



New South Wales

# **Bankstown Local Environmental Plan No 213—Bankstown Central Business District**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(P00/00004/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Urban Affairs and Planning

Sydney, 3 May 2001

## 2001 No 302

Bankstown Local Environmental Plan No 213—Bankstown Central Business District

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## **2001 No 302**

Clause 1            Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Part 1             Preliminary

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# **Bankstown Local Environmental Plan No 213—Bankstown Central Business District**

## **Part 1 Preliminary**

### **1 Name of this plan**

This plan is *Bankstown Local Environmental Plan No 213—Bankstown Central Business District*.

### **2 Land covered by this plan**

This plan applies to Bankstown Central Business District, being the land shown in colour on the zoning map.

### **3 Consent authority**

The Council is the consent authority for the purposes of this plan.

### **4 Aims of this plan**

The aims of this plan are:

- (a) to reinforce the status of Bankstown CBD as a metropolitan regional centre, and
- (b) to establish a clear structure of land uses within Bankstown CBD to help focus the desired future character of the different activity precincts in the centre, and
- (c) to encourage mixed-use development within the commercial zone to create a living centre with a 24-hour life, and
- (d) to introduce floor space incentives to encourage the redevelopment of key sites.

### **5 Relationship to other environmental planning instruments**

- (1) Any provisions of an environmental planning instrument that, immediately before the commencement of this plan, applied to or in respect of any land to which this plan applies, do not apply to or in respect of that land, subject to subclauses (2) and (3).

- (2) Environmental planning instruments that, immediately before the commencement of this plan, applied to or in respect of any land to which this plan applies continue to apply to a development application if:
  - (a) the application was made but had not been finally determined before that commencement, and
  - (b) the proposed development is prohibited by provisions of this plan but could, with development consent, have been carried out in accordance with those instruments as in force immediately before that commencement.
- (3) This clause does not affect the application of the following environmental planning instruments to the land to which this plan applies:
  - (a) any State environmental planning policy or regional environmental plan,
  - (b) any environmental planning instrument that provides for heritage items in the Bankstown area, insofar as it relates to those heritage items,
  - (c) any environmental planning instrument that provides for exempt and complying development in the Bankstown area, insofar it relates to exempt and complying development.

## 6 Definitions

- (1) Expressions used in this plan that are defined in Schedule 1 have the meaning given to them by that Schedule.
- (2) The *Environmental Planning and Assessment Model Provisions 1980*, except for any expressions that are defined in Schedule 1, are adopted for the purposes of this plan.
- (3) Notes included in this plan do not form part of the plan.

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Clause 7                      Bankstown Local Environmental Plan No 213—Bankstown Central Business District

Part 2                         Zoning

Division 1                    General zoning provisions

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## **Part 2 Zoning**

### **Division 1            General zoning provisions**

#### **7    Zones of Bankstown CBD**

For the purposes of this plan, land to which this plan applies is within one of the following zones as identified on the zoning map:

CBD Residential 2 (c) Zone

CBD Commercial 3 (a) Zone

Special Uses 5 Zone

Public Open Space 6 (a) (Existing and Proposed) Zone

Private Open Space 6 (b) Zone

#### **8    Effect of zone objectives**

The consent authority, in considering a development application, must have regard to the objectives of the zone in which the development is proposed to be carried out.

### **Division 2            CBD Residential 2 (c) Zone**

#### **9    Objectives of the CBD Residential 2 (c) Zone**

The objectives of the CBD Residential 2 (c) Zone are:

- (a) to identify those areas within Bankstown CBD suitable for residential development only, and
- (b) to protect the residential amenity of those areas.

#### **10   Development within the CBD Residential 2 (c) Zone**

(1) The following development in the CBD Residential 2 (c) Zone may be carried out without development consent:

- (a) development identified in DCP 35,

**Note.** See Schedule 1 to DCP 35.

- (b) development for the purpose of the following:
  - (i) maintenance works,
  - (ii) utility installations.
- (2) The following development in the CBD Residential 2 (c) Zone may not be carried out except with development consent:
  - (a) development for the purpose of the following:
    - (i) aged or disabled persons' housing,
    - (ii) child care centres,
    - (iii) dual occupancies,
    - (iv) dwelling-houses,
    - (v) places of public worship,
    - (vi) motels,
    - (vii) professional consulting rooms,
    - (viii) public utility undertakings,
    - (ix) residential flat buildings,
    - (x) serviced apartments,
    - (xi) villas,
  - (b) subdivision,
  - (c) demolition.

**Note.** See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.
- (3) The following development is prohibited in the CBD Residential 2 (c) Zone:
  - development that is not referred to in subclause (1) or (2).

### Division 3      CBD Commercial 3 (a) Zone

#### 11 Objectives of the CBD Commercial 3 (a) Zone

The objectives of the CBD Commercial 3 (a) Zone are:

- (a) to link the three key retail precincts (Bankstown Square, the Compass Centre block, and the Town Centre Plaza) and ensure a broad range of consumer choice, and
- (b) to permit a diversity of uses to reinforce the multi-use character of Bankstown CBD, and

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Part 2 Zoning

Division 3 CBD Commercial 3 (a) Zone

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- (c) to ensure the scale and density of development complements the desired future character of each precinct and its location in the centre, and
- (d) to define the parameters for retail activities within the centre, and
- (e) to encourage the development of offices and other commercial activities in the CBD and promote the centre as a place for employment.

### 12 Development within the CBD Commercial 3 (a) Zone

(1) The following development in the CBD Commercial 3 (a) Zone may be carried out without development consent:

(a) development identified as exempt development in DCP 35,

**Note.** See Schedule 1 to DCP 35.

(b) development for the purpose of the following:

- (i) maintenance works,
- (ii) utility installations.

(2) The following development may not be carried out in the CBD Commercial 3 (a) Zone except with development consent:

development that is not referred to in subclause (1) or (3).

**Note.** See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

(3) The following development is prohibited in the CBD Commercial 3 (a) Zone:

development for the purpose of the following:

- (a) amusement centres,
- (b) brothels,
- (c) bus depots,
- (d) industry,
- (e) junk yards,
- (f) liquid fuel depots,
- (g) mines,
- (h) public utility undertakings,



- (i) road transport terminals,
- (j) sawmills,
- (k) stock and sale yards.

#### **Division 4      Special Uses 5 Zone**

##### **13 Objectives of the Special Uses 5 Zone**

The objectives of the Special Uses 5 Zone are:

- (a) to identify land owned, used or required to be used by or under the authority of a public authority or for another semi-public purpose, and
- (b) to provide for a range of special uses such as schools, civic buildings and parking stations, and
- (c) to reserve land for special purposes such as future car parking stations and road widening to facilitate public acquisition and protect these sites from inappropriate development, and
- (d) to ensure that in relation to land used for railway purposes, railway uses have an adequate site area and are buffered from adjacent development where appropriate.

##### **14 Development within the Special Uses 5 Zone**

- (1) The following development may be carried out in the Special Uses 5 Zone without development consent:
  - (a) development identified as exempt development in DCP 35,  
**Note.** See Schedule 1 to DCP 35.
  - (b) development for the purpose of the following:
    - (i) maintenance works,
    - (ii) utility installations.
- (2) The following development may not be carried out in the Special Uses 5 Zone except with development consent:
  - (a) development for any purpose indicated by red lettering on the zoning map, or any other use ancillary to that purpose,
  - (b) development for the purpose of the following:
    - (i) advertising and advertising structures on railway land,
    - (ii) bus stations,

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Part 2 Zoning

Division 4 Special Uses 5 Zone

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- (iii) communication devices,
  - (iv) community use of schools,
  - (v) drainage,
  - (vi) open space,
  - (vii) public buildings,
  - (viii) public car parks,
  - (ix) public utility undertakings,
  - (x) refreshment rooms on railway land,
  - (xi) roads,
  - (xii) shops on railway land,
- (c) subdivision,
- (d) demolition.

**Note.** See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

- (3) The following development is prohibited in the Special Uses 5 Zone: development that is not referred to in subclause (1) or (2).

### 15 Railway land

Subject to clause 22, railway land within the Special Uses 5 Zone may, with the consent of the consent authority, be used for any purpose authorised by that consent.

## Division 5 Public Open Space 6 (a) (Existing and Proposed) Zone

### 16 Objectives of the Public Open Space 6 (a) (Existing and Proposed) Zone

The objectives of the Public Open Space 6 (a) (Existing and Proposed) Zone are:

- (a) to ensure the provision of adequate and appropriately located public open space for active and passive recreation, and
- (b) to improve the linkages between activities by creating appropriate pathways and open space corridors.

**17 Development within the Public Open Space 6 (a) (Existing and Proposed) Zone**

(1) The following development may be carried out in the Public Open Space 6 (a) (Existing and Proposed) Zone without development consent:

- (a) development identified as exempt development in DCP 35,  
**Note.** See Schedule 1 to DCP 35.
- (b) development in accordance with a plan of management adopted under the *Local Government Act 1993* and not identified in subclause (2),
- (c) development for the purpose of the following:
  - (i) maintenance works,
  - (ii) utility installations.

(2) The following development may not be carried out in the Public Open Space 6 (a) (Existing and Proposed) Zone except with development consent:

- (a) development for the purpose of the following:
  - (i) advertisements incidental or ancillary to another permitted use,
  - (ii) buildings used for cultural activities, landscaping and gardening, or recreation facilities,
  - (iii) kiosks,
  - (iv) public buildings,
  - (v) public utility undertakings,
  - (vi) refreshment rooms,
- (b) subdivision,
- (c) demolition.

**Note.** See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

(3) The following development is prohibited in the Public Open Space 6 (a) (Existing and Proposed) Zone:

development that is not referred to in subclause (1) or (2).

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Part 2                Zoning

Division 6           Private Open Space 6 (b) Zone

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### Division 6            Private Open Space 6 (b) Zone

#### 18 Objectives of the Private Open Space 6 (b) Zone

The objectives of the Private Open Space 6 (b) Zone are:

- (a) to ensure the provision of adequate and appropriately located private open space for active and passive recreation, and
- (b) to provide a broad choice in recreational activities and ensure that private open spaces are enhanced with appropriate recreational facilities.

#### 19 Development in the Private Open Space 6 (b) Zone

(1) The following development may be carried out in the Private Open Space 6 (b) Zone without development consent:

- (a) development identified as exempt development in DCP 35,  
**Note.** See Schedule 1 to DCP 35.
- (b) development for the purpose of the following:  
maintenance works.

(2) The following development may not be carried out in the Private Open Space 6 (b) Zone except with development consent:

- (a) development for the purpose of the following:
  - (i) advertisements incidental or ancillary to another permitted use,
  - (ii) buildings used for cultural activities, landscaping and gardening, or recreation facilities,
  - (iii) drainage,
  - (iv) kiosks,
  - (v) landscaping,
  - (vi) refreshment rooms,
  - (vii) roads,
- (b) subdivision,
- (c) demolition.

**Note.** See also Schedule 2 to DCP 35 (complying development). Section 76A of the Act provides that development consent in relation to complying development may be obtained by the issue of a complying development certificate.

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Clause 19

Zoning  
Private Open Space 6 (b) Zone

Part 2  
Division 6

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- (3) The following development is prohibited in the Private Open Space 6 (b) Zone:  
development that is not referred to in subclause (1) or (2).

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Clause 20            Bankstown Local Environmental Plan No 213—Bankstown Central  
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Part 3                Floor space ratios

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### **Part 3 Floor space ratios**

#### **20 Objectives for floor space ratio controls**

The objectives for the control of floor space ratios in Bankstown CBD are:

- (a) to control the scale, bulk, and intensity of development on a site, and
- (b) to provide an incentive for key sites within Bankstown CBD to be redeveloped, and
- (c) to regulate the density of development and the generation of vehicular and pedestrian traffic.

#### **21 Maximum floor space ratios**

- (1) The floor space ratio of a building on land in Bankstown CBD is not to exceed the maximum floor space ratio shown for the building on the floor space ratio map.
- (2) Despite subclause (1), a site is permitted to have a maximum floor space ratio of 4.5:1 or 3:1 only if it has a minimum primary frontage of 30 metres. Otherwise, the maximum floor space ratio for the site is 2:1.
- (3) Despite subclause (1), a mixed commercial and residential development (comprising ground level commercial use and remaining levels residential use), is permitted on a consolidated parcel of lots 1–5, DP 309748, Nos 1–3 Sir Joseph Banks Street, and Nos 31–35 Rickard Road, Bankstown, with a maximum floor space ratio of 2:1.

## Part 4 Special provisions

### 22 Development by public authorities

- (1) The following may be carried out on land without development consent:
  - (a) the use of existing buildings of the Crown by the Crown, and
  - (b) development of any description specified in Schedule 2.
- (2) Clause 35 of and Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980* do not apply to land to which this plan applies.

### 23 Consent for minor works

Development by or on behalf of the Council for the purpose of the following may be carried out on any land without development consent:

- (a) provision of street furniture, such as benches, bollards, Council information signs, public artwork installations, street lights, bus shelters, telephone kiosks and the like,
- (b) minor improvements to footpaths and other public pedestrian areas, such as tree planting and repaving,
- (c) street resurfacing, reconstruction of kerbs, footpaths, gutters and the like.

### 24 Provision of water supply and sewerage

The Council must not grant consent to development on any land for the purpose of commercial premises or a residential flat building unless the Council is of the opinion that arrangements satisfactory to Sydney Water Corporation have been made for the provision of water supply and sewerage services to that land.

### 25 Consent for temporary use of land

- (1) Despite any other provision of this plan, the consent authority may grant consent to the carrying out of development for any purpose for a temporary use.
- (2) Development for a temporary use may be carried out on all streets and public parks without development consent.

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Part 4                          Special provisions

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- (3) In this clause, *temporary use* means a use, not being designated development, carried out for a period of not more than 28 days, whether consecutive or non-consecutive, in any one year.

### 26 Special subdivision provisions

- (1) Subdivision of a building under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* by a strata plan or strata plan of subdivision does not require development consent if the subdivision creates lots that were illustrated in the plans that accompanied the application for development consent for the building and designated in those plans as being intended for separate occupation.
- (2) A subdivision of commercial floor space by a lease or sub-lease does not require development consent.

### 27 Suspension of covenants

- (1) Any covenant, agreement or instrument that restricts or prohibits development does not apply to the development, to the extent necessary to allow that development to be carried out in accordance with this plan or a consent granted under the Act.
- (2) Nothing in subclause (1) affects the rights or interests of any statutory authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (1) and (2).

### 28 Access to an arterial road

- (1) Despite any other provision of this plan, development on land that adjoins an arterial road and that provides for vehicular access to the land from that road must not be carried out except with development consent.
- (2) The Council must not consent to a development referred to in subclause (1) unless:
- (a) vehicular access is made or to be made by way of another road (not being a state road), or
  - (b) in the opinion of Council, it is not practicable to provide alternative access to the land by another road or a proposed road identified in a development control plan.



- (3) Before determining a development application that provides for vehicular access to an arterial road, the Council must:
- (a) give notice of the development application to the Roads and Traffic Authority, and
  - (b) take into account any submissions that are made by the Roads and Traffic Authority in relation to the development application within the time specified by the Council in the notice.
- (4) In this clause:
- state road*** means a main road, state highway, freeway or tollway within the meaning of the *Roads Act 1993*.

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Schedule 1      Definitions

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### Schedule 1    Definitions

(Clause 6)

***advertisement*** means a sign, notice, device or representation in the nature of an outdoor advertisement visible from any public place or public reserve.

***advertising structure*** means a structure used or to be principally used for the display of an advertisement.

***amusement centre*** means a building or place (not being a hotel or pub) used principally for playing:

- (a) billiards, pool, or other like games, or
- (b) electrically or mechanically operated amusement devices, such as pinball machines, video games and the like.

***appointed day*** means the day on which this plan takes effect.

***Bankstown CBD*** means the land to which this plan applies.

***boarding-house*** includes a house let in lodgings or a hostel but does not include a motel.

***brothel*** means premises habitually used for the purposes of prostitution, or that are designed for that purpose, even if used by only one prostitute for the purposes of prostitution.

***bus station*** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

***child care centre*** means a building or place that is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

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**commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule or a roadside stall.

**communication device** means a satellite communication dish or similar structure, or a television antenna or radio transmission mast or aerial, with a maximum dimension of no more than 5 metres.

**Council** means the Council of the City of Bankstown.

**DCP 31** means *Development Control Plan (DCP) No 31: Residential Development Standards* as adopted by the Council on 7 November 2000.

**DCP 35** means *Development Control Plan (DCP) No 35: Development System DCP* as adopted by the Council on 27 October 2000.

**dual occupancy** means two attached dwellings (with a single common wall) or two detached dwellings on a single allotment where both dwellings are constructed in accordance with DCP 31.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate dwelling.

**dwelling-house** means a building containing one but not more than one dwelling.

**educational establishment** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

**floor space** includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include:

- (a) any car parking space in a building, being a space provided to meet the standards required by the Council (but not car parking space provided in excess of those standards), or any internal access to any such car parking space, or
- (b) space used for the loading or unloading of goods, or
- (c) lift towers, cooling towers, machinery and plant rooms and any related storage space.

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Schedule 1 Definitions

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***floor space ratio*** means the ratio of the floor space area of all buildings on a site to the site area.

***floor space ratio map*** means the map marked *Bankstown Local Environmental Plan 213—Floor Space Ratio Map*.

***frontage*** means the width of a lot at the street alignment.

***hotel*** means premises, licensed under the *Liquor Act 1982* to sell liquor, which provide accommodation consisting of more than 20 rooms or self-contained suites for guests that are rented or hired on a short-term basis without a residential tenancy agreement within the meaning of the *Residential Tenancies Act 1987*.

***industry*** means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade, sale, or gain or as ancillary to any business,

but does not include an extractive industry.

***institution*** means:

- (a) a building used wholly or principally as a home or other establishment for mentally incapacitated persons,
- (b) a mental hospital, or
- (c) a penal or reformatory establishment.

***motel*** means a building (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building is also used in the provision of meals to those travellers or the general public.

***parking space*** includes any garage or court available for use by motor vehicles.

***place of public assembly*** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

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**place of public worship** means a church, chapel, synagogue, temple or other place of public worship or religious instruction or place used for the purpose of religious training.

**primary frontage** means the shortest frontage where a lot has two or more frontages.

**professional consulting rooms** means a room or a number of rooms forming part of, or attached to, or within the curtilage of, an existing or proposed dwelling-house and used or intended for use at any one time by one legally qualified medical practitioner, or by one dentist within the meaning of the *Dentists Act 1989*, or by one health care professional, who practises his or her profession as a sole practitioner or in partnership with not more than one other such medical practitioner, dentist or health care professional, and who employs not more than one employee in connection with that practice.

**pub** means premises specified in a hotelier's licence granted under the *Liquor Act 1982* that do not comprise a hotel.

**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a Council or an organisation established for public purposes.

**public car park** means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include a pay parking space (as prescribed by the regulations under the *Road Transport (Safety and Traffic Management) Act 1999*).

**public utility undertaking** means any undertaking carried on by, or under the authority of, any Government department or agency, or pursuant to any Commonwealth or State Act, for the purpose of:

- (a) railway, light railway, road, water, or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

**railway land** means land marked "railway" on the zoning map.

**recreation facility** means a building or place used for indoor recreation, including a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio and bowling alley, whether used for the purpose of gain or not, but does not include a place of public assembly.

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Schedule 1 Definitions

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**refreshment room** means a restaurant, café, tea room, eating house or the like.

**residential flat building** means dwellings constructed above each other (including dwellings attached to a shop or office) with shared parking and/or access arrangements and shared communal open space instead of or as well as private open space.

**serviced apartments** means a building containing two or more self-contained dwellings:

- (a) which are used to provide short-term accommodation, but not subject to residential tenancy agreements within the meaning of the *Residential Tenancies Act 1987*, and
- (b) which are serviced or cleaned by the owner or manager of the apartments or the owner's or manager's agents.

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule, a building or place used for a purpose elsewhere specifically defined in this Schedule or a roadside stall.

**site area**, in relation to an allotment of land the subject of an application for consent under this plan, means the area of that land, excluding any land on which the development to which the application relates is not permitted by or under this plan.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. It does not include a room contained wholly within the roof space or a space containing only storage, sanitary facilities or a parking area contained wholly within a basement that is substantially below the natural ground level.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**utility installation** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**villas** means three or more dwellings of one or two storeys in height, each sharing part of a site for access or open space or site facilities.

**zoning map** means the map marked *Bankstown Local Environmental Plan No 213—Zoning Map*, as amended by the maps marked as follows:

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## Schedule 2 Development by public authorities

(Clause 22)

### 1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration of railway stations or bridges so as materially to affect their design, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

### 2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity, or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,

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- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structure or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (f) any other development except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
  - (ii) the formation or alteration of any means of access to a road.

### 3 Road transport

The carrying out by persons carrying on utility undertakings, being road transport undertakings, on land comprised in their undertaking, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.



#### 4 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

#### 5 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946*, or the *Rivers and Foreshores Improvement Act 1948*, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.