



Planning Proposal

353–355 Waterloo Road in Greenacre

August 2019, November 2020
AMENDED March 2021





Contents

| | |
|--|----|
| Introduction | 3 |
| Part 1–Intended Outcomes | 4 |
| Part 2–Explanation of Provisions | 6 |
| Part 3–Justification | 7 |
| Section A–Need for the planning proposal | 7 |
| Section B–Relationship to strategic planning framework | 11 |
| Section C–Environmental, social and economic impact | 34 |
| Section D–State and Commonwealth interest | 37 |
| Part 4–Maps | 38 |
| Part 5–Community Consultation | 48 |
| Part 6–Project Timeline | 49 |



Introduction

Bankstown Local Environmental Plan 2015 is the statutory planning framework that establishes land use zones and building envelope controls such as floor space ratios and building heights in the former City of Bankstown.

Canterbury Bankstown Council is in receipt of a spot rezoning application requesting to amend Bankstown Local Environmental Plan 2015 in relation to the site at 353–355 Waterloo Road in Greenacre.

Council considered the spot rezoning application at its Ordinary Meetings of 11 December 2018 and 23 July 2019 and resolved to prepare a planning proposal. On 30 August 2019, Council submitted a planning proposal to the NSW Department of Planning, Industry & Environment to seek a Gateway Determination to enable Council to exhibit the planning proposal and to request additional technical studies and investigations. On 18 February 2020, the Department issued a Gateway Determination to exhibit the planning proposal, subject to certain conditions. This amended planning proposal takes considerations of the conditions specified in the Gateway Determination.

According to the Department's publication '*A guide to preparing planning proposals*', a planning proposal is a document that sets out the justification for making changes to Bankstown Local Environmental Plan 2015. A planning proposal is comprised of the following components:

| | |
|--------|---|
| Part 1 | A statement of the intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. |
| Part 2 | An explanation of the proposed changes to Bankstown Local Environmental Plan 2015 to achieve the intended outcomes. |
| Part 3 | The justification for making the proposed changes to Bankstown Local Environmental Plan 2015. |
| Part 4 | Maps to identify the intended outcomes of the planning proposal. |
| Part 5 | Details of the community consultation that is to be undertaken on the planning proposal. |

Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to the planning proposal.



Part 1 – Intended Outcomes

This planning proposal applies to the site at 353–355 Waterloo Road in Greenacre (refer to Figure 1). The site includes the following properties:

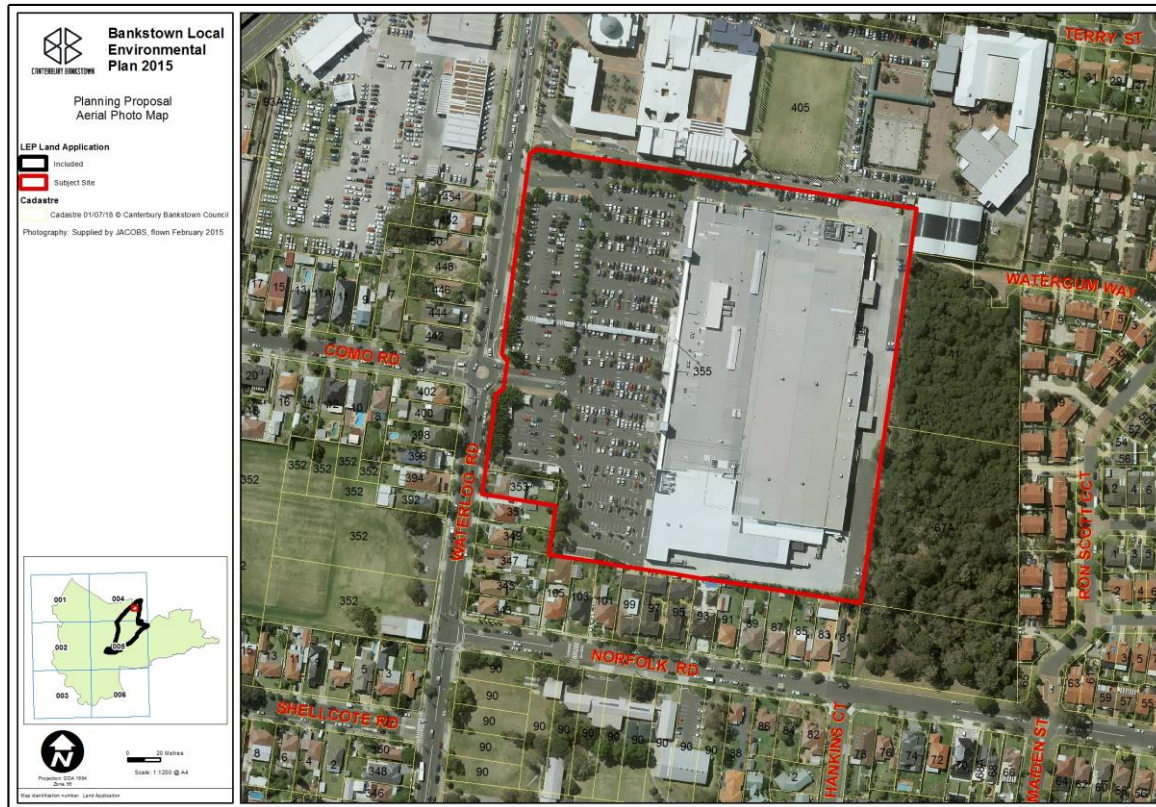
| Property Address | Property Description |
|-------------------|----------------------|
| 353 Waterloo Road | Lot 9, DP 10945 |
| 355 Waterloo Road | Lot 41, DP 1037863 |

The intended outcomes of this planning proposal are:

- To provide a site specific framework that enables medium–rise mixed use development while retaining the commercial functions of the local centre.
- To deliver a built form that achieves design excellence and contributes to the urban context and commercial environment of the local centre.
- To deliver a high quality publicly accessible civic plaza with active street frontages as a focal point for the community.
- To manage the likely effects of the proposal in relation to Norfolk Reserve and the amenity of the surrounding low-density residential development.
- To identify and deliver the infrastructure needs to support this planning proposal in a timely manner.



Figure 1: Site Map





Part 2 – Explanation of Provisions

To achieve the intended outcomes, the proposed amendments to Bankstown Local Environmental Plan 2015 are:

1. In relation to the site at 355 Waterloo Road, Greenacre (Chullora Marketplace):
 - (a) Apply a minimum of 0.35:1 FSR for the purposes of non-residential development, while retaining the existing 1:1 FSR for the site.
 - (b) Permit a maximum building height of 9 metres (2 storeys) along the southern boundary, 14 metres (4 storeys) along the eastern and western boundaries, and 20 metres (6 storeys) for the remainder of the site (refer to Part 4, Map 7).
2. In relation to the site at 353 Waterloo Road, Greenacre (house site):
 - (a) Rezone the site from Zone R2 Low Density Residential to Zone B2 Local Centre (refer to Part 4, Map 3).
 - (b) Permit a maximum 1:1 FSR for the site (refer to Part 4, Map 5). Within the 1:1 FSR envelope, apply a minimum of 0.35:1 FSR for the purposes of non-residential development.
 - (c) Permit a maximum building height of 14 metres (4 storeys) (refer to Part 4, Map 7).
 - (d) Remove the site from the Lot Size Map as this map does not apply to Zone B2 Local Centre.



Part 3 – Justification

Section A–Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not the result of any strategic study or report.

This planning proposal is in response to a spot rezoning application requesting to amend Bankstown Local Environmental Plan 2015. Following Council's and the Department of Planning, Industry and Environment's assessment, the proposed changes to the Bankstown Local Environmental Plan 2015 are as follows:

| 355 Waterloo Road (Chullora Marketplace) | Existing controls | Proposed controls |
|---|----------------------------|--|
| Zone | B2 Local Centre | B2 Local Centre (no change to zone) |
| Maximum FSR | 1:1 | 1:1 with a minimum FSR of 0.35:1 for non-residential development |
| Maximum building height | 11 metres (3 storeys) | 9m (2 storeys) - south boundary 14m (4 storeys) - east and west boundary 20m (6 storeys) - remainder of site |
| 353 Waterloo Road (house site) | Existing controls | Proposed controls |
| Zone | R2 Low Density Residential | B2 Local Centre |
| Maximum FSR | 0.5:1 | 1:1 with a minimum FSR of 0.35:1 for non-residential development |
| Maximum building height | 9 metres (2 storeys) | 14 metres (4 storeys) |
| Minimum subdivision lot size | 450m ² | Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre |

Council's assessment considered the following technical studies submitted with the spot rezoning application:

- Cover letter (prepared by Henroth Group, dated May 2018)
- Planning Proposal Report (prepared by City Plan Services, dated May 2018)
- Urban Design Report (prepared by GMU, dated April 2018)
- Revised Masterplan Options (prepared by GMU, dated August 2018) and letter (prepared by Henroth Group, dated August 2018)
- Traffic Study (prepared by Colston Budd Rogers & Kafes Pty Limited, dated April 2018) and Revised Traffic Study (dated March 2019)



- Social Impact Assessment Report (prepared by City Plan, dated March 2019)
- Economic Impact Analysis Report (prepared by Location IQ, dated April 2019)
- Heritage Impact Statement (prepared by City Plan, dated March 2019)

Council commissioned an Urban Design Peer Review (prepared by Architectus, November 2018) to review the proposal and provide recommendations to form part of the assessment of the proposal.

Department of Planning, Industry and Environment Gateway Determinations

The Department of Planning, Industry and Environment (DPIE) issued a Gateway Determination in February 2020. Following Council's response to the Gateway Determination, the DPIE issued alterations to the Gateway Determination in September 2020 and February 2021.

On 18 February 2020, DPIE issued a Gateway Determination and required the planning proposal be amended to address the following prior to public exhibition and consultation with public authorities/organisations:

- (a) *further information to demonstrate consistency with section 9.1 Direction 1.1 Business and Industrial Zones, including:*
 - i. *A review of the proposed planning controls, including maximum residential floor space ratio (FSR), with the purpose of protecting and expanding commercial / retail floor space and employment opportunities on the site;*
 - ii. *An analysis of any implications on meeting the housing targets under the Greater Sydney Region Plan and South District Plan as a result of any changes to the proposed planning controls in response to part (i) above; and*
 - iii. *A review of the planning proposal for consistency with Council's draft employment strategy.*
- (b) *further information to demonstrate consistency with section 9.1 Direction 2.1 Environment Protection Zones, including:*
 - i. *information to confirm the location and extent of the endangered ecological communities within Norfolk Reserve at 67-67A Norfolk Road and 11 Watgum Way, Greenacre; and*
 - ii. *shadow diagrams to demonstrate the worst-case overshadowing impacts on Norfolk Reserve during mid-winter based on the proposed planning controls, as amended by this Gateway determination.*
- (c) *reduction of the maximum building height along the southern part of the site from the proposed 11 metres to 9 metres.*
- (d) *shadow diagrams to demonstrate the worst-case overshadowing impacts on the*



adjoining dwellings along Norfolk Road and Waterloo Road during mid-winter based on the proposed planning controls, as amended by this Gateway determination.

- (e) draft amendment to the Bankstown Development Control Plan 2015 with site-specific provisions relating to the subject planning proposal, including but not limited to, site layout, access and circulation, built form, height transitions, open space and landscaping requirements.*
- (f) traffic information to facilitate consultation with Transport for NSW as outlined below:
 - i. The raw data to validate the results shown in Figure 2 and 3 of the Revised Traffic Study (prepared by Colston Budd Rogers & Kafes Pty. Ltd., dated March 2019), including dates and times of the survey undertaken; and*
 - ii. Updated intersection modelling to assess the impact of the proposal on the surrounding network and intersections, taking into consideration the additional information submitted to Council in May 2019.**
- (g) an indicative Lot Size Map showing the removal of No. 353 Waterloo Road, Greenacre from the map;*
- (h) a map showing the location and extent of areas within the site subject to flood risk; and*
- (i) an updated project timeline.*

In response to the above, the applicant submitted information to address the Gateway Determination (prepared by City Plan Services, dated May 2020) in May 2020 for Council's consideration which included a Draft DCP and an addendum to Traffic Study (prepared by Colston Budd Rogers & Kafes Pty Limited), dated March 2020. This information was assessed by Council.

Following a request from Council, on 22 September 2020 DPIE issued a revised Gateway to require consultation with public authorities / organisations simultaneously with community consultation.

On 12 November 2020, Council submitted a letter and updated planning proposal to DPIE in response to the original Gateway Determination and requested that the proposal proceed to exhibition.

Gateway Alteration 12 February 2021

The alteration to the Gateway Determination issued by DPIE on 12 February 2021 requires Council's response to the following key matters:



1. Delete:

condition 1(a)
condition 1(b)
condition 2

2. Add:

new condition 8: Prior to public exhibition and consultation with public authorities/organisations, the planning proposal is to be amended to include:

- (a) clear description of the proposed floor space ratio and height of building controls in Part 3 of the planning proposal*
- (b) clear and legible maps in Part 4 of the planning proposal*
- (c) an assessment against Council's Affordable Housing Strategy*
- (d) an updated project timeline.*

3. Add:

new condition 9: Prior to finalisation of the planning proposal, demonstrate consistency or justify inconsistency with:

- (a) section 9.1 Direction 1.1 Business and Industrial Zones, including:*
 - i. review and justification of the proposed floor space ratio supported by a study to ensure employment lands are protected*
 - ii. an assessment for consistency with Council's employment lands strategy and justification for any inconsistencies*
- (b) section 9.1 Direction 2.1 Environment Protection Zones.*

4. Delete condition 7 and replace with:

new condition 7: "The timeframe for Council to submit the LEP amendment to the Department for consideration of finalisation is no later than 31 May 2021.

5. Delete condition 6.

Council received further information from the proponent and commissioned advice from HillPDA to address the altered Gateway conditions and proceed to exhibition. This planning proposal has been updated consistent with the requirements of the recent alteration to the Gateway Determination and further information received and assessed.



The exhibition of the planning proposal is to occur concurrently with a site specific DCP and a planning agreement. Following the exhibition process, a review of community feedback and any additional information may see updates and amendments to this planning proposal.

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

This planning proposal is the best means to achieve the intended outcomes, which are to rezone the site at 353 Waterloo Road and to increase the existing building height at 355 Waterloo Road.

Alternative options are to allow mixed use development as an additional permitted use at 353 Waterloo Road, or to vary the development standards under clause 4.6 of Bankstown Local Environmental Plan 2015 at 355 Waterloo Road. However, these options would set an undesirable precedent.

Section B—Relationship to strategic planning framework

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)?

This planning proposal is consistent with the applicable regional and district plans as outlined below:

3.1 Greater Sydney Region Plan (Objective 10) and South District Plan (Planning Priority S5) Providing housing supply close to jobs

According to the Greater Sydney Region Plan and South District Plan, the ongoing housing supply and a range of housing types in the right location will create more liveable neighbourhoods. The Plans require the delivery of new housing in the right location with local infrastructure.

The Plans identify Chullora as a local centre which is well connected to the road network and bus services. The Plans identify that local centres may grow and evolve over time provided the growth is of good design and is linked to the delivery of enabling infrastructure. The Plans also require local centres to protect the commercial floor space to retain the centres' primary role to provide employment, goods and services.

3.1.1 Good design and commercial floor space

In relation to good design, Council commissioned an urban design peer review of the spot rezoning application. The key findings of the urban design peer review are:



Providing a built form that is compatible with the surrounding context

The application's concept plan proposed 3–4 storeys along the southern boundary. The urban design peer review identified 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 bushland and endangered ecological communities.

The urban design peer review recommends maintaining the existing 11 metre building height (3 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 (4 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 (6 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 concept plan.

Notwithstanding the above, consistent with the requirements of the Gateway Determination, the planning proposal is amended to reduce the maximum building height along the southern boundary from 11 metres (3 storeys) to 9 metres (2 storeys) to minimise the potential amenity impacts on the low density residential development to the south (refer to Part 4, Map 7).

This planning proposal implements the maximum building height recommendations of the urban design peer review to ensure good design, except where inconsistent with the Gateway Determination conditions which have been implemented in this proposal and mapping.

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 currently seeks the following scenarios.

- Residential uses = 37,000m² (equivalent to 0.65:1 FSR)
- Commercial uses = 18,000m² (equivalent to 0.35:1 FSR)

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 demonstrated various ways to consider an appropriate mix of commercial and residential uses for the future redevelopment of the site. One of these scenarios recommended setting a maximum floor space ratio of 0.65:1 for the purposes of



residential development, which is equivalent to a minimum of 0.35:1 for the purposes of non-residential development.

The proposed FSR changes would result in a similar yield to the application's concept plan and ensure that the site would deliver a minimum non-residential use so that the site will not be dominated by residential uses in the future. This is important to fulfil the strategic vision of Chullora as a local centre.

In June 2020, Council endorsed the Employment Lands Strategy (ELS) which states that the existing retail and commercial GFA (in 2019) of Chullora Marketplace is approximately 20,659m². This floor space area amounts to an FSR of 0.36:1 commercial, which is marginally higher than the proposed minimum commercial FSR of 0.35:1 (discussed directly below).

In March 2021, Council commissioned Hill PDA to undertake further investigation on the extent of retail and commercial spaces forecast for Chullora in Council's Employment Lands Strategy (ELS) 2020. Consistency of this planning proposal with the ELS is further discussed in section 4.4 of this planning proposal, however the planning proposal has been amended on the basis of the gateway alteration and this study, to invert the FSR recommendation from a maximum residential FSR 0.65:1 to a minimum FSR of 0.35:1 for non-residential development instead.

The minimum FSR control is marginally different from the existing commercial floor area existing on site, noting that there is no minimum non-residential control on the site and residential flat buildings are permitted. The revised recommendation provides increased protection of employment lands than available now and flexibility for consideration of a commercial / non-residential floor space from a minimum of 0.35:1 to a maximum of 1:1 FSR. With consideration of the potential maximum FSR, the centre is able to potentially achieve 57,000m² commercial gross floor area.

The planning proposal provides increased protection and certainty for protecting employment lands than the existing planning controls, and is therefore consistent with the Region Plan and South District Plan.

3.1.2 Infrastructure

The application's Social Impact Assessment Report recommends a publicly accessible plaza, new footpaths, public domain works, playground improvements and community space to support this planning proposal.

Council reviewed the infrastructure needs to support this planning proposal. The infrastructure works include (but are not limited to):



| Infrastructure | Proposed Improvements |
|--|--|
| Open space and playground infrastructure | <ul style="list-style-type: none"> • A publicly accessible plaza, with potential for some civic functions to create a focal point and a sense of place for the community. • Improved playground equipment in Northcote Reserve (260 Waterloo Road, Greenacre). |
| Footpaths and public domain works | <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. • Improved street lighting in the mid-block connection that links the site to Watergum Way. |
| Traffic and transport related infrastructure | <ul style="list-style-type: none"> • New signalised pedestrian crossing on the northern side of the Waterloo Road and Norfolk Road intersection. • New roundabout and associated splitter islands at the Waterloo and Como Roads intersection. • Two new bus shelters on Waterloo road, fronting the site. |
| Community facilities | <ul style="list-style-type: none"> • The proponent to contribute to a district level recreation facility and district level community facility in the Greenacre locality. |

At the Ordinary Meeting of 23 July 2019, Council resolved to prepare a planning agreement to ensure the future development of the site is linked to the delivery of enabling infrastructure. A draft planning agreement accompanies the application and details the enabling infrastructure. The planning agreement is to be exhibited concurrently with the planning proposal.

3.2 Greater Sydney Region Plan (Objective 13) and South District Plan (Planning Priority S6)–Environmental heritage is identified, conserved and enhanced

Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road as an archaeological site (local significance).

The application's Heritage Impact Statement indicates the proposal may have a minor but acceptable impact on the archaeological significance of the former pottery site. The development application stage could manage this impact by requiring a geotechnical investigation and a heritage interpretation strategy in consultation with Council and the NSW Heritage Office. Council's assessment supports these findings.



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

4.1 Community Strategic Plan 'CBCity 2028'

The vision of the Community Strategic Plan is to build a City that is thriving, dynamic and real. The 'Liveable & Distinctive' direction intends to achieve the vision by promoting a well-designed City that offers housing diversity. The 'Prosperous & Innovative' direction intends to achieve the vision by providing opportunities for economic and employment growth. This planning proposal is consistent with the Community Strategic Plan.

4.2 Local Strategic Planning Statements - *Connective City 2036*

Council's Local Strategic Planning Statements (LSPS) - *Connective City 2036* guides the 20 year planning vision and changes to Council's planning framework for the LGA. The vision of the LSPS is about sustainably growing the City, creating vibrant and connected centres, protecting environmental values, delivering housing and maximising employment opportunities.

With a local target of 50,000 new dwellings by 2036, the planning proposal delivers on the certain actions of Evolution 6: Urban and Suburban Places, Housing the City.

These actions are:

- E6.4 Protect the low density character of suburban neighbourhood
- E6.6 Protect environmental and built heritage
- E6.10 Provide housing that suits the population
- E6.12 Ensure housing growth is supported by infrastructure and funding

The planning proposal will be exhibited with a site specific DCP for the precinct, which sets new development controls that incorporates context, design principles for structure plan and built forms, transitions, access and circulation, landscaping, open space, protection for environment and heritage including amenity considerations.

Accordingly, this planning proposal is generally consistent with Council's LSPS – *Connective City 2036*.

4.3 Canterbury Bankstown Housing Strategy 2020

On 23 June 2020, Council adopted the Canterbury Bankstown Housing Strategy (the Housing Strategy) to support the LSPS, *Connective City 2036* to guide future planning decisions in the City.



With a forecast population of 500,000 by 2036, the Housing Strategy intends to deliver 80% of new dwellings within walking distance of centres as set out in the LSPS, with a majority of the dwelling targets to be delivered in places of high amenity such as the Bankstown Strategic Centre and the Campsie Town Centre.

The proposal delivers on the following strategic directions:

- #3– Focus at least 80% of new dwellings within walking distances of centres and places of high amenity;
- #4– Ensure new housing in centres and suburban areas are compatible with the local character, and;
- #6–Design quality housing to maximise liveability and provide positive built form outcomes.

The proposal and intended form of housing supply aligns with the guiding principles of the strategy that new housing is best located within walking distance of centres, open space and places of high amenity and that the new housing is compatible with the existing or desired future character of the centres.

4.4 Canterbury Bankstown Employment Lands Strategy 2020

The vision of Council's Employment Lands Strategy 2020 is to sustainably plan for employment lands to deliver diversity of jobs and maximise employment opportunities. The strategy guides Council's decision making to ensure that there is an adequate and appropriate supply of employment land to meet the needs of businesses and employees.

The planning proposal is consistent with the following strategic directions of the Employment Lands Strategy:

- Improve the amenity of employment precincts;
- Protect employment lands for employment uses; and
- Leverage infrastructure that supports jobs growth.

Council's Employment Lands Strategy (ELS) 2020 approximates that the existing retail and commercial Gross Floor Area (in 2019) of Chullora Marketplace is 20,659m². This commercial GFA accounts for an approximate FSR of 0.36:1.

As submitted to DPIE, the planning proposal sought to restrict the amount of residential to 0.65:1 in order to allow for (and protect) 0.35:1 for non-residential / employment uses. 0.36:1 is marginally higher than the proposed minimum (instead of maximum) commercial FSR at 0.35:1 for non-residential purposes.

Notwithstanding, the alteration to the Gateway Determination of 12 February 2021 instructed Council to prepare a study to ensure the proposal is consistent with Council's



ELS 2020 and to justify the proposed floor space ratio through a study. DPIE later confirmed that a consultant's advice in the form of a letter would satisfy the above study requirement.

In March 2021, Council engaged Hill PDA (who Council engaged to undertake the ELS) to review and confirm the matters raised by the Department, particularly in relation to the ELS 2020 forecast for 8,700 sqm retail space and 9,900 sqm commercial floor area for Chullora Marketplace and where this floor area was intended to be accommodated. In response to DPIE's concerns, and particularly in light of the impacts of the global pandemic's impacts on retail and office, the key findings from the Hill PDA review are identified below:

- In the ELS, whilst the reference is to 'Chullora Marketplace', Chullora's trade area was defined through a small area known as 'Greenacre-Mount Lewis-Chullora'. As the Greenacre trade area is partly within the Chullora Marketplace, the demand for increased floor space can be taken up in Greenacre.
- This would also ensure that Chullora Marketplace will not impact on the viability of Greenacre, and the provision of increased non-residential floor area in Greenacre will benefit this centre significant and assist in reinforcing the centre as a successful centre.
- The ELS 2020 identified that at the time of preparation of the strategy in 2019, Chullora Marketplace had twice as much department store floor space than required and that the Big W store at that time was likely to be trading below benchmark levels (correlating with the closure of 30 Big W stores across Australia).
- That due to the uncertainty caused by COVID 19 pandemic and social restriction requiring people to work from home and rise of online shopping trends, there are immediate short terms and long term implications to the future of retail and commercial use and demand for these spaces, which needs to be reflected in ELS 2020 in its next review.
- COVID implications and the recent change in retail mix within Chullora shopping centre is likely to reduce the demand for total retail floor space by as much as 3,000sqm and this would result in a downward revision of forecast demand (retail space) to 2036 to around 4,500sqm (GLAR, equivalent to approximately 5,300sqm GFA) rather than the 8,700sqm GFA forecast in the ELS.
- The uplift from the NELAP (incorporated into the consolidated Canterbury Bankstown LEP) includes a further 5,000sqm of retail and commercial services in Greenacre.



- That the above revised forecast for retail floor space has implications on the demand for office space as well, which will see it revised down to 7,000sqm GFA (as opposed to 9,900 sqm predicted in ELS 2020) by 2036.
- That as Chullora and Greenacre share relatively similar trade catchment, the demand for increased retail floor space (5,300sqm) for the catchment area could be taken up in Greenacre rather than at Chullora Marketplace. This increased retail floor space would also need to be supported by approximately 1,000 GFA of non-retail commercial uses.
- That there is flexibility in the market to accommodate forecast commercial space between centres, such as Bankstown CBD in addition to Greenacre. Council's North East Local Area Plan (Greenacre Town Centre) and the Bankstown CBD Local Area Plan provide indication of such need and the flexibility which occurs between these centres.
- In addition to the above, the ELS 2020 also refers to the future potential for the Chullora industrial area to diversify the types of jobs into a "Chullora Technology Park" (s8.2.2, s11.1.4 & s12.3) whilst recognising the retain and manage status of the industrial precinct as outlined in the South District Plan. This provides a further alternative location for non-retail commercial office space.
- As it transitions to a technology park the Chullora industrial area will capture much of the demand for non-retail commercial floor space further reducing the requirement for such floor space being required on the Chullora Marketplace site. Chullora Technology Park could accommodate up to 6,000sqm by 2036 if it develops successfully as a high-tech industrial precinct with new industries.
- Although *A Metropolis of Three Cities* supports Councils to consider offices as a permissible use in an industrial precinct to grow the local office market, support local jobs growth and a mix of employment opportunities, in accordance with the *South District Plan*, Council is required to conduct a separate detailed **strategic review** of the industrial land before proposing a change to the uses permitted in the Chullora Industrial Precinct.
- Whilst a cap on residential of 0.65:1 is the equivalent of a non-residential FSR of 0.35:1, it is recommended that the FSR is amended to reflect a non-residential FSR of 0.35:1.

A copy of the advice from Hill PDA is included with this planning proposal. On this basis, Council has amended the planning proposal to provide a minimum non-residential FSR of 0.35:1 instead of a maximum residential of 0.65:1. In line with this advice and Council's assessment, the planning proposal is consistent with section 9.1



Direction 1.1 Business and Industrial Zones as well as Council's ELS 2020 and addresses DPIE's altered gateway condition 9.

4.5 North East Local Area Plan

This planning proposal is inconsistent with the North East Local Area Plan (Action L3), which seeks to maintain the neighbourhood character of the Chullora Marketplace site.

According to Action L3, the site comprises a low-rise commercial built form which is compatible with the surrounding low density neighbourhood area. It is recommended to maintain the existing 3 storey limit. The Local Area Plan identifies Greenacre and Punchbowl as the local centres supporting the local area.

Whilst this planning 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.

4.6 Canterbury Bankstown Affordable Housing Strategy 2020

On 23 June 2020, Council adopted the Canterbury Bankstown Affordable Housing Strategy to support the LSPS, *Connective City 2036* to guide future planning decisions in the City.

The objectives of the Affordable Housing Strategy is to reduce the level of housing stress experienced by residents across the City of Canterbury Bankstown so that the community can thrive socially and economically by increasing the provision of affordable rental housing.

The Affordable Housing Strategy amends Council's Planning Agreement Policy to require a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1000m² of residential floorspace, unless otherwise agreed with Council.

This planning proposal does not increase the overall existing FSR for 355 Waterloo Road, which does not trigger this Strategy.

The proposed rezoning of 353 Waterloo Road from Zone R2 Low Density Residential to Zone B2 Local Centre will amend the existing residential FSR from 0.5:1 to 0.65:1 (excluding the minimum of non-residential FSR of 0.35:1) which equates to a marginal increase in residential FSR uplift, significantly lower than 1000sqm uplift that would trigger the 5% affordable housing contribution.



In consideration to the above, this planning proposal is broadly consistent with the Canterbury Bankstown Affordable Housing Strategy 2020. The planning proposal will provide a range of dwelling mixes on the site from town houses to shop-top housing and residential flat buildings within a mixed use development. This will increase housing options and choices for the community in the locality as the existing character of the area is predominantly dwelling houses.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with applicable State Environmental Planning Policies (refer to Attachment A), namely:

5.1 State Environmental Planning Policy No. 19 (Bushland in Urban Areas)

The SEPP aims to protect and preserve bushland within the urban areas.

The site adjoins Norfolk Reserve (67–67A Norfolk Road and 11 Watergum Way, Greenacre). According to Council's Community Land Generic Plan of Management, Norfolk Reserve contains bushland and endangered ecological communities.

Council's urban design peer review recommends a 14 metre building height (4 storeys) and a landscaped buffer of a minimum of 15m (vehicular access) or 12m (pedestrian access only) along the eastern boundary to protect the environmentally sensitive area. This planning proposal implements the recommendations of the urban design peer review.

This matter is further discussed in Section 6.2, Direction 2.1 (Environment Protection Zone) of this planning proposal.

5.2 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

The SEPP and supporting Apartment Design Guide apply design quality principles to improve the design quality of residential apartment development. To address the design quality principles, Council commissioned an urban design peer review to recommend an appropriate building envelope for the site. The peer review makes the following recommendations:

Urban Design Peer Review Recommendations:

| 355 Waterloo Road | Existing controls | Recommended controls (urban design peer review) |
|--------------------------|--------------------------|--|
| Zone | B2 Local Centre | B2 Local Centre (no change) |
| Maximum building height | 11 metres | 11–20 metres |



| | | |
|------------------------------|----------------------------|--|
| | (3 storeys) | (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** |
| 353 Waterloo Road | Existing controls | Recommended controls (urban design peer review) |
| 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 ² | Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre |

* Following the Gateway determination, the maximum height of building along southern boundary has been reduced from 11m to 9m.

** The Department of Planning, Industry and Environment's alteration to Gateway Determination of 12 February 2021 suggested that the proposed maximum residential floor space ratio may not guarantee delivery of the intended commercial GFA on the site. Consistent with the Department's recommendation and findings from Hill PDA in March 2021, instead of specifying a maximum residential FSR, it is now recommended that a minimum floor space ratio of 0.35:1 for the purposes of non-residential development be provided on the site.

Proposed Controls (Post Altered Gateway and supported by Hill PDA):

| | | |
|---|----------------------------|--|
| 355 Waterloo Road (Chullora Marketplace) | Existing controls | Proposed controls (2021) |
| Zone | B2 Local Centre | B2 Local Centre (no change to zone) |
| Maximum FSR | 1:1 | 1:1 with a minimum FSR of 0.35:1 for non-residential development |
| Maximum building height | 11 metres (3 storeys) | 9m (2 storeys) - south boundary 14m (4 storeys) - east and west boundary 20m (6 storeys) - remainder of site |
| 353 Waterloo Road (house site) | Existing controls | Proposed controls |
| Zone | R2 Low Density Residential | B2 Local Centre |



| | | |
|------------------------------|----------------------|--|
| Maximum FSR | 0.5:1 | 1:1 with a minimum FSR of 0.35:1 for non-residential development |
| Maximum building height | 9 metres (2 storeys) | 14 metres (4 storeys) |
| Minimum subdivision lot size | 450m ² | Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre |

This planning proposal has been updated to implement the recommendations of the Gateway Determination.

Justification on the potential overshadowing impacts on the adjoining dwellings along Norfolk Road and Waterloo Road

On 12 November 2020, Council responded to the Department in relation to the Gateway Determination with certain supplementary information. This included providing shadow diagrams to demonstrate the potential ‘worst case’ overshadowing impacts on the adjoining dwellings along Norfolk Road and Waterloo Road.

The shadows diagrams indicate that the shadow impact is confined to the northern end of the adjoining properties. The properties containing single houses are minimally affected, with the shadows partially affecting the northern end of their rear yards but not their dwelling. The diagrams indicate that the properties will receive greater than 6 hours sunlight to their yards and northern elevations in mid-winter.

The shadow diagrams indicate that the northern elevations of the multi-dwelling house at 95-97 Norfolk Road, will receive four hours of sunlight between 10am-2pm and that the courtyards of the northern dwellings will receive 3 hours sunlight to 50% of their area between 11am-2pm.

According to the Bankstown Development Control Plan 2015 at least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm.

Council notes that the shadow diagrams consider filling the building envelope to demonstrate the ‘worst case’ overshadowing impacts. The demonstrated overshadowing impact is further reduced following considerations to the recommended setback controls and other design requirements to deliver an articulated built space which is lesser in bulk than the building envelope represented on the shadow diagram.

On 12 February 2021, the Department confirmed that the above matters are satisfactory. The above matters have been implemented into the site specific DCP which includes relevant setbacks to ensure the overshadowing impact on the adjoining



dwelling along Norfolk Road and Waterloo Road is reasonable and in line with the current planning controls. The site specific DCP is being exhibited concurrently with this planning proposal.

5.3 State Environmental Planning Policy (Infrastructure) 2007

The SEPP identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. The site is in the vicinity of the Hume Highway (state road) and Waterloo Road (regional road).

Council reviewed the traffic and transport needs to support this planning proposal. The infrastructure works include (but are not limited to):

| Infrastructure | Proposed Improvements |
|--|---|
| Footpaths and public domain works | <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.• Improved street lighting in the mid-block connection that links the site to Watergum Way. |
| Traffic and transport related infrastructure | <ul style="list-style-type: none">• New signalised pedestrian crossing on the northern side of the Waterloo Road and Norfolk Road intersection.• New roundabout and associated splitter islands at the Waterloo and Como Roads intersection.• Two new bus shelters on Waterloo Road, fronting the site. |

Council's assessment and the Gateway Determination identified the need for additional information to inform Council's consultation with the Roads & Maritime Services (now Transport for NSW). The additional information included:

- The raw data to validate the results shown in Figure 2 and 3 of the Revised Traffic Study (prepared by Colston Budd Rogers & Kafes Pty Limited, dated March 2019), including dates and times of the survey undertaken.
- 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.



In May 2020, applicant submitted the above information for Council's consideration as part of the requirements of the Gateway determination. This information was submitted to the Department in November 2020. A further update to this section will occur following consultation with the Roads & Maritime Services / Transport for NSW.

6. Is the planning proposal consistent with applicable Ministerial Directions?

This planning proposal is generally consistent with applicable Ministerial Directions (refer to Attachment B), namely:

6.1 Direction 1.1 (Business and Industrial Zones)

The objectives of the direction are to encourage employment growth in suitable locations, and to protect employment land in existing business and industrial zones. This planning proposal gives effect to the objectives of the direction.

Clause (4) of the Direction provides that:

(a) Give effect to the objectives of this direction,

The planning proposal gives effect to this Direction for the reasons set out in this section and 4.4 of the planning proposal, primarily that the planning proposal retains and expands the areas / locations of existing business zones and does not reduce the **potential** floor space area for employment uses.

(b) retain the areas and locations of existing business and industrial zones,

This planning proposal intends to both retain and expand the existing business zone by rezoning a lot at No. 353 Waterloo Road, Greenacre from Zone R2 Low Density Residential to Zone B2 Business Zone. The proposal does not reduce the extent of the existing business zone for the lot at No.355 Waterloo Road, Greenacre.

*(c) not reduce the total **potential** floor space area for employment uses and related public services in business zones.*

The existing Floor Space Ratio of the subject site is 1:1 and there is no restriction currently on the extent of business or residential floor space area that can be realised on 1:1 FSR. Current permissible uses in the zone include residential flat buildings. The existing total potential floor space area for employment uses is 56,303m². The proposed total potential floor space area for employment uses from this proposal is 57,000m², a combined floor space areas of No. 355 and 353 Waterloo Road, Greenacre.

The planning proposal does not intend to reduce the existing FSR on the subject site. Therefore, it does not intend to reduce the total *potential floor space area for*



employment. Additionally, with the proposed rezoning of No. 353 Waterloo Road to Zone B2, the planning proposal increases the total potential floor space area for employment.

Notwithstanding the above, the alteration to the Gateway Determination of 12 February 2021 instructed Council to review the proposed FSR in terms of consistency of this planning proposal on delivering forecast retail and commercial GFA identified in Council's Employment Lands Strategy (ELS) 2020 and this ministerial direction.

In March 2021, Council engaged Hill PDA to review and confirm the matters raised by the Department, particularly certain matters relating to the ELS 2020 which are discussed in detail in Section 4.4 of this planning proposal.

Based on consideration of the advice provided by Hill PDA, the planning proposal has amended the proposed maximum residential FSR cap of 0.65:1 and instead proposed a minimum non-residential FSR of 0.35:1.

This will ensure the forecasts of the ELS are maintained, whilst also increasing the amount of non-residential FSR for the site (which currently allows unlimited residential development). Refer to Section 4.4 for further details.

(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

The proposal is not a new employment area in accordance with a strategy approved by the Secretary of the Department of Planning and Environment.

Notwithstanding, in June 2020, Council endorsed the Canterbury Bankstown Employment Lands Strategy (ELS) 2020 which confirms that the existing retail and commercial GFA (in 2019) of Chullora Marketplace is 20,659m², which equates to approximately 0.35:1 FSR. Notwithstanding, the existing Chullora Marketplace development is not what the Ministerial Direction is seeking to protect. Instead, it is the zoning and the potential floor space.

As detailed above and in section 4.4, the proposed minimum non-residential FSR of 0.35:1 safeguards the commercial floor space forecast by the ELS. As a minimum, the FSR also facilitates commercial floor space from a minimum of 0.35:1 up to a maximum of 1:1 FSR. With consideration of the potential maximum FSR, the centre is able to potentially achieve 57,000m² commercial gross floor area.

6.2 Direction 2.1 (Environment Protection Zone)

The objective of the direction is to protect and conserve environmentally sensitive areas.

Clause (4) of the direction provides that:



A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The site adjoins Norfolk Reserve (67–67A Norfolk Road and 11 Watergum Way, Greenacre). According to Council's Community Land Generic Plan of Management, Norfolk Reserve contains bushland and endangered ecological communities (Figure 2).



Figure 2: Norfolk Reserve, Bankstown Council Generic Plan of Management, (2015)

The Office of Environment and Heritage (the Native Vegetation of the Sydney Metropolitan Area - Version 3.1, OEH 2016) mapped Norfolk Reserve as PCT 725 - *Broad-leaved Ironbark - Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion*. This PCT forms part of the Cooks River/Castlereagh Ironbark Forest (CRCIF) community. The extent of this community



is shown on Figure 3 below. This community is listed as an endangered ecological community under the *Biodiversity Conservation Act 2016*.

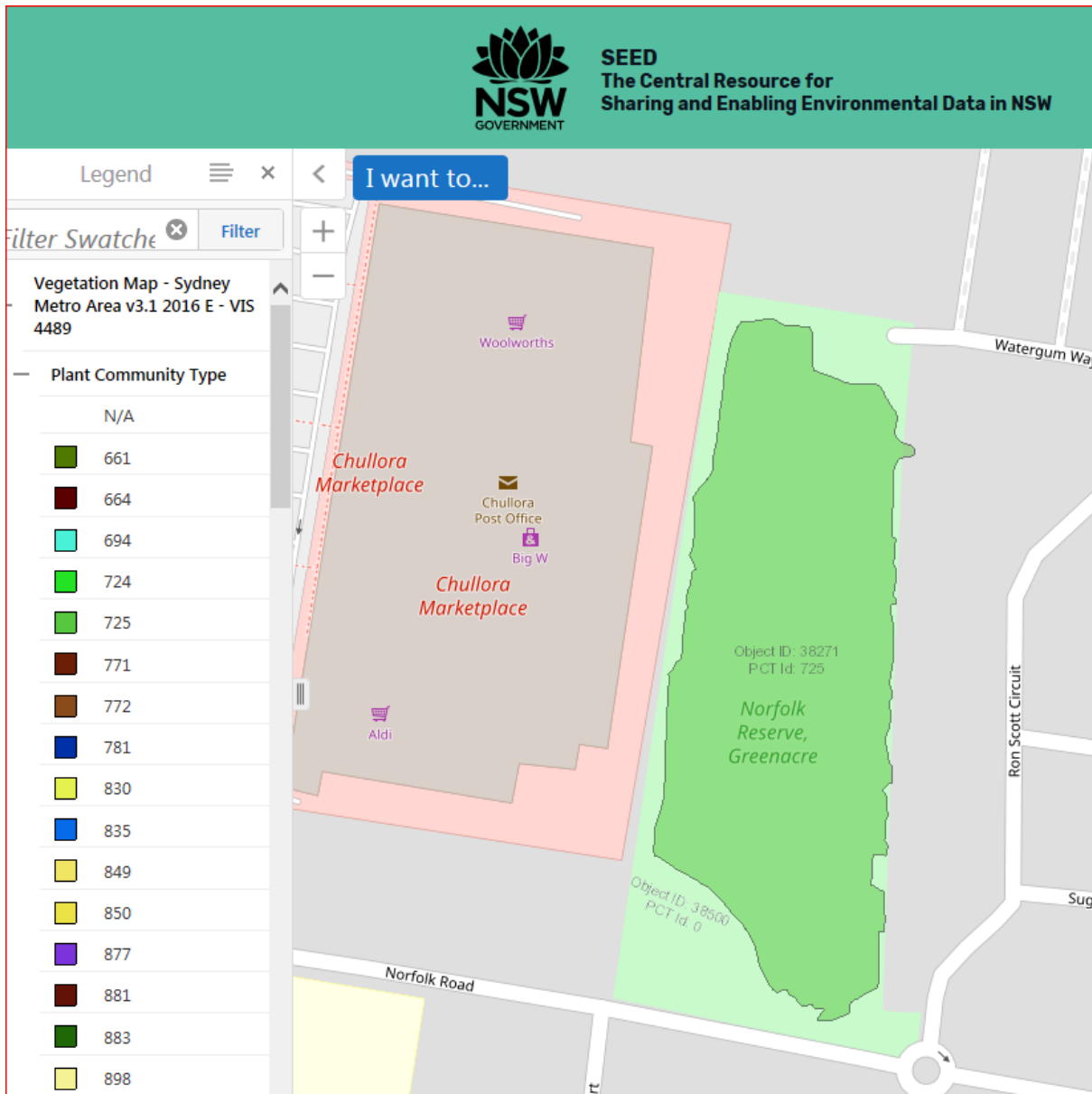


Figure 3: Extent of endangered ecological community in Norfolk Reserve, OEH, 2016

Council's urban design peer review recommended a 14 metre building height (4 storeys) and landscaped buffer along the eastern boundary to protect the environmentally sensitive area. This planning proposal implements the recommendations of the urban design peer review.



A site specific Development Control Plan (DCP) for the planning proposal site requires built forms along the eastern boundary (along Norfolk Reserve) to maintain a setback to avoid adverse overshadowing to the ecological community.

The DCP proposes a rear setback to include a landscape buffer of at least a minimum of 15 metres wide (for vehicular route) or a minimum of 12 metres landscaped buffer for pedestrian-only access. A copy of the site specific DCP is enclosed for the Department's consideration.

Council submitted the following information to the Department in November 2020. The information below (Figures 4 & 5) is an extract from the proponent's submission to the Gateway Determination shows the potential worst-case overshadowing to the reserve when a setback of 12m is considered along the eastern boundary.

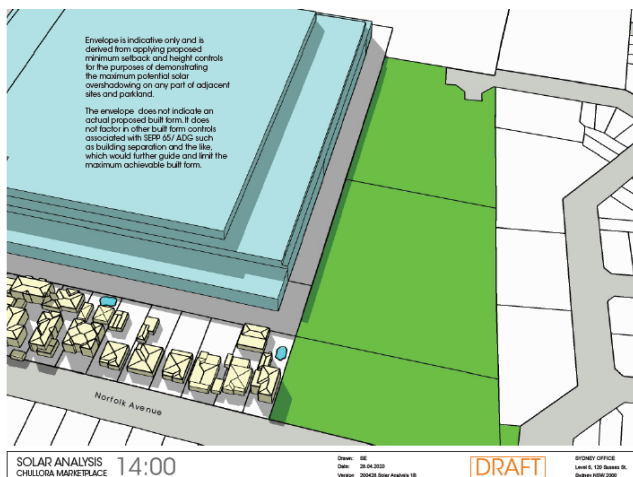


Figure 4: Potential overshadowing (City Plan, May 2020)

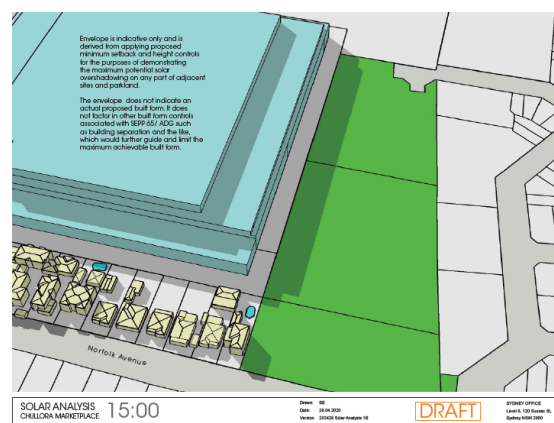


Figure 5: Potential overshadowing (City Plan, May 2020)

According to the information submitted by the proponent, the shadow diagram considered a 12 metre wide setback (from the eastern boundary of the subject site) and fills the building envelope under the proposed controls to illustrate the 'worst case' shadow cast by the development. The information shows shadow diagrams prepared for hourly time periods from 9.00am - 3pm on 21 June (mid-winter).

The shadow diagrams show the following:

- No shadow cast on the Reserve from 9.00am - 1pm;
- At 1.30pm (approx.) the first shadow falls upon the Reserve;
- At 2pm, a narrow band of shadow falls upon the Reserve's western edge but the majority of it is unshaded; and
- At 3pm, the western band of shadow has increased in width but the majority of the Reserve remains unshaded.



Following an assessment of this shadow diagram, Council recommended increasing the setback to a minimum of 15m and has incorporated this into the site specific DCP.

Council's FSR and setback controls, and its design requirements work together to deliver articulated buildings which are lesser in bulk than the building envelope shown above, and as such which will generate less shadow impact than that shown in the diagrams.

Further, a site specific DCP for this planning proposal site is being exhibited concurrently with the planning proposal. The DCP supplements the intent of this planning proposal by providing additional objectives and development controls to enhance the liveability and appearance of residential and commercial development within the subject site, including minimising overshadowing impacts on Norfolk Reserve.

As the site specific DCP is more than the proponent's recommended setback, an increase from 12 metres to 15m between the site and Norfolk Reserve (along the eastern boundary) will minimise the indicated overshadowing impacts to the reserve.

The site specific DCP and the relevant design considerations applying to this planning proposal are supported by an urban design peer review which indicates the potential overshadowing implications to the reserve is minimal and acceptable.

In consideration to the above matters, this planning proposal is consistent with Direction 2.1 Environment Protection.

6.3 Direction 2.3 (Heritage Conservation)

The objective of the direction is to conserve items, areas, objects and places of heritage significance.

Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road as an archaeological site (local significance). According to the application's Heritage Impact Statement, the statement of significance reads:

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 Heritage Impact Statement indicates the proposal 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 assessment supports these findings.



6.4 Direction 3.4 (Integrating Land Use and Transport)

The objective of the direction is to improve access to housing, jobs and services by walking, cycling and public transport.

Council reviewed the traffic and transport infrastructure needs to support this planning proposal. The infrastructure works include (but are not limited to):

| Infrastructure | Proposed Improvements |
|--|---|
| Footpaths and public domain works | <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.• Improved street lighting in the mid-block connection that links the site to Watergum Way. |
| Traffic and transport related infrastructure | <ul style="list-style-type: none">• New signalised pedestrian crossing on the northern side of the Waterloo Road and Norfolk Road intersection.• New roundabout and associated splitter islands at the Waterloo and Como Roads intersection.• Two new bus shelters on Waterloo Road, fronting the site. |

This planning proposal is consistent with the above Direction subject to implementing the planning agreement to ensure the future development of the site is linked to the delivery of enabling infrastructure. The planning agreement is to be exhibited concurrently with the planning proposal.

6.5 Direction 7.1 (Implementation of *A Plan for Growing Sydney*)

This planning proposal is consistent with the Metropolitan Plan, '*A Plan for Growing Sydney*', namely Direction 2.1 to accelerate housing supply across Sydney. This planning proposal supports the growth of new housing near jobs and services.

Minor inconsistencies with some of the Directions are justified below:

6.6 Direction 3.1 (Residential Zones)

The objectives of the direction are to encourage a variety and choice of housing types, and to make efficient use of existing infrastructure and services.



Clause 4(d) of the direction encourages the provision of housing to be of good design. Council commissioned an urban design peer review to recommend an appropriate building envelope for the site. The peer review makes the following recommendations:

| 355 Waterloo Road | Existing controls | Recommended controls (urban design peer review) |
|------------------------------|----------------------------|---|
| Zone | B2 Local Centre | B2 Local Centre (no change) |
| Maximum building height | 11 metres (3 storeys) | 11–20 metres (3–6 storeys)* |
| Maximum FSR | 1:1 | 1:1, including a minimum floor space ratio of 0.35:1 for the purposes of non-residential development. |
| 353 Waterloo Road | Existing controls | Recommended controls (urban design peer review) |
| Zone | R2 Low Density Residential | B2 Local Centre |
| Maximum FSR | 0.5:1 | 1:1, including a minimum of 0.35:1 for the purposes of non-residential development. |
| Maximum building height | 9 metres (2 storeys) | 14 metres (4 storeys) |
| Minimum subdivision lot size | 450m ² | Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre |

* Following the Gateway determination, the maximum height of building along southern boundary has been reduced from 11m to 9m.

The planning proposal has been amended to require a minimum 0.35:1 FSR for non-residential uses (i.e a maximum 0.65:1 FSR for the purposes of residential development), which may be inconsistent with clause 5(d) of the direction. The clause discourages planning proposals to reduce the permissible residential density of the land.

However, in accordance with clause 6, this planning proposal may be inconsistent if justified by a study prepared in support of the proposal.



To ensure that the residential uses do not dominate the site, Council's urban design peer review recommends setting a maximum 0.65:1 floor space ratio for the purposes of residential development.

Council is of opinion that the above inconsistency is minor in nature. This planning proposal implements the FSR recommendations of an Urban Design Peer review which intends to provide up to 0.65:1 of residential, with a subsequent 0.35:1 FSR for commercial purposes to fulfil the strategic vision of Chullora as a local centre.

Notwithstanding the urban design peer review recommendation, in response to the altered Gateway, Council sought advice from Hill PDA on the suitability of the proposed minimum non-residential FSR towards achieving the predicted future retail/commercial GFA for Chullora. The advice from Hill PDA is to invert the FSR so that it specifies a minimum 0.35:1 non-residential FSR instead of maximum 0.65:1 residential FSR. This is consistent with the urban design peer review, and will also ensure that the proposal is consistent with Council's Employment Lands Strategy 2020 (further discussed in Section 4.4 of this planning proposal).

6.7 Direction 4.3 (Flood Prone Land)

The objective of the 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.

The site is subject to medium risk stormwater flooding at 353 Waterloo Road and in the north-east corner of 355 Waterloo Road. According to Bankstown Development Control Plan 2015—Part B12, the medium flood risk precinct is defined as '*land below the 100 year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. There would still be a significant risk of flood damage in this precinct. However, these damages can be minimised by the application of appropriate development controls*'.

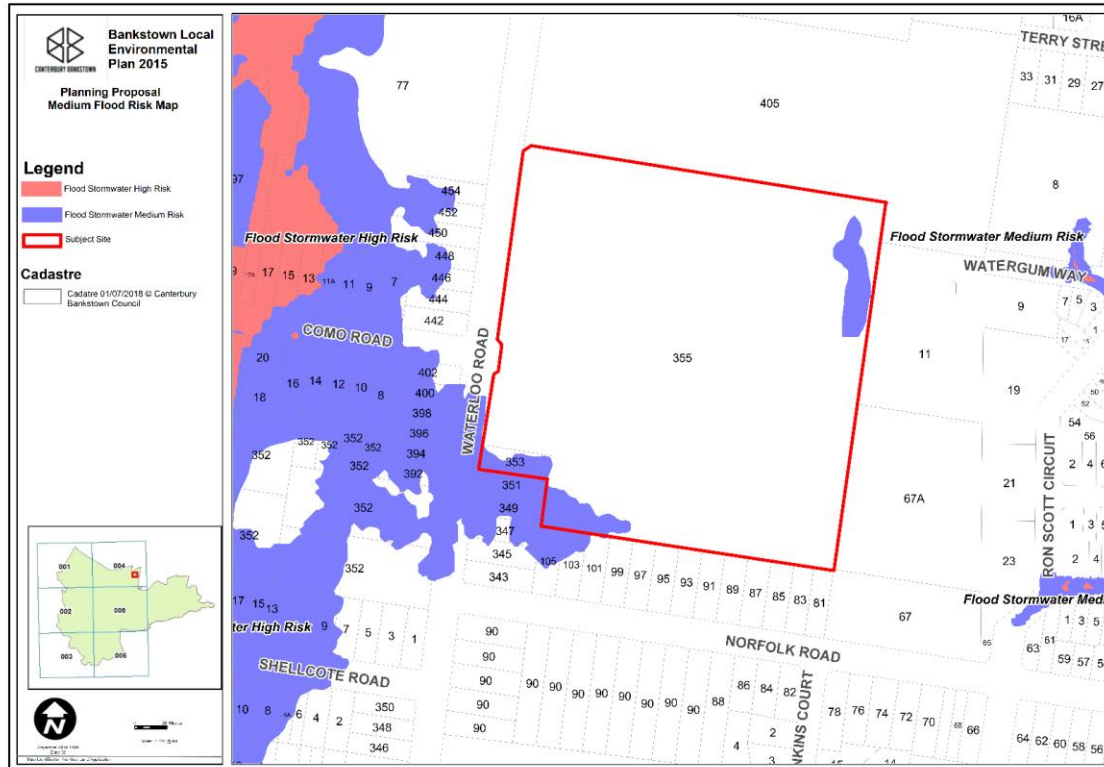


Figure 6: Medium Flood Risk affectation to 353-355 Waterloo Road

The inconsistency arising from the above is considered minor in nature. In accordance with clause 9(b), the inconsistency relating to the management any risks resulting from the future redevelopment of the site may be satisfactorily addressed by applying the provisions of Bankstown Development Control Plan 2015–Part B12 as part of the development application process.

Section C–Environmental, social and economic impact

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?

The site adjoins Norfolk Reserve (67–67A Norfolk Road and 11 Watergum Way, Greenacre). According to Council’s Community Land Generic Plan of Management, Norfolk Reserve contains bushland and endangered ecological communities.

Council’s urban design peer review recommended a 14 metre building height (4 storeys) and landscaped buffer along the eastern boundary to protect the environmentally sensitive area. This planning proposal implements the recommendations of the urban design peer review.



This matter is further discussed in section 6.2 of this planning proposal under Direction 2.1 (Environment Protection Zone).

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of this planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

9.1 Social effects

This planning proposal adequately addresses social effects subject to implementing the planning agreement to ensure the future development of the site is linked to the delivery of enabling infrastructure.

The application's Social Impact Assessment Report recommends a publicly accessible plaza, new footpaths, public domain works, playground improvements and community space to support this planning proposal. The report also indicates there are a number of primary and secondary schools located within the vicinity of the site. These schools have sufficient capacity to accommodate additional demand created by future development in the area. The nearest hospital is the Bankstown–Lidcombe Hospital in Bankstown, located approximately 7km southwest of the site.

Council reviewed the social infrastructure needs to support this planning proposal. The infrastructure works include (but are not limited to):

| Infrastructure | Proposed Improvements |
|--|---|
| Open space and playground infrastructure | <ul style="list-style-type: none">• A publicly accessible plaza, with potential for some civic functions to create a focal point and a sense of place for the community.• Improved playground equipment in Northcote Reserve (260 Waterloo Road, Greenacre). |
| Footpaths and public domain works | <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. |



| | |
|--|---|
| | <ul style="list-style-type: none">• Improved street lighting in the mid-block connection that links the site to Watergum Way. |
| Traffic and transport related infrastructure | <ul style="list-style-type: none">• New signalised pedestrian crossing on the northern side of the Waterloo Road and Norfolk Road intersection.• New roundabout and associated splitter islands at the Waterloo and Como Roads intersection.• Two new bus shelters on Waterloo road, fronting the site. |
| Community facilities | <ul style="list-style-type: none">• The proponent to contribute to a district level recreation facility and district level community facility in the Greenacre locality. |

At the Ordinary Meeting of 23 July 2019, Council resolved to prepare a planning agreement to ensure the future development of the site is linked to the delivery of enabling infrastructure. A draft planning agreement which is to be concurrently exhibited with this planning proposal, details the scope of works for the above infrastructure.

9.2 Economic effects

This planning proposal adequately addresses economic effects in relation to potential impacts on the local centre in Greenacre.

The application's Economic Report indicates this planning proposal does not impact on the role of Greenacre within the centres hierarchy. According to the report, 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 Impact Analysis Report impacts on Greenacre are likely to be minimal. Council's assessment supports these findings.

In June 2020, Council endorsed Canterbury Bankstown Employment Lands Strategy (ELS) the vision of which is to sustainably plan for employment lands to deliver a diversity of jobs and maximise employment opportunities.

As the planning proposal was submitted to the Department prior to the adoption of the ELS, the Economic Impact Analysis Report does not address the vision and strategic directions of the ELS yet.

The Department's South District Plan identifies that local centres may grow and evolve over time. The future growth of the centre will be achieved by making gradual changes to Council's planning controls over the years, such as the subject planning proposal.

This planning proposal is expected to generate approximately 719 operational and 696 construction jobs.



Section D–State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Council reviewed the public infrastructure needs to support this planning proposal. The infrastructure works include (but are not limited to):

| Infrastructure | Proposed Improvements |
|--|--|
| Open space and playground infrastructure | <ul style="list-style-type: none"> • A publicly accessible plaza, with potential for some civic functions to create a focal point and a sense of place for the community. • Improved playground equipment in Northcote Reserve (260 Waterloo Road, Greenacre). |
| Footpaths and public domain works | <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. • Improved street lighting in the mid-block connection that links the site to Watergum Way. |
| Traffic and transport related infrastructure | <ul style="list-style-type: none"> • New signalised pedestrian crossing on the northern side of the Waterloo Road and Norfolk Road intersection. • New roundabout and associated splitter islands at the Waterloo and Como Roads intersection. • Two new bus shelters on Waterloo road, fronting the site. |
| Community facilities | <ul style="list-style-type: none"> • The proponent to contribute to a district level recreation facility and district level community facility in the Greenacre locality. |

At the Ordinary Meeting of 23 July 2019, Council resolved to prepare a planning agreement to ensure the future development of the site is linked to the delivery of enabling infrastructure. A draft planning agreement which is to be concurrently exhibited with this planning proposal, details the scope of works for the above infrastructure.



11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

An update to this section will occur following consultation with public authorities in accordance with the Gateway Determination.

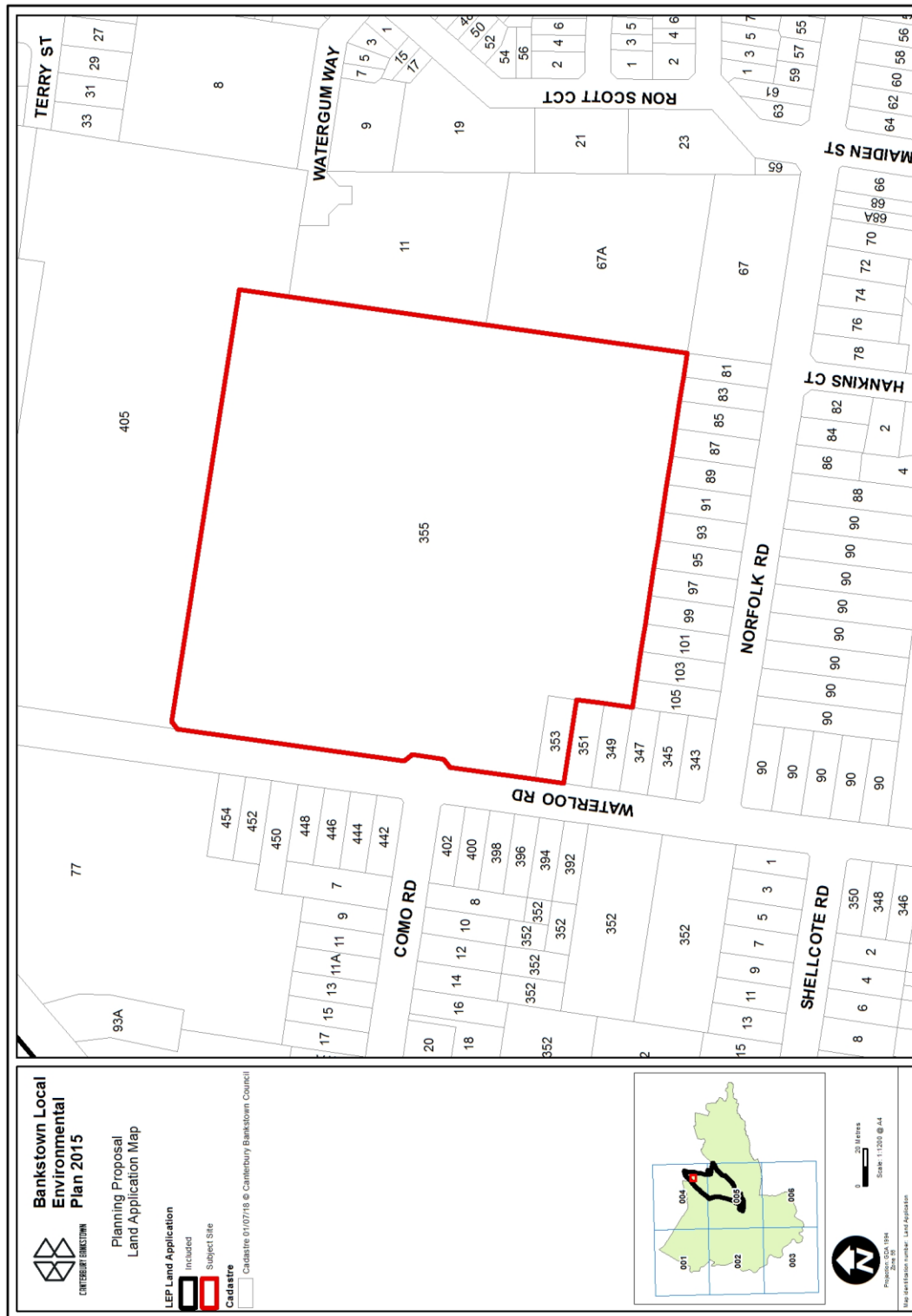
Part 4 – Maps

The maps accompanying this planning proposal are:

- Map 1 – Land Application Map
- Map 2 – Existing Land Zoning Map
- Map 3 – Proposed Land Zoning Map
- Map 4 – Existing Floor Space Ratio Map
- Map 5 – Proposed Floor Space Ratio Map
- Map 6 – Existing Building Height Map
- Map 7 – Proposed Building Height Map
- Map 8 – Existing Lot Size Map
- Map 9 – Proposed Lot Size Map

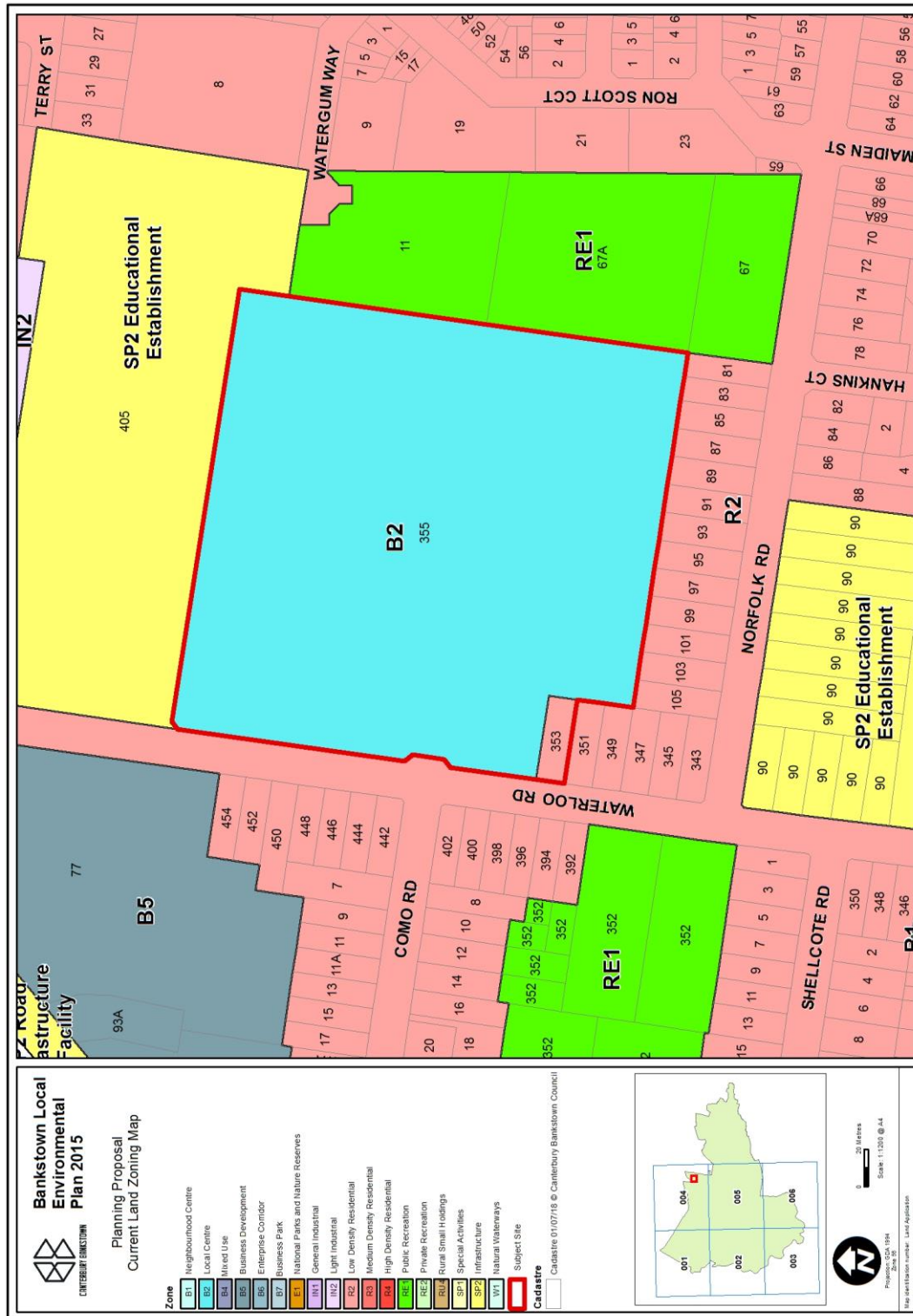


Map 1: Land Application Map



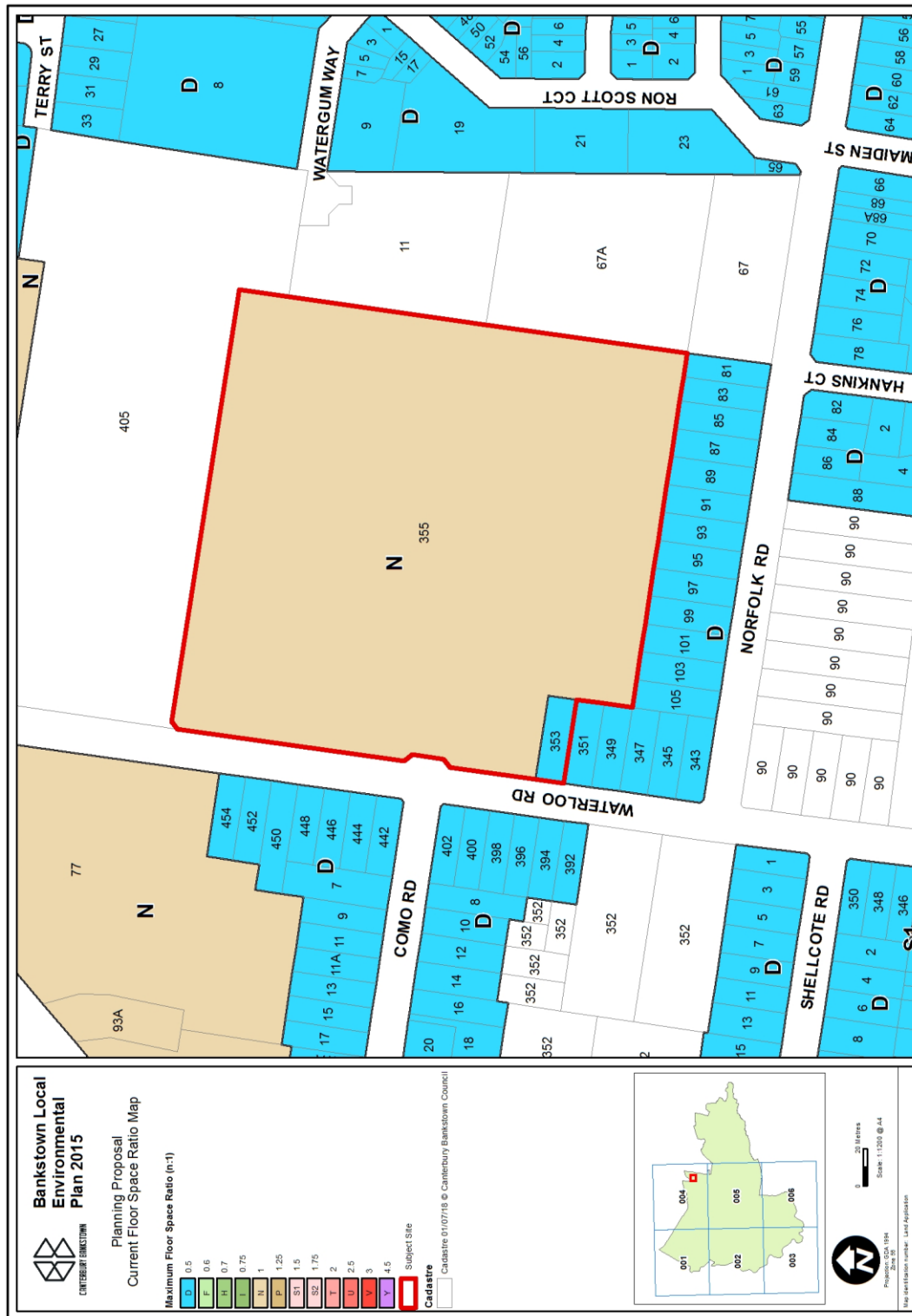


Map 2: Existing Land Zoning Map



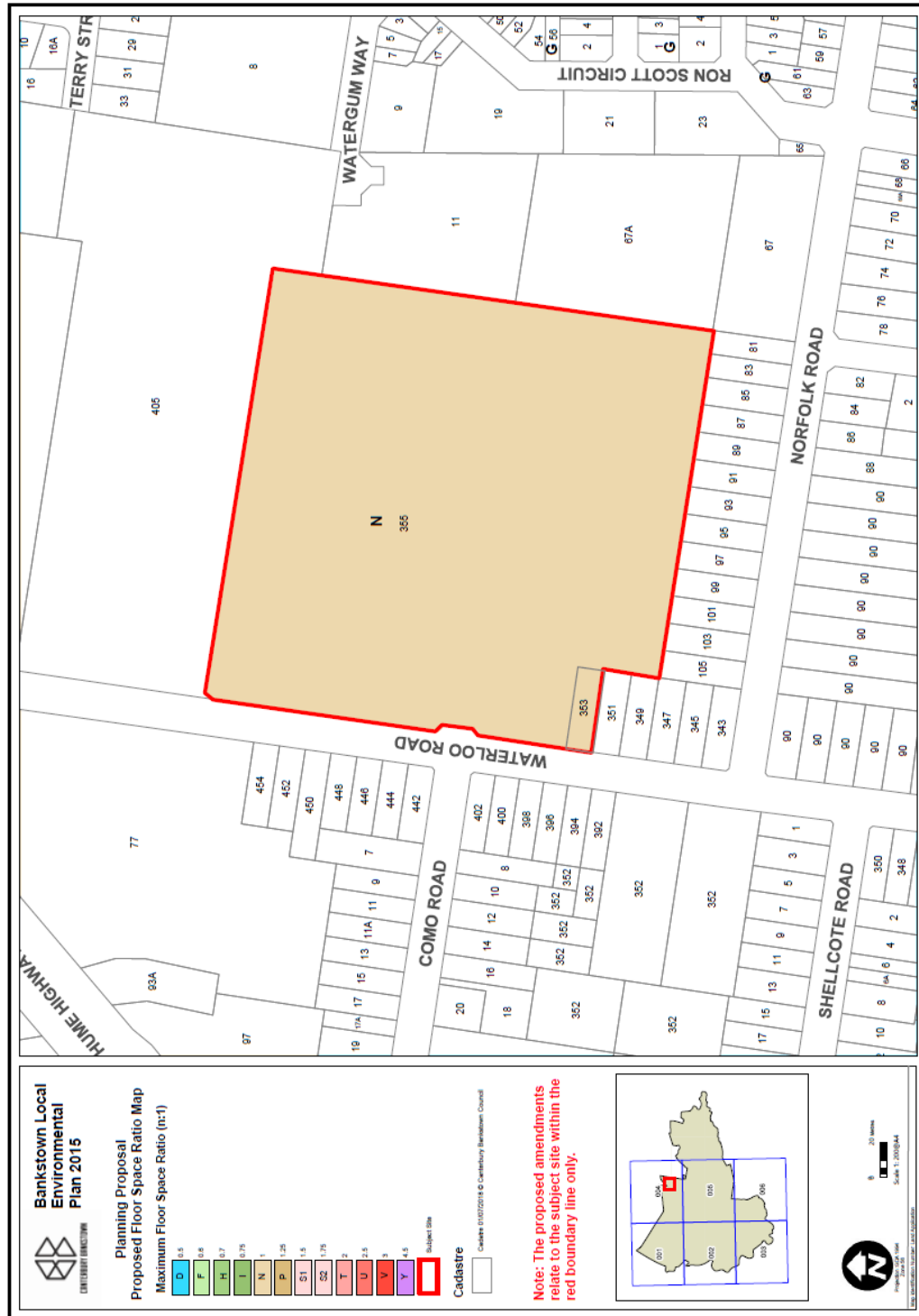


Map 4: Existing Floor Space Ratio



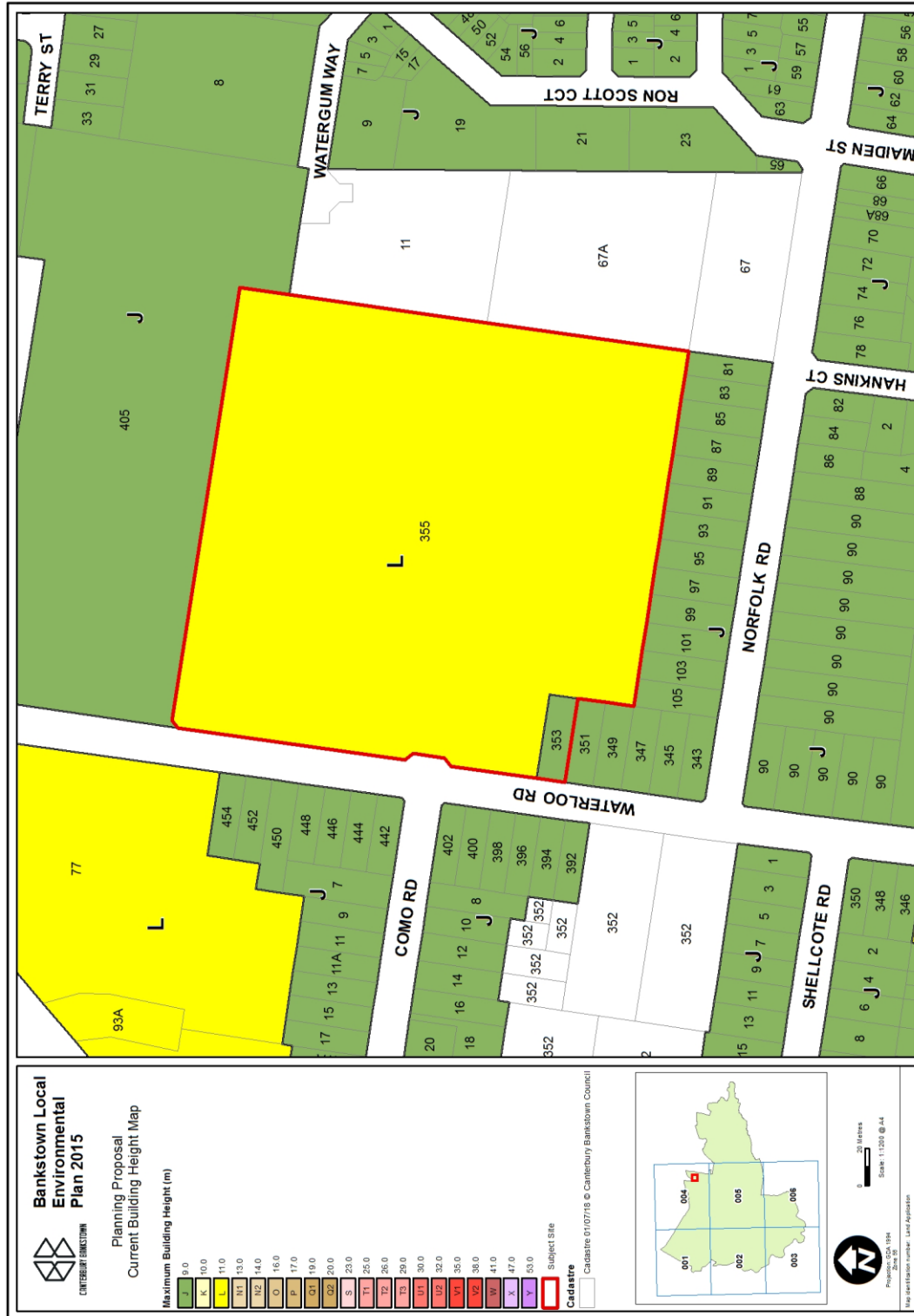


Map 5: Proposed Floor Space Ratio



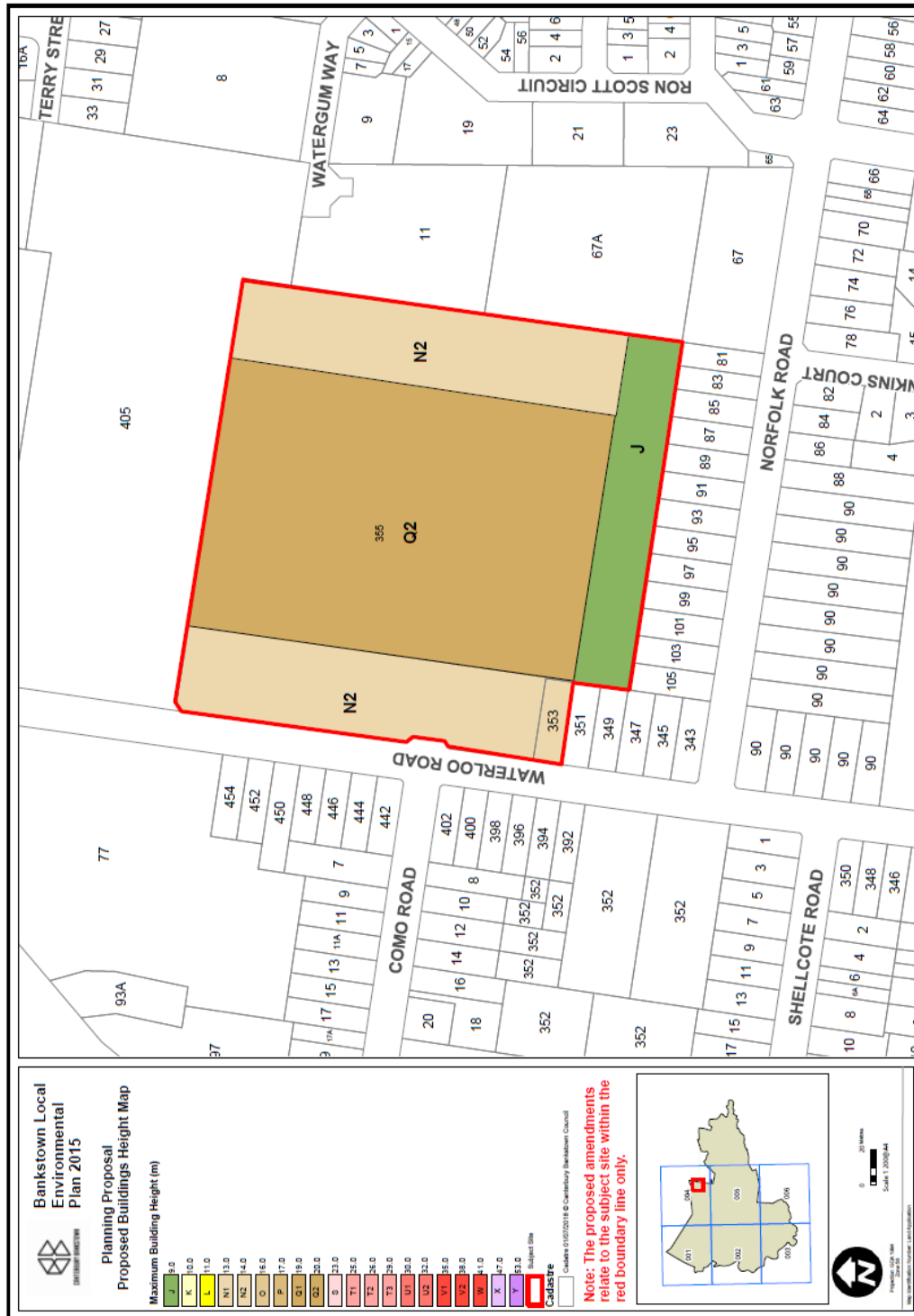


Map 6: Existing Building Height





Map 7: Proposed Building Height





Map 8—Existing Lot Size Map



Map 9—Proposed Lot Size Map





Part 5 – Community Consultation

The exhibition period for this planning proposal is likely to take a minimum 28 days and would comprise:

- Notification in the local newspaper that circulates in the area affected by this planning proposal.
- Display on Council's corporate website.
- Written notification to affected and adjoining property owners.
- Written notification to public authorities including:
 - Chullora Public School
 - NSW Department of Education
 - NSW Department of Planning, Industry and Environment - Environment, Energy and Science group
 - NSW Heritage Office
 - NSW Police
 - South Western Sydney Local Health District
 - Sydney Water
 - Telstra
 - Transport for NSW
 - Ausgrid
 - Local bus operators.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal as stipulated in the gateway determination.



Part 6–Project Timeline

| Dates | Project timeline |
|---------------|--|
| February 2021 | Issue of amended Gateway Determination |
| March 2021 | Exhibit planning proposal |
| May 2021 | Report to Council following the exhibition |
| May 2021 | Submit Draft Local Environmental Plan to Department of Planning, Industry and Environment to be finalised. |



ATTACHMENT A – State Environmental Planning Policies

| SEPPs (as at March 2021) | | Applicable | Consistent |
|--------------------------|---|------------|------------|
| 19 | Bushland in Urban Areas | Yes | Yes |
| 21 | Caravan Parks | Yes | Yes |
| 33 | Hazardous & Offensive Development | Yes | Yes |
| 36 | Manufactured Home Estates | No | N/A |
| 44 | Koala Habitat Protection | No | N/A |
| 47 | Moore Park Showground | No | N/A |
| 50 | Canal Estate Development | Yes | Yes |
| 55 | Remediation of Land | Yes | Yes |
| 64 | Advertising & Signage | Yes | Yes |
| 65 | Design Quality of Residential Apartment Development | Yes | Yes |
| 70 | Affordable Housing (Revised Schemes) | Yes | Yes |
| | (Aboriginal Land) 2019 | No | N/A |
| | (Affordable Rental Housing) 2009 | Yes | Yes |
| | (Building Sustainability Index: BASIX) 2004 | Yes | Yes |
| | (Coastal Management) 2018 | No | N/A |
| | (Concurrences) 2018 | Yes | Yes |
| | (Educational Establishments & Child Care Facilities) 2017 | Yes | Yes |
| | (Exempt & Complying Development Codes) 2008 | Yes | Yes |
| | (Gosford City Centre) 2018 | No | N/A |
| | (Housing for Seniors or People with a Disability) 2004 | Yes | Yes |
| | (Infrastructure) 2007 | Yes | Yes |



| | | | |
|--|---|-----|-----|
| | (Kosciuszko National Park–Alpine Resorts) 2007 | No | N/A |
| | (Kurnell Peninsula) 1989 | No | N/A |
| | (Mining, Petroleum Production & Extractive Industries) 2007 | Yes | Yes |
| | (Miscellaneous Consent Provisions) 2007 | Yes | Yes |
| | (Penrith Lakes Scheme) 1989 | No | N/A |
| | (Primary Production & Rural Development) 2019 | Yes | Yes |
| | (State & Regional Development) 2011 | Yes | Yes |
| | (State Significant Precincts) 2005 | Yes | Yes |
| | (Sydney Drinking Water Catchment) 2011 | No | N/A |
| | (Sydney Region Growth Centres) 2006 | No | N/A |
| | (Three Ports) 2013 | No | N/A |
| | (Urban Renewal) 2010 | No | N/A |
| | (Vegetation in Non–Rural Areas) 2017 | Yes | Yes |
| | (Western Sydney Employment Area) 2009 | No | N/A |
| | (Western Sydney Parklands) 2009 | No | N/A |
| | (Aboriginal Land) 2019 | No | N/A |
| | (Activation Precincts) 2020 | No | N/A |
| | (Major Infrastructure Corridors) 2020 | No | N/A |
| | (Western Sydney Aerotropolis) 2020 | No | N/A |



ATTACHMENT B – Ministerial Directions

| Direction & Issue Date | | Applicable | Consistent |
|--|--|------------|------------|
| Employment and Resources | | | |
| 1.1 | Business and Industrial Zones [01/05/17] | Yes | Yes |
| 1.2 | Rural Zones [14/04/16] | Yes | Yes |
| 1.3 | Mining, Petroleum Production & Extractive Industries [01/07/09] | Yes | Yes |
| 1.4 | Oyster Aquaculture [01/07/09] | No | N/A |
| 1.5 | Rural Lands [28/02/19] | No | N/A |
| Environment and Heritage | | | |
| 2.1 | Environment Protection Zones [14/04/16] | Yes | Yes |
| 2.2 | Coastal Management [03/04/18] | No | N/A |
| 2.3 | Heritage Conservation [01/07/09] | Yes | Yes |
| 2.4 | Recreation Vehicle Areas [14/04/16] | Yes | Yes |
| 2.5 | Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16] | No | N/A |
| Housing, Infrastructure and Urban Development | | | |
| 3.1 | Residential Zones [14/04/16] | Yes | No |
| 3.2 | Caravan Parks & Manufactured Home Estates [14/04/16] | Yes | Yes |
| 3.3 | Home Occupations [01/07/09] | Yes | Yes |
| 3.4 | Integrating Land Use & Transport [14/04/16] | Yes | Yes |
| 3.5 | Development Near Licensed Aerodromes [20/08/18] | Yes | Yes |
| 3.6 | Shooting Ranges [16/02/11] | Yes | Yes |
| 3.7 | Reduction in Non-Hosted Short Term Rental Accommodation Period [15/02/19] | No | N/A |



| Hazard and Risk | | | |
|-------------------|--|-----|-----|
| 4.1 | Acid Sulfate Soils [01/07/09] | Yes | Yes |
| 4.2 | Mine Subsidence & Unstable Land [14/04/16] | No | N/A |
| 4.3 | Flood Prone Land [01/07/09] | Yes | No |
| 4.4 | Planning for Bushfire Protection [01/07/09] | Yes | Yes |
| Regional Planning | | | |
| 5.1 | Implementation of Regional Strategies [01/05/17] | No | N/A |
| 5.2 | Sydney Drinking Water Catchments [03/03/11] | No | N/A |
| 5.3 | Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17] | No | N/A |
| 5.4 | Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15] | No | N/A |
| 5.5 | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked] | No | N/A |
| 5.6 | Sydney to Canberra Corridor [Revoked] | No | N/A |
| 5.7 | Central Coast [Revoked] | No | N/A |
| 5.8 | Second Sydney Airport: Badgerys Creek [Revoked] | No | N/A |
| 5.9 | North West Rail Link Corridor Strategy [30/09/13] | No | N/A |
| 5.10 | Implementation of Regional Plans [14/04/16] | Yes | Yes |
| 5.11 | Development of Aboriginal Land Council Land [06/02/19] | Yes | Yes |
| Local Plan Making | | | |
| 6.1 | Approval & Referral Requirements [01/07/09] | Yes | Yes |
| 6.2 | Reserving Land for Public Purposes [01/07/09] | Yes | Yes |
| 6.3 | Site Specific Provisions [01/07/09] | Yes | Yes |



| Metropolitan Planning | | | |
|-----------------------|---|-----|-----|
| 7.1 | Implementation of A Plan for Growing Sydney [14/01/15] | Yes | Yes |
| 7.2 | Implementation of Greater Macarthur Land Release Investigation [22/09/15] | No | N/A |
| 7.3 | Parramatta Road Corridor Urban Transformation Strategy [09/12/16] | No | N/A |
| 7.4 | Implementation of North West Priority Growth Area Land Use & Infrastructure Implementation Plan [15/05/17] | No | N/A |
| 7.5 | Implementation of Greater Parramatta Priority Growth Area Interim Land Use & Infrastructure Plan [25/07/17] | No | N/A |
| 7.6 | Implementation of Wilton Priority Growth Area Interim Land Use & Infrastructure Plan [05/08/17] | No | N/A |
| 7.7 | Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17] | No | N/A |
| 7.8 | Implementation of Western Sydney Aerotropolis Interim Land Use & Infrastructure Plan [20/08/18] | No | N/A |
| 7.9 | Implementation of Bayside West Precincts 2036 Plan [25/09/18] | No | N/A |
| 7.10 | Implementation of Planning Principles for the Cooks Cove Precinct [25/09/18] | No | N/A |
| 7.11 | Implementation of St Leonards and Crows Nest 2036 Plan | No | N/A |
| 7.12 | Implementation of Greater Macarthur 2040 | No | N/A |
| 7.13 | Implementation of the Pyrmont Peninsula Place Strategy | No | N/A |