



## Planning Proposal

### No. 10 Simmat Avenue in Condell Park

November 2018





## **Part 1–Intended Outcomes**

This planning proposal applies to part of the site at 10 Simmat Avenue in Condell Park (Lot 2, DP 1219439) as shown in Part 4 (Map 1).

The intended outcomes are:

- To rectify a mapping anomaly in relation to surplus land formerly owned by Sydney Water.
- To provide for local housing needs consistent with the low density residential character of the surrounding suburban neighbourhood.



## **Part 2–Explanation of Provisions**

To achieve the intended outcomes, it is proposed to amend Bankstown Local Environmental Plan 2015 by:

- Rezoning part of the site (373m<sup>2</sup>) at 10 Simmat Avenue in Condell Park from Zone SP2 infrastructure (Water Supply System) to Zone R2 Low Density Residential.
- Permitting a maximum 9 metre building height, a maximum 0.5:1 FSR, and a minimum 450m<sup>2</sup> subdivision lot size requirement.



## **Part 3–Justification**

### **Section A–Need for the planning proposal**

#### **1. Is the planning proposal a result of any strategic study or report?**

This planning proposal is not the result of any strategic study or report prepared by the Department of Planning & Environment, Greater Sydney Commission or Council. However, the proposal is considered appropriate given the minor nature of the mapping amendments.

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

This planning proposal to rezone part of the site at 10 Simmat Avenue from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential is the best means of achieving the intended outcomes. The intended outcomes are:

- To rectify a mapping anomaly in relation to surplus land formerly owned by Sydney Water.
- To provide for local housing needs consistent with the low density residential character of the surrounding suburban neighbourhood.

The proposed zone rectifies the mapping anomaly and is consistent with the low density residential character of the surrounding suburban neighbourhood.



## **Section B–Relationship to strategic planning framework**

### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?**

#### **3.1 Metropolitan Plan ‘A Plan for Growing Sydney’**

This planning proposal is consistent with the directions of the Metropolitan Plan, ‘*A Plan for Growing Sydney*’, namely Action 2.1.3 to deliver more housing by developing surplus government land.

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

This planning proposal is consistent with the Greater Sydney Region Plan, namely Objective 10 to provide ongoing housing supply and a range of housing types in the right locations. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.

#### **3.3 South District Plan**

This planning proposal is consistent with the South District Plan, namely Planning Priority S5 to provide housing supply in the form of local infill development. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.

### **4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?**

#### **4.1 CBCity 2028**

The vision of Council’s Community Plan ‘CBCity 2028’ is to have a city that is ‘*thriving, dynamic and real*’. The ‘Liveable & Distinctive’ Direction will achieve this by promoting a well-designed city which preserves the identity and character of local villages. The proposal is consistent with the Community Plan.

#### **4.2 North Central Local Area Plan**

This planning proposal is consistent with the North Central Local Area Plan, namely Action L6 to plan for the suburban neighbourhood precinct. The proposed zone is consistent with the low density residential character of the surrounding suburban neighbourhood.



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

This planning proposal is consistent with applicable State Environmental Planning Policies as shown in Attachment A, namely:

- **State Environment Planning Policy No. 55–Remediation of Land**

This SEPP requires Council to consider land contamination where it is proposed to enable development for sensitive land uses such as dwellings. Part 7A of the EP&A Act reinforces this direction.

According to the Site Audit Statement submitted with the application:

- The site is considered suitable for dwellings and other sensitive land uses such as schools and child care centres.
- There is no requirement for ongoing management in relation to contamination. Any soil removal from the site should be appropriately classified in accordance with the Waste Classification Guidelines (DECC, April 2008). Any soil imported to the site should be validated as being suitable for use on the site. Due to regional contamination issues and because groundwater quality may change with time, groundwater should not be extracted for any purpose without appropriate assessment.

**6. Is the planning proposal consistent with applicable Ministerial Directions?**

This planning proposal is consistent with applicable Ministerial Directions (as shown in Attachment B), namely:

- **Direction 3.1–Residential Zones**

The objectives of this direction are to ensure new housing has appropriate access to infrastructure and services, minimises the impact of residential development on the environment and resource lands.

The proposal is consistent with this direction as it makes more efficient use of existing infrastructure and services, and does not contain provisions which would reduce the permissible residential density of land.



- **Direction 6.2–Reserving Land for Public Purposes**

The objective of this direction is to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

To be consistent with this direction, a proposal cannot alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority. In this case, the relevant public authority is Sydney Water.

According to a letter dated 26 October 2017 submitted with the application, Sydney Water raises no objection to the proposal as follows:

*We note in July 2008, a site compatibility certificate (SCC) was issued and it determined that the property was compatible for residential use. A requirement of the SCC was to subdivide 7 lots into 2 lots. It was intended that new Lot 1 would remain zoned as SP2 Infrastructure Water Supply and new Lot 2 would be rezoned to R2 Low Density Residential.*

*It appears the rezoning boundaries were amended based on a draft plan of subdivision. The final plan of subdivision was slightly different to the draft plan, consequently, the zoning and property boundaries do not completely align. This has resulted in both lots containing a mix of SP2 and R2 zoned land.*

*It is noted that Sydney Water has no strategic interest in the land zoned SP2 within Lot 2, and we would prefer not to have R2 zoned land within Lot 1. Accordingly, Sydney Water would support an amendment to align the zonings with the property boundaries as originally intended.*

- **Direction 7.1–Implementation of *A Plan for Growing Sydney***

The proposal is consistent with the Metropolitan Plan (*A Plan for Growing Sydney*), namely Action 2.1.3 to deliver more housing by developing surplus government land.



### **Section C–Environmental, social and economic impact**

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

This planning proposal is consistent with the Ministerial Direction 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

This planning proposal has regard to the natural environment (including known significant environmental values and hazards).

- 9. Has the planning proposal adequately addressed any social and economic effects?**

In relation to social and economic effects, this planning proposal is consistent with the Greater Sydney Region Plan and the South District Plan (see Section B(3) of this planning proposal for details).

### **Section D–State and Commonwealth interests**

- 10. Is there adequate public infrastructure for the planning proposal?**

This planning proposal has regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal.

- 11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

This planning proposal has not been the subject of consultation with State and Commonwealth public authorities.



## **Part 4–Maps**

The maps which support this planning proposal are:

- Map 1–Land Application Map
- Map 2–Proposed Land Zoning Map
- Map 3–Proposed Floor Space Ratio Map
- Map 4–Proposed Building Height Map
- Map 5–Proposed Lot Size Map
- Map 6–Current Land Zoning Map
- Map 7–Current Floor Space Ratio Map
- Map 8–Current Building Height Map
- Map 9–Current Lot Size Map
- Map10–Current Aerial Image



## Map 1–Land Application Map





## Map 2–Proposed Land Zoning Map





**Map 3—Proposed Floor Space Ratio Map**





**Map 4—Proposed Building Height Map**



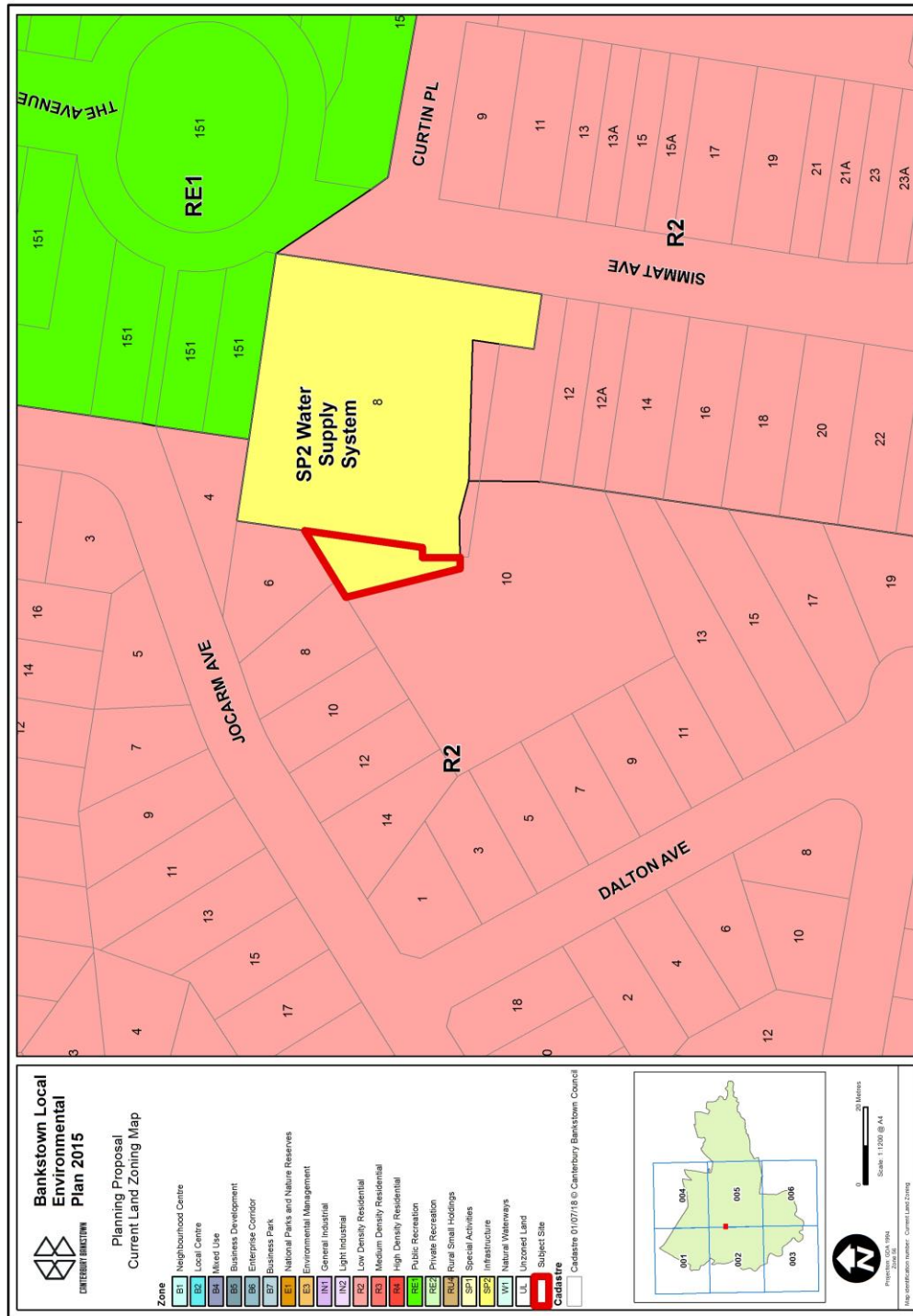


Map 5—Proposed Lot Size Map





Map 6—Current Land Zoning Map







## Map 8—Current Building Height Map



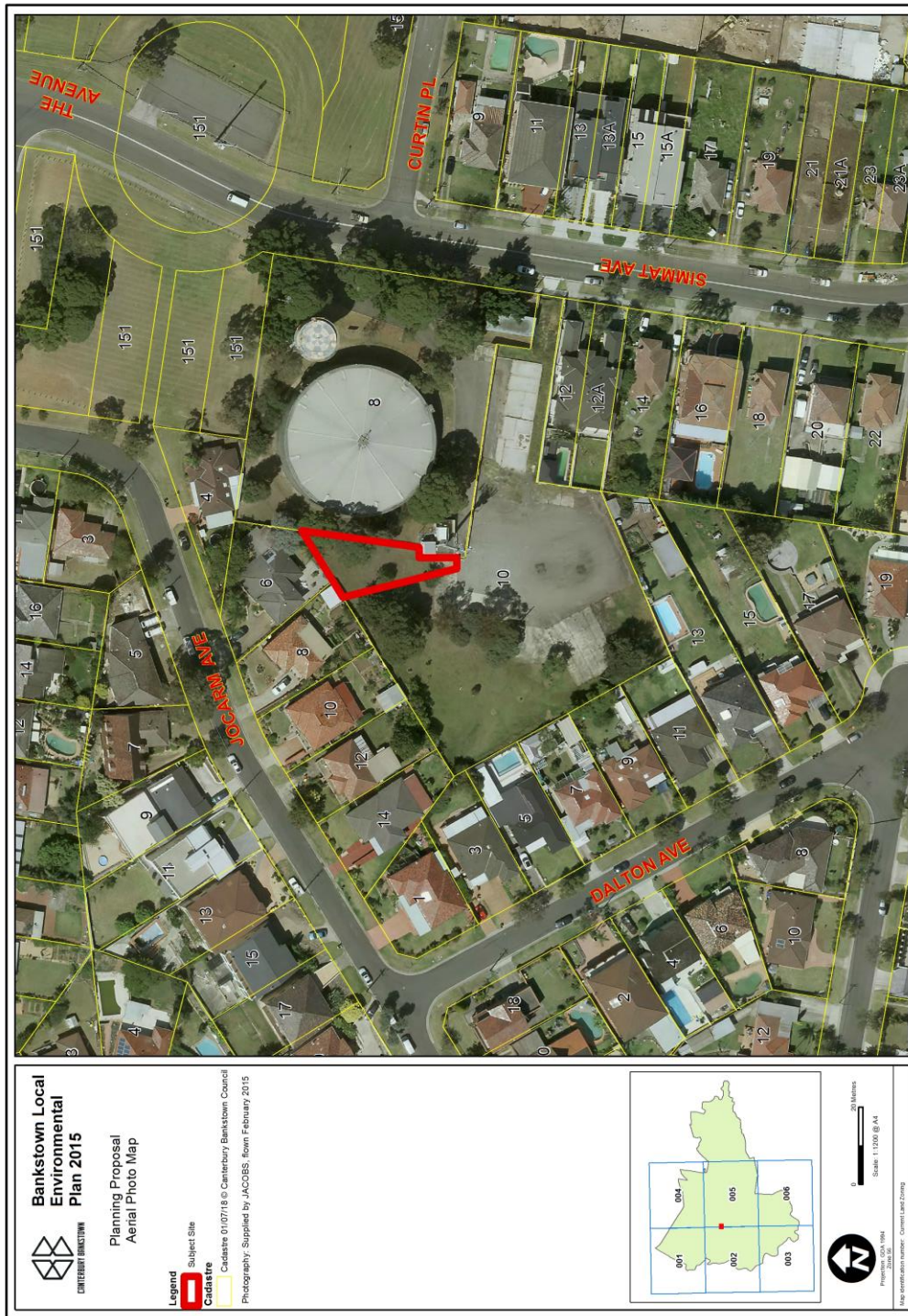


## Map 9—Current Lot Size Map





Map10–Current Aerial Image





## Part 5–Community Consultation

The Gateway Determination will confirm the public consultation that must be undertaken. The exhibition period for this planning proposal is likely to take 28 days and would comprise:

- Notification in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building (Bankstown Branch) and corporate website.
- Written notification to the following State agencies: Sydney Water.
- Written notification to affected and adjoining property owners where practical.

## Part 6–Project Timeline

Dates	Project timeline
October 2018	Issue of Gateway Determination.
November 2018	Exhibit planning proposal.
February 2019	Report to Council following the exhibition.
April 2019	Submit Draft Local Environment Plan to the Parliamentary Counsel's Office to seek an Opinion.
July 2019	Submit Local Environment Plan to the Department of Planning & Environment for notification purposes.



## ATTACHMENT A–State Environmental Planning Policies

SEPPs (as at August 2018)		Applicable	Consistent
1	Development Standards	Yes	Yes
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
30	Intensive Agriculture	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams & Other Works in Land & Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	Yes
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	No	N/A
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Coastal Management) 2018	No	N/A
	(Educational Establishments and Child Care Facilities) 2017	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes
	(Infrastructure) 2007	No	N/A
	(Integration and Repeals) 2016	No	N/A



<b>SEPPs (as at August 2018)</b>		<b>Applicable</b>	<b>Consistent</b>
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
	(Miscellaneous Consent Provisions) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Rural Lands) 2008	No	N/A
	(State & Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes
	Sydney REP (Sydney Harbour Catchment) 2005	No	N/A



## ATTACHMENT B–Ministerial Directions

Direction & Issue Date		Applicable	Consistent
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones [01/05/17]	No	N/A
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [01/07/09]	No	N/A
<b>Environment and Heritage</b>			
2.1	Environment Protection Zones [14/04/16]	No	N/A
2.2	Coastal Protection [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	No	N/A
2.4	Recreation Vehicle Areas [14/04/16]	No	N/A
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
<b>Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones [14/04/16]	Yes	Yes
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	Yes	Yes
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use and Transport [14/04/16]	Yes	Yes
3.5	Development Near Licensed Aerodromes [14/04/16]	Yes	Yes
3.6	Shooting Ranges [16/02/11]	No	N/A



<b>Hazard and Risk</b>			
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence and Unstable Land [12/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	No	N/A
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
<b>Housing, Infrastructure and Urban Development</b>			
5.1	Implementation of Regional Strategies [Revoked]	No	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked]	No	N/A
5.6	Sydney to Canberra Corridor [Revoked]	No	N/A
5.7	Central Coast [Revoked]	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [14/04/16]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	No	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	No	N/A



Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [19/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A