



IRF24/1159

Gateway determination report – PP-2024-536

Canterbury-Bankstown Local Environmental Plan 2023
'Deferred Matters' Amendment Planning Proposal
(Council Matters)

May 24

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2024-536

Subtitle: Canterbury-Bankstown Local Environmental Plan 2023 ‘Deferred Matters’ Amendment Planning Proposal
(Council Matters)

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning Proposal	1
1.1	Overview and objectives of planning proposal	1
1.2	Explanation of provisions	1
1.3	Site description and surrounding area.....	2
1.4	Mapping.....	4
2	Need for the planning proposal	7
3	Strategic assessment	8
3.1	Regional Plan	8
3.2	District Plan [If relevant].....	8
3.3	Local.....	10
3.4	Local planning panel (LPP) recommendation.....	12
3.5	Section 9.1 Ministerial Directions	12
3.6	State environmental planning policies (SEPPs)	14
4	Site-specific assessment	15
4.1	Environmental.....	15
4.2	Social and economic.....	18
4.3	Infrastructure	18
5	Consultation.....	21
5.1	Community	21
5.2	Agencies.....	21
6	Timeframe	21
7	Local plan-making authority	21
8	Assessment Summary.....	22
9	Recommendation.....	23

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
A – Planning proposal – March 2024
B – Council resolution – 24 October 2023
C – Council resolution – 27 June 2006
D – Preliminary site investigation for multiple sites (inc. 75A-75C Marco Avenue, Revesby)
E – Urban analysis – 75A-75C Marco Avenue, Revesby

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Canterbury-Bankstown
PPA	Canterbury-Bankstown Council
NAME	Canterbury-Bankstown Local Environmental Plan 2023 ‘Deferred Matters’ Amendment (Council Matters)
NUMBER	PP-2024-536
LEP TO BE AMENDED	Canterbury-Bankstown Local Environmental Plan 2023
ADDRESS	LGA-wide and 75A-75C Marco Avenue, Revesby
RECEIVED	11/04/2024
FILE NO.	IRF24/1159
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- amend the Canterbury-Bankstown LEP 2023 to address certain matters that DPHI deferred when it approved the consolidation of the former *Canterbury LEP 2012* and *Bankstown LEP 2015*.

The objectives of this planning proposal are unclear. A Gateway condition is recommended to amend the objectives of the proposal to include the implementation of Council's current land use strategies.

1.3 Explanation of provisions

The planning proposal seeks to amend the Canterbury-Bankstown LEP 2023 per the changes below:

- amend the land use table by replacing ‘early education and care facilities’ with ‘centre based childcare centres’, as uses permitted with consent in the RE2 Private Recreation

zone. This change will remove the permissibility of home-based and school-based childcare facilities in the RE2 Private Recreation zone

- apply a minimum lot size provisions for schools by introducing the planning control from the former Bankstown LEP 2015, which requires a minimum 40 metre lot width for schools in the R2 Low Density Residential zone
- amend the stormwater management and water sensitive urban design control by removing the water sensitive urban design provision from the RE1 Public Recreation zone
- amend the design excellence provision to apply to additions to existing schools if the proposed gross floor area is 2,000m² or greater (the control currently only applies to new school buildings with a GFA of 2,000m² or more)
- introduce a new 'front building line' definition which was previously included in the former Bankstown LEP 2015
- rezone and reclassify Council owned land at 75A, 75B and 75C Marco Avenue, Revesby as outlined in **Table 3** below
- rezone the section of Marco Avenue adjoining 75A, 75B and 75C Marco Avenue, Revesby from R2 Low Density Residential to R4 High Density Residential.

Table 3 Current and proposed controls at 75A, 75B and 75C Marco Avenue, Revesby

Control	Current	Proposed
Zone	RE1 Public Recreation zone	R4 High Density Residential zone
Classification	Community land	Operational land
Maximum height of the building	N/A	25m (8 storeys)
Floor space ratio	N/A	1.75:1
Minimum lot size	N/A	450m ²
Number of dwellings	0	Not specified
Number of jobs	0	Not specified
Reclassify land from	Community land	Operational land

Gateway conditions are recommended to clarify the proposed provisions.

1.4 Site description and surrounding area

The planning proposal contains changes that apply to land across the whole Canterbury-Bankstown local government area. The map below demonstrates the Canterbury-Bankstown LGA and surrounding LGAs.

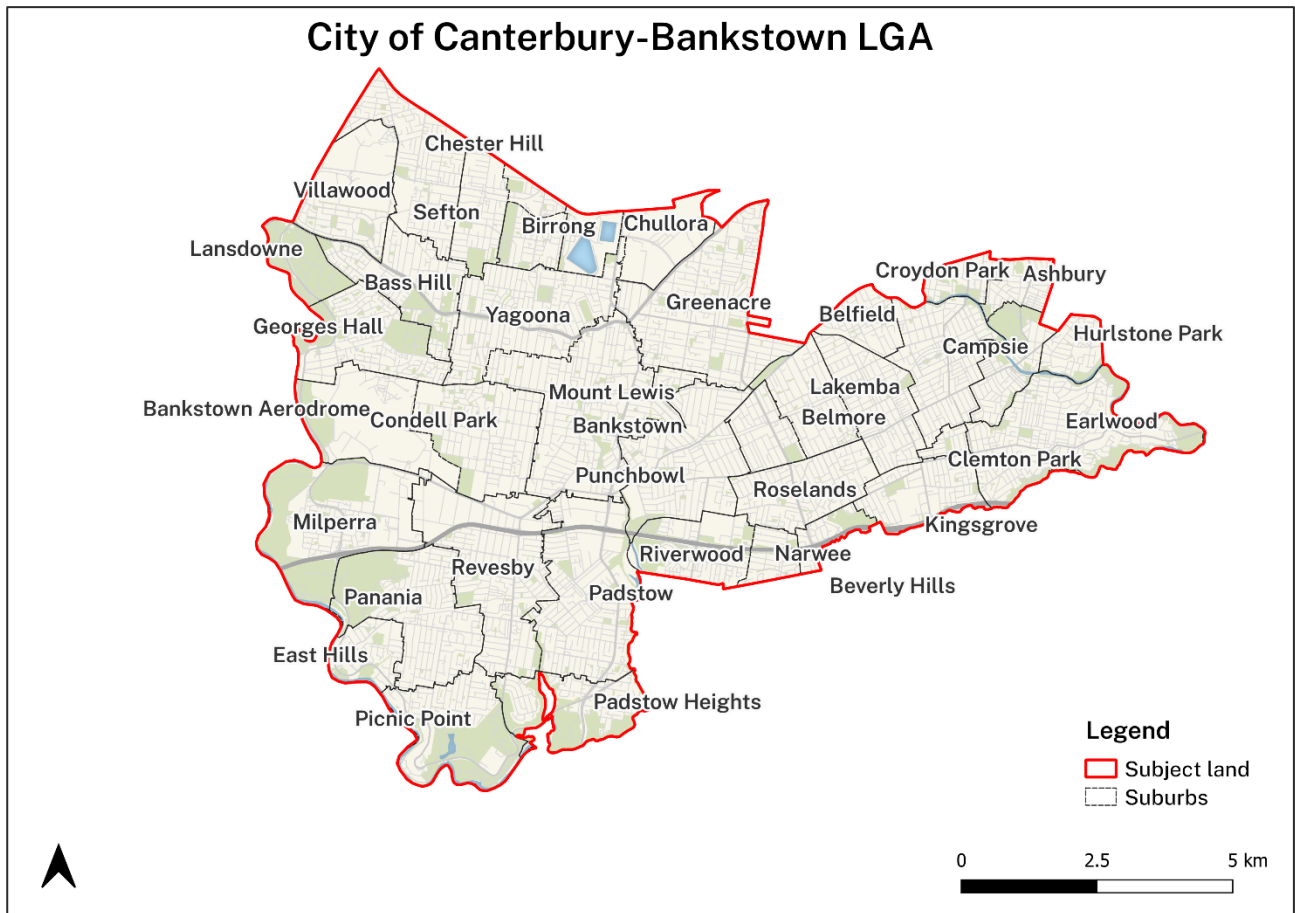


Figure 1 Subject site (source: Mecone, 2024)

75A, 75B and 75C Marco Avenue Revesby

The planning proposal also includes site-specific changes at 75A, 75B and 75C Marco Avenue, Revesby and the adjoining road reserve. The site is an irregular shaped parcel of land with an area of approximately 6,976m². The site has a large (230m) frontage to Marco Avenue on its northern side and adjoins the East Hills Railway line on its southern side. The site is currently vacant and is located opposite an active recreation area with aquatic centre and sporting field (Amour Park). The site is located 500-600m from Revesby Railway station.



Figure 2 Site context (source: SIX Maps, 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Canterbury-Bankstown LEP 2023 maps, which are suitable for community consultation:

- Land zoning map
- Floor space ratio map
- Height of building map
- Lot size map
- Special provision map

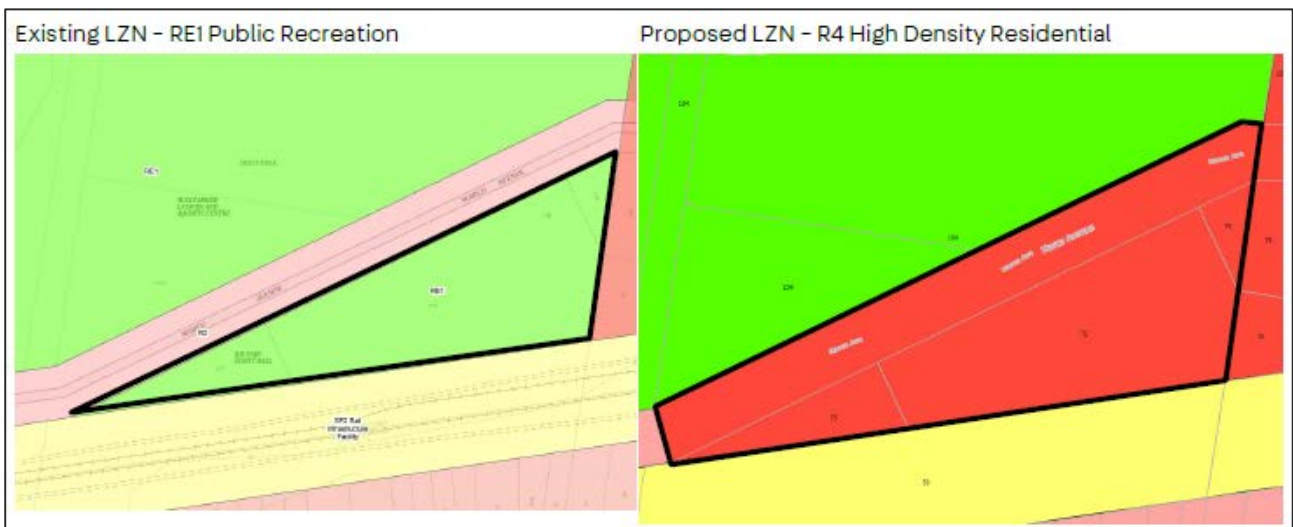
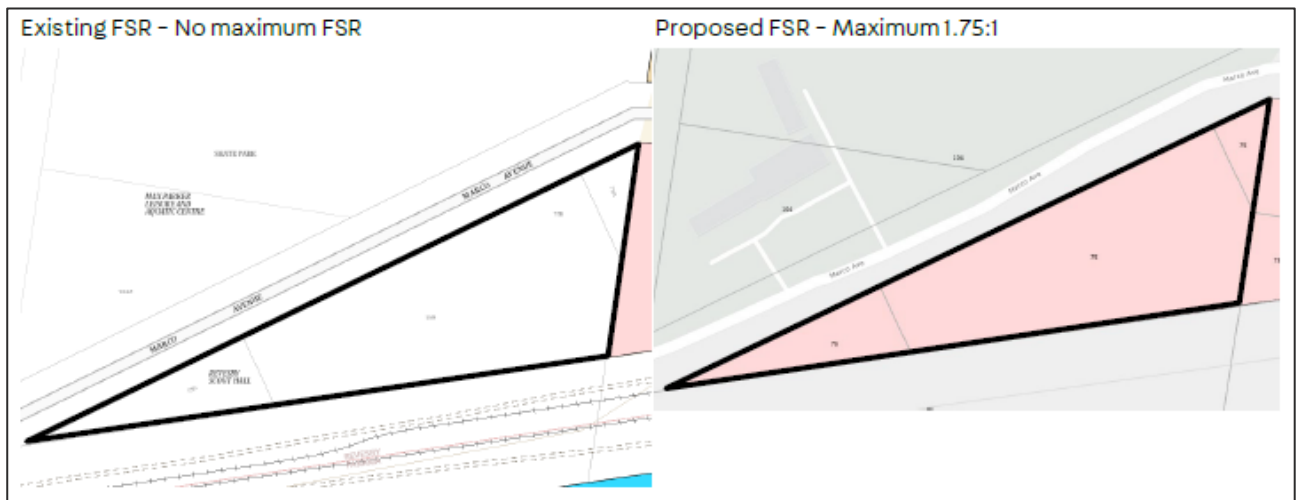
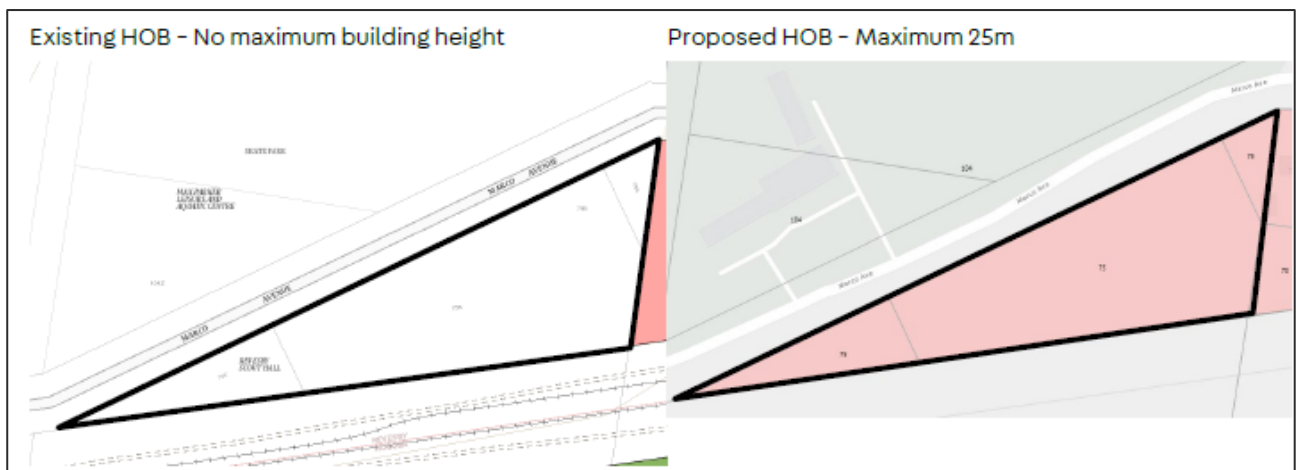


Figure 3 Current and proposed zoning maps (source: planning proposal)**Figure 4 Current and proposed FSR maps (source: planning proposal)****Figure 5 Current and proposed height of building maps (source: planning proposal)****Figure 6 Current and proposed lot size maps (source: planning proposal)**

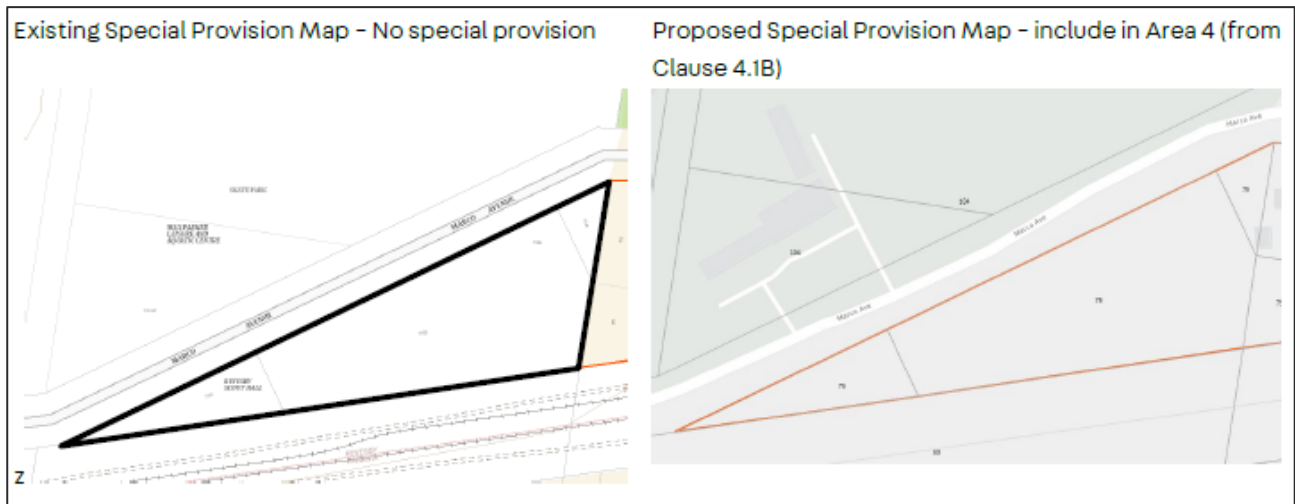


Figure 7 Current and proposed special provision map (source: planning proposal)

1.6 Background

General background

On 23 June 2023, Canterbury-Bankstown LEP 2023 commenced, replacing the former Canterbury LEP 2012 and Bankstown LEP 2015. During finalisation of the Canterbury-Bankstown LEP 2023, the Department made changes to the LEP.

On 24 October 2023, Council resolved to prepare and submit planning proposals to the Department for Gateway determination for a range of 'deferred matters'. The council-initiated matters are contained within this planning proposal.

Council also resolved not to refer the planning proposal(s) to the Local Planning Panel for advice in accordance with clause 1 of the Minister's Direction (Local Planning Panels Direction – Planning proposals) as the matters have already been considered and supported by the Panel as part of the preparation of Canterbury-Bankstown LEP 2023.

Council resolved to request delegated authority to be the plan-making authority for this planning proposal.

75A, 75B and 75C Marco Avenue, Revesby

Council has advised that the subject land has not provided open space to the community. Part of the land was leased between 1961 and 2006 by the NSW Government to provide housing and community facilities for individuals with disabilities. When the Commonwealth and NSW governments changed their funding and care arrangements for people with disabilities, the buildings were demolished. The land is currently vacant, fenced off and not accessible to the public.

In 2006 Council established a working party to consider future use of the Marco Avenue site. Options considered included (1) refurbishment of facilities (2) sale of site (3) demolition of buildings with sale of part of the site and construction of community facility on remainder of site (4) demolish buildings and use as open space. In 2009 Council resolved to demolish the buildings, sell the site and rezone the land.

In 2016 Council adopted Local Area Plans (LAPs) to rezone a number of centres across the local government area. The LAPs also identified a number of sites to be divested to support the upgrade of facilities within the locality or purchase better suited open space. The rezoning and divestment of the Marco Avenue site as surplus to Council's infrastructure needs, the reclassification and rezoning of site are included in Council's South East Local Area Plan.

In 2017 the Department granted Gateway determination for the LAPs. However, in 2018 the Gateway was altered to not proceed so the changes could be incorporated into the Canterbury-Bankstown Consolidated LEP.

In 2023 the Canterbury-Bankstown Consolidated LEP was made. The Department removed the rezoning and reclassification of the Marco Avenue site from the LEP following exhibition due to insufficient information demonstrating the RE1 Public Recreation needs for the area would be met; the land be suitably remediated; SEPP 65 be met and further information was required to support the reclassification.

The current Bankstown Open Space Strategic Plan indicates the south east area has extensive and diverse range of spaces in the centre. There are 214ha of open spaces across 59 sites in the south east area. For Revesby centre, the plan includes actions to investigate options to improve connections between the railway station and Abel Reserve; improve connectivity to Little Salt Pan Creek and investigated options for land acquisition for development of local parks to service the community. Council is currently undertaking work as part of a new draft open space strategy which will also propose the divestment of the Marco Avenue site.

In 2023 Council obtained a valuation for the Marco Avenue site which is \$10.5-14.5 million. Council has stated the proceeds from divestment of the site will be reinvested into either development and restoring community infrastructure within the area or acquiring land better suited for open space purposes.

In April 2024 Council lodged this planning proposal to rezone and reclassify the Marco Avenue site.

2 Need for the planning proposal

Q1. Is the Planning proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

The planning proposal contains a range of 'deferred matters' from the finalisation of the Canterbury-Bankstown LEP 2023. The proposal aligns with several priorities of Council's Local Strategic Planning Statement (LSPS), which included actions to 'Harmonise and consolidate the Canterbury LEP 2012 and Bankstown LEP 2015 into a single planning instrument' (E1.6.24) and to 'Integrate current land use strategies into Council's new planning framework' (E6.8.128).

Q2. Is the Planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best and only means to achieve the intended outcomes as it is the only mechanism by which the proposed provisions, maps and definitions may be introduced, amended or removed from the Canterbury-Bankstown LEP 2023.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

Canterbury-Bankstown LGA is within the South District and the Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority S1 Planning for a city supported by infrastructure	The site at 75A-75C Marco Avenue Revesby is located 500-600m from Revesby local centre and railway station. The planning proposal is generally consistent with this priority because it will facilitate housing close to existing infrastructure, including public transport, retail, commercial, recreational, education, community and cultural infrastructure.
Planning Priority S3: Providing services and social infrastructure to meet people's changing needs Planning Priority S4: Fostering healthy, creative, culturally rich and socially	The planning proposal is consistent with these priorities because it represents the best use of the land at Marco Avenue given the other recreational and open space facilities in the area. The proposal supports housing supply close to transport and commercial/retail services and the divestment of the land will enable Council to reinvest into either development and restoring community infrastructure within the area or acquiring land better suited for open space purposes. A Gateway condition is included for Council to provide details on how the funds from the sale of the open space will be managed.

connected communities Planning Priority S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport.	
Planning Priority S6 Creating and renewing great places and local centres and respecting the District's heritage	The planning proposal is consistent with this priority as it supports revitalising previously underutilised land near Revesby town centre and allowing the centre to adapt and expand over time to better serve the community's evolving needs. This will support the revitalisation of the public domain, effective use of land and investment in improved infrastructure and amenity for the area.
Planning Priority 12 Delivering integrated land use and transport planning and a 30-minute city	The planning proposal is consistent with this priority as the additional housing facilitated by the planning proposal will promote additional housing within 30 minutes of the Bankstown strategic centre. It will facilitate new opportunities for housing and employment generating uses that facilitate the growth of the Revesby local centre.
Planning Priority 13: Protecting and improving the health and enjoyment of the District's waterways	<p>See section 3.5 of this report in relation to flood assessment at 75A-75C Marco Avenue Revesby.</p> <p><u>Removal of stormwater and water sensitive urban design controls for RE1 Public Recreation zone</u></p> <p>The planning proposal seeks to remove the requirements for stormwater water sensitive urban design from the RE1 Public Recreation zone.</p> <p>Council has indicated that Clause 6.3 Stormwater management and water sensitive urban design should not apply to the RE1 Public Recreation zone, as this zone facilitates large-scale stormwater infrastructure. Council has advised that this requirement places excessive burden on Council owned RE1 zoned land to require implementation of stormwater and water sensitive urban design requirements.</p> <p>Council considers that these matters can be managed through the DA process via conditions of consent on specific types of development. This would apply to the following types of development, which are permitted in other zones where the clause remains applicable:</p> <ul style="list-style-type: none"> • recreation facilities (indoor) • recreation facilities (major) • recreation facilities (outdoor) • community facilities, and • centre-based childcare facilities. <p>The Department notes that most development in RE1 Public Recreation zone is undertaken by Council. Removing the application of this clause will remove the requirement for stormwater and water sensitive urban design to be incorporated into development undertaken by Council.</p>

	<p>The Department does not support this proposed amendment because the zone provides an opportunity for stormwater infrastructure and management initiatives to be included in all development proposed on this land. A Gateway condition is recommended to delete the proposed change.</p> <p>The deletion of this amendment is consistent with the Greater Sydney Region Plan (Objective 25) and South District Plan (Planning Priority S13) – Protecting and improving the health and enjoyment of the District's waterways and Council's LSPS E4.10 – Improve water quality when planning urban, suburban and natural places and E9.11 – Optimise water conservation and reuse by adopting water sensitive urban design.</p>
Planning Priority S16 Delivering high quality open space	<p>The planning proposal is consistent with this priority as the rezoning and reclassification of 75A, 75B, and 75C Marco Avenue, Revesby provides an opportunity for the Council to realise and allocate funds towards the development and enhancement of existing community facilities or to fund the purchase of land more suited to open space to service the needs of the community. A Gateway condition is included for Council to provide details on how the funds from the sale of the open space will be managed.</p>
Planning Priority S17 Reducing carbon emissions and managing energy, water and waste efficiently	<p>The planning proposal seeks to remove the requirements for stormwater management and water sensitive urban design considerations that apply to RE1 Public Recreation zoned land.</p> <p>The Department does not support this amendment, refer to Section 4 of this report. A Gateway condition is included requiring this provision to be removed from the proposal.</p>
Planning Priority S18 – Adapting to the impacts of urban and natural hazards and climate change	<p>The planning proposal seeks to increase existing densities near the Moomba Sydney Ethane Pipeline. Council prepared a Land Use Safety Study (LUSS) to support the Canterbury-Bankstown LEP 2023. The study considered the NSW Land Use Safety Planning Framework (the Framework) and the compatibility of the uplift with the hazard risk from the pipeline. The LUSS made recommendations to ensure the future development near the pipeline would be compatible with the hazards risk. As such the Canterbury-Bankstown LEP 2023 included clauses 6.30 and 6.31 with associated mapping to respond to the recommendations of the LUSS. Council also implemented a new DCP to give effect to the LUSS recommendations.</p> <p>The LUSS was not submitted with this planning proposal and no assessment has been provided on the compatibility of the proposal with the hazard risk from the pipeline in accordance with the NSW Land Use Safety Planning Framework (the Framework). A Gateway condition is recommended for the proposal to be updated to include a hazards assessment and to amend clauses 6.30 and 6.31 of Canterbury-Bankstown LEP 2023 (and associated maps) to ensure appropriate mechanisms are in place to address the land use safety and hazard risk.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
------------------	---------------

Local Strategic Planning Statement (LSPS) 'Connective City 2036'	<p>The planning proposal is broadly consistent with the vision and Evolution priorities of 'Connective City 2036'. In particular:</p> <ul style="list-style-type: none"> • Evolution 1: Co-ordination, community collaboration and context • Evolution 3: Places for Commerce and Jobs • Evolution 5: Green web • Evolution 6: Urban and Suburban Places, Housing the City <p>Revesby is identified as a 'local centre' in Council's LSPS with a focus on providing additional housing alongside urban and community services.</p> <p>Council's master planning for the Revesby centre (and the site) dates back to 2016 when the Local Area Plan was adopted by Council. The majority of Revesby town centre was rezoned in 2023 and this site now adjoins the R4 High Density Residential zone. The extension of the R4 zone to this site will unlock new opportunities for housing within walking distance of Revesby town centre and railway station.</p> <p>Council's LSPS also seeks to provide equitable access to open space. The LSPS contains an action (E5.6.100) to 'update the property acquisition and divestment plan to prioritise open space deficiencies, use open space hierarchies to guide decision-making and avoid exclusive leases on open space'. Council has indicated the divestment of the Marco Avenue site will be reflected in their new open space strategy.</p> <p>The proposal's inconsistency with E4.10 and E9.11 in relation to the proposed changes to the stormwater and water sensitive urban design controls is discussed in Section 3.2.</p>
Canterbury Bankstown Housing Strategy	<p>The planning proposal is generally consistent with Council's Housing Strategy which seeks to deliver 50,000 new dwellings across the LGA by 2036.</p> <p>Revesby is one of nine local centres across the Canterbury-Bankstown LGA. The housing strategy indicates that the directions in the LAPs remain valid and were incorporated into the strategy. The proposal is consistent with the strategy because it implements the place-based LAPs by supporting delivery of housing in local centres where there is good access to existing facilities, services and public transport.</p>
Canterbury Bankstown Affordable Housing Strategy (AHS)	<p>The AHS is Council's plan to increase the provision of affordable rental housing across the City.</p> <p>Council has amended the Planning Agreements Policy and submitted a proposal to the Department to implement the Affordable Housing Contributions Scheme (AHCS) in the LEP as per the actions of the AFH Strategy including Action 2.3 which relates to the planning proposal:</p> <p><i>Action 2.3 – In relation to Planning Proposals, it is proposed to amend the Planning Agreement Policy to conform with the Ministerial Direction (March 2019) and include a requirement for a 5% affordable housing contribution for Planning Proposals resulting in uplift or more than 1,000 sqm of residential floor space, unless otherwise agreed with Council.</i></p>

	<p>The planning proposal does not include provisions for affordable housing. The Department considered implementing an affordable housing provision, but it is not supported in this instance as the rezoning of this site relates to the Local Area Plans prepared in 2016. There were no policy requirements in place for affordable housing at the time. There was no similar provision applied to the other LAP sites which have already been rezoned. There has been no feasibility testing undertaken. Further negotiation for affordable housing on the site could potentially still occur at the DA stage.</p>
Canterbury Bankstown Employment Lands Strategy (ELS)	<p>Council's ELS identifies Revesby as a local centre with supermarkets, cafes, restaurant, bars and retailers. Revesby Village Centre is a large shopping and entertainment complex at the southern end of the precinct. Attached to the centre is Revesby Workers Club which is a large employer and employment/activity generator in the centre.</p> <p>The ELS notes Revesby is a significant centre with excellent access to mass transit. It recommends the centre support additional housing to increase the population in the retail catchment. The proposal is generally consistent with the strategy and it is noted that there is opportunity for some employment generating uses on the site. The Urban Design Study includes development scenarios that include approximately 200-545sqm commercial GFA on the site.</p>

3.4 Local planning panel (LPP) recommendation

The Local Planning Panel previously reviewed and endorsed the Canterbury-Bankstown LEP 2023 on 30 June 2020.

On 24 September 2023, Council resolved to submit a planning proposal to the Department for 'deferred matters'.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is broadly consistent with the planning priorities contained in the Region Plan, South District Plan and LSPS.</p>
4.1 Flooding	Consistent	<p>The objectives of this direction are to:</p> <p>a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p>

b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

The proposal is consistent with this direction because the site at 75A-75C Marco Avenue, Revesby is not affected by the 1% Annual Exceedance Probability (AEP) and less than 1% of the site is below the Probably Maximum Flooding level.

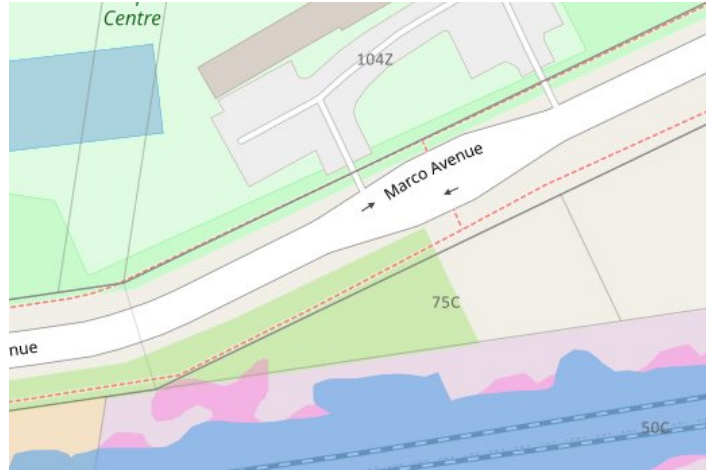


Figure 8 Map illustrating flood impacts (source: planning proposal) (blue = 100yr / pink = PMF)

The degree of impact is minor and affects two small parts of the site along the railway line corridor. The requirements for a setback to the high pressure Moomba Sydney Ethane Pipeline and current planning controls in the Council's DCP, Chapter 2.2 Flood Risk Management will be sufficient to ensure the future redevelopment considers and manages flood risk.

4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>A preliminary site investigation has been undertaken for the site at 75A-76 Marco Avenue. The report notes that the site has various stockpiles of materials, including some of which were visually identified as containing asbestos containing materials. Further site investigation and likely remediation will be required prior to future use/development for residential purposes. This can be undertaken at Development Application Stage. The proposal is consistent with this direction.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>This direction seeks to ensure that land use and development improve access to housing, jobs, and services by means of public transport and improved walkability.</p>

		The planning proposal is consistent with this direction as the rezoning of 75A-75C will locate new housing within walking distance of Revesby local centre and railway station. The proposal implements the South East Local Area Plan which aimed to generate opportunities for housing close to transport.
6.1 Residential Zones	Consistent	<p>This direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands.</p> <p>The planning proposal is consistent with this direction as it will provide opportunity to broaden the choice of housing permitted in proximity to Revesby centre and makes efficient use of existing infrastructure, open space and transport services.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal's consistency with all relevant SEPPs is discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Housing 2021	Consistent	The planning proposal is supported by an Urban Design Study which provides two development scenarios illustrating how the built form can be configured on the site. Section 4 of the report below provides an assessment of the urban design and amenity aspects of the proposal in relation to the Apartment Design Guide.
Transport and Infrastructure 2021	Inconsistent	<p><u>Changes to design excellence provisions for schools</u></p> <p>The planning proposal seeks to apply Council's existing design excellence clause to additions to existing schools if the proposed gross floor area is 2,000m² or more.</p> <p>Canterbury Bankstown LEP 2023 introduced Clause 6.15 to enhance the role of design throughout the Canterbury Bankstown LGA.</p> <p>The clause was to apply to specific developments, including schools, including new constructions and significant alterations or additions that are visible from the public domain or adjacent properties. Council specifically defined alterations or additions as those with a proposed gross floor area of 2,000m² or more.</p> <p>The amendment is to apply Clause 6.15 to alterations and additions that lead to building having a total GFA (including the alterations and additions) of 2,000m² or more.</p> <p>The planning proposal is unclear on the application of the clause. In the explanation of the provisions, it states that the clause will apply to</p>

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>'additions to existing schools if the additions have a proposed gross floor area is 2,000m² or more' while the discussion on the intent of the proposed changes indicates that it will apply specifically to 'new buildings as well as alterations and additions that lead to the expansion of existing buildings with a Gross Floor Area (GFA) of 2,000m² or more'. A Gateway condition is recommended to clarify changes being sought.</p> <p>The Department notes that Part 3.4 of the T&I SEPP requires the consent authority to consider the design quality of the development of schools when evaluated against the design quality principles set out in Schedule 8 of the SEPP. This requirement applies to the exclusion of any other provision in another environmental planning instrument that requires consideration of design quality.</p> <p>A Gateway condition is recommended to consult with Department of Education/ Schools Infrastructure NSW. Further assessment of this matter is required prior to finalisation.</p> <p><u>Development within proximity to a hazardous pipeline</u></p> <p>The proposal includes a rezoning within proximity of a pipeline corridor. Division 12A Subclause 2.77 applies to development adjacent to pipeline corridors. This sets out considerations prior to the granting of development consent. These would be addressed at Development Application stage.</p> <p>A Gateway condition is recommended to consult with the pipeline operator.</p>
Resilience and Hazards 2021	Consistent	<p>A preliminary site investigation has been undertaken for 75A-75C Marco Avenue, Revesby. Due to various stockpiles of materials, including some visually identified as containing asbestos containing materials, further site investigation and likely remediation will be required at Development Application Stage.</p> <p>Refer to Section 3.2 of this report for an assessment of the proposal in relation to the adjacent pipeline.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 8 Environmental impact assessment

Environmental Impact	Assessment
----------------------	------------

<p>Urban design and open space</p>	<p><u>75A-75C Marco Avenue, Revesby</u></p> <p>The planning proposal involves the rezoning of RE1 Public Recreation zoned land at 75A-75C Marco Avenue Revesby.</p> <p>Council has indicated that the land has not provided open space to the community and the land is currently vacant, fenced off and not accessible to the public.</p> <p>The South East Local Area Plan (LAP) indicates that the majority of dwellings within the South East LAP are within an acceptable walking distance of current open space and sets out the criteria for decisions about where to acquire and divest open spaces. Based on these criteria, the site was found to be surplus to Council's infrastructure needs and identified as a strategic development to fund the upgrade of existing community facilities within the locality or to fund the purchase of land better suited as open space.</p> <p>Rezoning of the site from RE1 Public Recreation to R4 High is consistent with Action L1 and Action G1 of the Local Area Plan:</p> <ul style="list-style-type: none"> • Divest the site which is surplus to Council's infrastructure needs. • Reclassify the site from community land to operational land. • Rezone the site from a RE1 Public Recreation zone to a R4 High Density Residential zone to reflect the proximity to the commercial core and Armour Park. <p>Council has advised that the Open Space analysis for Revesby, undertaken to inform the new draft open space strategy for Canterbury-Bankstown demonstrates that there is an excess of open space to accommodate present and future demand without the need for the RE1 Public Recreation zoned land at 75A-75C Marco Avenue, Revesby.</p> <p>Rezoning of the section of Marco Avenue (road reserve) adjoining the site from a R2 Low Density Residential zone to a R4 High Density Residential zone aligns with the Department's LEP Practice Note 10–001, which establishes the appropriate zoning for the road through reference to the zoning of adjoining land.</p> <p>The Department notes that the rezoning of the Marco Avenue site was deferred from the finalisation of the Canterbury-Bankstown Local Environmental Plan 2023 to enable Council to demonstrate the rezoning will not undermine the open space needs for the area, along with several other matters.</p> <p>The site currently does not provide, and has not historically provided, public open space for the community. It is located opposite Armour Park, which includes a range of recreational facilities such as the Max Parker Leisure and Aquatic Centre, Revesby Skatepark, playing fields and play equipment. Abel Reserve and Johnstone Reserve are within 600m walking distance of the site.</p> <p>The amendment is generally consistent with Council's South East Local Area Plan prepared in 2016 which included an actions to reclassify, rezone and divest the land. The land was not indicated as open space in the Structure Plan and was included in the Residential Frame area. This indicates the intention for the site to be rezoned for residential use.</p>
------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

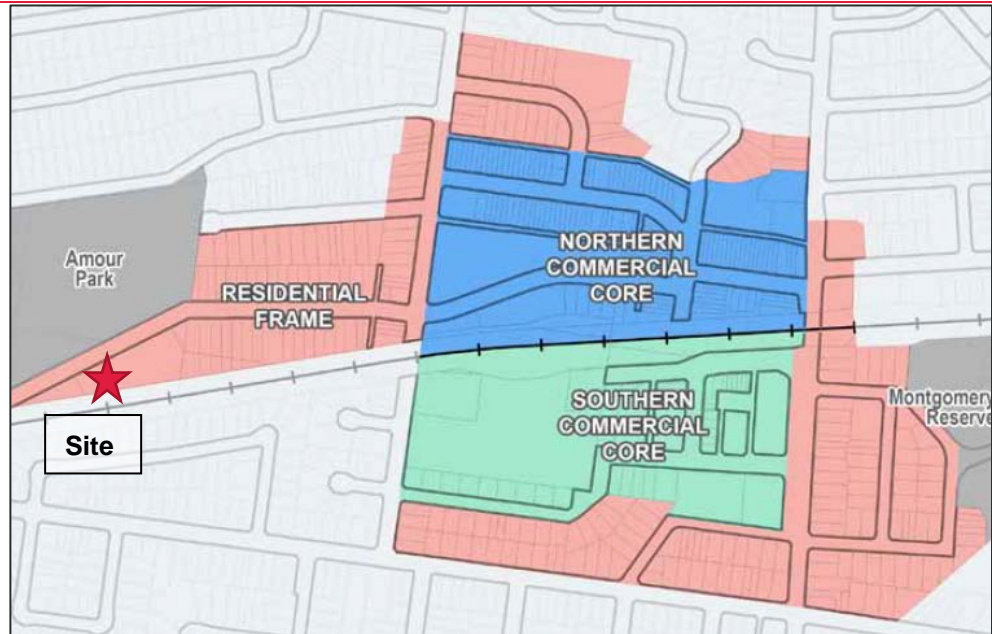


Figure 9 Revesby Precinct Plan (source: South East Local Area Plan)

Council's LAPs were informed by a number of technical studies including residential, employment, retail/commercial, transport, heritage and urban design studies. The LAPs used a place-based planning approach to inform changes to built form.

The assessment of the open space in the South East Local Area Snapshot in the Bankstown Open Space Plan (2022) indicates that the 'overall supply of open space area in the local area is regarded as high with a variety of park settings and types'

Analysis for the new open space plan currently being prepared by Council 'conclusively demonstrates that there is an excess of open space to accommodate present and future demands without the need for the RE1 zoned land at 75A-75C Marco Avenue, Revesby.'

The land is bound by the East Hills railway line and Marco Avenue, which are physical barriers to connecting the site to the existing open space to the north and residential development to the south. This makes the site somewhat isolated and disconnected from Amour Park. However, the site is well located for increased density, being within walking distance of Revesby town centre and railway station.

The South East Local Area Plan recommended a 1.5:1 FSR and 6 storey (19m) height control for the site. However, following a Council resolution, the controls for the site were amended to 1.75:1 and 8 storeys (25m). The adjoining land to the east is zoned R4 High Density Residential, with the same height, FSR and minimum lot size as this proposed amendment. The proposed controls are considered a logical extension of those in the adjoining R4 High Density Residential zone.

An Urban Design Study has been undertaken by Council to test potential residential scenarios. The site is located on the southern side of Amour Park which reduces potential overshadowing of public open space. The study demonstrates different building footprints can be achieved on the site that respond to the constraints of the site. It is noted that both scenarios detailed in Council's Urban Design study exceed the proposed 1.75:1 FSR control and both scenarios to not achieve the minimum

requirements of the Apartment Design Guide. As such a Gateway condition is recommended to amend the design options prior to exhibition to comply with the proposed height and FSR controls and demonstrate the proposal can meet the requirements of the Apartment Design Guide.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Economic	Divestment of 75A-75C Marco Avenue, Revesby following rezoning and reclassification is anticipated to generate an economic gain for Council in the range of \$10.5 to \$14.5 million. Although a significant economic gain for Council, the proceeds generated from this sale will be earmarked for investment into the future enhancement of existing community facilities within the locality or to purchase land more suited to open space. A Gateway condition is included for Council to provide details on how the funds from the sale of the open space will be managed.
Social	<p>The planning proposal will continue to allow centre-based child care in the RE2 Private Recreation zone. This form of child care supports other permissible uses in the zone such as recreational uses.</p> <p>The rezoning of the land at 75A-75C Marco Avenue Revesby will have a significant social benefit to the local and regional community through either enabling the refurbishment of existing community facilities or the purchase of land more suited to open space.</p> <p>The rezoning will also create opportunity for housing at Revesby within close proximity to key services and infrastructure. This may include opportunities for the delivery of affordable housing.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Education facilities	<p><u>Changes to 'Early education and care facilities' permissibility in the R2 Private Recreation zone</u></p> <p>The planning proposal seeks to replace 'early education and care facilities' with 'centre based childcare centres', as uses permitted with consent in the RE2 Private Recreation zone. This change will remove the permissibility of home-based and school-based childcare facilities in the RE2 Private Recreation zone</p>

Council's justification for this change is that 'early education and care facilities' allows for other uses that are not compatible with the objectives of the RE2 Private Recreation zone. The replacement of the use with 'centre-based childcare centres' will allow facilities in association with other permissible uses in the RE2 zone e.g. community facilities, recreational facilities and registered clubs.

Council acknowledges that the amendment will remove the permissibility of home and school based childcare facilities in the RE2 zone. However, educational establishments and residential accommodation are not permissible in the RE2 Private Recreation zone.

The Department supports the proposed change.

Introduction of a 40m lot width control for schools in the R2 Low Density Residential zone

The planning proposal seeks to include a 40m minimum lot width provision for schools in the R2 Low Density Residential zone to address amenity impacts on surrounding low density residential areas arising from the growing demand for non-government schools within the community. Council has indicated that the minimum lot width will ensure schools are established on sufficiently large sites with adequate site area to enable:

- increased setbacks between adjoining properties, facilitating open space, landscaped areas, play areas, pedestrian access, set down and pick up areas, car parks, driveways, and vehicle manoeuvring areas
- an appropriate transition in scale and built form
- opportunities for kiss-and-ride services within the site frontage to mitigate additional traffic impacts on the street network
- provision of larger lots to enhance waste servicing by allowing additional space for the manoeuvrability of Heavy Rigid Vehicle (HRV) vehicles.

This directly aligns with the following objectives set out in Clause 4.1B Minimum lot sizes and special provisions for certain dwellings in CBLEP2023:

- (b) *Ensuring lots for non-residential accommodation are sufficiently large to accommodate setbacks to adjoining land, private open space, landscaped areas, play areas, pedestrian access, set down and pick up areas, car parks, driveways, and vehicle manoeuvring areas.*
- (c) *minimising the likely adverse impact of development on the amenity of the area.*

Council has indicated that non-government schools, by nature, draw students from a regional catchment area, leading to a higher dependence on cars. This has resulted in increased traffic congestion, especially in streets, and an increased demand for on-street parking. Accommodating enrolments on limited lot sizes has also led to oversized buildings and a shortage of play areas.

In response to these challenges, a minimum 40m lot width requirement for schools in the R2 Low Density Residential zone was introduced into the Bankstown Local Environmental Plan (LEP) 2015.

Council has advised that including this provision in the Canterbury Bankstown LEP 2023 aims to achieve the following outcomes:

- manage the orderly development of schools in a low-density residential context.

	<ul style="list-style-type: none"> ensure lots are sufficiently large to accommodate proposed infrastructure, setbacks to adjoining land, pedestrian access, bus zones, student set-down and pick-up areas, car parks, driveways, vehicle manoeuvring areas, open spaces, and deep soil zones for landscaping. ensure schools are compatible with the existing amenity of the zone. <p>The Department notes that the T&I SEPP 2021 does not prescribe lot size requirements for schools and that the proposed amendment is in line with Clause 3.36(6) 'Schools – development permitted with consent' and Schedule 8 'Design quality principles in schools – Chapter 3' of the SEPP, in particular the requirement for school development 'to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites'.</p> <p>The Department also notes that 'Educational establishments' (which includes schools) are not permissible in the R2 Low Density Residential zone under the Canterbury-Bankstown LEP 2023. However, schools in the R2 Low Density Residential zone are permissible with consent under the T&I SEPP.</p> <p>A Gateway condition is recommended to consult with Department of Education/ Schools Infrastructure NSW. Further assessment of this matter is required prior to finalisation.</p>
Infrastructure	<p>The rezoning of 75A-75C Marco Avenue Revesby will implement Council's Local Area Plans which relies on the use of existing and delivery of new infrastructure. The growth is focused in an existing centre that is well served by public transport. The LAP included a transport analysis which identified the improvements required to support the growth in the centres. These are now supported by Council's adopted Comprehensive Contributions Plan which commenced on 1 January 2023 and includes:</p> <ul style="list-style-type: none"> physical improvements to provide for additional and improved footpaths in centres to improve walking and cycling conditions and participation. This is also intended to encourage greater use of public transport; and upgrade of intersections and streets in support of increased development. Priority Town Centres include Revesby. <p>Having regard to these matters, the Department considers the growth facilitated under this planning proposal is capable of being supported by existing and future planning processes.</p>

4.4 Other

Introduction of a 'front building line' definition

The Canterbury-Bankstown LEP 2023 includes lot size and FSR controls transferred from the former Bankstown LEP 2015. These controls necessitate a minimum lot width, measured at the front building line. A definitions for 'front building line' was not included in the Canterbury-Bankstown LEP 2023.

Council has advised that the inclusion of the 'front building line' definition in the dictionary serves to clarify the point from which this measurement is taken. This is crucial for confirming the appropriateness of lot size and proposed density for a specific site.

Further assessment of this matter is required prior to finalisation.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The planning proposal is categorised as a complex under the Department's LEP Making Guidelines. Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

Council identifies that in line with the Practice Note No. 1 – Public Land Management, the procedures under the EP&A Act will apply to the making of the LEP amendment. A public hearing under section Division 4 Part 2 of the EP&A Act will be held (s.29).

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment in accordance with the Department's LEP Making Guidelines.

- ARTC: Australian Rail Track Corporation
- Department of Education/ Schools Infrastructure NSW
- State Emergency Service
- Sydney Water
- Sydney Trains
- Transport for NSW
- Pipeline operators.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP. However, the Department's LEP Plan Making Guidelines establishes maximum benchmark timeframes for planning proposal by category and this planning proposal is categorised as a complex.

The Department recommends an LEP completion date of 12 months with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal applies to Council-owned land and involves a reclassification, it is recommended that the Department should be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it will facilitate housing delivery close to public transport and strengthen Revesby local centre
- it is consistent with, and gives effect to the South District Plan and Canterbury-Bankstown Council's LSPS
- it is generally consistent with State Environmental Planning Policies and Section 9.1 Ministerial Directions
- it has given consideration to the likely environmental, social, economic and infrastructure impacts.

A summary of the proposal and assessment is outlined below:

Table 11 Assessment summary

Matter	Assessment
Replacing 'early education and care facilities' with 'centre based childcare centres' as uses permitted with consent in the RE2 Private Recreation zone (this will remove the permissibility of home-based and school-based childcare facilities)	Supported. The refinement of uses in the RE2 Private Recreation zone aligns with the objectives and primary land uses permitted in the zone.
Applying a minimum 40m lot width control for schools (from the former Bankstown LEP 2015) in the R2 Low Density Residential zone	Schools are prohibited in the R2 Low Density Residential zone, but permitted under the Transport and Infrastructure SEPP. A Gateway condition is recommended for consultation with Department of Education/ Schools Infrastructure NSW and further assessment of this matter is required prior to finalisation
Removing the stormwater and water sensitive urban design provisions from the RE1 Public Recreation zone	Not supported. There is insufficient justification to remove stormwater and water sensitive urban design requirements from development in the RE1 Public Recreation zone. A Gateway condition is recommended deleting this proposed amendment
Amending the design excellence provision to apply to additions to existing schools if the proposed gross floor area is 2,000m ² or greater (the control currently only applies to new school buildings with a GFA of 2,000m ² or more)	The T&I SEPP includes provisions for design excellence. A Gateway condition is recommended for consultation with Department of Education/ Schools Infrastructure NSW and further assessment of this matter is required prior to finalisation

Matter	Assessment
Introducing a new 'front building line' definition which was previously included in the former Bankstown LEP 2015	Further assessment of this matter is required prior to finalisation
rezone and reclassify Council owned land at 75A, 75B and 75C Marco Avenue, Revesby and the adjoining road reserve	<p>Supported, subject to Gateway conditions to the following Gateway conditions:</p> <ul style="list-style-type: none"> to provide further information on the proposed reclassification, including details on how the funds from divestment of the land will be used. to provide further assessment and updates in relation to the adjoining Moomba Sydney Ethane pipeline to include relevant supporting studies in the exhibition package to update the Urban Design Study to align with the proposed LEP controls and address the ADG.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be amended as follows and forwarded to the Department for review and approval:
 - a) amend the objectives of the planning proposal to include the implementation of current land use strategies
 - b) update the intended outcomes of the planning proposal to clarify that 'early education and care facilities' in the RE2 Private Recreation zone are to be replaced with 'centre-based care facilities'
 - c) update the proposal to clarify the changes being sought in relation to the design excellence provisions
 - d) delete the proposed amendment to Clause 6.3(2) Stormwater Management and water sensitive urban design to remove the application of the clause to the RE1 Public Recreation land
 - e) update the planning proposal to address the matters identified in LEP practice note 'PN16-001 Classification and reclassification of public land through a local environmental plan' in relation to the proposed reclassification of 75A-75C Marco Avenue, Revesby, including:
 - i. provide a copy of the titles for all lots to be reclassified
 - ii. specify if the land is a 'public reserve' (defined under the LG Act)
 - iii. provide a summary of council's interests in the land including how the land was first acquired and the nature of any trusts or dedications
 - iv. advise whether an interest in land is proposed to be discharged and if so an explanation of the reasons why
 - v. provide details of current or proposed business dealings (e.g. agreement for the sale or lease of the land)

- vi. provide any plan of management that applies to the land
- vii. explain how Council will ensure the funds remain available to fund community infrastructure within the area or acquiring land better suited for open space purposes
- viii. provide a Land Reclassification Map
- f) update the planning proposal to address land use safety and hazard risk from the proposed increased density near the Moomba Sydney Ethane Pipeline, including:
 - i. an assessment of the compatibility of the proposal with the hazard risk from the pipeline in accordance with the NSW Land Use Safety Planning Framework (the Framework). This will need to be demonstrated by a Land Use Safety Study (LUSS) prepared in accordance with the Framework.
 Note: if relying on an existing LUSS please clarify that the proposal is consistent with density of development that was modelled in that LUSS
 - ii. the planning proposal will need to be updated to amend clauses 6.30 and 6.31 of Canterbury-Bankstown LEP 2023 (and associated maps) to ensure appropriate mechanisms are in place to address the land use safety and hazard risk.
- g) update the planning proposal package to include relevant background reports that support the rezoning of 75A-75C Marco Avenue, Revesby, including the South-East Local Area Plan
- h) amend the Urban Design Study for 75A-75C Marco Avenue Revesby to comply with the proposed height and floor space ratio controls for the site and demonstrate that the proposal can meet the requirements of the Apartment Design Guide
2. Consultation is required with the following public authorities:
 - ARTC: Australian Rail Track Corporation
 - Department of Education/ Schools Infrastructure NSW
 - State Emergency Service
 - Sydney Water
 - Sydney Trains
 - Transport for NSW
 - Pipeline operators.
3. The planning proposal should be made available for community consultation for a minimum of 30 working days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
7. A public hearing is required to be held in accordance with Section 29 of the Local Government Act 1993 and the Practice Note PN 16-001.



(Signature)

24 May 2024 (Date)

Renee Coull
Manager, Infrastructure and Planning



(Signature)

27 May 2024 (Date)

Felicity No
Director, Local Planning