



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

4 March 2020 - 6.00pm

Location:

**Council Chambers
Cnr Chapel Road and the Mall,
Bankstown**

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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Canterbury Bankstown Local Planning Panel - 04 March 2020

ITEM 1 **Canterbury Bankstown Consolidated Local Environmental Plan**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report seeks Council's approval to exhibit the planning proposal to align and harmonise Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 into a Consolidated Local Environmental Plan. Following Council's resolution of 24 September 2019, the planning proposal has been updated to include a draft instrument and maps, and more details about the proposed amendments. A Gateway Determination was received on 20 February 2020 and the planning proposal can now be exhibited.

ISSUE

In 2016, the NSW Government amalgamated the former Bankstown and Canterbury City Councils to form the Canterbury Bankstown Council. However, this process did not consolidate the local environmental plans of the former councils. This means Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 remain in force. As a result, different planning controls apply to different parts of the Local Government Area, creating a complex and inconsistent land use planning framework.

In 2018, the Department of Planning, Industry and Environment announced the Accelerated Local Environmental Plan Program to assist Council to bring more consistency to the planning controls. The Program requires Council to exhibit and forward a Consolidated Local Environmental Plan to the Department of Planning, Industry and Environment for approval by June 2020.

To date, Council has endorsed its Local Strategic Planning Statement '*Connective City 2036*' to inform the Consolidated Local Environmental Plan and other future changes to the land use planning framework. Council also resolved to prepare a planning proposal to align and harmonise Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 into a Consolidated Local Environmental Plan.

The next step and the purpose of this report is to exhibit the Consolidated Local Environmental Plan together with supporting information (including the Housing Strategy and Employment Land Strategy, which Council is considering under a separate report).

RECOMMENDATION That -

1. Council exhibit the planning proposal as provided in Attachments A–C, in accordance with the Gateway Determination.

2. Council delegate authority to the General Manager to make necessary changes to the planning proposal and maps to ensure consistency with the Gateway Determination and the Department of Planning, Industry and Environment's mapping guideline prior to exhibition.
3. The planning proposal is to be reported to Council following the exhibition period.
4. Council note the following planning documents will be prepared to support the Consolidated Local Environmental Plan which will be reported to Council prior to their exhibition under a separate process:
 - (a) The consolidation and harmonisation of Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012 into a single Development Control Plan.
 - (b) The consolidation and harmonisation of Bankstown Development Contributions Plan 2019 and Canterbury Development Contributions Plan 2013 into a single Development Contributions Plan.
 - (c) The consolidation and harmonisation of the Bankstown and Canterbury Engineering Development Standards into a single set of Engineering Development Standards.
 - (d) The consolidation and harmonisation of the Bankstown and Canterbury Demolition and Construction Guidelines into a single Demolition and Construction Guideline.
5. Council prepare and exhibit further planning proposals for the following matters:
 - (a) Provisions to protect and enhance the proposed special character areas.
 - (b) Rationalisation of the R2 Low Density Residential and R3 Medium Density Residential zones throughout the Canterbury Bankstown LGA.
 - (c) Provisions for dual occupancies, including provisions for localities with narrow streets and proposed special character areas.
 - (d) Rezoning and reclassification of certain Council land and drainage reserves.
 - (e) Inclusion of the matters that the Gateway Determination has removed from the planning proposal, as provided in Attachments A–C.

ATTACHMENTS

[Click here for Attachments:](#)

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- A. Planning Proposal
 - B. Planning Proposal–Land Use Matrix
 - C. Planning Proposal–Maps
 - D. Planning Proposal–Writtend Instrument Comparison
 - E. Planning Proposal–Land Use Tables Comparison
 - F. Planning Proposal–Draft LEP
 - G. Gateway Determination

POLICY IMPACT

In September 2019, Council resolved to prepare the Consolidated Local Environmental Plan in accordance with the Accelerated Local Environmental Plan Program and Council's Community Strategic Plan '*CBCity 2028*'.

The Consolidated Local Environmental Plan will replace Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012. The consolidation and harmonisation process will result in some policy changes to the aims, objectives, land use table and planning controls currently applying in the Local Government Area as outlined in this report. It will also require the preparation of supporting planning documents including a Consolidated Development Control Plan, Contributions Plan, Guidelines and mapping.

FINANCIAL IMPACT

The Accelerated Local Environmental Plan Program has provided funding for the preparation of the Consolidated Local Environmental Plan and supporting planning documents, including the Local Strategic Planning Statement. The Program requires Council to exhibit and forward the Consolidated Local Environmental Plan to the Department of Planning, Industry and Environment for approval by June 2020.

COMMUNITY IMPACT

The preparation of the Consolidated Local Environmental Plan constitutes a significant public benefit as it will bring greater consistency to the planning controls currently applying in the Local Government Area. This will facilitate a simpler and faster development assessment process and provide certainty in planning controls across the Local Government Area that will benefit both residents and industry alike. The Consolidated Local Environmental Plan is the product of significant research, analysis and strategic planning.

The Consolidated Local Environmental Plan will be exhibited for a minimum 28 days in accordance with Council's Community Participation Plan. The engagement activities will include drop-in sessions, mailouts, online information, interpreted information and notification in the local newspapers.

DETAILED INFORMATION

1. BACKGROUND

At the Ordinary Meeting of 24 September 2019, Council resolved to prepare a planning proposal to align and harmonise Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 into a Consolidated Local Environmental Plan. The intended outcomes were to align Council's policy positions and to give effect to the first stage of the Local Strategic Planning Statement '*Connective City 2036*', which is to integrate current land use strategies into Council's planning framework.

In October 2019, Council forwarded the planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination.

On 20 February 2020, the Department of Planning, Industry and Environment issued a Gateway Determination. It enables Council to update and rationalise the aims, objectives, land use tables and planning provisions of Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 into a Consolidated Local Environmental Plan subject to the following conditions:

- The planning proposal cannot change the permissibility of residential land uses or development standards.
- The planning proposal can only rezone properties that are included in the Local Area Plans.
- The planning proposal cannot include policy changes in relation to the harmonisation of R2 Low Density Residential and R3 Medium Density Residential zones, special character areas, dual occupancy controls and reclassification of drainage reserves.

This report responds to the Council resolution of 24 September 2019 and the Gateway Determination by providing a detailed report on the planning proposal. For the purposes of this report, 'LEP' means Local Environmental Plan, 'DCP' means Development Control Plan, and 'Department' means the Department of Planning, Industry and Environment.

2. STRUCTURE OF THE CONSOLIDATED LOCAL ENVIRONMENTAL PLAN

The Consolidated LEP is to be Council's principal planning document to regulate the function and growth of the Canterbury Bankstown Local Government Area. The LEP provides aims and objectives and sets land use zones and planning controls such as lot sizes, building heights and floor space ratios.

The Consolidated LEP is based on the Standard Instrument (Local Environmental Plans) Order 2006. The Department is directing Council to adopt the Standard Instrument template, without amendment or alteration. Council cannot change the compulsory clauses.

The Consolidated LEP is divided into six parts:

- Part 1 Preliminary (compulsory clauses)
- Part 2 Permitted or prohibited development (compulsory clauses)
- Part 3 Exempt and complying development (compulsory clauses)
- Part 4 Principal development standards (compulsory clauses)
- Part 5 Miscellaneous provisions (compulsory clauses)

Part 6 Additional local provisions (optional clauses where Council may include planning controls unique to the Local Government Area).

The consolidation and harmonisation process will result in some realignment of Council's current planning provisions in response to:

- Resolving differences between Bankstown LEP 2015 and Canterbury LEP 2012.
- Adapting to mandatory definitions, land uses and planning controls that Council cannot alter.
- Adapting to instructions by the Department not to duplicate State and regional policies, namely the provisions of State Environmental Planning Policies.
- Adapting to the Department's Guidelines and Practice Notes that have been issued following the gazettal of Bankstown LEP 2015 and Canterbury LEP 2012.
- Giving effect to the first stage of the Local Strategic Planning Statement, which is to integrate current land use strategies into the planning framework.

Council officers have considered the implications arising from the above points and prepared a planning proposal to reflect and respond to local issues. The planning proposal is provided in Attachments A–C. In addition, the Draft Housing Strategy and Draft Employment Land Strategy, which are the subject of a separate report to Council, have been used to resolve any differences in Council's planning controls as part of the consolidation and harmonisation process. This report and Attachments D–F outline the proposed changes in more detail.

Subsequent to the above actions, the Department of Planning, Industry and Environment issued a Gateway Determination allowing the planning proposal to proceed, but also strictly limiting its scope. In summary, the planning proposal cannot change the permissibility of residential land uses or development standards and can only rezone properties that are included in Council's Local Area Plans. In response, Council will need to make the necessary changes to the planning proposal and maps to ensure consistency with the Gateway Determination and the Department of Planning, Industry and Environment's mapping guideline prior to exhibition.

It is important to note that the Consolidated LEP is not a static document and is subject to change as Council's strategic plans and policies are reviewed and updated. Planning proposals will continue to be open to Council and private proponents to amend the Consolidated LEP, subject to the ordinary process including the need for Council resolutions, advice from the Local Planning Panel and community consultation.

3. KEY CHANGES RESULTING FROM THE HARMONISATION OF BANKSTOWN LEP 2015 AND CANTERBURY LEP 2012 INTO A CONSOLIDATED LEP

The tables below compare the aims and planning controls of Bankstown LEP 2015 and Canterbury LEP 2012, and outline the proposed actions to resolve certain key differences between the two LEPs.

The tables also outline the proposed response to the Gateway Determination, in particular the conditions that the planning proposal cannot change the permissibility of residential land uses / development standards and can only rezone properties that are included in Council's current land use strategies (i.e. Local Area Plans). This means Council will need to submit separate planning proposals to address these policy changes.

3.1 LEP Parts 1–3 (Preliminary) (refer to Attachment D for further details)

Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP Planning Proposal (Proposed Actions)	Response to the Gateway Determination
<u>Clause 1.2 (Aims)</u> There are no aims in relation to providing infrastructure to meet growth demands, and promoting ecologically sustainable development.	<u>Clause 1.2 (Aims)</u> There are no aims in relation to providing infrastructure to meet growth demands, and promoting ecologically sustainable development.	<u>Clause 1.2 (Aims)</u> Include aims in relation to providing infrastructure to meet growth demands, and promoting ecologically sustainable development.	Included in this Consolidated LEP Planning Proposal.
<u>Clause 1.9 (Relationship with SEPPs)</u> The LEP does not give effect to clause 4(4) of SEPP 65–Design Quality of Residential Apartment Development. Clause 4(4) of the SEPP enables the LEP to apply the SEPP to boarding houses and serviced apartments.	<u>Clause 1.9 (Relationship with SEPPs)</u> The LEP does not give effect to clause 4(4) of SEPP 65–Design Quality of Residential Apartment Development. Clause 4(4) of the SEPP enables the LEP to apply the SEPP to boarding houses and serviced apartments.	<u>Clause 1.9 (Relationship with SEPPs)</u> Give effect to clause 4(4) of SEPP 65 to improve the design of boarding houses and serviced apartments. It is noted that the Department approved the inclusion of this subclause in the Draft Consolidated Central Coast LEP (SI_2017_CCOAS_001).	Included in this Consolidated LEP Planning Proposal.
<u>Clause 2.5 (Additional Permitted Uses)</u> The LEP contains 11 listings as additional permitted uses.	<u>Clause 2.5 (Additional Permitted Uses)</u> The LEP contains 7 listings as additional permitted uses.	<u>Clause 2.5 (Additional Permitted Uses)</u> The consolidation and harmonisation will result in 13 listings. It is proposed to remove some listings where additional permitted uses are redundant due to the redevelopment of sites. It is also proposed to add some listings to reflect and support the ongoing operation of existing uses.	Included in this Consolidated LEP Planning Proposal.
<u>Clause 3.1 (Exempt Development)</u> The LEP contains 5 listings as exempt development.	<u>Clause 3.1 (Exempt Development)</u> The LEP contains 14 listings as exempt development.	<u>Clause 3.1 (Exempt Development)</u> The consolidation and harmonisation will result in 4 listings. The removal of some listings is primarily to avoid duplication with the Codes SEPP.	Included in this Consolidated LEP Planning Proposal.

3.2 LEP Parts 4–5 (Principal Development Standards) (refer to Attachment D for further details)

Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP Planning Proposal (Proposed Actions)	Response to the Gateway Determination
<u>Clause 4.1B (Secondary Dwellings/ Lot Sizes)</u> The LEP does not apply a minimum lot size for secondary dwellings. The DCP requires 450m ² .	<u>Clause 4.1B (Secondary Dwellings/ Lot Sizes)</u> The LEP does not apply a minimum lot size for secondary dwellings.	<u>Clause 4.1B (Secondary Dwellings/ Lot Sizes)</u> Transfer the minimum lot size for secondary dwellings (450m ²) from the Bankstown DCP to the LEP, to give legislative strength to this planning control.	Include in a separate planning proposal to address this policy change.
<u>Clause 4.1B (Place of Public Worship/ Lot Sizes)</u> The LEP does not apply a minimum lot size for places of public worship in Zones R3 and R4. The DCP requires 800m ² / 20 metre lot width.	<u>Clause 4.1B (Place of Public Worship/ Lot Sizes)</u> The LEP does not apply a minimum lot size for places of public worship in Zones R3 and R4.	<u>Clause 4.1B (Place of Public Worship/ Lot Sizes)</u> Transfer the minimum lot size places of public worship in Zones R3 and R4 (800m ² / 20 metre lot width) from the Bankstown DCP to the LEP, to give legislative strength to this planning control.	Included in this Consolidated LEP Planning Proposal.
<u>Clause 4.1B (Carinya Road/ Lot Sizes)</u> The LEP prohibits boarding houses in Carinya Road, Picnic Point due to significant flood risk.	<u>Clause 4.1B</u> n/a	<u>Clause 4.1B (Carinya Road/ Lot Sizes)</u> In addition to boarding houses, prohibit other sensitive land uses in Carinya Road, Picnic Point, consistent with the recommendations of the Mid Georges River Floodplain Risk Management Plan. These would include child care centres, community facilities, educational establishments, group homes, health consulting rooms, hospitals, places of public worship, respite day care centres, semi-detached dwellings and seniors housing.	Non-residential uses included in this Consolidated LEP Planning Proposal. Include the residential uses (group homes, semi-detached dwellings and seniors housing) in a separate planning proposal to address this policy change.
<u>Clause 4.1B (Isolation of Land in Zone R4)</u> The LEP does not contain a provision to prevent development from isolating or sterilising the	<u>Clause 4.1B (Isolation of Land in Zone R4)</u> The LEP does not contain a provision to prevent development from isolating or sterilising the	<u>Clause 4.1B (Isolation of Land in Zone R4)</u> Transfer the requirement from the Bankstown DCP to avoid the isolation of land in Zone R4 that is less than 1,000m ² in area	Include in a separate planning proposal to address this policy change.

development potential of adjoining land in Zone R4. The DCP contains a requirement to avoid the isolation of land less than 1,000m ² in area and less than 20 metres in width.	development potential of adjoining properties in Zone R4. The DCP contains a requirement to avoid the isolation of land through negotiations with adjoining property owners.	and less than 20 metres in width.	
<u>Clause 4.3 (Secondary Dwellings/ Height in R2)</u> The maximum height for secondary dwellings (detached) in Zone R2 is 6 metre building height/ 3 metre wall height.	<u>Clause 4.3 (Secondary Dwellings/ Height in R2)</u> The LEP does not apply a maximum height for secondary dwellings (detached) in Zone R2.	<u>Clause 4.3 (Secondary Dwellings/ Height in R2)</u> Based on a review, apply a maximum 4.5 metre building height for secondary dwellings (detached) in Zone R2 to reinforce the single storey requirement.	Include in a separate planning proposal to address this policy change.
<u>Clause 5.10 (Heritage)</u> The LEP contains 45 heritage listings and 8 archaeological listings.	<u>Clause 5.10 (Heritage)</u> The LEP contains 160 heritage listings, 1 conservation area and 1 aboriginal heritage listing.	<u>Clause 5.10 (Heritage)</u> The consolidation and harmonisation will result in 203 heritage listings, 1 conservation area, 5 archaeological listings and 1 aboriginal heritage listing. The removal of 5 listings implements a heritage review, which found these items to no longer contain archaeological and documentary evidence to support the existing heritage listings.	Included in this Consolidated LEP Planning Proposal.

3.3 LEP Part 6 (Additional Local Provisions) (refer to Attachment D for further details)

It is proposed to retain the planning controls relevant to the Local Government Area, such as those relating to acid sulphate soils, earthworks, flood planning, biodiversity, riparian land and watercourses, foreshore building line, aircraft noise, essential services, and specific controls to certain development types and key development sites.

It is also proposed to include some additional planning controls, consistent with the Gateway Determination, State policies and current land use strategies, namely:

- Broaden the existing stormwater management control to include reference to the water sensitive urban design principles. The intended outcome is to avoid or minimise the adverse impacts of urban stormwater on properties, native bushland and waterways by applying the water sensitive urban design principles.
- Include a planning control in relation to design quality. The intended outcome is to ensure new buildings and significant alterations/ additions achieve high quality architectural, urban and landscape design. The clause would apply to major development including residential flat buildings, multi dwelling housing, boarding

houses, seniors living, mixed use development, shop top housing, commercial premises, industrial buildings, warehouse or distribution centres, centre-based child care facilities, schools, places of public worship, registered clubs and community facilities.

- Include a planning control in relation to active street frontages. The intended outcome is to promote uses that attract pedestrian traffic along certain ground floor street frontages in commercial centres. An Active Street Frontages Map will support this planning control.

3.4 LEP Land Use Table (refer to Attachment E for further details)

The table below compares the Land Use Tables of Bankstown LEP 2015 and Canterbury LEP 2012, and outlines the proposed actions to resolve certain key differences between the two LEPs. It is proposed to apply the Draft Housing Strategy and Draft Employment Land Strategy, wherever possible, to resolve these differences.

The tables also outline the proposed response to the Gateway Determination, in particular the conditions that the planning proposal cannot change the permissibility of residential land uses or development standards and can only rezone properties that are included in Council's Local Area Plans. This means Council will need to submit separate planning proposals to address these policy changes.

Development types	Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP Planning Proposal (Proposed Actions)	Response to the Gateway Determination
Seniors housing	Permitted in Zones R2 and R4	Prohibited in Zones R2 and R4	Permit in Zones R2 and R4 consistent with the Housing Strategy, which identifies seniors housing as a compatible land use in residential areas.	Include in a separate planning proposal to address this policy change.
Serviced Apartments	Permitted in Zones R4, B1, B5 and B6	Permitted in Zone R4 and prohibited in Zones B1, B5 and B6	Prohibit in Zones B1 and B5 consistent with the Employment Land Strategy, which discourages intensive commercial activities in these zones.	Include in a separate planning proposal to address this policy change.

Development types	Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP (Proposed Actions)	Response to the Gateway Determination
Residential flat buildings and seniors housing	Permitted in Zones B1 and B2	Prohibited in Zones B1 and B2	Permit in Zones B1 and B2 consistent with the Employment Land Strategy, which identifies residential flat buildings as a compatible land use in centres.	Include in a separate planning proposal to address this policy change.
	Permitted in Zone B6	Prohibited in Zone B6	Prohibit in Zone B6 consistent with the	Include in a separate

			Employment Land Strategy. In its place, CBLEP (Schedule 1) will enable RFBs on key development sites along the Hume Highway as an additional permitted use, but only as part of a mixed use development.	planning proposal to address this policy change.
Shop top housing	Prohibited in Zone B5	Permitted in Zone B5	Prohibit in Zone B5 consistent with the Employment Land Strategy. In its place, CBLEP (Schedule 1) will enable RFBs on key development sites along Canterbury Road as an additional permitted use, but only as part of a mixed use development.	Include in a separate planning proposal to address this policy change.
Business premises, office premises, restaurants or cafes, and shops	Prohibited in Zones R2, R3 and R4	Permitted in Zones R2, R3 and R4 subject to CLEP (clause 6.5)	Prohibit in Zones R2, R3 and R4 consistent with the Housing Strategy. In its place, CBLEP (clause 6.10) will enable the adaptive reuse of existing shops.	Included in this Consolidated LEP Planning Proposal.
Sex services premises	Prohibited in Zone B2	Permitted in Zone B2	Prohibit in Zone B2 to discourage incompatible uses in mixed use centres. In its place, CBLEP (clause 6.13) will permit sex services premises at certain locations within the industrial zones.	Included in this Consolidated LEP Planning Proposal.
Light industries	Prohibited in Zone B2	Permitted in Zone B2	Prohibit in Zone B2 consistent with the Employment Land Strategy to discourage industrial activities in mixed use centres.	Included in this Consolidated LEP Planning Proposal.
Centre-based child care centres	Permitted in Zone B6 and prohibited in Zone IN2	Prohibited in Zone B6 and permitted in Zones IN2	Prohibit in Zone IN2 consistent with the Employment Land Strategy to discourage sensitive uses in industrial precincts.	Included in this Consolidated LEP Planning Proposal.
Places of public worship	Permitted in Zones B1, B5 and B6	Prohibited in Zones B1, B5 and B6	Permit in Zones B1 and B6 and prohibit in Zone B5 consistent with the Employment Land Strategy.	Included in this Consolidated LEP Planning Proposal.

Community facilities	Permitted in Zones B5, B7, IN1 and IN2	Permitted in Zones B5 and IN2. Prohibited in Zone IN1 and there is no Zone B7	Prohibit in Zones B5, B7, IN1 and IN2 consistent with the Employment Land Strategy to discourage sensitive uses in industrial precincts, bulky goods precincts and business parks.	Included in this Consolidated LEP Planning Proposal.
Mortuaries	Prohibited in Zones B1, B2, B4, B5 and B6	Prohibited in Zones B1, B2, B4, B5 and permitted in Zone B6	Permit in Zones B1, B2, B4, B5 and B6 to complement and support funeral homes where permitted.	Included in this Consolidated LEP Planning Proposal.
Signage and advertising structures	Prohibited in Zones B1, B2, B5, B6, IN1 and IN2	Permitted in Zones B1, B2, B5, B6, IN1 and IN2	Prohibit in Zones B1, B2, B5, B6, IN1 and IN2 as general advertising (e.g. billboard signs) is incompatible with the desired visual character of these zones. It is noted that building and business identification signs will continue to be permitted in these zones.	Included in this Consolidated LEP Planning Proposal.

3.5 Standard Maps (refer to Attachment D for further details)

The preparation of the Standard Maps is based on the Department's *Standard Technical Requirements for Spatial Datasets and Maps*. The intent of the maps is for use on the website and not as paper copies. It is noted the paper version of the maps is not user friendly. It is proposed to retain the following maps relevant to the Local Government Area:

- Land Application Map
- Land Zoning Map
- Additional Permitted Uses Map
- Lot Size Map
- Height of Buildings Map
- Floor Space Ratio Map
- Land Reservation Acquisition Map
- Heritage Map
- Acid Sulfate Soils Map
- Terrestrial Biodiversity Map
- Riparian Lands and Watercourses Map
- Foreshore Building Line Map
- Special Provisions Map
- Active Street Frontages Map

The consolidation and harmonisation process have resulted in some changes, namely:

Land Zoning Map

Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP Planning Proposal (Proposed Actions)	Response to the Gateway Determination
Employment lands along the Hume Highway Enterprise Corridor are a mix of Zones B5 Business Development and B6 Enterprise Corridor.	Employment lands along Canterbury Road Enterprise Corridor are a mix of Zones B5 Business Development and B6 Enterprise Corridor.	Rezone employment lands along the Hume Highway and Canterbury Road Enterprise Corridors from Zone B5 Business Development (which is a bulky goods zone) to Zone B6 Enterprise Corridor (which is a busy road enterprise corridor zone). According to the Employment Land Strategy, the only site that should have a B5 zone is the existing bulky goods complex at the corner of Canterbury Road and Chapel Road in Bankstown.	Include in a separate planning proposal to address this policy change.

Lot Size Map

The proposed amendments to the Lot Size Map include:

Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP Planning Proposal (Proposed Actions)	Response to the Gateway Determination
The subdivision lot size in the residential zones is 450m ² .	The subdivision lot size in the residential zones is 460m ² .	Harmonise the subdivision lot size in the residential zones to 450m ² , consistent with the clause objectives.	Include in a separate planning proposal to address this policy change.
The subdivision lot size in Carinya Road, Picnic Point is 500–650m ² .	n/a	Amend the subdivision lot size in Carinya Road, Picnic Point to 1,000m ² , consistent with the recommendations of the Mid Georges River Floodplain Risk Management Plan.	Include in a separate planning proposal to address this policy change.
The subdivision lot size applies to the industrial zones.	The subdivision lot size does not apply to the industrial zones.	Apply the subdivision lot size in the industrial zones to the former Canterbury LGA.	Included in this Consolidated LEP Planning Proposal.
The Lot Size Map does not apply to roads.	The Lot Size Map applies to roads.	Do not apply the Lot Size Map to roads.	Included in this Consolidated LEP Planning Proposal.

Floor Space Ratio Map

The proposed amendments to the Floor Space Ratio Map include:

Bankstown LEP 2015	Canterbury LEP 2012	Consolidated LEP Planning Proposal (Proposed Actions)	Response to the Gateway Determination
A maximum 0.5:1 FSR applies to Zone R2.	The Floor Space Ratio Map does not apply to Zone R2. In its place, CLEP applies clauses 4.4(2A)–(2B) to set maximum FSRs for dwelling houses and dual occupancies in Zone R2.	Apply a maximum 0.5:1 FSR to Zone R2.	Include in a separate planning proposal to address this policy change.
The Floor Space Ratio Map does not apply to roads.	The Floor Space Ratio Map applies to roads.	Do not apply the Floor Space Ratio Map to roads.	Included in this Consolidated LEP Planning Proposal.

Height of Buildings Map

Bankstown LEP 2015	Canterbury LEP 2012	Consolidated HOB Map (Proposed Actions)	Response to the Gateway Determination
The Height of Buildings Map does not apply to roads.	The Height of Buildings Map applies to roads.	Do not apply the Height of Buildings Map to roads.	Include in the Consolidated LEP Planning Proposal.

Lot Size for Dual Occupancy Development Map

At present, Bankstown LEP 2015 requires a minimum 500m² lot size for dual occupancies (attached) in Zone R2 Low Density Residential, and Canterbury LEP 2012 requires a minimum 600m² lot size. However, the Gateway Determination does not permit changes to these or any related development standards.

As an interim measure, the Consolidated LEP will include a Lot Size for Dual Occupancy Development Map if it is to maintain the different planning controls across the Local Government Area. The next step is to complete the planning control review of dual occupancies as part of separate planning proposal. The outcomes of the review will replace the Lot Size for Dual Occupancy Development Map.

4. KEY CHANGES RESULTING FROM THE INTEGRATION OF THE CURRENT LAND USE STRATEGIES INTO THE PLANNING FRAMEWORK

The Local Strategic Planning Statement provides a pathway to manage growth and change across the Canterbury Bankstown LGA to 2036.

According to the Local Strategic Planning Statement, the first stage is to integrate current land use strategies into the planning framework. The land use strategies detail Council's endorsed approach to accommodate residential and employment growth based on the centres hierarchy and outline the delivery of supporting infrastructure, facilities and open space.

Based on current land use strategies, the proposed changes to the Consolidated LEP are outlined below.

4.1 Proposed amendments to the Land Zoning Map, Lot Size Map, Height of Buildings Map, Floor Space Ratio Map and Active Street Frontages Map

In relation to Council's current land use strategies, the Gateway Determination permits the planning proposal to implement the Local Area Plans (which will be supporting documents to the Consolidated LEP exhibition). This means the planning proposal can only rezone properties that are included in the Local Area Plans.

The proposed amendments incorporate:

- Zoning and building envelope changes in the Greenacre, Padstow, Revesby and Yagoona Local Centres; Rookwood Village Centre; Birrong, Condell Park, East Hills, Panania and Regents Park Small Village Centres; and certain neighbourhood centres.
- Zoning and building envelope changes to key development sites along the Hume Highway and Canterbury Road Enterprise Corridors.
- Zoning and building envelope changes to employment lands on Roberts Road, Greenacre and Rookwood Road, Yagoona.
- Zoning changes to the Kelso Waste Precinct.
- Zoning changes to protect existing local open space.
- Zoning and building envelope changes to remove open space zoned land at 38 Cantrell Street, Yagoona and 64 Australia Street, Bass Hill, which are privately owned. Based on a review, these properties are surplus to open space needs and there are no proposals by Council to acquire these properties. These properties currently accommodate dwelling houses.
- Zoning and building envelope changes to remove special use zoned land at 222 Waldron Road, Chester Hill, which is privately owned. Based on a review, this property is surplus to infrastructure needs and there is no proposal by State agencies to acquire this property. This property currently accommodates seniors housing.

The proposed amendments also include some changes to the current land use strategies (i.e. Council's Local Area Plans), which have been incorporated into the planning proposal and maps at Attachments A and C, for the following reasons:

Properties	Proposed Controls under Current Land Use Strategies	Proposed Changes to Current Land Use Strategies	Reasons
1–17 Segers Avenue, Padstow	R4 (1.5:1 FSR/ 19m height)	B2 (2.5:1 FSR/ 20m height)	Integrates Council's resolution of 30 April 2019 to proceed with a planning proposal for this site.
89–99 Howard Road, 2–6 Gloucester Avenue and 2–6 Segers Avenue, Padstow	Deferred matter	R4 (1:1 FSR/ 13m height)	Responds to Council's resolution of 11 May 2016 to defer these properties for further review.
41–75C Marco Avenue, Revesby	R4 (1.5:1 FSR/ 19m height)	R4 (1.75:1 FSR/ 25m height)	This approach improves the distribution of growth in locations that are consistent with the proposed

			height plane on the northern side of the railway line and are less than 800 metres to the railway station. In this case, this site offers high amenity adjacent to Amour Park and the Leisure & Aquatic Centre. It would also have minimal impact on surrounding land as it would only overshadow the railway line to the south.
35–63 Anderson Avenue, Panania	Deferred matter	B2 (2.5:1 FSR/ 20m height)	Responds to Council's resolution of 11 May 2016 to defer these properties for further review.
99–103A Marco Avenue, Panania	Deferred matter	R4 (1.5:1/ 19m height)	Responds to Council's resolution of 11 May 2016 to defer these properties for further review.
34–48 Anderson Avenue, Panania	Deferred matter	B2 (2:1 FSR/ 11m height)	This approach is more consistent with the desired low rise character for the north–west fringe of the centre, which acts as a transition to Zone R2.
107–135 Marco Avenue, 4–30 Braesmere Road, 3–9 Batchelor Avenue, 1–7 and 2–10 Topping Street, Panania	R4 (1:1 FSR/ 13m height)	R4 (0.75:1 FSR/ 10m height)	

4.2 Proposed amendments to Schedule 1 and the Additional Permitted Uses Map

The proposed additional permitted uses reflect and support the ongoing operation of existing bulky goods premises at 62 Hume Highway in Chullora and 122–148 Canterbury Road in Padstow, and a registered club at 60 McGirr Street in Revesby.

4.3 Proposed amendments to the Terrestrial Biodiversity Map

The proposed amendments are to protect existing areas of high biodiversity significance.

4.4 Proposed amendments to the Land Reservation Acquisition Map

The proposed amendment removes the property at 175 Rookwood Road in Chullora, which Council has acquired for road purposes.

5. CONSOLIDATION OF SUPPORTING PLANNING DOCUMENTS

5.1 Consolidated Development Control Plan

The DCP is a planning document which provides more detailed design guidelines to support the LEP. The design guidelines include storey limits, setbacks, urban design, landscaping, parking rates and amenity requirements. At present, Bankstown DCP 2015 and Canterbury DCP 2012 remain in force. The conversion of these two DCPs into a Consolidated DCP is required to support the Consolidated LEP.

Council is in a position to consolidate Bankstown DCP 2015 and Canterbury DCP 2012 based on the following possible structure:

Bankstown DCP 2015 Chapters	Canterbury DCP 2012 Chapters	Consolidated DCP (Possible Chapters)	
A	A	1	Introduction
B11, B12	B	2	Site Considerations
B4, B5, B13	B, C, F	3	General Requirements
–	B	4	Heritage
A1	D	5	Centres
A2, A3	–	6	Location Specific Controls
B1	C	7	Residential Development
B2	D	8	Commercial Development
B3	E	9	Industrial Development
B6	F	10	Child Care Centres
B7	–	11	Educational Establishments
B8	–	12	Places of Public Worship
B9	F	13	Sex Services Premises
B10	F	14	Other

The consolidation and harmonisation of the two DCPs would also need to consider:

- The removal of any duplication or differences between Bankstown DCP 2015 and Canterbury DCP 2012.
- Section 3.43 of the Environmental Planning and Assessment Act 1979, which renders a DCP provision invalid if it is the same as, or is inconsistent with, the provisions of the Consolidated LEP.
- The Department's Draft Standard DCP Template, which the Department is looking to mandate to all councils in NSW.
- The preparation of development controls to support the implementation of Council's adopted land use strategies.

This report recommends that Council prepare a Consolidated DCP to support the Consolidated LEP, and to report the matter to Council prior to its exhibition.

5.2 Consolidation of Other Supporting Planning Documents

The consolidation of other planning documents is required to support the Consolidated LEP and DCP. The planning documents include:

- The conversion of Bankstown Development Contributions Plan 2019 and Canterbury Development Contributions Plan 2013 into a Consolidated Development Contributions Plan. The Development Contributions Plan is a planning document which requires contributions to fund new and upgraded local infrastructure to support growth. This includes community buildings, open space, recreation facilities, roads, active transport and public domain.
- The conversion of the Bankstown Engineering Development Standards into a Consolidated Engineering Development Standards that would apply to the Local Government Area. The Standards would ensure the quality and maintenance of infrastructure is consistent with the future needs of the built environment in relation to stormwater drainage, stormwater easements, driveways and footpath crossings.
- The conversion of the Bankstown Demolition and Construction Guideline into a Consolidated Demolition and Construction Guideline that would apply to the Local

Government Area. The Guideline would ensure demolition and construction works are safe, do not impact on the built environment, and are carried out in accordance with relevant legislation requirements.

This report recommends that Council prepare these planning documents to support the Consolidated LEP, and to report these matters to Council prior their exhibition.

6. SUBMISSION OF A SEPARATE PLANNING PROPOSAL TO IMPLEMENT THE LOCAL STRATGIC PLANNING STATEMENT

At the Ordinary Meeting of 24 September 2019, Council resolved to prepare a planning proposal to implement priority actions of the Local Strategic Planning Statement, including:

- Provisions to protect and enhance the proposed special character areas.
- Rationalisation of the R2 Low Density Residential and R3 Medium Density Residential zones throughout the Canterbury Bankstown LGA.
- Provisions for dual occupancies, including provisions for localities with narrow streets and proposed special character areas.
- Rezoning and reclassification of certain Council land and drainage reserves.

However, a condition of the Gateway Determination does not permit the above policy changes to be included in the Consolidated LEP.

This means Council will need to submit a separate planning proposal to address these policy changes. This report recommends preparing a separate planning proposal to progress these matters.

In addition, it is noted that the Gateway Determination has removed other policy changes from the planning proposal, as provided in Attachments A–C. It is proposed to resubmit these policy changes as part of the separate planning proposal.

7. NEXT STEPS

Should Council support the planning proposal as outlined in this report, the next step is to exhibit the Consolidated LEP in accordance with the Gateway Determination and Council's Community Participation Plan. Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to the planning proposal. A further report will be provided to Council following the exhibition period, outlining submissions and a way forward.



**Planning,
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PP_2019_CBANK_005_00 / IRF20/80

Mr Matthew Stewart
General Manager
City of Canterbury Bankstown Council
PO Box 8
BANKSTOWN NSW 1885

Dear Mr Stewart

Planning proposal PP_2019_CBANK_005_00 to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and the additional information received on 4 November 2019, 28 November 2019, 13 December 2019 and 17 December 2019 in respect of the planning proposal to consolidate Bankstown Local Environmental Plan (LEP) 2015 and Canterbury LEP 2012 into a new combined LEP, to be known as Canterbury-Bankstown LEP.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I thank the Council staff for their cooperation to collaboratively resolve and clarify aspects of the proposal submitted. Subsequently I have determined that the proposed Canterbury-Bankstown LEP is to be limited to key elements including the consolidation of Bankstown LEP 2015 and Canterbury LEP 2012, inclusion of the design quality requirements and the progression of the Local Area Plans (LAPs).

While the amendments will progress a key initiative for better design outcomes and finalise previous strategic planning work for the LAPs, the resultant unified LEP will provide the foundation for further LEP amendments to realise the aspirations identified in Council's Local Strategic Planning Statement.

While I recognise the intent of seeking to provide consistent and united land use and development controls for residential development across the local government area, I have decided to exclude these changes from the scope of this proposal.

The reasons for this are that further evaluation is needed to understand the consequences of proposed amendments in terms of housing diversity and capacity. Additionally, these changes are sought ahead of Council completing its Local Housing Strategy. Therefore, in seeking to consolidate the LEPs the controls and land use permissibility for residential development is required to remain the same as currently afforded under Bankstown LEP 2015 and Canterbury LEP 2012.

As council progresses its Local Housing Strategy, I invite Council to work with the Department in preparing a further planning proposal that can finalise the work to harmonise residential land uses and controls across the local government area in the consolidated LEP. This will ensure that proposed changes will support and give effect to the Local Housing Strategy directions and recommendations.

Other more minor proposed amendments originally sought can also form part of this subsequent or separate planning proposals where further detail and justification is provided in support.

Given the wide-ranging nature of the LEP amendments, I have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within **nine months** of the date of the Gateway determination. However, it is acknowledged that to meet the priority funding arrangements Council is required to submit its LEP to the Department for finalisation by 31 June 2020.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the timeframes outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Teresa Gizzi to assist you. Ms Gizzi can be contacted on 8275 1124.

Yours sincerely



20 February 2020

Amanda Harvey
Acting Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination



**Planning,
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Gateway Determination

Planning proposal (Department Ref: PP_2019_CBANK_005_00): to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 to create a single Local Environmental Plan for the Canterbury-Bankstown local government area.

I, the Acting Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the repeal of Bankstown Local Environmental Plan (LEP) 2015 and Canterbury Local Environmental Plan 2012 and the creation of a single consolidated local environmental plan for the Canterbury-Bankstown local government area should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) update and clearly describe the objectives and intended outcomes in accordance with *A guide to preparing planning proposals*, having regard to the conditions of this Gateway determination.
 - (b) update the explanation of provisions to clearly describe the proposal, consistent with *A guide to preparing planning proposals*.
 - (c) limit the planning proposal to the following:
 - i. to consolidate Bankstown Local Environmental Plan 2015 and Canterbury Local Environmental Plan 2012 as follows:
 - update and rationalise the aims, objectives, land use tables and planning provisions;
 - preclude any changes to the permissibility of residential land uses or development standards; and
 - preclude rezoning of any land other that included in the Local Area Plans;
 - ii. introduce a design quality clause; and
 - iii. include the implementation of the Local Area Plans, including further proposed modifications.
 - (d) omit the following items:
 - i. reclassification of certain drainage reserves from community to operational land;
 - ii. rationalisation of the former Canterbury and former Bankstown Councils' R2 Low Density Residential and R3 Medium Density Residential zones;
 - iii. introduction of special character areas;
 - iv. amendments to dual occupancy controls; and
 - v. prohibition of medium density housing in the R2 Low Density Residential zone, which has been dealt with under a separate planning proposal.



- (e) provide details of the consolidated Canterbury Bankstown Local Environmental Plan and justification for any proposal changes.
 - (f) provide details of the Local Area Plans, including proposed changes and supporting justification.
 - (g) incorporate the planning proposal relating to 1 – 17 Segers Avenue, Padstow into the planning proposal.
 - (h) provide details of the design quality clause, including criteria for its application and the heads of consideration.
 - (i) include mapping in accordance with *A guide to preparing planning proposals*.
 - (j) update Attachment A and Attachment B to provide a detailed consideration of the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
 - (k) include detailed information to demonstrate consistency with the Greater Sydney Region Plan, South District Plan and Council's Local Strategic Planning Statement (as current at the time of preparing the updated planning proposal).
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Transport for NSW
 - Department of Premier and Cabinet – NSW Heritage
 - Department of Planning, Industry and Environment – Environment, Energy and Science
 - Department of Planning, Industry and Environment – Crown Lands
 - NSW Environment Protection Authority
 - NSW Health
 - NSW Department of Education
 - Department of Infrastructure, Transport, Regional Development and Communications
 - Civil Aviation Safety Authority
 - Bankstown Airport
 - Sydney Water
 - Electricity provider
 - State Emergency Service



Planning, Industry & Environment

- adjoining local Councils

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

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 (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council has not been granted delegation to be the local plan-making authority.

Dated 20th of February 2020

A handwritten signature in blue ink, appearing to read 'Amanda'.

Amanda Harvey
A/Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and Public
Spaces