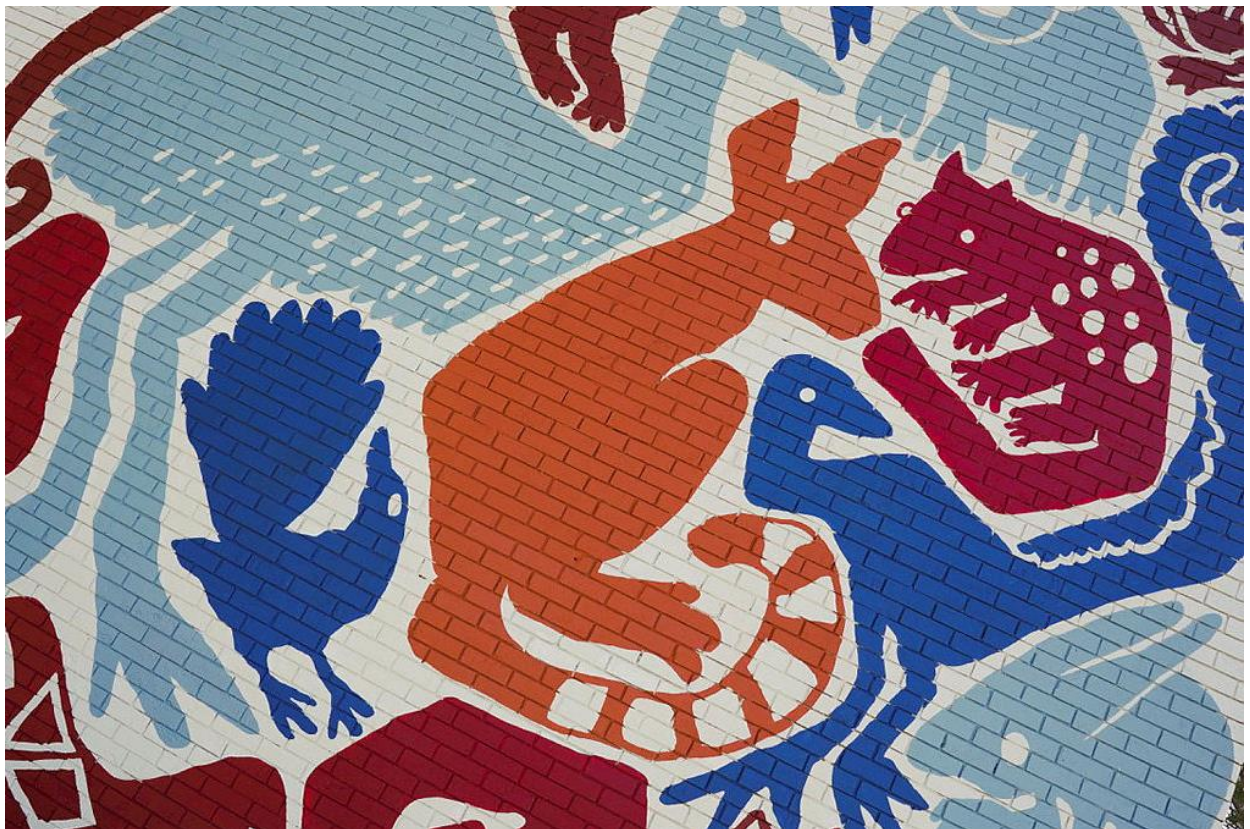


# **Canterbury-Bankstown Local Environmental Plan 2023 'Deferred Matters' Amendment Planning Proposal (Council Matters)**



**April 2025**

Prepared by Canterbury Bankstown Council



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## Executive Summary

The *Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)* was officially published on the NSW legislation website by the then Department of Planning and Environment (now Department of Planning, Housing and Infrastructure (DPHI)) on 23 June 2023. However, the Department opted to defer certain matters for resolution at a later stage as part of a separate planning proposal. These deferred matters encompass:

- Rectifying drafting errors.
- Transferring specific existing planning controls from the Bankstown LEP 2015.
- Requesting additional information to support site-specific changes and additional permitted uses.

The Department previously conveyed to Council that it would have the option to submit a new planning proposal to revisit these deferred matters. In alignment with the Department's Plan Finalisation Report (*PP-2020-684*), this planning proposal comprehensively addresses a number of deferred matters for the Department's consideration and outlines the amendments proposed to be made to the CBLEP 2023.

Canterbury Bankstown Council serves as the proponent for this planning proposal. The proposed amendments relate to the Canterbury-Bankstown Local Government Area.

## Previous Consultation

The proposed housekeeping amendments were subject to consultation with the Canterbury Bankstown Local Planning Panel (CBLPP), which officially considered and adopted the proposed amendments to the *CBLEP 2023* during its meeting on 30 June 2020. On this basis Council, at its Ordinary Meeting on 24 October 2023, resolved not to refer this planning proposal to the Local Planning Panel for advice. This decision aligns with Clause 1 of the *Minister's Direction (Local Planning Panels Direction – Planning proposals)*.

## Gateway Determination

Gateway determination was issued by the DPHI on 27 May 2024. The Gateway determination included conditions to be satisfied prior to public exhibition. In January 2025, an update to the Planning Proposal and relevant technical reports was undertaken in response to this. This is summarised below in the table below.

Condition	Councils Response
1(a) amend the objectives of the planning proposal to include the implementation of current land use strategies	The objectives of the planning proposal have been amended to include: <i>O2. To implement land use strategies identified in the North Central Local Area Plan 2016 and the South East Local Area Plan 2016.</i>
1(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'	Noted. 'early education and care facilities' has been replaced with 'centre-based care facilities.'
1(c) update the proposal to clarify the changes being sought in relation to the design excellence provisions	The design excellence clause has been reworded to align with the existing LEP clause 6.15(2d). Additional clarity and justification on what the



		<p>clause is seeking has been provided, and is summarised below:</p> <p>The intention of this clause is to ensure that Design Excellence is applied consistently to new developments and significant alterations and additions at educational establishments.</p> <p>The proposed change to clause 6.15(d) therefore applies to any development (new or alterations and additions) at an educational establishment that proposes 2,000 m<sup>2</sup> GFA or more.</p> <p>This ensures that significant changes to the built form at an educational establishment and new development of an educational establishment are both required to pay due regard to the Design Excellence Clause.</p>
1(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	The proposed amendment has been deleted.
1(e)	<p><b>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:</b></p> <ul style="list-style-type: none"> <li>i. provide a copy of the titles for all lots to be reclassified</li> <li>ii. specify if the land is a 'public reserve' (defined under the LG Act)</li> <li>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</li> <li>iv. advise whether an interest in land is proposed to be discharged and if so an explanation of the reasons why</li> <li>v. provide details of current or proposed business dealings (e.g. agreement for the sale or lease of the land)</li> <li>vi. provide any plan of management that applies to the land</li> <li>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</li> <li>viii. provide a Land Reclassification Map</li> </ul>	Appendix I provides a detailed response to this condition, addressing all matters identified in PN16-001 'Classification and reclassification of public land through a local environmental plan'.



1(f)	<p>update the planning proposal to address land use safety and hazard risk from the proposed increased density near the Moomba Sydney Ethane Pipeline, including:</p> <p>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.</p> <p><i>Note: if relying on an existing LUSS please clarify that the proposal is consistent with density of development that was modelled in that LUSS</i></p> <p>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.</p>	<p>Noted. The existing Land Use Safety Study (LUSS) provided in Attachment K addressed condition 1(f)i. Council has provided updated maps regarding the site's inclusion in the application of clauses 6.30 and 6.31, which have been provided in Attachment J.</p>
1(g)	<p>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</p>	<p>Council has included the following attachments that provide relevant background to support the rezoning of 75A-C Marco Avenue, Revesby:</p> <ol style="list-style-type: none"><li>1. Council Resolution from Ordinary Meeting June 2006, resolving to investigate the future use of Whitehall Children's Home at the site (Appendix E)</li><li>2. Preliminary Site Investigation (Appendix F)</li><li>3. Urban Design Study (Appendix G)</li><li>4. NSW Title (Appendix H)</li><li>5. Practice Note PN16-001 Summary table (Appendix I)</li><li>6. Land Use Safety study (Appendix K)</li><li>7. Relevant pages of the South-East local Area Plan 2016 (Appendix L)</li><li>8. Council Resolution from Ordinary Meeting February 2009, resolving to rezone, reclassify and sell the site (Appendix M)</li><li>9. Proposed Land Reclassification Map and Activity Hazard Map (Appendix N)</li></ol>
1(h)	<p>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</p>	<p>Noted. The Urban Design Study (Attachment G) has been updated to satisfy this condition.</p>
2(a)	<p>the planning proposal is categorised as complex as described in the Local Environmental Plan Making Guideline and must be made publicly available for a minimum of 30 working days; an</p>	<p>Noted.</p>





2(b)	the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline.	Noted.
3	<p>Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:</p> <ul style="list-style-type: none"><li>• ARTC: Australian Rail Track Corporation</li><li>• Department of Education/ Schools Infrastructure NSW</li><li>• State Emergency Service</li><li>• Sydney Water</li><li>• Sydney Trains</li><li>• Transport for NSW</li><li>• Pipeline operators.</li></ul> <p>Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.</p>	Noted.
4	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 Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.	Noted.
5	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.	Noted.
6	Council is not authorised to exercise the functions of the local plan-making authority.	Noted.
7	The LEP should be completed within 12 months from the date of this Gateway determination.	Noted.



# Part 1 – Objectives and Intended Outcomes

## Objectives

- To amend the *CBLEP 2023* to address certain matters that DPHI deferred when it approved the consolidation of the former *Canterbury LEP 2012* and *Bankstown LEP 2015*.
- To implement proposed changes from Action L1 and Action G1 of the South East Local Area Plan, as adopted by Council in May 2016, regarding the reclassification and rezoning of 75A, 75B and 75C Marco Avenue, Revesby.

## Intended Outcomes

- Remove the group land use definition 'early education and care facilities' as permissible development from the RE2 Private Recreation Zone and replace with 'centre based care facilities'.
- Harmonise lot size requirements across Council by transferring existing requirements from the *Bankstown LEP 2015*, specifically regarding minimum lot widths for schools within the R2 zone, into the *CBLEP 2023*.
- Amend *Clause 6.15 (2D) – Design Excellence* of the *CBLEP 2023* to include development at existing educational establishments proposing alterations and additions where the proposed gross floor area (GFA) is 2,000m<sup>2</sup> or greater.
- Transfer the current definition of 'front building line' from the *Bankstown LEP 2015* to the *CBLEP 2023*.
- Rezone and reclassify Council owned land in Revesby to support sustainable growth, accommodating both residential and employment needs in the community.

## Background

The CBLPP previously considered and adopted the *CBLEP 2023* at its Meeting of 30 June 2020. The intended outcomes of the *CBLEP 2023* were to consolidate the former Bankstown and Canterbury LEPs into a single set of planning controls and to implement current land use strategies.

The planning proposal was submitted to the Department of Planning, Housing and Infrastructure (Formerly Department of Planning and Environment) for approval. *The CBLEP 2023* was gazetted in June 2023. However, the Department decided to defer some matters to resolve at a later stage. The deferred matters include:

*'Correcting drafting errors, transferring some existing planning controls from the former Bankstown LEP, requiring additional information to support site-specific changes across the City.'*

The Department commented in its assessment report that Council may submit a new planning proposal to further consider these matters.

### Council Resolution to Submit New Planning Proposal

Following the finalisation and making of the *CBLEP 2023*, Council resolved at its ordinary meeting of Council held on 24 October 2023 that:





1. Council prepare and submit a planning proposal(s) to the Department of Planning and Environment to seek a Gateway determination for the proposed amendments to the Canterbury-Bankstown Local Environmental Plan 2023 as outlined in this report.
2. Council does not 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), given these matters have already been considered and supported by the Panel.
3. Council seek authority from the Department of Planning and Environment to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979 to be the plan-making authority.
4. Council require landowners to pay for any relevant studies or reports required by the Department of Planning and Environment to support the site-specific rezoning changes and additional permitted uses.
5. Council exhibit draft amendments to the Generic Plan of Management for Community Land and Crown Land as outlined in this report.
6. The matter be reported to Council following the exhibition period.



## Part 2 – Explanation of Provisions

This Part of the planning proposal provides a detailed statement of the proposed amendments to be made to the existing CBLEP 2023. The following amendments are proposed in this planning proposal:

Key Theme	Proposed LEP Amendment to achieve this outcome (changes in red and/or strike-through)								
<p><b><u>[1] Land Use Table – Zone RE2 Private Recreation</u></b></p> <p>Replace ‘early education and care facilities’ with ‘centre-based care facilities’ as permitted with consent in the RE2 zone.</p>	<p>Permitted with consent</p> <p>Aquaculture; Building identification signs; Business identification signs; Car parks; <del>Centre-based care facilities</del>; Community facilities; <del>Early education and care facilities</del>; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads</p>								
<p><b><u>[2] Clause 4.1B(2) – Minimum lot size and special provisions for certain dwellings</u></b></p> <p>Transfer the existing minimum 40m lot width requirement for schools in the R2 zone from the Bankstown LEP 2015 (clause 4.1B(2)).</p>	<table><tr><th>Column 1</th><th>Column 2</th><th>Column 3</th><th>Column 4</th></tr><tr><td>Zone R2 in Area 1</td><td>Schools</td><td>—</td><td>40m</td></tr></table>	Column 1	Column 2	Column 3	Column 4	Zone R2 in Area 1	Schools	—	40m
Column 1	Column 2	Column 3	Column 4						
Zone R2 in Area 1	Schools	—	40m						
<p><b><u>[3] Clause 6.15(2D) – Design excellence</u></b></p> <p>Apply the clause to alterations and additions to an existing building used for an educational establishment.</p>	<p>(d) educational establishments, if the new building, <del>or the alterations and additions to an existing building</del> has a gross floor area of 2,000m2 or more used for an educational establishment,</p>								
<p><b><u>[4] Dictionary</u></b></p> <p>Transfer the existing ‘front building line’ definition from the Bankstown LEP 2015.</p>	<p><b>front building line means—</b></p> <p>(a) for a lot that has only one road frontage—the line the consent authority is satisfied is the minimum setback a building should be from the road alignment, or</p> <p>(b) for a lot that has more than one road frontage—the shortest of the lines (excluding an access handle or right of way for access) that can be calculated under paragraph (a).</p>								
<p><b><u>[5] Land Zoning Map, Floor Space Ratio Map, Height of Buildings Map, Lot Size Map and Special Provisions Map</u></b></p> <p>(a) Rezone 75A, 75B and 75C Marco Avenue, Revesby from a RE1 zone to a R4 zone (maximum 1.75:1 FSR/ maximum 25m building height/ minimum 450m2 subdivision lot size/ Area 4 on the Special Provisions Map).</p>	<p>See Maps Below in Part 4 of this planning proposal.</p>								



Key Theme	Proposed LEP Amendment to achieve this outcome (changes in red and/or strike-through)
	<i>(b) Reclassify 75A, 75B and 75C Marco Avenue, Revesby from community land to operational land to support the proposed rezoning.</i>
	<i>(c) Rezone the section of Marco Avenue adjoining the site from a R2 zone to a R4 zone. According to the Department of Planning and Environment's LEP Practice Note 10-001, it is established practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for the road.</i>

The draft mapping changes are detailed in Part 4 – Maps.



## Intent of Proposed Changes

### **[1] Land Use Table – Replace ‘early education and care facilities’ with ‘centre-based care facilities’ as permitted with consent in the RE2 Private Recreation Zone.**

#### Proposed change

This planning proposal seeks to amend the *CBLEP 2023* by replacing the group land use term 'early education and care facilities' with 'centre-based care facilities' as a use permitted with consent in the RE2 Private Recreation zone.

#### Justification for the change

The proposed amendment aims to rectify a drafting error. The formal adoption of the *CBLEP 2023* took place during the Local Planning Panel Meeting on June 30, 2020. Within the Land Use Table for the RE2 zone, 'centre-based care facilities' was prohibited, as it encompassed uses that are not compatible or suitable for a private recreation zone. However, the use of 'early education and care facilities' was incorrectly permitted with consent. As such, although the Department finalised *CBLEP 2023* in June 2023, an oversight led to the approved version incorrectly permitting 'early education and care facilities' instead of 'centre-based care facilities.'

Council's justification for the approach taken within this planning proposal was such that the implementation of 'Early education and care facilities' allows for other uses that are not compatible or suitable in a private recreation zone. It is noted that the objectives of the zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To promote a high standard of urban design and local amenity.*

Council acknowledges that the change from "Early education and care facilities" to "centre-based care facility" will remove the possibility of home and school based childcare facilities. However educational establishments and residential accommodation are not permissible in the RE2 Zone, therefore home-based and school-based childcare facilities are not able to be established given the primary uses are not permissible.

Council is not proposing to make educational establishments and residential accommodation permissible development in the RE2 Zone. It is noted for example that this approach is consistent with the RE2 Zone in the Georges River LEP 2021 where educational establishments and residential accommodation along with early education and car facilities are prohibited and Liverpool LEP 2008 where only centre-based childcare facilities are permissible.

There are no Actions (referred as 'Evolutions') within the Council's Local Strategic Planning Statement that are impacted by this proposed amendment.



In summary, the change is justified by aligning centre-based care facilities with zoning objectives and where they could occur in association with other permissible uses in the RE2 Zone such as community facilities, recreation facilities and registered clubs, which would optimise land use, enhancing recreational options, supporting families and convenience and access to child care, and contributing to positive urban design and local amenity.

## **[2] Clause 4.1B(2) – Minimum lot sizes and special provisions for Schools within the R2 Zone**

### **Proposed change**

This Planning proposal recommends transferring the existing minimum 40m lot width requirement for schools in the R2 Zone from the repealed Bankstown LEP 2015 (former clause 4.1B(2)).

### **Justification for the change**

Council proposes the inclusion of a minimum lot width provision for schools in the R2 Zone to address amenity impacts on surrounding low density residential areas arising from the growing demand for non-government schools within the community. The key reason for this amendment is to ensure schools are established on sufficiently large sites to allow 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.

Moreover, the proposed amendment directly aligns with Objectives 4.1B(1)(b) and (c) of the CBLEP 2023:

- 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.*

The proposed amendment is justified due to non-government schools, by nature, drawing students from a regional catchment area, leading to a higher dependence on cars. This reliance has resulted in increased traffic congestion, especially in streets, and an increased demand for on-street parking.

The limited lot sizes available to accommodate enrolment numbers have also led to oversized buildings and a shortage of play areas. In response to these challenges, the Department approved the Bankstown Local Environmental Plan (LEP) 2015, which introduced a minimum 40m lot width requirement for schools in the R2 zone (clause 4.1B(2)). This requirement aims to achieve the following outcomes:

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



- 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 R2 zone.

The Local Planning Panel formally reviewed and supported the amendment at its meeting on 30 June 2020. Furthermore, the proposed amendment is in line with the *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021 (T&I SEPP)* with relation to clause 3.36(6) 'Schools – development permitted with consent' and Schedule 8 'Design quality principles in schools – Chapter 3', in particular the requirement for school development to 'to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites'.

Council acknowledges that although the T&I SEPP does not prescribe lot size requirements for design quality principles, the 'development standard' definition under the *Environmental Planning and Assessment Act 1979* empowers the Local Environmental Plan (LEP) to establish requirements or standards related to the area, shape, or frontage of any land and the dimensions of any land. The proposed amendment is justified in accordance with relevant State Environmental Planning Policies, including the T&I SEPP (refer to Part 3 of this planning proposal).

Council further notes that consultation with Schools Infrastructure NSW will be required as part of a Gateway determination if the proposal is supported to proceed, where feedback and comments can be considered and implemented prior to finalisation. In light of this, the proposed amendment aims to transfer an existing requirement from the *Bankstown LEP 2015* and does not necessitate additional supporting studies to validate any further changes.

### **[3] Clause 6.15(2A) – Design Excellence**

#### **Proposed change**

This planning proposal proposes to apply Clause 6.15(2D) to alterations and additions made to existing buildings used for an educational establishment if the proposed GFA is or exceeds 2,000m<sup>2</sup>. This provision applies to educational establishments that propose development for alterations and additions that results in the existing building, with the new additions, having a GFA of 2,000m<sup>2</sup> or more.

#### **Justification for the change**

The CBLPP formally considered and adopted the CBLEP 2023 during its meeting on 30 June 2020, thereby introducing the design excellence clause (Clause 6.15) to enhance the role of design throughout the Canterbury Bankstown LGA.

The primary objective is to extend the application of the clause to specific developments, including educational establishments, concerning significant alterations or additions that are visible from the public domain or adjacent properties. The existing Clause 6.15(2d) already applies to new developments at educational establishments that result in a GFA of 2, 000m<sup>2</sup> or more. Applying this Clause to include significant alterations and additions ensures that there is a consistent approach towards the application of this clause for significant development at educational establishments.





In the process of drafting the LEP, Council specifically defined alterations or additions as those with a proposed gross floor area of 2,000m<sup>2</sup> or more. In June 2023, the Department of Planning and Environment approved the Canterbury-Bankstown LEP 2023. However, the approved version unintentionally omitted the application of the clause to additions to existing educational establishment if the proposed gross floor area is 2,000m<sup>2</sup> or more.

In response to the Department's scoping proposal feedback received in December 2023, the amendment will specifically apply to new buildings as well as alterations and additions that lead to the expansion of existing buildings with a Gross Floor Area (GFA) of 2,000m<sup>2</sup> or more. Furthermore, the amendment has been demonstrated to be consistent with relevant Ministerial Directions and State Environmental Planning Policies, including the T&I SEPP (See Part 3 Below).

## **[4] Existing definitions within the Dictionary**

### **Proposed change**

This Planning proposal aims to incorporate the current 'front building line' definition from the *Bankstown LEP 2015* into the *CBLEP 2023*.

### **Justification for the change**

Council notes that the existing lot size and floor space ratio controls under the former Bankstown LEP 2015 necessitated a minimum lot width, measured at the front building line. The inclusion of the 'front building line' definition in the Dictionary aimed to prevent confusion when interpreting and applying the LEP.

The definition is below:

*'front building line means—*

- (a) for a lot that has only one road frontage—the line the consent authority is satisfied is the minimum setback a building should be from the road alignment, or*
- (b) for a lot that has more than one road frontage—the shortest of the lines (excluding an access handle or right of way for access) that can be calculated under paragraph (a).'*

Prior to the formalisation of the LEP, The CBLPP formally reviewed and adopted the *CBLEP 2023* on 30 June 2020 which included transferring the lot size and FSR controls and the 'front building line' definition from the former *Bankstown LEP 2015*. In June 2023, the Department of Planning and Environment granted approval for the *CBLEP 2023*. However, during the transfer of controls, the Department unintentionally omitted the 'front building line' definition.

This amendment is required to address the Department's drafting oversight which is crucial for confirming the appropriateness of lot size and proposed density for a specific site. The inclusion of the 'front building line' definition in the dictionary serves to clarify the point from which this measurement is taken. Given that the amendment directly pertains to the measurement of existing lot sizes and floor space ratios, both regulated through the *CBLEP 2023*, it is imperative for this correction to be incorporated within the LEP.



Council acknowledges that the incorporation of this definition will undergo a legal drafting process by Parliamentary Counsel's Office, whom may potentially rely on the ordinary meaning attributed to the term.

## **[5] Land Zoning Map, Floor Space Ratio Map, Height of Buildings Map, Lot Size Map, Hazard Area Map and Special Provisions Map**

### **Proposed change**

This planning proposal seeks to amend the Land zoning Maps, Floor Space Ratio Maps, Height of Building Maps, Lot Size Maps and Special Provision Maps within the *Canterbury Bankstown LEP 2023* as follows:

- Rezone 75A, 75B and 75C Marco Avenue, Revesby from RE1 Public Recreation Zone to R4 High Density Residential Zone with the following land use controls:
  - Maximum FSR of 1.75:1
  - Maximum 25m building height
  - Minimum 450m<sup>2</sup> subdivision lot size, and
  - Inclusion within Area 4 on the Special Provisions Map (which refers to Clause 4.1B 'Minimum lot sizes and special provisions for certain dwellings' in *CBLEP 2023* and stipulates a minimum 1,700m<sup>2</sup> lot size and 40m minimum frontage for residential flat buildings in the R4 Zone).
- Reclassify 75A, 75B and 75C Marco Avenue, Revesby from community land to operational land to support the proposed rezoning and future redevelopment of the site.
- Rezone the section of Marco Avenue adjoining the site from a R2 zone to a R4 zone. According to the Department's LEP Practice Note 10–001, it is established practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for the road.
- Identify 75A, 75B and 75C Marco Avenue, Revesby as Area 1 and Area 2 on the Activity Hazard Map; as recommended by the LUSS Report prepared by Arriscar for Council.

An Urban Design Study has been prepared by Council to demonstrate how the future redevelopment of the site could be carried out. The Urban Design Study reveals that the site is capable of supporting a residential flat building development including some ground floor non-residential uses permitted in the R4 Zone. Refer to *APPENDIX G - Urban Analysis – 75A-75C Marco Avenue, Revesby* for details.

### **Justification for the change**

#### **Historical Context**

According to Council's records, the site was resumed for a public purpose in 1937. Subsequently, Council extended the Marco Avenue roadway through the land to create two separate areas. The area to the north of Marco Avenue is an active recreation area with an aquatic centre and sporting field. The park is referred to as Amour Park.

The land south of Marco Avenue has never served as open space. Over several decades, it was leased by the NSW Government to provide housing and community facilities for individuals with disabilities. This historical usage is evidenced by records maintained by the council. The site was previously leased for various purposes, including by organisations such as the Intellectually and Physically Handicapped Children's Association of NSW, the Department of Ageing, Disability and Home Care (DADHC), a Women's



Health Facility, a Uniting Dive Childcare, and the Whitehall Children's Home, as detailed in Explanatory Note 3.

When the Commonwealth and NSW Governments changed their funding and care arrangements for people with disabilities, the buildings were demolished, and it became a strategic development site to fund the upgrade of the existing community facilities within the locality or to fund the purchase of land better suited as open space. It is currently vacant, fenced off and is not accessible to the public.

Figure 1 – Aerial photos, 1975 - 2023



Figure 2 - Aerial photo of the site taken in the 1980s showing the extensive buildings that previously occupied the site



### **State and Council Strategic Policy Context**

The proposed rezoning is consistent with State and local policies for the reasons outlined below:

The proposed rezoning implements the overarching principles within *Connective City 2036*



The *Canterbury Bankstown Local Strategic Planning Statement (LSPS)* provides a pathway to manage growth and change across Canterbury-Bankstown to 2036. According to Action E6.8.128 (page 75), the first stage is to integrate current land use strategies into the planning framework. The proposed rezoning implements Action E6.8.128 by integrating the recommendations of Council's South East Local Area Plan into the planning framework.

Additionally, it's important to highlight that this proposal aligns with *Evolution 10* of the LSPS by leveraging land development as a means to finance crucial infrastructure developments necessary for the expanding population. Furthermore, it involves the utilisation of Council lands to generate revenue, thereby aiding in supporting and funding the delivery of services and infrastructure within the locality.

#### The proposed rezoning implements the South East Local Area Plan

Council adopted the Local Area Plan at its Extraordinary Meeting of 11 May 2016. While the Local Area Plans have been subsumed into the Council's LSPS and now gazetted *CBLEP 2023*, they remain applicable to the longer-term strategic planning and open space provision actions of Council. The Local Area Plan details Council's endorsed approach to sustainably accommodate residential and employment growth based on the centre's hierarchy, and outline the delivery of supporting infrastructure, facilities and open space. Emphasising the preservation of the character of locales, the plan sought to foster economic activity and sustainable urban renewal while prioritising urban design and connectivity. According to the Local Area Plan (Action G1, pages 102-103):

*'The open space analysis indicates a majority of dwellings in the South East Local Area are within an acceptable walking distance (around 400 metres) of the current supply and distribution of open space ... sets out the criteria to assist Council in making decisions about where to acquire and divest open spaces ... divestment of open space would only be considered where:*

- There is a high provision of local and neighbourhood open space.*
- The open space is identified as having limited recreational, social or environmental value.*
- The open space is equal to or less than 0.2 hectares and would not contribute to a proposed walking/cycling route.*
- Residents have access to another quality open space within 400 metres.'*

Based on this set of criteria, this planning proposal seeks to (Action L1, page 51 and Action G1, page 104):

- 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 zone to a R4 zone to reflect the proximity to the commercial core and Amour Park.

The divestment funds would be allocated by Council to support the upgrade of the exiting community facilities within the locality or purchase land better suited as open space. Further explanation and justification has been provided in *Explanatory Note 2* below.

The divestment of the site is supported through work undertaken by Council as part of its analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown and previous resolutions of Council.





The proposed rezoning is supported by analysis undertaken to inform a new draft open space strategy for the City

The Open Space Needs analysis for Revesby, as outlined in *Explanatory Note 2*, identifies the requirement for open spaces within the Revesby Town Centre. The analysis 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. Below, this planning proposal provides additional rationale to support this assertion.

The proposed rezoning is supported by a previous Council resolution

At an Ordinary Council meeting held on 24 February 2009, Council resolved to proceed with the divestment of 75A-75C Marco Avenue, Revesby, and subsequently, to rezone and reclassify the land for sale. An explanation of the Council's decision is provided below within *Explanatory Note 3*.

*Explanatory Note 1 – South West Local Area Plan: Assessment of 75A, 75B and 75C Marco Avenue, Revesby*

The former Bankstown Council resolved to develop Local Area Plans for the seven distinct local areas comprising the City of Bankstown. These plans articulate the vision and spatial context for each area, delineate strategies for accommodating residential and employment growth, and determine the provision of essential infrastructure, including community facilities and open spaces.

In 2016, the South East Local Area Plan (SELAP) was prepared by the former Bankstown Council. It served as a strategic blueprint outlining the vision for the South East Local Area that would then inform the preparation of a new LEP. Emphasising the preservation of the character of existing areas, the plan sought to foster economic activity and sustainable urban renewal while prioritising urban design and connectivity. Within the SELAP, Revesby was identified as a 'village centre', bordered by Bransgrove Road to the north, Weston Street to the south, The River Road and Montgomery Reserve to the east, and Tarro Avenue and Amour Park to the west.

The Place Making Principles referenced within the SELAP articulate an aspiration to "*Divest surplus land at the former Whitehall site (Nos. 75A-75C Marco Avenue) to assist funding of infrastructure delivery actions. To facilitate this action, rezone the properties from Zone RE1 Public Recreation to Zone R4 High Density Residential (6 storeys/1.5:1 FSR) to reflect the proximity to the commercial core and Amour Park.*"

This planning proposal aligns closely with the objectives and vision outlined in the South East Local Area Plan (SELAP) formulated by the former Bankstown Council in 2016. The SELAP serves as a comprehensive strategic framework aimed at guiding the development and enhancement of the South East Local Area, encapsulating key principles such as fostering vibrant communities, promoting sustainable urban renewal, and prioritising high-quality urban design.

By seeking to rezone the properties at the former Whitehall site (Nos. 75A-75C Marco Avenue) from Zone RE1 Public Recreation to Zone R4 High Density Residential, the planning proposal directly responds to one of the Place Making Principles outlined within the SELAP. This principle advocates for the divestment of surplus land to facilitate funding for essential infrastructure delivery actions, thereby contributing to the broader goal of enhancing the built environment and community amenities within the South East Local Area. Furthermore, the proposed rezoning is strategically aligned with the vision for Revesby as a village centre within the SELAP.



#### *Explanatory Note 1 – South West Local Area Plan: Assessment of 75A, 75B and 75C Marco Avenue, Revesby*

Revesby is identified as a key focal point for community activity and economic vibrancy, and the planning proposal seeks to reinforce this designation by encouraging compatible development that supports the area's role as a hub for business, recreation, and social interaction. Once redeveloped, the site will be well located opposite a large park and within 600m walking distance from Revesby town centre and Revesby railway station to the east.

Additionally, by facilitating the development of high-density residential accommodation in proximity to the commercial core and Amour Park, the planning proposal contributes to the creation of a diverse and inclusive urban environment as envisaged in the SELAP. This approach not only maximises land use efficiency but also promotes the creation of vibrant, walkable neighbourhoods that offer a range of housing options and amenities to residents.

In summary, the planning proposal is commensurate with the principles and objectives outlined within the SELAP, with its provisions designed to support the realisation of the plan's vision for the South East Local Area.

#### *Explanatory Note 2 – Justification extracted from analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown*

Council is in the process of preparing a new harmonised analysis undertaken to inform a new draft open space strategy for the City of Canterbury Bankstown. The analysis undertaken to inform a new draft open space strategy will provide a series of directions and recommendations for the future planning, provision, development and management of public open space and recreational facilities located within Canterbury Bankstown.

The current Bankstown Open Space Strategic Plan and Canterbury Open Space Strategy have played crucial roles in informing the City's open space and recreation needs and priorities. However, these strategies need updating to reflect the evolving and dynamic landscape of land use changes and population growth currently impacting the Canterbury Bankstown LGA. As a result, a new draft open space strategy will provide an opportunity to evaluate these changes and integrate them into decision-making processes regarding future provision and development of open space, sports, and recreational facilities.

##### Bankstown Open Space Strategic Plan

The current Bankstown Open Space Strategy (the Strategy) provides a framework for protecting, enhancing and managing open space. It identifies objectives and strategies which will deliver accessible, equitable, diverse, quality, sustainable and efficient provision of open space to meet the need of both present and future needs of the community.

The Strategy details Local Area snapshots that provide a basic description of and map of the open space provision for each Local Area and identifies key issues and opportunities for future open space supply and management. The Revesby town centre is designated as part of the South East area.

Open Space provision within the South East Local Area is characterised as extensive, featuring a diverse range of park settings and types throughout the centre. According to analysis conducted for the Bankstown Open Space Strategic Plan, there are a total of 59 sites across the South East Area, covering a combined area of 214 hectares





*Explanatory Note 2 – Justification extracted from analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown*

dedicated to open space provision. The analysis undertaken also forecasts a projected population increase of 3,700 by 2031, while noting that the demographic character of the local area is expected to remain stable over the forecast period.

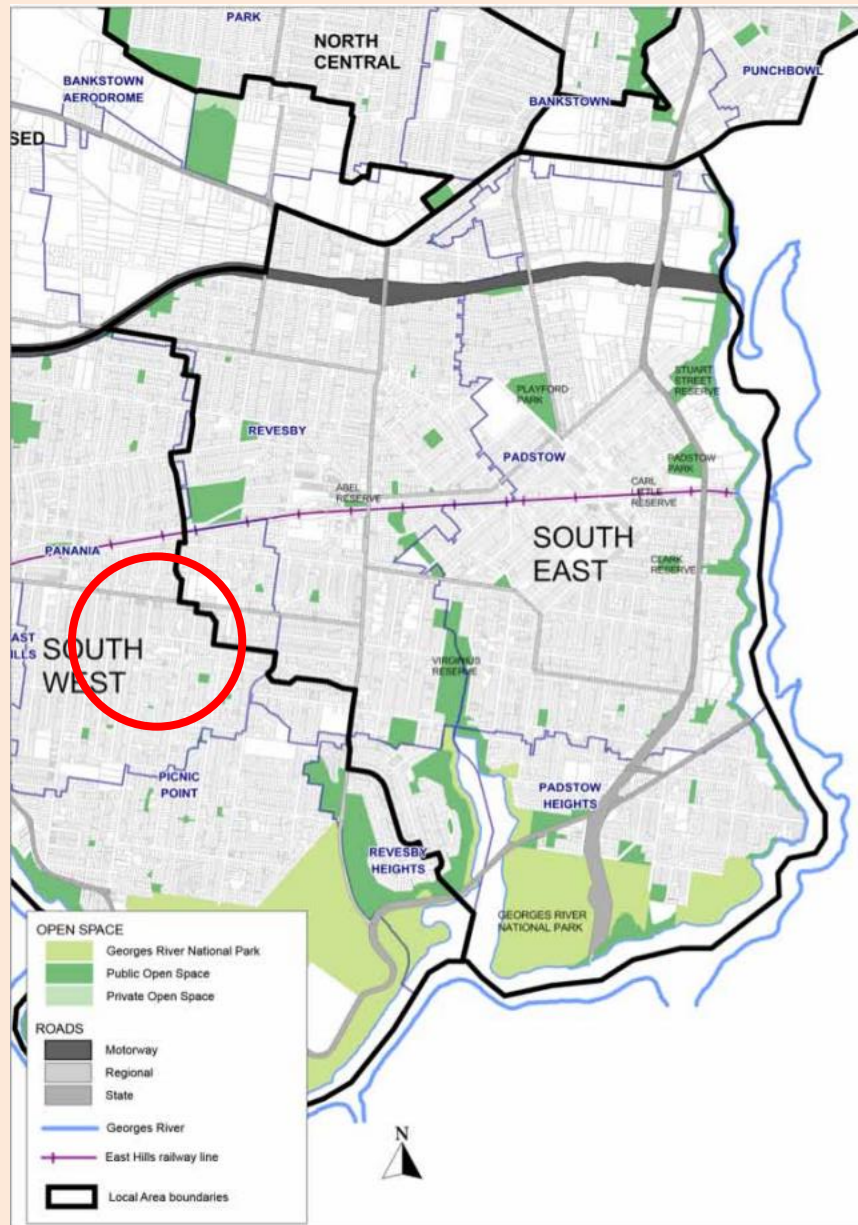
Moreover, the Local Area Snapshot acknowledges open space provisions specifically within the Revesby Centre. These include to:

- Investigate options for the civic precinct on the northern side of Revesby Railway station to improve connectivity and functionality with Abel Reserve
- Improve connectivity to Little Salt Pan Creek recreation corridor from Revesby village centre medium density residential zone
- Investigate options for land acquisition for development of local parks to service the community in vicinity of Sherwood, Albert and Carrington Street, Revesby



*Explanatory Note 2 – Justification extracted from analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown*

Figure 3 – Existing open space map showing the site circled in red (Source: Bankstown Open Space Strategy)



As demonstrated in Figure 3, the plan acknowledges the subject site as Public Open space servicing the South East Local Area.

History of former use of 75A-75C Marco Avenue, Revesby

As mentioned above, the site was resumed for a public purpose in 1937. Subsequently, Council extended the Marco Avenue roadway through the land to create two separate areas. The area to the north of Marco Avenue is an active recreation area with an aquatic centre and sporting field. The park is referred to as Amour Park.



### *Explanatory Note 2 – Justification extracted from analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown*

The land south of Marco Avenue has never served as open space. Over several decades, it was leased by the NSW Government to provide housing and community facilities for individuals with disabilities. This historical usage is evidenced by records maintained by the council. The site was previously leased for various purposes, including by organisations such as the Intellectually and Physically Handicapped Children's Association of NSW, the Department of Ageing, Disability and Home Care (DADHC), a Women's Health Facility, a Uniting Dive Childcare, and the Whitehall Children's Home, as detailed in Explanatory Note 3.

When the Commonwealth and NSW Governments changed their funding and care arrangements for people with disabilities, the buildings were demolished, and it became a strategic development site to fund community infrastructure within the locality or to purchase land more suited to open space. It is currently vacant, fenced off and is not accessible to the public.

#### Analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown

The Bankstown Open Space Strategy has served as the cornerstone document guiding the City's open space and recreation needs and priorities. However, since the adoption of the Strategy, both the City and the broader metropolitan area have experienced significant changes that necessitate Council to review and evaluate their implications on open space and recreation planning. These changes encompass:

#### **Legislative Changes**

- The legislative framework operating across Greater NSW has significantly shifted the importance for open space strategies, reflecting shifts in that manner that open space acquisition is targeted to address identified distribution gaps and recreation needs and to ensure that the quality of open space and recreation facilities is sustained and enhanced into the future.
- It is imperative to emphasise that these legislative shifts have elevated the standards of best practice in planning and management of open space and recreation facilities. It is Council's intention and responsibility to align its Strategic Framework with these priorities to ensure effective implementation and adherence to the evolving standards and to align Council practices with best practice where possible.

#### **Capital Works / Parks Management**

- The City has undertaken a significant open space capital works program and management initiatives that has substantially improved the quality, usability and access of the network.

#### **Population Growth and Demographic**

- Changes to the City's population density, distribution, demographic profile and future anticipated urban renewal require assessment of implications on open space and recreation facilities provision.

#### **Strategic Context**

- Recent City and State Government strategic planning directions developed require Council to review and assess impacts on open space and recreation needs.



*Explanatory Note 2 – Justification extracted from analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown*

**Recreation Trends**

- The open space network needs to respond to changing trends on how people use parks and participate in recreation.

The analysis conducted informing the preparation of a new draft open space strategy for Canterbury Bankstown will aim to integrate the previous strategies of Bankstown and Canterbury Councils. This comprehensive approach will establish the requirement for open space based on walkable catchments, which delineate natural boundaries to ensure community access to open spaces.

Importantly, the analysis undertaken to inform a new draft open space strategy proposes the divestment of public open space at 75A-75C Marco Avenue, Revesby. Further justification extracted from the strategy is provided below. It is crucial to emphasise that the proceeds from divesting 75A-75C Marco Avenue, Revesby will be reinvested into either developing and restoring community infrastructure within the area or acquiring land better suited for open space purposes.

Justification for the Divestment of 75A-75C Marco Avenue, Revesby (from analysis undertaken to inform a new draft open space strategy)

The analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown notes that despite the site's current zoning as RE1, its historical usage has been largely built form focused. While classified as open space, the site has predominantly served as a location for community facilities, notably housing, a scout hall, SES headquarters and a community facility centre to name a few of the previous uses. The specific nature of these facilities has restricted public access to the site, diminishing its role as a genuine public open space – reinforced by its disconnection from the larger open space to the north.

The rezoning of the site to an R4 Zone is further supported by Council's existing strategies aimed at enhancing recreational facilities. These include the Sports Facilities Strategic Plan, Playground and Playspaces Strategic Plan, and Leisure and Aquatics Strategic Plan. Notably, Amour Park is identified within these strategies as requiring further upgrades to meet community needs.

In alignment with the goal of improving open space amenities, the analysis undertaken to inform a new draft open space strategy proposes the divestment of land at 75A-75C Marco Avenue, Revesby. It is crucial to emphasise that the proceeds from divesting the 75A-75C Marco Avenue, Revesby will be reinvested into either developing and restoring community infrastructure within the area or acquiring land better suited for open space purposes. This approach is consistent with Evolution 10 of Council's Local Strategic Planning Statement by optimising the use of Council's existing land holdings rather than seeking to acquire new land, including the identification of sites deemed unsuitable as public open spaces or surplus to requirements. This approach is also reflected in the ongoing review of the scout hall at 75C Marco Avenue, as recommended by the draft Community Infrastructure Strategic Plan, which proposes divestment to fund upgrades of other Council facilities in the area.

*Explanatory Note 3 – History of former use of the "Whitehall Site" 75A, 75B and 75C Marco Avenue, Revesby and statement of reasons for divestment*



## Background

### History of the site

In 1961, Council leased the land to the Intellectually and Physically Handicapped Children's Association of NSW for a nominal rent. The lease permitted the construction of a building on the site, with the condition that the Association would bear all costs associated with the facility's operation and management. This lease was renewed in 1982 for a further 21 years. In late 2002, the Association expressed its intention to disband and requested to assign the lease responsibility to the Department of Ageing, Disability and Home Care.

The request was considered by Council and Council resolved that the deed of assignment be granted until 30 June 2006.

### Establishment of a Working Party

A report was submitted to Council on 27 June 2006 on the future uses of the former Whitehall Children's Home, Revesby and Council resolved the following:

- *A Councillors inspection of the former Whitehall site and its facilities be arranged at a suitable time.*
- *Following that inspection, a further report be brought back to Council on the preferred options for the site.*
- *A Working Party of Councillors and staff be convened to provide a recommendation to Council on the future use of the site.*

A Working Party of interested Councillors and staff was established in response to Council's resolution on 27 June 2006. The Working Party convened on multiple occasions to deliberate on the future uses of the land and buildings. One key consideration was accommodating the Coolaburra Neighbourhood Centre, which eventually led to the refurbishment of the Padstow Park Progress Hall to house the Centre.

### Considerations of the Working Party

Four options were identified and considered by the Working Party regarding the site and its buildings:

- Option 1: Refurbishment of the building to accommodate appropriate community services
- Option 2: Sale of the site with existing buildings
- Option 3: Demolition of the building, sale of part of the site and construction of an appropriate community facility with the proceeds of the sale
- Option 4: Demolish the building and return of the total site within the adjacent parkland.

Following several meetings between the Working Party considering all 4 options, it was agreed that the following 2 options presented the most feasible opportunity for the site and were to be put to Council.

### Option 1 – Refurbishment of the existing buildings

This option entailed maintaining the community land classification, zoning, and existing buildings, with a focus on exploring potential adaptive reuse opportunities for various community groups. The approach involved either allocating the site to selected groups or initiating an expression of interest process to assess community demand and interest openly.





Considering the constraints imposed by the community land classification and current zoning regulations, the buildings were assessed to have the capacity to accommodate a range of programs and services suitable for various not-for-profit organisations. However, it was noted that this process would be restricted to community organisations aligned with supporting the Bankstown Community.

Given the age and condition of the existing facility, which would have necessitated an investment of approximately \$420,000 (in 2006) to bring it up to current Building Code of Australia requirements, coupled with the potential for minimal return on investment, the working group deemed this option to be the less viable of the two alternatives.

*Figure 4 - Aerial Photograph Depicting 75A-75C Marco Avenue, Revesby in Context (Source: Nearmap, 2024)*



#### Option 2 – Sale of the site

A valuation was conducted for the site in August 2006 as part of an initial assessment of potential options for the facility and for future planning purposes.

In 2006, the valuation report indicated that the site could potentially accommodate 16-18 villas or townhouses on an area of approximately 5,526m<sup>2</sup>. Consequently, the valuation was estimated to fall within the range of \$2.4-2.8 million. This assessment assumed that the land was operational, devoid of any improvements, zoned as 2(a) Residential, and capable of supporting 16-18 villa 'town house' style dwellings.





This option emerged as the preferred choice among the majority of the Working Party members, contingent upon certain conditions:

- Council offering suitable accommodation for the Coolaburro Neighbourhood Centre at the Padstow Park Progress Hall on Ryan Road, Padstow. This matter had been previously addressed by Council, with refurbishment completed to facilitate the relocation of the Coolaburro Neighbourhood Centre.
- The responsibility for demolishing the existing structures on the site would lie with the purchaser of the site.

This option was viewed as advantageous for Council, as it promised a greater one-off financial return while also addressing and aligning with some of the requirements of the new planning legislation at the time.

#### Council recommendation and resolution

On 24 February 2009, Council resolved at its ordinary meeting that:

1. Council agrees in principle to sell the three sites known as 75A, 75B and 75C Marco Avenue Revesby (Lots 1, 2 & 3, DP214260, Marco Avenue, Revesby).
2. Council proceeds with the demolition of the buildings and structures located on the Whitehall; site as a matter of urgency and this project be listed as a capital work project in the current year's program
3. Council identified funds of up to \$160,000 to cover the cost of the building demolition and reflects the budget variation in its next quarterly review
4. Demolition be subject to Council's normal tender procedures.
5. Council resolves to prepare and exhibit a Draft Local Environmental Plan to amend the zone and FSR of the sites known as 75A, 75B and 75C Marco Avenue in Revesby (Lots 1, 2 & 3, DP 214260).
6. Council resolves to prepare and exhibit a Draft Local Environmental Plan to reclassify the sites known as 75A, 75B and 75C Marco Avenue in Revesby (Lots 1, 2 & 3, DP 214260) from Community land to Operational land within the meaning of the Local Government Act 1993.
7. Council advise the Department of Planning of this decision in accordance with section 54 of the environmental Planning and Assessment Act, and request delegation under sections 65 and 69 of the act in accordance with the Best Practice Guidelines published by the DoP entitled "LEPS and Council land – Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council".
8. Council holds a public hearing following exhibition regarding the proposed reclassification of the sites known as 75A, 75B and 75C Marco Avenue in Revesby (Lots 1, 2 & 3, DP 214260) in accordance with section 68 of the Environmental Planning and Assessment Act.
9. Council consider a further report on the matter at the closure of the exhibition period and after the report from the public hearing has been received
10. All proceeds from the future sale be placed in the Land Investment Fund and held for Community purposes in accordance with the future City plan priorities and the relevant Budget process
11. Discussion and negotiations on options for the existing scout activities conducted at the Revesby Scout Hall be held with the Scout Association.

#### Discussion

It should be noted that since the valuation was obtained for the site, the market has experienced a significant increase in property prices. A more recent valuation was conducted for the site in January 2023. The valuation



rationale used was the sale in one line to form one large R4 zoned high density residential development site of about 6,948.7m<sup>2</sup>. On the basis of adopting an FSR of 1.6:1 the consolidated site(s) have a GFA area of about 11,118m<sup>2</sup>, and at an average density rate of approx 80m<sup>2</sup> per unit, the potential yield is estimated to be approx 139 units.

After analysing sale evidence, adopting a range of \$950-\$1300 per square metre of GFA. And an approximate range of \$75,000 - \$100,000/unit site, it was estimated that the market value range of the site is \$10,500,000 to \$14,500,000. This represents a significant increase in comparison to the valuation received in 2006.

Given the very specific nature of the previous use of this facility, the site has not played a significant role in the provision of general community services accommodation and open space facilitation for the community of Canterbury Bankstown. Council leased the property of Lot 1 to the Scout Association of NSW for use by the 1<sup>st</sup> Revesby Scouts in 1962. Council resolved in 1961 to lease the land to the Scout Association, build the hall and sell the building back to the scouts at a value of 1,000 pounds. That payment was made by the Scouts in 1967, fulfilling their obligations. The buildings have since been demolished by Council.

When the 1<sup>st</sup> Revesby Scouts were deregistered, the hall management was transferred to the East Hills Pipes and Drums Scout Fellowship. The Scout Group in turn sublet the hall for use by non-scouting groups for activities such as dancing and fitness classes with Council's approval. Like many other leases, the Scout association lease expired on 20 June 2003, and it has been operating on a month-by-month basis ever since. Lots 1,2 and 3 have been largely disused since the relinquishment of the lease agreement.

Given the current market conditions, a need for appropriately located housing, and opportunities for reinvestment from proceeds of the sale of the site, this planning proposal seeks to rezone Lots 1, 2, and 3 from RE1 to R4, apply new height and FSR controls to align with adjacent existing R4 zoned land and reclassifying the land from Community to Operational. Proceeds from the sale would be allocated to community purposes associated with the future upgrade of the Max Parker Aquatic Centre and Amour Park enhancements.

### **Hazard Assessment – Moomba Sydney Ethane Pipeline**

This section of the planning proposal refers to the corresponding Gateway Determination received 27 May 2024. Namely, the following analysis relates to Gateway Condition 1(f):

*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.*

An outcome of the planning proposal is that it will increase the potential for residential development near the Moomba Sydney Ethane Pipeline. To support the CB LEP 2023, Council prepared a Land Use Safety Study



(LUSS). This LUSS was not previously submitted with this planning proposal, and therefore, no assessment was conducted regarding the proposal's compatibility with the hazard risk profile of the pipeline, in accordance with the NSW Land Use Safety Planning Framework (the Framework) and Ministerial Direction 5.5.

In line with the Gateway Determination, this amendment to the planning proposal incorporates recommendations from the LUSS to ensure that future development near the pipeline is compatible with the associated hazard risks. A copy of the LUSS is provided as an appendix to this planning proposal. Additionally, it is proposed within this section to revise Clauses 6.30 and 6.31, along with the associated mapping, to address the recommendations of the LUSS and ensure appropriate mechanisms are in place to manage land use safety and hazard risks.

#### LUSS for the Moomba-Sydney High Pressure Ethane Pipeline

In 2022, Council developed a draft consolidated LEP that included the rezoning of sites within the four town centres along the East Hills railway line (Padstow, Revesby, Panania, and East Hills). The subject site of this proposal, 75 A, 75B and 75C Marco Avenue Revesby, was investigated as part of the LUSS and was assessed on the basis it was zoned R4 High Density Residential.

Council engaged Arriscar on 17 February 2022 for the purposes of undertaking an assessment of industrial risk associated with the Moomba Sydney Ethane Pipeline along the East Hills railway corridor within the city. The Report assesses the existing and potential future development and provides recommendations to reduce land use conflicts between city revitalisation and transport of ethane through the high pressure transmission pipeline.

#### Methodology

The analysis undertaken to inform this report involves the quantitative estimation of both the consequences and the likelihood of accidents, commonly referred to as a Quantitative Risk Assessment (QRA). For assessing the consequences to individuals, the most widely used risk metric is the "individual fatality risk," which measures the probability of a fatality occurring per year.

In developing estimates for use in a QRA, it is essential to adopt a conservative approach, particularly when there is uncertainty in the underlying data and assumptions. This precautionary principle advocates the use of 'cautious best estimates,' which, while conservative, remain realistic. This approach aligns with the guidelines provided by the DPHI for conducting such assessments.

*Section 3: Risk Assessment Methodology of Appendix I* provides further details specifically related to the risk assessment methodology employed in this report.

#### Proposed intensity and scale of development

It is important to note that the LUSS proposed the same intensity and scale of development as anticipated through this planning proposal. Please see Figure 5 below, as taken from the report, for reference.



Figure 5 - Figure demonstrating Proposed Land Use (the site is outlined in red)



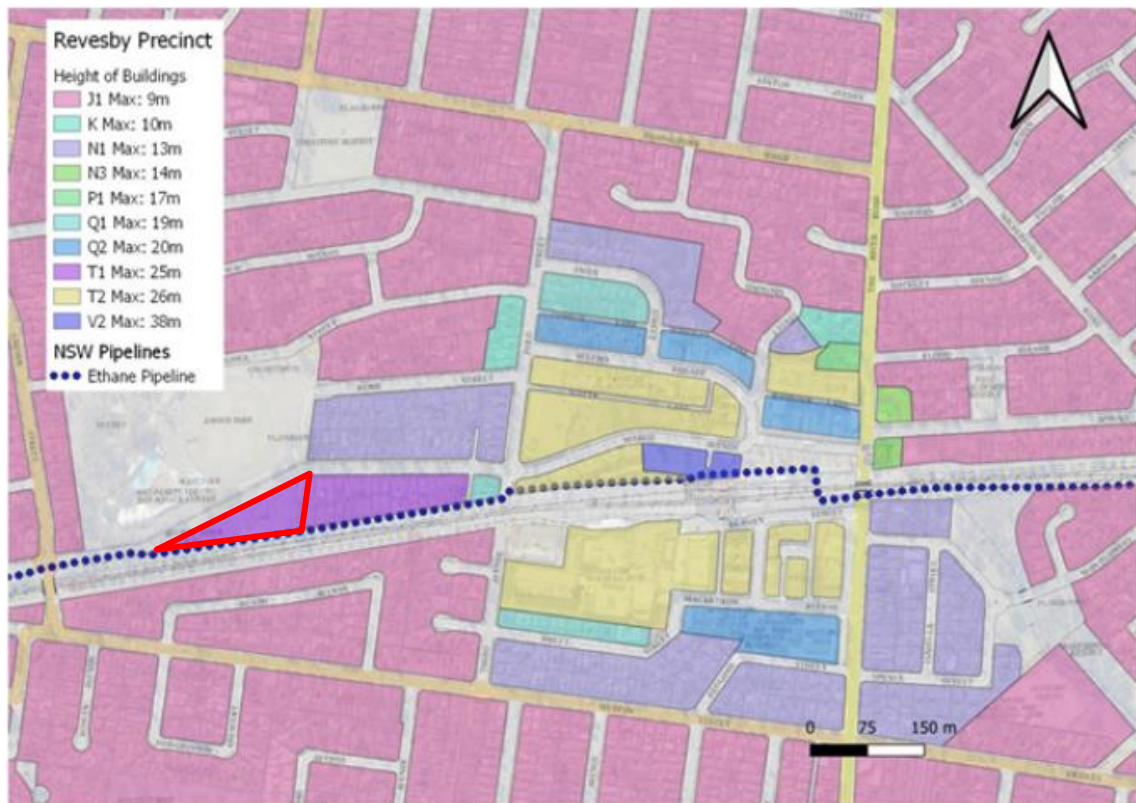


Figure 6 - Figure demonstrating Proposed Height of Buildings (the site is outlined in red)

### Report findings and recommendations

The following findings were made from the risk assessment:

- The individual risk of fatality within some properties along the route of the Moomba Sydney Ethane pipeline (MSE) exceeds the DPHI criteria for residential intensification; however, residential intensification can occur at these locations if mitigating measures can be implemented to reduce fatality risk exposure to less than the one (1) in a million per year.
- If the relevant planning instruments are modified so that buildings within the risk of fatality area have increased fire resistance to ensure indoor risk levels meet the accepted levels, intensification may be permitted.
- The individual risk of fatality never exceeds five (5) in a million per year, and therefore intensification of other land uses (such as business use) as proposed within the Study Area is consistent with DPHI's criteria.
- In consultation with Council the following argument is put forward that the LEP has reduced risk to as low as reasonably practicable:
  - Quantitative Location-specific individual risk (LSIR) criteria for development in the vicinity of hazardous facilities are satisfied through additional development controls that increase the fire resistance of dwellings in the vicinity of the MSE,
  - The societal risk is in the 'as low as reasonably practicable' (ALARP) region, but is not intolerable,
  - The societal benefits of developing an LEP consistent with the plans and strategies listed in 1 – 5 below outweigh the risk reduction that could be obtained by further restricting development near the pipeline, and hence also near already existing public transport infrastructure.



1. Greater Cities Commission's Greater Sydney Region Plan
  2. Greater Cities Commission's South District Plan
  3. Department of Planning and Environment's Ministerial Direction 5.1 (Integrating Land Use and Transport)
  4. Transport for NSW's Future Transport 2056
  5. Council's Connective City 2036 and Housing Strategy
- Similarly, further measures to address the Hazardous Industry Planning Advisory Paper 4 (HIPAP 4) qualitative criteria in addition to the recommendations made for the draft LEP are not reasonably practicable while also delivering the societal benefits of the Greater Sydney Region Plan.

It is noted that the LSIR of fatality exceeds both five (5) in a million and one (1) in a million per annum. These levels surpass the criteria for both residential intensification and sensitive land use intensification at the subject site. However, the risk posed by the pipeline is less than ten (10) in a million per annum. In accordance with the report, residential intensification may be permitted, provided that mitigating measures are implemented to reduce the risk to below one (1) in a million per annum.

To address these concerns, the existing risk mitigation development control measures in Chapter 2.4 of the Canterbury-Bankstown Development Control Plan 2023 (CB DCP 2023), which will apply to the proposed R4 zoning of the site at 75A, 75B and 75C Marco Avenue, Revesby, are summarised below:

- The construction of developments must adhere to all relevant '3 metres from boundary' deemed-to-satisfy provisions of the National Construction Code.
- Openings facing the pipeline must comply with Clause C3.4 of the National Construction Code.
- Exits must discharge into areas that are shielded and positioned away from the pipeline.
- The proponent must prepare an appropriate emergency response plan(s) for use by building occupants.

#### Proposed LEP Amendments

Council proposes the following amendments to Clauses 6.30 and 6.31 of the CB LEP 2023 (and associated maps) to ensure appropriate mechanisms are in place to address land use safety and hazard risks:





Figure 7 - Figure demonstrating proposed amendments to Area 1 and 2 as defined on the Canterbury Bankstown Local Environmental Plan 2023 Activity Hazard Area Map. The site is proposed to be included in Area 1.

## **Conclusion**

In conclusion, considering the contextual justification provided, including the validation of the divestment of 75A, 75B and 75C Marco Avenue, Revesby, and the findings of the analysis undertaken to inform a new draft open space strategy for Canterbury Bankstown, it is reasonable to support the progression of this planning proposal.

By rezoning the subject site from RE1 zone to an R4 zone, with provisions for a maximum 1.75:1 floor space ratio, maximum 25m building height, minimum 450m<sup>2</sup> subdivision lot size, and designation as Area 4 on the Special Provisions Map and Area 1 on the Activity Hazard Area Map, the proposal aligns with the strategic objectives outlined in the South District Plan, Council's LSPS, the South East Local Area Plan and facilitates responsible and sustainable development within the area. This approach ensures that future development is compatible with the existing urban fabric and contributes positively to the overall liveability and functionality of the local community.

Additionally, while it is acknowledged that the subject site adjoins the high-pressure Moomba Sydney Ethane Pipeline, Council is of the opinion that the setback requirements for the pipeline, along with current planning controls outlined in Chapter 2.2 (Flood Risk Management) of the Council's DCP will be sufficient to ensure that future redevelopment appropriately considers and manages flood risk.



## Part 3 – Justification of strategic and site-specific merit

This section of the planning proposal provides the rationale for the amendment of the CBLEP 2023 and responds to questions set out in the document, '*Local Environmental Plan Making Guideline*' (Department of Planning and Environment, 2021).

### Section A–Need for this Planning proposal

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

Yes. This planning proposal presents a set of housekeeping amendments aimed at addressing specific issues (that were deferred by the Department during the finalisation process of the *CBLEP 2023*) which was itself the result of a number of studies and reports that informed the proposed changes. The proposal directly aligns with Objective *E1.6.24* of the *Local Strategic Planning Statement (LSPS)*, which emphasises the need to 'Harmonise and consolidate the Canterbury LEP 2012 and Bankstown LEP 2015 into a single planning instrument'.

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

Yes, a planning proposal is the only legal way under the Act to amend the *CBLEP 2023* to achieve the objectives and planning outcomes of this Planning proposal.

A single planning proposal that applies to all necessary amendments to be made to the *CBLEP 2023* is the most rational and orderly means to implement the 'deferred matters' amendments proposed and achieve the intended outcome of completing the harmonising of the consolidation of the former Canterbury and Bankstown LEPs.

Utilising an alternative approach, such as depending on individual site-specific and ad hoc planning proposals aligned with the intent of this planning proposal, is deemed the least efficient method for realising the objectives outlined in Council's Local Strategic Planning Statement and the objectives of the Act. This approach would impede Council's capacity to effectively coordinate and facilitate development, as well as the requisite supporting infrastructure, essential for achieving superior place outcomes.



## Section B–Relationship to the strategic planning framework

### **3. Will the Planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

#### **Greater Sydney Region Plan ‘A Metropolis of Three Cities’**

The Greater Sydney Region Plan was released by the GCC in March 2018. It provides a 40-year vision for the Greater Sydney region and is designed to inform district and local plans and the assessment of planning proposals.

The Greater Sydney Region Plan (GSRP) identifies several key objectives around the need to ensure communities are healthy, resilient and socially connected; and improving housing supply to all groups in the community. The Planning proposal is consistent with several planning objectives in the GSRP as outlined in Table 1.

*Table 1 - Greater Sydney Region Plan Relevant Objectives – Assessment against relevant objectives*

Objective	Consistent / Rationale
Infrastructure and Collaboration	<p>Consistent – The planning proposal seeks to enact changes to the <i>CBLEP 2023</i> that will maximise the utility of existing infrastructure assets and proposes changes to land uses that support the development of adaptive and flexible regulations to allow decentralised utilities and promote housing and employment growth in close proximity to established key infrastructure and services. These amendments are designed to align with current levels of committed investment from the state government and the current level of infrastructure provision across Canterbury Bankstown Council. Furthermore, these changes aim to enhance local opportunities, promote inclusion, and improve access to services by facilitating housing developments that foster a place-based service approach.</p> <p>Introducing housekeeping amendments is not only aligned with the growth in infrastructure but also supports the <i>Transport Oriented Development State Environmental Planning Policy (SEPP)</i> by facilitating housing delivery in tandem with existing infrastructure capacity and commitments. These amendments also enable the implementation of comprehensive land use planning strategies that align housing provisions with the needs of Greater Sydney's expanding population and the state government's infrastructure planning initiatives.</p>
Liveability	<p>Consistent – This planning proposal seeks to make amendments to the <i>CBLEP 2023</i> to provide capacity for the additional dwellings anticipated and additional permitted uses that facilitate the changing needs of the community. The proposed amendments include, but are not limited to, changes to Zoning, Floor Space Ratio (FSR) and Height of Building (HoB) planning controls as identified in the LEP maps (Part 4).</p> <p>The proposed amendments outlined in this planning proposal aim to enhance housing opportunities in alignment with the NSW Government's strategy to meet the projected housing demand of an additional 725,000 homes over the next two decades. By facilitating the development of housing supply in the short, medium, and long terms, this proposal seeks to address the evolving housing needs of the community.</p>



Objective	Consistent / Rationale
	Furthermore, the planning proposal advocates for the enhancement of liveability by revitalising previously underutilised sites through place-based planning measures. By strategically locating additional housing opportunities near centres, the proposal acknowledges the pivotal role of these centres in providing access to essential goods and services. It also underscores the importance of allowing these centres to adapt and expand over time to better serve the community's evolving needs.
Productivity	<p>Consistent - The amendments proposed within this planning proposal will promote additional housing within 30 minutes of the Bankstown Strategic Centre and supports the strategic intent of the Greater Sydney Region Plan by rebalancing the economic footprint across Greater Sydney. The planning proposal will facilitate new opportunities for housing and employment generating uses that facilitate the growth of new strategic and local centres within Canterbury Bankstown.</p> <p>This planning proposal also focuses on aligning businesses, services, and transportation networks with population growth, fostering local employment opportunities and supporting the economic vitality of communities. In particular, the rezoning of the land at 75A-75C Marco Avenue, Revesby will permit some types of non-residential uses that will enable the creation of jobs and investment that is significantly limited under the current REI zoning.</p>
Sustainability	Consistent - this Planning proposal aims to foster innovation in water, energy, and resource management within strategic land use and development frameworks. Anticipated developments resulting from the proposed changes are expected to leverage environmental technologies and initiatives, including the Building Sustainability Index (BASIX), to optimise water, energy, and waste management practices.

### **South District Plan**

The GCC released the *South District Plan* (the District Plan) on 18 March 2018 to give effect to the Greater Sydney Region Plan. The District Plan contains priorities and actions to guide the development and planning of the south district while improving the district's social, economic and environmental assets. The Planning proposal addresses the priorities of the District Plan as follows:

*Table 2 - South District Plan Relevant Objectives - Assessment*

Objective	Consistent / Rationale
Infrastructure and Collaboration	<p>Consistent - The planning proposal is consistent with both directions for Infrastructure and Collaboration.</p> <p>This planning proposal aims to introduce changes and additional provisions that will enhance the coordination between land use and infrastructure planning, thereby optimising the utilisation of existing infrastructure. The recent confirmation of the Bankstown-Lidcombe hospital relocation, coupled with the Transit-Oriented Development State Environmental Planning Policy (TOD SEPP), underscores significant investments by the State government in infrastructure.</p>



Objective	Consistent / Rationale
Liveability	<p>Consistent – The planning proposal is generally consistent with the directions for Liveability.</p> <p>This planning proposal seeks to enact changes in land use planning instruments to facilitate the provision of housing, infrastructure, and services tailored to meet the needs of the community. By allowing for a diverse range of housing types in strategically chosen locations and implementing measures to enhance affordability, the proposal aims to address housing challenges effectively. Furthermore, it enables the concentration of new homes at a well-connected transport hub (Revesby), ensuring convenient access to essential amenities.</p> <p>Moreover, the proposed amendments align with the objective of fostering socially connected communities and enhancing access to employment opportunities and essential services. Additionally, the amendments are intended to contribute to the creation and revitalisation of vibrant local centres and civic spaces through changes in land use instruments that will allow the orderly and effective use of land and investment in green infrastructure for the community.</p>
Productivity	<p>Consistent - The planning proposal is generally consistent with the directions for Productivity.</p> <p>This planning proposal will give effect to land use planning instrument changes that aim to facilitate access to economic and housing opportunities within 30mins of the Canterbury Bankstown Strategic Centre. The planning proposal will facilitate increases in the number of jobs in education as a key population serving industry.</p> <p>The planning proposal will also facilitate the delivery of well-planned centres that help stimulate economic activity and innovation through the co-location of activities, provide jobs closer to where people live and use infrastructure more efficiently.</p>
Sustainability	<p>Consistent - The planning proposal is generally consistent with the directions for Sustainability.</p> <p>The proposed amendments outlined in this planning proposal are not expected to yield significant implications for the health and enjoyment of Canterbury Bankstown’s waterways, bushland, biodiversity, scenic vistas, and cultural landscapes.</p> <p>Moreover, these proposed amendments aim to facilitate investment in enhancing the quality of open space provision within Revesby. The rezoning of 75A, 75B, and 75C Marco Avenue, Revesby presents an unprecedented opportunity for the Council to allocate funds towards the development and enhancement existing community facilities or to fund the purchase of land more suited to open space. These community amenities will offer residents access to premium open spaces while aiding in the adaptation to the effects of urban and natural hazards, as well as climate change.</p>



**4. Is this Planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

**Community Strategic Plan 'CBCity 2028'**

CBCity 2028 is Council's 10-year plan to guide the City of Canterbury Bankstown on its journey to be a thriving and dynamic city. The Planning proposal is consistent with the identified "destinations" in CBCity 2028 as discussed below:

- *Clean and Green* – This planning proposal introduces the changes to the *CBLEP 2023* that promote the orderly development that serves to protect, preserve and promote the biodiversity of living spaces and the natural environment.
- *Moving and Integrated* – This planning proposal will enable the development of housing and employment growth in close proximity to existing public transport services and the future City and Southwest Metro station.
- *Liveable and Distinctive* – This planning proposal is intended to support the development of quality, compliant development that suits the City and meets its housing needs and maintains good amenity to existing residential areas. The proposed amendments are intended to address omissions and oversights within the *CBLEP 2023* to promote well planned, attractive and sustainable centres which cater for the diverse community of Canterbury Bankstown.

**Local Strategic Planning Statement (LSPS) 'Connective City 2036'**

The Local Strategic Planning Statement (LSPS) serves as the comprehensive vision for Canterbury Bankstown, guiding its growth. The Connective City initiative is grounded in five Metropolitan Directions, emphasising the City's role in Greater Sydney, and five City Directions that outline how the City can effectively support a population of 500,000 people by the year 2036. The strategic framework further incorporates ten theme-based evolutions, identifying challenges and opportunities for the City. Each evolution includes indicators and actionable items designed to drive meaningful change.

The LSPS responds to the directions of the *Greater Sydney Region Plan*, the planning principles of the *South District Plan*, *Future Transport 2056* and the *Community Strategic Plan, CB City 2028*. The plan was informed by consultant studies in community infrastructure need, sustainability, housing and employment studies, transport and movement and open space.

The LSPS and Local Housing Strategy sets a target to deliver 50,000 new homes. This revised target balances projected housing demand undertaken by Council's own Local Housing Strategy (approximately 39,000) whilst attempting to work toward the aspiration of the South District Plan (58,000).

The table below provides a discussion on the consistency against the Evolution Priorities addressed within the LSPS.





*Table 3: LSPS Relevant Actions - Assessment*

<b>Evolutions</b>	<b>Consistent / Rationale</b>
Evolution 1 – Coordination, community collaboration and context	Consistent - The planning proposal advocates for housekeeping amendments to the <i>CBLEP 2023</i> aimed at fostering the harmonisation and consolidation of the former <i>Canterbury LEP 2012</i> and <i>Bankstown LEP 2015</i> into a unified planning instrument.
Evolution 2 – Movement for Commerce and Place	Not applicable
Evolution 3 – Places for Commerce and Jobs	<p>Consistent – The planning proposal advocates for housekeeping amendments that are in line with the Council's objective of accommodating 25,000 jobs in Bankstown City Centre by 2036.</p> <p>These proposed amendments include permitting the development of "centre-based childcare facilities" within the RE2 Private Recreation zone. Childcare facilities are an employment generating use that is expected to increase the number of employment generating land uses within Canterbury Bankstown.</p> <p>It's important to note that these housekeeping amendments will not compromise existing industrial and business lands. Furthermore, they do not endorse the introduction of residential uses, such as aged care facilities and live-work units, within industrial and urban services land.</p>
Evolution 4 – Blue Web	Not applicable
Evolution 5 – Green Web	Consistent – the planning proposal does not contravene the intent or objectives of this evolution.
Evolution 6 – Urban and Suburban Places, Housing the City	Consistent - the planning proposal unlocks opportunities for new housing within close walking distance of Revesby town centre. The proposed changes to school's development will have a positive impact on the existing residential suburban areas of the LGA.
Evolution 7 – Cultural Places and Spaces	Not applicable
Evolution 8 – Design Quality	Not applicable
Evolution 9 – Sustainable and Resilient Places	Consistent - This planning proposal enables the development of buildings that adhere to current sustainability standards, including higher BASIX and NABERS ratings. Developments resulting from these proposed amendments present Council with the opportunity to incorporate site-specific planning and design controls as conditions of consent. These controls can support well-planned waste management services and innovative low-emission energy solutions, thereby fostering the creation of sustainable and resilient environments within Canterbury Bankstown.
Evolution 10 – Governance and Funding	Not applicable



### **Canterbury Bankstown Affordable Housing Strategy**

In the Canterbury Bankstown LGA, the overall proportion of households experiencing housing stress at the 2016 Census was higher than the average for Greater Sydney (11.8%), with 18.6% of households earning in the lowest 40% paying rent or housing repayments greater than 30% of their household income.

Council's Affordable Housing Strategy (adopted June 2020) identifies a range of mechanisms to deliver affordable housing. The potential for affordable housing varies across the centre depending on the attributes of sites such as proximity to transport, community infrastructure and centres and the potential for specific sale prices to be achieved. As a result, this planning proposal aligns with the objectives set forth in the *Canterbury Bankstown Affordable Housing Strategy*, thereby contributing to the Council's overarching goals of promoting accessibility to housing options for all residents.

### **Employment Lands Strategy 2020**

The *Employment Lands Strategy 2020* underscores the necessity for a strategic approach to fostering long-term economic and employment growth within the local government area (LGA). It recognises the importance of capitalising on opportunities to attract investment and stimulate job creation. The strategy serves as a guiding framework for Council's decision-making processes, ensuring the provision of a sufficient and suitable supply of employment land equipped to meet the needs of businesses and employees.

This Planning proposal does not involve any modifications to development controls or adjustments to land use instruments that are intended to support or impact the initiatives outlined within the *Employment Lands Strategy*. The proposed housekeeping amendments are not designed to compromise economic-generating uses, industrial and urban services land within Canterbury Bankstown. Therefore, the considerations outlined in the *Employment Lands Strategy* fall outside the scope of this Planning proposal.

### **Canterbury Bankstown Housing Strategy**

The *Canterbury Bankstown Housing Strategy* was prepared in accordance with the requirements for the NSW Department of Planning, Industry and Environment's Local Housing Strategy Guidelines to support State Agencies to coordinate their plans for future populations. The strategy has informed Canterbury Bankstown Council's comprehensive *CBLEP 2023* and has guided the subsequent centre master plans and other reviews of planning controls. It has also informed related documents including Council's Local Strategic Planning Statement. The Strategy provides an overarching, city wide framework for the provision of housing across Canterbury Bankstown, aligning approaches and strategies of the two former LGAs within the City.

A Strategic Direction of the *Canterbury Bankstown Housing Strategy* directly relevant to this Planning proposal is:

*"Ensure new housing in centres and suburban areas are compatible with the local character" (Strategic Direction 4).*

The Housing Strategy supports the provision of low to medium density housing in local centres with mass transit, such as the Revesby town centre, that provide excellent access to jobs and services. This planning proposal will facilitate the translation of RE1 Public Recreation land into R4 High Density Residential land within the Revesby Local Centre which aligns with the Housing Strategy recommendations for such zoning:



*“To provide for high scale residential encouraging lot amalgamation and urban renewal in well serviced locations” and “To provide densities which maximise housing in locations close to mass transit, jobs, services and facilities” and “To provide a transition between the densities provided in the Local Centres and lower residential zoned land.” (PP. 119)*

It is also noted that the strategy recommends that the R4 zone is applied to lots where:

*“High density uses are appropriate in the local context, achievable within landholdings and encircling higher densities (within R4, B2 and B4) in well serviced locations.” (PP. 119)*

This planning proposal aims to rezone lands at 75A, 75B, and 75C Marco Avenue, Revesby from RE1 Zone to R4 Zone, with specific parameters including a maximum floor space ratio of 1.75:1, a maximum building height of 25 meters, a minimum subdivision lot size of 450m<sup>2</sup>, and designation as Area 4 on the Special Provisions Map.

The R4 zoning of the site is in accordance objectives of the strategy for several reasons:

- The rezoning will enable the development of high-density residential properties, encouraging lot amalgamation and fostering urban renewal in a well-served location, situated within a 400-meter walking distance from Revesby Station.
- It will facilitate a transition between the densities provided within the B2 Local Centre of Revesby Town Centre and the adjoining R2 Low-Density residential zoning.
- The proposed high-density development is feasible considering the size and characteristics of the three landholdings, and it complements the nearby B2 Local Centre.

To support this planning proposal, Council may prepare a site-specific Development Control Plan (DCP) will establish site-specific controls managing the triangular size and shape of the lot, transition of this site on the western edge of the Revesby town centre and ensuring the site's compatibility with its surroundings. These controls will encompass various aspects of built form, including setbacks, bulk, scale, solar access, landscaping, public art and visual amenity.

### **Creative City Strategic Plan 2019**

The *Creative City Strategic Plan (CCSP 2019)* establishes a framework to enhance Council's creative and cultural resources. *Creative City* highlights Canterbury Bankstown's unique identity and supports creative practices as a way of cultivating distinctive places. The priority action of Creative City that is relevant to this Planning proposal is:

*“Deliver creative outcomes, such as public art, as part of any urban renewal, Master Planning process or Planning proposal.” (pp. 27)*

The planning proposal presents a unique opportunity facilitate the development of public art through the development of further DCP amendments that may include the requirement for a public art to be submitted with certain types of Development Applications that may arise from the changes being made through this planning proposal.



As such, this planning proposal is consistent with the Strategic intent of the *Creative City Strategic Plan 2019*.

**5. Is the Planning proposal consistent with any other applicable State and regional studies or strategies?**

Not applicable – the proposed amendments are important yet minor in overall scope when considered at a State or regional level.

**6. Is the Planning proposal consistent with applicable State Environmental Planning Policies?**

This planning proposal's consistency with applicable State Environmental Planning Policies is summarised in *Appendix A*. Relevant SEPPs are discussed in detail below.

**State Environmental Planning Policy (Sustainable Buildings) 2022 (formerly the SEPP (Building Sustainability Index: BASIX) 2004)**

Consistent - This planning proposal does not contain any provisions that would contravene or hinder the application of this SEPP. This Planning proposal will be accompanied by a Site-Specific Development Control Plan which seeks to apply sustainability provisions for new development that are not ordinarily covered by the Sustainable Buildings SEPP. Where there is an inconsistency between the LEP Amendment that would result from this Planning proposal and the SEPP, the SEPP would prevail to the extent of the inconsistency.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Consistent - This planning proposal does not contain any provisions which would contravene or hinder the application of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The planning proposal advocates a number of housekeeping amendments that provide land use changes that will not have any subsequent effects on remnant bushlands or significant ecological communities within Canterbury Bankstown.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

Consistent - This Planning proposal will introduce land use changes which have been justified in accordance with the application of the State Environmental Planning Policy (Resilience and Hazards) 2021. These land use changes are discussed in detail below:

**Consideration of contamination and remediation: 75A, B and C Marco Avenue, Revesby**

Clause 4.6 of the SEPP states:

- (1) 'A consent authority must not consent to the carrying out of any development on land unless—
- (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and



- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.'*

A Preliminary Site Investigation report has been submitted with this planning proposal (Appendix F) and includes the site at 75A-75C Marco Avenue, Revesby. The report notes in regard to the Revesby site:

*'This site was found to be impacted by various stockpiles of materials some of which were visual identified to contain asbestos containing materials (ACM). While the rezoning of 75A–75C Marco Avenue, Revesby from public recreation to high density residential can proceed, site investigation and likely remediation will be required prior to further site use/redevelopment.'*

In accordance with the recommendations of the Preliminary Site Investigation report, the requirements of Resilience and Hazards SEPP have been satisfactorily addressed.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Consistent - The planning proposal will facilitate development enabling controls which have been drafted in accordance with the application of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The planning proposal seeks to provide additional opportunities for development which would be consistent with the aims of Chapter 2 'Infrastructure' of the SEPP.

Council notes that the following clauses under Division 12A Subdivision 2.77 apply to the determination of development adjacent to pipeline corridors:

- (1) *Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—*
  - (a) *be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*
  - (b) *take those risks into consideration, and*
  - (c) *give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*
  - (d) *take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*
- (2) *Land is in a pipeline corridor for the purposes of this section if the land is located—*
  - (a) *within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or*
  - (b) *within 20m of the centreline (measured radially) of a relevant pipeline, or*
  - (c) *within 20m of land the subject of an easement for a relevant pipeline.*
- (3) *The following pipelines for gas, or for petroleum or other liquid fuels, are relevant pipelines for the purposes of this section—*
  - (a) *the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the Pipelines Act 1967,*
  - (b) *the Clyde to Gore Bay pipeline.*

Council acknowledges that the proposed Planning proposal aims to enact housekeeping amendments to the CBLEP 2023, facilitating development in proximity to a pipeline corridor. Consequently, prior to determining





a development application submitted for the parcels of land at 75A-75C Marco Avenue, Revesby, the clauses stipulated within Subdivision 2.77 will be enforced. Council would notify the gas line operator within seven days of receipt of a Development Application. Furthermore, due regard must be given to any response received from the pipeline operator within 21 days following the issuance of the notification.

Figure 8 - Figure demonstrating Pipeline Corridor and 20m Referral zone at 75A-C Marco Avenue, Revesby



Any future development on the site would be required to address the design and development application lodgement requirements in *Chapter 2.4 Pipeline Corridors* of the *CBDCP 2023*. There is no requirement for additional controls to be developed in response to this planning proposal.

#### **State Environmental Planning Policy (Housing) 2021**

Consistent – The planning proposal is consistent with the aims and objectives of the Housing SEPP as it seeks to facilitate opportunities to deliver diverse housing options with Canterbury Bankstown.

#### ***State Environmental Planning Policy (Housing) –Design Quality of Residential Flat Development***

Consistent - The planning proposal is consistent with the aims and objectives of the Housing SEPP as it seeks to facilitate opportunities to deliver Residential Flat Developments which satisfy the requirements stipulated under the SEPP.





### *Low- and Mid-Rise Housing Code and Changes to create low and mid-rise housing*

Consistent - Council acknowledges the NSW Government's proposed changes to the planning system that is intended to increase the capacity to deliver more low and mid-rise housing in well located areas near existing services and infrastructure.

While it is noted that the planning proposal results in the creation of new R4 zoned land, the proposed housing reforms will not explicitly alter the likely density of housing able to be delivered on the site at 75A-75C Marco Reserve, Revesby. The planning proposal will not result in any additional opportunities for R2 and R3 zoned land within 800m walking distance of land zoned E1 Local Centre (B2 zone equivalent). The introduction of the proposed mid-and-low-rise housing changes will have no material impact on the strategic or site-specific merits of this planning proposal.

### **7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

This planning proposal is consistent with most applicable Local Planning Directions (Section 9.1 Ministerial Directions) (refer to *Appendix B*) and discussed further below. It is noted that the planning proposal is strongly in alignment with key government priority which is to provide additional housing in well located areas.

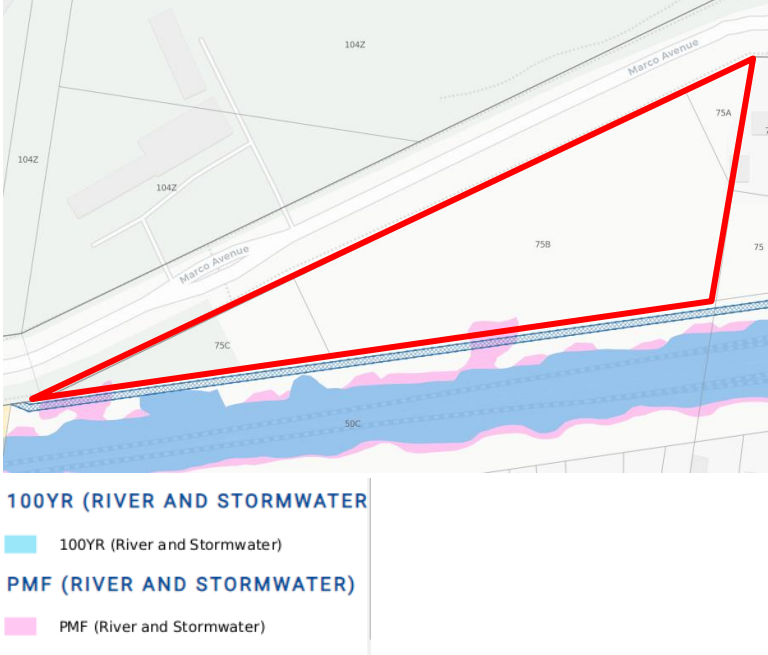
*Table 4: Consistency assessment against Local Planning Directions (Section 9.1 Ministerial Directions)*

Direction	Consistent / Rationale
Focus Area 1: Planning Systems	Consistent – The proposed housekeeping amendments outlined in this planning proposal are consistent with Focus Area 1: Planning Systems.
1.3 Approval and Referral Requirements	The amendments are in accordance with the South District Plan issued by the Minister for Planning. They entail a series of adjustments aimed at streamlining processes by minimising the inclusion of provisions necessitating concurrence, consultation, or referral of development applications to the Minister or a Public Authority.
1.4 Site Specific Provisions	Notably, there are no provisions proposed that would require concurrence from the Minister or a Public Authority.  Moreover, the planning proposal does not designate any specific development types for amendment.  Specifically, the proposed changes to the <i>CBLEP 2023</i> involve rezoning certain sites to existing zones already established within the instrument. These zones permit land use without imposing additional development standards or requirements beyond those already contained within the LEP.  Additionally, the planning proposal refrains from including or referencing drawings illustrating the details of the proposed development.
Focus Area 3: Biodiversity and Conservation	Consistent – the site at Marco Avenue, Revesby is not identified on the Terrestrial Biodiversity map under the <i>CBLEP 2023</i> . Further, the 2022 State Vegetation Type Map has not identified the area to contain any native vegetation communities and
3.7 Public Bushland	



Direction	Consistent / Rationale
	<p>the 2016 Office of Environment and Heritage Vegetation Mapping has identified the site to be 'Urban Exotic/Native vegetation'.</p> <p>While the site contains some existing vegetation, the majority of the trees are generally located along the boundaries to the road and the railway line to the rear. This planning proposal will also be supported by a Development Control Plan, aiming at mitigating disturbances caused by development and giving priority to retaining existing trees. This can be achieved through mandatory ground floor setbacks to minimise impacts on trees. Any removal of trees would be subject of review and assessment during the Development Application stage. A Planning Agreement can also be entered into between Council and the proponent to require additional tree planting on the site or on other sites in the local area at a ratio of 3:1 to increase the overall number of trees in the area.</p> <p>It is noted that the rezoning of the land at Marco Avenue Revesby will have a significant economic and social benefit to the local and regional community through either enabling the refurbishment existing community facilities or the purchase of land more suited to open space.</p> <p>All other provisions within the proposed amendments of this planning proposal do not pertain to land within a conservation zone or land otherwise designated for environmental conservation/protection purposes in a Local Environmental Plan (LEP). Consequently, the planning proposal does not introduce land use conditions that diminish the existing conservation standards applicable to lands within Canterbury Bankstown and are consistent with the objectives of Focus Area 3: Biodiversity and Conservation.</p>
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	<p>Consistent – there are no proposed amendments within this planning proposal that will adversely potentially increase the risk from flooding in the LGA. The site at 75A-75C Marco Avenue, Revesby is not affected by the 1% Annual Exceedance Probability (AEP) (also known as the 1 in 100-year flood). Less than 1% of the site impacted by Probably Maximum Flooding in two small parts of the rear boundary of the site along the railway line corridor. Refer to the figure below. The degree of this impact is minor and the current floor 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.</p>



Direction	Consistent / Rationale
	
4.4 Remediation of Contaminated Land	<p>Consistent – This Planning proposal has obtained and given regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>The planning proposal encompasses a set of housekeeping amendments pertinent to the land situated at 75A-75C Marco Avenue, Revesby. Considering the presence of asbestos cement sheeting in previous structures on the site, the contamination of this area has been duly addressed within the framework of this planning proposal.</p> <p>Following the initial submission of the original AAS27 Condition Audit Report on February 22, 2006, GW Engineers were subsequently commissioned by Bankstown City Council to reassess the facility in light of its proposed change in usage, aiming to repurpose it as a 'community centre'. The reassessment determined that the majority of hazardous materials present had been successfully removed from the premises, necessitating only minor corrective actions. Consequently, the report concluded that the site is suitable for its intended purpose and devoid of significant residual disturbances stemming from the previously utilised asbestos cement sheeting.</p> <p>A Preliminary Site Investigation Report has been commissioned by Council and includes the proposed rezoned land at 75A-75C Marco Avenue, Revesby and confirms that the site is suitable for a high-density residential use subject to likely remediation prior to the development commences. This is ordinarily dealt with at the Development Application stage.</p>

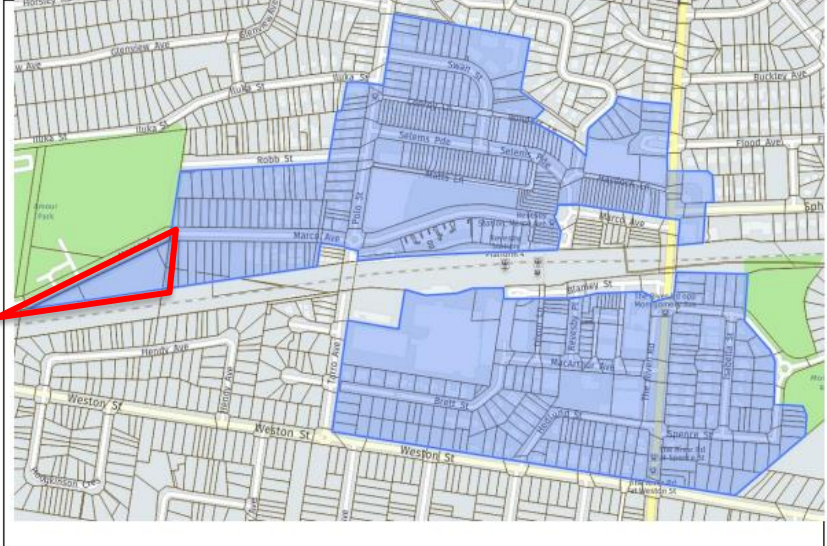


Direction	Consistent / Rationale
<b>Focus Area 5: Transport and Infrastructure</b>	Consistent – In accordance with the relevant parts under ‘Housing’ (p34) of the <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> , the rezoning of the site at 75A-75C Marco Avenue, Revesby is located less than 600m walking distance from Revesby railway station with trains departing at least every 15 minutes and approximately 275m from the nearest bus stop that has regular bus services to Bankstown city centre, on average at least 5 bus departures each hour during peak times.
5.1 Integrating Land Use and Transport	
5.5 High pressure dangerous goods pipelines	<p><b><u>75 A, B and C Marco Avenue, Revesby - Proximity to Gas Pipeline</u></b></p> <p>Justifiably inconsistent - The proposed amendments are justified by the LUSS written by Arriscar that considers the objective of Direction 5.5.</p> <p>This planning proposal will permit development for one or more of the specified uses within the application area of an ethane pipeline.</p> <p>The proposed amendments within this proposal include changes to 75A, B and C Marco Avenue, Revesby which will permit development for the purposes of residential accommodation.</p> <p>Canterbury Bankstown Council formerly engaged the series of Arriscar to conduct a <i>Land Use Safety Study (LUSS)</i>. The LUSS determined the level of safety associated with rezoning of sites within the four town centres along the East Hills railway (Padstow, Revesby, Panania, and East Hills) to accommodate projected population growth in the identified areas. The report has been attached for reference (Attachment K).</p> <p>The Arriscar report recommends that sensitive uses should be restricted where the outdoor LSIR is greater than 0.5 x 10<sup>-6</sup> p.a. Sensitive use developments are those for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure event, and include the following land uses as per Standard Instrument–Principal Local Environmental Plan (2006 EPI 155a) - NSW Legislation:</p> <ul style="list-style-type: none"><li>• School</li><li>• Hospital</li><li>• Seniors housing</li><li>• Respite day care centre</li><li>• Early education and care facility</li><li>• Correctional centre</li></ul> <p>The proposed amendments do not seek changes which are anticipated to allow development for any of the purposes mentioned above.</p>



Direction	Consistent / Rationale
	<p>In addition, it is noted that any development application lodged on the subject site will be reasonably required to comply with the following recommendations as noted on pp. 60-61 of the LUSS Report.</p> <p><i>Recommendation 2:</i></p> <p>Development (at the site) must meet the following deemed to satisfy provisions:</p> <ul style="list-style-type: none"><li>- Fire-resisted construction as per BCA Spec C1.1 and AS1530.4</li><li>- Openings exposed to the pipeline protected in accordance with BCA Clause C3.4, with measure such as fire-rated windows; drenchers or fire-shutters, etc.</li><li>- Service openings protected in accordance with BCA Clause 3.12</li><li>- Construction joints, spaces in and between building elements must be fire resisting in accordance with AS1530.4-2012 to achieve required FRL</li><li>- Exits must discharge in locations that are shielded away from the pipeline location</li><li>- Proponent must prepare an appropriate emergency response plan for use by building occupants,</li></ul> <p><i>Recommendation 3:</i></p> <p>Ensure construction activities (at the site) do not impact the existing potentially hazardous pipelines. At the DA stage, the proponent is to demonstrate how this will be achieved by submitting a safety management study in accordance with the Transport and Infrastructure SEPP.</p> <p>Council is satisfied that clause 6.30 and clause 6.31 of the CB LEP 2023 and Chapter 2.4 Pipeline Corridors of the CB DCP 2023 provide sufficient controls to ensure that development at this site will achieve the recommendations of the LUSS Report; and ensure consistency with Direction 5.5.</p> <p>Chapter 2.4 of the CB DCP 2023 has been informed directly by this LUSS; and as such all of the recommendations of the LUSS are currently used to assess development that occurs in the hazard areas surrounding the Moomba to Sydney Ethane Pipeline corridor. Figure 9 below shows that the subject site, being 75A-C Marco Avenue, Revesby, is subject to the controls of Chapter 2.4 of the CB DCP 2023. All other controls in Chapter 2.4 apply to residential development on land identified as 'Area 2' on the Hazard Area Map. This planning proposal includes proposed changes to identify the land at 75A-C Marco Avenue, Revesby as Area 2 on the Hazard Area Map, as recommended by the LUSS Report. These proposed changes are shown on the Maps in Appendix J.</p>



Direction	Consistent / Rationale
	 <p data-bbox="576 931 1481 1025"><i>Figure 9: Land in Revesby (shown blue) (75A-C Marco Avenue, Revesby shown in red) where certain development (including residential development) must submit a safety management study</i></p>
5.2 Reserving Land for Public Purposes	Consistent – This planning proposal seeks to rezone land reserved for a Public Purpose (75A-75C Marco Avenue, Revesby), however Council is the acquisition authority and it resolved at its meeting held on 24 October 2023 to proceed with the submission of the planning proposal to the Department for Gateway determination.
<b>Focus Area 6: Housing</b>	Consistent – This Planning proposal seeks to introduce housekeeping amendments that align with the intent of <i>Direction 6.1 Residential Zones</i> . In relation the rezoning of the site at 75A-75C Marco Avenue, Revesby, to R4 zone will be consistent with the Direction 6.1 as it will reduce consumption of land on the urban fringe for housing, make efficient use of existing infrastructure given its proximity to Revesby centre and broaden the potential housing choice and delivery in Revesby.
6.1 Residential Zones	<p data-bbox="576 1326 1481 1498">In relation the rezoning of the site at 75A-75C Marco Avenue, Revesby, to R4 zone will be consistent with the Direction 6.1 as it will reduce consumption of land on the urban fringe for housing, make efficient use of existing infrastructure given its proximity to Revesby centre and broaden the potential housing choice and delivery in Revesby.</p> <p data-bbox="576 1547 1481 1646">It is important to note that this planning proposal does not include provisions that would decrease the permissible residential density of land within Canterbury Bankstown.</p>

## 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 because of the proposal?**

This planning proposal relates to a series of housekeeping amendments that will apply to existing urban centres within Canterbury Bankstown. The prevailing character of these centres are highly urbanised environments. The planning proposal seeks to introduce provisions which will increase densities within the





existing locale of each centre and not introduce forms of development which will threaten critical habitats, threatened species, populations or ecological communities and their habitats.

A site-specific Development Control Plan will be prepared for the 75A-C Marco Avenue, Revesby and will include specific provisions relating to key priorities as addressed within Council Strategic Framework. these matters relate to:

- Include a requirement for future development to provide a tree canopy cover target for the site to ensure existing trees are retained where practicable.
- Require future development on the site to be setback along the road frontage and rear boundary to preserve as many existing trees as possible.
- Require a tree replacement ratio for any trees removed from the site. Tree replacement planting is to occur elsewhere in Revesby and can be a condition of development consent.
- Prioritise selecting native and endemic tree species present in the location prior to European settlement.
- Include development controls regarding deep soil zones, water sensitive design, tree canopy on ground and tree canopy on structures.

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

Other likely environmental effects as a result of this Planning proposal are discussed below.

**Flooding**

This planning proposal has been in consideration of the objectives of Local Planning Direction 4.1 Flood Prone Land. In addition, consideration has been given to ensure consistency with:

- the NSW Flood Prone Land Policy,
- the principles of the Floodplain Development Manual 2005,
- the Considering flooding in land use planning guideline 2021, and
- any adopted flood study and/or floodplain risk management plan prepared in accordance with
- the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

This planning proposal does not seek to rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones. This planning proposal does not include provisions that apply to the flood planning area which:

- permit development in floodway areas,
- permit development that will result in significant flood impacts to other properties,
- permit development for the purposes of residential accommodation in high hazard areas,
- permit a significant increase in the development and/or dwelling density of that land,
- permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,



- permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
- are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
- permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

For the purposes of this planning proposal, it is ensured that the flood planning area aligns with the principles outlined in the *Floodplain Development Manual 2005*.



### **Sustainability, Climate Change and Building Performance**

While the proposal may lead to increased development within the existing urban footprint, no further environmental impacts are anticipated to arise from potential development originating from this planning proposal. Moreover, the proposed housekeeping amendments will facilitate development that must consider and adhere to the *Sustainable Buildings SEPP*. This policy aims to promote the design and construction of more sustainable buildings across New South Wales. These requirements will be applicable to both residential and non-residential developments, additionally, site-specific considerations will be outlined in the DCP for the site at 75A-75C Marco Avenue, Revesby to ensure that all new buildings are designed to maximise tree canopy.

### **Indigenous and non-Indigenous Cultural Heritage**

The planning proposal has no impacts in regard to indigenous and non-indigenous cultural heritage. It is noted that heritage conservation within Canterbury Bankstown Council is covered by a compulsory clause in the *Standard Instrument (Local Environmental Plans) Order 2006*. As such, the *CBLEP 2023* has identified items, areas, objects and places of environmental heritage significance or indigenous heritage significance LEP.

### **10. Has this Planning proposal adequately addressed any social and economic effects?**

A discussion of the Economic and Social Effects of this Planning proposal is discussed below.

#### **Economic Effects**

The rezoning and reclassification of 75A-75C Marco Avenue, Revesby, along with the divestment of the land, are anticipated to generate an economic gain for Council in the range of \$10,500,000 to \$14,500,000. While acknowledging that the sale of these lands will bring about an economic gain for Council, it is essential to highlight that 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.

The other amendments in this planning proposal will have a neutral economic impact overall as they relate to reinstatement of matters deferred by the Department prior to finalisation of the *CBLEP 2023*.

#### **Social Effects**

The Planning proposal delivers a number of positive social effects in that it:

- Ensures good urban design outcomes for new schools in the R2 zone and associated improvements to the amenity of adjoining residential properties.
- Increases housing opportunities for residents within close proximity to key services and infrastructure at Revesby.
- Increases the potential delivery of new affordable housing to reduce the number of people experiencing housing stress in Revesby.



- Facilitates significant improvements and upgrades to existing community facilities or the purchase of land more suited as open space.

The Urban Design Study at *APPENDIX G - Urban Analysis – 75A-75C Marco Avenue, Revesby* demonstrates there are a number of ways how the site at 75A-75C Marco Avenue, Revesby can be redeveloped following its rezoning to R4 High Density Residential Zone. This analysis shows that the future redevelopment can include different building footprints that allow for the minimum building separations and solar access as required under the Apartment Design Guide. As part of the preparation of the site specific DCP, and prior to exhibition of the planning proposal, the design of the options can be refined further to strictly comply with the maximum FSR of 1.75:1. Refer to *Appendix G* for more detail.

## **Section D – Infrastructure (Local, State and Commonwealth)**

### **11. Is there adequate public infrastructure for the Planning proposal?**

This planning proposal has considered the provision of public infrastructure relevant to the proposed provisions.

Council acknowledges that the intended provisions for 75A-75C Marco Avenue, Revesby, are expected to generate increased demand for public infrastructure. It is anticipated that the development of this land will result in approximately 11,118m<sup>2</sup> of habitable floor space, equivalent to roughly 139 apartments (based on 80m<sup>2</sup> per apartment). There is sufficient public infrastructure, services, public transport and open space and recreation facilities within 800m of the site to support the proposed rezoning to R4 zone.

In light of these considerations, Council is confident that the intended provisions of this planning proposal have adequately addressed the appropriate provision of public infrastructure.

### **Utilities, Waste Management and Recycling Services**

It is crucial to note that, apart from the intended provisions for 75A-75C Marco Avenue, Revesby, the proposed changes are not expected to lead to unreasonable increases in demand on existing utilities and services. Therefore, due consideration will be given to utilities, waste management, and recycling services at the Development Application stage for any development arising from this planning proposal.

### **Transport Infrastructure**

This planning proposal has considered the anticipated increase in demand on transport infrastructure. Council's assessment contained in this planning proposal suggests that the proposed amendments will not impose excessive demands on the existing transport infrastructure within Canterbury Bankstown.

### **Community and Social Infrastructure**

The provisions being sought through this planning proposal are consistent with the objectives and directions within the *CBCity 2028 Community Strategic Plan* and *CBCity's LSPS*.



## **Section E – State and Commonwealth Interests**

### **12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The required consultation will be detailed as part of the Gateway Determination.





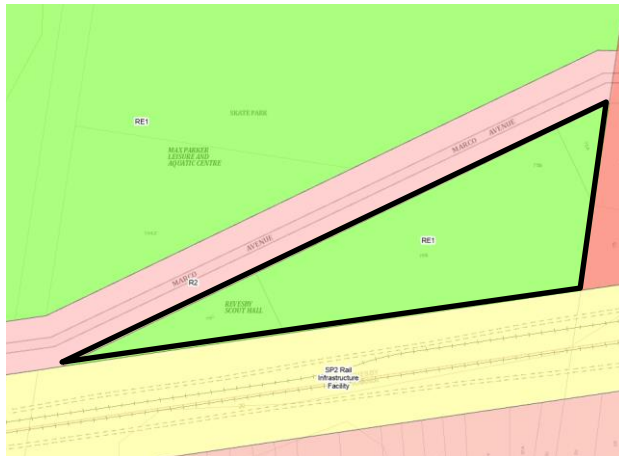
## Part 4 – Maps

This planning proposal seeks to amend some maps as part of the *CBLEP*. The proposed LEP Map amendments will be consistent with the *Standard Technical Requirements for Spatial Datasets and Maps* using the same format, symbology, labelling and appropriate map scale. The following maps will be amended through the digital mapping system:

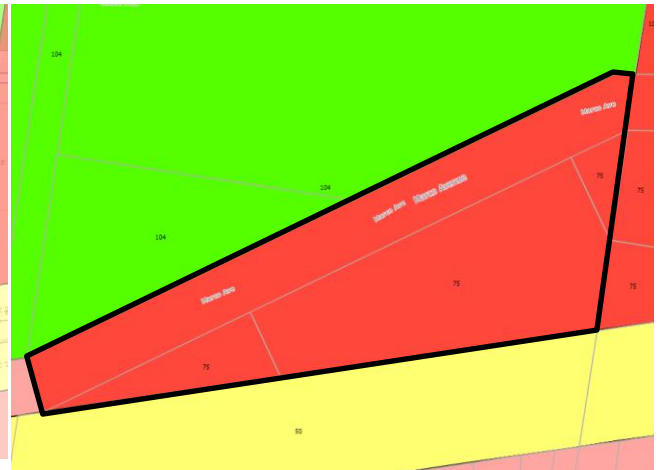
- Map 1 – Proposed Amended Land Zoning Map
- Map 2 – Proposed Amended Floor Space Ratio Map
- Map 3 – Proposed Amended Height of Buildings Map
- Map 4 – Proposed Lot Size Map
- Map 5 – Proposed Amended Special Provisions Map
- Map 6 – Proposed Activity Hazard Area Map

### Map 1

Existing LZN – RE1 Public Recreation

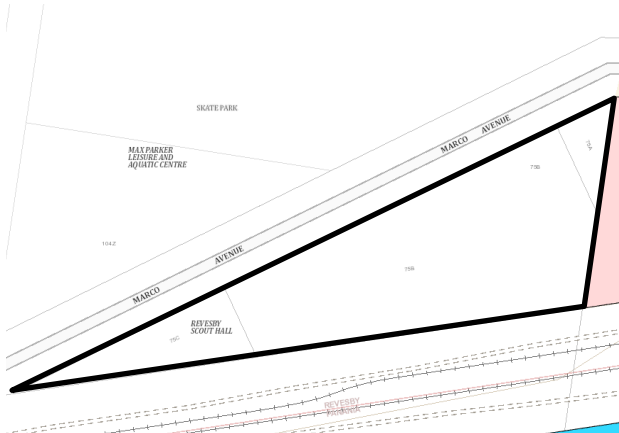


Proposed LZN – R4 High Density Residential



### Map 2

Existing FSR – No maximum FSR



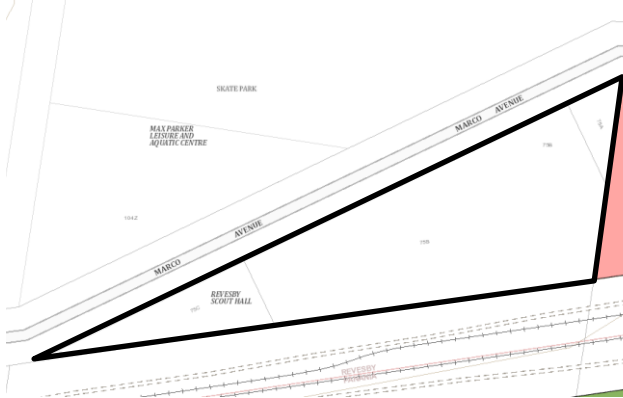
Proposed FSR – Maximum 1.75:1



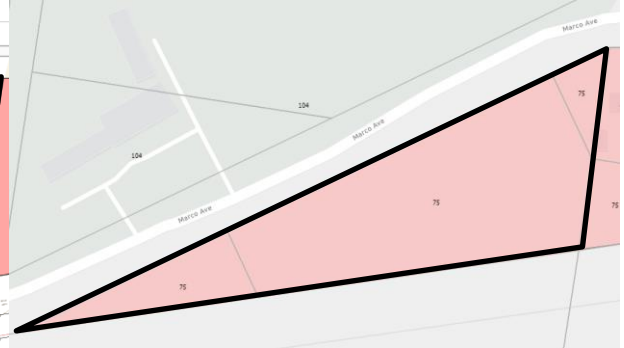


### Map 3

Existing HOB – No maximum building height

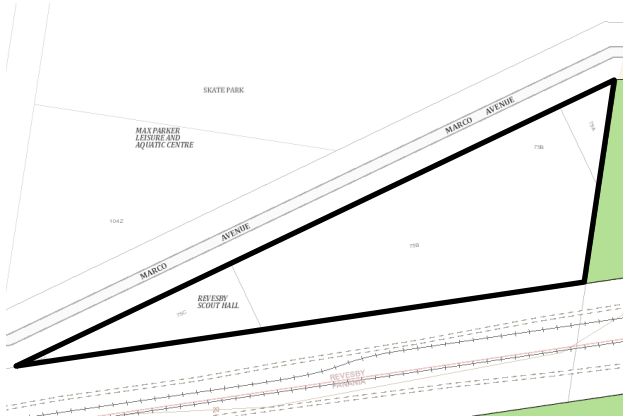


Proposed HOB – Maximum 25m



### Map 4

Existing LSZ – No subdivision lot size

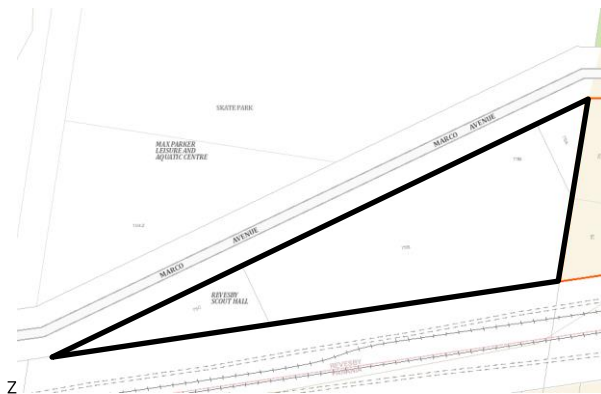


Proposed LSZ – Minimum 450m<sup>2</sup> subdivision lot size



### Map 5

Existing Special Provision Map – No special provision



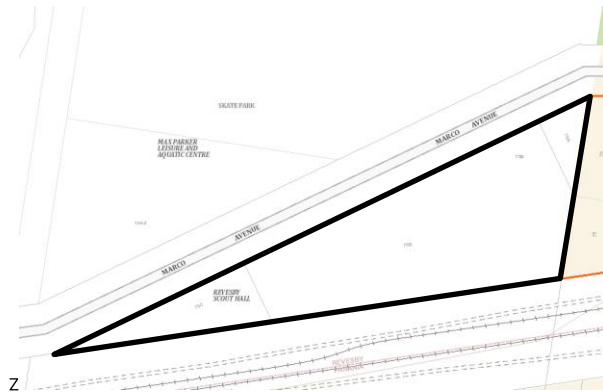
Proposed Special Provision Map – include in Area 4 (from Clause 4.1B)



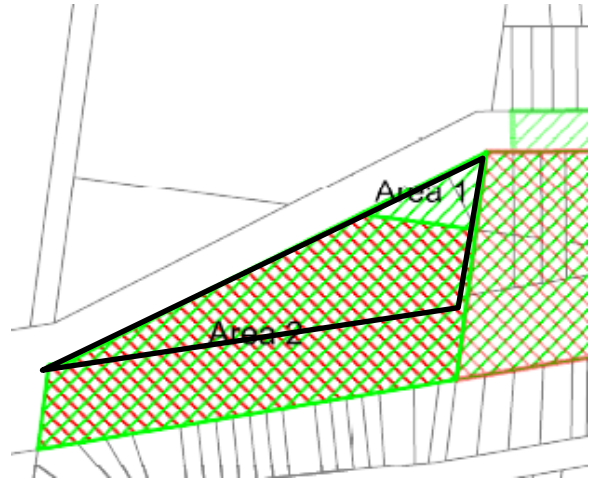


Map 6

Existing Activity Hazard Map – No Activity Hazard



Existing Activity Hazard Map – include in Area 1 and Area 2 (from Clause 6.30)



## Part 5 – Community Consultation

The planning proposal will be placed on public exhibition in accordance with the Gateway Determination and Canterbury Bankstown Community Participation Plan for a minimum of 28 days or as required by the Gateway Determination, comprising of:

- Notification in the local newspaper that circulates in the area affected by this Planning proposal.
- Display on Council's corporate 'Have Your Say' website.
- Display at Council's customer service centres at Bankstown and Campsie.
- Written notification to affected property owners.
- Written notification to public authorities stipulated in the Gateway determination.

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. In addition, a public hearing under section Division 4 Part 2 of the Local Government Act 1993 will be held (as per s.29). Council has also indicated the purpose of the draft LEP (to reclassify land) as part of its Planning proposal submission to the Department in accordance with the *EP&A Act*.

Each public authority/organisation is to be provided with a copy of this planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal as stipulated in the Gateway determination.



## Part 6 – Project Timeline

The anticipated timeline for completion of this Planning proposal is as follows:

Dates	Project timeline
24 October 2023	Council decision to proceed with submission of planning proposal to the Department
April 2024	Submit Planning proposal to DPHI for Gateway Determination
June 2024	Gateway Determination
July 2024	Complete any changes required by Gateway Determination (pre-exhibition)
August 2024	Commencement and completion of public exhibition period and public hearing
September 2024	Consideration of submissions
October 2024	Post-exhibition review and additional studies
November 2024	Council meeting to consider outcomes of exhibition (Date to be confirmed)
December 2024	Submission to the Department for finalisation
January 2025	Gazettal of LEP amendment



## APPENDIX A – State Environmental Planning Policies

State Environmental Planning Policies	Applicable	Consistent
State Environmental Planning Policy (Housing)	Yes	Yes
State Environmental Planning Policy (Transport and Infrastructure)	Yes	Yes
State Environmental Planning Policy (Biodiversity and Conservation)	Yes	Yes
State Environmental Planning Policy (Resilience and Hazards)	Yes	Yes
State Environmental Planning Policy (Industry and Employment)	No	N/A
State Environmental Planning Policy (Resources and Energy)	No	N/A
State Environmental Planning Policy (Planning Systems)	Yes	Yes
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Yes
State Environmental Planning Policy (Precincts–Central River City) 2021	No	N/A
State Environmental Planning Policy (Precincts–Eastern Harbour City) 2021	No	N/A
State Environmental Planning Policy (Precincts–Regional) 2021	No	N/A
State Environmental Planning Policy (Precincts–Western Parkland City) 2021	No	N/A





## APPENDIX B – Local Planning Directions (Section 9.1)

Local Planning Directions		Applicable	Consistent
<b>Focus area 1: Planning Systems</b>			
1.1	Implementation of Regional Plans	Yes	Yes
1.2	Development of Aboriginal Land Council land	N/A	N/A
1.3	Approval and Referral Requirements	Yes	Yes
1.4	Site Specific Provisions	Yes	Yes
1.4A	Exclusions of Development Standards from Variation	Yes	Yes
<b>Focus area 1: Planning Systems – Place-based</b>			
1.5	Parramatta Road Corridor Urban Transformation Strategy	N/A	N/A
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	N/A
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	N/A
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	N/A
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	N/A
1.10	Implementation of the Western Sydney Aerotropolis Plan	N/A	N/A
1.11	Implementation of Bayside West Precincts 2036 Plan	N/A	N/A
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N/A	N/A
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N/A	N/A
1.14	Implementation of Greater Macarthur 2040	N/A	N/A
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N/A	N/A
1.16	North West Rail Link Corridor Strategy	N/A	N/A
1.17	Implementation of the Bays West Place Strategy	N/A	N/A
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A
1.19	Implementation of the Westmead Place Strategy	No	N/A
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A
1.21	Implementation of the South West Growth Area Structure Plan	No	N/A
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A
<b>Focus area 2: Design and Place</b>			
<b>Focus area 3: Biodiversity and Conservation</b>			
3.1	Conservation Zones	Yes	N/A
3.2	Heritage Conservation	N/A	N/A
3.3	Sydney Drinking Water Catchments	N/A	N/A
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	N/A
3.5	Recreation Vehicle Areas	N/A	N/A
3.6	Strategic Conservation Planning	N/A	N/A
3.7	Public Bushland	Yes	Yes
3.8	Willandra Lakes Region	N/A	N/A
3.9	Sydney Harbour Foreshores and Waterways Area	N/A	N/A



3.10	Water Catchment Protection	N/A	N/A
<b>Focus area 4: Resilience and Hazards</b>			
4.1	Flooding	Yes	Yes
4.2	Coastal Management	N/A	N/A
4.3	Planning for Bushfire Protection	N/A	N/A
4.4	Remediation of Contaminated Land	Yes	Yes
4.5	Acid Sulfate Soils	N/A	N/A
4.6	Mine Subsidence and Unstable Land	N/A	N/A
<b>Focus area 5: Transport and Infrastructure</b>			
5.1	Integrating Land Use and Transport	Yes	Yes
5.2	Reserving Land for Public Purposes	Yes	Yes
5.3	Development Near Regulated Airports and Defence Airfields	N/A	N/A
5.4	Shooting Ranges	N/A	N/A
<b>Focus area 6: Housing</b>			
6.1	Residential Zones	Yes	Yes
6.2	Caravan Parks and Manufactured Home Estates	N/A	N/A
<b>Focus area 7: Industry and Employment</b>			
7.1	Business and Industrial Zones	Yes	Yes
7.2	Reduction in non-hosted short-term rental accommodation period	N/A	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
<b>Focus area 8: Resources and Energy</b>			
8.1	Mining, Petroleum Production and Extractive Industries	N/A	N/A
<b>Focus area 9: Primary Production</b>			
9.1	Rural Zones	N/A	N/A
9.2	Rural Lands	N/A	N/A
9.3	Oyster Aquaculture	N/A	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A



## **APPENDIX C – Council Resolution of 24 October 2023 to proceed with this Planning proposal**



## **APPENDIX D – Scoping Proposal Response from Department of Planning, Housing and Infrastructure dated December 2023**



## **APPENDIX E – Council Resolution regarding ‘Future use of the former Whitehall Children’s Home Revesby (27 June 2006)**





## **APPENDIX F – Preliminary Site Investigation for Multiple Sites Across Canterbury Bankstown Local Government Area (incl. 75A-75C Marco Avenue, Revesby)**



## **APPENDIX G - Urban Analysis – 75A-75C Marco Avenue, Revesby**