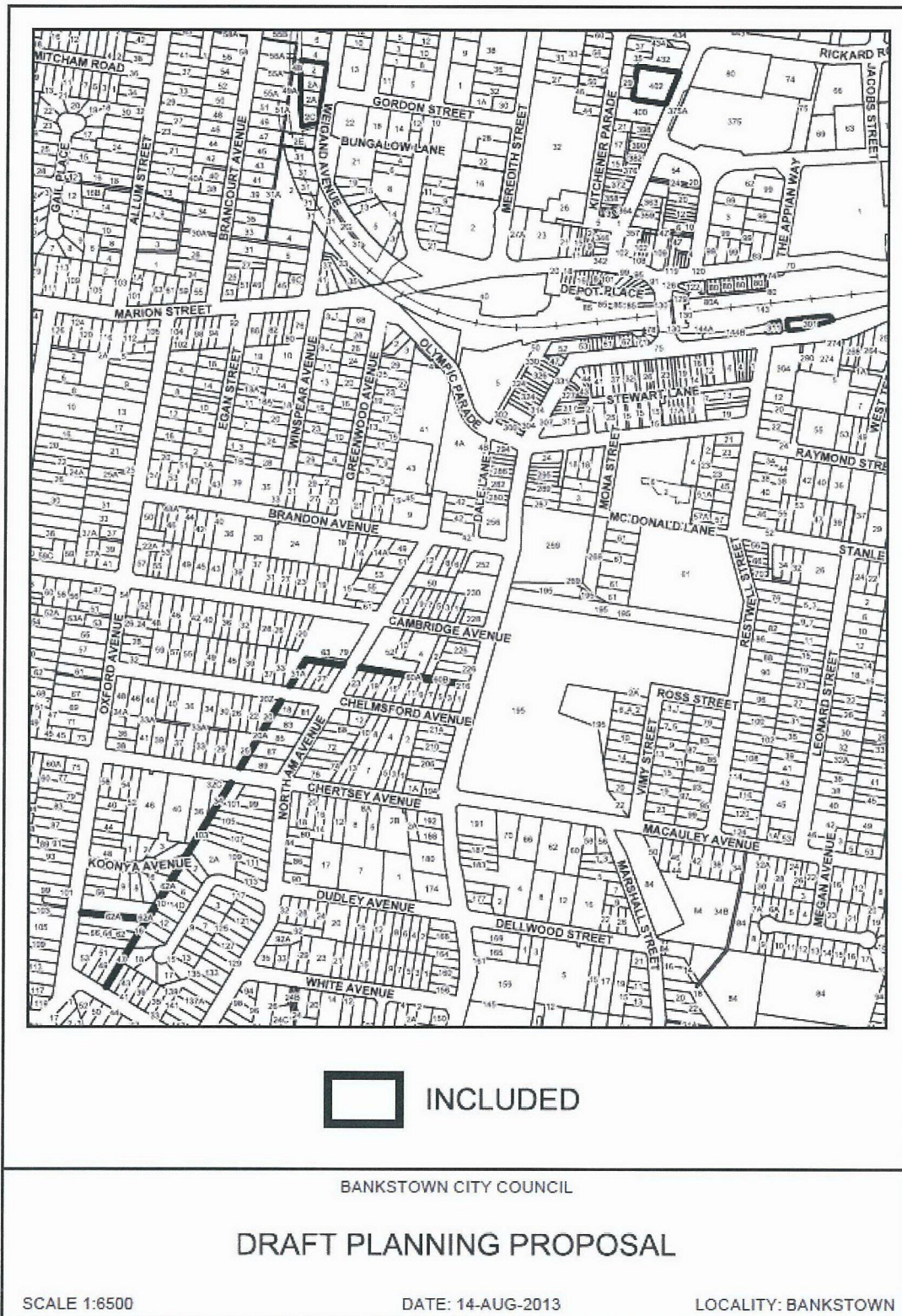
The Local Area Plan also identifies infrastructure priorities at a local level. For example, Council is facilitating improvements to community facilities to promote the Bankstown CBD locality as the social and cultural heart of the City of Bankstown. The community facility at No. 2E Weigand Avenue would supplement this action.

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

An update to this section of the planning proposal would occur following consultation with the State and Commonwealth public authorities identified in the gateway determination.

Part 4–Mapping

Map 1: Land Application Map



Map 2: Proposed land use zone changes



Part 5–Community Consultation

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

- Advertisements in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building and corporate website.
- Written notification to affected and adjoining property owners where practical.
- Written notification to government agencies.

Council is also required to conduct a public hearing in the case of the proposal to reclassify public land from 'community' to 'operational' under the Local Government Act 1993.

Part 6–Project Timeline

Dates	Project timeline
October 2013	Anticipated commencement date (date of Gateway determination).
November 2013	Commencement and completion dates for public exhibition period.
December 2013	Dates for public hearing.
December 2013	Anticipated timeframe for the completion of required technical information.
March 2014	Timeframe for the consideration of a proposal post exhibition.
April 2013	Date of submission to the department to finalise the LEP.