



New South Wales

State Environmental Planning Policy Amendment (Bankstown Transport Oriented Development Precinct) 2024

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Bankstown Transport Oriented Development Precinct) 2024

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1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Bankstown Transport Oriented Development Precinct) 2024*.

2 Commencement

This policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

4 Maps

The maps adopted by *Canterbury-Bankstown Local Environmental Plan 2023* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy.

Schedule 1 Amendment of Canterbury-Bankstown Local Environmental Plan 2023

[1] Clause 1.8A Savings provision relating to development applications

Insert at the end of clause 1.8A, before the note—

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Bankstown Transport Oriented Development Precinct) 2024* must be determined as if that policy had not commenced.

[2] Clause 2.1 Land use zones

Insert in appropriate order—

Employment Zones
E2 Commercial Centre

[3] Land Use Table

Insert in appropriate order—

Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To encourage walking, cycling and the use of public transport.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Health services facilities; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Port facilities; Recreation facilities (major); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

[4] Clause 6.10 Active street frontages

Omit clause 6.10(5). Insert instead—

- (5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the following purposes—
- (a) business premises,
 - (b) retail premises,
 - (c) health services facilities.

[5] Clause 6.14 Restrictions on development in Zone B4

Omit clause 6.14(3). Insert instead—

- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that—
- (a) the ground floor and first floor of the building will be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use, or
 - (b) a minimum amount of gross floor area equivalent to a floor space ratio of 1.4:1 will be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use.

[6] Clause 6.15 Design excellence

Omit clause 6.15(2)(d). Insert instead—

- (d) educational establishments, if the new building has a gross floor area of 2,000m² or more used for an educational establishment,

[7] Clause 6.15(2)(m)

Insert after clause 6.15(2)(l)—

- (m) health services facilities, if the new building has a gross floor area of 2000m² or more used for a health services facility.

[8] Clause 6.15(4)(d)(x)–(xii)

Insert after clause 6.15(4)(d)(ix)—

- (x) Aboriginal cultural heritage,
- (xi) the protection and promotion of green infrastructure,

[9] Clause 6.15(4)(f)

Insert after clause 6.15(4)(e)—

- (f) how the development responds to the physical and cultural connection of the local Aboriginal community to the land.

[10] Clause 6.15(5)

Insert after clause 6.15(4)—

- (5) In this clause—

green infrastructure means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.

[11] Clause 6.16 Design excellence at certain land in Bankstown

Omit the clause.

[12] Clause 6.29 Additional gross floor area for development in Bankstown CBD commercial core

Omit the clause.

[13] Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Community facility floor space

- (1) This clause applies to land identified as an “Area” on the Community Facility Floor Space Map.
- (2) A building on land to which this clause applies may have additional gross floor area of up to 3000m² if the consent authority is satisfied that the additional floor area will be used for the purposes of community facilities.

Underground floor space

- (1) This clause applies to land identified as “Area A” on the Incentive Floor Space Ratio Map.
- (2) A building on land to which this clause applies may have additional gross floor area equal to the floor area of a single floor of the basement of the building if a single floor of the basement of the building is used for the following purposes—
 - (a) community facilities,
 - (b) entertainment facilities,
 - (c) recreation facilities (indoor),
 - (d) registered clubs,
 - (e) supermarkets.

Affordable housing contributions

- (1) In this clause, the *Canterbury-Bankstown Affordable Housing Principles* are as follows—

- (a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in Canterbury-Bankstown,
 - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
 - (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,
 - (d) the Council must use the following, received by or on behalf of the Council, to improve or replace, or provide additional, affordable housing in Canterbury-Bankstown—
 - (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
 - (ii) money from the disposal of affordable housing,
 - (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to development on land identified as an “Area” on the Affordable Housing Map resulting in—
- (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or
 - (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.
- (3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
- (a) the Canterbury-Bankstown Affordable Housing Principles,
 - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in Canterbury-Bankstown.
- (5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).
- (6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Map, of the gross floor area of the residential component of the development.
- (7) A condition imposed under this clause must permit a person to satisfy the condition by—
- (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or
 - (b) a monetary contribution paid to the Council, of equivalent value to the gross floor area specified in subclause (6).

- (8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (9) In this clause—
community housing has the same meaning as in the *Community Housing Providers National Law (NSW)*.
public housing has the same meaning as in the *Housing Act 2001*.

Additional floor space ratio for office premises

- (1) The objective of this clause is to ensure development on certain land in the Bankstown City Centre—
(a) encourages employment opportunities, and
(b) achieves a high quality urban form and public domain.
- (2) This clause applies to land—
(a) identified on the Bankstown City Centre Map as an “Area”, and
(b) in Zone B4 Mixed Use or Zone E2 Commercial Centre.
- (3) A building on the land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map if the consent authority is satisfied the additional gross floor area will be used for the purposes of office premises.
- (4) Development consent must not be granted to the erection of a building on the land unless the consent authority is satisfied—
(a) a development control plan providing for the matters specified in subclause (5) has been prepared for the land, and
(b) the site area is at least 1,400m².
- (5) The development control plan must provide for the following—
(a) heritage issues and streetscape constraints of the land,
(b) the location of the development, having regard to the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of separation, setbacks, outlook, orientation, amenity and urban form,
(c) the bulk, massing and modulation of buildings,
(d) street frontage heights,
(e) environmental impacts, including sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
(f) the principles of ecologically sustainable development,
(g) pedestrian and cycle requirements, including the permeability of pedestrian networks,
(h) the impact on, and proposed improvements to, the public domain,
(i) appropriate interfaces at ground level between the building and the public domain,
(j) enabling deep soil for tree planting and vegetation where appropriate,
(k) the appropriate segmenting of large podiums at ground level to provide through-site connections and green, open public space.

Minimum non-residential floor space ratio for certain land

- (1) The objective of this clause is to ensure that a suitable level of non-residential floor space is provided to ensure the delivery and long-term protection of employment-generating floor space on certain sites in the Canterbury-Bankstown local government area.
- (2) Development consent must not be granted for development on land identified as “Minimum Non-Residential Floor Space Ratio” on the Non-Residential Floor Space Ratio Map unless the non-residential floor space ratio is at least the non-residential floor space ratio shown on the map for the land.
- (3) In this clause—
 - non-residential development* means development other than—
 - (a) development for the purposes of residential accommodation, other than residential care facilities, and
 - (b) development for the purposes of car parks.
 - non-residential floor space ratio* means the ratio of the gross floor area of the part of a building used or proposed to be used for non-residential development to the site area.

St Paul’s Anglican Church

- (1) This clause applies to Lots 26/A, 27/A and 28/A, DP 7058, 461 Chapel Road, Bankstown.
- (2) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Incentive Height of Buildings Map.
- (3) A building on land to which this clause applies may have a floor space ratio of up to the floor space ratio shown for the land on the Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that—
 - (a) at least 1000m² of the gross floor area of the site will be used for the purposes of community facilities, and
 - (b) development for the purposes of residential accommodation—
 - (i) will be seniors housing, or
 - (ii) will be used for affordable housing.

Development at East Terrace, Bankstown

- (1) This clause applies to Lot 2, DP 570424, 11 East Terrace, Bankstown.
- (2) The objectives of this clause are as follows—
 - (a) to encourage water sensitive urban design,
 - (b) to concentrate the floodway on the east side of the site area through land form changes,
 - (c) to promote development on the western portion of the site area.
- (3) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Incentive Height of Buildings Map.
- (4) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Incentive Floor Space Ratio Map.

- (5) Subclauses (3) and (4) do not apply unless the consent authority is satisfied that at least 200m² of the site area will be used for the purposes of a single public open space.

Development at Bankstown Shopping Centre, 1 and 1A North Terrace, Bankstown

- (1) The objectives of this clause are as follows—
- (a) to encourage a mixed use precinct that supports Bankstown as both an employment and residential centre,
 - (b) to provide open space, including communal open space and high quality landscaped areas,
 - (c) to provide efficient pedestrian, cycling and traffic circulation,
 - (d) to provide adequate provision of road infrastructure to support the movement of public transport and pedestrians.
- (2) This clause applies to the following land at 1 and 1A North Terrace, Bankstown—
- (a) Lot 11, DP 746201,
 - (b) Lot 45, DP 618721,
 - (c) Part Lot 1, DP 237386,
 - (d) Lot 1, DP 795649,
 - (e) Lot 23, DP 1117280,
 - (f) Lot 26, DP 1142237,
 - (g) Lot 1, DP 128989,
 - (h) Lot 22, DP 1117290,
 - (i) Lot 89A, DP 405477,
 - (j) Lot 31, DP 1142236,
 - (k) Lot 18, DP 1117290.
- (3) A building on land to which this clause applies may have a height of up to the building height shown for the land on the Incentive Height of Buildings Map.
- (4) The floor space ratio of buildings on a site on land to which this clause applies may be up to the floor space ratio shown for the land on the Incentive Floor Space Ratio Map.
- (5) Subclauses (3) and (4) do not apply unless the consent authority is satisfied that—
- (a) at least 5000m² of the site area will be used for the purposes of a single public open space, and
 - (b) the development will include a road 24.8m wide to enable a connection between Jacobs Street and North Terrace, and
 - (c) a development control plan that provides for the following has been prepared for the land—
 - (i) building envelopes and built form controls, including storeys and setbacks at ground floor and upper storeys, and bulk, massing and modulation of buildings,
 - (ii) appropriate vehicle and pedestrian access,
 - (iii) improved pedestrian and cyclist connectivity,

- (iv) sustainable transport, including strategies to encourage increased use of public transport, walking and cycling, and by providing for appropriate car parking,
- (v) the location of the proposed road infrastructure facilities,
- (vi) the location and nature of pedestrian links throughout the site,
- (vii) the location and nature of the publicly accessible open space,
- (viii) the transition to surrounding land, through built form, deep soil planting and additional landscaping,
- (ix) the mitigation of environmental impacts, including overshadowing and impacts on solar access and visual and acoustic privacy,
- (x) improvements to landscaped areas and open space, including tree retention and canopy cover,
- (xi) the application of the principles of crime prevention through environmental design, including through natural surveillance, access control, territorial reinforcement and space management,
- (xii) heritage conservation, including Aboriginal and European heritage,
- (xiii) the staging of works across the site.

[14] Schedule 2 Exempt development

Insert in appropriate order—

Business premises

- (1) Must only operate between 6am and 11pm, Monday to Thursday, Sunday and public holidays.
- (2) Must be carried out on land Zone B4 or E2.
- (3) Must be carried out on land in the Bankstown City Centre.

Markets

- (1) Must only operate between 6am and 11pm, Fridays and Saturdays.
- (2) Must be carried out on land Zone B4 or E2.
- (3) Must be carried out on land in the Bankstown City Centre.

Mobile food and drink outlets

- (1) Must only operate between 6am and 11pm, Fridays and Saturdays.
- (2) Must be carried out on land Zone B4 or E2.
- (3) Must be carried out on land in the Bankstown City Centre.

Restaurants or cafes

- (1) Must only operate between 6am and 11pm, Fridays and Saturdays.
- (2) Must be carried out on land Zone B4 or E2.
- (3) Must be carried out on land in the Bankstown City Centre.

Shops

- (1) Must only operate between 6am and midnight, Fridays and Saturdays.
- (2) Must be carried out on land Zone B4 or E2.

- (3) Must be carried out on land in the Bankstown City Centre.

Take away food and drink premises

- (1) Must only operate between 6am and 11pm, Fridays and Saturdays.
(2) Must be carried out on land Zone B4 or E2.
(3) Must be carried out on land in the Bankstown City Centre.

[15] Schedule 5 Environmental heritage

Insert in appropriate order in Part 1—

Bankstown	Shop	6 Bankstown City Plaza	Lots 1–3, SP 31305	Local	I241
Bankstown	Shop	35 Bankstown City Plaza	Lot 1, DP 961141	Local	I242
Bankstown	Shop	67 Bankstown City Plaza	Lots 39–41, DP 16888	Local	I243
Bankstown	Shop	93–95 Bankstown City Plaza	Lots 24–26, DP 15958	Local	I244
Bankstown	Bankstown Memorial Park	195 Chapel Road	Part Lot 2, DP 945632; Part Lot 2, DP 626844; Lot 2, DP 516930; Lot 1, DP 700306; Part Lot 2, DP 174575	Local	I245
Bankstown	Former hotel	324 Chapel Road	Lots 6–10, DP 10999	Local	I246
Bankstown	Olympic Parade and Dale Parade fig trees	Olympic Parade and Dale Parade	Road reserve	Local	I247

[16] Dictionary

Insert in alphabetical order—

Bankstown City Centre means the area identified as “Bankstown City Centre” on the Bankstown City Centre Map.

Bankstown City Centre Map means the Canterbury-Bankstown Local Environmental Plan 2023 Bankstown City Centre Map.

Community Facility Floor Space Map means the Canterbury-Bankstown Local Environmental Plan 2023 Community Facility Floor Space Map.

Incentive Floor Space Ratio Map means the Canterbury-Bankstown Local Environmental Plan 2023 Incentive Floor Space Ratio Map.

Incentive Height of Buildings Map means the Canterbury-Bankstown Local Environmental Plan 2023 Incentive Height of Buildings Map.

Non-Residential Floor Space Ratio Map means the Canterbury-Bankstown
Local Environmental Plan 2023 Non-Residential Floor Space Ratio Map.