

Bankstown CBD

Proposal Title : **Bankstown CBD**

Proposal Summary : **To update the planning controls in the Bankstown Central Business District (CBD) to implement Council's strategic plan for its major centre (ie. Bankstown CBD Local Area Plan 2011).**

PP Number : **PP_2012_BANKS_002_00** Dop File No : **11/22536**

Proposal Details

Date Planning : **02-Jul-2012** LGA covered : **Bankstown**

Proposal Received :

Region : **Sydney Region West** RPA : **Bankstown City Council**

State Electorate : **BANKSTOWN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **The planning proposal applies to the Bankstown CBD which is a wide area bounded by the Hume Highway to the south, Stacey St to the east, Shenton and Hoskins Avenues to the south, and Oxford Ave and Brancourt Ave to the west. The subject land is identified in maps attached to the planning proposal.**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub : **Metro West Central** Consistent with Strategy : **Yes**

Regional Strategy : **subregion**

Bankstown CBD

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 Yes
Lobbyists Code of
Conduct has been
complied with :

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 of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists.

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October 2008. The legislation requires 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 Director General to initiate the making of an environmental planning instrument..."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council is keen to progress the Bankstown CBD ahead of the Bankstown Principal LEP. Therefore Council prefers that the planning proposal is delivered through an amendment to existing Bankstown LEP 2001.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

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

Is an explanation of provisions provided? Yes

Comment : The explanation is generally adequate.

However, it is noted that the proposal includes a number of reclassifications from community to operational land (see points numbers 10 and 11 on p.9 of the planning proposal). This part should be clearer in terms of the whether the classifications will discharge any interests, trusts etc from the relevant sites. The discharge of interests etc should be made clear towards the front of the planning proposal.

As such, Part 2 should be revised to include words relating to the proposed discharge of any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land.

Additionally, point number 10 (p. 9) indicates that Attachment 4 contains the biodiversity model provision and the map, but the provision is missing. Council should ensure the Department's most recent model provision for biodiversity is attached to the planning proposal. This could be provided as an attachment to the letter from the Director General if a gateway determination to proceed is issued.

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

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 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
- 4.1 Acid Sulfate Soils
- 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 :

d) Which SEPPs have the RPA identified?

- SEPP No 1—Development Standards
- SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
- SEPP No 6—Number of Storeys in a Building
- SEPP No 19—Bushland in Urban Areas
- SEPP No 21—Caravan Parks
- SEPP No 22—Shops and Commercial Premises
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 50—Canal Estate Development
- SEPP No 55—Remediation of Land
- SEPP No 62—Sustainable Aquaculture
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP No 70—Affordable Housing (Revised Schemes)
- 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
SEPP (Temporary Structures and Places of Public Entertainment)
2007
GMREP No. 2 - Georges River Catchment

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **No - Council is unable to justify the proposal's inconsistency with s117 direction 4.3 Flood Prone Land at this time.**

Please see the assessment section for more information.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps provided are adequate, however:**
1. Council should ensure that the maps exhibited are of a high enough resolution and size to allow the community to easily review proposed proposed on a site-by-site basis.
2. The zoning map requires a key.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council recommends that the planning proposal be exhibited for 28 days. This is consistent with the Department's "A Guide to Local Environmental Plans", and is supported.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **A gateway determination to allow the draft Principal LEP to be exhibited was issued recently. Council are yet to begin the public exhibition.**

Assessment Criteria

Need for planning proposal : **The key matters addressed by the planning proposal include:**

- **The planning proposal only applies to a relatively small area of the Bankstown local government area (ie. the CBD).**

- The purpose of the planning proposal is to amend the existing Bankstown LEP 2001. It is envisaged that the Principal LEP will continue to progress separately. Council wish to progress its proposals for the CBD as soon as possible, and considers that it will be quicker to do this as a separate process to the Principal LEP. Please note that a certificate to allow the draft Principal LEP to be exhibited was issued recently.
- The LEP will be based on the CBD Local Area Plan (LAP) as adopted by Council in September 2011. The LAP provides actions to: inform changes to the statutory framework, provide priorities for infrastructure, create more jobs and dwellings within the CBD in, or close to, accessible areas, encourage housing choice, and protect the existing cultural and architectural history of the City of Bankstown. The LAP also envisages 5 distinct precincts within the CBD to be in place by 2031. For more information, see pages 3 - 5 of the planning proposal.
- Council has prepared maps for zoning, height, floor space ratio, and biodiversity. These are attached to the planning proposal.
- The planning proposal includes a number of proposed rezonings, as well as introducing a new zone for medium density residential development. The majority of rezonings will allow for greater development potential on the subject lands.
- It also introduces as provisions to protect biodiversity.

See Part 2 Explanation of Provisions section in the planning proposal for more detailed information.

It is considered that a planning proposal is the best way to implement and deliver Council's proposals for the Bankstown CBD.

Consistency with strategic planning framework :

METROPOLITAN AND SUBREGIONAL STRATEGIES

The following strategies are relevant to the draft LEP:

- Metropolitan Plan for Sydney 2036 and
- Draft West Central Subregional Strategy

Council has considered the planning proposal against the relevant strategic planning framework. The LEP will be capable of facilitating additional population and employment growth as identified in the Metropolitan Plan for Sydney 2036 and draft West Central Subregional Strategy. Further, the proposal contains new planning and development controls which would provide opportunity for the Bankstown CBD to grow as a major centre.

The planning proposal is not considered to be inconsistent with any action of the Metropolitan Plan for Sydney 2036 or the draft West Central Subregional Strategy.

SECTION 117 DIRECTIONS

Council identifies a number of section 117 directions (pages 17-20) that are applicable to this planning proposal.

The planning proposal is inconsistent with:

- Direction 1.1 – Business and industrial zones – Council proposes to reduce the floor space potential on the southern side of Bankstown City Plaza (ie. 12-38 Bankstown City Plaza) to protect “townscape character” and potential heritage significance at this location.

The inconsistency with the direction is considered to be of a minor nature.

- Direction 3.1 – Residential zones – Council proposes to reduce the permissible residential density of a small number of sites on Vimy and Oxford Streets by rezoning the land from high density to medium density residential, and revising the current floor space ratio from 0.75:1 to 0.5:1 and building height from 12 to 9 metres. Council has proposed the lower controls to protect “townscape character” and provide a transition between the existing high and low density residential zones.

Council also proposes to downzone within a lot in Conway Road as it currently contains a split FSR and height.

The downzonings are considered to be of a minor nature, plus Council is proposing a number of upzonings as part of the planning proposal.

However, within its justification of the inconsistency with this direction (p. 18 of the planning proposal) it is noted that Council does not discuss the proposed downzoning along the blocks fronting Oscar Street. The planning proposal should be revised to address this matter under the discussion on this direction.

- Direction 3.5 – Development Near Licensed Aerodromes – The direction requires that Council obtain permission from the relevant Department of the Commonwealth, or a delegate, if the introduction of the height of buildings map permits development that encroaches above the Obstacle Limitation Surface. Council consulted with the Commonwealth Department of Infrastructure and Transport and Bankstown Airport Limited and has not received a response that satisfies the direction.

This is an ongoing issue with the direction as the Commonwealth has the view that it will not address the above issue at the zoning stage but rather on a DA-by-DA basis.

- Direction 4.1 – Acid Sulfate Soils – Council proposes to intensify land uses on land potentially containing acid sulphate soils, and there hasn't been a formal assessment (as required to be consistent with the direction). Given the class of the land and the minor upzoning proposed, the inconsistency is considered minor.
- Direction 4.3 – Flood Prone Land – Council proposes to increase residential densities

in an area identified as a medium flood risk area.

Council is currently preparing a floodplain risk management plan for Salt Pan Creek to satisfy the inconsistency with this direction.

It is considered that the inconsistencies with directions 1.1, 3.1, 3.5 and 4.1 have been justified by the reasons provided, and that the Director-General's delegate forms the view that the inconsistencies are justified.

In terms of direction 4.3, the inconsistency can not be approved until Council complete its floodplain risk management plan for Salt Pan Creek. While the planning proposal can not be finalised before approval to the inconsistency is given, the planning proposal can proceed to public exhibition.

STATE ENVIRONMENTAL PLANNING POLICIES

Council has considered the planning proposal against relevant SEPPs (page 17 of the planning proposal). The planning proposal is not considered inconsistent with any SEPPs.

Note that the following SEPPs will no longer apply to the CBD if the plan is made:

- ☐ SEPP No. 1 – Development Standards;
- ☐ SEPP No. 4 – Development Without Consent and Miscellaneous Complying Development;
- ☐ SEPP No. 60 – Exempt and Complying Development;

The Department recommends that the planning proposal and draft instrument be exhibited with the relevant SEPPs and REPs (deemed SEPPs).

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The CBD is largely an urban area.

Notwithstanding, the planning proposal contains new provisions to protect natural resources in the subject area (namely Ruse Park) by adopting the Department's draft model clause for biodiversity and a map to identify where this clause applies.

SOCIAL

The planning proposal will implement Council's Local Area Plan for the CBD which provides a strategic framework to provide new housing, green space and facilities in an accessible area close to public transport.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Family and Community Services - Housing NSW Transport for NSW NSW Police Force Transport for NSW Origin Energy Transport for NSW - RailCorp Transport for NSW - Roads and Maritime Services State Emergency Service Sydney Water Telstra Adjoining LGAs		

Bankstown CBD

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
Bankstown City Council_02-07-2012 00_00_00_Bankstown CBD planning proposal_.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 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
- 4.1 Acid Sulfate Soils
- 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 :

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

1. Council revise the planning proposal prior to exhibition as follows:

a) revise Part 2 - Explanation in the planning proposal to include a clarification that the proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions or restrictions and covenants affecting the land or any part of the land for the sites to be reclassified.

b) revise Part 3 - Justification under the discussion on the proposal's inconsistency with s117 direction 3.1 to address the proposed downzoning of the land fronting Oscar Street.

c) Council should ensure the Department's most recent model provision for biodiversity is

attached to the planning proposal (as indicated in point number 10 on page 9 of the planning proposal).

2. Council revise the planning proposal's attached maps prior to exhibition as follows:

a) Council should ensure that the maps exhibited are of a high enough resolution and size to enable the community's review of proposed controls on a site-by-site basis (eg. A3)

b) The zoning map requires a key.

3. The planning proposal should proceed on the understanding that Council will continue to undertake work to address the proposal's inconsistency with s117 direction 4.3, and that the proposal can not be finalised until this inconsistency is approved.

4. Council consult with the following agencies:-

- >> Transport for NSW (including RMS, Transport NSW and Railcorp)
- >> NSW State Emergency Service
- >> Sydney Water
- >> Office of Environment and Heritage
- >> NSW Police
- >> Telstra
- >> Housing NSW
- >> Origin (Integral Energy)
- >> Adjoining local councils

This consultation can occur concurrently with the public exhibition of the proposal.

5. The planning proposal be publicly exhibited for 28 days.

6. The timeframe for the making of the LEP is to be 9 months from the week following the gateway determination.

Supporting Reasons :

The planning proposal is supported as:

1. it will implement Council's strategic plan for Bankstown CBD,
2. it will provide a greater development potential within the centre,
3. the Principal LEP (which is mostly a translation/rollover of current controls) and the Bankstown CBD LEP will be able to progress separately,
4. the intended outcomes, explanation of provisions and justification of the planning proposal are consistent with the criteria outlined in the Guide to Preparing Local Environmental Plan, and
5. it will meet the aims of Sydney Metropolitan Plan 2036 by allowing Bankstown CBD to continue to grow as a major centre.

Signature:


Tim Archer

Printed Name:

Date:

13 / 7 / 12

