

Reclassification of land at 3 and 5 Leonard Street, Bankstown from Community to Operational

Proposal Title :	Reclassification of land at 3 and 5 Leonard Street, Bankstown from Community to Operational		
Proposal Summary :	Reclassification of land at 3 and 5 Leonard Street, Bankstown from Community to Operational land.		
PP Number :	PP_2014_BANKS_003_00	Dop File No :	14/15358

Proposal Details

Date Planning Proposal Received :	24-Sep-2014	LGA covered :	Bankstown
Region :	Metro(Parra)	RPA :	Bankstown City Council
State Electorate :	BANKSTOWN	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	3 & 5 Leonard Street		
Suburb :	Bankstown	City :	Bankstown
		Postcode :	2200
Land Parcel :	Lot 1 DP 306558 and Lot 2 DP 306558		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name :	James Carey
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DoP Project Manager Contact Details

Contact Name :	Terry Doran
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

CODE OF CONDUCT

At this point in time, to the best of the Regional Team's knowledge, this planning proposal is compliant with the Department's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications. The term relevant planning application means:

'A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument...'

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

At this point in time, to the best of the Regional Team's knowledge, the Department has not received any disclosure statements for this Planning Proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

On 24/9 Council provided requested information about S117 Direction 6.2 Reserving Land for Public Purposes. Received date amended accordingly. Council is still to provide a response regarding 'Resolution to Reclassify Land'.

External Supporting Notes :

Adequacy Assessment

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

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

Comment :

The stated intended outcome of the planning proposal is to reclassify the properties at 3 & 5 Leonard Street Bankstown from community to operational to meet future operational needs in the Bankstown CBD.

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

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions provides for amendments to Part 4 of the Bankstown LEP 2001. The Draft principal Bankstown LEP 2014 is nearing finalisation. As such the planning proposal should be amended and noting that in the event that draft LEP 2014 is made prior to the finalisation of this planning proposal then the amendments will be to that instrument.

It is noted that planning proposal states that the reclassification will not result in the discharge of any trusts, estates, conditions or restrictions and covenants affecting the land.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
SEPP No 19—Bushland in Urban Areas
SEPP No 21—Caravan Parks
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
GMREP No. 2 - Georges River Catchment
SEPP (Affordable Rental Housing) 2009

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

Section 117 Direction 6.2 - Reserving Land for Public Purposes:
The planning proposal is inconsistent with Section 117 Direction 6.2 - Reserving Land for Public Purposes as it proposes to reduce an existing reservation for public purposes. Whilst the originally submitted proposal did not address this matter, Council has subsequently provided additional information. This acknowledges the inconsistency of the proposal with the direction but argues that this is justified by the strategic outcomes sought from the Bankstown CBD Local Area Plan. This plan included a review of the supply of land for public purposes and found that the land at 3

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& 5 Leonard Stret is surplus to Council requirements. It is stated that the inconsistency with this direction is of minor significance. This position is supported and it is recommended that the Secretary's delegate agree that the inconsistency with S117 Direction 6.2 is of minor significance.
It is also recommended that prior to exhibition, the planning proposal be amended to incorporate the further information provided by Council that justifies the inconsistency.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The map provided is sufficient for exhibition purposes and shows the location of the two sites. The planning proposal does not involve any amendments to the Local Environmental Plan maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The proposal states that as extensive community consultation was undertaken for development of the Local Area Plan for the CBD it is proposed that a 14 day period be undertaken for the proposal.

Additional Director General's requirements

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

If Yes, reasons : The planning proposal has provided adequate additional information as prescribed by Department of Planning and Environment Practice Note 09-003 - Classification and reclassification of public land through a local environmental plan.

This is attached to the planning proposal as a 'Written Statement' and is will be placed on exhibition as part of the planning proposal.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **November 2014**

Comments in relation to Principal LEP : It is likely that the principal LEP will be finalised prior to completion of this planning proposal. In that event this planning proposal will be an amendment to that plan. This has been noted earlier in this report along with the recommendation that the planning proposal be amended prior to exhibition noting that in the event that draft LEP 2014 is made prior to the finalisation of this planning proposal then the amendments will be to that instrument.

Assessment Criteria

Need for planning proposal : The planning proposal states that in 1994 Council resolved to purchase the properties at 3 & 5 Leonard Street Bankstown with the aim of consolidating the lots with the adjacent Council owned 'operational land' to create a single land parcel. Although Council intended that the properties be classified 'operational' a review of Council records indicates that the relevant Council report did not include a specific resolution on purchase stating that the land was to be operational. The planning proposal has been prepared to correct this administrative oversight.

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However, it is not evident from the accompanying reports and minutes that Council has made a specific resolution to reclassify the land from community to operational. Despite this, it is recommended that the planning proposal proceed and that the Gateway determination contain a condition that requires Council to provide evidence of a Council resolution to reclassify the subject lands from community to operational.

Consistency with strategic planning framework :

In August 2013 Council endorsed the CBD Property Renewal Strategy which included a review of major Council sites across the CBD including the subject properties. The strategy identifies these properties as being surplus to Council and providing opportunity for quality housing in close proximity to services and infrastructure. In addition the Bankstown CBD Local Area Plan identified the area the properties are located for high density residential development and that these properties also be zoned for that use. This has been effected through Amendment 46 to Bankstown LEP 2001 gazetted on 24/3/2014.

Environmental social economic impacts :

The planning proposal states that there are no negative environmental or social impacts associated with the proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **Section 117 Direction**
It is recommended that the Director General's delegate agree to the inconsistency with S.117 Direction: 6.2 - Reserving Land for Public Purposes, as the inconsistency is of minor significance.

Delegation

The Director, Metropolitan Delivery (Parramatta), is not exercising her delegation in this instance.

DELEGATION OF PLAN MAKING FUNCTION

Bankstown Council has requested that the plan making function for this planning proposal be delegated to Council.

As the matter is of local planning significance, and the reclassification of land does not involve the extinguishment of any interests, it is recommended that the plan making function be delegated to Bankstown Council.

RECOMMENDATION AND CONDITIONS

It is recommended that the proposal should proceed subject to the following conditions:

1. That the planning proposal be amended as follows:

a) the Explanation of Provisions be amended to note that in the event that draft LEP 2014 is made prior to the finalisation of this planning proposal then the amendments proposed will apply to that instrument;

b) Part 3 section B6 be amended to incorporate the further information provided by Council that justifies the inconsistency with Section 117 Direction 6.2 - Reserving Land for Public Purposes.

2. Prior to exhibition of the planning proposal Council is to provide evidence of a Council resolution to reclassify the subject lands from community to operational.

3. The proposal is to be placed on public exhibition in accordance with Section 57 of the Act for a period of 14 days.

4. The proposal is to be finalised within 6 months of the week following the date of the Gateway determination.

Supporting Reasons : The proposal to reclassify the lands at 3 & 5 Leonard Street, Bankstown is supported by the strategic objectives of the Bankstown CBD Local Area Plan and Council's 2014 CBD Property Renewal Strategy.

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Signature:



Printed Name:

T DORTON

Date:

14/10/14