

### ITEM 5.5                      Draft Canterbury Bankstown Consolidated Development Control Plan

**AUTHOR**                      Planning

#### **PURPOSE AND BACKGROUND**

This report seeks Council approval to exhibit the Draft Canterbury Bankstown Consolidated Development Control Plan (Draft DCP). The Draft DCP has been prepared to support the Draft Canterbury Bankstown Consolidated Local Environmental Plan (Draft LEP), which has been submitted to the Department of Planning, Industry and Environment and is awaiting finalisation.

#### **ISSUE**

In June 2020, the Canterbury Bankstown Local Planning Panel adopted the Draft LEP. The Draft LEP consolidated the local environmental plans of the former councils as part of the Department of Planning, Industry and Environment's Accelerated Local Environmental Plan Program. The Draft LEP is currently with the Department for finalisation.

The next step in the process is to exhibit the Draft DCP to support the Draft LEP. The Draft DCP is a planning document which provides additional objectives and controls to enhance the function, design and amenity of development. While this Draft DCP is primarily an administrative consolidation of the existing controls, there are some proposed changes to align with the implementation of *Connective City 2036* and current land use strategies. The proposed key changes are outlined in this report.

This matter will be reported to Council following an extended exhibition period, in line with the Community Participation Plan.

#### **RECOMMENDATION** That -

1. Council exhibit the Draft Canterbury Bankstown Consolidated Development Control Plan as provided in Attachments A–K.
2. Council exhibit the Draft Guides and Heritage Conservation Area Character Statements that support the Draft Canterbury Bankstown Consolidated Development Control Plan as provided in Attachments L–Q.
3. This matter be reported to Council following the exhibition period.

#### **ATTACHMENTS**

- A. Draft DCP–Chapter 1 (Introduction)

- B. Draft DCP—Chapter 2 (Site Considerations)
- C. Draft DCP—Chapter 3 (General Requirements)
- D. Draft DCP—Chapter 4 (Heritage)
- E. Draft DCP—Chapter 5 (Residential Accommodation)
- F. Draft DCP—Chapter 6 (Strategic Centres)
- G. Draft DCP—Chapter 7 (Commercial Centres)
- H. Draft DCP—Chapter 8 (Employment Lands)
- I. Draft DCP—Chapter 9 (Industrial Precincts)
- J. Draft DCP—Chapter 10 (Other Development)
- K. Draft DCP—Chapter 11 (Key Development Sites)
- L. Demolition and Construction Guide
- M. Engineering Development Guide
- N. Heritage Guide and Heritage Conservation Area Character Statements
- O. Landscape Guide
- P. Tree Management Guide
- Q. Waste Management Guide
- R. Issues Paper

## POLICY IMPACT

In 2019, Council endorsed its Local Strategic Planning Statement, *Connective City 2036* to inform future changes to the land use planning framework. The Greater Sydney Commission has assured *Connective City 2036*. It is anticipated that *Connective City 2036* will be implemented in the following stages:

Timeframe	Stage	
2020/21	1	Prepare the Draft Canterbury Bankstown Local Environmental Plan (Draft LEP) and Draft Canterbury Bankstown Development Control Plan (Draft DCP).  To date, the Local Planning Panel has adopted the Draft LEP, which will produce a single set of planning rules that supports <i>Connective City 2036</i> . It will replace the former Local Environmental Plans. The Draft LEP is currently with the Department of Planning, Industry and Environment for finalisation.
2020/21	2	LEP/DCP (Amendment 1) – Residential control changes, special character areas and drainage reserve reclassifications.  To date, the Local Planning Panel has resolved to submit the planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination. It is anticipated that the submission of the planning proposal will occur in December 2020.
2020/21	3	LEP/DCP (Amendment 2) – Implement the Bankstown, Campsie and Belfield Masterplans.
2021/22	4	LEP/DCP (Amendment 3) – Implement the Lakemba, Belmore and Canterbury Masterplans.
2022/23	5	LEP/DCP (Amendment 4) – Implement the Punchbowl, Wiley Park, Earlwood and Croydon Park Masterplans, together with other centres across Canterbury Bankstown.

As part of Stage 1, the Environmental Planning and Assessment Act 1979 enables Council to prepare a Development Control Plan to support its Local Environmental Plan. A Development Control Plan is a planning document which provides additional objectives and controls to enhance the function, design and amenity of development. Examples of controls include storey limits, setbacks, building design, amenity, landscape and parking requirements. These are matters which must be taken into consideration in determining development applications.

At present, Council has two Development Control Plans. Bankstown Development Control Plan 2015 applies to the former Bankstown Local Government Area and Canterbury Development Control Plan 2012 applies to the former Canterbury Local Government Area. The Development Control Plans support the former Local Environmental Plans.

In June 2020, the Canterbury Bankstown Local Planning Panel noted the need to prepare the Draft DCP to support the Draft LEP. The Draft DCP will replace the former Development Control Plans.

While the Draft DCP is primarily an administrative consolidation of Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012, the consolidation process will result in some proposed changes to the objectives and controls currently applying in the Local Government Area as outlined in this report. The proposed changes include the implementation of current land use strategies and Council resolutions, namely the Local Area Plans, floodplain risk management plans and livable housing.

However, the Draft DCP is limited in its application by the following:

- The Gateway Determination for the Draft LEP requires Council to retain the existing residential controls while it finalised the Housing Strategy. Council adopted the Housing Strategy at the Meeting of 23 June 2020. The next step is to consolidate and harmonise the existing residential controls as part of Amendment 1 to the Draft LEP. Once the Draft DCP has been adopted by Council, Amendment 1 to the Draft DCP will be prepared to support changes in Amendment 1 to the Draft LEP.
- The Draft DCP retains the existing controls in relation to the Bankstown City Centre, Canterbury Road and centres in the former Canterbury Local Government Area. Council will review these controls as part of the *Connective City 2036* implementation.

## **FINANCIAL IMPACT**

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This matter has no financial implications for Council.

## **COMMUNITY IMPACT**

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The preparation of the Draft DCP constitutes a significant public benefit as it will establish greater transparency and consistency in planning provisions applying across the Local Government Area. This will also facilitate a simpler and faster development assessment process for applicants and increased certainty for residents and industry alike.

It is proposed to exhibit the Draft DCP for an extended period, in line with the Community Participation Plan. The consultation period would commence in December 2020 and would continue to February 2021. The engagement activities would include mailouts, online information and notification in the local newspapers.

Following the exhibition, Council would consider submissions and any amendments to the Draft DCP prior to deciding whether to adopt a Draft DCP. Should Council adopt a Draft DCP, it would come into force on the commencement date of the Draft LEP and would apply to development applications lodged on or after this date.

## DETAILED INFORMATION

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### Draft Consolidated Development Control Plan

The Draft DCP template must be consistent with administrative legislative requirements, namely:

- One-DCP-per site requirement: The template will remain as a single document to be placed on Council's website. The electronic format will make it simpler for Council officers, industry and the public to navigate through the document.
- The Draft DCP cannot duplicate the Draft LEP: The Environmental Planning and Assessment Act 1979 renders a provision of a DCP invalid if it is the same as, or is inconsistent with, the provisions of the Draft LEP. The template therefore removes existing development controls that duplicate the Draft LEP.
- Definitions: The Draft DCP will adopt the Draft LEP definitions to ensure consistency between the documents. These definitions are standard terms used across NSW.

Based on the above, the Draft DCP will comprise the following eleven chapters:

Chapter	Description
Chapter 1–Introduction	Provides information about the administrative provisions of the Draft DCP, such as the name of the DCP, adoption and commencement information, where the DCP applies and how to use the DCP.
Chapter 2–Site Considerations	Addresses site considerations, such as site analysis, flood risk and trees to determine whether a proposed development is a suitable use of a site, including consideration of the likely off-site impacts of the proposal.
Chapter 3–General Requirements	Addresses issues that are likely to arise for most types of development, such as engineering standards, parking, waste management, sustainable development, subdivision, signs and landscape.
Chapter 4–Heritage	Addresses heritage and cultural conservation issues, such as heritage items, heritage conservation areas and development in the vicinity of items/ conservation areas.
Chapter 5–Residential Accommodation	Addresses different types and forms of residential accommodation. It provides objectives and controls that guide specific land use types such as dwelling houses, dual occupancies, multi dwelling housing, secondary dwellings, boarding houses and residential flat buildings, and other issues like livable housing.
Chapter 6–Strategic Centres	Provides specific provisions for the Bankstown and Campsie strategic centres as identified by <i>Connective City 2036</i> .
Chapter 7–Commercial Centres	Provides specific provisions for the centres within Zones B1 and B2 as identified by <i>Connective City 2036</i> . These include the local, village, small village and neighbourhood centres.
Chapter 8–Employment Lands	Provides specific provisions for the employment lands within Zones B5, B6 and B7 as identified by <i>Connective City 2036</i> . These include the Canterbury Road and Hume Highway Enterprise Corridors.
Chapter 9–Industrial Precincts	Provides specific provisions for the industrial precincts within Zones IN1 and IN2 as identified by <i>Connective City 2036</i> .
Chapter 10–Other Development	Addresses other land use developments that are not covered by chapters 5–9. It provides objectives and controls that guide these types of

	developments, such as child care facilities, schools, places of public worship, home businesses, telecommunications facilities, sex services premises, amongst others.
Chapter 11–Key Development Sites	Facilitates the appropriate development of key development sites. It ensures development has regard to its context and is compatible with surrounding development and the desired character of the area.

### Administrative Consolidation

This Draft DCP is primarily an administrative consolidation of Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012 to produce a single set of planning rules that supports *Connective City 2036* and the Draft LEP.

While the eleven chapters are based on existing controls, the consolidation process sought to streamline the Draft DCP by removing any duplication between the former Development Controls Plans and resolving inconsistencies. The Issues Paper provided in Attachment R summarises the consolidation process in more detail.

As identified above, areas to be amended by future masterplans and areas affected by the Draft LEP (Amendment 1) will retain the existing controls and will be revised as part of the *Connective City 2036* implementation.

### Proposed Key Changes

The consolidation process will result in some proposed changes to the objectives and controls currently applying in the Local Government Area (the LGA). The proposed key changes include:

Proposed Key Change	Reason
<u>Chapter 2 (Flood Risk Management)</u> <ul style="list-style-type: none"> <li>Recognise ‘centre-based child care facilities’ as a sensitive land use rather than a commercial use when applying the flood controls.</li> <li>Introduce an overland flow risk precinct for land subject to shallow overland inundation that is distant from a watercourse or major stormwater system. A 300mm freeboard would apply in this precinct.</li> </ul>	Implements current land use strategies (i.e. Salt Pan Creek, Duck River and Mid Georges River Catchments Floodplain Risk Management Plans) consistent with <i>Connective City 2036</i> .
<u>Chapter 3 (Parking)</u> Apply the former Bankstown rate for child care centres to the LGA i.e. 1 car space per 4 children.	In keeping with the Education and Child Care SEPP, compared to the former Canterbury which required 1 space per 2 staff.
<u>Chapter 3 (Parking)</u> Apply the former Bankstown rate for schools to the LGA i.e. 1 car space per employee or classroom, whichever is the greater + 1 car space per 8 students in year 12.	The parking rate provides greater certainty to managing parking demand and traffic impacts, compared to the former Canterbury which required a parking study.
<u>Chapter 3 (Parking)</u> Apply the former Bankstown rate for places of public worship to the LGA i.e. 1 car space per 5m <sup>2</sup> of the assembly area.	The parking rate provides greater certainty to managing parking demand and traffic impacts, compared to the former Canterbury which required a parking study.

Proposed Key Change	Reason
<p><u>Chapter 3 (Parking)</u> Permit basement parking in dual occupancies.</p>	<p>The former Bankstown permitted basement parking in dual occupancies, similar to the new Low Rise Housing Diversity Code under the Codes SEPP. For consistency, it is proposed to apply this control to the LGA.</p>
<p><u>Chapter 3 (Parking)</u> Do not require additional parking spaces for change of uses in Zones B1, B2 and B4 specific to food and drink premises, medical centres, recreation facilities (indoor) and veterinary hospitals.</p>	<p>The former Bankstown encouraged business investment in commercial centres by enabling change of uses to small restaurants to occur without the need for additional parking spaces. The Codes SEPP takes similar action by permitting change of uses to business premises, office premises, shops and other commercial activities to occur as exempt development provided the floor space does not increase.</p> <p>As an extension to this approach, it is proposed to enable change of uses to other similar commercial/health uses (i.e. food and drink premises, medical centres, recreation facilities (indoor) and veterinary hospitals) to occur without the need for additional parking spaces provided the floor space does not increase. This amendment will continue to encourage business investment in the commercial centres.</p>
<p><u>Chapter 3 (Parking)</u> Apply the former Canterbury control to the LGA, which does not support car stack lifts.</p>	<p>The former Canterbury did not support mechanical parking devices, including car stack lifts which are fully collapsible parking lifts that increase the vehicle capacity of a single parking space. The former Bankstown only considered car stack lifts in special circumstances. It is proposed to discourage car stack lifts as this device is high maintenance and is found not to be reliable for the long-term function of car parks.</p>
<p><u>Chapter 3 (Engineering Standards)</u> Apply the former Canterbury control to the LGA in relation to stormwater disposal, which enables Council to consider the use of pump-out systems as a last option, for sites sloping away from the street, in the event that a drainage easement cannot be created or the use of an alternative drainage method (such as charged line or transpiration system) is determined to be unachievable.</p>	<p>The former Bankstown allowed pump-out systems as a last option for dwelling houses and secondary dwellings only. This amendment will enable Council to consider the option of pump-out systems for a broader range of development where appropriate.</p>
<p><u>Chapter 5 (Residential Accommodation)</u> Amend the outbuilding controls to read:</p> <ul style="list-style-type: none"> <li>• 1 outbuilding per site</li> <li>• Site cover sliding scale (36m<sup>2</sup> to 60m<sup>2</sup>) depending on site area</li> <li>• Non-habitable uses only.</li> </ul>	<p>The original intent for outbuildings was to permit non-habitable ancillary buildings to the main dwelling e.g. garages and garden sheds. However, the former Bankstown and Canterbury applied different rules, which has seen outbuildings being used for habitable purposes. In some cases, this is resulting in multiple dwellings on the same site, which is incompatible with the existing character of the</p>

Proposed Key Change	Reason
	<p>low density suburban neighbourhoods.</p> <p>For consistency, it is proposed to apply new controls consistent with the Codes SEPP. The new controls will limit the size and use of outbuildings to address the cumulative impact of outbuildings in the low density suburban neighbourhoods.</p> <p>Secondary dwellings will continue to be permitted in addition to outbuildings where the site permits and subject to other relevant LEP and DCP provisions.</p>
<p><u>Chapter 5 (Residential Accommodation)</u> Replace the adaptable housing controls with the Livable Housing Guidelines.</p>	<p>Implements the Council resolution of 23 June 2020. However, it is proposed to defer the application of the Livable Housing Guidelines to dual occupancies as Council will be reviewing the building design controls in 2021.</p>
<p><u>Chapter 5 (Residential Accommodation)</u> Permit single carports forward of the front building line in special circumstances provided the development is compatible with the character of the local area.</p>	<p>The former Bankstown and Canterbury required off-street parking to locate behind the front building line. In special circumstances, both councils permitted carports forward of the front building line if there was insufficient space on the side of existing houses for car parking purposes. However, neither addressed the issue if the prevailing character in the street is carports forward of the front building line.</p> <p>This amendment provides criteria to enable a consideration of this issue. This consideration will be limited to single, open carports associated with existing dwelling houses that do not have garages. The single carport is to ensure there is a balance with landscape in the front yard.</p>
<p><u>Chapter 5 (Residential Accommodation)</u> Apply the former Bankstown control to the LGA, which prevents development from isolating sites less than 1,200m<sup>2</sup>/20m width (Zone R4).</p>	<p>This control promotes orderly development in high density residential areas.</p>
<p><u>Chapter 7 (Commercial Centres)</u></p> <ul style="list-style-type: none"> <li>• Apply new setback controls in Birrong, East Hills, Greenacre, Padstow, Panania, Revesby and Yagoona.</li> <li>• Introduce new design controls in relation to active street frontages, facade design, corner buildings, roof design, materials, finishes and awning design.</li> </ul>	<p>Implements current land use strategies (i.e. Local Area Plans) consistent with Connective City 2036.</p>
<p><u>Chapter 7 (Commercial Centres)</u> Introduce new design controls to minimise the visual bulk of development on sites with a street frontage of 40 metres or greater in local centres, village centres, small village centres and neighbourhood centres:</p>	<p>Implements current land use strategies (i.e. Local Area Plans) consistent with Connective City 2036.</p> <p>Based on an urban design analysis, when a single development site has a 40 metre wide street</p>



Proposed Key Change	Reason
<ul style="list-style-type: none"> <li>For sites with a 40–65 metre street frontage, articulate the tower to give the appearance of at least two distinct building elements.</li> <li>For sites with a street frontage greater than 65 metres, require separate towers above the podium. The maximum length of a tower building is 65 metres.</li> </ul>	<p>frontage or greater, development may be perceived as ‘bulky’ when viewed from the street. Visual bulk is a term that refers to a building design that is visually overwhelming when viewed from the street and does not fit in well with the surrounding area.</p> <p>The urban design analysis recommends these controls to avoid long expanses of tower buildings. It is noted that these controls do not apply to strategic centres, which are subject to separate masterplans and built form analysis.</p>
<p><u>Chapter 7 (Commercial Centres)</u> Introduce design principles to guide the redevelopment of 7A–17 Marco Avenue, Revesby.</p>	<p>Implements current land use strategies (i.e. Local Area Plans) consistent with Connective City 2036.</p> <p>The Draft LEP provides a bonus FSR/height should 7A–17 Marco Avenue redevelop as a single site and provides public benefits to Council’s satisfaction. The design principles are to support the design process.</p>
<p><u>Chapter 7 (Commercial Centres)</u> Identify sites that may need to consider setbacks to ensure building footprints are kept clear of the overland flow path between Polo Street and The River Road in Revesby.</p>	<p>This control ensures the overland flow path is continuous and clear of obstructions to keep people safe and to manage potential damage to property.</p>
<p><u>Chapter 10 (Schools and Places of Public Worship)</u> Apply the former Bankstown controls to the LGA.</p>	<p>The controls provide greater certainty to managing the impacts of schools and places of public worship, particularly in the low density suburban neighbourhoods, compared to the former Canterbury which undertook a merit assessment.</p>

## Technical Guides

At present, there are three Technical Guides that support Bankstown Development Control Plan 2015. These are:

- Demolition and Construction Guidelines: This Guide contains technical information to ensure demolition and construction works are safe, do not impact on the city, and are carried out in accordance with relevant legislation requirements.
- Tree Management Manual: This Guide contains technical information to support the tree management controls in the DCP. It contains information on tree management, tree pruning and tree planting.
- Waste Management Guidelines for New Development: This Guide contains technical information to support the waste management controls in the DCP. It focuses on ensuring development implements optimal waste management systems that are fully integrated with Council’s servicing system.

It is proposed to retain and apply these Technical Guides across the Local Government Area in support of the Draft DCP. It is also proposed to develop three new Technical Guides in relation to the engineering standards, heritage and landscape. Existing technical information and specifications in the former Development Control Plans will be transferred to the new Guides.

### **Next Steps**

Should Council support the Draft DCP for exhibition purposes, the next steps are:

1. Exhibit the Draft DCP and associated documents for an extended period to provide the community and industry public with adequate time to review this draft document.
2. Following the exhibition, a report will be presented to Council to consider any submissions and associated amendments prior to deciding whether to adopt the Draft DCP. Should Council adopt the Draft DCP, it would come into force on the commencement date of the Draft LEP and would apply to development applications lodged on or after this date.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 8 DECEMBER 2020**

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**ITEM 5.4**                      **DRAFT PLANNING AGREEMENT – 60 KITCHENER PARADE, BANKSTOWN**  
**(1168)**                      **CLR. MADIRAZZA:/CLR. ZAKHIA**

RESOLVED that

1. Council exhibit the Draft Planning Agreement at Attachments A and B.
2. The matter be reported to Council following the exhibition.

- CARRIED

**For:-**                      Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza,  
Raffan, Saleh, Tuntevski, Waud and Zakhia

**Against:-**              Nil

**ITEM 5.5**                      **DRAFT CANTERBURY BANKSTOWN CONSOLIDATED DEVELOPMENT CONTROL**  
**(1169)**                      **PLAN**  
**CLR. TUNTEVSKI:/CLR. ISHAC**

RESOLVED that

1. Council exhibit the Draft Canterbury Bankstown Consolidated Development Control Plan as provided in Attachments A–K.
2. Council exhibit the Draft Guides and Heritage Conservation Area Character Statements that support the Draft Canterbury Bankstown Consolidated Development Control Plan as provided in Attachments L–Q.
3. This matter be reported to Council following the exhibition period.

- CARRIED

**For:-**                      Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza,  
Raffan, Saleh, Tuntevski, Waud and Zakhia

**Against:-**              Nil