

ITEM 5.7 **Application to Amend Bankstown LEP 2015 – 10 Simmat Avenue, Condell Park**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

To consider the application to amend Bankstown Local Environmental Plan 2015 for part of the site at 10 Simmat Avenue, Condell Park.

ISSUE

Council is in receipt of an application to prepare a planning proposal for part of the site at 10 Simmat Avenue, Condell Park. The intended outcome is to rectify a mapping anomaly by rezoning part of the site (373m²) from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.

The Local Planning Panel considered Council's report on 2 July 2018. In accordance with the Department of Planning and Environment's Direction, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. The Panel's recommendation is for the application to be approved, in accordance with the Council staff report recommendation.

RECOMMENDATION That -

1. Council submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015, as shown in Attachment A:
 - (a) Rezone part of the site 10 Simmat Avenue, Condell Park from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.
 - (b) Permit a maximum nine metre building height, a maximum 0.5:1 FSR, and a minimum 450m² subdivision lot size requirement.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

ATTACHMENTS

- A. Proposed Amendments to Bankstown LEP 2015
- B. Local Planning Panel Meeting—Council Report
- C. Local Planning Panel Meeting—Minutes

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

This matter does not impact on the community of Canterbury–Bankstown.

DETAILED INFORMATION

Proposal

In March 2018, Council received an application from Sydney Water in relation to the site known as 10 Simmat Avenue in Condell Park (Lot 2, DP 1219439). The site is 4,659m² in area.

The site contains a split zone and is part Zone R2 Low Density Residential and part Zone SP2 Infrastructure (Water Supply System) under Bankstown Local Environmental Plan 2015.

The application and supporting material prepared by Sydney Water is specific to the part of the site that is within Zone SP2 Infrastructure (Water Supply System). The area of this part of the site is 373m² and is triangular in shape. The intended outcome is *'to rectify an anomaly identified in land use mapping and application of development standards relating to surplus land formerly owned by Sydney Water'* by removing the split zone as follows:

Development standards	Current	Proposed
Zoning	Zone SP2 Infrastructure (Water Supply System)	Zone R2 Low Density Residential
Maximum FSR	Does not apply to Zone SP2	0.5:1
Maximum building height	Does not apply to Zone SP2	9 metres (2 storeys + attic)
Minimum subdivision lot size	Does not apply to Zone SP2	450m ²

The proposed zoning and development standards would match the remainder of the site as shown in Attachment A.

Local Planning Panel

The Local Planning Panel considered Council's report on 2 July 2018. In accordance with the Department of Planning and Environment's Direction, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. The Panel's comments and recommendation are:

The Panel notes that this is effectively a zoning anomaly that should have been picked up on the previous rezoning. The Panel agrees with the assessment.

CBLPP Recommendation: *THAT the application be approved, in accordance with the Council staff report recommendation.*

The Council report to the Local Planning Panel and the minutes in relation to the matter are shown in Attachments B and C.

Next Step

The next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination. The planning proposal will request the following amendments to Bankstown Local Environmental Plan 2015, as shown in Attachment A:

- Rezone part of the site at 10 Simmat Avenue, Condell Park from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.
- Permit a maximum nine metre building height, a maximum 0.5:1 FSR, and a minimum 450m² subdivision lot size requirement.