

ITEM 5.3 Planning Proposal: 353–355 Waterloo Road, Greenacre

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report considers a planning proposal application to amend the building height controls for the site at 353–355 Waterloo Road, Greenacre, known as the Chullora Marketplace.

ISSUE

At the Ordinary Meeting of 11 December 2018, Council considered a planning proposal application to amend the building height controls for the site at 353–355 Waterloo Road, Greenacre. Council resolved to defer the application to consider additional information from the proponent in relation to potential infrastructure, traffic, economic and heritage impacts prior to deciding whether to proceed with a planning proposal.

In March 2019, the proponent submitted additional information for Council’s consideration. Following a review, Council’s assessment indicates the proposal has strategic merit subject to the delivery of supporting infrastructure works. In June 2019, the proponent submitted a letter of offer to enter into a planning agreement to deliver infrastructure works.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) For the site at 355 Waterloo Road, Greenacre (Chullora Marketplace):
 - (i) Apply a maximum 0.65:1 FSR for the purposes of residential development, while retaining the existing 1:1 FSR for the site.
 - (ii) Permit a maximum building height of 11 metres (three storeys) along the southern boundary, 14 metres (four storeys) along the eastern and western boundaries, and 20 metres (six storeys) for the remainder of the site, as shown in Attachment A.
 - (b) For the site at 353 Waterloo Road, Greenacre (house site):
 - (i) Rezone the site to Zone B2 Local Centre.
 - (ii) Permit a maximum 1:1 FSR for the site. Within the 1:1 FSR envelope, apply a maximum 0.65:1 FSR for the purposes of residential development.
 - (iii) Permit a maximum building height of 14 metres (four storeys).
2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
3. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

4. Council prepare and concurrently exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
5. 23 July A planning agreement be prepared and exhibited concurrently with the planning proposal.
6. Council's contributions plan be payable in addition to the planning agreement items.
7. The planning agreement be reported to Council following the exhibition.

ATTACHMENTS

- A. Recommended amendments to the FSR Map and Height of Buildings Map
- B. Local Planning Panel Meeting–Council Report
- C. Local Planning Panel Meeting–Minutes
- D. Ordinary Meeting of 11 December 2018–Council Report and Minutes
- E. Letter of Offer
- F. Social Impact Statement
- G. Revised Traffic Study
- H. Economic Impact Analysis
- I. Heritage Impact Statement

POLICY IMPACT

This matter is consistent with the Greater Sydney Commission's Greater Sydney Region Plan and South District Plan. These Plans identify Chullora as a local centre which is well connected to the local and regional road network and bus services. These Plans identify Chullora as an appropriate location for mixed use commercial / residential development provided the local centre's primary role to provide employment, goods and services is protected.

FINANCIAL IMPACT

Should Council decide to proceed with a planning proposal, the next step is for Council and the proponent to finalise the terms of a planning agreement to ensure the public benefits outlined in this report can be delivered by the proponent in a timely manner. The recommendation is for the planning agreement to cover the full costs of the proposed infrastructure works.

COMMUNITY IMPACT

The recommendations of this report are considered to appropriately manage infrastructure and amenity impacts. The proponent carried out a Social Impact Assessment and this is provided in Attachment F.

DETAILED INFORMATION

1. BACKGROUND

1.1 Site Description

The site at 353–355 Waterloo Road, Greenacre comprises the following properties as shown in Figure 1:

Property Address	Property Description	Current Zone	Site Area
353 Waterloo Road	Lot 9, DP 10945	Zone R2 Low Density Residential	696m ²
355 Waterloo Road	Lot 41, DP 1037863	Zone B2 Local Centre	56,304m ²

The Chullora Marketplace shopping centre at 355 Waterloo Road is single storey (24,600m² floor area) with on-site parking for approximately 860 cars. The site was formerly the Liebentritt Pottery site and is listed as a local heritage item of archaeological significance. The site at 353 Waterloo Road contains a dwelling house. The Council report in Attachment D provides details of the local context.

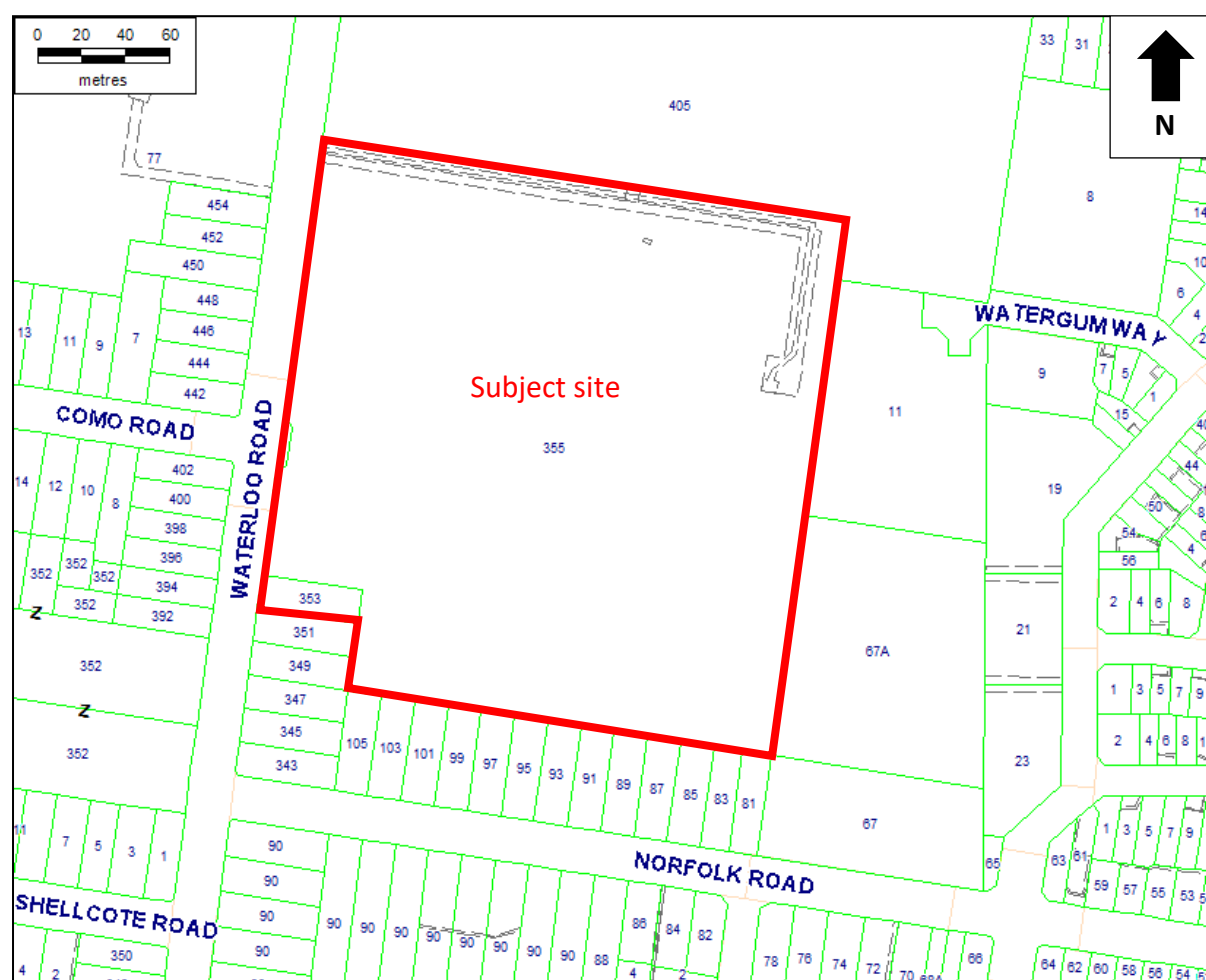


Figure 1: Site Map



Figure 2: Aerial Image

1.2 Proposal

In May 2018, Council received an application to amend Bankstown Local Environmental Plan 2015 as follows:

355 Waterloo Road (Chullora Marketplace site)	Current controls	Proposed controls
Maximum building height	11 metres (3 storeys)	14–20 metres (4–6 storeys)
353 Waterloo Road (house site)	Current controls	Proposed controls
Zone	R2 Low Density Residential	B2 Local Centre
Maximum FSR	0.5:1	1:1
Maximum building height	9 metres (2 storeys)	14 metres (4 storeys)
Minimum subdivision lot size	450m ²	Do not apply the Minimum Subdivision Lot Size Map as this map does not apply to Zone B2 Local Centre.

The application includes an indicative concept plan, which proposes mixed use development (3–6 storeys) with shop top housing and associated parking (1,294 spaces) within podium levels (refer to Figures 3 and 4). The key feature is a central roadway and plaza area with active frontages to enhance a ‘sense of place’ and provide community space.

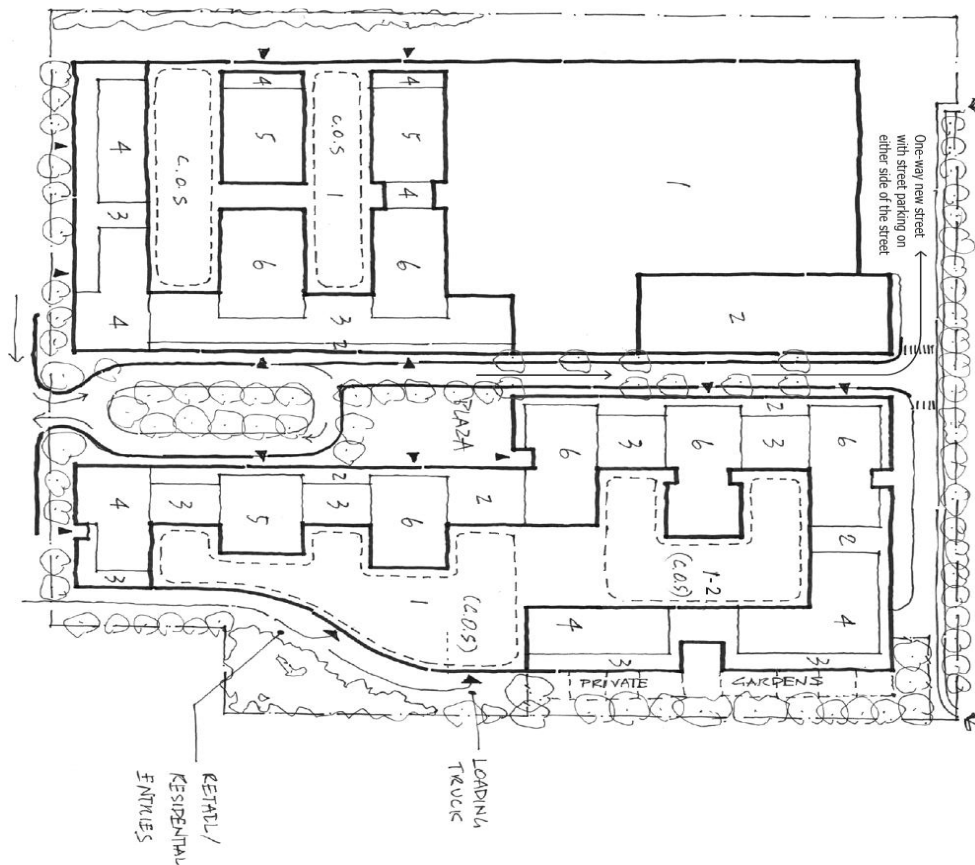


Figure 3: Application's indicative concept plan



Figure 4: Application's indicative concept plan showing the new central piazza from Waterloo Road

1.3 Request for additional information

The Local Planning Panel considered the planning proposal application on 19 November 2018 and recommended that the application proceed to Gateway (refer to the Local Panel Planning Minutes as provided in Attachment C). The Panel also recommended that the Gateway process should require the following additional information:

- (a) Social Impact and Community Needs Assessment*
- (b) Heritage Study for the site at 355 Waterloo Road Greenacre*
- (c) Revised Traffic Study for the purposes of consultation with the Roads & Maritimes services*
- (d) Economic Impact Study to analyse potential impacts on the Greenacre Small Village Centre as a result of the proposal.*

Panel Reason: *Given the location and context of this large site the panel agrees with the Officer's recommendation of the need for a site specific DCP and the provision of additional information that must be provided to ensure orderly development of the site.*

At the Ordinary Meeting of 11 December 2018, Council considered the application (refer to the Council Report as provided in Attachment D) and resolved that:

- 1. The matter be deferred subject to the applicant providing the following additional information as outlined in the report:*
 - (a) Social Impact and Community Needs Assessment*
 - (b) Heritage Study for the site at 355 Waterloo Road, Greenacre*
 - (c) Revised Traffic Study for the purposes of consultation with the Roads & Maritime Services*
 - (d) Economic Impact Study to analyse the potential impacts on the Greenacre Small Village Centre as a result of the proposal.*
- 2. Once the additional information is received and evaluated, a further report be provided to Council on the matter.*

In March 2019, the proponent provided the following additional information for Council's consideration:

- Social Impact Assessment (prepared by City Plan, dated March 2019)
- Revised Traffic Study (prepared by Colston Budd Rogers & Kafes Pty Limited, dated March 2019) and additional information (dated May 2019)
- Economic Impact Analysis (prepared by Location IQ, dated April 2019)
- Heritage Impact Statement (prepared by City Plan, dated March 2019)

This report considers the additional information in response to the Council resolution of 11 December 2018.

2. ASSESSMENT FINDINGS

2.1 Social Impact Assessment

Council requested a Social Impact Assessment to investigate local infrastructure needs arising from the proposal. The proponent submitted a Social Impact Assessment, which recommends the following infrastructure works to support the proposal:

Table 1: Infrastructure improvements proposed by the proponent

Proposed infrastructure improvements	Council officers response
A publicly accessible plaza, with potential for some civic functions to create a focal point and a sense of place for the community.	<p>The application's request to vary the building height is primarily dependent on the redistribution of floor space to provide a publicly accessible plaza.</p> <p>The provision of this space would need to be consistent with local community needs. According to Council's urban design peer review, the design of the new space would need to be:</p> <ul style="list-style-type: none"> • A minimum 1,500m² in area • Visible from Waterloo Road • Accessible at all times • Predominantly landscaped. <p>Council's review supports an increase in the available public open space in the area.</p>
New footpaths and public domain works.	<p>Public domain works are needed to improve pedestrian and cycle access in the area, and to provide greenery in the form of mature trees.</p> <p>Council's review supports new public domain works provided it includes (but are not limited to):</p> <ul style="list-style-type: none"> • New footpaths. • Undergrounding of power lines on the eastern side of Waterloo Road (extending from 343 to 355 Waterloo Road) to enable better street tree planting. • Cycle links from the site to Lockwood Park (may be in the form of a shared path) and to the north-south regional cycleway which runs along Maiden Street-Roberts Road.
Improvements to the existing playground in Norfolk Reserve (67 Norfolk Road, Greenacre).	<p>Council's review does not propose to pursue this proposal as it is inconsistent with Council's adopted Playgrounds and Play Spaces Strategic Plan.</p> <p>The Strategic Plan identifies there is a high provision of playgrounds in Greenacre. However, there is a gap in play spaces that allow children to connect to nature.</p> <p>To address this gap, the Strategic Plan recommends replacing the existing playground equipment at Norfolk Reserve with landscaping, given its proximity to the endangered ecological communities within the reserve. The landscaped setting may include small and low structures such as logs and animal shapes to encourage imaginative play. The Strategic Plan does not identify this action as a priority.</p>

Proposed infrastructure improvements	Council officers response
A new community facility (up to 1,200m ² in floor area) although the cost should not be directly attributed to the proposal as it would benefit the broader community. The cost of the community centre should be subject to developer contributions.	Council's review does not propose to pursue this proposal as it is inconsistent with Council's North East Local Area Plan. The Local Area Plan recommends focussing and consolidating the catchment's community facilities in the Greenacre Village Centre.

In addition to the above, Council officers identify the need for certain other infrastructure works to support the proposal. The infrastructure works include (but are not limited to):

Table 2: Other infrastructure needs identified by Council officers in addition to Table 1

Proposed infrastructure improvements	Justification
New signalised pedestrian crossing on the northern side of the Waterloo Road and Norfolk Road intersection.	A signalised pedestrian crossing is needed to provide safe pedestrian access from the site to Lockwood Park (352 Waterloo Road, Greenacre).
New roundabout and associated splitter islands at the Waterloo and Como Roads intersection.	The configuration of the existing roundabout at the Waterloo and Como Roads intersection does not have sufficient capacity to address the projected increase in traffic movements. A new roundabout is needed to address this issue and to provide safe pedestrian access to the bus stops on Waterloo Road.
Two new bus shelters on Waterloo road, fronting the site.	New bus shelters are needed to support public transport needs within easy walking distance of the site.
Improved street lighting in the mid-block connection that links the site to Watergum Way.	Improved street lighting is needed to provide safe mid-block pedestrian access from the site to nearby residential areas.
Improved playground equipment in Northcote Reserve (260 Waterloo Road, Greenacre).	<p>Whilst Council's adopted Playgrounds and Play Spaces Strategic Plan identifies there is a high provision of playgrounds in Greenacre, it does identify the need for additional equipment and activities in the nearby Northcote Reserve.</p> <p>The works may provide diverse play opportunities for toddlers, young children and older children. The Strategic Plan identifies this action as a priority.</p>

In June 2019, the proponent submitted a letter of offer to enter into a planning agreement to deliver the above infrastructure works as identified in Council's review (refer to the letter of offer as provided in Attachment E).

Section 7.4(1)(a) of the Environmental Planning and Assessment Act 1979 enables the proponent to provide a material public benefit through entering into an agreement with

Council. Planning agreements are voluntary and must be freely entered into by Council and the proponent.

Should Council decide to proceed with a planning proposal, it is recommended that Council prepare and exhibit a planning agreement to support the planning proposal. This is on the basis that the planning agreement covers the full cost of the proposed infrastructure works outlined in this report in addition to the required contribution under Council's contributions plan.

2.2 Revised Traffic Study

Council requested a Revised Traffic Study for the purposes of consultation with the Roads and Maritime Services. The proponent submitted a Revised Traffic Study, which indicates the surrounding road network would be able to cater for the additional traffic associated with the commercial and residential uses on the site.

At this point in time, there is sufficient information for the planning proposal to proceed to Gateway subject to the proponent providing the following additional information to inform Council's consultation with the Roads and Maritime Services:

- The raw data that informs Figure 2 and 3 of the Traffic Study, including dates and times of the survey undertaken. This information is required to validate the results provided.
- Updated intersection modelling to assess the impact of the proposal on the surrounding network and intersections, taking into consideration the additional information submitted in May 2019.

The proponent has committed to provide this information as part of the Gateway process. Should Council decide to proceed with a planning proposal, it is recommended that Council request the additional traffic data as part of the Gateway process.

2.3 Economic Impact Analysis

Council requested an Economic Impact Study to ensure the proposal does not impact on the role of the Greenacre Village Centre within the centres hierarchy.

The proponent submitted an Economic Impact Analysis, which indicates the existing customer shopping patterns are unlikely to change as a result of the proposal. Given that the proposal will not materially change the overall provision of floor space on the site, the impacts on the Greenacre Small Village Centre are likely to be minimal.

Council's review supports these findings to inform the planning proposal.

2.4 Heritage Study

Council requested a Heritage Study to assess the potential impacts of the proposal on the heritage significance of the site.

The proponent submitted a Heritage Impact Statement, which indicates the proposal (including the provision of basement car parking), may have a minor but acceptable impact

on the archaeological significance of the former pottery site. The development application stage may manage this impact through the following recommendations:

- **Application for Exemption:** Prior to any excavation work commencing, an application must be made to the NSW Heritage Office for an application permit under the terms of the Heritage Act 1977.
- **Geotechnical Investigations:** Prior to any excavation works commencing, geotechnical investigations of areas of archaeological sensitivity should be undertaken by a qualified geotechnician.
- **Monitoring:** Any excavation works undertaken as part of the future development of the site should be monitored and recorded by a qualified archaeologist.
- **Unexpected finds:** Should any unexpected relics be uncovered during the works, all work must stop, appropriate conservation and protection measures be implemented by a qualified archaeologist and the Heritage Division be notified.
- **Salvage:** Prior to and during the undertaking of any future excavation works, brick and tile debris should be salvaged throughout the subject site and incorporated in the future design. Removal of any items to be carried out in accordance with specific salvage methodologies.
- **Heritage Interpretation:** An archaeologist or heritage specialist is to develop an interpretation plan for the site. Although heritage interpretation signage has been erected at the entrance of the Chullora Marketplace shopping centre, any future development of the site should also incorporate interpretation media wherever possible (e.g. street names or the incorporation of bricks and tiles).

Although the site would consist primarily of cuts and clay pits, the Heritage Impact Statement indicates there is some potential for the presence of remnant ancillary structures, tools, infrastructure and brick and tile material. The Heritage Impact Statement would need to include an additional recommendation on the future management and display of any relics found on the site.

Council's review supports these findings to inform the planning proposal.

3. NEXT STEPS

The next step is to prepare and submit a planning proposal to the Department of Planning and Environment to seek a Gateway Determination. It is also proposed to prepare draft DCP amendments and a planning agreement to support the planning proposal.

Following the exhibition, the matter would be reported to Council.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 23 JULY 2019

3. Council note that a further Heritage Grant Funding round will be implemented for the 2019-2020 Financial Year.

- CARRIED

For:- Clrs Asfour, Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Eisler, Huda, Zaman, Saleh, Madirazza, Harika, Tuntevski

Against:- Nil

ITEM 5.2 DRAFT BANKSTOWN LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN AND AMENDMENTS TO CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013

(634) CLR. ISHAC:/CLR. TUNTEVSKI

RESOLVED that

1. Council exhibit the Draft Bankstown Local Infrastructure Contributions Plan and amendments to Canterbury Development Contributions Plan 2013, as shown in Attachments A and B respectively.
2. Staff establishment be increased by 1 full time equivalent position to adequately implement Council's development contributions framework.
3. The matter be reported back to Council following the exhibition period.

- CARRIED

For:- Clrs Asfour, Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Eisler, Huda, Zaman, Saleh, Madirazza, Harika, Tuntevski

Against:- Nil

ITEM 5.3 PLANNING PROPOSAL: 353-355 WATERLOO ROAD, GREENACRE

MR DAN MAURICI ADDRESSED COUNCIL

MR JOHN ROTH ADDRESSED COUNCIL

CLR KUSKOFF VACATED THE CHAMBER AT 6.24 PM AND RETURNED AT 6.25 PM.

(635) CLR. EL-HAYEK:/CLR. ZAKHIA

RESOLVED that

1. Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) For the site at 355 Waterloo Road, Greenacre (Chullora Marketplace):

CANTERBURY BANKSTOWN
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ON 23 JULY 2019

- (i) Apply a maximum 0.65:1 FSR for the purposes of residential development, while retaining the existing 1:1 FSR for the site.
 - (ii) Permit a maximum building height of 11 metres (three storeys) along the southern boundary, 14 metres (four storeys) along the eastern and western boundaries, and 20 metres (six storeys) for the remainder of the site, as shown in Attachment A.
- (b) For the site at 353 Waterloo Road, Greenacre (house site):
 - (i) Rezone the site to Zone B2 Local Centre.
 - (ii) Permit a maximum 1:1 FSR for the site. Within the 1:1 FSR envelope, apply a maximum 0.65:1 FSR for the purposes of residential development.
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- 2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
- 3. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.
- 4. Council prepare and concurrently exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
- 5. A planning agreement be prepared and exhibited concurrently with the planning proposal.
- 6. Council's contributions plan be payable in addition to the planning agreement items.
- 7. The planning agreement be reported to Council following the exhibition.
- 8. The planning agreement should have the proponent to contribute to a district level recreation facility and district level community facility in the Greenacre locality, in addition to the infrastructure works outlined in the Council report.
- 9. Subject to receipt of a Gateway determination, the proponent is to hold multiple open public forums (including advertising in Council's column, local papers and ethnic media, at a time and location agreed by Council staff) to inform the community about the proposal and seek feedback.

- CARRIED

For:-

Clrs Asfour, Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Eisler, Huda, Zaman, Saleh, Madirazza, Harika, Tuntevski

Against:-

Nil