

*The NEW* City of  
**CANTERBURY  
BANKSTOWN**



Attachment for Item 1 of the IHAP  
Agenda - 6 February 2017

## ATTACHMENT A–Assessment Findings

Attachment A outlines the assessment findings and is based on the justification matters as set out by the Department of Planning & Environment.

### 1. Strategic Merit Test

Section 1 assesses the proposal based on the Department of Planning & Environment’s Strategic Merit Test as outlined in the Department’s publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway. A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

#### 1.1 Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?

##### 1.1.1 Draft South District Plan

	Consistent
<p><b>Proponent’s Submission:</b> The proposal recognises a priority of the Draft Plan is to efficiently manage and protect employment lands across Greater Sydney. Whilst the proposal seeks to reduce the amount of existing industrial zoned land, the proposal argues it is appropriate as the site scores poorly when assessed against key drivers for successful industrial land. In particular, the site does not have access to a motorway, the site is adjacent to a low density residential neighbourhood which restricts trading hours, B–double trucks are unable to access the site, there is no potential for expansion, and the viability of industrial redevelopment is restricted by historic and continuing flooding issues. These factors weaken the potential for the site to compete with the superior attributes of other industrial precincts within the western districts.</p> <p><b>Council’s Assessment:</b> The proposal is inconsistent with the Greater Sydney Commission’s Draft South District Plan, released for public comment in November 2016. In particular, the proposal is inconsistent with the following priorities and actions:</p> <p><u>Productivity Priority 5: Protect and support employment and urban services lands.</u> According to this priority, the Greater Sydney Commission’s research reaffirms the value of employment lands to Sydney’s productivity. The Commission is therefore taking a precautionary approach to the conversion of employment lands in the absence of a district wide assessment of their value and objectives.</p>	No

The application of the precautionary approach in the Villawood Industrial Precinct (where the site is located) is particularly important given that:

- The Draft South District Plan identifies the Villawood Industrial Precinct (also known as the Leightonfield Station Precinct) as one of the top 10 employment land precincts critical to the district's productivity and sustainability. The precautionary approach avoids the intrusion of non-industrial uses, especially residential uses into a developed industrial precinct, which may create amenity conflicts as well as fragment an existing consolidated area of employment land. It also avoids creating an undesirable precedent for other rezoning requests in the Villawood Industrial Precinct that do not accord with the strategic framework for the City of Canterbury-Bankstown.
- The Department of Planning & Environment's Draft West Central Subregional Strategy identifies the need to retain the employment land in the Villawood Industrial Precinct (also known as the Leightonfield Station Precinct) for industrial purposes.
- Council's Employment Lands Development Study and North West Local Area Plan identify the need to retain the employment land in the Villawood Industrial Precinct for industrial purposes.
- The Sydney South Planning Panel applied the precautionary approach in relation to a recent rezoning review. The Panel decided not to support a proposal to rezone a site at Nos. 45-57 Moxon Road in Punchbowl from an industrial zone to a residential zone as it did not demonstrate strategic merit. According to the Panel, the loss of employment land is inconsistent with the productivity priority and relevant actions in the Draft South District Plan.
- As part of the precautionary approach, the Commission will work with local councils to inform the preparation of appropriate planning controls to protect, support and enhance the economic function of employment lands. It is noted that issues such as residential interface, accessibility for B-double trucks, flooding and concept plans are not matters for consideration under the precautionary approach.

*Action L2: Identify the opportunities to create the capacity to deliver 20 year strategic housing supply targets.* According to this action, the vision for accommodating homes for the next generation is intrinsically linked to planning for, and integration with, new infrastructure and services. This action identifies the preferred locations to create housing capacity, namely urban renewal corridors (e.g. Sydenham to Bankstown Urban Renewal Corridor) and land release areas in the West District. The site is not located in an urban renewal corridor or land release area.

**1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?**

**1.2.1 Council’s Employment Lands Development Study & North West Local Area Plan**

	Consistent
<p><b>Proponent’s Submission:</b> In relation to Council’s North West Local Area Plan, there are a number of constraints that limit the ongoing viability of the subject site for industrial development, including the residential interface, accessibility for B–double vehicles and flooding issues.</p> <p>Given the location of the subject site at the southern edge of the industrial precinct, an opportunity exists to rezone the land for residential purposes consistent with the land uses immediately surrounding the site. The size of the combined landholding is such that the increased densities anticipated (particularly in terms of the residential flat buildings) can be readily accommodated with minimal impacts on the surrounding streetscapes or amenity of neighbouring properties. Furthermore, the additional residential population would support and strengthen the economic activities and employment base within the local centres of Chester Hill and Bass Hill, while providing residents with access to local commercial and community services.</p> <p>At this time, the proposal only relates to the proponent’s land, however it is at Council’s discretion as to whether the remaining industrial properties immediately adjoining the site to the north and fronting Sir Thomas Mitchell Road, should also be rezoned. Sir Thomas Mitchell Road would then provide an obvious boundary for the rezoning and act as a buffer between residential and industrial uses.</p> <p><b>Council’s Assessment:</b> The proposal is inconsistent with the relevant local strategies that apply to the site.</p> <p>Firstly, the proposal is inconsistent with the Employment Lands Development Study, which Council adopted at the Ordinary Meeting of 22 September 2009. The Department of Planning &amp; Environment endorsed the preparation of the study under the Planning Reform Funding Program.</p> <p>According to the study, the Villawood Industrial Precinct (where the site is located) is a generally ‘large lot’ industrial area with a relatively stable urban service and light industry role, and employment base. New investment in smaller strata factory units is occurring, and opportunities exist for the intensification of employment activities. The study identifies the need to retain the current industrial zone and to enhance the function of the precinct</p>	<p>No</p>

for industrial, freight and logistics, and urban service activities. Secondly, the proposal is inconsistent with the North West Local Area Plan, which Council adopted at the Ordinary Meeting of 24 September 2013.

The Local Area Plan sets the vision and actions for development in the suburbs of Chester Hill, Sefton, Villawood, Bass Hill and Georges Hall to 2031. The Local Area Plan also implements the job and dwelling targets under the Metropolitan Plan, Council's Employment Lands Development Study and Council's Residential Development Study.

In particular, the proposal is inconsistent with Action I2, which identifies the Villawood Industrial Precinct (where the site is located) and the retention of the current industrial zone as vital to the City of Canterbury-Bankstown's economic success in the district. The proposal is also inconsistent with Action L2, which identifies the site as an out-of-centre location and unsuitable for residential intensification.

Council exhibited the North West Local Area Plan in 2013 and the corresponding planning proposal in 2014. The exhibitions included notification letters to property owners in the industrial precinct.

The property owner of No. 1 Bennett Street in Chester Hill made a submission in response to the exhibition of the planning proposal. The submission requested Council to rezone the property from an industrial zone to a residential zone. Council considered the submission and decided to retain the current industrial zone for the property, consistent with state and local strategic planning policies.

Council did not receive a submission from the property owner of Nos. 107-109 Orchard Road in Chester Hill in response to the exhibitions.

The Department of Planning & Environment approved the corresponding LEP Amendments, which implement the North West Local Area Plan and planning proposal. The LEP Amendments came into effect in January 2016 and are 1 year old.

**1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?**

	Complies
<p><b>Proponent’s Submission:</b> The proposal will have positive social impacts on the local community and wider LGA through increased diversity of housing to meet demographic and cultural change. In particular, the provision of smaller dwellings in an area characterised by detached dwellings will increase the supply and choice of housing for an aging population seeking to downsize. The need for well-located rental and purchase accommodation also supports a growing workforce.</p> <p><b>Council’s Assessment:</b> The proposal is inconsistent with the assessment criteria under the Strategic Merit Test as it does not respond to a change of circumstances, namely:</p> <ul style="list-style-type: none"> <li>• <i>New Infrastructure:</i> The Metropolitan Plan, Draft South District Plan, NSW Long Term Transport Master Plan, and State Infrastructure Strategy do not identify any new infrastructure investment in the North West Local Area.</li> <li>• <i>Changing demographic trends:</i> Council’s North West Local Area Plan is the adopted policy, which responds to changing demographic trends to 2031 consistent with the Metropolitan Plan.</li> <li>• <i>Review of controls that are less than 5 years old:</i> The proposal seeks to amend the LEP Amendments, which implement the North West Local Area Plan. The LEP Amendments came into effect in January 2016 and are 1 year old.</li> </ul> <p>According to the assessment criteria, LEP controls less than 5 years old will only be considered where it clearly meets the Strategic Merit Test. In this case, the proposal does not meet the Strategic Merit Test.</p>	No

## 2. Planning Proposals–Justification Matters

Section 2 assesses the proposal based on the justification matters as outlined in the Department of Planning & Environment’s publication *A Guide to Preparing Planning Proposals*. The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway.

### 2.1 Is the planning proposal a result of any strategic study or report?

	Complies
<p><b>Proponent’s Submission:</b> The proposal is not the result of a strategic study or report prepared by Council but is supported by the analysis undertaken by and on behalf of the proponents, including the Employment Lands Study prepared by Urbis and Flood Analysis undertaken by Advisian.</p> <p>According to the proponent’s Employment Lands Study, the site scores poorly when assessed against key drivers for successful industrial land, in turn, weakening the potential for the site to be released in the future. Conversely, other industrial precincts within the Western districts exhibit superior competitive attributes. This will strengthen further in the future given the ongoing investment in major infrastructure projects in the South West and West Districts over the next decade (under the ‘Western Sydney Infrastructure Plan’).</p> <p>The change in zoning also aims to transform currently underutilised industrial land, which is not feasible for ongoing industrial development given the relatively isolated nature of the site, which is surrounded by an established residential neighbourhood, the prohibition of B–double trucks accessing the site, and restricted trading hours due to the residential interface.</p> <p>According to the proponent’s Flood Analysis, the site is subject to historic and continuing flooding issues. The large on–site detention basin and drainage channel upgrades contemplated by the proposal will address flood issues currently experienced within the site and surrounding area as well as contribute to improved open space opportunities. It is anticipated that the detention basin and swale will be integrated with the public open space for use of residents of the site and the broader community. Following completion of the proposed works, this area could be dedicated to Council as local open space.</p> <p><b>Council’s Assessment:</b> The proposal is not the result of any strategic study or report prepared by the Department of Planning &amp; Environment, Greater Sydney Commission or Council.</p> <p>In considering the economic effects, the proposal seeks to depart from the intended outcomes of the Metropolitan Plan, Draft South District Plan and relevant local strategies to protect and support</p>	<p>No</p>

employment lands, namely:

- *Metropolitan Plan:* The proposed loss of employment land is inconsistent with the Metropolitan Plan (Direction 1.4), where jobs closer to home is pivotal to Sydney's long term prosperity. Improving the scale and mix of job opportunities will help more people work closer to home and reduce commuting times, making Sydney more productive. The reference to Sydney's subregions recognises the need to strengthen Sydney's manufacturing industries (particularly in the City of Canterbury–Bankstown) to achieve a competitive economy, alongside the ongoing development of the Western Sydney Employment Area.
- *Draft South District Plan:* The proposed loss of employment land is inconsistent with the Draft South District Plan, which identifies the Villawood Industrial Precinct (also known as the Leightonfield Station Precinct) as one of the top 10 employment land precincts critical to the district's productivity and sustainability. Given the value of employment lands to Sydney's productivity, the Draft Plan applies a precautionary approach to the conversion of employment lands in the absence of a district wide assessment of their value and objectives.
- *Relevant local strategies:* The proposed loss of employment land is inconsistent with Council's Employment Lands Development Study and North West Local Area Plan, which identify the need to retain the employment land in the Villawood Industrial Precinct for industrial purposes.

In relation to issues such as vehicle access and trading hours, the development application process would consider these issues.

In relation to the flood issue, parts of the site are affected by the high and medium stormwater flood risk precincts. According to the Ministerial (117) Direction 4.3, a proposal must not contain provisions that apply to the flood planning areas which permit a significant increase in the development of that land unless it is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

The proposal puts forward the view that the introduction of residential uses (and associated detention basin) is necessary to address stormwater flooding issues on the assertion that industrial uses are more vulnerable to flooding. The principles of the Floodplain Development Manual 2005 and Council's policies do not support this view and instead consider that the introduction of sensitive land uses such as residential development would increase the number of people exposed to the flood risk precincts on the site.

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

	Complies
<p><b>Proponent's Submission:</b> The purpose of the proposal is to resolve the existing flood affection on both residential and industrial land upstream of Sir Thomas Mitchell Road and to enable the redevelopment of the site for residential purposes.</p> <p>The analysis concludes the proposed channel works upstream of Sir Thomas Mitchell Road would do little to alleviate flooding upstream of the road (including the subject site), which is largely attributable to the limited hydraulic capacity of the bridge. A more satisfactory, long-term solution to the flood issues along the drainage channel includes the provision of a detention basin within the subject site.</p> <p>To achieve this, amendments to the zoning and development standards that apply to the site are needed as the proposed residential uses are prohibited within the existing IN2 zoning. An amendment to the height standard is required to accommodate a high quality design outcome which responds to the site and surrounding land uses.</p> <p>Without an amendment to the planning controls, the proposed concept plan for the site cannot be achieved and the associated public benefits in terms of the housing opportunities, detention basin and provision of open space would be lost.</p> <p><b>Council's Assessment:</b> The proposal is not the best means of achieving the objectives or intended outcomes, which is to provide housing opportunities in the local area.</p> <p>According to Council's North West Local Area Plan, the best means is to provide housing opportunities in the Chester Hill Village Centre and Sefton Small Village Centre, next to the railway stations and shops. This approach is consistent with the planning principles that underpin the Draft South District Plan, namely the principle to increase housing choice in centres with good access to the public transport network. The Local Area Plan identifies the site as an out-of-centre location and unsuitable for residential intensification.</p> <p>In relation to the flooding issue, section 2.1 of this attachment responds to this issue.</p>	No

**2.3 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)?**

**2.3.1 Metropolitan Plan (*A Plan for Growing Sydney*)**

	Consistent
<p><b>Goal 1:</b> <i>A competitive economy with world class services and transport.</i></p> <p><b>Proponent’s Submission:</b> The proposal will contribute to the revitalisation of the surrounding residential area by facilitating the replacement of large industrial buildings with residential and retail uses that will enhance and activate the public domain.</p> <p><b>Council’s Assessment:</b> The site is located in the Villawood Industrial Precinct and is zoned for industrial purposes. The intended outcome of Goal 1 is to grow economic activity in Sydney and provide more jobs closer to home. The proposed loss of employment land is inconsistent with the following state and local strategies that support Goal 1:</p> <ul style="list-style-type: none"> <li>• The proposal is inconsistent with the Draft South District Plan, which identifies the Villawood Industrial Precinct (also known as the Leightonfield Station Precinct) as one of the top 10 employment land precincts critical to the district’s productivity and sustainability. The Draft Plan takes a precautionary approach to the conversion of employment lands in the absence of a district wide assessment of their value and objectives.</li> <li>• The proposal is inconsistent with the Department of Planning &amp; Environment’s Draft West Central Subregional Strategy, which identify the need to retain the current industrial zone of the Villawood Industrial Precinct (also known as the Leightonfield Station Precinct) for industrial purposes.</li> <li>• The proposal is inconsistent with Council’s Employment Lands Development Study and North West Local Area Plan, which identify the need to retain the employment land in the Villawood Industrial Precinct for industrial purposes.</li> </ul>	No
<p><b>Goal 2:</b> <i>A city of housing choice, with homes that meet our needs and lifestyles.</i></p> <p><b>Proponent’s Submission:</b> Direction 2.3 focuses on delivering improved housing choices. The existing housing supply in the surrounding area of Chester Hill is characterised by low density residential dwellings in suburban settings, with many properties being subdivided for dual occupancy houses. This proposal provides an opportunity to further diversify housing options in the area through the delivery of new medium density housing near the Chester Hill and Bass Hill local centres and therefore benefits from</p>	No

<p>accessibility to key infrastructure and services.</p> <p><b>Council's Assessment:</b> According to Council's North West Local Area Plan, the best means to meet changing demographic trends is to provide housing opportunities in the Chester Hill Village Centre and Sefton Small Village Centre, next to the railway stations and shops. This approach is consistent with the planning principles that underpin the Draft South District Plan, namely the principle to increase housing choice in centres with good access to the public transport network. The Local Area Plan identifies the site as an out-of-centre location and unsuitable for residential intensification.</p>	
<p><b>Goal 3:</b> <i>A great place to live with communities that are strong, healthy and well connected.</i></p> <p><b>Proponent's Submission:</b> Direction 3.1 recognises the benefits of revitalising existing suburbs, specifically lowering infrastructure costs, reducing travel times, and reducing impacts on the environment, while also bringing real social, economic and community benefits for the existing and new community. The proposal provides for the urban renewal of underutilised industrial land in a manner that positively contributes to the existing community within Chester Hill by addressing flood issues, providing new open space and enhancing the public domain and outlook for residential properties opposite the site.</p> <p><b>Council's Assessment:</b> The proposal is inconsistent with Goal 3 for the reasons outlined in section 2.1 of this attachment.</p>	No
<p><b>Goal 4:</b> <i>A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.</i></p> <p><b>Proponent's Submission:</b> In terms of industrial uses, the proposal recognises the Western Sydney Employment Area (WSEA) as a key hub for manufacturing and industrial activity. Therefore, the relocation of industrial uses to the WSEA creates an opportunity for urban renewal. Given the constraints currently reducing the viability of industrial redevelopment within the site, this is likely to be the case for the subject site.</p> <p>The proposal also identifies the need to protect and improve the natural environment and manage the impacts of development on the environment. The preliminary concept plan that accompanies the proposal identifies a large detention basin and swale towards the centre of the site. It is anticipated that the detention basin will be integrated into the design of the public open space, thereby providing a 'green corridor' through the site for use by future residents and the wider community.</p> <p><b>Council's Assessment:</b> In considering the economic effects, the proposal is inconsistent with the Metropolitan Plan (Direction 1.4), where jobs closer to home is pivotal to a sustainable city. Improving the scale and mix of job opportunities will help more</p>	No

<p>people work closer to home and reduce commuting times, making Sydney more productive. The reference to Sydney's subregions recognises the need to strengthen Sydney's manufacturing industries (particularly in the City of Canterbury–Bankstown) to achieve a competitive economy, alongside the ongoing development of the Western Sydney Employment Area.</p> <p>In relation to the flooding issue, section 2.1 of this attachment responds to this issue.</p>	
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**2.3.2 Draft Amendment to the Metropolitan Plan (*Towards our Greater Sydney 2056*)**

	<b>Consistent</b>
<p><b>Proponent's Submission:</b> No comment.</p> <p><b>Council's Assessment:</b> The proposal is inconsistent with the Draft Amendment to the Metropolitan Plan, released for public comment in November 2016. In particular, the site is not located within a proposed growth area to accelerate housing opportunities such as urban renewal corridors (e.g. Sydenham to Bankstown Urban Renewal Corridor) and land release areas in the West District. The vision is to integrate homes for the next generation with new infrastructure and services.</p>	No

**2.3.3 Draft South District Plan**

	<b>Consistent</b>
<p><b>Proponent's Submission:</b> Refer to section 1.1 of this attachment.</p> <p><b>Council's Assessment:</b> The proposal is inconsistent with the Greater Sydney Commission's Draft South District Plan, released for public comment in November 2016 for the reasons outlined in section 1.1 of this attachment.</p>	No

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

**2.4.1 Bankstown Community Plan 2023 (former City of Bankstown)**

	<b>Consistent</b>
<p><b>Proponent’s Submission:</b> No comment.</p> <p><b>Council’s Assessment:</b> The vision of the Bankstown Community Plan 2023 is to have ‘a thriving centre of Greater Sydney. We enjoy the services and facilities of a prosperous, growing city with lively neighbourhoods and a proud history. Our diverse population live and work together in harmony. Bankstown is a modern, active community with quality transport infrastructure, clean waterways, pristine bushland and great community spaces and parks’.</p> <p>More specifically, the Community Plan states that encouraging investment and economic growth in the city is essential to moving forward. The city will maximise its local competitive advantage, capitalising on its strengths and using them to drive local economic growth. The intended outcome is to have an attractive, vibrant city with a strong economy to attract new businesses and skilled workers.</p> <p>Term Achievement 1 will achieve this vision by having integrated plans for local areas that recognise each location’s unique characteristics and heritage that guides the future development of our city. This resulted in Council adopting the North West Local Area Plan based on consultation with property owners and residents.</p> <p>The application is inconsistent with the Bankstown Community Plan as it departs from the North West Local Area Plan as adopted under TA1.</p>	No

**2.4.2 Council’s Employment Lands Development Study & North West Local Area Plan**

	<b>Consistent</b>
<p><b>Proponent’s Submission:</b> Refer to section 1.2 of this attachment.</p> <p><b>Council’s Assessment:</b> The proposal is inconsistent with Council’s Employment Lands Development Study and North West Local Area Plan for the reasons outlined in section 1.2 of this attachment.</p>	No

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

	<b>Consistent</b>
<p><b>State Environment Planning Policy No. 55–Remediation of Land</b></p> <p><b>Proponent’s Submission:</b> Clause 6 requires in the event of a change of land use, the planning authority must consider whether the land is contaminated, if the land can be suitably remediated for the proposed use and that the authority is satisfied that this remediation is sufficient for the proposed uses on the land. It is anticipated that a Preliminary Site Investigation to confirm the suitability of the site for residential purposes will be undertaken following the Gateway determination.</p> <p><b>Council’s Assessment:</b> The SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. To satisfy this SEPP, Council must obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. This would be subject to further investigation, should Council decide to proceed with a planning proposal.</p>	<p>No. A further study is required.</p>
<p><b>State Environment Planning Policy No. 65–Design Quality of Residential Apartment Development</b></p> <p><b>Proponent’s Submission:</b> Future development of the land for residential purposes will need to accord with the SEPP and the associated <i>Apartment Design Guide</i> (ADG). Of relevance, the SEPP and the ADG seek to provide a framework for the consideration of design matters, including but not limited to, the following: overall building orientation, the provision of private and communal open space, solar access, acoustic privacy and parking.</p> <p>The preliminary concept plan which forms part of this proposal has been designed to facilitate achievement of the SEPP principles and ‘rules of thumb’ in relation to building orientation, separation distances, apartment sizes and related controls. Detailed compliance with the SEPP will be demonstrated as part of any future DA.</p> <p><b>Council’s Assessment:</b> The SEPP aims to improve the design quality of residential apartment development and applies design quality principles to achieve this aim.</p> <p>The proposal is inconsistent with Principle 1, which requires the proposal to respond to the context and neighbourhood character. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also</p>	<p>No</p>

includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character.

According to the Metropolitan Plan, Draft South District Plan and relevant local strategies, the context and desired character is to protect and support employment lands in the Villawood Industrial Precinct, namely:

- *Metropolitan Plan:* The proposed loss of employment land is inconsistent with the Metropolitan Plan (Direction 1.4), where jobs closer to home is pivotal to Sydney's long term prosperity. Improving the scale and mix of job opportunities will help more people work closer to home and reduce commuting times, making Sydney more productive. The reference to Sydney's subregions recognises the need to strengthen Sydney's manufacturing industries (particularly in the City of Canterbury–Bankstown) to achieve a competitive economy, alongside the ongoing development of the Western Sydney Employment Area.
- *Draft South District Plan:* The proposed loss of employment land is inconsistent with the Draft South District Plan, which identifies the Villawood Industrial Precinct (also known as the Leightonfield Station Precinct) as one of the top 10 employment land precincts critical to the district's productivity and sustainability. Given the value of employment lands to Sydney's productivity, the Draft Plan applies a precautionary approach to the conversion of employment lands in the absence of a district wide assessment of their value and objectives.
- *Relevant local strategies:* The proposed loss of employment land is inconsistent with Council's Employment Lands Development Study and North West Local Area Plan, which identify the need to retain the employment land in the Villawood Industrial Precinct for industrial purposes. The North West Local Area Plan also identifies the site as an out-of-centre location and unsuitable for residential intensification.

It is noted that the concept plan is not a matter for consideration under the Ministerial (117) Direction 6.3. The direction states that a planning proposal must not contain or refer to drawings that show details of the development proposal.

**State Environment Planning Policy (Infrastructure) 2007**

**Proponent's Submission:** The SEPP aims to facilitate the effective delivery of infrastructure across the State by (amongst other things) identifying matters to be considered in the assessment of development adjacent to particular types of development. The proposed development is identified as traffic generating development to be referred to the Roads and Maritime Services in accordance with Schedule 3 of the SEPP. It is anticipated that a preliminary traffic assessment would be

No.  
A further study is required.

<p>undertaken for the proposal following the Gateway determination.</p> <p><b>Council’s Assessment:</b> The SEPP aims to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. To satisfy this SEPP, Council must consider the implications of traffic generating development. This would be subject to further investigation, should Council decide to proceed with a planning proposal.</p>	
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**2.6 Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

	Consistent
<p><b>Direction 1.1–Business and Industrial Zones</b></p> <p><b>Proponent’s Submission:</b> The proposal is inconsistent with this section 117 direction, however the inconsistency is justified in accordance with Clause (5)(b). As highlighted in the Employment Lands Study, a surplus of industrial land is projected for the Canterbury Bankstown LGA to 2036 and the subject site scores poorly when assessed against key drivers for successful industrial land. In particular, the residential interface, historic and continuing flooding issues, and prohibition of B–double trucks accessing the site reduce the viability of industrial redevelopment and weaken its competitive positioning within the Western Sydney industrial market.</p> <p><b>Council’s Assessment:</b> An objective of this direction is to protect employment land in business and industrial zones. A proposal must therefore retain the areas and locations of existing business and industrial zones unless justified by a strategy.</p> <p>The proposal is inconsistent with this direction, particularly as it seeks to depart from the intended outcomes of the Metropolitan Plan, Draft South District Plan and relevant local strategies to protect and support employment lands in the district as outlined in section 2.1 of this attachment. The Draft South District Plan and relevant local strategies do not identify a surplus of employment lands in the Villawood Industrial Precinct.</p>	No
<p><b>Direction 3.1–Residential Zones</b></p> <p><b>Proponent’s Submission:</b> The proposal is consistent with this direction for the following reasons:</p> <ul style="list-style-type: none"> <li>• It will facilitate the provision of a variety and choice of housing types for Chester Hill, helping to contribute to the future housing needs of the area.</li> <li>• Utilise existing infrastructure / services accessible from the site.</li> <li>• Minimise the impact of residential development on the environmental and resource lands, instead encouraging the redevelopment of an underutilised site.</li> <li>• The proposal adheres to the principles of transport oriented</li> </ul>	No

<p>development, minimising urban sprawl and development on the urban fringe.</p> <p><b>Council’s Assessment:</b> An objective of this direction is to ensure new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands. A proposal must therefore provide housing that will make more efficient use of existing infrastructure and services, unless justified by a strategy.</p> <p>The proposal is inconsistent with this direction, particularly as it seeks to depart from Council’s North West Local Area Plan.</p> <p>According to the Local Area Plan, the best means to achieve this direction is to provide housing opportunities in the Chester Hill Village Centre and Sefton Small Village Centre, next to the railway stations and shops. This approach is consistent with the planning principles that underpin the Draft South District Plan, namely the principle to increase housing choice in centres with good access to the public transport network. The Local Area Plan identifies the site as an out-of-centre location and unsuitable for residential intensification.</p>	
<p><b>Direction 3.4–Integrating Land Use and Transport</b></p> <p><b>Proponent’s Submission:</b> The proposal is consistent with this direction as it incorporates the provision of new housing near to public transport and is within walking distance to the local centres of Chester Hill and Bass Hill Plaza. The proposal therefore promotes sustainable transport and will support the efficient and viable operation of public transport services.</p> <p><b>Council’s Assessment:</b> An objective of this direction is to ensure that urban structures improve access to housing, jobs and services by walking, cycling and public transport. A proposal must therefore locate zones for urban purposes consistent with the principle to increase housing choice in centres with good access to the public transport network.</p> <p>A consideration of this direction does not identify any need or justification to rezone the site to residential uses, particularly as the proposal seeks to depart from Council’s North West Local Area Plan.</p> <p>According to the Local Area Plan, the best means to achieve this direction is to provide housing opportunities in the Chester Hill Village Centre and Sefton Small Village Centre, next to the railway stations and shops. This approach is consistent with the planning principles that underpin the Draft South District Plan, namely the principle to increase housing choice in centres with good access to the public transport network. The Local Area Plan identifies the site as an out-of-centre location and unsuitable for residential intensification.</p>	<p>No</p>

<p><b>Direction 4.3–Flood Prone Land</b></p> <p><b>Proponent’s Submission:</b> The site has been identified as a high flood risk and has a history of flooding as a result of the limited hydraulic capacity of the channel and the constraint imposed by the low bridge opening under Sir Thomas Mitchell Road downstream of the site. The preliminary concept plan makes provision for a large detention basin along the drainage channel, which aims to eliminate the flood affection of the site. The detention basin would also provide an opportunity to reduce, if not eliminate, flood affection on residential land upstream and downstream of Sir Thomas Mitchell Road.</p> <p><b>Council’s Assessment:</b> In relation to the flooding issue, section 2.1 of this attachment responds to this issue.</p>	<p>No</p>
<p><b>Direction 6.3–Site Specific Provisions</b></p> <p><b>Proponent’s Submission:</b> This proposal includes site amendments to the BLEP 2015 to facilitate potential development outcomes on the site. It is not considered necessary to establish further site specific controls, with the existing statutory and strategic planning framework providing suitable guidance and controls for detailed planning and assessments to be progress in the future and allowing applications for development consent to be properly considered on their merits.</p> <p><b>Council’s Assessment:</b> The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> <p>The preliminary concept plan submitted with the proposal is therefore not a matter for consideration under this direction. The consideration must look at the full range of land uses permitted in the residential zone (such as schools, churches and child care centres) to determine whether this arrangement is appropriate for this location. The proposal is therefore inconsistent with this direction for the reasons outlined in section 2.6 of this attachment.</p>	<p>No</p>
<p><b>Direction 7.1–Implementation of A Plan for Growing Sydney</b></p> <p><b>Proponent’s Submission:</b> The proposal is consistent with the aims of <i>A Plan for Growing Sydney</i>.</p> <p><b>Council’s Assessment:</b> The objective of this direction is to give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i>. Proposals must therefore be consistent with the NSW Government’s <i>A Plan for Growing Sydney</i> published in December 2014. The proposal is inconsistent with this direction for the reasons outlined in section 2.3 of this attachment.</p>	<p>No</p>

**2.7 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?**

	Complies
<p><b>Proponent's Submission:</b> The site is fully developed and comprises little vegetation. There are no known critical habitats or threatened species, populations or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.</p> <p><b>Council's Assessment:</b> Bankstown Local Environmental Plan 2015 (Terrestrial Biodiversity Map) does not apply to the site.</p>	Yes

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

	Complies
<p><b>Proponent's Submission:</b> It is considered that the site will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site for residential purposes. It is anticipated that preliminary assessments would be undertaken for the proposal following the Gateway determination to address environmental impacts such as traffic, solar access and acoustic.</p> <p><b>Council's Assessment:</b> The site adjoins industrial development (Nos. 115–123 Orchard Road and 1–11 Sir Thomas Mitchell Road in Chester Hill) to the north. Council would need to assess the long term impacts to determine whether residential development and other sensitive land uses are appropriate next to industrial development in relation to noise.</p> <p>The Environmental Protection Authority recommends that Council anticipate, avoid or manage potential noise impacts as early as possible in the planning process (<i>NSW Industrial Noise Policy</i>). Resolving noise problems after they occur may not always be possible and is often difficult and costly. The preferred option is to avoid the location of sensitive land uses next to noisy activities. This would help to avoid exposing future residents to excessive noise.</p> <p>Given the above, the Draft South District Plan applies a precautionary approach to avoid the intrusion of non-industrial uses, especially residential uses into a developed industrial precinct, which may create amenity conflicts as well as fragment an existing consolidated area of employment land. It also avoids creating an undesirable precedent for other rezoning requests in the Villawood Industrial Precinct that do not accord with the strategic framework for the City of Canterbury–Bankstown.</p>	No

**2.9 Has the planning proposal adequately addressed any social and economic effects?**

	Complies
<p><b>Proponent's Submission:</b> The proposal will have positive social and economic benefits for the broader community. It is considered that the proposal has addressed social and economic impacts and is in the public interest.</p> <p><b>Council's Assessment:</b> In considering the economic effects, the proposal does not identify any need or justification to rezone the site to residential uses. In particular, the proposal seeks to depart from the intended outcomes of the Metropolitan Plan, Draft South District Plan and relevant local strategies to protect and support employment lands in the district as outlined in section 2.1 of this attachment.</p>	No

**2.10 Is there adequate public infrastructure for the planning proposal?**

	Complies
<p><b>Proponent's Submission:</b> It is understood that the existing infrastructure at and surrounding the site has the capacity to accommodate development on the site, subject to any necessary expansion and augmentation at the detailed DA stage. A range of established services are available within close proximity of the site, including health, education and emergency services networks.</p> <p><b>Council's Assessment:</b> According to the Department of Planning &amp; Environment's publication <i>A Guide to Preparing Planning Proposals</i>, this section will be developed should Council decide to proceed with a planning proposal. However, it is noted that:</p> <ul style="list-style-type: none"> <li>• The proposal is inconsistent with the Ministerial (117) Direction 3.4 for the reasons outlined in section 2.6 of this attachment. According to Council's North West Local Area Plan, the best means to achieve this direction is to provide housing opportunities in the Chester Hill Village Centre and Sefton Small Village Centre, next to the railway stations and shops. This approach is consistent with the planning principles that underpin the Draft South District Plan, namely the principle to increase housing choice in centres with good access to the public transport network. The Local Area Plan identifies the site as an out-of-centre location and unsuitable for residential intensification.</li> <li>• The Metropolitan Plan, Draft South District Plan, NSW Long Term Transport Master Plan, and State Infrastructure Strategy do not identify any new infrastructure investment in the North West Local Area.</li> </ul>	No. A further study is required.

**2.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

	<b>Complies</b>
<p><b>Proponent's Submission:</b> No consultation with State or Commonwealth authorities has been carried out to date on the proposal. It is acknowledged that Council will consult with relevant public authorities following the Gateway determination.</p> <p><b>Council's Assessment:</b> This proposal has not been the subject of consultation with state and Commonwealth public authorities. This would be undertaken, should Council decide to proceed with a planning proposal.</p>	Yes