

ITEM 5.4 Draft Canterbury Bankstown Consolidated Development Control Plan

AUTHOR Planning

PURPOSE AND BACKGROUND

This report summarises the exhibition of the Draft Consolidated Development Control Plan. It is recommended that Council adopt the Draft DCP, subject to amendments as outlined in this report.

ISSUE

In December 2020, Council resolved to exhibit the Draft Consolidated Development Control Plan (the Draft DCP), which is a supporting planning document to the Draft Consolidated Local Environmental Plan (the Draft LEP). The Draft DCP provides additional objectives and controls to enhance the function, design and amenity of development. Whilst the 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 exhibition period took place from 3 February to 5 March 2021 in accordance with legislative requirements. Council received 104 submissions in response to the exhibition.

Following consideration of submissions, it is recommended that Council adopt the Draft DCP subject to amendments as provided in Attachment T. Should Council adopt the Draft DCP, it would come into force on the date that the Department of Planning, Industry and Environment approves the Draft LEP. The Draft LEP and DCP would apply to development applications lodged on or after this date. The Draft DCP will replace Bankstown DCP 2015 and Canterbury DCP 2012.

RECOMMENDATION That -

1. Council adopt the Canterbury Bankstown Development Control Plan 2021 as provided in Attachments A–K.
2. Council adopt the Guides and Heritage Conservation Area Character Statements that support the Canterbury Bankstown Development Control Plan 2021 as provided in Attachments L–Q.
3. Council note the Canterbury Bankstown Development Control Plan 2021 will come into effect on the date that the Canterbury Bankstown Local Environmental Plan 2021 is published on the NSW legislation website and:
 - (a) The Canterbury Bankstown Development Control Plan 2021 is to apply to development applications lodged on or after this date.

- (b) The Canterbury Bankstown Development Control Plan 2021 is to repeal Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012 on this date in accordance with the Environmental Planning and Assessment Regulation 2000
 - (c) The former Council policies will be revoked on this date:
 - (i) Bankstown Demolition and Construction Guidelines
 - (ii) Bankstown Development Engineering Standards
 - (iii) Bankstown Tree Management Manual
 - (iv) Bankstown Waste Management Guide for New Developments
4. The General Manager be given authority to:
- (a) Incorporate the DCP Amendments for 15–33 Brighton Avenue, Croydon Park in the Canterbury Bankstown Development Control Plan 2021 on the date that the planning proposal is published on the NSW legislation website.
 - (b) Include any matters that the Department of Planning, Industry and Environment remove from the Draft Consolidated Local Environment Plan as part of its review process, to ensure there are no gaps in planning policy.
 - (c) Make formatting and other minor changes to the Canterbury Bankstown Development Control Plan 2021 provided these do not change the intent of the Development Control Plan.

ATTACHMENTS

[Click here for attachments](#)

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- A. DCP–Chapter 1 (Introduction)
 - B. DCP–Chapter 2 (Site Considerations)
 - C. DCP–Chapter 3 (General Requirements)
 - D. DCP–Chapter 4 (Heritage)
 - E. DCP–Chapter 5 (Residential Accommodation)
 - F. DCP–Chapter 6 (Strategic Centres)
 - G. DCP–Chapter 7 (Commercial Centres)
 - H. DCP–Chapter 8 (Employment Lands)
 - I. DCP–Chapter 9 (Industrial Precincts)
 - J. DCP–Chapter 10 (Other Development)
 - K. DCP–Chapter 11 (Key Development Sites)
 - L. Demolition and Construction Guide
 - M. Development Engineering Standards Guide
 - N. Heritage Guide and Heritage Conservation Area Character Statements
 - O. Landscape Guide
 - P. Tree Management Guide
 - Q. Waste Management Guide
 - R. Council Report–8 December 2020
 - S. Submissions Report
 - T. Proposed DCP Amendments

POLICY IMPACT

Council has two Development Control Plans. Bankstown DCP 2015 applies to the former Bankstown LGA and Canterbury DCP 2012 applies to the former Canterbury LGA. 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 Council report in Attachment R outlines the policy implications of the Draft DCP and proposed key changes.

In summary, whilst the Draft DCP is primarily an administrative consolidation of the existing controls of the former councils, the consolidation process will result in some proposed changes to align with the implementation of *Connective City 2036* and current land use strategies.

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

- The Gateway Determination for the Draft LEP required Council to retain the existing residential controls whilst it finalised its Housing Strategy. Council adopted its Housing Strategy at its meeting on 23 June 2020. Council proceeded with the following:
 - Council noted that a position paper on dual occupancies will be prepared for consultation. Council will consult with the community and industry prior to proposing any changes which may impact the Draft LEP and DCP.
 - For other forms of residential development, Council submitted a planning proposal to the Department in December 2020 to commence the review of the residential controls. The Department is currently reviewing the planning proposal to decide if it may proceed to exhibition.
- The Draft DCP retains the existing controls in relation to the Bankstown City Centre, Canterbury Road and centres in the former Canterbury LGA. Council will review these controls as part of the *Connective City 2036* implementation.

Should Council adopt the Draft DCP, it would come into force on the date that the Department of Planning, Industry and Environment approves the Draft LEP. The Draft LEP and DCP would apply to development applications lodged on or after this date. The Draft DCP will replace Bankstown DCP 2015 and Canterbury DCP 2012 in accordance with the Environmental Planning and Assessment Regulation 2000.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

The preparation of the Draft DCP constitutes a significant public benefit as it will establish greater transparency and consistency in the planning controls that apply 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.

DETAILED INFORMATION

EXHIBITION

Council exhibited the Draft DCP, Guides and Heritage Conservation Area Character Statements from 3 February to 5 March 2021. The exhibition process included:

- A soft launch on Council's website commencing 24 December 2020
- Notification letters to all property owners in the local government area
- Notification letters to government authorities and neighbouring councils
- A hotline for the community to call Council staff directly and discuss the draft documents
- Notices in local newspapers that circulate within the area
- Displays on Council's website and Customer Service Centres (Bankstown and Campsie Branches).
- Briefing an industry forum in March 2021.

The exhibition process was consistent with Council's Community Participation Plan and exceeded the requirements of the Environmental Planning and Assessment Act 1979 (section 10.18), which due to the COVID 19 pandemic, only required the exhibition material to be made available on Council's website.

In total, 1,552 people viewed the exhibition material on Council's website. Council officers responded to around 140 phone enquiries. In response, Council received 104 submissions from residents, community groups, property owners and government authorities.

KEY ISSUES

The submissions raised a broad range of issues in relation to the Draft DCP and other matters. Attachment S provides a summary of the submissions and Council's response, and Attachment T outlines the proposed amendments to the Draft DCP.

The key issues raised by submissions in relation to the Draft DCP include:

1. Residential controls

A majority of submissions requested a review of the residential controls, particularly in relation to secondary dwellings and dual occupancies. Many residents do not support these types of development in the suburban neighbourhoods due to overdevelopment, traffic and parking issues. Other residents requested a relaxation of the residential controls.

Comment: In considering the submissions, it is noted that the Department of Planning, Industry and Environment's Gateway Determination required the Draft LEP to retain the existing residential controls whilst Council finalised its Housing Strategy. The Draft LEP and DCP therefore retain the existing residential controls of the former councils.

Response: Council is proposing to proceed with the following:

- Council noted that a position paper on dual occupancies and associated controls will be prepared for consultation. Council will consult with the community and industry. The outcome will require a separate change to the Draft LEP and DCP and therefore there are no proposed changes at this stage.

- For other forms of residential development, Council submitted a planning proposal to the Department in December 2020 to commence the review of the residential controls. Should the Department permit the planning proposal to proceed to exhibition, the supporting DCP Amendments may consider the issues raised in the submissions.

2. Flood risk management controls that apply to Carinya Road, Picnic Point

Some submissions requested a review of the flood risk management controls, namely:

- Amend the objectives by reinstating the ‘merit-based approach’ objective
- Designate the Carinya Road areas as a medium flood risk precinct
- Update the Draft DCP to match the NSW Floodplain Development Manual
- Remove the elevated walkways, vehicle parking and access controls; the cut-out and breeze way controls; the minimum lot size controls; and the requirement to locate houses at the rear of sites.

Comment: The Draft DCP retains the existing controls of the former councils with some proposed changes to implement current land use strategies (i.e. Salt Pan Creek, Duck River and Mid Georges River Catchments Floodplain Risk Management Plans) consistent with *Connective City 2036*.

In considering the submissions:

- In relation to the objectives, Bankstown DCP 2015–Part B12 (Flood Risk Management) currently contains an objective which reads: *To apply a “merit-based approach” to all development decisions which takes account of social, economic and environmental as well as flooding considerations in accordance with the principles contained in the NSW Floodplain Development Manual*. The Draft DCP proposed to remove this objective. However, in considering the submissions, it is proposed to retain the existing objective to continue to reflect the principles of the NSW Floodplain Development Manual.
- In relation to the other matters, Council reviewed the existing DCP controls when it prepared the Mid Georges River Catchment Floodplain Risk Management Plan (the FRMP). The objectives of the FRMP are to investigate flooding problems and possible mitigation options. Council’s Floodplain Management Committee endorsed the FRMP in June 2017 and Council adopted the FRMP in July 2017. Council provides the following comments in relation to the Carinya Road area:

FRMP Recommendations	Council actions to date
Prepare a planning proposal to adopt an E4 Environmental Living zone for the Carinya Road area.	The Draft LEP is proposing to prohibit sensitive land uses in the Carinya Road area including child care centres, community facilities, educational establishments, health consulting rooms, hospitals, places of public worship and respite day care centres. The proposed prohibitions would achieve the same intended outcome as the proposed E4 zone. The Department is currently reviewing the Draft LEP for finalisation.
Prepare a planning proposal to apply a minimum lot size of 1,000m ² consistently across all existing housing lots.	<p>The Department’s Gateway Determination required the Draft LEP to retain the existing residential controls whilst Council finalised its Housing Strategy. The Draft LEP and DCP therefore retain the existing lot size controls.</p> <p>In relation to next steps, Council submitted a planning proposal to the Department in December 2020 to commence the review of the residential controls (not including dual occupancies). The</p>

	planning proposal includes the recommendation to apply a minimum 1,000m ² lot size control in the Carinya Road area. The Department is currently reviewing the planning proposal to decide if it may proceed to exhibition.
Should the Department of Planning, Industry and Environment approve the planning proposals, amend the DCP by deleting the flood risk management controls that apply to the Carinya Road area. The general provisions relating to the Georges River would apply.	<p>It is anticipated the Department will approve the planning proposals in accordance with the FRMP recommendations. If the Department approves the planning proposals, Council may proceed to review the DCP controls.</p> <p>The submission by the Department of Planning, Industry and Environment (Environment, Energy and Science Group) comments that the Draft LEP and DCP should be in line with the FRMP measures. The Department cannot support any alternative measures at this stage.</p>

Response: Amend the Draft DCP (Chapter 2.2) by retaining the ‘merit-based approach’ definition and objective.

3. 11–17 Marco Avenue, Revesby

The Draft LEP proposes to offer a bonus FSR/building height if 7A and 11–17 Marco Avenue amalgamate into a single site, subject to the development exhibiting design excellence and delivering certain infrastructure (including a new central plaza and public parking spaces) to Council’s satisfaction. The Draft DCP supports the Draft LEP by requiring a master plan to guide the development of the amalgamated site.

A submission requested the removal of the master plan requirement as it is deemed unnecessary if there are site specific DCP controls. The alternative approach would be to lodge a Concept Development Application which would guide the development of the consolidated site.

Comment: In considering the submission, Council provides the following comments:

Submission	Council comments
Remove the master plan requirement.	It is proposed to require the development application to go through a site specific design quality process, in place of a master planning process.
Provide flexibility in the application of the building height/length controls to achieve the maximum FSR.	The site specific DCP controls are based on urban design analysis and take into consideration State policies such as the Apartment Design Guide. Variations to the building height control is subject to the Draft LEP (clause 4.6). However, the building length is a DCP control. It allows alternative solutions to the satisfaction of Council. It is therefore proposed to retain the site specific DCP controls.
Refer the proposed built form to a Design Review Panel or independent design expert/panel for endorsement rather than being to Council’s satisfaction.	Whilst Council may refer the proposal to a design expert/panel for advice, ultimately Council is the assessing authority and must be satisfied that the development complies with legislative requirements. It is therefore proposed to retain this requirement.
Do not apply the site specific DCP controls for the amalgamated site to 11–17	Whilst the site specific DCP controls make reference to the amalgamated site, it is proposed to clarify that the design

Marco Avenue if it develops as a stand-alone site.	criteria would also apply to 11–17 Marco Avenue if it develops as a stand-alone site.
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Response: Amend the Draft DCP (clause 11.4) to apply a site specific design quality process in place of a master planning process, and clarify that the development controls apply to 11–17 Marco Avenue if it develops as a stand-alone site.

4. Moomba to Sydney Ethane Pipeline

A submission requested that the Draft DCP makes reference to the Moomba to Sydney Ethane Pipeline to enable applicants to consider this infrastructure when preparing development applications.

Comment: The pipeline corridor adjoins the East Hills Line and is regulated by the Infrastructure SEPP. In considering the submission, it is proposed to reference the pipeline corridor in the Draft DCP to inform applicants that the pipeline operator does not support roads, infrastructure or other services within the pipeline easement; and development in the vicinity of the pipeline corridor may need to submit a Safety Management Study to assess land use/construction risks.

Response: Amend the Draft DCP to make reference to the Moomba to Sydney Ethane Pipeline.

5. Flood Planning Map

Comment: The Department of Planning, Industry and Environment is currently carrying out a final review of the Draft LEP. This review process has resulted in some changes to the Draft LEP. It is important to update the Draft DCP to ensure this planning document remains consistent with the latest version of the Draft LEP.

A key issue is the Draft LEP proposes to remove the Flood Planning Map under the former Canterbury LEP. However, the Department has requested that the map be retained. To address this request, it is proposed to include the map and associated controls in the Draft DCP. The Draft DCP would enable Council to more easily update the map and associated controls as Council prepares flood studies and floodplain risk management plans for the former Canterbury LGA.

Response: Continue to apply the former Canterbury controls to the former Canterbury LGA, and apply the former Bankstown controls to the former Bankstown LGA.

6. DCP Amendments for 15–33 Brighton Avenue, Croydon Park

Comment: In February 2021, Council adopted a planning proposal and DCP Amendments for 15–33 Brighton Avenue, Croydon Park. The planning proposal is currently with the Department of Planning, Industry and Environment for finalisation. Whilst Council resolved to incorporate the DCP Amendments in the former Canterbury DCP, Council would also need to agree to incorporate the DCP Amendments in the Draft DCP.

Response: Incorporate the DCP Amendments for 15–33 Brighton Avenue, Croydon Park in the Draft DCP on the date that the Department of Planning, Industry and Environment approves the planning proposal.

REQUEST FOR AMENDMENTS TO THE DRAFT LEP

Some submissions requested site specific zoning changes. Attachment S outlines the reasons given by submissions to support the requests.

Comment: In considering the submissions, it is not proposed to amend the Draft LEP for the following reasons:

Locations	Existing controls	Submission requests	Reasons
Earlwood			
195–199 Homer Street	Zone R2	Zone B2	The master planning process for the Earlwood Local Centre is proposed to commence in 2022. The master planning process may consider this request.
2A Watkin Avenue	Zone R2	Zone B2	
Georges Hall			
190 Birdwood Road	Zone SP2	Zone R2	The land may be surplus to infrastructure needs. Council may consider the rezoning request at the next review of the Draft LEP subject to the land owner satisfying relevant Ministerial Directions.
145 Rex Road	Zone SP2	Zone R2	
Greenacre			
56–58 Pandora Street	Zone R4	Zone B4	The Draft LEP implements the North East Local Area Plan, which includes zoning changes in the Greenacre Local Centre. These sites are proposed to be rezoned from Zone R2 to Zone R4 respectively. It is not proposed to review the zoning changes at this point.
241–245 Waterloo Road	Zone R4	Zone B4	
Punchbowl			
643 Punchbowl Road	Zone R2	Zone R3	The master planning process for the Punchbowl Village Centre is proposed to commence in 2022. The master planning process may consider this request.
Revesby			
4 Doyle Road	Zone B1	Zone B2	The South East Local Area Plan did not recommend a zoning change at this site. It is not proposed to review the zoning at this point.

Response: No changes are proposed.

NEXT STEPS

In considering the submissions, it is recommended that Council adopt the Draft DCP subject to amendments as provided in Attachment T. Should Council adopt the Draft DCP, it would come into force on the date that the Department of Planning, Industry and Environment approves the Draft LEP.

In relation to process:

- The Department of Planning, Industry and Environment is currently finalising the Draft LEP. However, should the Department remove any matters from the Draft LEP as part of its review process, it is requested that the General Manager be given authority to incorporate these matters in the Draft DCP. It is important to update the Draft DCP to ensure this planning document remains consistent with the latest version of the Draft LEP, and that there are no policy gaps.
- It is also requested that the General Manager be given authority to make formatting and other minor changes (e.g. removal of references to the former DCPs) to the Canterbury Bankstown Development Control Plan 2021 provided these do not change the intent of the Development Control Plan.