
Planning Matters - 26 November 2024

ITEM 6.1 Draft Bankstown City Centre Development Control Plan Post Exhibition Report

AUTHOR Planning

SUMMARY

- The purpose of this report is to seek Council's adoption of draft amendments to the Canterbury-Bankstown Development Control Plan 2023 (DCP) for the Bankstown City Centre.
- In 2021, Council resolved to prepare draft DCP Amendments to support the implementation of the Bankstown City Centre Master Plan under the Department of Planning, Housing and Infrastructure's (DPHI) Bankstown Accelerated Transport Oriented Development Program.
- The draft DCP Amendments provide a comprehensive guide to development in the Bankstown City Centre, ensuring that development achieves design excellence, is easier to move around for pedestrians and cyclists, is greener with more open space and contributes towards Bankstown becoming centre that workers, residents, students and visitors enjoy being in during the day and evening. The draft DCP Amendments aim to balance the requirements for housing, while supporting the creation of new jobs and employment floor space.
- Council exhibited the draft DCP Amendments from 20 September to 20 October 2024. During this time, 20 written submissions were made by the public and State agencies, of which 95 percent either supported, sought amendments to or made general comments regarding the DCP or raised concerns beyond the scope of the draft DCP and five percent opposed the draft DCP amendments.
- In considering the submissions, it is recommended that Council adopt the draft DCP Amendments subject to minor changes to improve clarity, remove conflicting controls and to streamline the draft planning controls. Should Council adopt the draft DCP Amendments, these would apply to development applications lodged on or after the DPHI finalises the LEP Amendments under the Bankstown Accelerated Transport Oriented Development Program.

RECOMMENDATION That -

1. Council adopt the amendments to the Canterbury-Bankstown Development Control Plan 2023, as provided in Attachment 1.

2. Council grants delegation to the Chief Executive Officer to make administrative amendments and other changes required by the gazettal of the Bankstown Transport Oriented Development State Environmental Planning Policy before the Bankstown City Centre Development Control Plan comes into effect and is published on Council's website.
3. The draft amendments to the Canterbury-Bankstown Development Control Plan 2023 will apply to development applications lodged on or after the date that the Bankstown Transport Oriented Development State Environmental Planning Policy comes into effect.

ATTACHMENTS

[Click here for attachments](#)

1. Draft DCP Amendments Chapter 6.2 Bankstown City Centre
2. Response to submissions received during public exhibition
3. Canterbury Bankstown Design Review Panel advice on Connecting with Country draft DCP Provisions

INTEGRATED PLANNING AND REPORTING ALIGNMENT

- The draft DCP Amendments helps deliver on Council's commitments in the CB City 2036 Community Strategic Plan as part of the seven 'City Transformations'. In particular, the draft DCP Amendments will support Bankstown City Centre becoming a more well-designed, attractive City that is also cooler and more sustainable ('Liveable and Distinctive' and 'Moving and Integrated' Actions).
- The draft DCP Amendments are consistent with CBCity's LSPS 'Connective City 2036', which establishes the need for Bankstown City Centre to aligns with Councils place-based approach to planning, delivering housing and economic development within Bankstown Strategic Centre. The draft DCP Amendments play an integral role in achieving the following Priority Evolutions:
 - E3.1 Increase job numbers, choice and diversity;
 - E3.5 Attract investment in health, education, research and technology; and
 - E7.1 Deliver cultural spaces and places in Bankstown City Centre.
- Council's 2024-25 Operational Plan identifies the need to develop and adopt a Development Control Plan for Bankstown CBD Master Plan (ref. 17.2). The draft DCP Amendments aligns with the vision and objectives of the adopted Bankstown Master Plan, where it is not inconsistent with Bankstown TOD.
- The draft DCP Amendments implement the adopted Bankstown City Centre Master Plan (2021) and gives reference to Bankstown Complete Streets (2019), both of which provide a series of Bankstown City Centre specific provisions and priorities and identify the need for these provisions to be incorporated into the DCP.
- The draft DCP Amendments are consistent with the Canterbury Bankstown Local Infrastructure Contributions Plan (2022) and will play an important role in ensuring future developments contribute to public domain improvement and community infrastructure through the payment of Section 7.11/12 Development Contributions to Council.

STRATEGIC IMPACT

This matter has no financial implications for Council.

DETAILED INFORMATION

Purpose

This report provides Council with the outcome of the exhibition of the draft Bankstown City Centre DCP Amendments. It requests Council's adoption of the draft DCP Amendments, which balances the requirements of Bankstown TOD Precinct Plan with the objectives of the adopted Bankstown Master Plan.

Background

In September 2021, Council adopted the Bankstown Master Plan, which was prepared following a comprehensive urban design and technical analysis of the Bankstown City Centre, and its needs to support a growing population to meet the State Government's population targets under the South District Plan. Council also resolved to prepare and exhibit a 'Development Control Plan to support the Master Plan, to be exhibited concurrently'. In response to the Bankstown TOD Council further reinforced the need to prepare a DCP at the February 2024 Council Meeting.

In December 2023, the NSW Department of Planning, Housing and Infrastructure (DPHI) announced the TOD Program and Low to Mid Rise Housing planning changes. The TOD Program identified Bankstown as an 'accelerated TOD Precinct', meaning that most land within 1,200 metres of Bankstown rail and metro station would be rezoned to facilitate housing growth and the delivery of affordable housing through a State-led rezoning process. The Accelerated Precinct Rezoning Package was exhibited between 16 July and 30 August 2024 ([click here](#) for exhibition package) by the NSW Government. At a high level, the Government's Accelerated Precinct work adopted the principles and vision of the Bankstown City Centre Master Plan.

It is essential that Council makes amendments to its DCP controls for the Bankstown City Centre to facilitate the delivery of cohesive vibrant streetscapes, solar access to private and public spaces and buildings, public domain improvements and new green and open space. The draft DCP Amendments will replace the existing Chapter 6.2 – Strategic Centres, Bankstown City Centre of the CB DCP 2023. The draft DCP Amendments has adopted a visual approach, with the aim of demystifying planning policy for the community, and to provide examples of beautiful and functional developments that embody the quality of design Council seeks in Bankstown.

The draft DCP Amendments reflect the extensive work Council has done master planning Bankstown City Centre and sets a framework and expectations that new development built to the new TOD development standards will deliver high quality outcomes as Bankstown continues to grow.

The aim of the draft DCP Amendments is to accompany the new TOD provisions, in line with the State Government's compressed timeframe, to ensure that development celebrates the unique character of Bankstown, meets the community's needs, and is well designed to accommodate planned population growth.

Council exhibited the draft DCP Amendments over a 30-day period, from 20 September – 20 October 2024. During this time a total of 20 submissions were received, of which 50 percent were in support, 45 percent neither supported nor opposed the draft DCP or made general comments and five percent objected to the draft DCP. Parts of the draft DCP Amendments were revised in response to the submissions received. Due to the minor nature of the revisions, renotification is not required.

Discussion

Objectives of the draft DCP Amendments

The objectives of the draft DCP Amendments are to:

4. Deliver a development control plan chapter that reflects and aligns with the Bankstown TOD SEPP;
5. Deliver a development control plan that implements the adopted Bankstown Master Plan, where it does not contravene the Bankstown TOD Precinct Plan prepared by DPHI;
6. Improve the quality of development in Bankstown City Centre; and
7. Undertake a visual-led approach to the development control plan, to demystify planning and improve the document's accessibility and legibility.

DCP Structure

Councils approach to the draft DCP Amendments focused on integrating the place-based strategies contained in the adopted Bankstown Master Plan, while retaining consistency with the Bankstown TOD. The draft DCP Amendments will replace CB DCP 2023's Chapter 6.2 – Strategic Centres, Bankstown, and is based on the following structure:

1. **Introduction** –Application of the DCP and Vision.
2. **Understanding Place** –Character Areas and Connecting with Country provisions
3. **Designing the Public Domain** –provisions for streets, tree canopy and green cover, undergrounding overhead wires, open space and community infrastructure.
4. **Built Form** – provision for minimum lot sizes, frontages, and isolated sites, the building envelope, residential ground floor frontage, building interface with open space, building interface and active frontages, visual diversity, articulation, and fine grain buildings, materials and finishes, and rooftop and podium communal open space.
5. **General Provisions** – provisions for dwelling mix and flexible housing, parking, heritage, solar energy requirements, signage and lighting, waste management, design for flood affected properties, and underground floor space.
6. **Key Sites** – provisions for the New Bankstown Hospital and TAFE site, the LaSalle Catholic College site, ALDI Store site, 67-69 Rickard Road, Compass Centre, Bankstown Sports club, South Terrace and future public park and plaza, 8-14 West Terrace, 212 South Terrace, Bankstown Central shopping centre site.

7. **Additional General Provisions** (incorporated post exhibition into the ‘body’ of the DCP) – including provisions for innovative waste collection systems, urban cooling and environmental sustainability, energy and water management, building addresses and numbering, and additional controls for retail development that proposes to provide shopping trolleys.

If adopted, the draft DCP Amendments will be the guiding document that establishes development Objectives, Principles and Controls to complement the provisions of the Bankstown TOD in the CB LEP 2023 (once gazetted). It is to be read in conjunction with the whole CB DCP 2023, CB LEP 2023 and relevant SEPPs.

The figures below are extracts from the draft DCP Amendments to showcase the visual-led design that will set the standard approach for future DCP amendments of Council.

Chapter 6.2 Bankstown City Centre
Centering Bankstown Development Control Plan 2023

Section 2 – Understanding Place

2.1 Character areas

2.1.1 Overview of Character Areas

Bankstown City Centre has eight unique character Areas. Character Areas identify where there is a consistent and distinct existing character to be retained and enhanced or where a strategic assessment has determined the area will change and have a desired future character. Character Areas ensures that new development aims to have a consistent approach to matters including, however not limited to built form, function, heritage, landscape and street trees, streetscapes and materials and finishes. Different areas of distinct character make a place special and unique.



Figure 2. Axonometric view of character areas in Bankstown City Centre with indicative massing of potential future development

Figure 1: Figure from the draft DCP showing the character areas of the Bankstown City Centre

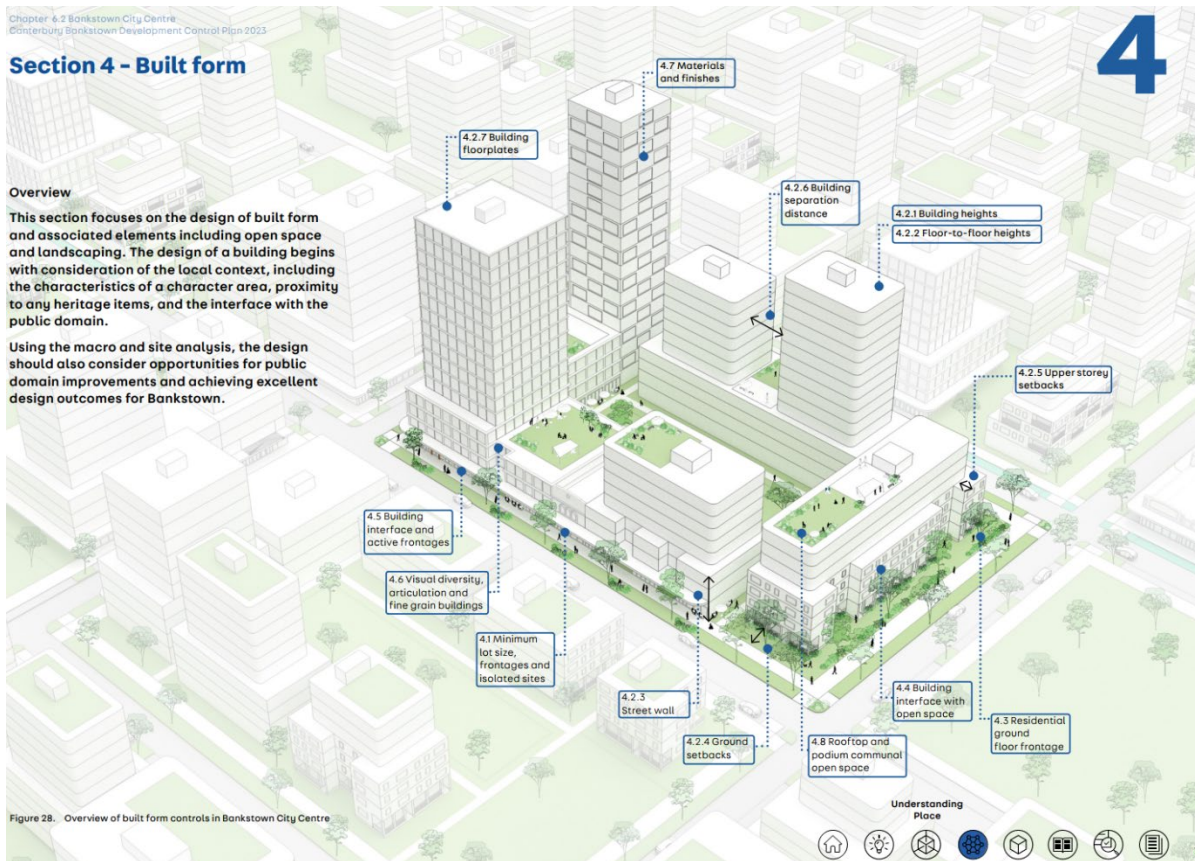


Figure 2: Figure from the draft DCP an overview of the various building controls that apply to new development in the Bankstown City Centre

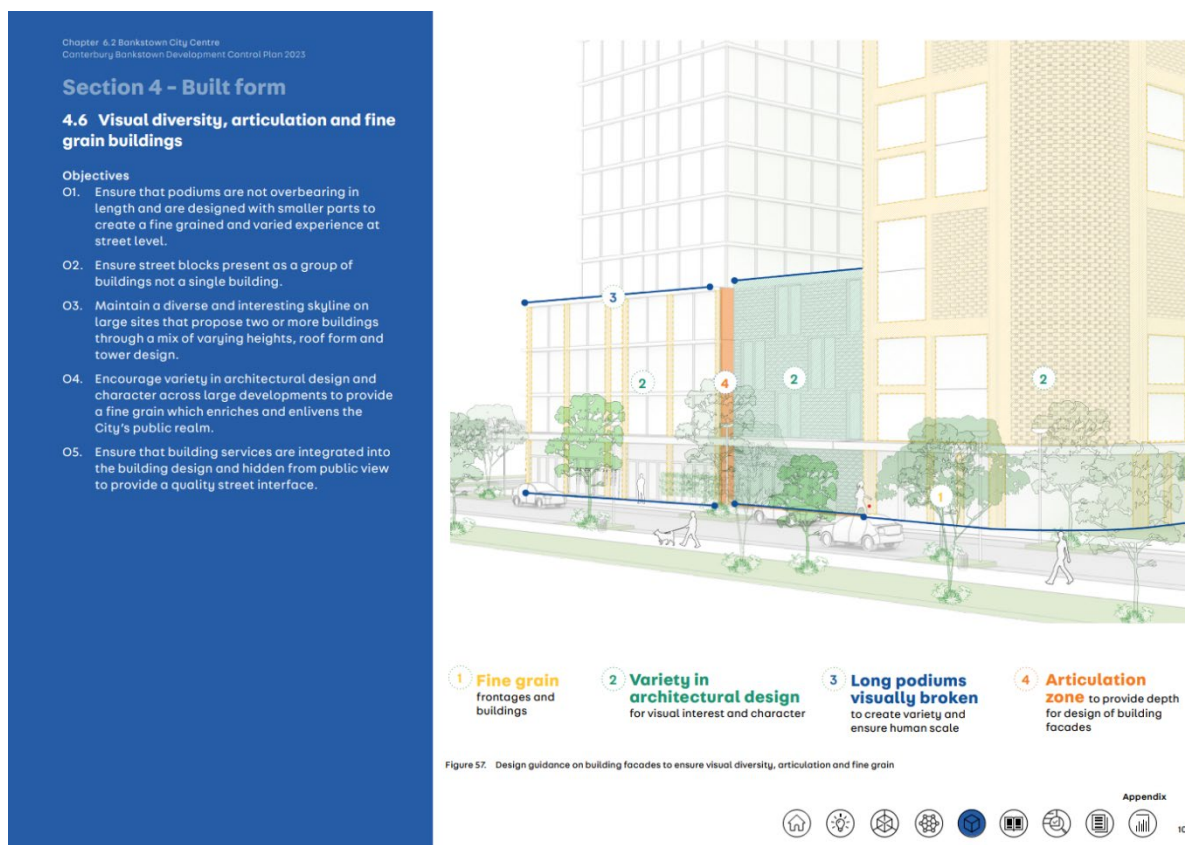


Figure 3: Figure from the draft DCP showing the use of 3d imagery to describe or explain planning terminology

Strategic Planning Context

The draft DCP Amendments build on the CB DCP 2023's existing Chapter 6.2 – Strategic Centres, Bankstown City Centre, which focuses on the desired character-building form, pedestrian amenity and active street frontages, and WSU Bankstown Campus. The draft DCP takes an integrated approach towards development within the Bankstown TOD precinct, integrating the Bankstown Master Plan, Bankstown TOD, and Bankstown Complete Streets to ensure the built environment aligns with the NSW Government's and Council's strategic intentions for Bankstown City Centre.

The draft DCP Amendments ensure that the housing requirements established in Bankstown TOD are delivered to a high standard and contribute to creating a Strategic Centre that residents and visitors enjoy and celebrate. It ensures that development will be adequately supported by requisite infrastructure, focusing on active and public transport options, and safeguarding the delivery of through-site links that will improve pedestrian experiences, connect key sites and make Bankstown a more dynamic place.

The draft DCP Amendments maintains Council's approach towards considered place-based planning, as established in City's LSPS 'Connective City 2036' Evolution 1.6 - Undertake the City's evolution through a well-tested, design-led process.

Overview of key changes

Distinctive Character Areas and using Objectives, Principles and Controls

The draft DCP Amendments recognise and build upon the eight character areas established in the Master Plan:

- City Centre Core;
- The Avenue;
- Food & Culture;
- Civic;
- Eds and Meds;
- Memorial Park;
- High Density; and
- Terraces & Apartment.

The draft DCP Amendments provide a desired future character statement for each of the centres which is based on the Master Plan and requires all new development in a character area to satisfy the outcomes expressed in the relevant character statement. For each character area, there are specific Principles that must be addressed by applicants when lodging Development Applications.

The draft DCP also implements the use of 'Principles' in a number of sections to provide a direction for applicants and Council's assessment to include consideration of the merits of the proposal. The draft DCP uses Objectives, Principles and Controls in the DCP in the following way:

- Objectives - These are the 'why' the DCP has the principles and controls in place.

- Principles - These are the 'what' Council wants statements. They provide clear direction as to what should be done, without saying how applicants should achieve these outcomes. How these are achieved comes down to individual site circumstances, design and merit.
- Controls - These tell the applicant 'what' Council wants to see, and 'how' to do it. They are definitive, and easily assessable, and provide clear guidance on exactly what to do.

Connecting with Country

The draft DCP Amendments incorporate design guidance that ensures significant developments consider and adopt Connecting with Country principles – a first for planning controls in CBCity and the first locally-led DCP in NSW to do so.

The DCP will require all development that triggers Clause 6.15 Design Excellence in the CB LEP 2023 to address the Connecting with Country controls, consistent with the recommendations of the Aboriginal Culture and Heritage Study prepared to inform the Master Plan in relation to encouraging the incorporation of Aboriginal heritage, artwork, wayfinding, and naming conventions in the Bankstown City Centre. The Study also recommended that Council include provisions that encourage development that recognises Aboriginal land, history, and stories, through engagement with Indigenous historians and researchers. This study was undertaken in consultant with Council's First Peoples Advisory Committee.

The draft DCP Amendments adopted the recommendations of the study and the NSW 'Connecting with Country Framework', to ensure that new development acknowledges and celebrates the indigenous heritage of Bankstown City Centre.

Environmental Sustainability and Tree Canopy Coverage

In alignment with the provisions of the adopted Bankstown City Centre Master Plan and CBCity's LSPS 'Connective City 2036', the draft DCP Amendments develop design controls and guidelines for sustainability excellence. The provisions for built form controls and canopy coverage ensure development considers and complies with Councils target to increase canopy coverage, reduce urban heat, reduce reliance on fossil fuels and improve water efficiency. The DCP controls are informed by the Urban Tree Canopy Master Plan that was prepared for the Master Plan. Sustainability controls are included in the draft DCP Amendments to require all new mixed-use development, residential development, commercial premises, tourist and visitor accommodation, health services facilities and educational establishments to use only electricity for all energy requirements associated with normal operations. No new gas connections will be permitted for such development.

Referencing Bankstown Complete Streets and Elevating the Importance of the Public Domain

The draft DCP Amendments include an emphasis on the need for new development to contribute to public domain in a positive way. Diagrams and images from the Bankstown Complete Streets document have been used to inform applicants and developers of private land what the Council's adopted vision for the public streets and spaces in Bankstown City Centre.

Controls for minimum solar access to the public open spaces within the Bankstown City Centre are included along with controls for key public streets and public spaces that require special design responses such as finer grained shops, or new through-site links that integrate with a CBD-wide pedestrian and cyclist movement network.

Maximum Car Parking Provision

The intentions of the Bankstown Master Plan and Bankstown TOD are to manage congestion and encourage active and public transport use, including a maximum parking rate (with no minimum) for residential and commercial uses in the core of the Bankstown City Centre, and a minimum and maximum parking rate for the remainder of the City Centre.

New DCP Dictionary Definitions

The draft DCP Amendments includes several new definitions that will be integrated into the Section 2 - Definitions within chapter 1.1 Introduction and administration of the CB DCP 2023. The new definitions include explanations of all new sustainable building terms and explanations of architectural terms like 'building envelope', 'fine grain', 'reinforced corner' and 'upper storey setback' and the like.

Community consultation

Council actively engaged the community in a 30-day exhibition of the draft Bankstown City Centre Development Control Plan from the 20 September – 20 October 2024, in line with the Canterbury Bankstown Community Participation Plan, which requires a minimum 28 day exhibition period for DCP amendments.

Engagement was conducted through notification letters, and a Have Your say Page on the CBCity website. Council sent a total of 13,917 letters to landowners and occupants within the Bankstown City Centre area. In total the consultation reached approximately 15,000 people, resulting in 20 unique written submissions. Of the written submissions:

- Ninety-five percent (19 submissions) either supported fully or partially, sought amendments to or made general comments regarding the DCP or raised concerns beyond the scope of the draft DCP; and
- Five percent (one submission) opposed the draft DCP.

Key matters raised in submissions

1. Concern regarding limited parking supply, with several submissions noting that parking would be limited due to increased density and maximum parking requirements. These concerns are noted, and for this reason, the area of no minimum parking is confined to those areas approximately 200-400 metres from the station, and only for limited land uses (such as office or residential uses). Other, more specialised uses would still require sufficient parking as per the general provisions of the DCP.
2. Support for the Public Domain provisions, noting the need for improved pedestrian amenity, accessibility and active transport connectivity.

3. Concern regarding the inclusion of a map showing the storey height of buildings, noting that this may contravene LEP provisions for the permissible height of buildings. This map is included for clarity, and will not contravene the LEP, as it sets clear parameters for acceptable floor to floor heights for certain uses to ensure a building is well designed and can also meet relevant building code standards. It also ensures sufficient space for rooftop plant and lift overruns, as well as ground floor activation and service entries.
4. Individual land owner submissions seeking to amend controls for Key Sites to be consistent with the rest of the Bankstown CBD and other submissions from land owners to dilute or remove building design requirements such as design excellence, sustainability and floor to ceiling height requirements and increase minimum car parking requirements.

In response to community submissions, submissions from State Government Agencies, advice from Council's Design Review Panel and internal review by Council Officers, a range of minor amendments have been made to the draft Bankstown City Centre DCP to improve clarity, remove conflicting controls and to streamline the document. The following key amendments to the draft Bankstown City Centre DCP have been made:

Item	Proposed Change	Rationale
Connecting with Country	A range of changes made to the objectives and design guidance to reflect independent peer review advice sought from Council's Design Review Panel (refer to Attachment 3)	The independent advice of the Design Review Panel has merit and is based on logical and well-reasoned justification. The changes help improve the readability of the section and will address important aspects that were not included in the exhibition draft such as requirements to protect intellectual property of Aboriginal artists, requiring consideration of 'Health Country' and 'Healthy Community'..
Through-site links for pedestrians and cyclists on private land delivered as land is redeveloped	Remove reference to the through-site links being dedicated to Council and replace with the requirement that through-site links are to be kept in private ownership with an easement provided for public access	There is a need for Council to make clear to developers the expectations regarding how through-site links are to be delivered and that Council will not take ownership of such links. The controls have been amended to also require the applicant at DA stage to demonstrate how maintenance of the through-site link will be carried out, with no costs to Council.
Active frontages for flood affected sites	Remove section and refine for incorporation in a later DCP Amendment.	The inclusion of controls that allow for development below the flood planning level requires further review to ensure Council is not exposed to unaccepted insurance and risk liabilities when approving Development Applications that would use these new controls.

Item	Proposed Change	Rationale
Building interface and active frontage design guidance	Remove 'Maximum average tenancy width (ground floor level) 10 metres' from Figure 65	Council notes that the intended objective – of achieving thoughtfully articulated, fine grained, active ground floor frontages – can be achieved through 10 tenancy entries per 100 metres. As such, Council will remove the control stating that the maximum average tenancy width is 10 metres. This will facilitate a better mix of fine grain tenancies along streets while accommodating some larger floorplate commercial uses that must still provide fine grain facade detailing.
Designing housing in late night areas	Introduce new controls to require new housing to be designed to minimise noise to residents from late night and noisy environments	The Bankstown TOD will provide new exempt development provisions to enable late night trading for business premises, shops, markets, restaurants, take away food and drink premises and mobile food and drink outlets. It is imperative that new housing in the City Centre is designed to acknowledge these late night and possibly noisy uses and include noise attenuation as part of the apartment design.
Appendix 2 – Additional General Provisions	Relocating the controls located in the Appendices and integrating them into the body of the DCP.	There was confusion regarding whether the controls in the appendix were applicable and should be considered alongside the controls in the body of the DCP. The controls are applicable and have been integrated into the DCP where most relevant.
Key Sites Submissions received from land owners of:	Where reasonable, changes have been made in response to the land owner submissions. The changes are focussed on removing potential confusion and providing greater consistency with the provisions that apply to the rest of the City Centre.	The submissions made on behalf of the owners of Key Site 8 has not been supported by Council as the submission seeks to dilute or remove controls that seek to ensure design excellent design and amenity for future residents on the site. The changes requested in the submission do not align with Council's strategic intent for a well designed Bankstown City Centre.
Key Site8 – 212 South Terrace		
Key Site 9 – Bankstown Central		The submission made on behalf of the owners of Key Site 9 raised many proposed changes to the draft DCP including removing controls such as building separation and sustainability provisions which are different from the rest of the City Centre. These changes

Item	Proposed Change	Rationale
		are supported on the basis the site is no longer subject to a separate planning proposal and it is reasonable for the controls for the rest of the centre to apply to this site. The submissions response table at Attachment 2 includes a summary of the changes made in response to the submission.

The changes respond directly to submissions received and Council Officers review of the draft DCP Amendments during and following exhibition. There are no significant new additional controls or changes that alter the underlying intent of the DCP or materially impact the development potential of land in the Bankstown City Centre. The changes made in response to the submissions improve clarity and remove duplication, include additional requirements requested by State Agencies to ensure the orderly development of land to satisfy future public infrastructure requirements and include changes that remove site specific controls for certain sites such as Bankstown Central shopping centre site which are no longer required and revert to the City Centre wide controls. Renotification of the draft DCP Amendments is not considered required on this basis.

Alternative ‘Do Nothing’ Option

This report recommends that Council endorse and implements the draft DCP Amendments once the Bankstown TOD Precinct changes are made by State Government via a State Environmental Planning Policy (SEPP). To not adopt the draft DCP will be a ‘do nothing’ approach.

If Council chooses not to adopt the draft DCP and the Bankstown TOD Precinct SEPP comes into effect, the current DCP Bankstown City Centre DCP chapter 6.2 will continue to apply and there will not be DCP planning controls that will manage the impacts of the significantly increased density proposed under the TOD nor will there be appropriate controls to require new through-site links, increased tree canopy and vegetation, sustainable development outcomes, Connecting with Country and design excellence to be addressed by new development.

Recommended Approach

Council’s proposed draft DCP Amendments ensure a coherent, holistic vision and direction to guide the design and assessment of new development in the Bankstown City Centre. The draft DCP Amendments align with Councils strategic vision for Bankstown City Centre as set out in the adopted Master Plan and Bankstown Complete Streets. It contains provisions that ensure development results in good built form outcomes and enables the delivery of public benefits and community infrastructure and responds to the impending changes proposed by the State Government in the Bankstown TOD Precinct.

If endorsed by Council, the draft DCP Amendments will come into effect once the Bankstown TOD Precinct is gazetted by State Government.

This report recommends that the draft DCP Amendments are updated to reflect the final planning controls in the Bankstown TOD and that delegation is granted to the CEO to enable these changes to be made.