

Planning Proposal–81-105 Wattle Street in Punchbowl

Background–Past history of the application

The original rezoning application was initiated by the owner of No 105 Wattle Street in Punchbowl to rezone the site from Zone 4(b) - Light Industrial to Zone 2(a) - Residential A in accordance with the Bankstown Local Environmental Plan 2001. The applicant has also purchased properties Nos 81 and 83 Wattle Street. However, he does not own Nos 91-103 Wattle Street (refer to the attached map).

At its meeting on 27 February 2007, Council resolved to prepare and exhibit Draft Bankstown Local Environmental Plan 2001 (Amendment No 44) for all the properties in the precinct - properties Nos 81-105 Wattle Street in Punchbowl.

Council received written authorisation from the Department to exhibit the Draft LEP on 15 September 2008. However, it was not exhibited due to the unresolved concerns about contamination (this is further explained in the planning proposal), and as a result of the transitional arrangement associated with the new gateway process, the rezoning is now being completed under that process. The planning proposal involves exactly the same land as was involved in the Draft LEP 2001 (Amendment No 44), and Council's resolution of 27 February 2007.

The unresolved concerns about contamination relate to two matters:

- The contamination report has only been prepared for the land owned by the original applicant, and only applies to the properties at Nos 81, 83 and 105 Wattle Street. The owners of the other properties have not agreed for their sites to be investigated and as a result, the contamination status of the properties is unknown at this stage.
- The contamination report has not adequately demonstrated that properties at Nos 81, 83 and 105 Wattle Street can be made suitable for residential use.

Therefore, Council wishes to seek the gateway to require site remediation plan to be developed as part of the gateway determination. If site contamination reports are not received from property owners of Nos 91 - 103 Wattle Street, Council will consider either refusing the entire proposal, or else deferring some of the properties and pursue only the rezoning of those properties that have received an adequate contamination assessment, subject to amending the original Council's resolution. It is the Council's view that the proposal may be amended during the gateway process.

Part 1–Objectives/Intended Outcomes

The intended outcome is to rezone the surplus industrial land from Zone 4(b) Light Industrial to Zone 2(a) Residential to allow housing that is compatible with the neighbouring residential area. The planning proposal applies to the following properties:

Address	Legal Description
81 Wattle Street, Punchbowl	Lot 1 DP 226324
83 Wattle Street, Punchbowl	Lot 2 DP 226324
91 Wattle Street, Punchbowl	Lot 1 DP 13933
93 Wattle Street, Punchbowl	Lot 2 DP 13933
95 Wattle Street, Punchbowl	Lot 3 DP 13933
97 Wattle Street, Punchbowl	Lot 4 DP 13933
99 Wattle Street, Punchbowl	Lot 5 DP 13933
101 Wattle Street, Punchbowl	Lot 6 DP 13933
103 Wattle Street, Punchbowl	Lot 7 DP 13933
105 Wattle Street, Punchbowl	Lot 4 DP 541525

Part 2—Explanation of Provisions

The proposed amendments to Bankstown Environmental Plan 2001 are:

- Rezone the land from Zone 4(b)—Light Industrial to Zone 2(a)—Residential A.
- Provide for floor space ratio of 1:1 where the site has a minimum area of 3000sqm, or 0.5:1 where the site is below this area.
- Provide for a maximum building height of eleven (11) metres above the existing ground level.

The proposed amendments are shown in the enclosed maps:

1. Existing Zoning Map
2. Existing FSR Map
3. Aerial Map
4. Proposed Zoning Map - Sheet 1
5. Proposed FSR Map - Sheet 2
6. Proposed Height Map - Sheet 3

The intended outcome is best achieved by inserting the following columns to Schedule 9, Special requirements for particular sites, of the Bankstown LEP 2001:

Column 1	Column 2
Locality/Description	Requirement
Lots 1-2, DP 226324, Nos 81-83 Wattle Street, Lots 1-7, DP 13933, Nos 91-103 Wattle Street, and Lot 4, DP 541525, No 105 Wattle Street in Punchbowl.	The consent authority must be satisfied that: (a) a maximum 1:1 floor space ratio applies to land with a minimum site area of 3,000m². Otherwise a maximum 0.5:1 floor space ratio will apply; (b) the site area per villa (excluding the area of access handles or rights of ways for access) is not less than 250m²; and (c) the height of any building on the land will not exceed eleven metres above existing ground level "(Sheet 3)".

Part 3—Justification

The justification table has been prepared below, consistent with Department of Planning's "A Guide to Preparing Local Environmental Plans":

Sections	Council's Response
Section A—Need for the planning proposal	
1. Is the planning proposal a result of any strategic study or report?	This planning proposal takes into consideration the outcomes arising from the Draft West Central Subregional Strategy. The section on Economy and Employment describes the Punchbowl Precinct as "a very old, large factory which at the current time is vacant and being advertised to prospective buyers. The precinct is isolated and does not link with any other surrounding employment areas and should be considered for alternative land uses" (page 38). For this reason, the Draft West Central Subregional Strategy classifies this site as Category 3—land that could be investigated for alternative uses. Alternative uses include predominantly or even exclusively non—employment uses such as residential or new open space (page 45). Council's Employment Lands Development Strategy recommends the same action for this site consistent with the Draft West Central Subregional Strategy. On 30 October 2007, the Minister for Planning met with the Mayors and General Managers of Auburn, Bankstown, Fairfield, Holroyd and Parramatta Councils. The Minister also indicated that this site is suitable for conversion to residential use.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	This planning proposal is the best means to rezone the surplus industrial land to allow housing development.
3. Is there a net community benefit?	This planning proposal will provide new housing opportunities in an established residential area with access to the Greenacre shopping centre, neighbourhood parks, schools, and recreational facilities such as the neighbouring Mount Lewis bowling club to meet the needs of future residents. Further, the planning proposal will result in additional developer's contribution at the DA stage and therefore, more community

Sections	Council's Response
	infrastructure will be provided in the City of Bankstown. Council's Residential Development Study supports the location of new housing developments in centres and in neighbourhood areas. The planning proposal will give opportunities to building new housing on an infill site. On the other hand, there will be a loss of employment lands in the area. However, the majority of the land has been vacant and under utilised for many years so there are very small immediate loss of jobs. Council's Employment Lands Development Study has identified the land as surplus industrial land and the study has identified Bankstown CBD Major Centre and the Bankstown Airport-Milperra Specialised Centre to accommodate 6,000 new jobs by 2031.
Section B–Relationship to strategic planning framework	
4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	This planning proposal is compatible with the Metropolitan Strategy as it addresses the following objectives: ▪ Objective A1.9–This planning proposal identifies the renewal of this old industrial area for employment purposes as impractical. This remnant industrial area in Punchbowl is isolated from major road and rail access. The area is surrounded by predominantly low density residential development such as houses and dual occupancies, which has led to traffic and safety conflicts between freight movements and residents in the surrounding single lane streets. The rezoning of the industrial area for residential purposes will provide a more satisfactory outcome for the surrounding area in terms of traffic impact and amenity to avoid future land conflicts. It is considered that this rezoning will not significantly burden property owners as there has been little or no industrial investment on these properties in recent times. The larger sites, in particular, are currently vacant and Council has not received any development applications for new development. The rezoning will also not result in a significant reduction of employment land across the Bankstown LGA. Firstly, the Metropolitan Strategy identifies the Bankstown CBD and the Milperra/Bankstown Airport Specialised Centre as areas for employment generation in the LGA. Secondly, Council's Employment Lands Development Study identifies this area as surplus industrial land. The loss of this industrial land in an isolated area will therefore not impact on the projected

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	employment levels for the Bankstown LGA. - Objective B1.2—The Metropolitan Strategy identifies the Bankstown CBD and the Milperra/Bankstown Airport Specialised Centre as areas to achieve the employment capacity targets for the Bankstown LGA. The old industrial area in Punchbowl does not form part of these centres, and the rezoning of this area will therefore not affect any future employment targets. - Objective C1.3—This planning proposal identifies this area as a suitable location to contribute to the target for 60%–70% of new housing to be provided within existing urban areas.				
5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	The planning proposal is consistent with Council's Employment Lands Development Study, which has identified the land as surplus industrial land and the study has identified job growth to increase by 6,000 jobs by 2031 in the Major Centre of Bankstown CBD and the Specialised Centre of Bankstown Airport-Milperra.				
6. Is the planning proposal consistent with applicable state environmental planning policies?	State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) is applicable to the planning proposal. This planning proposal is consistent with applicable state environment planning plans, subject to compliance with SEPP 55—Remediation of Land. This would require an investigation of contamination prior to deciding whether a rezoning to housing is appropriate.				
7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?	Section 117 Directions applying prior to 1 July 2009 applies to the planning proposal in the following manner: <table border="1" data-bbox="491 1585 1426 2029"> <thead> <tr> <th data-bbox="491 1585 767 1659">Section 117 Directions</th><th data-bbox="767 1585 1426 1659">Relevance</th></tr> </thead> <tbody> <tr> <td data-bbox="491 1659 767 2029">1.1 Business and Industrial Zones</td><td data-bbox="767 1659 1426 2029"> The planning proposal is inconsistent with the direction. However, the inconsistency is justified by the Draft West Central Subregional Strategy prepared by the Department of Planning. The Draft Subregional Strategy identifies the site as Category 3—land that could be investigated for alternative uses. </td></tr> </tbody> </table>	Section 117 Directions	Relevance	1.1 Business and Industrial Zones	The planning proposal is inconsistent with the direction. However, the inconsistency is justified by the Draft West Central Subregional Strategy prepared by the Department of Planning. The Draft Subregional Strategy identifies the site as Category 3—land that could be investigated for alternative uses.
Section 117 Directions	Relevance				
1.1 Business and Industrial Zones	The planning proposal is inconsistent with the direction. However, the inconsistency is justified by the Draft West Central Subregional Strategy prepared by the Department of Planning. The Draft Subregional Strategy identifies the site as Category 3—land that could be investigated for alternative uses.				

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		The best alternative use on the land is low density residential use, which is consistent with the land use of the adjoining and surrounding land.
	1.2–Rural Zones	Not applicable
	1.3–Mining, Petroleum Production and Extractive Industries	Not applicable
	1.4–Oyster Aquaculture	Not applicable
	1.5–Rural Lands	Not applicable
	2.1–Environment Protection Zones	Not applicable
	2.2–Coastal Protection	Not applicable
	2.3–Heritage Conservation	Not applicable
	2.4–Recreation Vehicle Areas	Not applicable
	3.1–Residential Zones	The planning proposal is consistent with the objectives of the direction as it encourages more locations available in the housing market, and efficient use of existing infrastructure and services.

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	3.2–Caravan Parks and Manufactured Home Estates	Not applicable
	3.3–Home Occupations	Not applicable
	3.4–Integrating Land Use and Transport	This direction applies to the planning proposal. The intended outcome of the planning proposal is to increase dwellings on the old industrial precinct, in close proximity to Punchbowl Town Centre, Greenacre Town Centre and Bankstown CBD Major Centre. The subject area is well services by public transport and services. The planning proposal is consistent with the direction.
	3.5–Development Near Licensed Aerodromes	Not applicable
	4.1–Acid Sulfate Soils	Not applicable
	4.2–Mine Subsidence and Unstable Land	Not applicable
	4.3–Flood Prone Land	Not applicable
	4.4–Planning for Bushfire Protection	Not applicable

Sections	Council's Response	
	5.1– Implementation of Regional Strategies	Not applicable
	5.2–Sydney Drinking Water Catchments	Not applicable
	5.3–Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
	5.4–Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
	5.5– Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable
	5.6–Sydney to Canberra Corridor	Revoked
	5.7–Central Coast	Revoked
	.8–Second Sydney Airport: Badgerys Creek	Not applicable

Sections	Council's Response	
	6.1–Approval and Referral Requirements	Not applicable
	6.2–Reserving Land for Public Purposes	Not applicable
	6.3–Site Specific Provisions	Not applicable
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?	There are no identified threatened species, populations or ecological communities, or their habitats on the land.	
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	1. Site contamination Compliance with SEPP 55–Remediation of Land would require an investigation of contamination prior to deciding whether a rezoning to housing is appropriate. This matter is being investigated but is not resolved at this stage. 2. Stormwater Council is aware of stormwater issues on the site and the existence of a stormwater drainage pipe running south-east of No 105 Wattle Street (Lot 4 DP 541525). Stormwater flooding may be considered at the gateway process.	

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	3. Noise impacts Existing Use rights of the existing industrial properties may lead to land use conflict if properties Nos 91-103 Wattle Street continue their industrial use. The gateway process should require a noise impact investigation to be completed, to provide a buffer between the properties and the future residential properties. 4. Acid Sulfate Soils The site is not affected by acid sulfate soils in Council's database. 5. Threatened Species The site does not contain threatened species and is not part of Council's Biodiversity Corridor Strategy.
10. How has the planning proposal adequately addressed any social and economic effects?	There are no heritage listed items on the land.
Section D–State and Commonwealth interests	
11. Is there adequate public infrastructure for the planning proposal?	There is adequate public infrastructure for the planning proposal.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Council notified state agencies in accordance with Section 62 of the <i>Environmental Planning and Assessment Act 1979</i>. Council received one submission from the Ministry of Transport, which supports this planning proposal. The Ministry has no objection to the matter proceeding to public exhibition given the site's close proximity to the Bankstown CBD and frequent public transport. A copy of the submission is enclosed.

Part 4–Community Consultation

The gateway determination will confirm the public consultation that must be undertaken.

Timeline—Milestones

The Department of Planning has requested Council to formulate a timeline to move forward with the planning proposal as there are following outstanding issues:

- Site contamination investigation on the land.
- Potential to defer matters where the owner's consent is not given to conduct site contamination investigations on properties Nos 91-103 Wattle Street.
- If matters are deferred, a noise impact investigation is required between the proposed rezoning land and the deferred industrial properties, e.g. suitable buffer.

Council will require the following to occur prior to proceeding with the planning proposal:

- Review the site contamination investigation for the whole land or parts of the land.
- If the site contamination investigation does not extend to the whole land, Council's resolution will need to be amended to either continue the rezoning process as is, or allow parts of the land to be deferred from the rezoning process.
- If the Council's resolution is amended to defer parts of the land, a noise impact analysis will be required to determine the appropriate buffer from the proposed land and the deferred lands (which presumably would continue its industrial use).

As a result, the following timeline has been prepared:

Milestone	Explanation	Notes
7 June 2010	Planning proposal lodged with the Department of Planning.	
2 months after receiving gateway determination to proceed	Applicant to provide site contamination report	Site contamination remains unresolved at this stage and will need to be completed during the gateway process.
3 weeks after receiving site contamination report	Council to assess the contamination report.	Assessment will constitute part of the gateway process to go on exhibition.

Milestone	Explanation	Notes
Following the assessment of the site contamination report, and report the matter to the next Council Meeting	Council report the matter to confirm the properties affected by the planning proposal and to exhibit it.	If site contamination investigation is not prepared for properties Nos 91-103 Wattle Street, Council's resolution is need to amend the proposal to defer the properties and proceed with the rezoning of properties Nos 81-83 & 105 Wattle Street. If properties Nos 91-103 Wattle Street are deferred, Council will need to seek noise consultant to consider the noise impacts. Council meetings are scheduled for: • 22 June 2010 - Ordinary Meeting • 13 July 2010 - Development Committee Meeting • 27 July 2010 - Ordinary Meeting • 10 August 2010 - Development Committee Meeting • 24 August 2010 - Ordinary Meeting • 14 September 2010 - Development Committee Meeting • 28 September 2010 - Ordinary Meeting Note - two weeks are required prior to the meeting to prepare the Council Reports.
Following the Council Meeting	Resubmit to gateway (including contamination report) and seeking approval to exhibit.	