



Planning Proposal



3 & 5 Leonard Streets, Bankstown CBD

Proposed Reclassification

August 2014

Part 1–Intended Outcomes

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

The Planning Proposal does NOT propose any changes to zoning of the subject site.

Part 2–Explanation of Provisions

The proposed amendment to Bankstown Local Environmental Plan 2001 is to reclassify the following properties (as shown in Part 4) from community land to operational land to better reflect the current and future use:

Property Address	Lot and DP Description	Current land use	Current classification	Proposed Classification	Property Owner
No. 3 Leonard Street in Bankstown	Lot 1, DP 306558	Vacant	Community	Operational	Bankstown City Council
No. 5 Leonard Street in Bankstown	Lot 2, DP 306558	Vacant	Community	Operational	Bankstown City Council

The reclassification 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?

YES. On 11 October 1994 Council resolved to proceed with the purchase of properties number 3 and 5 Leonard Street Bankstown in order to consolidate the lots with the adjacent Council owned 'operational land' to create into one parcel. Although the intention was to classify these as operational land at the time, and Council's electronic register identified the land as operational, a recent review of Council records indicates that the Council report did not include a specific resolution on purchase stating that the land was to be classified as operational land.

In August 2013 Council endorsed the CBD Property Renewal Strategy. This Strategy included a review of major Council sites across the city including properties at Leonard Street. The Strategy identifies this site as being surplus to Council providing the opportunity for quality housing in close proximity to services and infrastructure.

Council also recently completed the Bankstown CBD Local Area Plan and resulting Planning Proposal. The LAP identifies the area where these properties are located as being in the "Southern Frame Precinct". The precinct is to provide "high density living in proximity to the CBD" and proposed the extension of High Density to these properties (Action L1 p23). This has subsequently been incorporated into Council's LEP which came in to affect in March 2014.

The LAP also identified a range of community and open space needs across the area with no reference to the Council owned properties at Leonard and Restwell being required for any other community use.

Based on the findings of the above strategies the vacant properties at Nos. 3 and 5 Leonard Street in Bankstown are confirmed as being surplus to future community and infrastructure needs supporting the original purchase intent as operational land.

In February 2014 Council resolved the following:

1. Council agrees to sell 74-80 Restwell Street Bankstown (Lots 10-13/DP11718) and 1-9 Leonard Street Bankstown (Lot 81/DP8448, Lots 1-3/DP306558 and Lot 40/DP1128927).
2. Council delegates authority to the General Manager to dispose of the properties identified in Item 2 above, as outlined in this report.

To allow Council to proceed with the sale a reclassification to operational land is required. The proposed reclassification of these two properties in the Bankstown CBD to operational land is consistent with the actions of the Bankstown CBD Local Area Plan and CBD Property Renewal Strategy to better reflect the current and future uses on these properties.

Council will look for the sale to ensure that it is consistent and/or satisfies the broader principles suggested in Council's CBD Local Area Plan and provisions of the CBD Local Environmental Plan.

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

YES. The Metropolitan Plan and the Bankstown CBD Local Area Plan recognise the need to enable residential growth in the Bankstown CBD, in particular that land that is close to the CBD core to achieve the dwelling target. The LAP has identified that the land at 3 & 5 Leonard Street is not required for community and there is an opportunity to introduce good quality development close to the CBD. The site is currently classified as Community land and therefore Council is not able to achieve this outcome under the provisions of the Local Government Act 1993. Therefore this planning proposal is the best means to achieve the intended outcome.

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)?

Yes. The Planning Proposal would result in a net community benefit by:

- Delivering on the objectives and actions of the Metropolitan Plan, the Draft West Central Subregional Strategy and the CBD Local Area Plan through the provision of potential opportunities for new housing consistent with the land zoning;
- proceeds from the sale of the property will be reinvested into new community facilities which are of greater benefit to the public.

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

YES. 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 Local Area Plan supports this vision by clearly identifying the infrastructure and community needs as well as the opportunities for greater development in close proximity to the centre.

The reclassification is consistent with the desired intent of the Bankstown LAP (and subsequent Planning Proposal).

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

YES. The proposal to reclassify the properties to operational land is consistent with applicable state environmental planning policies (as shown in Attachment 1).

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

YES. The proposal to reclassify the properties to operational land is consistent with all applicable Ministerial Directions (shown in attachment 2).

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?**

NO. 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?**

NO. 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?**

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

- The vacant properties at Nos. 3 and 5 Leonard Street in Bankstown are surplus to future community and infrastructure needs. The intended outcome is to divest these properties to support future residential growth. Funds from the sale will be reinvested in to higher priority community facilities.

Section D—State and Commonwealth interest

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

YES. The Local Area Plan identifies the infrastructure required at a local level to enable residential growth in the Bankstown CBD locality to achieve the dwelling target.

The Local Area Plan also identifies the vacant properties at Nos. 3 and 5 Leonard Street as surplus to future community and infrastructure needs in the Bankstown CBD. The intended outcome is to divest these properties.

- 11. 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-Land Application Maps

Map 2: Nos. 3 & 5 Leonard Street in Bankstown



Part 5–Community Consultation

As part of the development of the Local Area Plan for the CBD extensive community consultation was undertaken. This was followed with consultation as part of the formal Planning Proposal which supported the zoning of the land as high density residential (Residential 2b). There were no objections in relation to this site as part of this consultation. Consultation was also undertaken as part of the development and review of the CBD Property Renewal Strategy.

Although the gateway determination will confirm the public consultation that must be undertaken, due to the extensive consultation already undertaken it is proposed the exhibition period for this planning proposal is likely to take 14 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, Sydney Water and Ausgrid.

Part 6–Project Timeline

Dates	Project timeline
September 2014	Gateway determination
October 2014	Public exhibition
November 2014	Consideration of submissions
December 2014	Council report on submissions and for final consideration
December 2014	Submit planning proposal to Planning & Environment for determination.

ATTACHMENT 1–State Environmental Planning Policies

SEPPs (as at March 2014)		Applicable	Consistent
1	Development Standards	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
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	Yes
59	Central Western Sydney Regional Open Space & Residential	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
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes

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(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
(Urban Renewal) 2010	No	N/A
(Western Sydney Employment Area) 2009	No	N/A
(Western Sydney Parklands) 2009	No	N/A
Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes

ATTACHMENT 2–Ministerial (117) directions

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

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	Yes
2.2	Coastal Protection [01/07/09]	No	N/A
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [01/07/09]	Yes	Yes
3.1	Residential Zones [01/07/09]	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates [01/07/09]	Yes	Yes
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use and Transport [01/07/09]	Yes	Yes
3.5	Development Near Licensed Aerodromes [01/07/09]	Yes	Yes
3.6	Shooting Ranges [01/07/09]	No	N/A
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence and Unstable Land [01/07/09]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	Yes
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 North Coast [01/07/09]	No	N/A
5.4	Commercial/Retail Development along Pacific Hwy, North Coast [01/07/09]	No	N/A

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5.5	Development 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]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	Yes	Yes
7.1	Implementation of Metropolitan Plan for Sydney 2036 [01/02/10]	Yes	Yes

Written Statement

Leonard Street Planning Proposal

3 Leonard Street Bankstown (Lot 1, DP 306558)

5 Leonard Street Bankstown (Lot 2, DP 306558)

Practice Note 09–003 (dated 12 June 2009)—Classification and reclassification of public land through a local environmental plan

1. The reasons why the planning proposal is being prepared including the planning merits of the proposal?

This proposal is being prepared to facilitate the divestment of the land at No. 3 and No. 5 Leonard Street, Bankstown

At the Ordinary Council Meeting in February 2014, Council resolved to divest the properties owned at 74-80 Restwell Street, Bankstown and 1-9 Leonard Street Bankstown, with the view to fund the redevelopment of a Central Community Hub.

The subject lots, and the adjacent land, is now surplus to Council's needs and presents an opportunity for Council to rationalise the land with the view to see a timely development of quality housing on the fringe of the Bankstown CBD, proximate to services and infrastructure.

2. The current and proposed classification of the land.

The current classification of the properties at No. 3 and No. 5 Leonard Street, Bankstown (Lot 1 DP 306558, Lot 2 DP 306558) is 'community' land. The planning proposal is seeking to reclassify these properties to 'operational' land.

3. The reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, and site specific requirements?

In October 1994 Council resolved to enter into negotiations for the purchase of No. 3 and No. 5 Leonard Street, Bankstown. The properties were of great value to Council, in terms of adding to adjacent land holdings at Nos. 1, 7 & 9 Leonard Street, and Nos. 74, 76, 78 & 80 Restwell Street. There were formerly various community services operating across the sites.

The purchase to No. 3 Leonard Street, Bankstown proceeded to acquisition, however negotiations for No. 5 failed at the time. The negotiations for No. 5 were rekindled and completed in May 2004.

The land on both subject lots is currently vacant, with all community services, either having moved from this location or ceasing to exist.

At the Ordinary Council Meeting of 25 February 2014, Council resolved to sell land, including Nos. 3 and 5 Leonard Street, Bankstown to assist in funding initiatives in the CBD Property Renewal Strategy.

In order to facilitate the sale of the land, it must be reclassified from 'community' land to 'operational' land.

The land has been vacant for many years and is surplus to Council's needs. They also present an opportunity for Council, along with adjacent land, to rationalise to see a timely development of quality housing on the site on the fringe of the Bankstown CBD.

The zoning of the site will not be changed at this point in time and is to remain as Residential 2B.

4. Council's ownership of the land, if this applies?

Council is the property owner.

5. The nature of Council's interest in the land? (i.e. Council has a lease / agreement)

Council is the property owner.

6. How and when the interest was first acquired? (e.g. for the extension of an existing park)

No. 3 Leonard Street, Bankstown was acquired by Council in 30 November 1994.

It was resolved by Council on 18 May 2004 that the property at No. 5 Leonard Street, Bankstown be acquired.

7. Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land.

There is no agreement over the property.

8. An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the types of benefit that could arise.

Reclassifying the land from 'community' to 'operational' would help facilitate the sale of the land as resolved by Council.

Financial proceeds from the sale of these properties will be used to fund initiatives in the CBD Property Renewal Strategy.

- 9. The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the Council wants.**

Council is seeking to divest the properties at Nos. 3 and 5 Leonard Street, Bankstown. The sale of the properties would help fund initiatives outlined in the CBD Property Renewal Strategy.

- 10. Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, when Council intends to release its asset.**

At present, no agreement has been made for the sale or lease of the land.

- 11. Relevant matters required in plan making under the EP&A Act.**

This reclassification is prepared in accordance with the EP&A Act and the gateway determination.