

ITEM 5.3 Draft Housekeeping Amendments to Canterbury-Bankstown DCP 2023 and Community Participation Plan

AUTHOR Planning

PURPOSE AND BACKGROUND

This report proposes to exhibit draft housekeeping amendments to the Canterbury-Bankstown Development Control Plan 2023 (DCP) and Community Participation Plan (CPP). These amendments seek to:

- Address changes in State Government or construction standards policy;
- Respond to decisions of Council;
- Address a number of matters that resulted from the consolidation of the former Bankstown and Canterbury DCPs; and
- Ensure our plans remain current and encourage best-practice design and development outcomes.

ISSUE

Council's planning rules aim to promote orderly development that contributes to a beautiful and sustainable City. The planning rules apply to development applications and planning proposals and comprise the Canterbury-Bankstown Local Environmental Plan 2023 and supporting planning documents, namely the DCP and CPP. The DCP and CPP matters are subject of this report.

The DCP provides objectives and development controls to enhance the function, design, and amenity of development. The CPP establishes how Council engages with the community in carrying out its land use planning functions.

Council carries out periodic reviews to ensure the DCP and CPP are up to date and simple to understand. A review by Council officers identifies the need for draft housekeeping amendments to address certain issues, as outlined in this report. The issues include addressing Council resolutions, responding to State planning reforms, reinstating former provisions that were inadvertently omitted during the consolidation of the former DCPs, and providing additional guidance on the interpretation of some existing development controls. These issues are addressed in detail as part of the Issues Paper at Attachment C, and are summarised in this report.

It is proposed to exhibit the draft DCP and CPP amendments in accordance with the CPP, with a further report to Council following the exhibition period.

RECOMMENDATION That -

1. Council exhibit the draft housekeeping amendments to the Canterbury-Bankstown Development Control Plan 2023, as provided in Attachment A.
2. Council exhibit the draft housekeeping amendments to the Community Participation Plan, as provided in Attachment B.
3. The matter be reported to Council following the exhibition period.

ATTACHMENTS

[Click here for Attachments](#)

- A. Draft housekeeping amendments to Canterbury-Bankstown Development Control Plan 2023
- B. Draft housekeeping amendments to Community Participation Plan
- C. Issues Paper

POLICY IMPACT

This matter is consistent with Council's *Connective City 2036* and Operational Plan (Ref 6.2.2, page 122), which requires Council to review and amend Council's planning framework as required to ensure currency, suitability, and compliance. The exhibition of the proposed amendments will occur in accordance with Council's CPP, which requires a minimum 28 day exhibition period.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

This matter supports our community to understand planning, design and regulatory matters that create a better place.

DETAILED INFORMATION

Canterbury-Bankstown Development Control Plan 2023

The DCP is a planning document which supports the Canterbury-Bankstown Local Environmental Plan 2023 by providing objectives and development controls to enhance the function, appearance, and amenity of development. The DCP came into effect in June 2023 and applies to development applications, modification applications, and determination reviews.

The draft housekeeping amendments propose to address issues relating to:

- Safe access to medical centres;
- Parking for places of worship;
- National and State planning and standard changes;
- Tidy up of issues relating to the consolidation of the former Bankstown and Canterbury controls;
- Provide clarification to existing controls;
- Ensure currency and best-practice in design and sustainability to support design excellence objectives in the LEP; and
- Other minor administrative updates.

These matters are addressed in detail below.

Key Issue 1: Council resolution to investigate safe access to medical centres

A Notice of Motion acknowledged the need for medical centres to provide safe access for visitors, particularly seniors and people with disabilities who are currently being dropped off some distance away from medical centres.

It is proposed to address this issue by requiring development applications to provide at least one car space for safe drop-off and pick-up, either on-site or on-street based on availability, safety and a parking study.

Key Issue 2: Council resolution to review parking for places of public worship

A Notice of Motion requested Council to review ways to manage parking for new or expanding places of public worship.

The review looked at other councils' planning rules and best practice across Australia, and considered issues raised in development applications and court appeals. Council officers also visited places of public worship of different faiths in Canterbury-Bankstown (both in and out of centres) to observe traffic and parking movements before and after services.

The review found that:

- Traffic congestion and increased demand for on-street parking are issues in relation to places of public worship during normal services and special events.
- Most councils require places of public worship to provide on-site parking and apply a numerical parking rate based on gross floor area.

- The existing parking rate is appropriate for smaller places of public worship where the gross floor area of the assembly area is 500m² or less, or a rate based on a parking study, if the applicant is seeking a reduced parking provision.
- For larger places of public worship that tend to draw from a regional catchment area, a parking study is required to validate whether the existing parking rate is adequate given the greater reliance on cars.
- Development applications need to provide additional details to assess the impact and management of traffic and parking on the surrounding area.

In considering the review findings, it is proposed to address this issue by:

- For places of public worship located outside a centre (B2, B4 Zone) and where the gross floor area of the assembly area is 500m² or less; applying a parking rate of one car space per 5m² of the assembly area or a rate based on a parking study, if the applicant is seeking a reduced parking provision.
- For places of public worship located within a centre (B2, B4 Zone) or where the gross floor area of the assembly area is greater than 500m²; applying a parking rate of one car space per 5m² of the assembly area. However, this rate is to be validated through a parking study, to be submitted with the application.
- Requiring parking studies to make comparisons with similar sized places of public worship (i.e., like for like) in relation to capacity and vehicle occupancy rates.
- Requiring management plans to provide additional details on the function and operation of indoor and outdoor spaces on the site; circulation of people and vehicles within the site; control measures to manage on-site and on-street parking; and complaints handling and resolution procedures.
- Including internal circulation spaces and covered outdoor areas as 'assembly areas' for the purpose of determining the most appropriate parking rate.

Key Issue 3: National and State planning changes

Existing control	Draft housekeeping amendment								
<p><u>SEPP names</u></p> <p>The DCP refers to certain State Environmental Planning Policies, including the SEPP No 65 (Design Quality of Residential Apartment Development), SEPP (Affordable Rental Housing) 2009 and SEPP (Building Sustainability Index: BASIX) 2004.</p>	<p><u>All Chapters</u> – Reference the new SEPP names as listed below.</p> <table border="1"> <thead> <tr> <th>Former name</th><th>New name</th></tr> </thead> <tbody> <tr> <td>SEPP (Affordable Rental Housing) 2009</td><td>SEPP (Housing) 2021</td></tr> <tr> <td>SEPP No 65 (Design Quality of Residential Apartment Development)</td><td>SEPP (Housing) 2021</td></tr> <tr> <td>SEPP (Building Sustainability Index: BASIX) 2004</td><td>SEPP (Sustainable Buildings) 2022</td></tr> </tbody> </table> <p>Reason: To correspond with the Department of Planning, Housing and Infrastructure's changes to the SEPP names.</p>	Former name	New name	SEPP (Affordable Rental Housing) 2009	SEPP (Housing) 2021	SEPP No 65 (Design Quality of Residential Apartment Development)	SEPP (Housing) 2021	SEPP (Building Sustainability Index: BASIX) 2004	SEPP (Sustainable Buildings) 2022
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SEPP (Building Sustainability Index: BASIX) 2004	SEPP (Sustainable Buildings) 2022								
<p><u>Electric vehicle charging equipment</u></p> <p>The DCP does not contain controls in relation to electric vehicle charging equipment.</p>	<p><u>Chapter 3.2 (Parking)</u> – Require the indoor car parks of apartments and shop top housing to include ceiling cable trays to allow residents to install electric vehicle charging stations to individual bays, when required.</p> <p>Reason: To support the National Construction Code and Council's Resilient CBCity Strategy, which require parking spaces</p>								

Existing control	Draft housekeeping amendment
	in high density development to have access to electric vehicle charging equipment.
<p><u>Parking rate for gyms</u></p> <p>The DCP does not contain a parking rate for gyms. Development applications must submit a parking study.</p>	<p><u>Chapter 3.2 (Parking)</u> – Introduce a parking rate for gyms, being three spaces per 100m² gross floor area.</p> <p>Reason: To provide additional guidance in the assessment and determination of proposed gyms, taking into consideration the recommended parking rate in the Transport for NSW’s Guide to Traffic Generating Developments and Draft Guide to Transport Impact Assessment.</p>
<p><u>Parking rate for shop top housing in the former Bankstown LGA</u></p> <p>The DCP provides a parking rate for retail/business premises on the ground floor, however not for other potential uses.</p>	<p><u>Chapter 3.2 (Parking)</u> – Update the parking rate to also apply to commercial premises and health services facilities on the ground floor.</p> <p>Reason: To correspond with the Department of Planning, Housing and Infrastructure’s change to the definition of shop top housing. The definition broadens ground floor uses to include commercial premises and health services facilities.</p>
<p><u>On-street waste collection</u></p> <p>The DCP does not identify limitations to Council’s on-street waste collection service to inform development proposals.</p>	<p><u>Chapter 3.3 (Waste Management)</u> – Inform proposals that Council’s waste trucks cannot provide on-street waste collection services at locations where waste trucks are not permitted to stop in accordance with road rules e.g., ‘no stopping’ zones.</p> <p>Reason: To comply with the Transport for NSW’s road rules.</p>
<p><u>Access handle width</u></p> <p>The DCP requires a minimum 3.5m width for battle-axe handle driveways.</p>	<p><u>Chapter 3.5 (Subdivision)</u> – Increase the minimum width to 3.75m.</p> <p>Reason: To be consistent with the Australian Standards AS 2890.1, which requires a minimum 3.75m width to address safety and sight distances.</p>

Key Issue 4: Reinstate former provisions that were inadvertently omitted during the consolidation of the former DCPs

Existing control	Draft housekeeping amendment
<p><u>Types of applications that the DCP applies to</u></p> <p>The DCP indicates it applies to the assessment and determination of development applications.</p>	<p><u>Chapter 1.1 (Introduction and Administration)</u> – Clarify that the DCP applies to the assessment and determination of development applications, modification applications and determination reviews.</p> <p>Reason: Reinstates the provision of the former Canterbury DCP 2012 (Part A, clause A1.9, page 4).</p>

Existing control	Draft housekeeping amendment
<p><u>Savings provision</u></p> <p>At its Ordinary Meeting of 25 May 2021, Council adopted the Canterbury-Bankstown Development Control 2023. The resolution included a savings provision for the DCP to apply to development applications lodged on or after the date that the DCP came into effect.</p>	<p><u>Chapter 1.1 (Introduction and Administration)</u> – Repeat the savings provision in the DCP.</p> <p>Reason: Reinstates the approach taken by the former Bankstown DCP 2015 (Introduction, page 3) and former Canterbury DCP 2012 (Part A, clause A1.9, page 4), which is to have the savings provision sit in the DCP. This would make it easier for applicants to find the savings provision in the DCP, rather than referring to the Council minutes.</p>

Key Issue 5: Provide additional guidance on the interpretation of some existing development controls

Existing control	Draft housekeeping amendment
<p><u>Tree vandalism</u></p> <p>The existing controls permit the removal of dead trees as exempt development. However, the exempt criteria do not consider whether the dead trees were the subject of tree vandalism, such as applying chemicals, drilling, wounding trunks/roots, and other actions that cause injury or damage to trees.</p>	<p><u>Chapter 2.3 (Tree Management)</u> – Define tree vandalism and strengthen controls to protect trees on public and private land from tree vandalism.</p> <p>Reason: The additional guidance would permit the removal of dying or dead trees as exempt development provided Council is satisfied that the condition of the trees is not the subject of tree vandalism. Otherwise, approval is required under Council’s Tree Management Order, and may require landowners to replace dead trees.</p> <p>This amendment follows a Notice of Motion (February 2024), which raised concern about incidents of tree vandalism, such as 85 reported breaches of Council’s Tree Management Order involving wilful damage to protected trees in 2022-23.</p>
<p><u>Torrens Title subdivision of dual occupancies in the former Canterbury LGA</u></p> <p>Policy 53-056 of the former Canterbury City Council contains the controls in relation to the Torrens Title subdivision of dual occupancies in the former Canterbury LGA.</p>	<p><u>Chapter 5.2 (Residential Accommodation)</u> – Transfer Policy 53-056 to the DCP.</p> <p>Reason: To make it easier for applicants to view Council’s planning rules in relation to the Torrens Title subdivision of dual occupancies in the former Canterbury LGA. The consolidation of the planning rules would mean repealing Policy 53-056 to streamline Council’s policy register.</p>
<p><u>Treatment of blank facades</u></p> <p>The existing controls require development to architecturally treat blank walls that can be</p>	<p><u>Chapters 5.1, 5.2, 6.1, 7.1 and 8.1</u> – Provide additional guidance on requirements to treat blank walls.</p>

viewed from the street or other public domain area (such as railway corridors) by incorporating public art, variation in building materials and/or other architectural design methods to Council's satisfaction.	<p>Reason: The additional guidance would limit the extent of blank walls in the business zones and high density residential zone by requiring development to include certain facade features.</p> <p>Where adjacent development is unlikely to occur in the short term, blank side walls should include public art or murals.</p>
<p><u>Public domain improvements</u></p> <p>The existing controls do not provide guidance for development to improve the look and amenity of the streetscape by undergrounding street power lines.</p>	<p><u>Chapters 5.1, 5.2, 6.1 and 7.1</u> – Provide additional guidance for development to underground street power lines.</p> <p>Reason: The existing controls require new buildings in the business zones and high density residential zone to carry out public domain works to improve the look and amenity of the streetscape for residents, shoppers, workers and visitors (e.g., new footpaths and street tree planting).</p> <p>The additional guidance would require new buildings to underground any street power lines fronting the site. This would occur as part of the public domain works and would assist to achieve greater street tree canopy.</p>

Other issues

Attachments A and C outline other issues that the draft housekeeping amendments propose to address.

Community Participation Plan

The CPP is a planning document which establishes how Council engages with the community in carrying out its land use planning functions. The CPP came into effect in November 2019 and applies to development applications and planning proposals.

The draft housekeeping amendments propose to address the following key issue:

Existing control	Draft housekeeping amendment				
The CPP does not identify the exhibition period for Council-related development applications.	<p>Amend Table 1 (page 7) by adding the following row:</p> <table border="1"> <tr> <th>Development Application</th><th>Minimum public exhibition period</th></tr> <tr> <td>Application for development consent for council-related development</td><td>28 days</td></tr> </table> <p>Reason: To ensure the CPP is consistent with the Council-related Development Application Policy, as adopted by Council at its Ordinary Meeting of 28 February 2023.</p>	Development Application	Minimum public exhibition period	Application for development consent for council-related development	28 days
Development Application	Minimum public exhibition period				
Application for development consent for council-related development	28 days				

Next Steps

The next step is to exhibit the draft housekeeping amendments for public comment, with a further report to Council following the exhibition period.