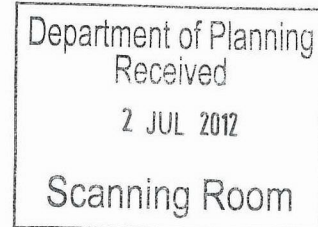




29 June 2012

Mr P Goth
Regional Director, Sydney West
Department of Planning & Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124



Dear Mr Goth,

Bankstown CBD planning proposal

I refer to the Department's consideration of the planning proposal dated 11 May 2012.

As requested, please find attached an updated planning proposal incorporating the Department's comments and suggestions. Council is therefore seeking a gateway determination based on the updated planning proposal.

If you have any enquiries or require further information, please contact Council officer Mauricio Tapia on 9707 9923.

Yours sincerely,



Mauricio Tapia
Team Leader Strategic Planning



Bankstown CBD Local Area Plan— Planning Proposal



June 2012

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Introduction–About the Bankstown CBD locality

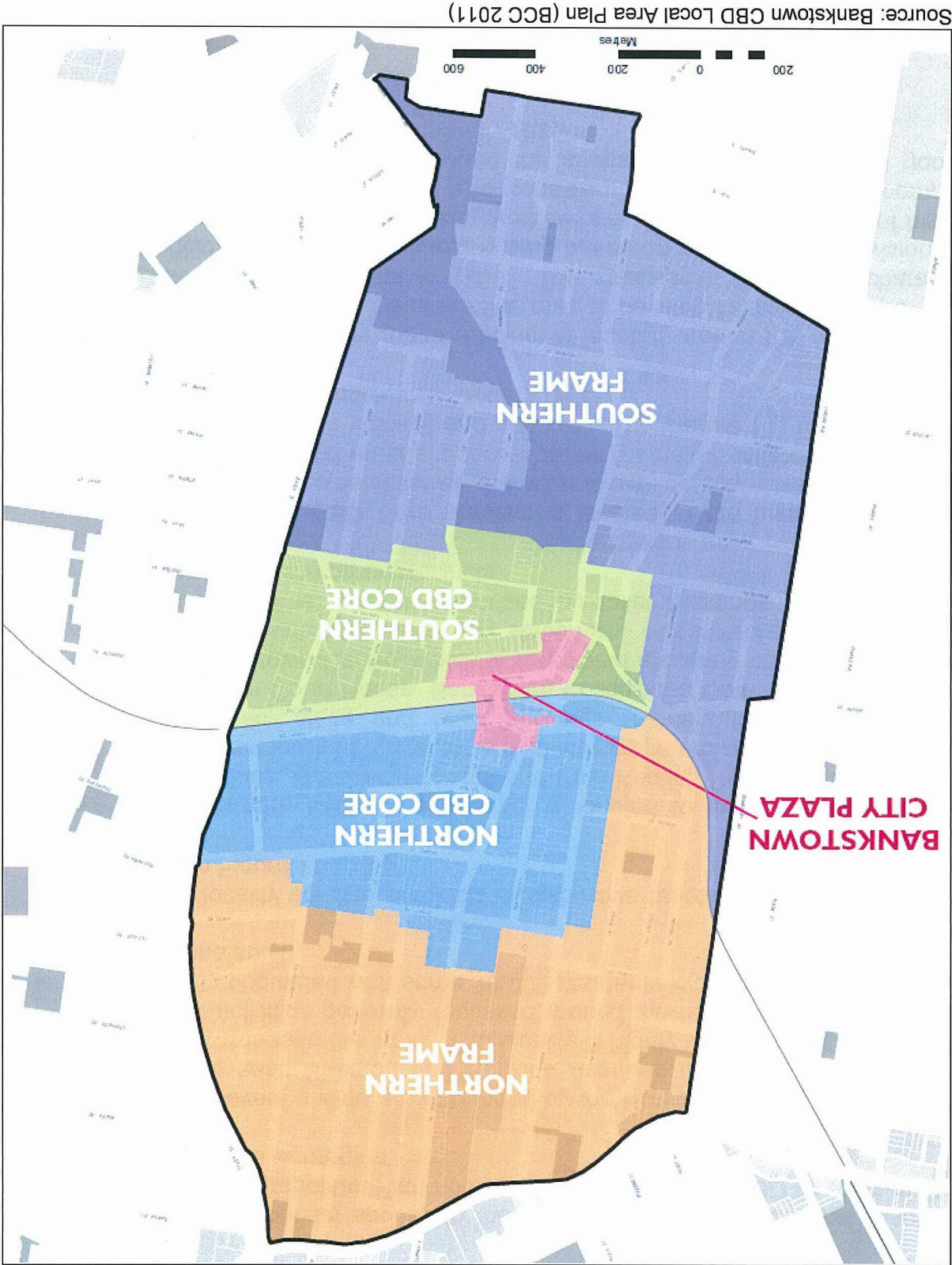
This planning proposal applies to the Bankstown Central Business District (CBD) locality. The Metropolitan Plan nominates the Bankstown CBD as a Major Centre in the West Central Subregion.

The locality covers a wide area bounded by the Hume Highway to the north, Stacey Street to the east, Shenton and Hoskins Avenues to the south, and Oxford and Brancourt Avenues to the west. The locality is highly urbanised with civic, retail and commercial activities generally focussed around the railway station. The locality is also densely populated with some 16,000 residents living in the residential areas to the north and south.

Within the locality are five precincts of distinctive functional and physical character as shown in Figure 1:

- The Northern CBD Core precinct is located to the immediate north of the railway line. The Civic Precinct and Paul Keating Park form the central focus, and the established character is distinctly commercial due to a concentration of major civic, office and retail buildings (namely Bankstown City Council, Bankstown Court House, Bankstown Police Area Command, Compass Centre and Bankstown Centro, which is a regional shopping centre). This precinct is highly accessible to the railway station and bus interchange, and as a result, this precinct is also characterised by taller buildings and higher densities compared to the other precincts.
- The Southern CBD Core precinct is located to the immediate south of the railway line. The established character is high density mixed use, together with some cultural and entertainment facilities (namely Bankstown Sports Club and the Regional Arts Centre) and schools. The mature Fig trees along Olympic Parade form an impressive western gateway.
- The Bankstown City Plaza precinct is located around the railway station and bus interchange, and was the first area to develop following the opening of the Bankstown railway line in 1909. The established townscape character is a traditional low density shopping strip based on a small lot subdivision pattern. There is a consistent two storey street wall and a concentration of historic Art Deco buildings. There is also considerable pedestrian activity compared to other precincts (mainly around the shops and restaurants) and good solar access to the pedestrian friendly streets.

Figure 1—Precincts in the Bankstown CBD locality



- The Northern Frame precinct is located on the northern fringe of the locality, and is a contained neighbourhood due to the road and rail network. The Remembrance Driveway Landscape Corridor forms the northern boundary, and Chapel Road provides an important north–south connection between the CBD Core, the South Western Sydney Institute of TAFE and the Rookwood Road Precinct. The established character is high density housing, with three storey walk–up units the predominant built form. Houses remain the dominant built form in the north–east corner of the precinct, which is constrained by topography and busy roads.
- The Southern Frame precinct is located on the southern fringe of the locality. The eastern edge is constrained by the risk of localised stormwater flooding and exposure to busy roads. The established character is low to medium density housing with generous landscaping. Houses remain the predominant built form, with many reaching the end of their life cycle. There is a concentration of War Service Commission Homes in Vimy Street. Three storey walk–up units are dispersed in this precinct, with a small concentration along Chapel Road and south of Macauley Avenue. This precinct contains most of the major parks which support the locality (namely Ruse Park and Memorial Oval), and the upper reaches of Salt Pan Creek, a tributary of the Georges River.

In September 2011, Bankstown City Council adopted the Bankstown CBD Local Area Plan to see the Bankstown CBD locality continue to prosper as a Major Centre in the City of Bankstown and the wider West Central Subregion, and to balance the demands for future growth with the need to protect and enhance environmental values. It ensures adequate land, infrastructure, facilities and open space are available and appropriately located to sustainably accommodate future housing and employment needs. The Local Area Plan informs changes to the statutory planning framework and infrastructure priorities, and by 2031, the Bankstown CBD locality will boast five distinctive precincts to support population and economic growth:

- A Northern CBD Core precinct that continues to function as the heart of the City of Bankstown, with a mix of retail and commercial activities on the ground and first floors, and high density living above. The Northern CBD Core precinct will have Sydney’s best local Civic Precinct, serviced by a high quality pedestrian environment and mid–block connections.
- A Southern CBD Core precinct with retail activities and high amenity housing around the transport hub. The built form will be a mix of retail and commercial activities on the ground and first floors, and high density living above. The Southern CBD Core precinct will have an exciting regional arts hub, serviced by a high quality pedestrian environment.
- A Bankstown City Plaza precinct that protects the low density shopping strip, renowned for the consistent two storey street wall and Art Deco buildings. The Bankstown City Plaza precinct will enjoy good solar access to the pedestrian friendly streets.

- A Northern Frame precinct with high amenity housing that supports the Bankstown CBD locality. The built form will offer a wide range of medium and high density living within easy walking distance of the CBD Core precincts, serviced by a good supply of neighbourhood parks, playing fields and community facilities. The Northern Frame precinct will have impressive gateways to the Bankstown CBD locality with the embellishment of the Remembrance Driveway Landscape Corridor and the historic Water Tower.
- A Southern Frame precinct with high amenity housing that supports the Bankstown CBD locality. The built form will offer a wide range of medium and high density living within easy walking distance of the CBD Core precincts, serviced by multi-functional district parks. The Southern Frame precinct will make a positive contribution to protecting the biodiversity values of the living spaces and corridors, and will promote opportunities for small start up businesses and people working from home.

Part 1–Intended Outcomes

The intended outcome of this planning proposal is to give effect to the Bankstown CBD Local Area Plan by implementing the following actions:

- (a) Enable the future development of retail and commercial floor space within a reasonable walking distance of the Bankstown railway station to achieve the target of 4,000 new jobs, namely by:
 - (i) Requiring the ground and first floors of development in the CBD Core and Bankstown City Plaza precincts to accommodate retail and commercial activities.
 - (ii) Permitting SOHO dwellings in residential streets that border the CBD Core precincts. The intent of this action is to actively encourage home based and small scale businesses as a way to promote local job opportunities.
- (b) Enable the future development of medium and high density housing within a reasonable walking distance of the Bankstown railway station to achieve the target of 3,800 new dwellings, namely by:
 - (i) Focussing on high density mixed use development and residential flat buildings to achieve the dwelling target in the mixed use areas; whilst removing low density dwelling types (namely dwelling houses, dual occupancies, rowhouses and villas) that do not contribute to this desired density character.
 - (ii) Focussing on residential flat buildings to achieve the dwelling target in the high density housing area; whilst removing the density requirement and low density dwelling types (namely dual occupancies, rowhouses and villas) that do not contribute to this desired density character.
 - (iii) Focussing on multi dwelling housing (in the form of townhouses) to achieve the dwelling target in the medium density housing area; whilst removing low density dwelling types (namely dual occupancies, rowhouses and villas) that do not contribute to this desired density character.
- (c) Increase the floor space and building height potential to match the land uses (particularly for mixed use development) and introducing a FSR bonus scheme to promote sustainability principles for certain development in the CBD Core precincts.

- (d) Protect the townscape character that contributes to the cultural and architectural history of the City of Bankstown, namely by:
 - (i) Revising the floor space and building height potential in the Bankstown City Plaza precinct to low density mixed use to correspond with the protection of the townscape character and the inclusion of additional heritage items.
 - (ii) Revising the zoning of Vimy Street to low density housing to correspond with the protection of the townscape character.
- (e) Maximise the recreational and ecological functions of Ruse Park. This includes reserving land for future acquisition by Council to provide better access to Ruse Park at Nos 56–58 Marshall Street and No 50 Macauley Avenue in Bankstown.
- (f) Retain the existing supply of neighbourhood parks to meet community needs, and to work with government agencies to secure new open space connections.
- (g) Reclassify the open spaces at No 4Z Fetherstone Street; No 4A Olympic Parade; No 72 Restwell Street; Nos 33A & 33B Sir Joseph Banks Street; and Nos 16–20 Vimy Street in Bankstown to meet future community and operational needs.

Part 2–Explanation of Provisions

Council is submitting this planning proposal based on amendments to Bankstown Local Environmental Plan 2001. Bankstown Local Environmental Plan 2001 is the current statutory planning framework that establishes development standards such as land use zones, floor space ratios and building heights for development in the City of Bankstown.

The proposed amendments to Bankstown Local Environmental Plan 2001 are:

Land use zones

1. Amend the zonings for certain properties as shown in Attachment 1.
2. Introduce a new zone to be known as Zone 2(c) Residential.

The objectives of this zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non–residential development that is compatible with residential uses without adversely impacting on residential amenity.

This zone will permit the following land uses:

Bed and breakfast establishments; car parks; centre based child care centres; community facilities; dams; dwelling houses; educational establishments; family day care centres; family housing; health consulting rooms; home based child care centres; home businesses; home offices; hospitals; housing for older people or people with a disability; land filling; multi dwelling housing; places of public worship; public buildings; recreation areas; sanctuaries; secondary dwellings; utility installations.

This amendment will require new definitions for “multi dwelling housing” and “secondary dwellings” in the Dictionary.

3. Prohibit low density housing in Zone 3(a) Business–CBD, namely dual occupancies, dwelling houses, home offices, rowhouses and villas.

Development standards—building envelopes

4. Amend the floor space ratios for certain properties as shown in Attachment 2.
5. Introduce a FSR bonus scheme to promote sustainability and liveability in the Bankstown CBD locality. Council may consider giving large scale development in Zone 3(a) Business–CBD (with a 3:1 FSR only) a FSR bonus of up to 0.5:1 provided the development achieves a higher environmental design standard (e.g. BASIX or green star rating scheme), and does not increase the building height.
6. Introduce the Department of Planning & Infrastructure's height model provision and a Height of Buildings Map as shown in Attachment 3. This map will replace the building heights under Bankstown Local Environmental Plan 2001 (Amendment No 19).
7. Delete the density control for residential flat buildings in Zone 2(b) Residential.

Development standards—location requirements for commercial activities

8. Require the ground and first floors of development at essential locations in Zone 3(a) Business–CBD to accommodate solely retail, commercial or other non–residential activities, as shown in Attachment 5. This provision will require a map.
9. Allow SOHO (small office & home office) dwellings in residential streets that border Zone 3(a) Business–CBD, as shown in Attachment 6. This provision will require a new definition and map.

The LAP defines SOHO dwellings as dwellings on the first storey (i.e. ground floor) or second storey of buildings, where owner occupiers can run businesses that employ non–residents and include shopfront displays.

Development standards—open spaces

10. Introduce the Department of Planning & Infrastructure's natural resource–biodiversity model provision and a Natural Resource–Biodiversity Map, as shown in Attachment 4.
11. Reclassify certain spaces to meet future community and operational needs (see table below).

Property	Current use	Current classification	Proposed Classification
4Z Fetherstone Street	Lane	Community	Operational
Part 4A Olympic Parade	Park	Community	Operational
72 Restwell Street	Lane	–	Operational
33A Sir Joseph Banks Street	Home units	Community	Operational
33B Sir Joseph Banks Street	Home units	Community	Operational
16–20 Vimy Street	Park	Operational	Community

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.

The Department of Planning & Infrastructure's Metropolitan Plan and Council's Residential Development Study and Employment Lands Development Study identify the Bankstown CBD locality as a preferred location for residential and employment growth due to its proximity to jobs, shops, public transport and community facilities. By 2031, the Bankstown CBD locality is expected to grow by 3,800 dwellings and 4,000 new jobs.

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:

(a) Invest

To have the Bankstown CBD locality function as a major employment precinct in the City of Bankstown and the wider West Central Subregion, and to concentrate the 4,000 new jobs in the CBD Core precincts (which is a location that most residents in the subregion can comfortably travel to within 30 minutes by public transport). The actions to achieve this sustainability principle are:

(i) **Action I1: Achieve the jobs target by requiring retail and commercial activities on the ground and first floors of development in the CBD Core and the Bankstown City Plaza precincts.**

Council's research looked at the existing and future land capacity of the CBD Core and Bankstown City Plaza precincts to identify areas that can best accommodate business development potential. The research looked at land uses, building age, physical and amenity constraints, historic construction rates, market trends, pedestrian activity, and proximity to public transport and infrastructure.

The research found the extent and capacity of the CBD Core and Bankstown City Plaza precincts are adequate to accommodate the required additional floor space provided development in Zone 3(a) Business–CBD continues to retain the ground and first floors as commercial and retail floor space.

Attachment 5 shows the areas in Zone 3(a) Business–CBD that must retain the ground and first floors as commercial and retail floor space if the Bankstown CBD locality is to achieve the jobs target and active street frontages. The Metropolitan Plan reinforces this policy position, as the future direction for the Bankstown CBD locality is to provide capacity for retail and office development, and encourage the renewal of office buildings.

(ii) Action I3: Achieve the jobs target by permitting SOHO dwellings in residential streets that border the CBD Core precincts.

This action aims to continue and actively encourage the expansion of these businesses as a way to promote local job opportunities. For example, this action will introduce SOHO dwellings (small office home office) as an extension to the CBD Core precincts. SOHO dwellings are typically small start up businesses or live/work studios that can employ staff and display goods at the street level of residential buildings. This action is likely to occur in residential streets that border the CBD Core precincts such as Brandon Avenue and Meredith Street as shown in Attachment 6.

(b) Liveable

To have the Bankstown CBD locality function as the largest mixed use centre in the City of Bankstown, and to concentrate around 80% of the 3,800 dwelling target within the walking catchment of this Major Centre (i.e. a 1km radius measured from the railway station). The actions to achieve this sustainability principle are:

(i) Action L1: Plan for additional dwelling growth within the walking catchment of the Bankstown CBD locality.

Council's research looked at existing and future land capacity to identify areas within the walking catchment that can best cope with intensification and population growth. The research looked at land uses, building age, physical and amenity constraints, historic construction rates, market trends and proximity to public transport and infrastructure.

The research found the extent and capacity of the existing mixed use and flat zones are adequate to accommodate most of the dwelling target subject to some density changes in certain areas.

There is also the possibility to extend high density housing to the fringe of the Southern CBD Core precinct, bounded by Stanley Street, Percy Street, Macauley Avenue and Restwell Street given the close proximity to the railway station and major parks as shown in Attachment 1.

In addition, the research looked at the building envelopes and dwelling types needed to achieve the dwelling target (assuming it is in the form of mixed use development in the CBD Core precincts) in keeping with the desired housing character for the precincts. The planning control changes that would best achieve the dwelling target for the precincts include:

- Focussing on high density mixed use development and residential flat buildings to achieve the dwelling target in the mixed use areas; whilst removing low density dwelling types (namely dwelling houses, dual occupancies, rowhouses and villas) that do not contribute to this desired density character.
- Focussing on residential flat buildings to achieve the dwelling target in the high density housing area; whilst removing the density requirement and low density dwelling types (namely dual occupancies, rowhouses and villas) that do not contribute to this desired density character.
- Focussing on multi dwelling housing (in the form of townhouses) to achieve the dwelling target in the medium density housing area; whilst removing low density dwelling types (namely dual occupancies, rowhouses and villas) that do not contribute to this desired density character.
- Increasing the floor space and building height potential to match the land uses (particularly for mixed use development) and introducing a FSR bonus scheme to promote sustainability principles for certain development in the CBD Core precincts.

(ii) Action L3: Protect the heritage and townscape character of the Bankstown CBD.

The heritage review confirms the continued protection of listed heritage items in the Bankstown CBD locality, with a possible review of the item at 89 Restwell Street in Bankstown. The heritage review also identifies additional locations of historic and townscape significance to be taken into consideration when planning for additional growth in the Bankstown CBD locality:

- Firstly, this action aims to commence the process to protect the Art Deco character of the Bankstown City Plaza precinct. The Bankstown City Plaza is a popular pedestrian precinct in the Bankstown CBD locality.

Council will continue to maintain the Art Deco character of the Plaza whilst facilitating the redevelopment of the precinct to improve the amenity and appearance. The heritage review recommends a heritage listing to preserve some of the historic buildings, which contribute to this rare aspect of the cultural and architectural history in the City of Bankstown. This action will also look to customise the design controls to enhance the townscape character, with two storeys along the street frontage and increased setbacks above. The setbacks and height limit will also aim to protect solar access to the pedestrian friendly streets and meeting places within the Plaza.

- Secondly, this action aims to commence the process to protect the townscape character of Vimy Street. Vimy Street comprises numerous War Service Commission Homes, which provide valuable evidence of the role of the Commission in providing housing during the post World War I era and assistance to returned servicemen and their families.

(c) Green

To adapt the supply and function of the open spaces to meet changing needs, whilst protecting the rare and threatened plants and animals that share these spaces if the Bankstown CBD locality is to move towards a more sustainable urban environment. The actions to achieve this sustainability principle are:

(i) Action G1: Maximise the recreational and ecological functions of Ruse Park.

Ruse Park is the largest open space in the Bankstown CBD locality (around 10 hectares) and incorporates Hoskins Reserve and the green corridor extending south-east along Salt Pan Creek. A significant proportion of dwelling growth in the Southern CBD Core and Southern Frame precincts will occur within easy walking distance (around 400 metres) of this park.

This action aims to strengthen the recreational and ecological functions to ensure this district park is capable of sustaining population growth in the long term by:

- Providing better access to the park through land acquisition to widen the narrow entry points.
- Mapping the biodiversity areas for future protection.

(ii) Action G3: Maximise access and useability of Griffith Park.

Griffith Park is some 6,400m² in area and forms part of the new regional arts hub in Olympic Parade.

This action aims to improve the function of Griffith Park by expanding the capacity of the Northam Avenue car park at Griffith Park to effectively support the function of the Regional Arts Centre and the arts hub. This is consistent with the Bankstown CBD Car Parking Strategy, and will require a reclassification of a certain section of the park from community to operational to accommodate the expanded car park.

(iii) Action G4: Upgrade neighbourhood parks.

The open space analysis indicates the current supply and distribution of open spaces are adequate to ensure neighbourhood parks are within easy walking distance (around 400 metres) of the residential growth areas. This means there are no targeted areas for the acquisition or disposal of neighbourhood parks to meet future population needs. However, this action does require the rezoning of existing neighbourhood parks to open space to meet community needs.

(iv) Action G7: Work with State Government to secure new open space connections.

The open space analysis identifies significant gaps in the pedestrian network to provide residents with well connected and accessible open spaces. Council will enter into negotiations with the following land owners, with the aim of providing more accessible open spaces and mid-block connections:

- RailCorp: better access along portions of the rail corridor, and formalisation of public use of the open space along Brancourt Avenue (near Coleman Avenue).
- Roads & Maritime Services: better access along the western side of Stacey Street, in particular north from Rickard Road to the Hume Highway.

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 and employment growth in the Bankstown CBD locality to achieve the dwelling and jobs targets.

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, floor space ratios, building heights and densities.

3. Is there a net community benefit?

This planning proposal achieves a net community benefit as the changes will ensure the amenity, safety and economic vitality of the Bankstown CBD locality substantially improves as growth occurs over time. Importantly, these changes and growth will allow the Bankstown CBD locality to move towards a more sustainable urban environment based on sustainability principles, namely:

- **Liveable:** To concentrate around 80% of the 3,800 dwelling target within the walking catchment of this Major Centre (i.e. a 1km radius measured from the railway station). Supporting this growth will be housing choice and a range of community infrastructure such as public buildings, civic spaces, community halls and libraries.
- **Invest:** To continue to have the Bankstown CBD locality function as a major employment precinct in the City of Bankstown and the wider West Central Subregion, and to concentrate the 4,000 new jobs in the CBD Core precincts, which is a location that most residents in the subregion can comfortably travel to within 30 minutes by public transport.
- **Green:** To provide a wide range of multi-functional open spaces within easy walking distance (around 400 metres) of the residential growth areas, whilst protecting the biodiversity values of the living spaces and corridors.
- **Connected:** To promote sustainable transport and healthier communities by increasing the share of work journeys by public transport to 28% and cycling to 5%.

Section B—Relationship to strategic planning framework

4. 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 planning proposal provides sufficient residential zoned land to achieve the 80% of the 3,800 dwelling target within the walking catchment of this Major Centre (i.e. a 1km radius measured from the railway station).
- **Action B2.1**—This planning proposal is consistent with the subregional planning process, which identifies the Bankstown CBD locality as a strategic Major Centre in the West Central Subregion.
- **Action B3.5**—This planning proposal identifies a number of government assets that require further investment to support the Metropolitan Plan and the envisaged role of this strategic Major Centre within the West Central Subregion.

Key assets that would attract investment and improve connectivity include redevelopment and expansion of the Bankstown railway station precinct, grade separation of the Hume Highway and Stacey Street intersection together with the widening of Stacey Street, and collaborating with government agencies to secure new open space opportunities.

- Action E1.1—This planning proposal provides sufficient land to achieve the jobs target of 4,000 new jobs for the Bankstown CBD locality provided retail and commercial activities occupy the ground and first floors in the CBD Core and Bankstown City Plaza precincts (as specified in the Employment Lands Development Study).
- Action E2.7—This planning proposal supports the expansion of business start-up (known as SOHO dwellings) in the residential areas that border the CBD Core precincts.
- Action H2.3—This planning proposal identifies the priorities to upgrade existing spaces and to acquire new spaces to support population growth as detailed in the Local Area Plan. This planning proposal also proposes to protect ecologically sensitive areas.
- Action H3.1—This planning proposal aims to promote healthier communities by giving more people the option of taking public transport, walking and cycling.

At the same time, this will help to slow the growth of greenhouse gas emissions by reducing the number of car journeys to access jobs and services.

- Action H4.4—Council is facilitating improvements to community facilities to promote the Bankstown CBD locality as the social and cultural heart of the City of Bankstown. This includes the redevelopment and expansion of the Civic Precinct and the Regional Arts Centre.
- 5. 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 "a strong, attractive City which values its people, its environment and its community. There are opportunities to grow, achieve and live in an environment of compassion and understanding". 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).

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

This planning proposal is consistent with applicable state environment planning policies (as shown at Attachment 7), namely:

- **SEPP 19 (Bushland in Urban Areas):** This planning proposal takes into consideration the aims of the policy and gives priority to retaining ecologically sensitive areas via the Natural Resource–Biodiversity Map.
- **SEPP 55 (Remediation of Land):** This planning proposal does not involve the rezoning of land that would require the consideration of contamination issues e.g. special use zones and roads.
- **SEPP 65 (Design Quality of Residential Flat Development):** This planning proposal takes into consideration the design principles and the Residential Flat Design Code in developing the building envelope standards.
- **SEPP (Infrastructure) 2007:** This planning proposal takes into consideration the Department of Planning & Infrastructure’s publication “Development near rail corridors and busy roads–interim guideline” (dated December 2008) for land adjacent to the Bankstown railway line and major roads i.e. the Hume Highway and Stacey Street.

7. 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 1.1–Business and Industrial Zones:** This planning proposal retains the extent and capacity of the CBD Core and Bankstown City Plaza precincts (i.e. Zone 3(a) Business–CBD) to achieve the jobs target provided the zone continues to retain the ground and first floors as commercial and retail floor space (as specified in the Employment Lands Development Study).

The one location where the planning proposal is inconsistent with clause 4(c) of this direction is the southern side of the Bankstown City Plaza, where it is proposed to reduce the potential floor space area. This primarily affects the properties at Nos 12–38 Bankstown City Plaza. Although the base floor space ratio of 2:1 remains the same, the change does remove the ability to achieve 3:1 (subject to lot consolidation).

In accordance with clause 5(b) of this direction, the Local Area Plan (Action L3) justifies this inconsistency to correspond with the protection of the unique Art Deco townscape character and possible inclusion of heritage items in the Bankstown City Plaza. This action considers the objectives of this direction, and is found not to impact on the delivery of the jobs target (as specified in the Employment Lands Development Study).

- **Direction 2.1–Environment Protection Zones:** This planning proposal facilitates the protection and conservation of ecologically sensitive areas in the Bankstown CBD locality (namely Ruse Park) via the Natural Resource–Biodiversity Map.
- **Direction 2.3–Heritage Conservation:** This planning proposal takes into consideration a heritage study to identify the areas of historic significance for future protection, namely the Bankstown City Plaza.
- **Direction 3.1–Residential Zones:** This planning proposal identifies the residential growth areas to achieve the dwelling target and broaden the choice of housing types to meet community needs.

The two locations where the planning proposal is inconsistent with clause 5(b) of this direction are:

- Vimy Street, where it is proposed to reduce the permissible residential density of land. This primarily affects the properties at Nos 1–25, 2–14 & 16 Vimy Street, where it proposed to change the floor space ratio from 0.75:1 to 0.5:1 to supplement the rezoning of these properties to Zone 2(a) Residential.

In accordance with clause 6(b) of this direction, the Local Area Plan (Action L3) justifies this inconsistency to correspond with the protection of the townscape character that is unique in the Bankstown CBD locality. This action considers the objectives of this direction, and is found not to impact on the delivery of the dwellings target (as specified in the Residential Development Study).

- No 14 Conway Road in Bankstown, which contains a ‘split’ floor space ratio and building height. The option of continuing the ‘split’ standard does not meet the criteria outlined by the Department of Planning & Infrastructure. It is therefore proposed to apply a single appropriate floor space ratio and building height, which are 1:1 and 15 metres (i.e. 4 storeys) respectively.

In accordance with clause 6(b) of this direction, the Department’s criteria for ‘spilt’ standards justifies this inconsistency as the portion of the site with a higher floor space ratio (2:1 or 3:1 subject to lot consolidation) and building height of 30 metres (i.e. 9 storeys) would not be achievable as this portion of the site is located within the minimum setback distance to the side boundary.

- **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 6.2–Reserving Land for Public Purposes:** This planning proposal is looking to rezone certain land to open space to meet community needs. In most cases, Council is the land owner or the relevant planning authority to acquire the land. To date, the two locations where the planning proposal is inconsistent with clause 4 of this direction are:
 - Part of 55A–55B Brancourt Avenue, which involves the proposed rezoning of RailCorp land from Zone 5 Special Use to Zone 6(a) Open Space.
 - Nos 316–344, 352–354 & 358–364 Stacey Street, which involves the proposed rezoning of Roads & Maritime Services land from Zone 2(a) Residential to Zone 6(a) Open Space.

Council is seeking to obtain the approval of the relevant public authorities as part of the gateway process in accordance with clause 4 of this direction.

- **Direction 7.1–Implementation of the Metropolitan Plan for Sydney 2036:** This planning proposal is consistent with the actions contained in the Metropolitan Plan (see Section B(4) of this planning proposal for a more detailed summary).

However, this planning proposal is likely to be inconsistent with certain Ministerial (117) directions, namely:

- **Direction 3.4–Development Near Licensed Aerodromes:** Council's experience with the Commonwealth Department of Infrastructure & Transport and Bankstown Airport Limited on previous draft plans indicates this planning proposal is likely to be inconsistent with this direction, specifically clause 4(d).

Clause 4(d) requires Council to obtain permission from the Commonwealth Government (or delegate) if a planning proposal is to allow (as permissible with consent) development that encroaches above the Obstacle Limitation Surface. The Department of Infrastructure & Transport and Bankstown Airport Limited have confirmed in writing that it cannot give permission at the rezoning stage. The reason is the Commonwealth Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 require all penetrations of the prescribed airspace to be approved on a case-by-case basis, subject to safety assessments and advice from the Civil Aviation Safety Authority and Airservices Australia. This would occur at the development application stage. Therefore, the Department of Infrastructure & Transport does not support, and the legislation does not allow blanket shielding at the rezoning stage.

Council officers have met with the Department of Planning & Infrastructure to discuss this inconsistency between the Commonwealth and State legislation, and the Department of Planning & Infrastructure has advised Council to proceed with planning proposals despite the inconsistency with this direction.

- **Direction 4.1–Acid Sulfate Soils:** This planning proposal is looking to intensify land uses on land identified as having a probability of containing acid sulfate soils, namely class 5. This primarily affects the properties at:
 - Nos 14–24 Stanley Street, 2–46 Leonard Street, 1–49 Percy Street and 35 Macauley Avenue, to be rezoned from Zone 2(a) Residential to Zone 2(b) Residential.
 - Nos 2–56 Percy Street and 116A–160 Stacey Street, to be rezoned from Zone 2(a) Residential to Zone 2(c) Residential.

This proposal is inconsistent with clause 6 of this direction as there is no formal assessment. However, in accordance with clause 8(b) of this direction, the inconsistency is considered to be of minor significance given the class of land and the controls of the Standard Instrument indicate the proposed densities are possible.

- **Direction 4.3–Flood Prone Land:** This planning proposal is inconsistent with clause 6(c) of this direction, as it proposes to increase densities (mainly in the medium flood risk area as identified by the Salt Pan Creek Stormwater Catchment Flood Study) from low density to medium or high 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 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

- 8. 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 as outlined in the Local Area Plan. The planning proposal will contain provisions that facilitate the protection and conservation of ecologically sensitive areas in the Bankstown CBD locality (namely Ruse Park) via the Natural Resource–Biodiversity Map.

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

This planning proposal addresses the natural hazards that impact on the Bankstown CBD locality, namely stormwater flooding as outlined in the Local Area Plan. The measures include minimising the intensification of the high flood risk areas.

The other significant hazard is air quality and noise from the major roads and freight corridors i.e. the Hume Highway and Stacey Street. This planning proposal takes into consideration the Department of Planning & Infrastructure's publication "Development near rail corridors and busy roads—interim guideline" (dated December 2008) as required under SEPP (Infrastructure) 2007.

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

This planning proposal provides 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 renewal process means staging the housing growth over the next 25 years:

- To sustain social mix and balance for the long term residents, children and older people.
- To achieve greater access and equity to infrastructure, services and facilities.
- To stage housing growth alongside economic regeneration strategies that can bring 'jobs closer to home' for new residents.
- To provide a broader mix of housing types to cater for changing households and provide residents the opportunity to move up, progress, consolidate and downsize over the next 25 years.

Section D—State and Commonwealth interest

11. 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 grade separation of the Hume Highway and Stacey Street intersection together with the widening of Stacey Street.
- Collaborating with government agencies to secure new open space connections.
- Upgrading the Stacey Street canal to reduce the risk of stormwater flooding to neighbouring residential areas.

The State Government would need to co-ordinate the kinds of agencies and resources needed to achieve these infrastructure works in the Bankstown CBD locality.

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. This includes the redevelopment and expansion of the Civic Precinct and the Regional Arts Centre.

The Local Area Plan also justifies a submission to the Minister for Planning & Infrastructure seeking to implement a Section 94A Levy of more than 1% of the cost of development to fund a more comprehensive package of essential infrastructure in the Bankstown CBD locality. This package includes roads, stormwater drainage, pedestrian and cycle paths, public car parking and public domain improvements to improve accessibility to the facilities and services.

12. 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–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:

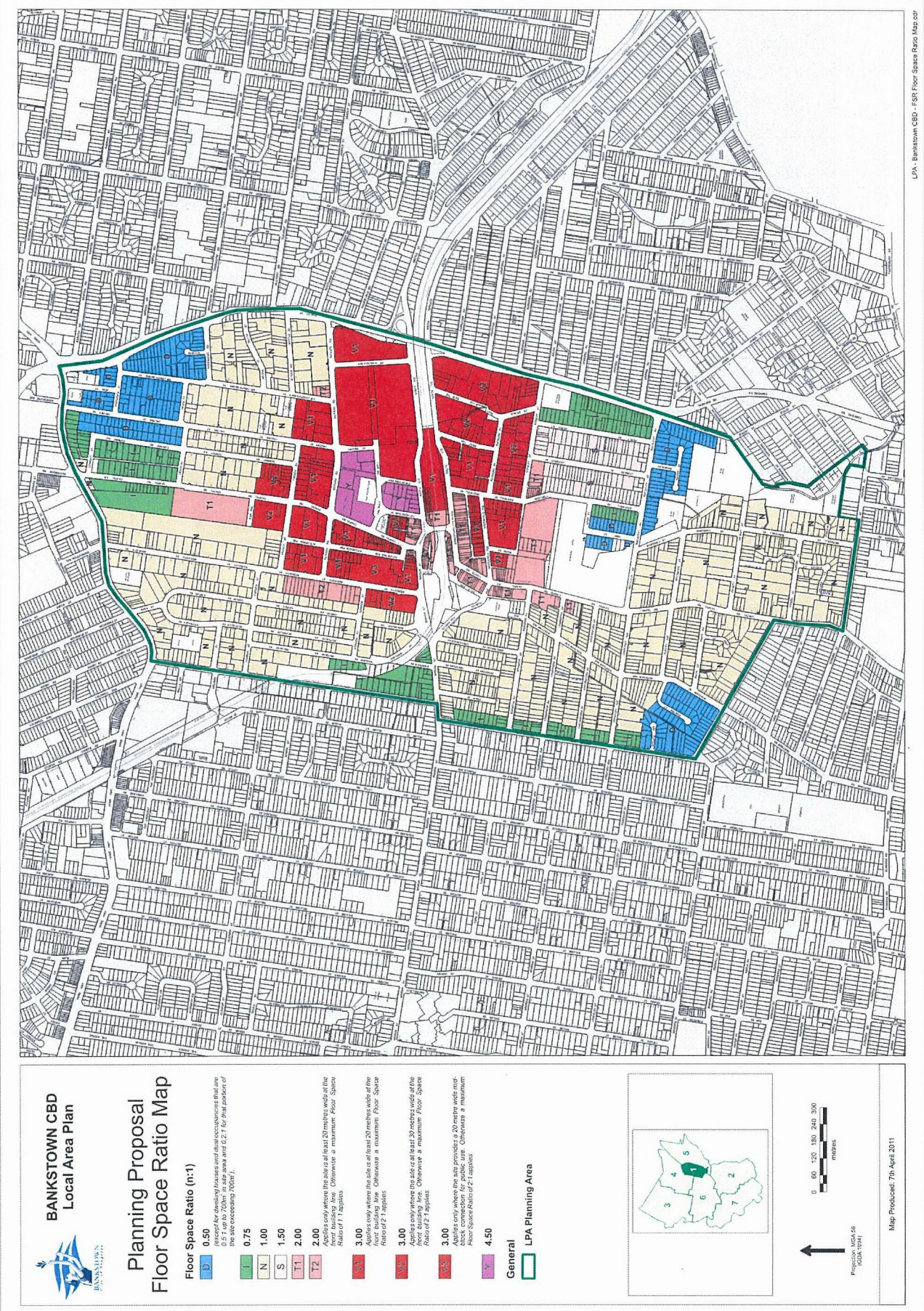
- Advertisements in the local newspapers.
- Displays at the Council administration building and corporate website.
- Written notification to property owners in the Bankstown CBD locality.
- Written notification to government agencies and other relevant stakeholders.

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.

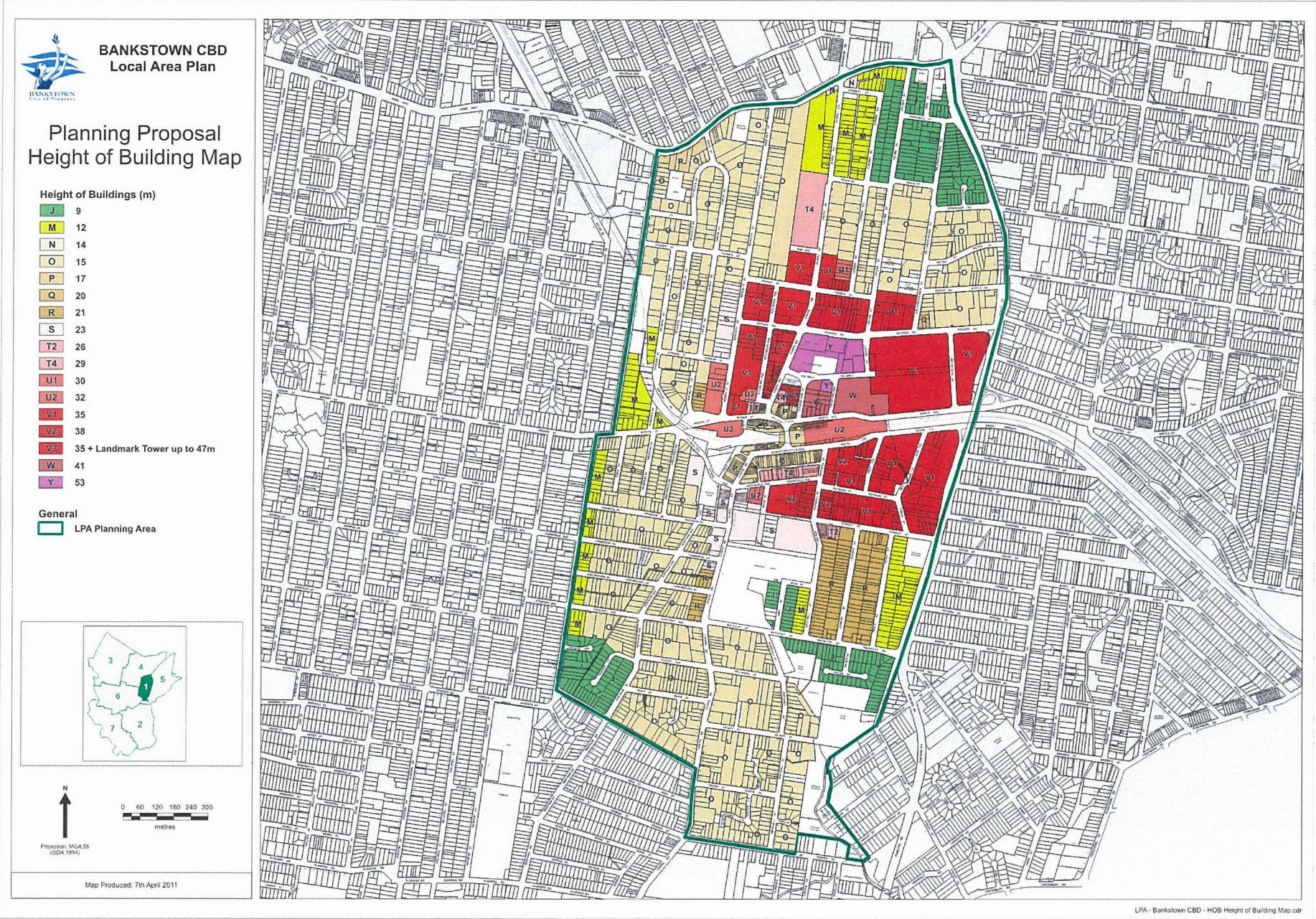
ATTACHMENT 1–Proposed land use zone changes



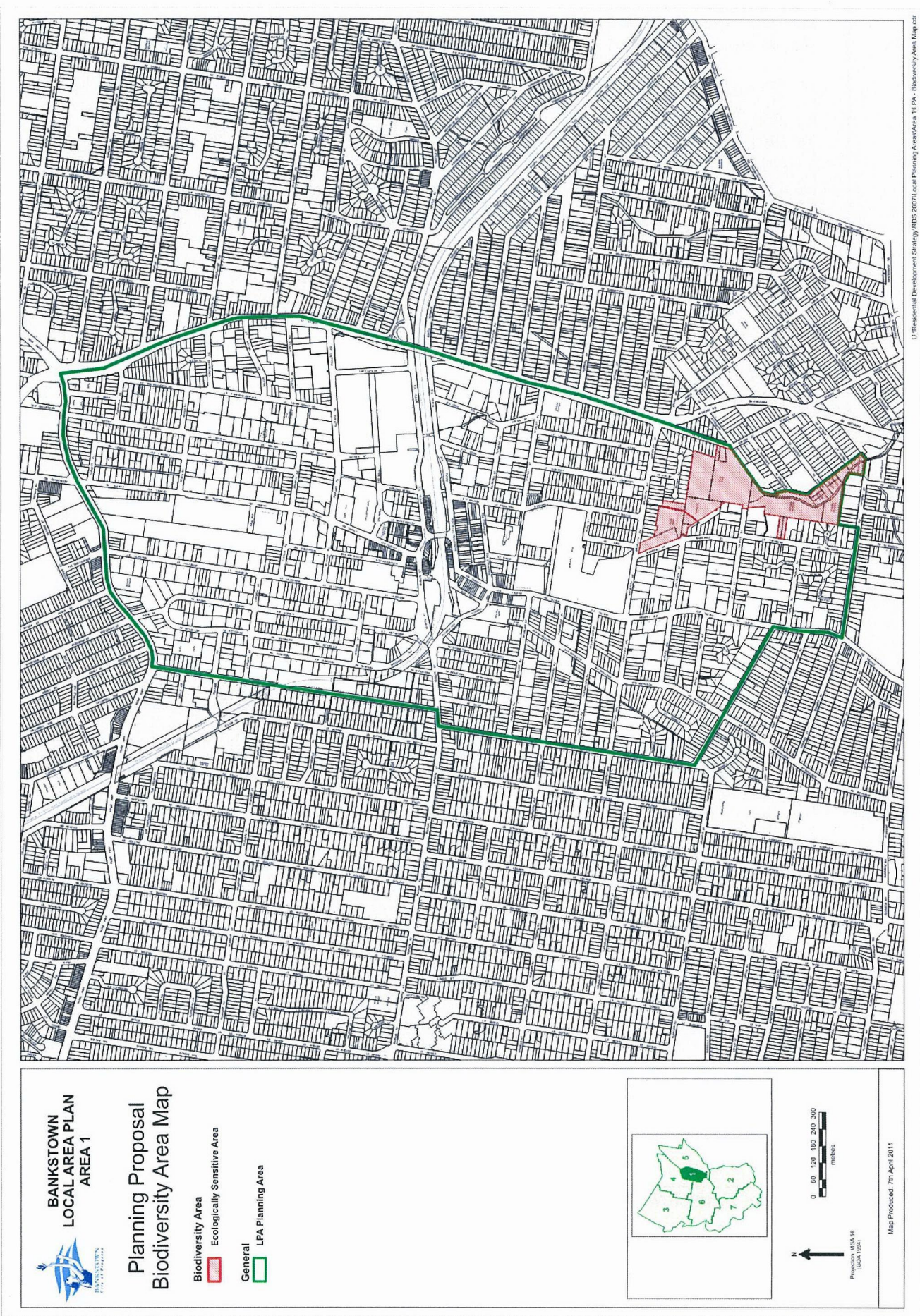
ATTACHMENT 2-Proposed floor space ratio changes



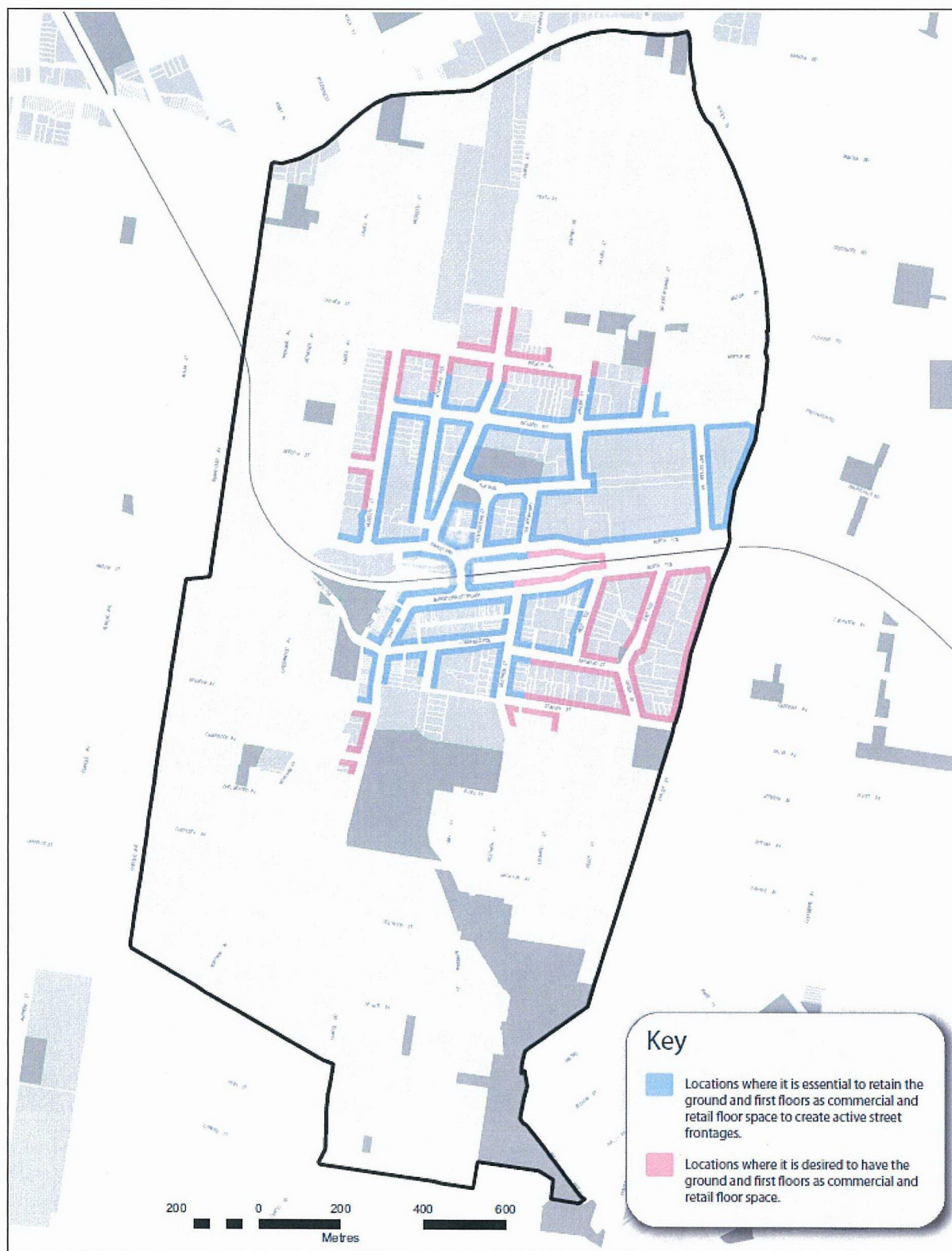
ATTACHMENT 3–Proposed building heights



ATTACHMENT 4-Proposed Natural Resource-Biodiversity Map

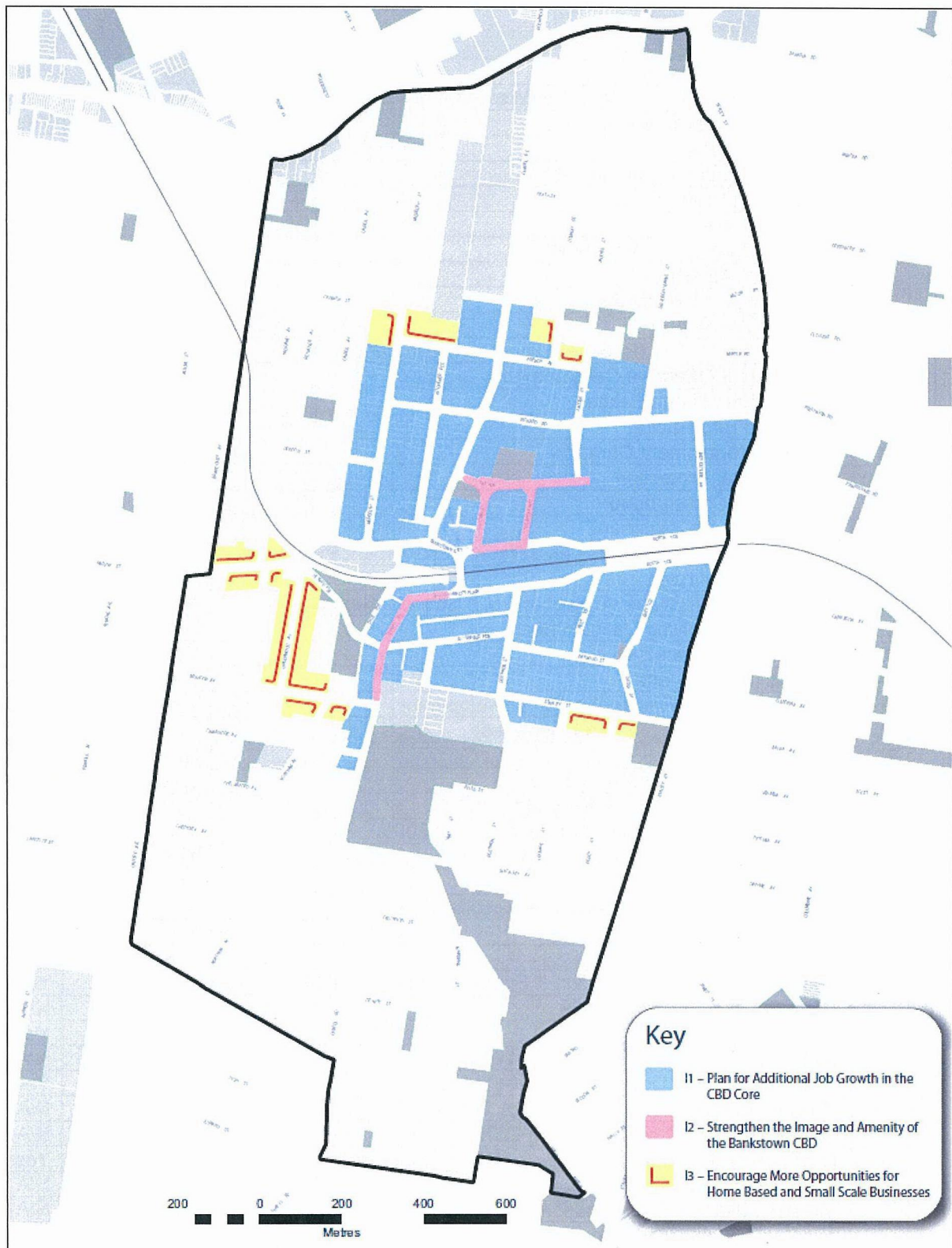


ATTACHMENT 5—Area where the mixed use zone must retain the ground and first floors as commercial and retail floor space



Source: Bankstown CBD Local Area Plan (BCC 2011)

ATTACHMENT 6–Area that may allow SOHO dwellings



Source: Bankstown CBD Local Area Plan (BCC 2011)

ATTACHMENT 7–State Environmental Planning Policies

SEPPs (as at March 2012)		Applicable	Consistent
1	Development Standards	Yes	Yes
4	Development Without Consent & Miscellaneous Development	Yes	Yes
6	Number of Storeys in a Building	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
22	Shops & Commercial Premises	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
60	Exempt & Complying Development	No	N/A
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Flat Development	Yes	Yes
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
	(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
	(Temporary Structures) 2007	Yes	Yes
	(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 8–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. These directions apply to planning proposals lodged with the Department of Planning & Infrastructure on or after the date the particular direction was issued.

Direction & Issue Date		Relevant/ applicable	Consistent
1.1	Business and Industrial Zones [01/07/09]	Yes	No
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]	No	N/A
3.1	Residential Zones [01/07/09]	Yes	No
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	No
3.6	Shooting Ranges [01/07/09]	No	N/A
4.1	Acid Sulfate Soils [01/07/09]	Yes	No
4.2	Mine Subsidence and Unstable Land [01/07/09]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	No
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 Nth Coast [01/07/09]	No	N/A
5.4	Commercial/Retail Devt along Pacific Hwy, Nth Coast [01/07/09]	No	N/A
5.5	Devt 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	No
6.3	Site Specific Provisions [01/07/09]	Yes	Yes
7.1	Implementation of Metropolitan Plan for Sydney 2036 [01/02/10]	Yes	Yes