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## Canterbury Bankstown Local Planning Panel - 19 November 2018

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### ITEM 7                      Planning Proposal - 353-355 Waterloo Road Greenacre (Chullora Marketplace)

**AUTHOR**                      Planning

### **PURPOSE AND BACKGROUND**

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Council is in receipt of an application to prepare a planning proposal for the site at 353–355 Waterloo Road Greenacre, known as the Chullora Marketplace. The application seeks to increase the maximum building height from 11 metres (three storeys) to 14–20 metres (four–six storeys), and to rezone the site at 353 Waterloo Road to Zone B2 Local Centre.

Council’s assessment indicates the proposal has strategic merit subject to implementing the recommendations of an urban design peer review. The assessment also identifies the need for additional information as part of the Gateway process to manage the likely effects of the proposal, namely a Social Impact and Community Needs Assessment, revised Traffic Study for the purposes of consultation with the Roads & Maritime Services, Heritage Study and Economic Impact Study.

### **ISSUE**

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In accordance with the Local Planning Panel’s Direction, the Panel is requested to recommend whether a planning proposal for the site at 353–355 Waterloo Road Greenacre should proceed to Gateway.

### **RECOMMENDATION**    That -

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1. The application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following:
  - (a) For the site at 353 Waterloo Road Greenacre:
    - (i) Rezone the site to Zone R2 Low Density Residential.
    - (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).
    - (iv) Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre.
  - (b) For site at 355 Waterloo Road Greenacre:
    - (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 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 Figure 11 of this report.
- 2. 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 & Maritime Services
  - (d) Economic Impact Study to analyse potential impacts on the Greenacre Small Village Centre as a result of the proposal.
- 3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
- 4. Council prepare a site specific DCP Amendment.

## **ATTACHMENTS**

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### **A. Assessment Findings**

## **POLICY IMPACT**

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This matter has no policy implications for Council.

## **FINANCIAL IMPACT**

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At this stage, this matter has no financial implications for Council.

## **COMMUNITY IMPACT**

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The application indicates possible public domain improvements to be undertaken by the proponent, including the upgrade of the playground at Norfolk Reserve and a pedestrian crossing on the northern side of the Norfolk Road / Waterloo Road intersection.

This report identifies the need for a Social Impact and Community Needs Assessment prior to finalising an assessment of the public benefits. Council may need a mechanism with the proponent to deliver the public benefits in a timely manner. This may involve a planning agreement to legally capture the public benefits. If a planning agreement is required, it would be separately reported to Council.

## DETAILED INFORMATION

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### SITE DESCRIPTION

The site at 353–355 Waterloo Road Greenacre comprises the Chullora Marketplace shopping centre as shown in Figures 1 and 2.

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

The Chullora Marketplace shopping centre at 355 Waterloo Road is within Zone B2 Local Centre under Bankstown Local Environmental Plan 2015. The shopping centre is single storey (24,600m<sup>2</sup> floor area) with on-site parking for approximately 860 cars (at-grade and basement car parks). The site at 353 Waterloo Road contains a dwelling house.

The shopping centre is a local heritage item of archaeological significance. Certain parts of the site are located within the medium stormwater flood risk precinct.

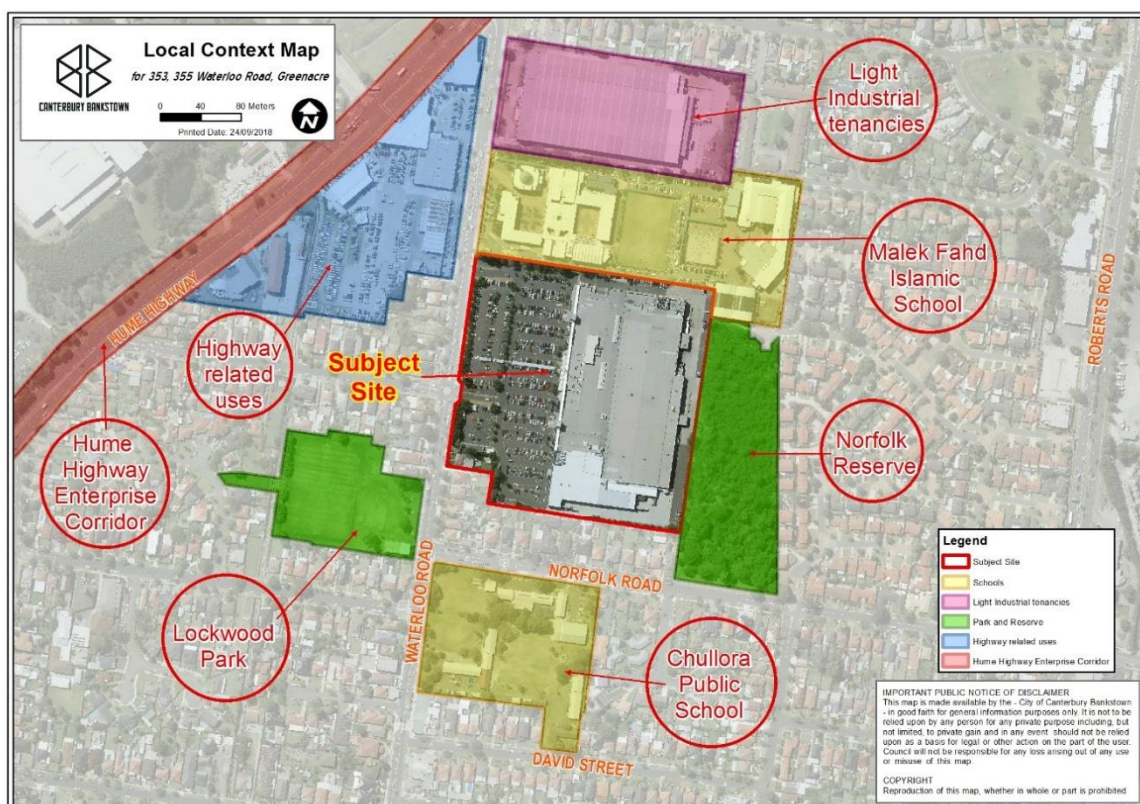
The site adjoins the Malik Fayed Islamic School to the north, low density residential development to the south, and Norfolk Reserve to the east. According to Council's Community Land Generic Plan of Management, Norfolk Reserve contains endangered ecological communities. The southern edge of the reserve contains a playground and allows for informal pedestrian access to the shopping centre from the surrounding residential streets.

In relation to local context, the nearby Greenacre Small Village Centre is located approximately 2km south of the site. The site is serviced by bus services, with connections to Bankstown and Liverpool.

Figure 1: Site Map

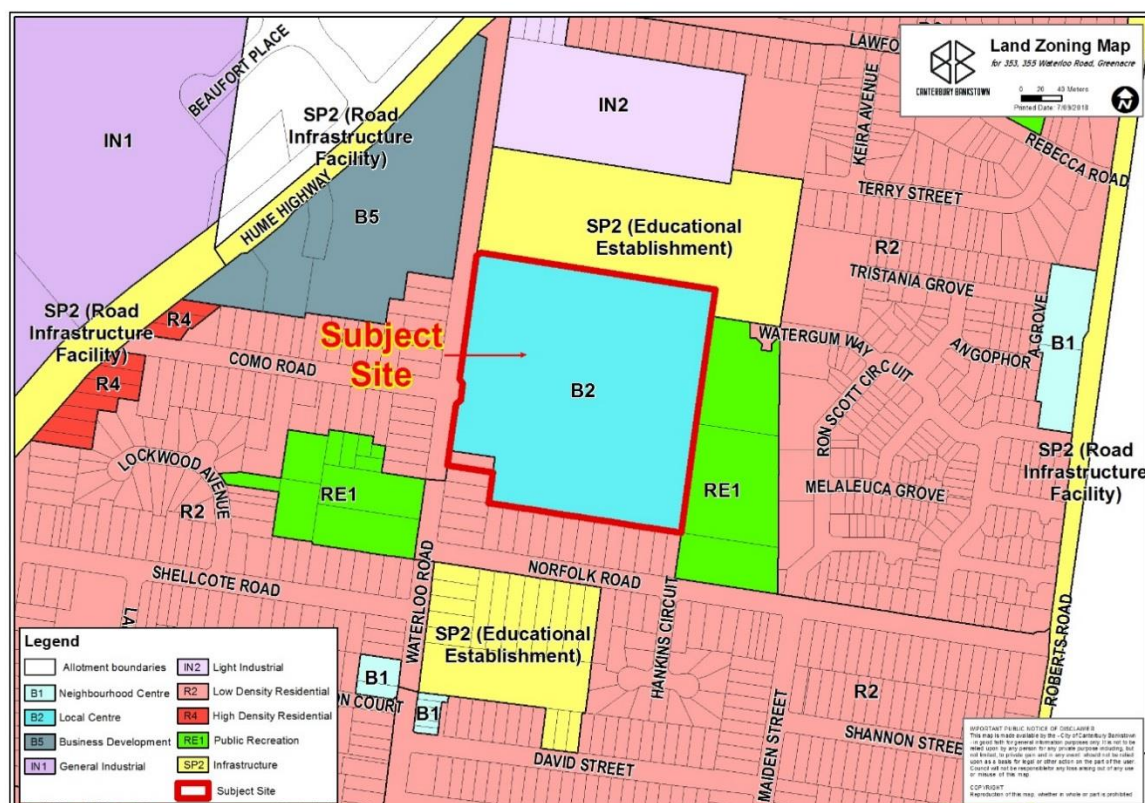


Figure 2: Locality Map





**Figure 3: Existing Zoning Map**



## PROPOSAL

In May 2018, Council received an application from Henroth Pty Limited (proponent) to amend Bankstown Local Environmental Plan 2015 as follows:

353 Waterloo Road	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 <sup>2</sup>	Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre
355 Waterloo Road	Current controls	Proposed controls
Maximum building height	11 metres (3 storeys)	14–20 metres (4–6 storeys)

The application includes a planning proposal report, urban design report and traffic review study. These documents have been provided to the Local Planning Panel.

The concept plan proposes mixed use development (3–6 storeys), with shop top housing and associated parking (1,294 spaces) within podium levels (refer to Figures 4 and 5). The key feature is a central piazza with active frontages to enhance a ‘sense of place’ and provide community space.

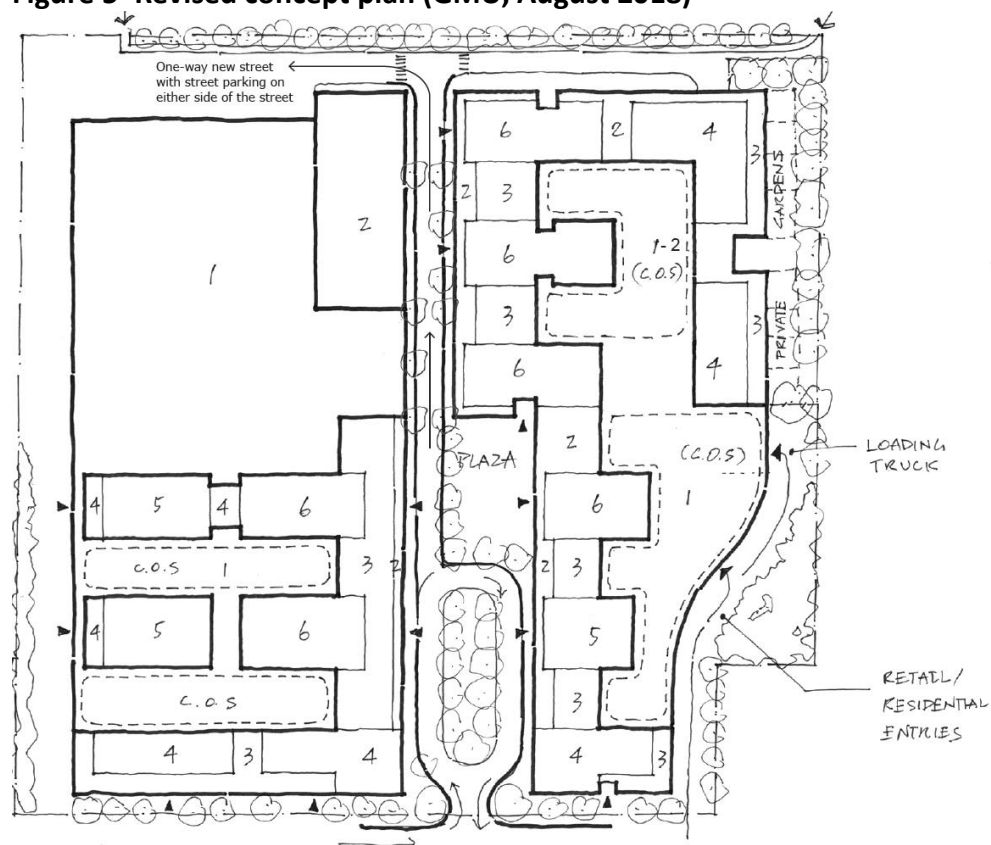
The intended outcome of the concept plan states: *the vision for the proposal is to transform the existing stand-alone, inwardly oriented shopping precinct into a true, and integrated local*

centre which provides a well-balanced scale and mix of development with an active, attractive and publicly accessible plaza at the primary frontage.

**Figure 4—Concept plan and new central piazza viewed from Waterloo Road**

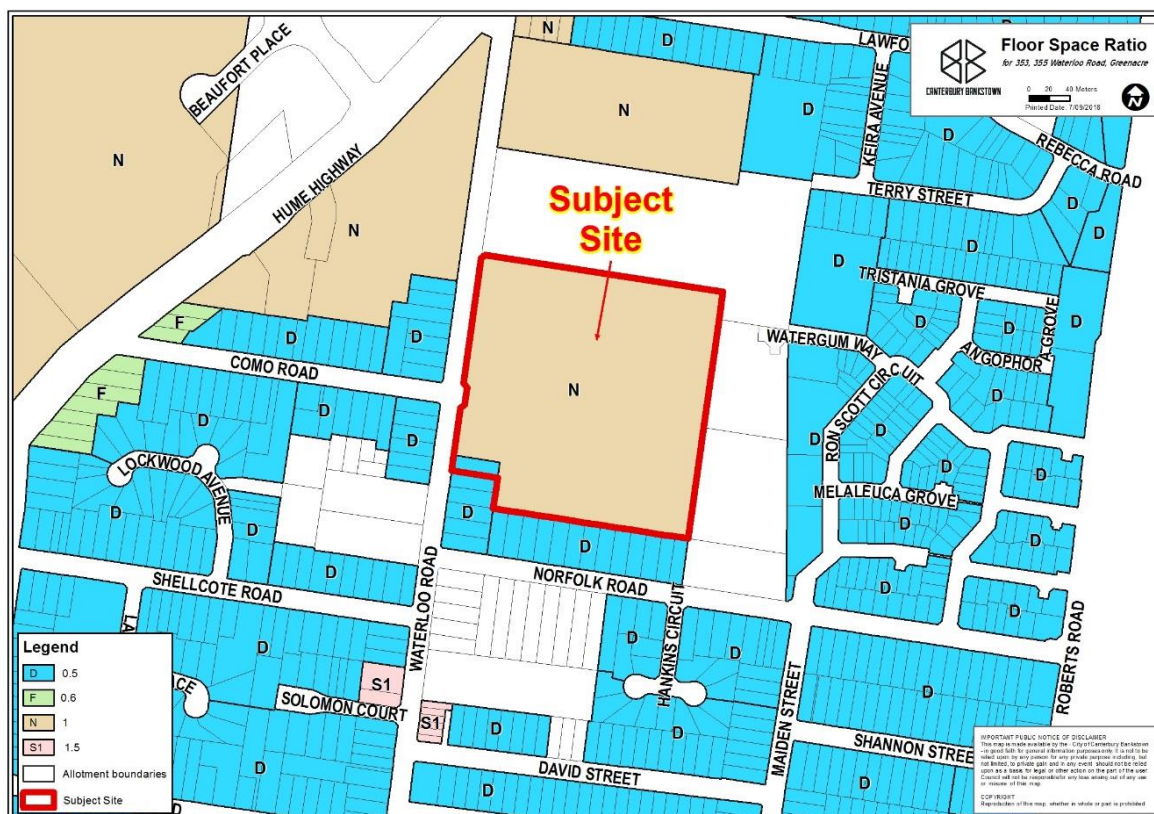


**Figure 5—Revised concept plan (GMU, August 2018)**





### Figure 6: Existing Floor Space Ratio



### Figure 7: Application's Proposed Floor Space Ratio

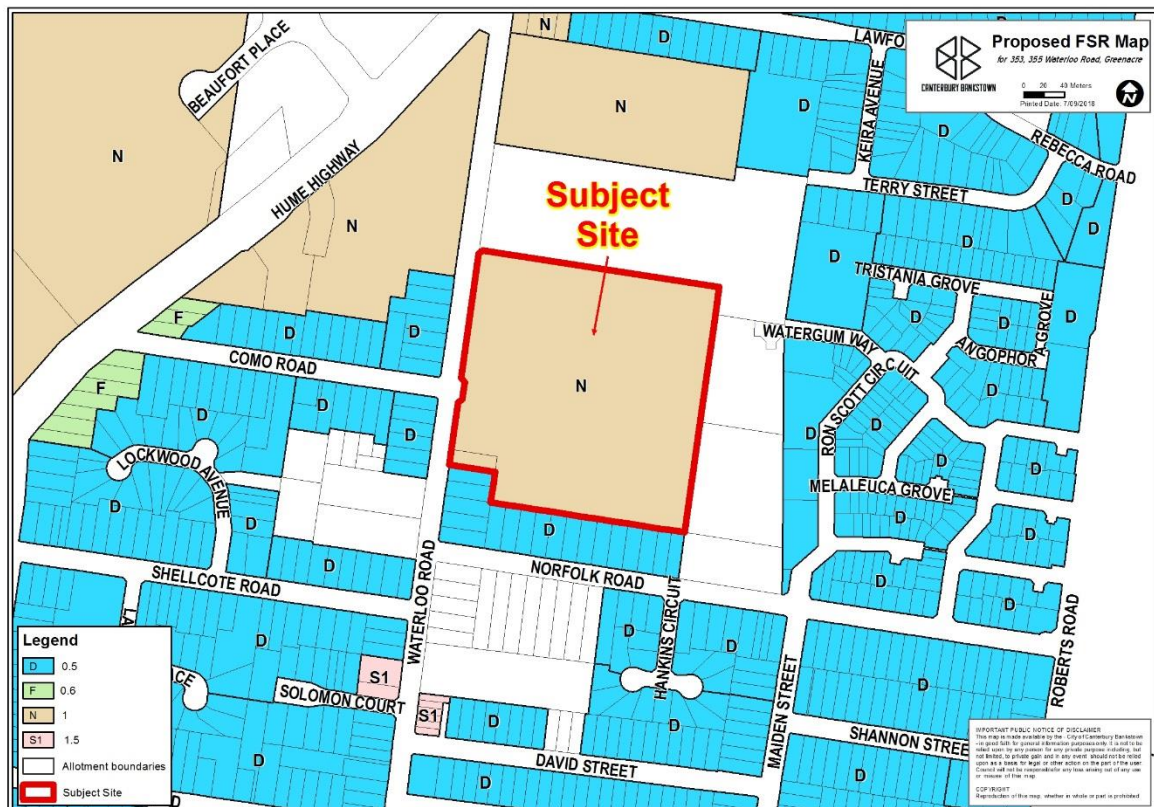




Figure 8: Existing Building Heights

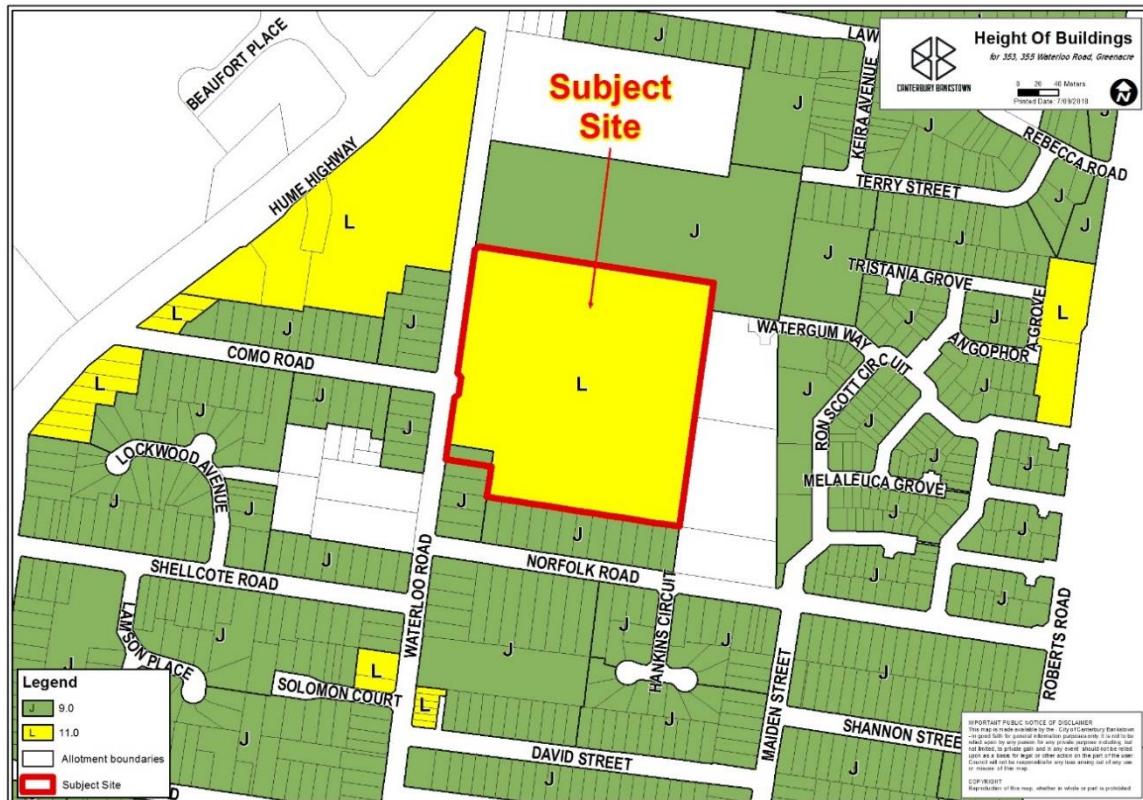
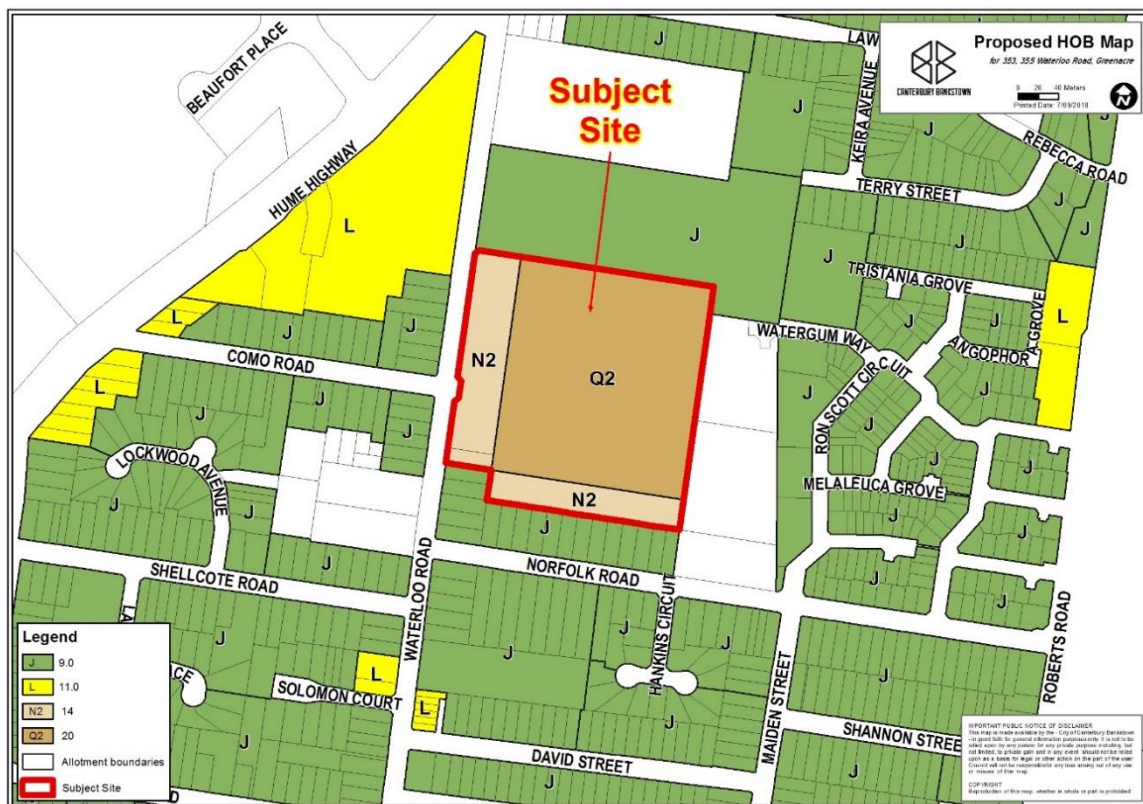


Figure 9: Application's Proposed Building Heights



## CONSIDERATIONS

Based on the Environmental Planning & Assessment Act 1979 and the Department of Planning & Environment's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan
- South District Plan
- Council's North East Local Area Plan
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development), Apartment Design Guide, NSW Government Architect's Better Placed Policy and the Ministerial Directions also require the proposal to be of good design. On this basis, Council commissioned an independent specialist to undertake an urban design peer review consistent with the above state policies, and to recommend an appropriate building envelope for the site.

## SUMMARY

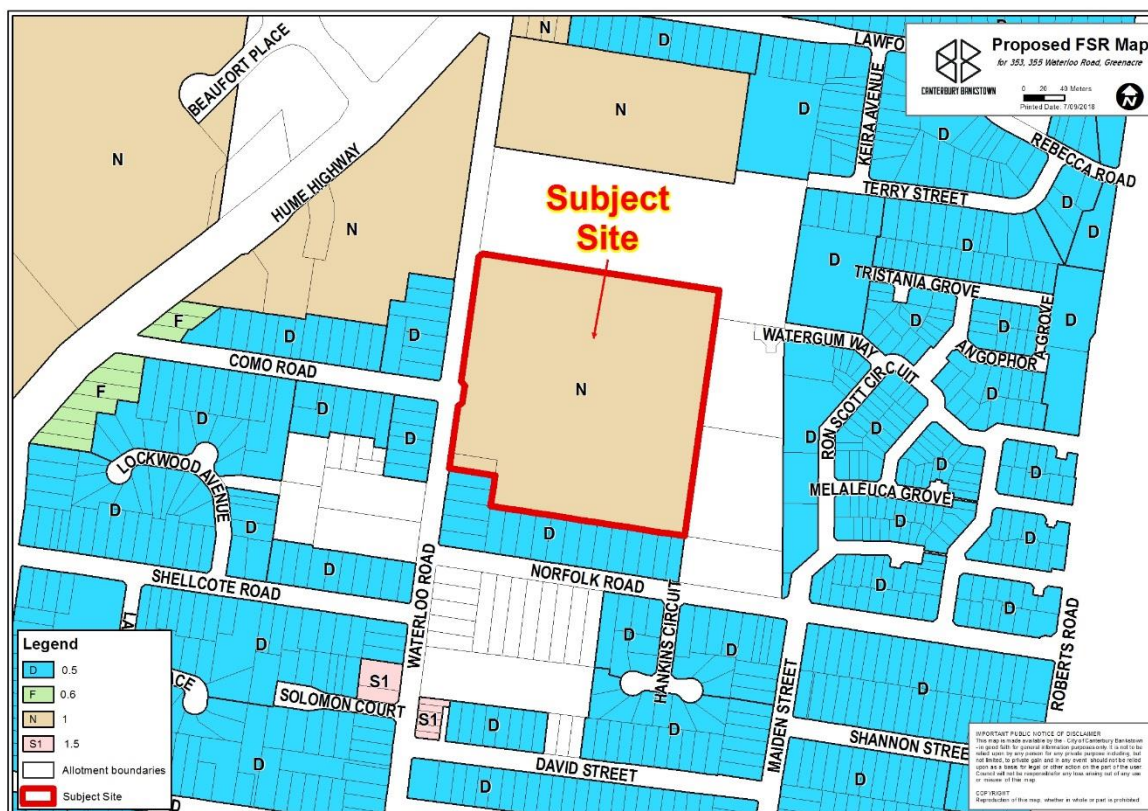
Council's assessment considers the proposal has strategic merit subject to implementing the recommendations of the urban design peer review as follows (refer to Figures 10 and 11):

<b>353 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>
Zone	R2 Low Density Residential	B2 Local Centre
Maximum FSR	0.5:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development
Maximum building height	9 metres (2 storeys)	14 metres (4 storeys)
Minimum subdivision lot size	450m <sup>2</sup>	Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre
<b>355 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>
Maximum building height	11 metres (3 storeys)	11–20 metres (3–6 storeys)
Maximum FSR	1:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development

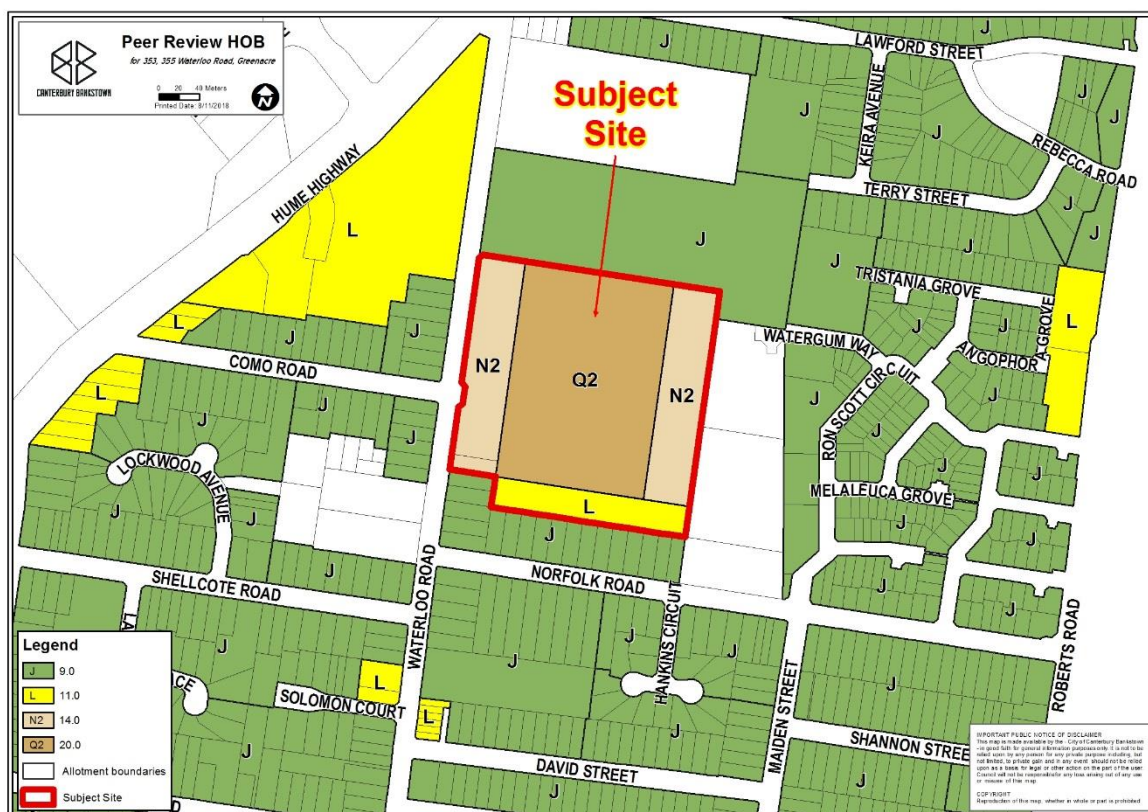
The Assessment Findings are shown in Attachment A and the urban design peer review is shown in Attachment B.



**Figure 10–Recommended Floor Space Ratio Map (1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development)**



**Figure 11–Recommended Height of Buildings Map**





## ASSESSMENT

### Urban Design Peer Review

The key findings of the urban design peer review are:

#### Providing a built form that is compatible with the surrounding context

The concept plan proposes 3–4 storeys along the southern boundary. The urban design peer review identifies the potential for the proposed building height to result in overshadowing and privacy impacts to the low density residential development along the southern boundary. The proposed building height may also result in overshadowing of the Norfolk Reserve, which contains ecologically endangered species.

The urban design peer review recommends maintaining the current 11 metre building height (three storeys) along the southern boundary to minimise the potential amenity impacts on the low density residential development to the south. The urban design peer review also recommends a 14 metre building height (four storeys) along the eastern and western boundaries to protect sensitive land uses. The remainder of the site may achieve a building height of 20 metres (six storeys).

The urban design peer review tested the proposed building envelope and considers that it would achieve a similar floor area as the application's revised concept plan.

#### Enforcing the commercial function of the local centre

The South District Plan identifies Chullora as a local centre based on the centre's primary role to provide employment, goods and services.

The application is considered to be inconsistent with the objectives of the local centre as the proposal is predominantly residential in nature, and seeks the following scenario:

- Residential uses = 37,000m<sup>2</sup> (equivalent to 0.65:1 FSR)
- Commercial uses = 18,000m<sup>2</sup> (equivalent to 0.35:1 FSR)

Based on the urban design peer review, the residential uses would dominate the proposed built form and may result in amenity impacts such as overshadowing and privacy loss to adjoining low density residential development.

To ensure that the residential uses do not dominate the site, the urban design peer review tested the built form. Within the 1:1 FSR envelope, the urban design peer review recommends setting a maximum floor space ratio of 0.65:1 for the purposes of residential development. This would result in the following approximate floor areas: 34,000m<sup>2</sup> of residential use (0.6:1 FSR) and at least 23,000m<sup>2</sup> of commercial use (0.4:1 FSR).

The proposed FSR changes would result in a similar yield to the application's revised concept plan and would provide an assurance that the site would not be dominated by residential uses in the future. This is important to fulfil the strategic vision of the Chullora Marketplace site as a local centre.

## Other Considerations

### Archaeological significance of the site

Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road in Greenacre as an archaeological site. The statement of heritage significance states:

*The former Liebenritt Pottery site is historically significant as the location of one of metropolitan Sydney's foremost and influential potteries producing clay products for the building industry.*

*Historically the site is of state significance for this reason. Part of the site was the location of one of Sydney's first drive in theatres, which opened in December 1956. The site is associated with the Liebenritt family, significant pottery manufacturers from the middle of the nineteenth century through to the second half of the twentieth century. The site is almost certain to contain relics and evidence from the time of Liebenritt's pottery making activities. It is considered to be relatively rare in terms of its archaeological potential and is considered to have been representative of pottery manufacturing sites during the second half of the nineteenth century and into the twentieth century.*

The assessment indicates the need for a heritage study to assess the potential impacts of the proposal on the heritage significance of the site, consistent with the Ministerial Directions.

### Public benefits analysis

The application indicates possible public domain improvements to be undertaken by the proponent, including the upgrade of the playground at Norfolk Reserve and a pedestrian crossing on the northern side of the Norfolk Road / Waterloo Road intersection.

Prior to finalising an assessment of the public benefits, the assessment identifies the need for:

- A Social Impact and Community Needs Assessment to investigate social infrastructure needs arising from the proposal.
- A revised traffic study for the purposes of consultation with the Roads & Maritime Services, consistent with the State Environmental Planning Policy (Infrastructure) 2007. The traffic study may identify additional infrastructure improvements based on the anticipated traffic to be generated by the development on the site.

Subject to the findings of the Social Impact and Community Needs Assessment and revised traffic study, Council may need a mechanism with the proponent to deliver the public benefits in a timely manner. This may involve a planning agreement to legally capture the public benefits. If a planning agreement is required, it would be separately reported to Council.

### Economic impact analysis

The North East Local Area Plan identifies the Greenacre Small Village Centre as the primary centre serving the North East Local Area. On this basis, the assessment identifies the need for an economic impact study to ensure the proposal does not impact on the role of the Greenacre Small Village Centre within the centres hierarchy.



## ATTACHMENT A–Assessment Findings

Attachment A outlines the assessment findings and is based on the justification matters as set out by the Department of Planning & Environment.

### 1. Strategic Merit Test

Section 1 assesses the proposal based on the Department of Planning & Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway. A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

#### 1.1 Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?

##### 1.1.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)

	Consistent
<p><b>Proponent's Submission:</b> The Greater Sydney Region Plan - <i>A Metropolis of Three Cities</i> was released in March 2018 and is the first Region Plan prepared by the Greater Sydney Commission.</p> <p>Consistency with the Greater Sydney Region Plan (the Region Plan) is outlined below:</p> <p><b><i>A City for People:</i></b> The PP will facilitate the proposed concept which will importantly provide a communal gathering space within the civic plaza. This part of the concept proposal will assist in achieving objectives 6, 7 and 8. It will provide a meeting place for the local community to feel socially connected and a clear physical space to create a true "sense of place" for the town centre. The plaza will also provide an opportunity for the rich and diverse surrounding neighbourhoods to be celebrated through public art etc. This can be explored further in detailed design. This is not achievable under current height controls.</p> <ul style="list-style-type: none"><li>• <i>Objective 6: Services and infrastructure meet communities' changing needs;</i></li><li>• <i>Objective 7: Communities are healthy, resilient and socially connected;</i></li><li>• <i>Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods.</i></li></ul> <p><b><i>Housing the City:</i></b> The PP will facilitate the proposed concept which proposes a mix of uses including residential accommodation to support objective 10, which is to provide a greater housing supply.</p>	<p>Yes, subject to implementing the recommendations of the urban design peer review, and Heritage Study.</p>

**A City of Great Places:** The PP will facilitate the proposed concept which includes dwellings within the B2 local centre, consistent with the metrics of this direction. The proposed concept also includes the public plaza which has the ability to provide a place within the local centre that "brings people together".

**A Well-Connected City:** The site is well connected to the road network and bus services.

**Jobs and Skills for the City:** The PP will facilitate the proposed concept which will strengthen and consolidate existing employment opportunities from the site. Furthermore, the concept will provide housing on the site which is located within close proximity to a number of nearby employment hubs, thereby improving opportunities to reduce travel time to work.

**A City in its Landscape:** The PP will facilitate the proposed concept and seeks to enhance the quality of landscaping on the site and particularly, within the proposed public plaza. The proposed concept also seeks to improve the interface of the development with the adjacent reserve, which will support objective 31 of this Direction.

*Objective 31: Public open space is accessible, protected and enhanced.*

**Council's Assessment:** The proposal is generally consistent with the Greater Sydney Region Plan.

Objective 10—Provide ongoing housing supply close to jobs

According to Objective 10, the ongoing housing supply and a range of housing types in the right location will create more liveable neighbourhoods. The objective requires the delivery of new housing in the right location with local infrastructure.

The Region Plan identifies Chullora as a local centre which is well connected to the road network and bus services. Council's investigations identify that the site's potential on bringing homes close to jobs must be realised through good design and supporting infrastructure for the future population.

Whilst managing the future demands of the communities, the Region Plan also requires local centres to protect the commercial floor space to retain the centre's primary role to provide employment, goods and services.

To ensure that the residential uses do not dominate the site, the urban design peer review tested the built form. Within the 1:1 FSR envelope, the urban design peer review recommends setting a maximum floor space ratio of 0.65:1 for the purposes of residential development. This would result in the following approximate floor areas: 34,000m<sup>2</sup> of residential use (0.6:1 FSR) and at least 23,000m<sup>2</sup> of commercial use (0.4:1 FSR).

<p>The proposed FSR changes would result in a similar yield to the application's revised concept plan and would provide an assurance that the site would not be dominated by residential uses in the future. This is important to fulfil the strategic vision of the Chullora Marketplace site as a local centre.</p> <p><u>Objective 13–Environmental heritage is identified, conserved and enhanced</u></p> <p>Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road in Greenacre as an archaeological site. The assessment indicates the need for a heritage study to assess the potential impacts of the proposal on the heritage significance of the site, consistent with this objective.</p>	
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### 1.1.2 South District Plan

	Consistent
<p><b>Proponent's Submission:</b> The South District Plan identifies Chullora as a <i>Local Centre</i>. The Plan supports that place- based planning for centres should include a focus on open space and public realm, provision of residential development within walking distance of the centre, and expansion of employment opportunities.</p> <p>Consistency with the Plan is shown below:</p> <ul style="list-style-type: none"> <li>• <u>PP S4 - fostering healthy, creative, culturally rich and socially connected communities:</u> The PP will facilitate a civic plaza to draw the community into the local centre and to promote opportunities for street activation.</li> <li>• <u>PP S5 - providing housing supply, choice and affordability, with access to jobs, services and public transport:</u> The PP will facilitate additional housing and the mix in the local town centre with easy access to jobs.</li> <li>• <u>PP S6 - creating and renewing great places and local centres and respecting the District's heritage:</u> The PP will facilitate a well-designed built environment with publicly accessible plaza which will assist in the success of the site. The heritage significance of the site can be assessed and adequately addressed in any future development of the site.</li> <li>• <u>PP S9 - growing investment, business opportunities and jobs in strategic centres:</u> The PP will support co-location of residential and employment opportunities. The inclusion of plaza will provide a safe, vibrant quality public space within a private development.</li> <li>• <u>PP S17 - Reducing carbon emissions and managing energy, water and waste efficiently:</u> Future development will incorporate Ecologically Sustainable Development (ESD) principles to maximise solar orientation, natural ventilation and on-site stormwater detention.</li> </ul> <p><b>Council's Assessment:</b> The proposal is generally consistent with the following planning priorities and actions of South District Plan.</p>	<p>Yes, subject to implementing the recommendations of the urban design peer review, and Heritage Study.</p>



Planning Priority S5—Providing housing supply, choice and affordability, with access to jobs and service

According to Planning Priority S5, housing supply and choice in right location will create more liveable neighbourhoods. The above planning priority requires housing supply to be linked to local infrastructure and jobs.

The District Plan identifies Chullora as a local centre which is well connected to the road network and bus services. Council's investigations identify that the site's potential on bringing *homes close to jobs* must be realised through good design and infrastructure provisions for the future communities.

Whilst managing the future demands of the communities, the District Plan also requires local centres to protect/expand commercial floor space to enhance the centre's primary role to provide employment, goods and services.

Council commissioned an urban design peer review of the proposal. The review recommended the following changes to Council's built form controls applying to the site:

<b>353 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>
Zone	R2 Low Density Residential	B2 Local Centre
Maximum FSR	0.5:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development
Maximum building height	9 metres (2 storeys)	14 metres (4 storeys)
Minimum subdivision lot size	450m <sup>2</sup>	Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre
<b>355 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>
Maximum building height	11 metres (3 storeys)	11–20 metres (3–6 storeys)
Maximum FSR	1:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development

<p><u>Planning Priority S6—Creating and renewing great places and respecting the District's heritage</u></p> <p>Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road in Greenacre as an archaeological site. The assessment indicates the need for a heritage study to assess the potential impacts of the proposal on the heritage significance of the site, consistent with this planning priority.</p>	
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## 1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

### 1.2.1 North East Local Area Plan

	Consistent
<p><b>Proponent's Submission:</b> Consistency with the North East Local Area Plan is shown below.</p> <p><u>L3 Maintain the Neighbourhood Character of the Chullora Marketplace Precinct</u></p> <p>The subject PP does not seek to change the primary zoning of the land (exception for a small residential lot which forms part of the site). Whilst the overall height proposed under the subject PP is greater than the mentioned three storeys, the concept developed demonstrates a well-balanced built form which does not adversely impact the surrounding neighbourhood and provides a material public benefit in the provision of a plaza at the primary frontage of the site.</p> <p>Specifically, we note that the lower buildings are to be located along the southern interface of the development with the highest parts (which are still modest at 5/6 storeys) are centrally located within the site and not highly visible from surrounding areas. (City Plan , p33)</p> <p><u>L7 Lead the Way with Better Standards of Building Design</u></p> <p>Fundamental to the success of the subject local centre and Precinct is the creation of an active street frontage along Waterloo Road. The proposed public plaza and varied built forms on the site will achieve this outcome.</p> <p><b>Council's Assessment:</b> The proposal is inconsistent with the North East Local Area Plan (Action L3), which seeks to maintain the neighbourhood character of the Chullora Marketplace site.</p> <p>According to Action L3, the site has a small-scale commercial atmosphere which is compatible with the surrounding low density neighbourhood area. It is recommended to maintain the low density character (3 storey limit) to maintain the prevailing suburban neighbourhood character in keeping with the amenity and infrastructure capacity of this site. The Local</p>	No

<p>Area Plan identifies Greenacre and Punchbowl as the local centres supporting the local area.</p> <p>Whilst the proposal is inconsistent with the North East Local Area Plan, it is noted the Greater Sydney Region Plan and South District Plan have resulted in a change of circumstances by identifying the site as a local centre. This change provides the opportunity to apply a place-based planning approach to the future development of the site provided it meets the key aspects of good design and the delivery of enabling infrastructure.</p>	
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**1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?**

	Complies
<p><b>Proponent's Submission:</b> The change in circumstance in this particular instance relates to the desire by the landowner to achieve a better planning outcome for the site, through inclusion of the plaza. This may only be viably achieved through a redistribution of the existing maximum GFA across the site. In addition, the viability of the local centre as a traditional retail-only centre including a large discount department store and 'sea' of at grade car parking, is declining. This PP facilitates a mixed use local centre within an active and open landscaped setting and is therefore more consistent with contemporary trends in place making.</p> <p><b>Council's Assessment:</b> The Greater Sydney Region Plan and the South District Plan identify Chullora as a local centre, which is a change in circumstances. This change provides the opportunity to apply a place-based planning approach to the future development of the site provided it meets the key aspects of good design and the delivery of enabling infrastructure.</p>	Yes

**1.4 Does the proposal have regard to the natural environment (including known significant environmental values, resources or hazards)?**

	Complies
<p><b>Proponent's Submission:</b> The site is not known to contain any significant environmental values, resources or hazards. The site is adjacent to a public reserve which is heavily treed (Sydney Turpentine Ironbark Forest). Any DA for future works will address the potential impact of any development on this adjacent land and its natural environment. This is also the case with regard to the archaeological significance of the site. Future DA(s) will be accompanied by the required archaeological assessment(s) to ensure that any future works on the site do not result in any adverse impact on any archaeological heritage on the site.</p> <p><b>Council's Assessment:</b> The site adjoins the Norfolk Reserve to the east. According to Council's Community Land Generic Plan of Management,</p>	Yes, subject to implementing the recommendations of the urban design peer review.

Norfolk Reserve contains endangered ecological communities. The urban design peer review recommends a 14 metre building height (four storeys) along the eastern boundary to protect this sensitive area.	
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**1.5 Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?**

	Complies
<p><b>Proponent's Submission:</b> The PP has taken into consideration its surrounding context. It will not adversely impact any surrounding development (existing or proposed).</p> <p>The proposal presents a rare opportunity to redevelop a substantially sized site, in single ownership which comprises an entire local centre pursuant to the BLEP. Given the single ownership and size, there is an opportunity to incorporate a publicly accessible, private space in the form of a plaza at the primary street/centre frontage. Again, given the size of the site and scale of the development, there is an opportunity to carefully and better distribute GFA to achieve this outcome, without impacting on the surrounding uses.</p> <p><b>Council's Assessment:</b> The urban design peer review recommends maintaining the current 11 metre building height (three storeys) along the southern boundary to minimise the potential amenity impacts on the low density residential development to the south. The urban design peer review also recommends a 14 metre building height (four storeys) along the eastern and western boundaries to protect neighbouring sensitive land uses.</p>	<p>Yes, subject to implementing the recommendations of the urban design peer review.</p>

**1.6 Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?**

	Complies
<p><b>Proponent's Submission:</b> As no material increase in yield is proposed in this PP, we do not envisage there will be any unreasonable demand placed on services and infrastructure, beyond those already envisaged by the current zoning/permitted yield.</p> <p><b>Council's Assessment:</b> The application indicates possible public domain improvements to be undertaken by the proponent, including the upgrade of the playground at Norfolk Reserve and a pedestrian crossing on the northern side of the Norfolk Road / Waterloo Road intersection.</p> <p>Prior to finalising an assessment of the public benefits, the assessment identifies the need for:</p>	<p>Yes, subject to Social Impact and Community Needs Assessment and revised traffic study for the purposes of consultation with the Roads &amp; Maritime Services.</p>

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|---|--|
| <ul style="list-style-type: none"><li>• A Social Impact and Community Needs Assessment to investigate social infrastructure needs arising from the proposal.</li><li>• A revised traffic study for the purposes of consultation with the Roads &amp; Maritime Services, consistent with the State Environmental Planning Policy (Infrastructure) 2007. The traffic study may identify additional infrastructure improvements based on the anticipated traffic to be generated by the development on the site.</li></ul> <p>Subject to the findings of the Social Impact and Community Needs Assessment and revised traffic study, Council may need a mechanism with the proponent to deliver the public benefits in a timely manner. This may involve a planning agreement to legally capture the public benefits. If a planning agreement is required, it would be separately reported to Council.</p> |  |
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## 2. Planning Proposals–Justification Matters

Section 2 assesses the proposal based on the justification matters as outlined in the Department of Planning & Environment’s publication *A Guide to Preparing Planning Proposals*. The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway.

### 2.1 Is the planning proposal a result of any strategic study or report?

	Complies
<b>Proponent’s Submission:</b> This PP is not as a direct result of a strategic study or report. The site is located within a local centre and a precinct clearly identified at a State and Local level as being of strategic importance.  <b>Council’s Assessment:</b> The proposal is not the result of any strategic study or report.	No

### 2.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

	Complies
<b>Proponent’s Submission:</b> If lodged as a development application under the current LEP building height standard, the redistribution of GFA across the site results in variations to the height standard that we consider may not satisfy the preconditions of Clause 4.6 of the BLEP.  <b>Council’s Assessment:</b> The intended outcome of the proposal is to increase the building height for the site. The proposal to amend the Local Environmental Plan via the planning proposal is the most appropriate method for achieving the intended outcome.	Yes

### 2.3 Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?

#### 2.3.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)

	Consistent
<b>Proponent’s Submission:</b> Refer to section 1.1 of this assessment.  <b>Council’s Assessment:</b> The proposal is consistent with the Greater Sydney Region Plan for the reasons outlined in section 1.1 of this assessment.	Yes, subject to implementing the recommendations of the urban design peer review.

### 2.3.2 South District Plan

	Consistent
<p><b>Proponent's Submission:</b> Refer to section 1.1 of this assessment.</p> <p><b>Council's Assessment:</b> The proposal is consistent with the South District Plan for the reasons outlined in section 1.1 of this assessment.</p>	Yes, subject to implementing the recommendations of the urban design peer review.

## 2.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

### 2.4.1 CBCity 2028

			Consistent
<p><b>Proponent’s Submission:</b> No comment.</p> <p><b>Council’s Assessment:</b> The vision of Council’s Community Plan ‘CBCity 2028’ is to build a city that is ‘<i>thriving, dynamic and real</i>’. The ‘Liveable &amp; Distinctive’ Direction will achieve this by promoting a well–designed city that offers housing diversity and preserves the identity and character of local villages. ‘Prosperous &amp; Innovative’ Direction will achieve the vision by providing opportunities for economic and employment growth.</p> <p>To ensure good design and amenity, Council commissioned an urban design peer review of the proposal. The review recommends the following changes to Council’s built form controls applying to the site:</p>			<p>Yes, subject to implementing the recommendations of the urban design peer review.</p>
<b>353 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>	
Zone	R2 Low Density Residential	B2 Local Centre	
Maximum FSR	0.5:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development	
Maximum building height	9 metres (2 storeys)	14 metres (4 storeys)	
Minimum subdivision lot size	450m <sup>2</sup>	Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre	
<b>355 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls</b>	

		(urban design peer review)	
Maximum building height	11 metres (3 storeys)	11–20 metres (3–6 storeys)	
Maximum FSR	1:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development	

#### 2.4.2 North East Local Area Plan

	Consistent
<p><b>Proponent's Submission:</b> Refer to section 1.2 of this assessment.</p> <p><b>Council's Assessment:</b> The proposal is inconsistent with the North East Local Area Plan for the reasons outlined in section 1.2 of this assessment.</p>	No

#### 2.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

			Consistent
<p><b>State Environment Planning Policy No. 65—Design Quality of Residential Apartment Development</b></p> <p><b>Proponent’s Submission:</b> The accompanying Urban Design Report by GMU incorporates Urban Design Guidelines that demonstrate how the design quality principles of SEPP 65 and key guidelines of the Apartment Design Guide may be readily achieved by future development under the proposed controls in this PP.</p> <p><b>Council’s Assessment:</b> State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development), Apartment Design Guide, NSW Government Architect’s Better Placed Policy and the Ministerial Directions require the proposal to be of good design.</p> <p>On this basis, Council commissioned Architectus to undertake an urban design peer review consistent with the above state policies, and to recommend an appropriate building envelope for the site.</p> <p>The review recommends the following changes to Council’s built form controls applying to the site:</p> <p>The review recommends the following changes to Council’s built form controls applying to the site:</p>			Yes, subject to implementing the recommendations of the urban design peer review.
353 Waterloo Road	Current controls	Recommended controls	

		<b>(urban design peer review)</b>	
Zone	R2 Low Density Residential	B2 Local Centre	
Maximum FSR	0.5:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development	
Maximum building height	9 metres (2 storeys)	14 metres (4 storeys)	
Minimum subdivision lot size	450m <sup>2</sup>	Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre	
<b>355 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>	
Maximum building height	11 metres (3 storeys)	11–20 metres (3–6 storeys)	
Maximum FSR	1:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development	

<p><b>State Environment Planning Policy (Infrastructure) 2007</b></p> <p><b>Proponent's Submission:</b> Not applicable.</p> <p><b>Council's Assessment:</b> The application indicates possible public domain improvements to be undertaken by the proponent, including the upgrade of the playground at Norfolk Reserve and a pedestrian crossing on the northern side of the Norfolk Road / Waterloo Road intersection.</p> <p>Prior to finalising an assessment of the public benefits, the assessment identifies the need for:</p> <ul style="list-style-type: none"> <li>• A Social Impact and Community Needs Assessment to investigate social infrastructure needs arising from the proposal.</li> <li>• A revised traffic study for the purposes of consultation with the Roads &amp; Maritime Services, consistent with the State Environmental Planning Policy (Infrastructure) 2007. The traffic study may identify additional infrastructure improvements based on the anticipated traffic to be generated by the development on the site.</li> </ul> <p>Subject to the findings of the Social Impact and Community Needs Assessment and revised traffic study, Council may need a mechanism with the proponent to deliver the public benefits in a timely manner. This may</p>	<p>Yes, subject to Social Impact and Community Needs Assessment and revised traffic study for the purposes of consultation with the Roads &amp; Maritime Services.</p>
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involve a planning agreement to legally capture the public benefits. If a planning agreement is required, it would be separately reported to Council.	
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## 2.6 Is the planning proposal consistent with applicable Ministerial Directions?

	Consistent
<p><b>Direction 1.1 Business and Industrial Zones</b></p> <p><b>Proponent's Submission:</b> The land is located in a local centre zone. The subject PP does not reduce or change the B2 zoned area or undermine the objectives of the zone. The accompanying concept provides a mix of development which will retain and strengthen employment and provide housing, to assist in supporting the success of the local centre.</p> <p><b>Council's Assessment:</b> The objectives of this direction are to encourage employment growth in suitable locations, and to protect employment land in business and industrial zones. The proposal is consistent with this direction as it retains the existing business zone, and does not reduce the total potential floor space area for business zones.</p>	Yes

<p><b>Direction 2.3 Heritage Conservation</b></p> <p><b>Proponent's Submission:</b> The site is identified under the Bankstown LEP 2015 as a place of local archaeological significance. Any future development of the site will include an archaeological assessment to assess the relevant matters for consideration under Clause 5.10 of the BLEP.</p> <p><b>Council's Assessment:</b> Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road in Greenacre as an archaeological site. The assessment indicates the need for a heritage study to assess the potential impacts of the proposal on the heritage significance of the site, consistent with this Ministerial Direction.</p>	Yes, subject to Heritage Study.
<p><b>Direction 3.1 Residential Zones</b></p> <p><b>Proponent's Submission:</b> The objectives of this direction focus on providing a variety and choice of housing types and minimising impact of residential development on the environment.</p> <p><b>Council's Assessment:</b> The objectives of this directions are to make efficient use of existing infrastructure and services ensuring new housing has appropriate access to infrastructure and services and to minimise the impact of residential development on the environment and resource lands.</p> <p>Clause 4(d) of the direction requires proposals to demonstrate the proposed housing are of good design. On this basis, Council commissioned Architectus to undertake an urban design peer review consistent with the Ministerial Direction, and to recommend an appropriate building envelope</p>	No, subject to implementing the recommendations of the urban design peer review.



for the site. The review recommends the following changes to Council's built form controls applying to the site:

<b>353 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>
Zone	R2 Low Density Residential	B2 Local Centre
Maximum FSR	0.5:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development
Maximum building height	9 metres (2 storeys)	14 metres (4 storeys)
Minimum subdivision lot size	450m <sup>2</sup>	Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre
<b>355 Waterloo Road</b>	<b>Current controls</b>	<b>Recommended controls (urban design peer review)</b>
Maximum building height	11 metres (3 storeys)	11–20 metres (3–6 storeys)
Maximum FSR	1:1	1:1, including a maximum floor space ratio of 0.65:1 for the purposes of residential development

Should Council implement the recommendations of the urban design peer review, the implication is the proposal may be inconsistent with clause 5(d). This clause discourages planning proposals to reduce the permissible residential density of the land.

However, the inclusion of a maximum 0.65:1 FSR for the purposes of residential development is justified under clause 6 to ensure consistency with the Zone B2 objectives and to support business uses in the local centre. The proposed FSR changes would result in a similar yield to the application's revised concept plan and would provide an assurance that the site would not be dominated by residential uses in the future. This is important to fulfil the strategic vision of the Chullora Marketplace site as a local centre.

**Direction 3.4 Integrating Land Use and Transport**

Yes

<p><b>Proponent's Submission:</b> This PP is consistent with this direction in providing a mix of uses in a location that is well served by public transport.</p> <p><b>Council's Assessment:</b> The objective of this direction is to ensure that land use locations improve access to jobs and services by walking, cycling and public transport. The South District Plan identifies Chullora as a 'local centre'.</p>	
<p><b>Direction 4.3 Flood Prone Land</b></p> <p><b>Proponent's Submission:</b> Very small pockets within the north-eastern and south-western parts of the site are identified by Council's online mapping as being potentially flood prone. As the subject PP does not seek to create, remove or alter a zone or provision that affects flood prone land, this direction does not strictly apply.</p> <p><b>Council's Assessment:</b> The objective of this direction is to ensure that the development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</p> <p>The proposal is consistent with this direction as it does not propose to intensify the landuse. The site is situated in the medium stormwater flood risk precinct towards the north eastern and south western sections of the site. The resulting flooding affectation can be addressed by applying the provisions of Bankstown Development Control Plan 2015–Part B12 (Flood Risk Management) as part of the development application process.</p>	Yes
<p><b>Direction 7.1–Implementation of <i>A Plan for Growing Sydney</i></b></p> <p><b>Proponent's Submission:</b> No comments</p> <p><b>Council's Assessment:</b> The proposal is consistent with the directions of the Metropolitan Plan, '<i>A Plan for Growing Sydney</i>', namely Direction 2.1 to accelerate housing supply across Sydney. The proposal supports the growth of new housing near jobs and services.</p>	Yes

**2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

	Consistent
<p><b>Proponent's Submission:</b> The site has been highly modified as a result of previous development. There is therefore limited vegetation on the site, with the exception of some trees which we understand are of no ecological significance. The site is however located adjacent to a public reserve which is heavily treed. Any future DA(s) for the site will address any potential impact of the development on this adjacent land.</p> <p><b>Council's Assessment:</b> The site adjoins the Norfolk Reserve to the east. According to Council's Community Land Generic Plan of Management, Norfolk Reserve contains endangered ecological communities. The urban</p>	Yes, subject to implementing the recommendations of the urban design peer review.

design peer review recommends a 14 metre building height (four storeys) along the eastern boundary to protect this sensitive area.	
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## 2.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

	Consistent
<p><b>Proponent's Submission:</b> The proposal is unlikely to result in any detrimental environmental effects as discussed below:</p> <ul style="list-style-type: none"> <li>• Visual Impact: The tallest components of the development are focused towards the centre of the site.</li> <li>• Overshadowing: There will be minimal overshadowing to the residential lots to the south.</li> <li>• Traffic: It is envisaged that traffic generation will be no greater than that currently envisaged under the BLEP for the site.</li> <li>• Noise: As a part of any future DA, consideration of the acoustic impacts on the development on surrounding land will be undertaken in a noise impact assessment.</li> </ul> <p><b>Council's Assessment:</b> At this point, there are no other likely environmental effects as a result of the proposal.</p>	Yes

## 2.9 Has the planning proposal adequately addressed any social and economic effects?

	Consistent
<p><b>Proponent's Submission:</b> The planning proposal provides an opportunity to revitalise and strengthen the centre, provides additional housing with a civic plaza and improvements to the existing public domain. The proposed plaza at the primary frontage of the site incorporates ground level retail to activate the street level and provides a good balance between the natural and built environment.</p> <p><b>Council's Assessment:</b> The North East Local Area Plan identifies the Greenacre Small Village Centre as the primary centre serving the North East Local Area. On this basis, the assessment identifies the need for an economic impact study to ensure the proposal does not impact on the role of the Greenacre Small Village Centre within the centres hierarchy.</p>	Yes, subject to Economic Impact Study.

## 2.10 Is there adequate public infrastructure for the planning proposal?

	Consistent
<p><b>Proponent's Submission:</b> The site is well serviced by public transport, providing connections to the surrounding strategic centres. As the proposal does not seek to increase the anticipated yield of development on the site, it is unlikely to result in any impact on the surrounding traffic network. The area is generally well-serviced with Police, Ambulance, Fire and other emergency services. The existing utility services will be upgraded or augmented where required in future.</p> <p><b>Council's Assessment:</b> The application indicates possible public domain improvements to be undertaken by the proponent, including the upgrade of the playground at Norfolk Reserve and a pedestrian crossing on the northern side of the Norfolk Road / Waterloo Road intersection.</p> <p>Prior to finalising an assessment of the public benefits, the assessment identifies the need for:</p> <ul style="list-style-type: none"> <li>• A Social Impact and Community Needs Assessment to investigate social infrastructure needs arising from the proposal.</li> <li>• A revised traffic study for the purposes of consultation with the Roads &amp; Maritime Services, consistent with the State Environmental Planning Policy (Infrastructure) 2007. The traffic study may identify additional infrastructure improvements based on the anticipated traffic to be generated by the development on the site.</li> </ul> <p>Subject to the findings of the Social Impact and Community Needs Assessment and revised traffic study, Council may need a mechanism with the proponent to deliver the public benefits in a timely manner. This may involve a planning agreement to legally capture the public benefits. If a planning agreement is required, it would be separately reported to Council.</p>	<p>Yes, subject to Social Impact and Community Needs Assessment and revised traffic study for the purposes of consultation with the Roads &amp; Maritime Services.</p>

## 2.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

	Complies
<p><b>Proponent's Submission:</b> State and Commonwealth public authorities have not yet been identified or consulted. It is anticipated that this will occur as a condition of Gateway Determination.</p> <p><b>Council's Assessment:</b> The proposal has not been the subject of formal consultation with State and Commonwealth public authorities. This would be undertaken, should Council decide to proceed with a planning proposal.</p>	<p>Yes</p>

### **CBLPP Determination**

The Development Application DA-799/2018 is **APPROVED** in accordance with the Council staff report and recommendation.

### **Panel Reason**

The demolition of structures on this Council owned parcel of land and consolidation with the adjoining open space is most appropriate

### **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 7**

### **PLANNING PROPOSAL – 353-355 WATERLOO ROAD GREENACRE (CHULLORA MARKETPLACE)**

#### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

#### **Public Addresses**

The following people addressed the meeting in relation to this item:

- David Ryan – Town Planner (representing Owner/applicant)
- Karla Castellanos – Urban Designer (representing Owner/applicant)

#### **Panel Assessment**

The Panel has considered the submissions and those made on behalf of the Applicant at the meeting.

It has been brought to the Panel's attention that there is a typographical error on page 151 of the officer's report and 1(a)(i) should say: "Rezone the site to Zone B2 Local Centre."

The Panel notes that the concept plans propose reducing the commercial parking and allocating additional parking for the residential units. This would be a matter for the Development Application stage, however the Panel is of the opinion that this should not occur, given the stand alone nature of this commercial site, and the full component of parking be allocated to the Commercial premises in accordance with Council's DCP.

It is noted that the Applicant raised no issue with the residential limit of 0.65:1 for residential component on the subject site

### **CBLPP Recommendation**

The Panel endorses the Council Officer's report with minor amendments shown in bold and the panel recommends to the Council adoption of the recommendation to proceed to Gateway as follows:

1. The application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following:
  - (a) For the site at 353 Waterloo Road Greenacre:
    - (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).
- (iv) Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre.

(b) For site at 355 Waterloo Road Greenacre:

- (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 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 Figure 11 of this report.

2. 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.
3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
4. Council prepare a site specific DCP Amendment.

**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.

**DECISION**

**Vote: 4 – 0 in favour**

The meeting closed at 8:40 p.m.