



Bankstown City Council Planning Proposal

Weigand Avenue Rezoning & CBD Reclassifications

April 2014

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, Nos. 20A and 31A Chelmsford Avenue, No. 62A Oxford Avenue, No. 60A Northam Avenue and Nos. 301 and 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. Rezone the following properties as shown in Part 4 (Map 1):

Property Address	Lot and DP Description	Current Zone	Proposed Zone
No. 2 Weigand Avenue, Bankstown	Lot 1, DP 1056147	Zone 5 Special Uses (Railway Purposes)	Zone 2(c) Residential
No. 2A Weigand Avenue, Bankstown	Lots 2 and 3, DP 584511	Zone 5 Special Uses (Railway Purposes)	Zone 2(c) Residential
No. 2C Weigand Avenue, Bankstown	Lot 1, DP 584511	Zone 5 Special Uses (Railway Purposes)	Zone 2(c) Residential

2. Amend Schedule 2 by inserting community facilities as an additional permitted land use on the property at No. 2E Weigand Avenue in Bankstown (Lot 1, DP 7948).
3. Reclassify the following properties to better reflect the current and future use as shown in Part 4 (Map 3–Map 7):

Property Address	Lot and DP Description	Current land use	Current classification	Proposed Classification	Property Owner
No. 36/402 Chapel Road, Bankstown	Lot 36, SP 65391	Office suite	Community	Operational	Bankstown City Council
No. 20A Chelmsford Avenue, Bankstown	Lot 224, DP 5675	Drainage reserve	Community	Operational	Bankstown City Council

Bankstown City Council

No. 31A Chelmsford Avenue, Bankstown	Lot 225, DP 5675	Drainage reserve	Community	Operational	Bankstown City Council
No. 62A Oxford Avenue, Bankstown	Lot 221, Lot 222, Lot 223, DP 5675	Drainage reserve	Community	Operational	Bankstown City Council
No. 60A Northam Avenue, Bankstown	Lot 226, DP 5675	Drainage reserve	Community	Operational	Bankstown City Council
No. 301 South Terrace, Bankstown	Lot 3, DP1169382	Bus Interchange	Community	Operational	Bankstown City Council
No. 311 South Terrace, Bankstown	Lot 2, DP1169382	Bus Interchange	Community	Operational	Bankstown City Council

The proposed reclassifications will not result in the discharge of any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the above properties. There are no rezonings associated with the proposed reclassifications.

Part 3–Justification

Section A–Need for the planning proposal

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

Proposed LEP changes to Weigand Avenue in Bankstown

The proposed LEP changes to certain properties in Weigand Avenue, Bankstown are 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. The Local Area Plan recommends LEP changes to certain properties, including Weigand Avenue in Bankstown, to achieve the following actions and desired character for the Bankstown CBD locality:

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

Proposed reclassifications in the Bankstown CBD

The proposed reclassifications of certain properties in the Bankstown CBD to 'operational' land are consistent with the actions of the Bankstown CBD Local Area Plan to better reflect the current and future infrastructure uses on these properties, namely:

- The properties at Nos. 20A and 31A Chelmsford Avenue, No. 60A Northam Avenue and No. 62A Oxford Avenue in Bankstown will continue to function as drainage reserves to support the stormwater drainage system in the Bankstown CBD.
- The properties at Nos. 301 and 311 South Terrace in Bankstown will continue to form part of the Bankstown Railway Station and bus interchange precinct, and is consistent with Action C1 of the Local Area Plan to redevelop and expand the Bankstown Railway Station.
- The property at No. 36/402 Chapel Road in Bankstown will continue to function as an office suite.

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 of accommodating the additional dwellings and supporting infrastructure.

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 action 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 environmental planning policies?

Proposed LEP changes to Weigand Avenue in Bankstown

The proposed LEP changes to certain properties in Weigand Avenue, Bankstown are consistent with applicable state environmental planning policies (as shown in Attachment 1), with some additional information required to satisfy SEPP 55 (Remediation of Land). The additional information includes a review by an appropriately qualified and experienced consultant to ensure the following reports comply with current regulations and requirements:

- A review of the ‘Phase 2 Environmental Site Assessment Report’ (dated 2012) submitted for the properties at Nos. 2A and 2C Weigand Avenue in Bankstown.

- A review of the 'Preliminary Site Investigation' (dated 2004) submitted for the property at No. 2E Weigand Avenue in Bankstown.

Proposed reclassifications in the Bankstown CBD

The proposed reclassifications of certain properties in the Bankstown CBD to 'operational' land are consistent with applicable state environmental planning policies (as shown in Attachment 1).

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

Proposed LEP changes to Weigand Avenue in Bankstown

The proposed LEP changes to certain properties in Weigand Avenue, Bankstown are consistent with applicable Ministerial (117) directions (shown in Attachment 2), 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, public transport and reduce dependence on cars.
- **Direction 6.2–Reserving Land for Public Purposes:** This planning proposal facilitates the removal of reservations of land for public purposes where the land is no longer required for acquisition. The properties at Nos. 2 and 2A–2C Weigand Avenue in Bankstown are currently zoned special use for railway purposes. In a letter dated 10 July 2008, RailCorp confirms these properties are surplus to their needs.
- **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 planning proposal is inconsistent with the following Ministerial (117) directions:

- **Direction 4.3–Flood Prone Land:** According to the Salt Pan Creek Flood Study which Council adopted in July 2007, part of the properties at Nos. 2 and 2A–2C Weigand Avenue in Bankstown are affected by medium risk flooding.

The proposed rezoning of these properties is inconsistent with clause 6(c) of the Ministerial (117) direction as it proposes to increase densities in the medium flood risk precinct by allowing medium density housing.

In accordance with clause 9(b) of the Ministerial (117) direction, the planning proposal may be inconsistent if the provisions are of minor significance and will not result in an increased risk to life or property.

The primary justification is based on Bankstown Development Control Plan 2005–Part E3 (Flood Risk Management) which is Council's current policy and was prepared in accordance with the Floodplain Development Manual 2005.

The properties are subject to Bankstown DCP 2005–Part E3, namely Section 3 and Schedule 5.

According to the DCP, the medium flood risk precinct is defined as:

Medium flood risk precinct is land below the 100-year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties.

There would still be a significant risk of flood damage in this precinct. However, these damages can be minimised by the application of appropriate development controls.

These appropriate development controls include:

- Floor Level: Habitable floor levels will require a free board.
- Flood Effects: Medium density residential development is not identified as a potentially unsuitable land use in the medium risk precinct in accordance with Schedule 5.
- Parking and Driveway Access: The design of parking and driveway access must minimise inundation and (where practical) incorporate appropriate warning signage and exits.
- Parking and Evacuation: Development must provide reliable access for pedestrians and vehicles from buildings, and must be consistent with any flood evacuation strategy or similar strategy that has been adopted by Council.

Any risks to life and property resulting from medium density development of the properties may be satisfactorily addressed by applying the above development controls as part of the development application process.

In addition to Bankstown DCP 2005–Part E3, Council adopted the Salt Pan Creek Floodplain Risk Management Plan at the Ordinary Meeting of 17 December 2013.

The Risk Management Plan reviewed the flood affectations identified in the Salt Pan Creek Flood Study and does not change the extent of medium risk flooding that currently affects the properties at Nos. 2A and 2C Weigand Avenue in Bankstown.

The rezoning of the properties at Nos. 2A and 2C Weigand Avenue in Bankstown is therefore appropriate as it is consistent with the principles of the NSW Government's Flood Policy, the Flood Development Manual 2005 and clause 9(b) of the Ministerial (117) direction.

Direction 6.3–Site Specific Provisions: The planning proposal is inconsistent with clause 4(c) of the directions as it will impose requirements in addition to those already contained in the principle environmental planning instrument being amended.

The planning proposal seeks to amend Schedule 2 of the Bankstown Local Environmental Plan 2001 by inserting community facilities as an additional permitted land use on the property at No. 2E Weigand Avenue in Bankstown.

The provisions of the planning proposal are therefore of minor significance as it will not result in unnecessarily restrictive site specific planning controls. The intended outcome is to allow an existing hall to operate as a community facility in the Bankstown CBD locality.

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 a 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 likely environmental effects as a result of this planning proposal.

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

Proposed LEP changes to Weigand Avenue in Bankstown

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.

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 in Bankstown would support this action.

Proposed reclassification in the Bankstown CBD

This planning proposal has considered the following economic effects of the proposed reclassifications:

- Council is the owner of the drainage reserves at Nos. 20A and 31A Chelmsford Avenue, No. 60A Northam Avenue and No. 62A Oxford Avenue in Bankstown. There is no intention to sell the land as Council will continue to use the drainage reserves to support the stormwater drainage system in the Bankstown CBD.
- RailCorp transferred ownership of the properties at Nos. 301 and 311 South Terrace, Bankstown to Council. There is no intention to sell the land as it will continue to form part of the Bankstown Railway Station and bus interchange precinct.
- Following the fire of the Council Administration Building in 1997, Council acquired the property at No. 36/402 Chapel Road in Bankstown as temporary accommodation. The premises currently functions as an office suite and is identified as surplus to Council's needs. The intent is to divest the premises.

Section D–State and Commonwealth interest

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

Rezoning of properties on Weigand Avenue

The properties at Nos. 2 and 2A–2C Weigand Avenue in Bankstown are currently zoned special use for railway purposes. In a letter dated 10 July 2008, RailCorp confirmed these properties to be surplus to their needs. The Local Area Plan therefore identifies these properties as being suitable for residential development and there is adequate public infrastructure to accommodate future population growth.

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 in Bankstown would supplement this action.

Reclassification of certain properties in the CBD

The intended outcome of the proposed reclassifications is to support the operational function of existing public infrastructure including:

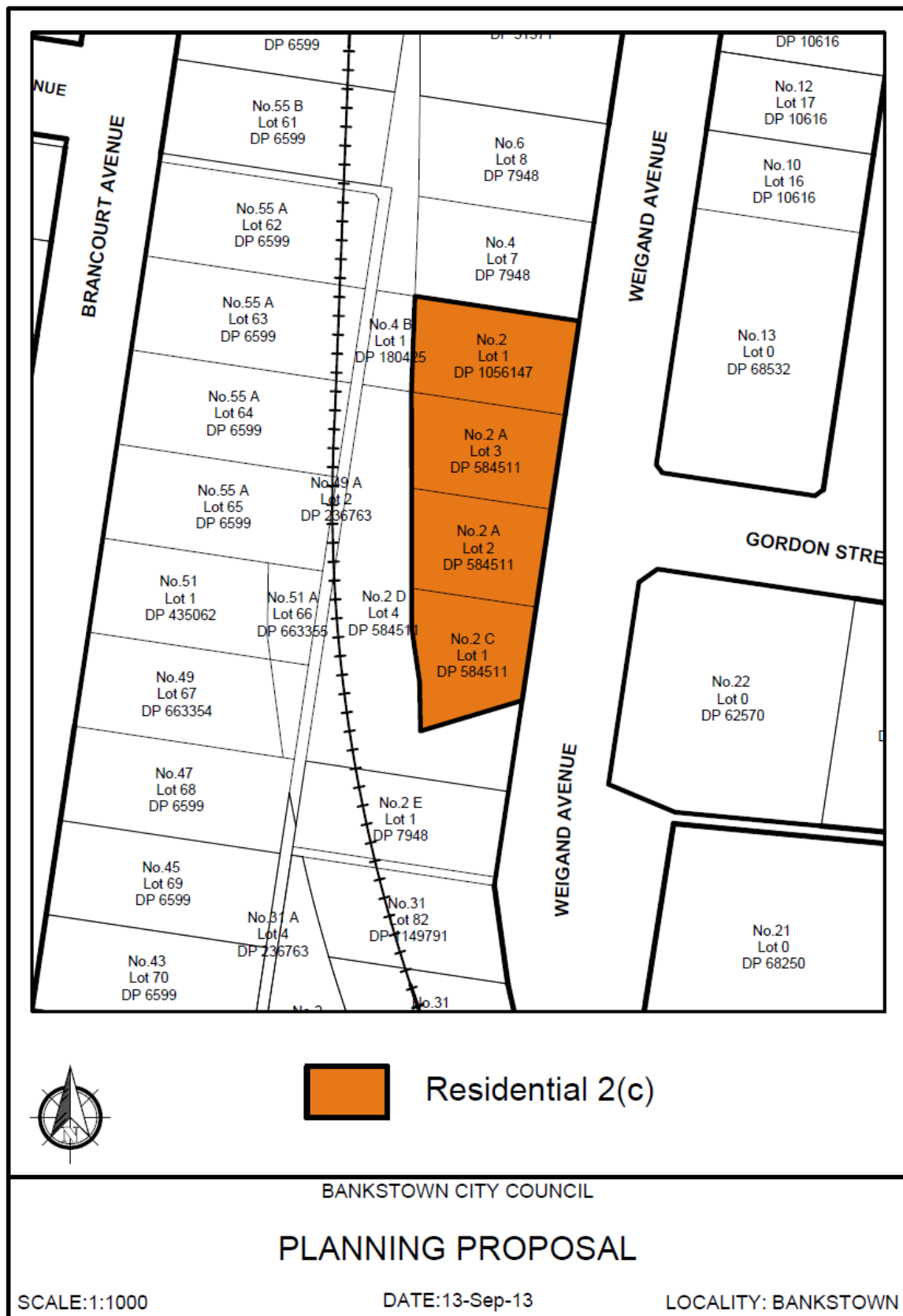
- The development and expansion of the Bankstown railway station and bus interchange precinct at Nos. 301 and 311 South Terrace in Bankstown.
- The drainage reserves at Nos. 20A and 31A Chelmsford Avenue, No. 60A Northam Avenue and No. 62A Oxford Avenue in Bankstown.

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

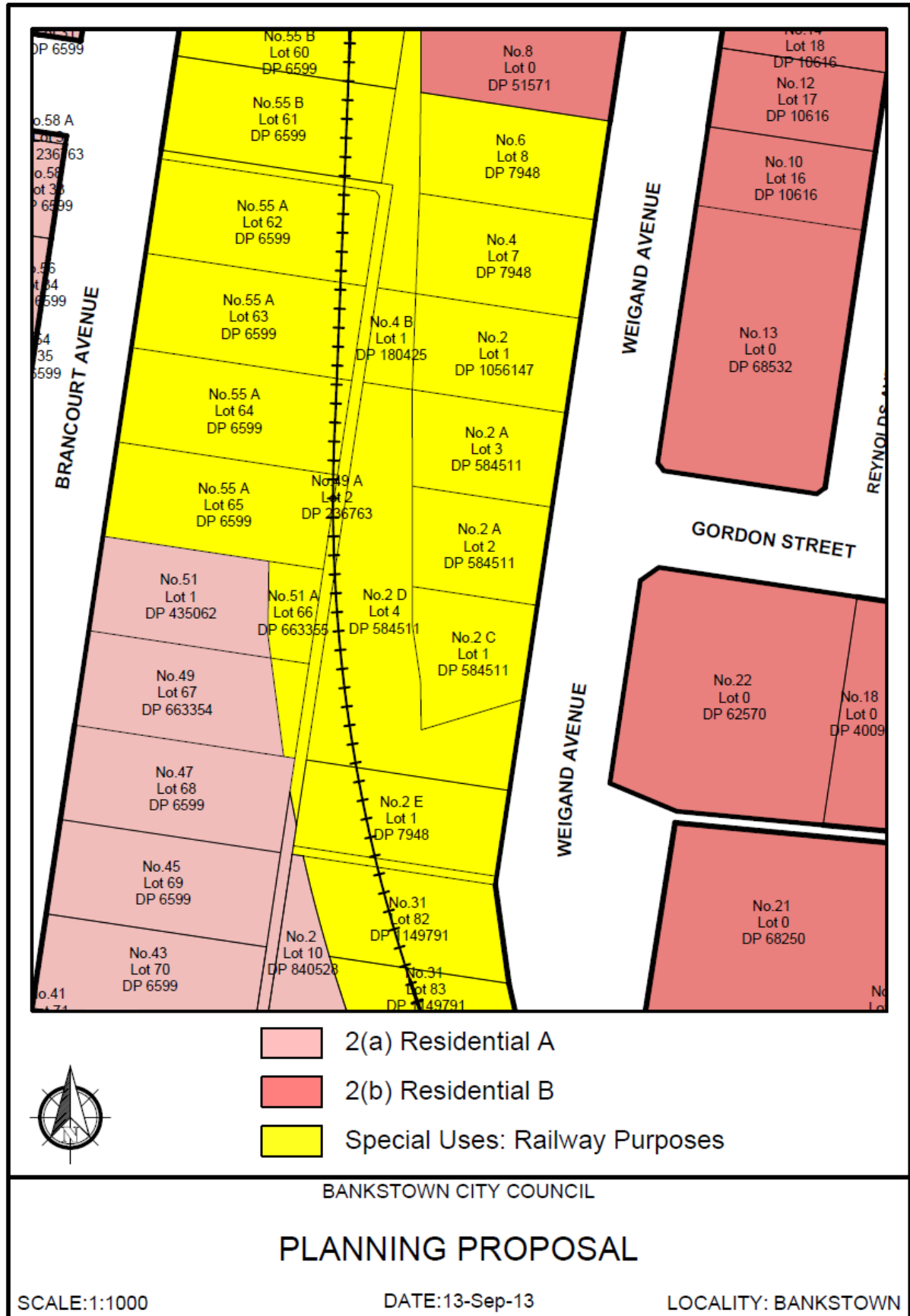
An update to this section of the planning proposal will occur following consultation with the State and Commonwealth public authorities following the gateway determination.

Part 4–Maps

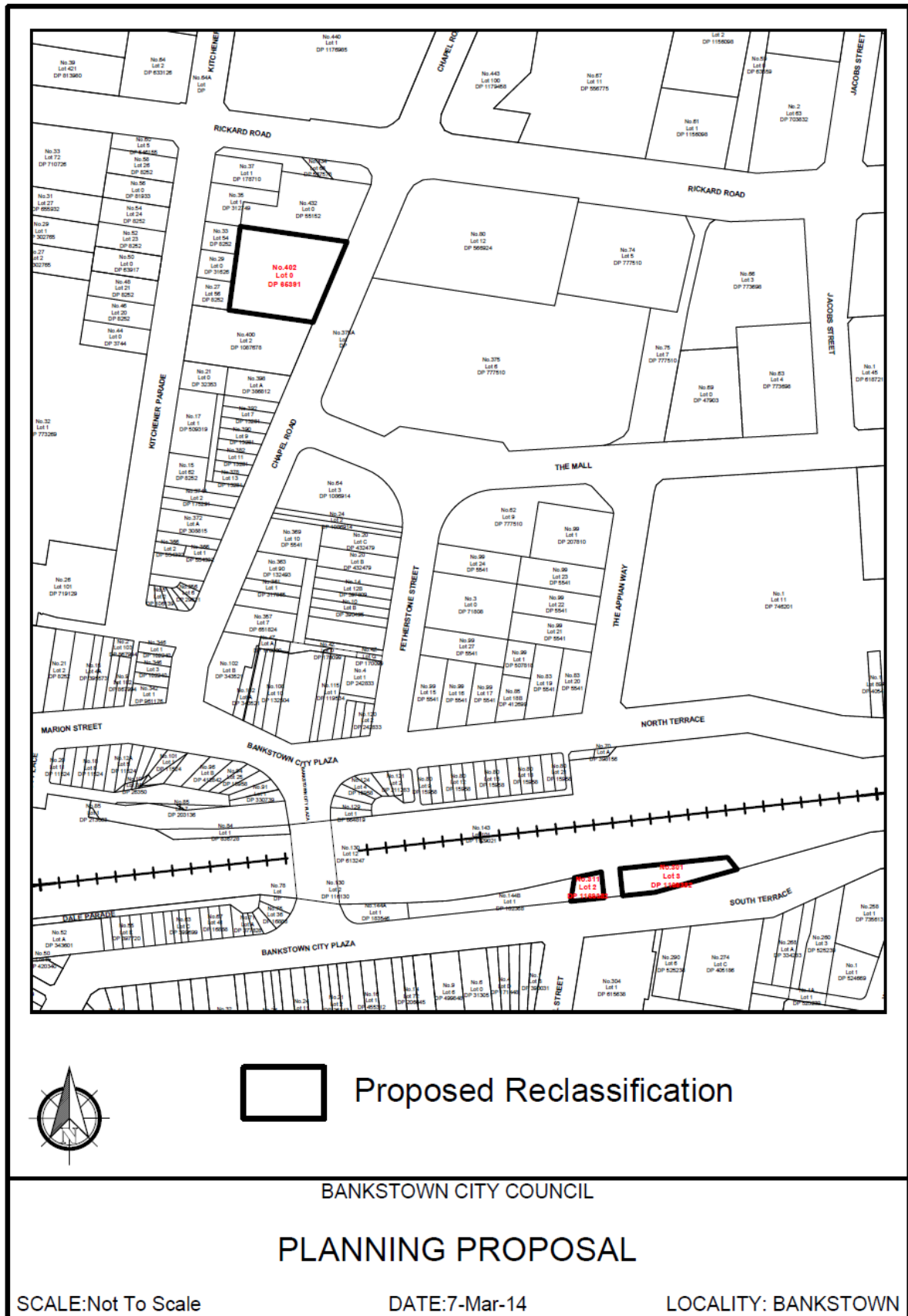
Map 1: Proposed land use zone changes



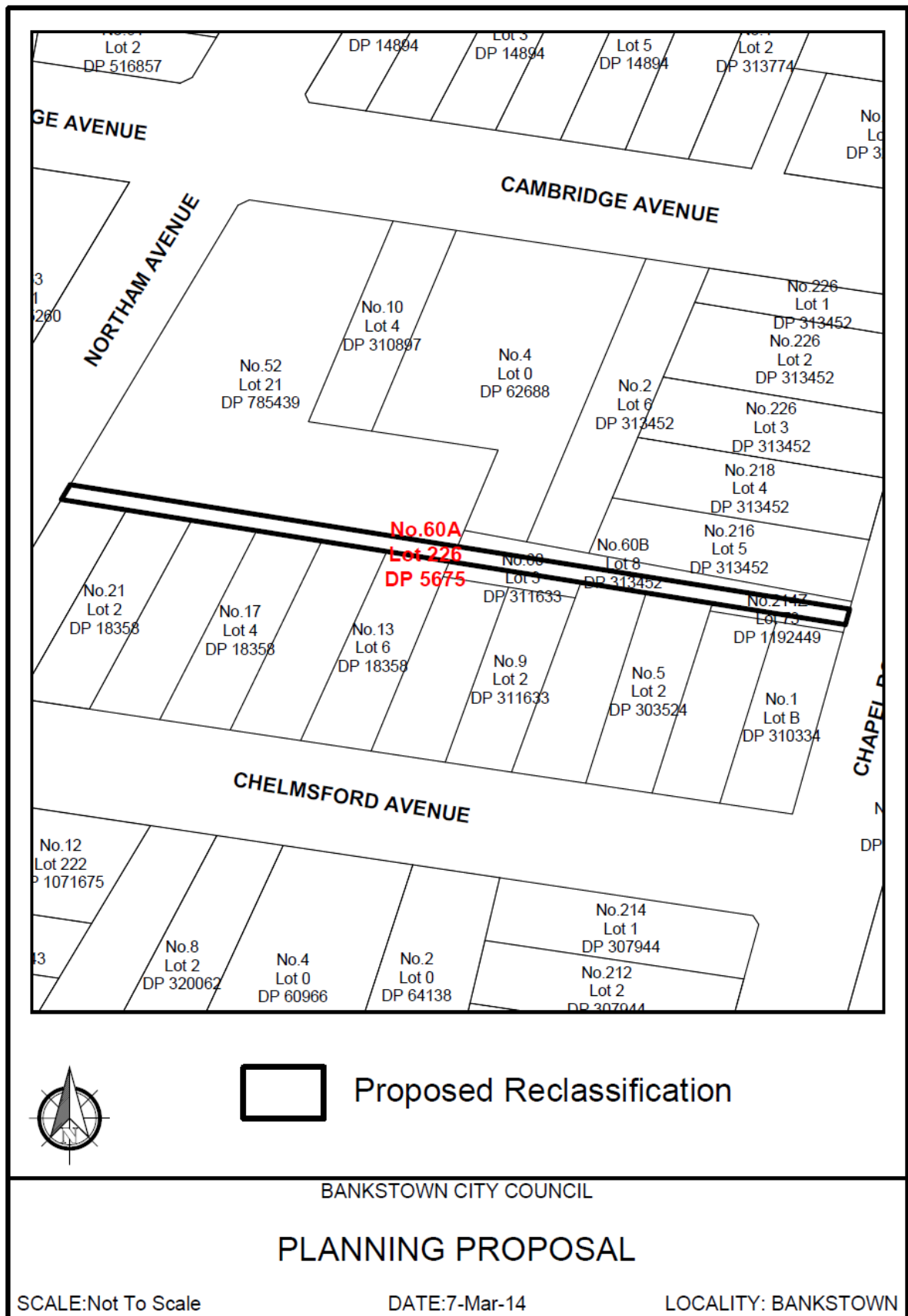
Map 2: Existing land use zones



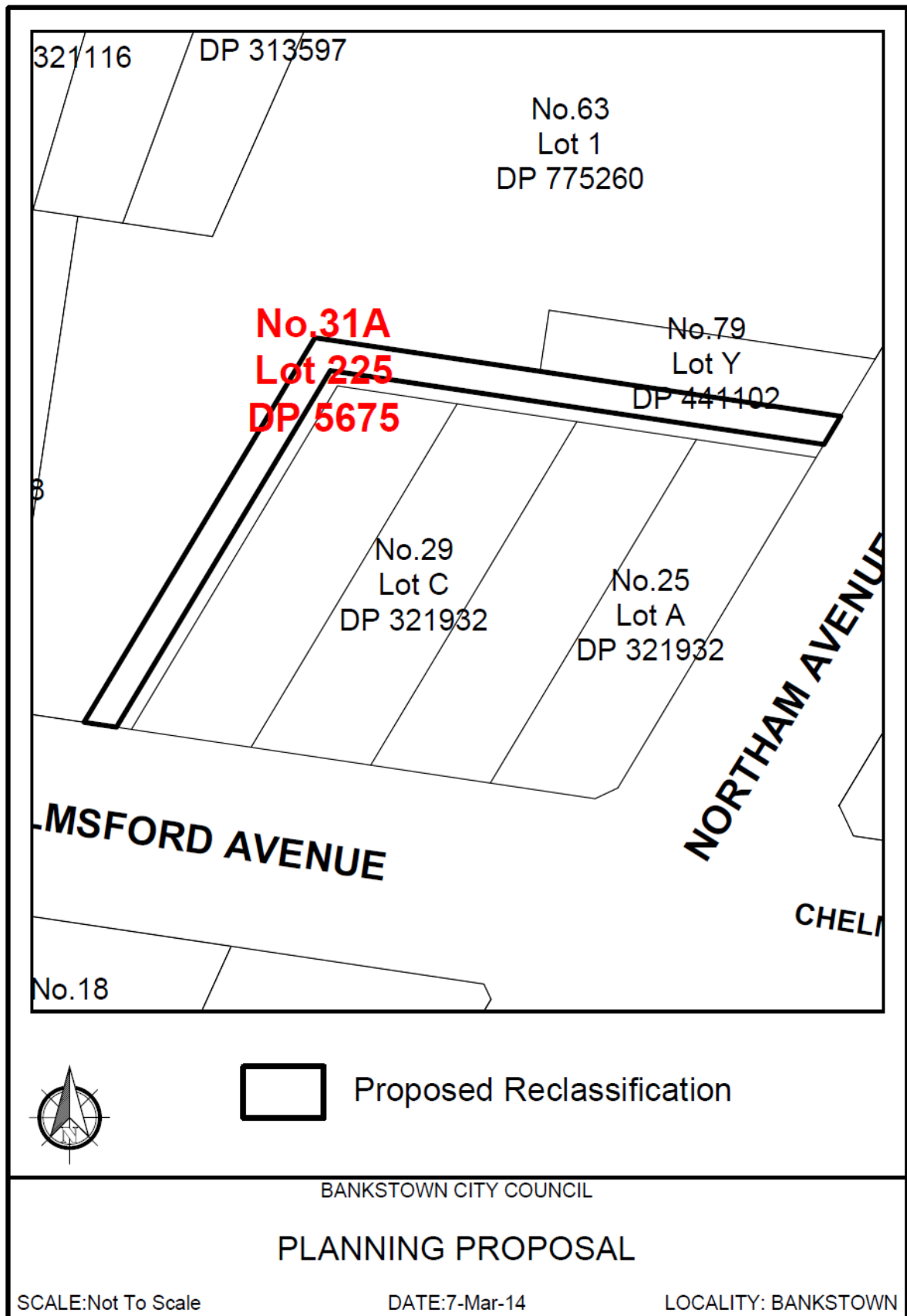
Map 3: Proposed reclassification–No. 36/402 Chapel Road and Nos. 301 & 311 South Terrace in Bankstown



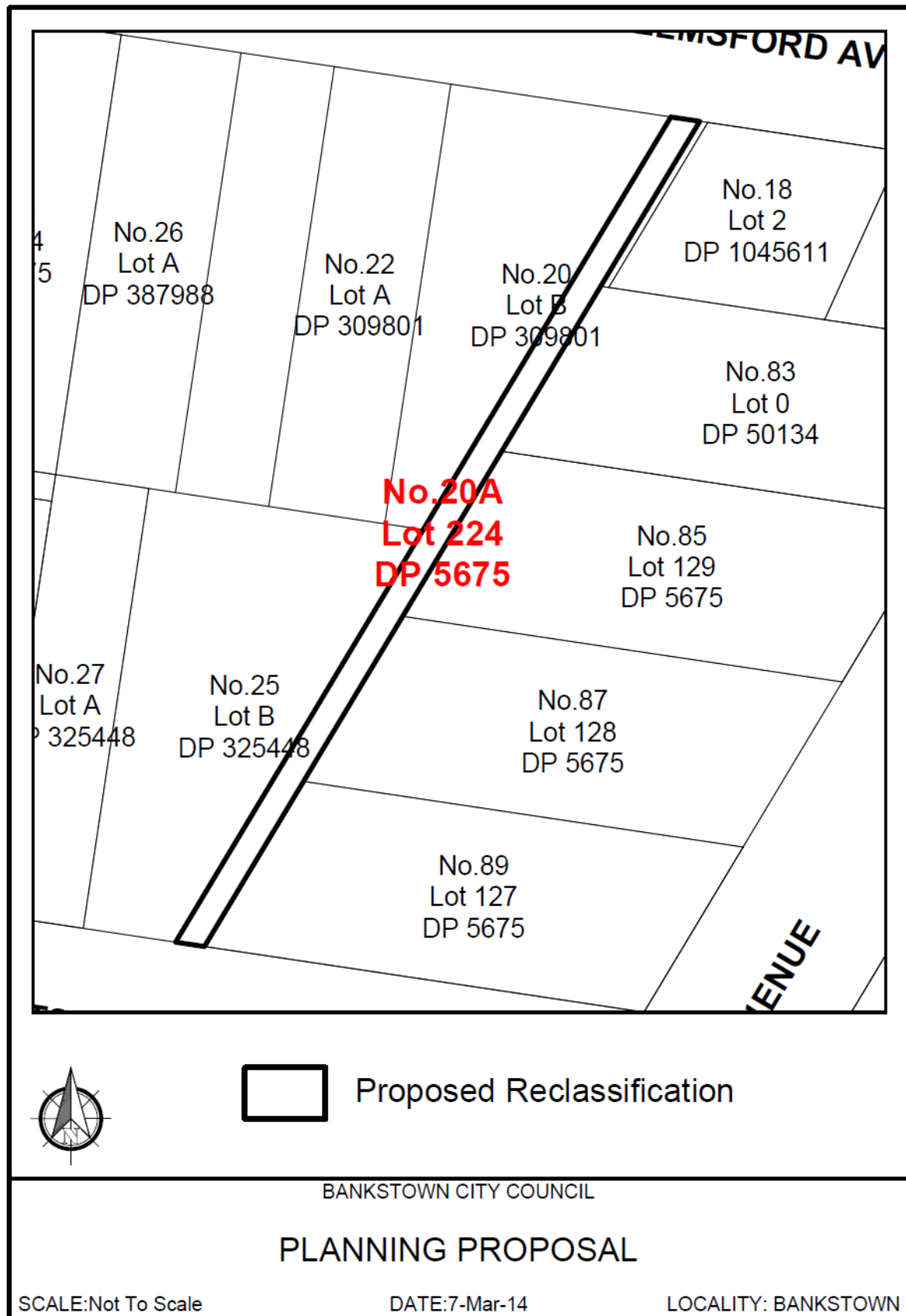
Map 4: Proposed reclassification–No. 60A Northam Avenue in Bankstown



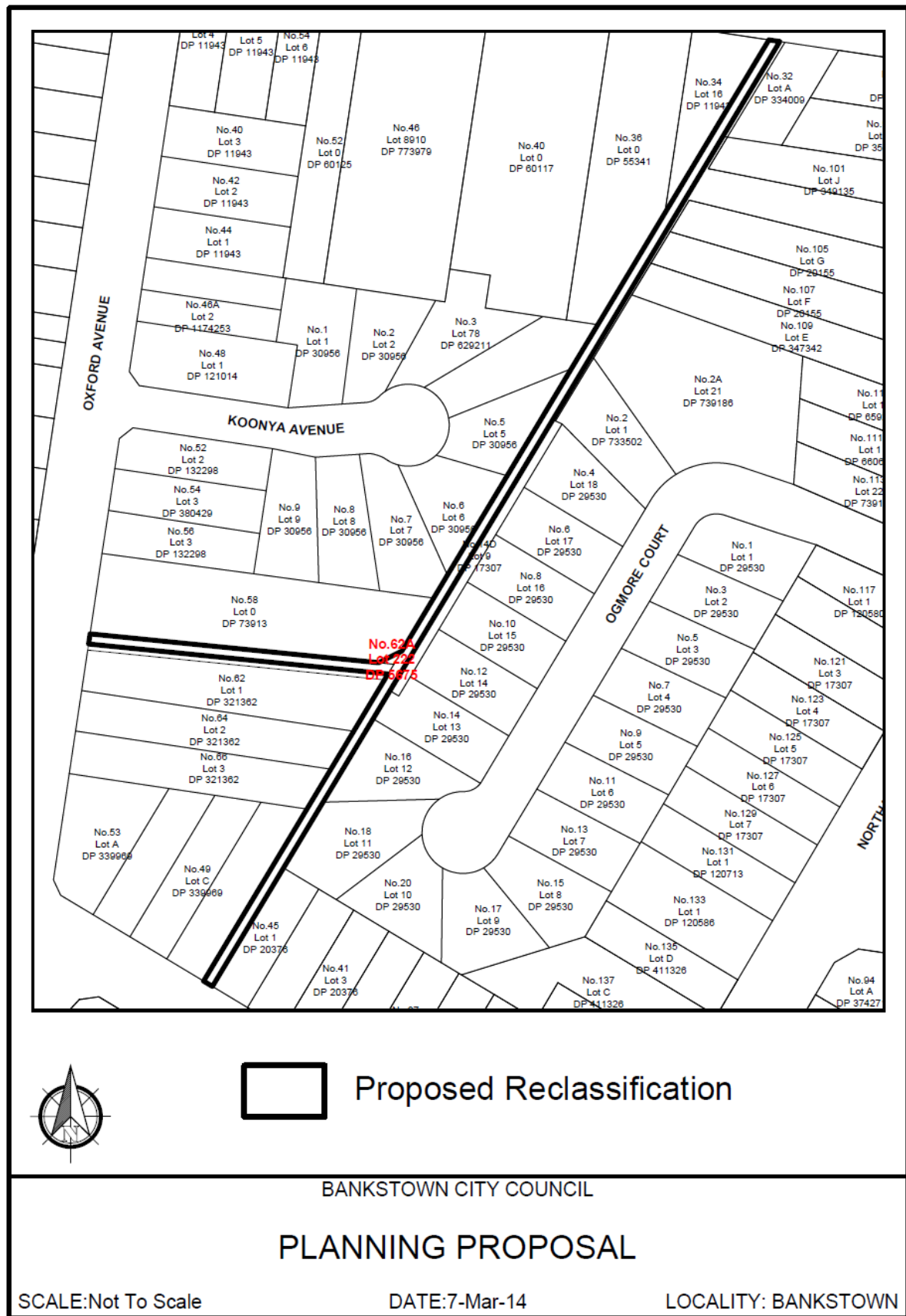
Map 5: Proposed reclassification–No. 31A Chelmsford Avenue in Bankstown



Map 6: Proposed reclassification–No. 20A Chelmsford Avenue in Bankstown



Map 7: Proposed reclassification–No. 62A Oxford Avenue in Bankstown



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 including Transport for NSW, RailCorp, Sydney Water and Ausgrid.

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
April 2014	Possible issue of gateway determination.
May 2014	Public exhibition period.
June 2014	Public hearing.
August 2014	Consideration of submissions and public hearing report. Report to Council.
September 2014	Submit planning proposal to Planning & Infrastructure for determination.

ATTACHMENT 1–State Environmental Planning Policies

		Proposed LEP Changes		Proposed Reclassification	
SEPPs (as at March 2014)		Applicable	Consistent	Applicable	Consistent
1	Development Standards	Yes	Yes	Yes	Yes
14	Coastal Wetlands	No	N/A	No	N/A
15	Rural Landsharing Communities	No	N/A	No	N/A
19	Bushland in Urban Areas	Yes	Yes	Yes	Yes
21	Caravan Parks	Yes	Yes	Yes	Yes
26	Littoral Rainforests	No	N/A	No	N/A
29	Western Sydney Recreation Area	No	N/A	No	N/A
30	Intensive Agriculture	No	N/A	No	N/A
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes	Yes	Yes
36	Manufactured Home Estates	No	N/A	No	N/A
39	Spit Island Bird Habitat	No	N/A	No	N/A
41	Casino Entertainment Complex	No	N/A	No	N/A
44	Koala Habitat Protection	No	N/A	No	N/A
47	Moore Park Showground	No	N/A	No	N/A
50	Canal Estate Development	Yes	Yes	Yes	Yes
52	Farm Dams & Other Works Land/Water Management Plan Areas	No	N/A	No	N/A
55	Remediation of Land	Yes	No	Yes	Yes
59	Central Western Sydney Regional Open Space & Residential	No	N/A	No	N/A
62	Sustainable Aquaculture	Yes	Yes	Yes	Yes
64	Advertising & Signage	Yes	Yes	Yes	Yes
65	Design Quality of Residential Flat Development	No	N/A	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A	No	N/A
71	Coastal Protection	No	N/A	No	N/A

	(Affordable Rental Housing) 2009	Yes	Yes	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes	Yes	Yes
	(Infrastructure) 2007	Yes	Yes	Yes	Yes
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A	No	N/A
	(Kurnell Peninsula) 1989	No	N/A	No	N/A
	(Major Development) 2005	Yes	Yes	Yes	Yes
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A	No	N/A
	(Rural Lands) 2008	Yes	Yes	Yes	Yes
	(SEPP 53 Transitional Provisions) 2011	No	N/A	No	N/A
	(State & Regional Development) 2011	Yes	Yes	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A	No	N/A
	(Urban Renewal) 2010	No	N/A	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A	No	N/A
	(Western Sydney Parklands) 2009	No	N/A	No	N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes	Yes	Yes

ATTACHMENT 2–Ministerial (117) directions

The following is a list of directions issued by the Minister for Planning & Infrastructure to relevant planning authorities under section 117(2) of the Environmental Planning and Assessment Act 1979.

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

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