

Planning and Assessment

IRF19/6247

Gateway determination report

LGA	Canterbury-Bankstown
PPA	City of Canterbury-Bankstown
NAME	Planning proposal to rezone No. 353 Waterloo Road, Greenacre from R2 Low Density Residential to B2 Local Centre, increase the maximum building height and floor space ratio for the property and remove the minimum lot size control; increase the maximum building height for No. 355 Waterloo Road, Greenacre. A maximum residential floor space ratio will apply across the entire site.
NUMBER	PP_2019_CBANK_003_00
LEP TO BE AMENDED	Bankstown Local Environmental Plan 2015
ADDRESS	353-355 Waterloo Road, Greenacre
DESCRIPTION	Lot 9, DP 10945 and Lot 41, DP 1037863
RECEIVED	30 August 2019
FILE NO.	IRF19/6247
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal submitted for a Gateway determination seeks to amend Bankstown Local Environmental Plan (LEP) 2015 in relation to the site at No. 353-355 Waterloo Road, Greenacre by:

- Introducing a maximum floor space ratio (FSR) for residential development of 0.65:1 to be applied across the entire site;
- In relation to No. 355 Waterloo Road:
 - Amending the maximum building height from 11 metres to 11 metres (approximately 3 storeys) along the southern boundary, 14 metres (approximately 4 storeys) along the eastern and western boundaries and 20 metres (approximately 6 storeys) for the remaining areas;
- In relation to No. 353 Waterloo Road:
 - Rezoning the land from R2 Low Density Residential to B2 Local Centre;

- Increasing the maximum FSR from 0.5:1 to 1:1;
- Increasing the maximum building height from 9 metres (approximately 2 storeys) to 14 metres (approximately 4 storeys);
- Removing the lot from application of the minimum lot size map.

1.2 Background

The planning proposal request was submitted by the proponent to Canterbury-Bankstown Council in May 2018. The site originally consisted of two detached dwellings at 87 Norfolk Road (Lot 24, DP 10945) and 353 Waterloo Road (Lot 9, DP 10945) as well as the Chullora Marketplace shopping centre at 355 Waterloo Road (Lot 41, DP 1037863). The overall site area amounted to 58,460m².

The application included an indicative concept plan (refer to Figure 1 and 2 below), which proposed a mixed-use development (3 to 6 storeys) with shop top housing and associated car parking (1,294 spaces) within podium levels. The proposal sought to include residential flat building as an additional permitted use for No. 87 Norfolk Road (currently zoned R2 Low Density Residential) to facilitate access that will serve the future residential component. The existing commercial GFA of the shopping centre is approximately 24,600m² (based on the Council report).



Figure 1 Original indicative concept master plan (source: GMU)



Figure 2 Artist's impression illustrating the original indicative concept master plan (source: GMU)

In August 2018, the proponent submitted revised masterplan options as the result of a major tenant (Big W) within the Chullora Marketplace not renewing their lease. The departure of this tenant removed a design constraint by not having to maintain the store in its original location. This allowed for a reconfiguration of the preferred master plan and removal of the lot at 87 Norfolk Road from the proposal. It is also noted that Council had concerns with the inclusion of 87 Norfolk Road as part of the site due to potential impacts on a low-density residential street. The amended concept master plan is shown in Figure 3 below.

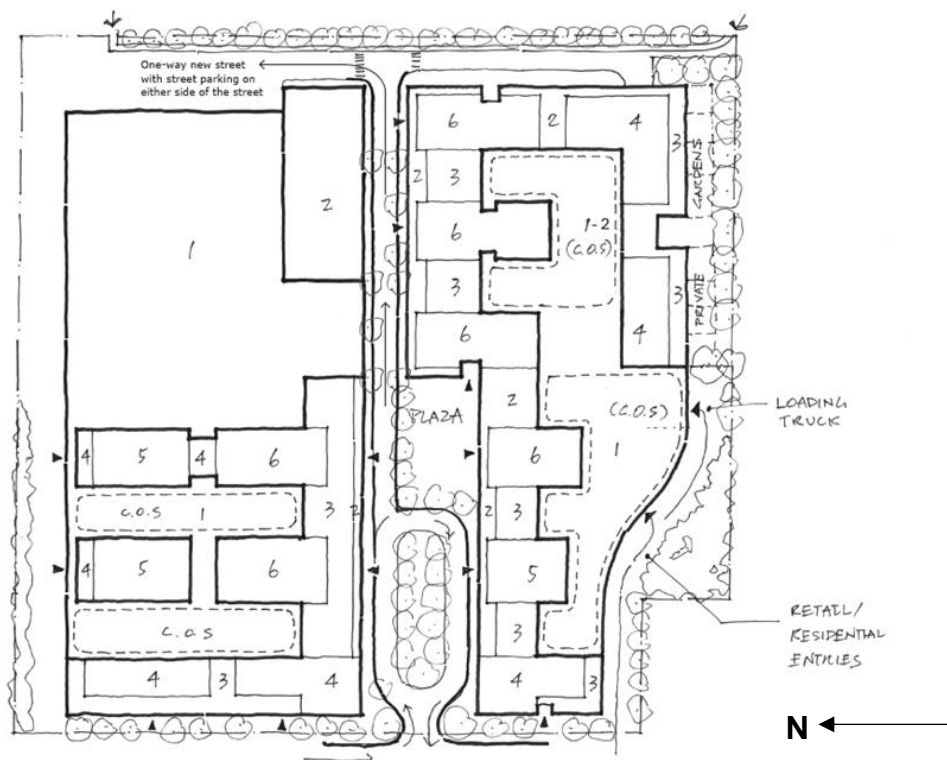


Figure 3 Amended indicative concept master plan by the proponent (source: GMU)

The amended concept master plan would result in a commercial GFA of approximately 18,176m² to 19,312m² (existing commercial GFA is approximately 24,600m²) and a total GFA of up to 59,012m². The building heights were adjusted to 2 to 6 storeys.

The Council has commissioned an urban design peer review of the proponent's amended master plan options. The subject planning proposal is based on the preferred master plan scheme contained in Council's peer review.

1.3 Site description

The planning proposal applies to the land in the Canterbury Bankstown LGA as identified in the table below:

Site Address	Lot Description	Area
353 Waterloo Road, Greenacre	Lot 9, DP 10945	696m ²
355 Waterloo Road, Greenacre	Lot 41, DP 1037863	56,304m ²
	Total	57,000m ²

Note: the site area information is based on the council report.

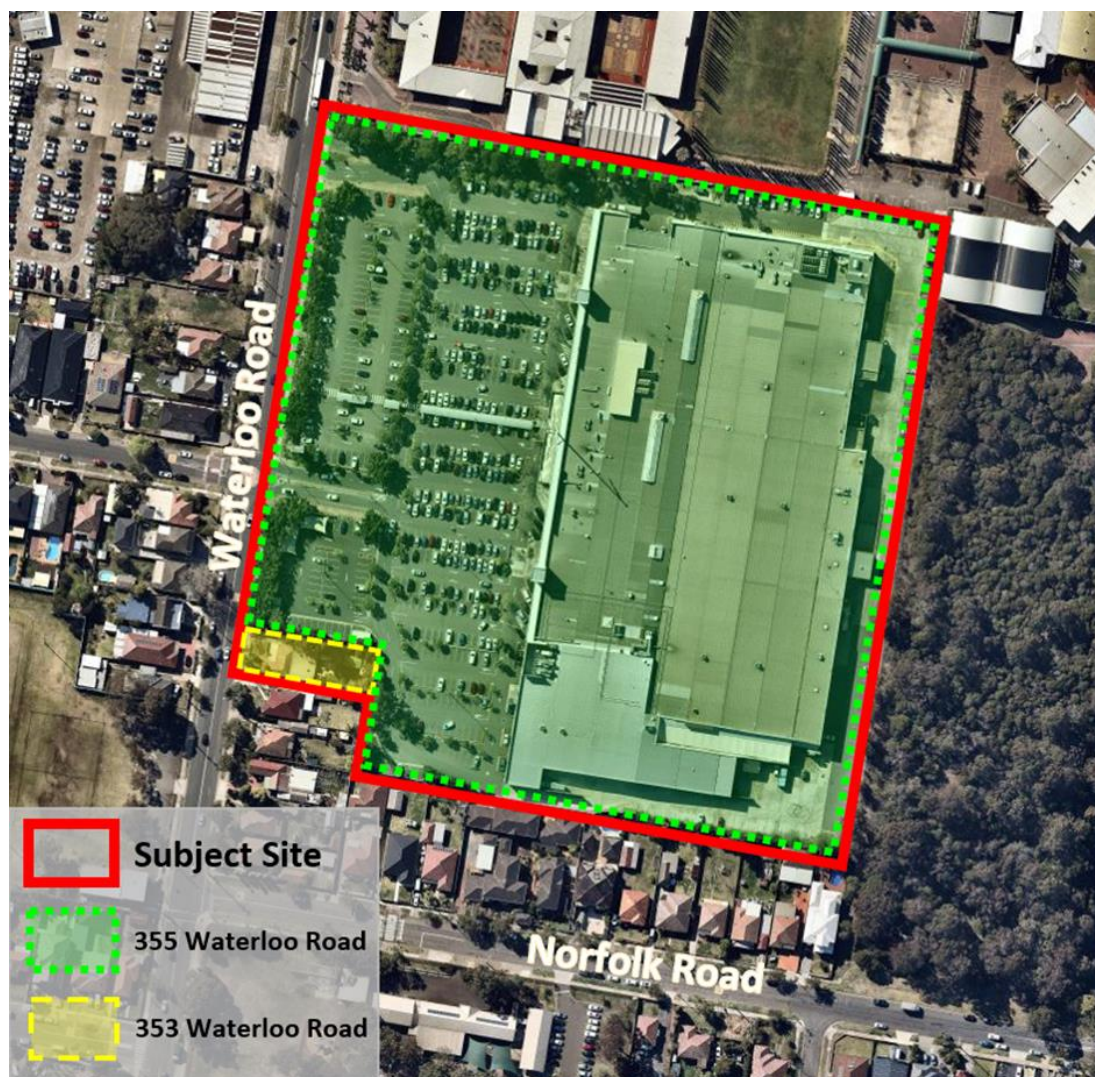


Figure 4 Aerial photograph of the subject site (Source: Nearmap, 2019)

The subject site consists of two separate allotments and has a combined frontage of approximately 212m to Waterloo Road.

No. 353 currently accommodates a detached dwelling house (Figure 5 and 6).

No. 355 Waterloo Road is occupied by the Chullora Marketplace shopping centre. The shopping centre building is single storey with a floor area of approximately 24,600m² and contains two supermarkets, a department store and a variety of retail tenancies. On-site parking covers the western portion of the site with approximately 860 car spaces (Figure 7). The areas adjacent to the northern, eastern and southern boundaries accommodate service vehicle circulation. There are two pedestrian access points at the rear from Norfolk Reserve providing walking access from Watergum Way and Norfolk Road.

The shopping centre was formerly the Liebentritt Pottery site and is listed as a heritage item of archaeological significance under the Bankstown LEP 2015. The site is not located in the vicinity of any heritage items or conservation areas.



Figure 5 and 6 Existing dwelling at No. 353 Waterloo Road as viewed from the street



Figure 7 and 8 Existing car park to Chullora Marketplace shopping centre and the Waterloo Road frontage of the site, looking north



Figure 9 and 10 Northern (left) and southern (right) entrances to Chullora Marketplace from Waterloo Road



Figure 11 The northern boundary with Malek Fahd Islamic School, looking west



Figure 12 The eastern boundary with Norfolk Reserve, looking north



Figure 13(a) and (b) The southern boundary with low-density residences fronting Norfolk Road

1.4 Existing planning controls

The existing planning controls for the site are summarised in the table below:

355 Waterloo Road (Chullora Marketplace site)	Existing Controls
Zone	B2 Local Centre
Maximum Building Height	11 metres (approx. 3 storeys)
Maximum FSR	1:1
353 Waterloo Road (house site)	Existing Controls
Zone	R2 Low Density Residential
Maximum Building Height	9 metres (approx. 2 storeys)
Maximum FSR	0.5:1
Minimum subdivision lot size	450m ²

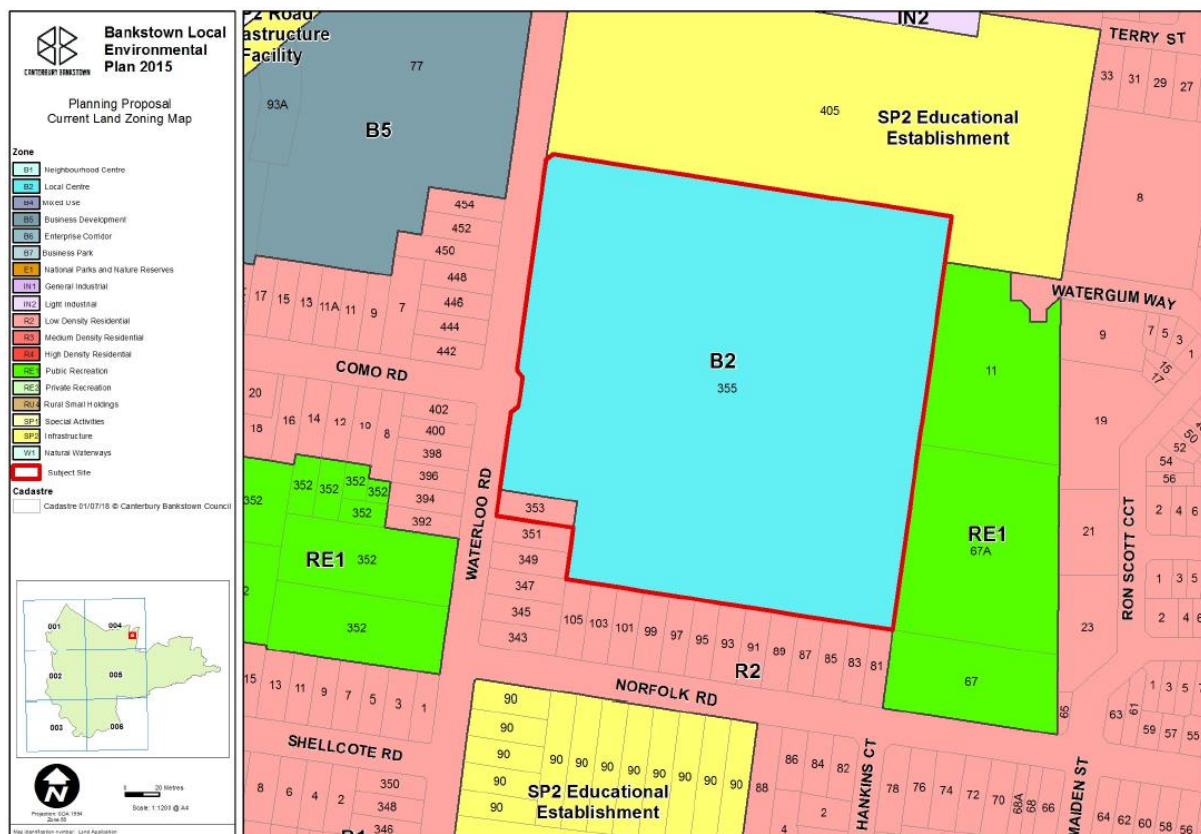


Figure 14 Existing Land Zoning Map from BLEP 2015 with the subject site outlined in red.

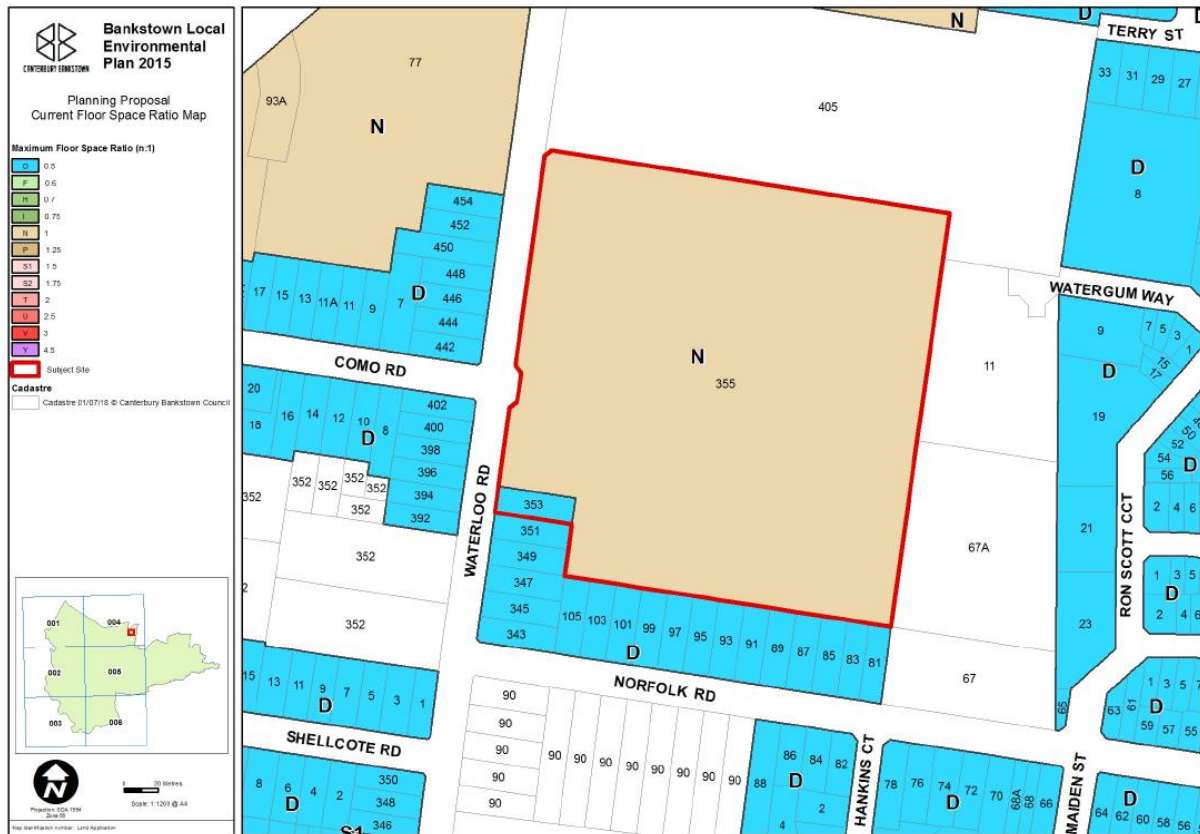


Figure 15 Existing Floor Space Ratio Map from BLEP 2015 with the subject site outlined in red.

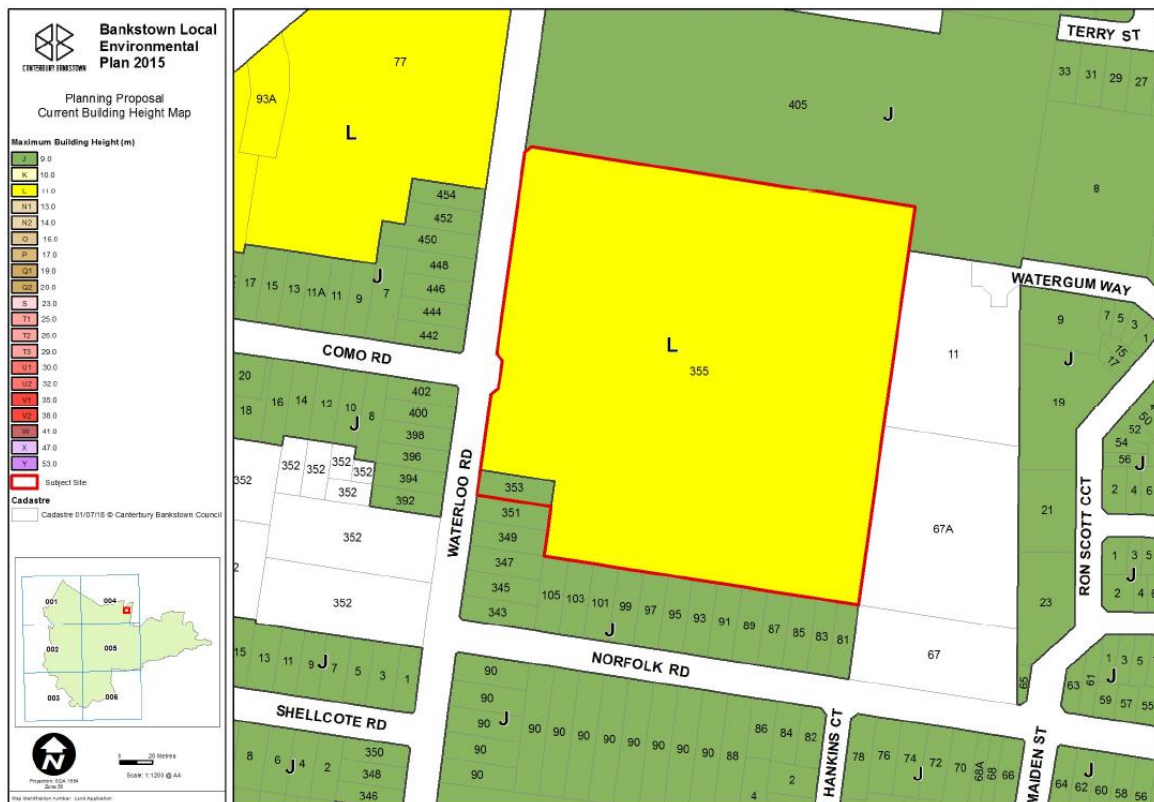


Figure 16 Existing Maximum Building Height Map from BLEP 2015 with the subject site outlined in red.



Figure 17 Existing Minimum Lot Size Map from BLEP 2015 with the subject site outlined in red.

1.5 Surrounding area

The site is located in the suburb of Greenacre, within the Canterbury-Bankstown LGA. The surrounding land uses are shown in Figure 18 below.

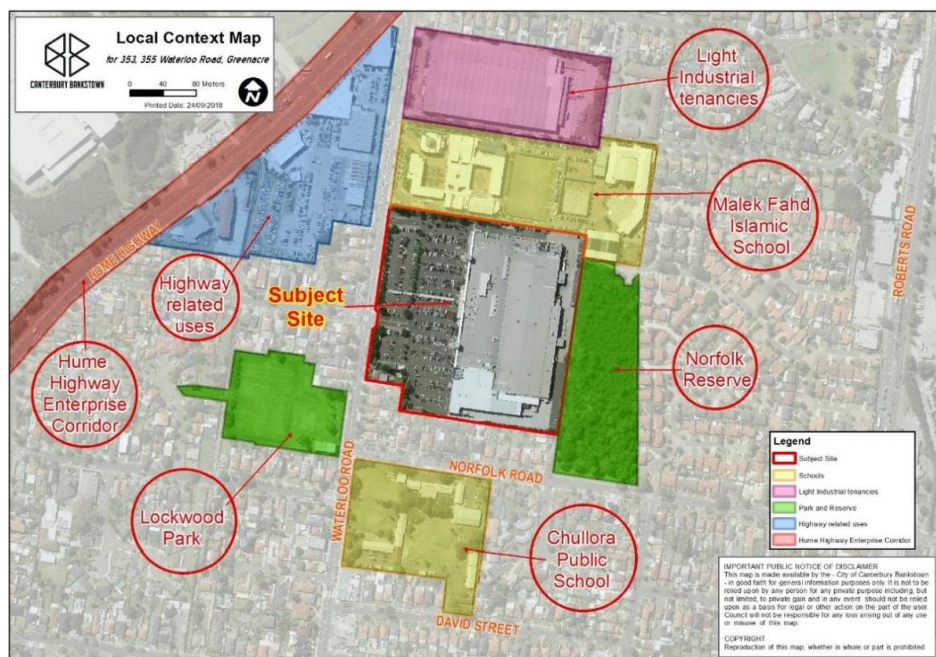


Figure 18 Locality Map (Source: Canterbury Bankstown Council)

The Malek Fahd Islamic School is situated directly to the north of the site. The Norfolk Reserve adjoins the site on its eastern boundary and low-density residences are located to the immediate south.

Across Waterloo Road to the west, the land use is primarily low-density residential, with a car dealership to the north-west of the site, and Lockwood Park to the south-west. Chullora Public School is located at the south-eastern corner of Waterloo and Norfolk Roads. While the surrounding area is predominantly R2 Low Density Residential, it is relatively close to the large industrial areas located in the neighbouring Chullora and Strathfield South.

There are presently no medium- or high-density residential developments in the surrounding area.

The next closest local centre and shopping centre to Chullora Marketplace is the Greenacre Small Village Centre, which is approximately 2.1 kilometres down Waterloo Road to the south.

The site is located near the intersection of two major roads, Hume Highway (A22) and Centenary Drive/Roberts Road (A3). There are no railway stations within walking distance of the site. Punchbowl is the closest rail station at 4 kilometres to the south. The bus routes servicing the site are M90, 913, 914 and 941.



Figure 19 and 20 Malek Fahd Islamic School (as viewed from Waterloo Road) and Norfolk Reserve (as viewed from Norfolk Road).



Figure 21 and 22 The streetscape of Norfolk Road to the south of the site.

1.6 Summary of recommendation

It is recommended that the planning proposal should proceed subject to conditions as:

- The proposal has strategic merits as the site is located within the Chullora local centre, which has convenient access to goods and services, employment, open space, public transport and the regional road network. The site is suitable for more intensive development including additional housing.
- In its current form, the proposal may result in a reduction to the existing and potential commercial / retail floor space on the site. Further information is required to demonstrate consistency with section 9.1 Directions – Direction 1.1 Business and Industrial Zones. This would include a review of the proposed planning controls (including the maximum residential FSR) with the purpose of protecting and expanding the commercial / retail floor space and employment opportunities.
- The proposal is considered to have site specific merits. The urban design peer review commissioned by Council includes a conceptual master plan, which demonstrates the future development could result in a more permeable and legible site layout with buildings addressing Waterloo Road and potential publicly accessible open space. The proposal provides an opportunity to improve the amenity and streetscape of the area.
- The site adjoins Norfolk Reserve, which is identified by Council to contain bushland and endangered ecological communities. Further information is required to demonstrate consistency with section 9.1 Directions – Direction 2.1 Environment Protect Zones. A Gateway condition is recommended to require confirmation of the location and extent of the endangered ecological

communities, and additional shadow analysis to demonstrate the worst-case scenario impacts on the reserve.

- The site is located immediately to the north of detached dwellings along Norfolk Road and Waterloo Road. The proposal maintains the existing maximum building height of 11 metres along the southern boundary. Notwithstanding, this height control is inconsistent with the conceptual master plan, which models the height along the southern boundary at 2 storeys while still achieving a maximum FSR of 1:1. A Gateway condition is recommended to require the maximum building height to be reduced from 11m to 9m, in order to achieve an appropriate scale and protect the amenity of the existing low density residential uses.
- Council has resolved to prepare and concurrently exhibit DCP amendments to support the planning proposal. It is considered that site-specific DCP controls would provide more clarity and guidance on the preferred site layout, open space provision, landscaping, built forms and height transitions for future developments. A Gateway condition is recommended to require draft site-specific DCP provisions to be prepared prior to exhibition.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcomes of this planning proposal (as outlined in Council's planning proposal report) 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.*

Council commissioned an urban design study to peer review the proponent's revised concept master plan (without the lot at No. 87 Norfolk Road). The peer review notes the following issues with the proponent's concept master plan:

- There is a reduction in the amount of commercial / retail floor space from the existing. Only up to 19,312m² (0.34:1 FSR) of commercial floor space would be supported by the plan, as compared to the existing 24,600m² (0.43:1 FSR).
- There are issues with the legibility of the circulation and access arrangements, configuration of the proposed public open space and height transitions to the adjoining residential uses.

The Council's urban design peer review recommended two scenarios:

- The first scenario involves the provision of mixed-use buildings, which would enable a higher amount of commercial / retail floor space, being approximately 23,656m² (0.41:1 FSR).
- The second scenario involves the segregation of commercial and residential land uses (preferred option). This would provide a lesser amount of commercial floor space, being approximately 19,718m² (0.35:1 FSR). Refer to Figure 23 and 24 below.
- Both scenarios would involve a reduction to the existing amount of commercial floor space, being 24,600m² (FSR 0.43:1).
- Both scenarios would achieve a maximum FSR of 1:1.

The proposed amendments to the development standards are based on the segregated use scenario.

The supporting studies to the planning proposal indicate that up to 400 dwellings would be provided (290 dwellings as per the submitted transport and traffic report; 350-400 dwellings as per the submitted economic impact report).



Figure 23 Concept master plan (preferred scenario), urban design peer review commissioned by Council (source: Architectus)

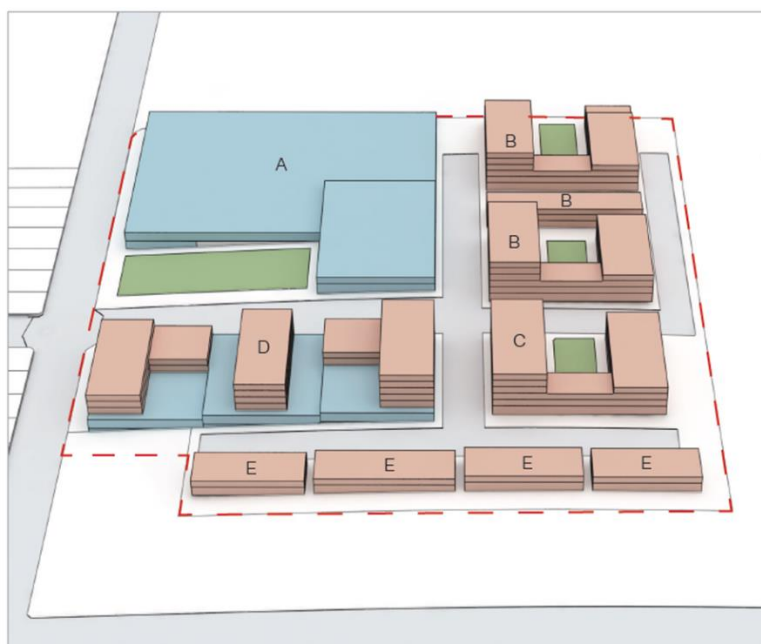


Figure 24 3D view of the concept master plan (preferred scenario), urban design peer review commissioned by Council (source: Architectus)

A comparison of the yield and elements of the proponent's master plan (August 2018) and the planning proposal (based on the preferred scenario of Council's urban design peer review) is provided in the table below:

	Existing	Proponent's proposal / master plan (GMU, Aug 2018)	Planning proposal / urban design peer review (Architectus, Nov 2018)
Site area (353-355 Waterloo Road)	57,000m ²	57,000m ²	57,000m ²
Zoning	B2 Local Centre (No. 355) R2 Low Density Residential (No. 353)	B2 Local Centre for whole site	B2 Local Centre for whole site
Maximum building height	11m (No. 355), 9m (No. 353)	14m and 20m	11m, 14m, 20m
Maximum FSR	1:1	1:1	1:1
Residential GFA	No residential GFA for No. 355	Option 1 37,054m ² - 39,700m ² (0.65:1 – 0.70:1)	Segregated use scenario (basis for planning proposal) 37,330m ² (0.65:1)

	Existing	Proponent's proposal / master plan (GMU, Aug 2018)	Planning proposal / urban design peer review (Architectus, Nov 2018)
		Option 2 35,423m ² - 37,953m ² (0.62:1 – 0.67:1)	Mixed use scenario 32,005m ² (0.56:1)
Commercial GFA	24,600m ² (0.43:1)	Option 1 18,176m ² - 19,312m ² (0.32:1 – 0.34:1) Option 2 18,176m ² - 19,312m ² (0.32:1 – 0.34:1)	Segregated use scenario (basis for planning proposal) 19,718m ² (0.35:1) Mixed use scenario 23,656m ² (0.41:1)
Total GFA		Option 1 55,230m ² – 59,012m ² (0.97:1 – 1.04:1) Option 2 53,599m ² – 57,265m ² (0.94:1 – 1:1)	Segregated use scenario (basis for planning proposal) 57,048m ² (1:1) Mixed use scenario 55,661m ² (0.98:1)

2.2 Explanation of provisions

For the site at 355 Waterloo Road (Chullora Marketplace site):

- Apply a maximum FSR of 0.65:1 for the purposes of residential development, while retaining the existing FSR of 1:1 for the site.
- Apply a maximum building height of 11 metres (approximately 3 storeys) along the southern boundary, 14 metres (approximately 4 storeys) along the eastern and western boundaries, and 20 metres (approximately 6 storeys) for the remainder of the site.

For the site at 353 Waterloo Road (dwelling house site):

- Rezone the site from R2 Low Density Residential to B2 Local Centre.
- Increase the maximum FSR from 0.5:1 to 1:1 and apply a maximum FSR of 0.65:1 for the purposes of residential development.
- Increase the maximum building height from 9m (approximately 2 storeys) to 14 metres (approximately 4 storeys).

- Remove the site from the application of the Lot Size Map.

The proposed changes to planning controls are summarised below:

355 Waterloo Road (Chullora Marketplace site)	Existing Controls	Proposed Controls
Maximum residential FSR	N/A	0.65:1
Maximum building height	11 metres (approx. 3 storeys)	11 metres (approx. 3 storeys), 14 metres (approx. 4 storeys) and 20 metres (approx. 6 storeys)
353 Waterloo Road (house site)	Existing Controls	Proposed Controls
Zone	R2 Low Density Residential	B2 Local Centre
Maximum FSR	0.5:1	1:1
Maximum residential FSR	N/A	0.65:1
Maximum building height	9 metres (approx. 2 storeys)	14 metres (approx. 4 storeys)
Minimum subdivision lot size	450m ²	Do not apply the Lot Size Map as it does not apply to Zone B2 Local Centre

2.3 Mapping

The planning proposal seeks to amend the Land Zoning Map, Floor Space Ratio Map, Building Height Map and Lot Size Map. The indicative mapping is extracted below:

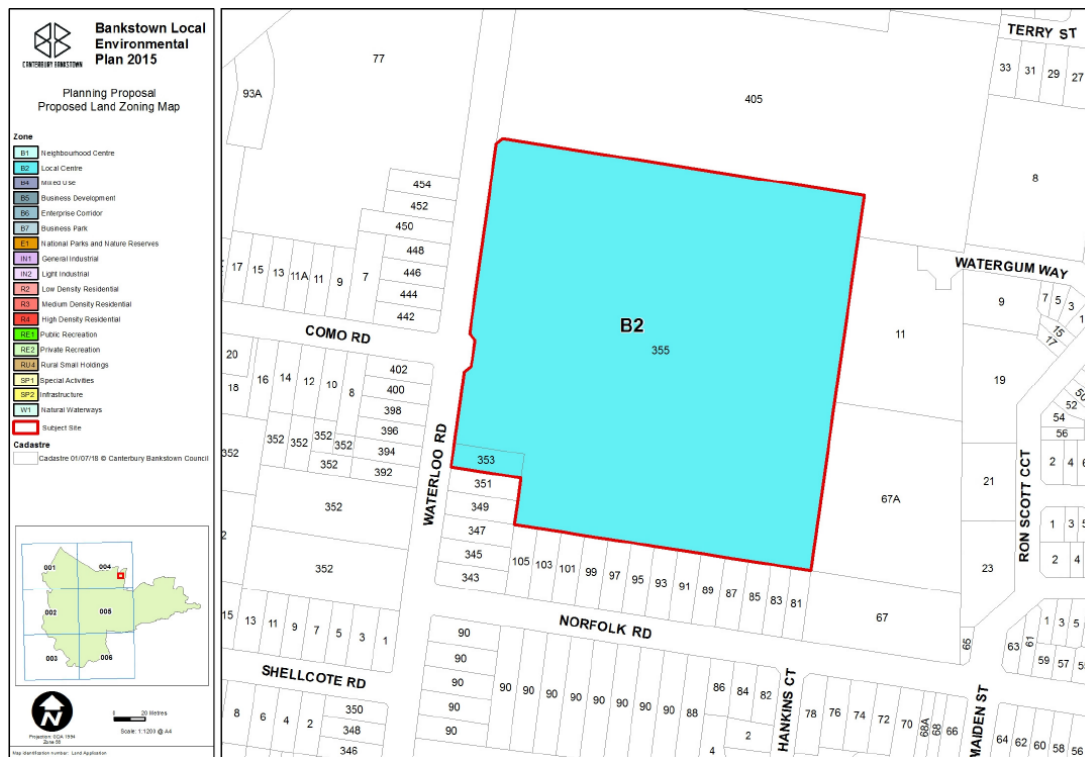


Figure 25 Indicative Land Zoning Map with the subject site outlined in red.

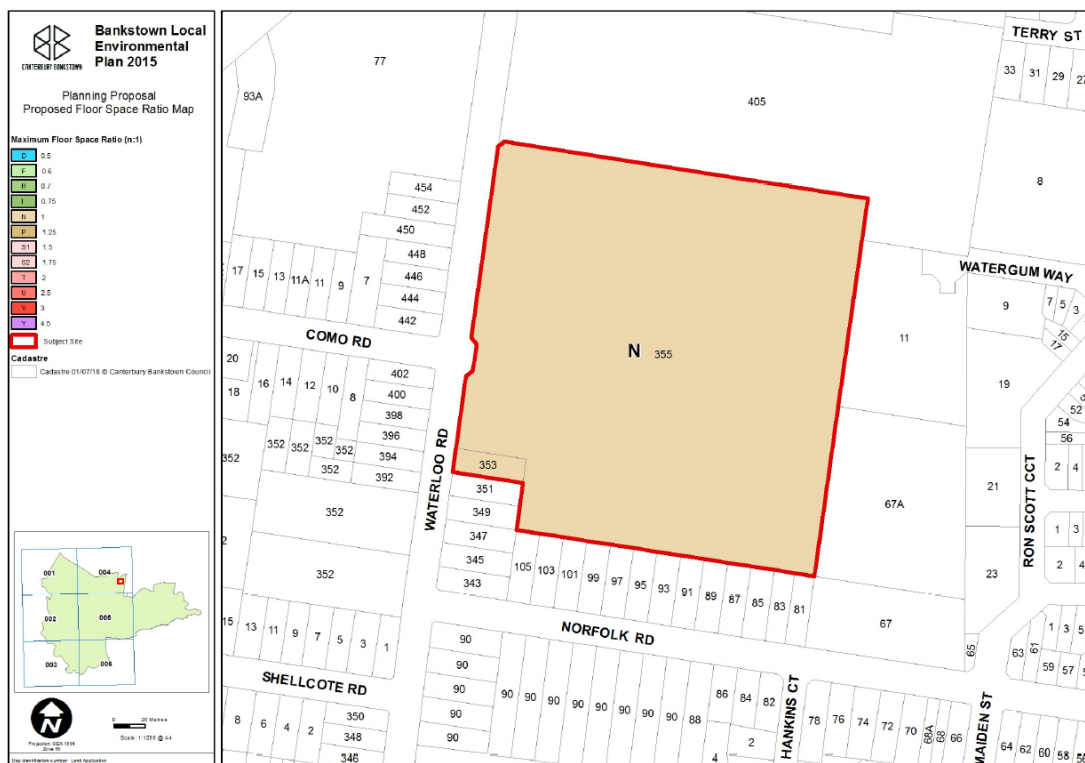


Figure 26 Indicative FSR Map with the subject site outlined in red.

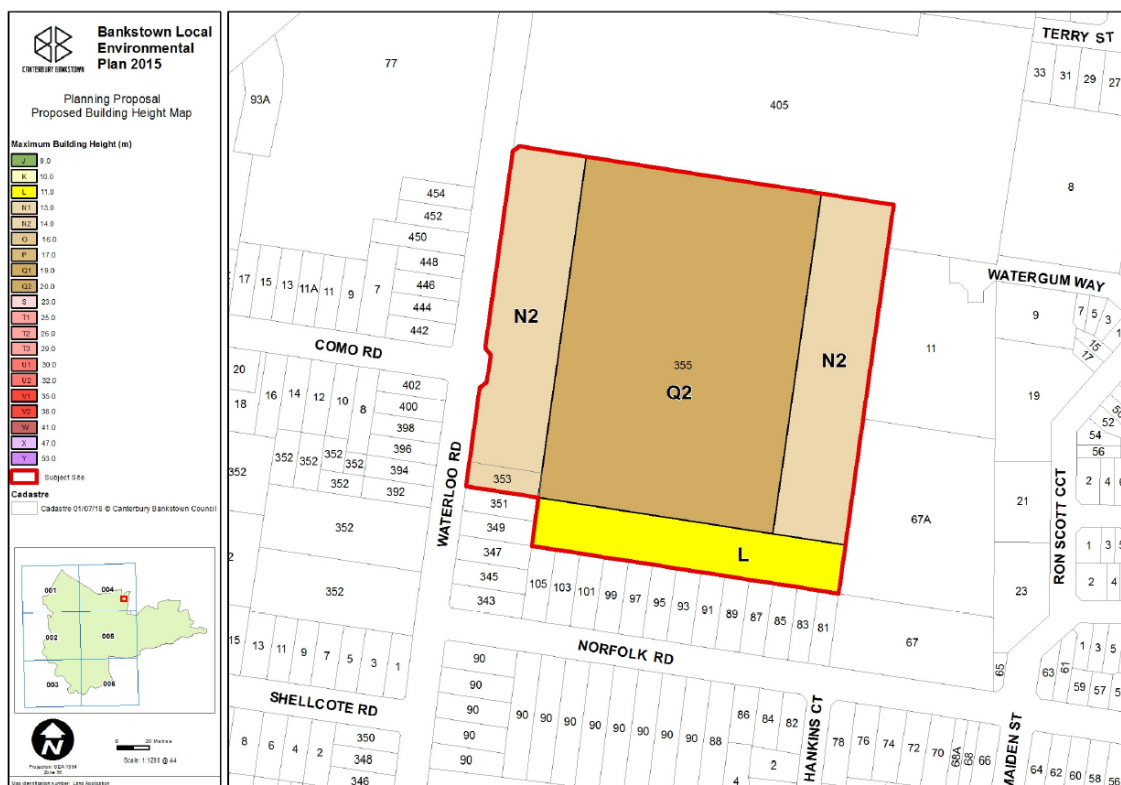


Figure 27 Indicative Building Height Map with the subject site outlined in red.

The indicative mapping provided in the planning proposal for land zoning, FSR and building height are considered adequate. However, indicative mapping for lot size is not provided in the planning proposal and should be added prior to public exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is in response to a proponent-led rezoning application to facilitate a mixed-use development on the subject site.

Council's assessment indicates that this planning proposal has strategic merit. Council considers that the planning proposal is the best means to achieve the intended outcomes, as alternative methods such as allowing mixed-use development as an additional permitted use under Schedule 1 of the Bankstown LEP (for 353 Waterloo Road) and supporting variation to development standards under clause 4.6 of the LEP would set an undesirable precedent, and therefore are not favourable.

Council's assessment is considered to be reasonable. The planning proposal is the most appropriate means of ensuring economic use of the land and providing housing choice in close proximity to services and employment.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal's consistency with the relevant provisions of the South District Plan is provided below.

4.2 Regional / District

The South District Plan was released in March 2018 and supports the implementation of the Greater Sydney Region Plan – *A Metropolis of Three Cities* at a district level.

The South District Plan identifies Chullora as a local centre. Local centres are the focal points of neighbourhoods and provide communities with access to essential day to day goods and services.

The relevant planning priorities of the District Plan are addressed as follows:

Planning Priority	Objectives	How does the Planning Proposal comply?
S4 Fostering healthy, creative, culturally rich and socially connected communities	Objective 7 Communities are healthy, resilient and socially connected.	<p>The planning proposal seeks to facilitate a mixed-use development, which will maintain the commercial function of the site and allow for a medium rise residential component.</p> <p>The Chullora Marketplace shopping centre is currently dominated by an open car park and an enclosed building disconnected from the public domain. The conceptual scheme (commissioned by Council as part of an urban design peer review), upon which the planning proposal is based, demonstrates that the future development could result in a more permeable and legible site layout with buildings addressing Waterloo Road with potential publicly accessible open space.</p> <p>The proposal would contribute to streetscape activation and improve pedestrian and bicycle access from the surrounding areas to the retail services on the site.</p>
S5 Providing housing supply, choice and affordability with access to jobs, services and public transport	Objective 10 Greater housing supply. Objective 11 Housing is more diverse and affordable.	<p>The planning proposal will facilitate a mixed-use development that increases housing supply and broadens housing choice in Greenacre, which is predominantly characterised by detached dwellings.</p> <p>The site is located within the Chullora local centre and has access to goods and services, schools, bus connections and open space.</p> <p>The site is considered suitable for accommodating new homes to optimise the use of existing local amenities, infrastructure and public transport services.</p>

Planning Priority	Objectives	How does the Planning Proposal comply?
<p>S6 Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>Objective 12 Great places that bring people together.</p> <p>Objective 13 Environmental heritage is identified, conserved and enhanced.</p>	<p>The South District Plan identifies Chullora as a local centre.</p> <p>The planning proposal seeks to facilitate a mixed-use development, which will maintain the commercial function of the site and allow for a medium rise residential component. The proposal will enable residential apartments to be provided in close proximity to goods, services and employment.</p> <p>The current design of the Chullora Marketplace complex is dominated by an open car park and an enclosed building disconnected from the public domain. The conceptual scheme (commissioned by Council as part of an urban design peer review), upon which the planning proposal is based, demonstrates that the future development could result in a more permeable and legible site layout with buildings addressing Waterloo Road and potential publicly accessible open space.</p> <p>The Bankstown LEP 2015 lists the site at No. 355 Waterloo Road as an archaeological site of local significance. Any potential impacts on the archaeological significance of the site could be managed at the development application stage (refer to further discussion below).</p> <p>The planning proposal provides an opportunity to enhance accessibility to the shopping centre, introduce new housing and improve the urban design outcomes.</p> <p>Discussion under planning priority S6 of the District Plan provides that <i>"housing should not compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to</i></p>

Planning Priority	Objectives	How does the Planning Proposal comply?
		<i>grow and change over time.</i> ” The District Plan also includes protection or expansion of retail and/or commercial floor space and employment opportunities as a place-based planning principle. This issue is addressed in detail in the “section 9.1 Directions” section below.
S16 Delivering high quality open space	Objective 31 Public open space is accessible, protected and enhanced.	<p>The conceptual master plan (commissioned by Council as part of an urban design peer review), upon which the planning proposal is based, demonstrates that the future development could result in a more permeable and legible site layout with buildings addressing Waterloo Road and potential publicly accessible open space.</p> <p>The proposal may result in overshadowing of the adjoining Norfolk Reserve which is currently zoned RE1 Public Recreation. A Gateway condition is recommended to require additional shadow analysis to be prepared prior to exhibition and consultation with public authorities (refer to further discussion below).</p>

4.3 Local

Community Strategic Plan “CB City 2028”

Council’s Community Strategic Plan “CBCity 2028” aims to build a city that is well-designed and offers housing diversity. The plan also aims to provide opportunities for economic and employment growth. The planning proposal is consistent with the above aims.

North East Local Area Plan

The North East Local Area Plan (2016) (NELAP) prepared by the former Bankstown Council is relevant to the subject planning proposal. The plan seeks to continue the role of the Chullora Marketplace Precinct as a major employment hub and to maintain the prevailing suburban neighbourhood character. The plan identifies Greenacre and Punchbowl as local centres supporting the area.

Action L3 of the NELAP states that there are opportunities for the Chullora Marketplace Precinct “*to create a well-balanced built form by amending the storey*

limit from 2 storeys (plus attic) to 3 storeys across the neighbourhood centre zone". The planning proposal's height controls are not consistent with the above provision in the NELAP.

While the planning proposal contains an inconsistency with the NELAP, it is consistent with the South District Plan which identifies Chullora as a local centre. The proposal could diversify uses on the site, broaden housing choice and activate the local centre. Given the size of the site, it is possible to manage the amenity and streetscape impacts by incorporating appropriate height transitions to the street and the adjoining residential uses.

The proposal aligns with the direction of the District Plan and the inconsistency with the Local Area Plan is considered to be acceptable.

4.4 Section 9.1 Ministerial Directions

An assessment of the planning proposal's consistency with the relevant Section 9.1 Ministerial Directions is provided below:

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 business and industrial zones.

The following provisions under Clause 4 are relevant to the proposal:

- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones*

The proposal does not change the existing B2 Local Centre zoning of the site at No. 355 Waterloo Road, which is occupied by a shopping centre complex. *Residential flat buildings* and *shop top housing* are already listed as permitted land uses under the zone.

The residential lot at No. 353 Waterloo Road is proposed to be rezoned from R2 Low Density Residential to B2 Local Centre, which would result in a small increase in the amount of business zoned land.

The existing shopping centre has a floor area of 24,600m² which equates to 0.43:1 FSR (based on the combined site area of No. 353 and 355 Waterloo Road, being 57,000m²). The conceptual master plan underpinning the planning proposal and the application of a maximum residential FSR of 0.65:1 envisage a development scenario, which would result in a total commercial / retail floor space of 19,718m² (equating to 0.35:1 FSR across the entire site), if residential use is developed to the maximum.

In such a case, there would be a net reduction to the existing quantum of commercial / retail floor space of 4,882m² (19.8%), and in effect would reduce the commercial / retail floor space potential of the site.

Although residential flat buildings and shop top housing are already permitted under the B2 zone, the increased height limits could provide an incentive to facilitate residential redevelopment and result in loss of commercial / retail floor space. The

existing LEP controls permit a sole commercial development on the site to a maximum FSR of 1:1.

The scope of the preliminary economic impact assessment focuses on the commercial viability of the shopping centres on the site and nearby area as a result of the proposal. However, it does not address the long term economic and employment function of Chullora as a local centre as identified in the District Plan. It is noted that Council is preparing a draft employment strategy for the LGA and the planning proposal should address consistency with it prior to exhibition.

Consistency with this Direction will need to be resolved prior to public exhibition of the planning proposal. Further information is required to demonstrate that the requirements of this Direction will be met. This would include a review of the proposed controls with the purpose of retaining and expanding commercial / retail floor space and employment opportunities on the site. An analysis of any implications on meeting the Region Plan's and District Plan's housing targets in response to the above should also be provided.

It is recommended that the proposal be revised to include the above information and endorsed by the Department prior to exhibition and agency consultation.

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), which is zoned RE1 Public Recreation. According to Council's Community Land Generic Plan of Management, Norfolk Reserve contains bushland and endangered ecological communities. However, the location and extent of the endangered ecological communities are not given in the proposal.

The planning proposal addresses this matter through designating a 14-metre height control along the eastern side of the site to limit overshadowing of the reserve. The conceptual master plan supporting the proposal illustrates the possibility of having a landscaped buffer along the eastern boundary.

It is considered that further information is required to demonstrate the potential overshadowing of Norfolk Reserve based on the proposed height controls. This includes confirmation of the location and extent of the endangered ecological communities within the reserve and shadow diagrams showing the worst-case scenario in mid-winter as allowed under the proposed height limits. The above information is required to determine consistency with the Direction.

Council at its meeting on 23 July 2019 resolved to prepare and concurrently exhibit DCP amendments to support the planning proposal. It is considered that site-specific

DCP controls would provide clearer guidance on the site layout, open space, landscaping, built forms and height transitions for future developments.

It is recommended that the proposal be revised to include the above information and endorsed by the Department prior to exhibition and agency consultation. It is also recommended that consultation with the Environment, Energy and Science Group be undertaken to seek advice on the potential environmental impacts.

Direction 2.3 (Heritage Conservation)

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

Bankstown Local Environmental Plan 2015 lists the site at 355 Waterloo Road as an archaeological site of local significance due to it being the former location of the Liebentritt Pottery site.

The heritage impact statement states:

“The site is almost certain to contain relics and evidence from the time of Liebentritt’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 potential impacts can be addressed during the development application stage by appropriate conditions of consent. The proposal is considered to be consistent with this Direction.

Direction 3.1 (Residential Zones)

The objectives of the Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services, and to minimise the impact of residential development on the environment.

This Direction applies as the proposal affects land currently zoned R2 Low Density Residential, and B2 Local Centre which allows residential flat buildings and shop top housing.

Clause 4 of the Direction provides that a planning proposal must encourage the provision of housing that will:

- (a) broaden the choice of building types and locations..., and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing... on the urban fringe, and*
- (d) be of good design.*

The planning proposal will facilitate a mixed-use development that increases housing supply and broadens housing choice in Greenacre, which is predominantly characterised by detached dwellings.

The site is located within the Chullora local centre and has access to goods and services, schools, bus connections and open space. The site is considered suitable for accommodating new homes to optimise the use of existing local amenities, infrastructure and public transport services.

The conceptual master plan underpinning the proposal demonstrates that the future development could deliver buildings that address and activate the street with more legible and permeable access for pedestrians and bicycles.

As such, the proposal is considered to satisfy Clause 4 of the Direction.

Clause 5(b) of the Direction provides that a planning proposal must “*not contain provisions which will reduce the permissible residential density of land.*”

The proposal involves rezoning of No. 353 Waterloo Road from R2 Low Density Residential to B2 Local Centre. Notwithstanding, the B2 zone permits other forms of residential accommodation, such as shoptop housing and residential flat buildings.

In order to maintain the commercial and employment function of the site, the proposal includes a maximum floor space ratio of 0.65:1 for the purposes of residential development. This element of the proposal is not consistent with Clause 5(b) of the Direction.

The proposed maximum residential FSR is a response to Direction 1.1 Business and Industrial Zones. The control is to ensure an adequate amount of floor space is retained for employment and retail and business services. The intent is to fulfil the strategic vision of Chullora as a local centre under the South District Plan.

In this instance, the inconsistency with Clause 5(b) is justified as the proposal is supported by an urban design study that considers this Direction pursuant to Clause 6(b) of the Direction.

As discussed above, further information is required to demonstrate the proposal’s consistency with Direction 1.1 in terms of protecting the employment and commercial function of the Chullora local centre.

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, reduce travel demand generated by development, and support the efficient and viable operation of public transport services.

The site is located within the Chullora local centre and has access to goods and services, schools, bus connections and open space. There are bus services connecting the site to other local and strategic centres and transport interchanges, including Bankstown, Burwood, Hurstville, Liverpool and Strathfield.

The planning proposal seeks to facilitate a mixed-use development with a residential component on the site. The proposal would provide new housing in close proximity to goods, services and jobs and capitalise on the existing bus network to the wider region. The proposal will also provide opportunities to rejuvenate the existing

shopping centre by enabling a development with improved permeability, accessibility and urban design response to the public domain.

Having regard to the above, the proposal is considered to satisfy Direction 3.4.

It is noted that Council has resolved to prepare a planning agreement with the proponent to ensure future development of the site is linked to delivery of enabling infrastructure, such as new footpaths, cycle links, a pedestrian crossing, a new roundabout and bus shelters.

Direction 4.3 (Flood Prone Land)

The key objective of the Direction is to ensure that 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.

Council identifies the site to be subject to medium risk stormwater flooding. The affected areas include the land at 353 Waterloo Road and the north-eastern and south-western corners of 355 Waterloo Road. Council's planning proposal does not contain mapping showing the extent of the flood-affected areas. However, the proponent's planning proposal report contains an extract of the former Bankstown Council's online mapping (see below).

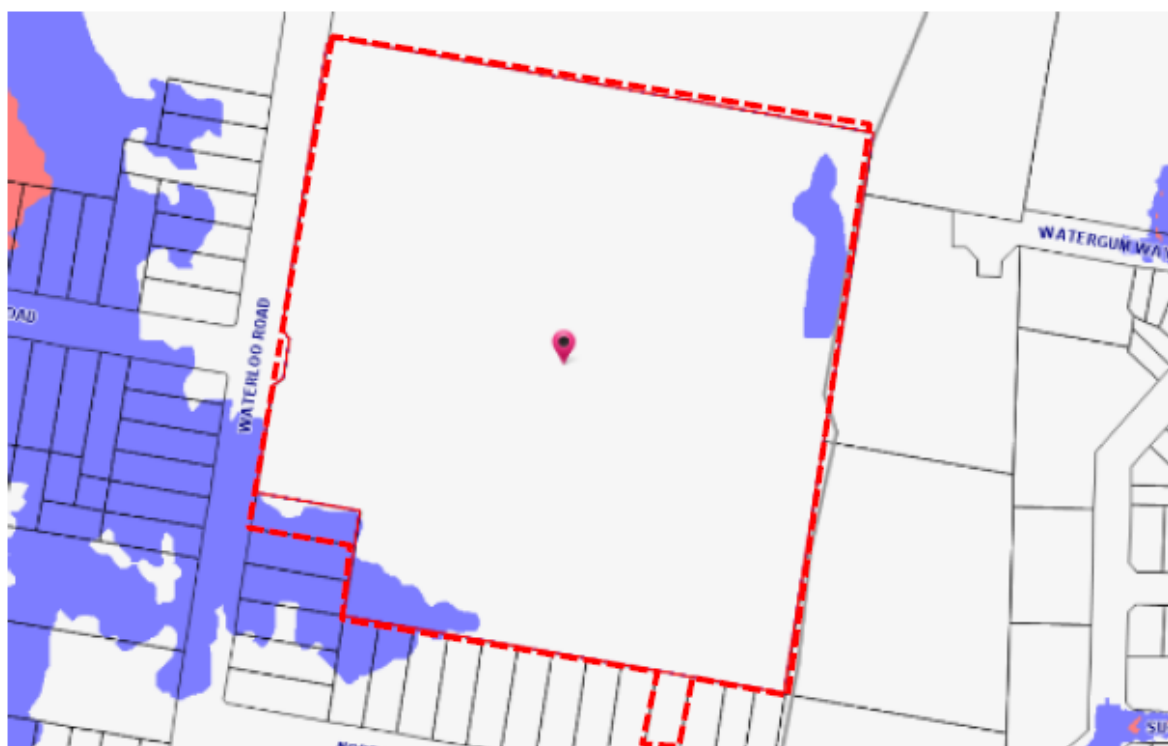


Figure 28 Extract of former Bankstown Council's online mapping showing the areas affected by flood risk (source: former Bankstown Council as reproduced in the proponent's planning proposal report)

According to the 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'.

The planning proposal is not consistent with this Direction as it seeks to intensify development on land with a medium flood risk.

Under Clause 9(b), a planning proposal may be inconsistent with this Direction if the inconsistency is of minor significance.

According to the planning proposal, the flood risk is confined to No. 353 Waterloo Road and the north-eastern corner of No. 355 Waterloo Road (as well as the south-western corner of No. 355 Waterloo Road according to Council's mapping).

The majority of the site is not subject to flood risk. The proposal is unlikely to create any significant amount of additional hard-paved areas as compared to the existing. The flood risks could be addressed by meeting the provisions in the Bankstown Development Control Plan (Part B12 – Flood Risk Management) and assessed in detail at the development application stage. As such, the inconsistency with the direction is considered to be of minor significance.

A Gateway condition is recommended to require inclusion of a map showing the location and extent of the flood risk in an updated planning proposal document, prior to public exhibition and agency consultation.

4.5 State environmental planning policies (SEPPs)

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. However, the location and extent of the endangered ecological communities are not given in the proposal.

The planning proposal addresses this matter through designating a 14-metre height control along the eastern side of the site to limit overshadowing of the reserve. The conceptual master plan supporting the proposal illustrates the possibility of having a landscaped buffer along the eastern boundary.

It is considered that additional information is needed to demonstrate the potential overshadowing of Norfolk Reserve. This includes confirmation of the location and extent of the endangered ecological communities within the reserve, and shadow diagrams showing the worst-case scenario in mid-winter.

It is also recommended that consultation with the Environment, Energy and Science Group be undertaken to seek advice on the potential environmental impacts.

Appropriate conditions to the above effect are recommended to be included in the Gateway determination.

State Environmental Planning Policy No. 55 Remediation of Land

The SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site at 355 Waterloo Road was historically used for pottery making. Based on the planning proposal, it was not used for a purpose identified under table 1 of the contaminated land planning guidelines. The proponent's planning proposal notes that the site had been subject to soil disturbance and modification.

In this instance, the proposal will maintain the existing B2 zoning for 355 Waterloo Road. A preliminary site investigation is not required under Clause 6 of the SEPP.

Consideration of the contamination potential could be further addressed at the development application stage.

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

The SEPP and supporting Apartment Design Guide establish 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 with a conceptual master plan to inform the development standards for the site. The conceptual scheme demonstrates that the future development could result in a more permeable and legible site layout with buildings addressing Waterloo Road and potential publicly accessible open space. The planning proposal provides an opportunity to enhance accessibility to the site, introduce new housing and improve the urban design outcomes.

Compliance with the provisions of the Apartment Design Guide and the SEPP could be addressed in detail at the development application stage.

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 has reviewed the traffic and transport needs to support this planning proposal. Council's assessment identifies the need for additional information to inform Council's consultation with Transport for NSW (Roads & Maritime Services). The additional information includes:

- 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.

- 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.

A Gateway condition is recommended to require the above information to be prepared prior to exhibition and agency consultation.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will have positive social impacts on the local area. It will enable the provision of new housing and a greater variety of housing options in close proximity to goods, services and jobs. The proposal also provides an opportunity to improve the streetscape and amenity of the Chullora local centre.

It is noted that Council has resolved to prepare a planning agreement with the proponent to contribute to recreation and community facilities in the Greenacre locality.

5.2 Environmental

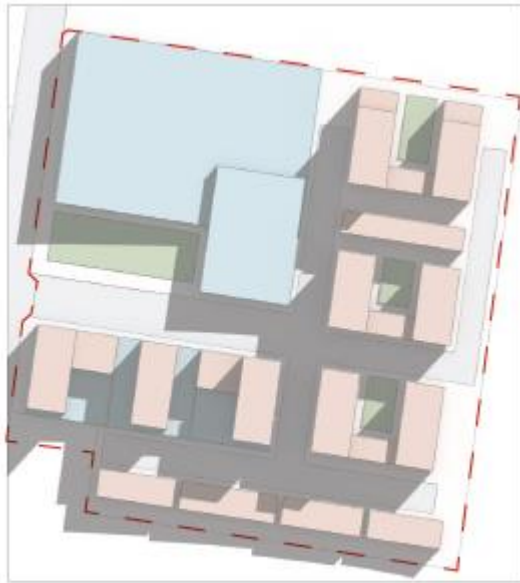
The site adjoins Norfolk Reserve (67–67A Norfolk Road and 11 Watergum Way, Greenacre). According to Council's Community Land Generic Plan of Management, Norfolk Reserve contains bushland and endangered ecological communities.

The site is also located adjacent to detached houses along Waterloo Road and Norfolk Road.

The planning proposal is supported by an urban design peer review study commissioned by the Council. The study includes a preferred master plan upon which the planning proposal is based (see figure below). The master plan achieves a total FSR of 1:1, a residential FSR of 0.65:1 and a commercial/retail FSR of 0.35:1.



Figure 29 Preferred master plan scenario based on commercial/retail FSR of 0.35:1 and residential FSR of 0.65:1 (source: Architectus – Urban Design Peer Review)



9am 21 June



12pm 21 June



3pm 21 June

Figure 30 Shadow diagrams describing the shadow impacts at 9am, 12noon and 3pm on 21 June based on the master plan (preferred scenario) in the Urban Design Peer Review (source: Architecturs – Urban Design Peer Review)

The shadow diagrams reflect the expected impacts of the master plan. The following is noted:

- The building blocks along the southern boundary are only 2 storeys in height (which are setback from the rear and side boundaries), whereas the planning proposal seeks to have a height control of 11m (approximately 3 storeys) along the southern boundary.
- The proposal seeks a height control of 14m along the eastern boundary, which is directly adjacent to Norfolk Reserve. The shadow diagrams are

based on a master plan scheme with a specific setback from the eastern boundary.

The proposed height control along the southern boundary of 11m does not reflect the concept master plan. The concept master plan demonstrates that a total FSR of 1:1 is achievable with a 2-storey building height along the southern boundary. It is considered that a 2-storey building height will be more compatible with the adjoining low density residential uses along Norfolk Road. As such, a Gateway condition is recommended to require the proposal to be amended with a 9m height limit along the southern boundary.

In addition, further information including: shadow analysis depicting the worst case overshadowing scenario based on the height controls; confirmation of the location and extent of the endangered ecological communities within Norfolk Reserve; and site-specific DCP controls are required.

The above information will be required to be prepared prior to exhibition via a Gateway condition. A further condition is recommended to require consultation with the Environment, Energy and Science group.

5.3 Economic

The economic impact assessment states that the proposal would not result in any detrimental impacts on the viability of the existing shopping centres on the site and nearby area. The future residential community on the site would generate demand for goods and services and would contribute to their viability.

The proposal includes a maximum residential FSR of 0.65:1 with the intent to maintain the retail/commercial and employment function of the site, while allowing for the provision of new housing.

The existing shopping centre has a floor area of 24,600m² which equates to 0.43:1 FSR. The conceptual master plan and the proposed maximum residential FSR of 0.65:1 envisage a development scenario, which would result in a total commercial floor space of 19,718m² (equating to 0.35:1 FSR across the entire site), if residential use is developed to the maximum. In such a case, there would be a net reduction in the quantum of commercial/retail floor space of 4,882m² (19.8%).

Although residential flat buildings and shop top housing are already permitted under the B2 zone, the increased height limits could provide an incentive to facilitate residential redevelopment and result in loss of commercial/retail floor space. The proposal could in effect reduce the potential for commercial/retail floor space on the site.

Further study is required to demonstrate that the proposal will not detrimentally affect the employment and commercial role of Chullora local centre. This includes a review of the proposed controls, as well as further investigations into opportunities for retaining and expanding commercial/retail and employment floor space on the site.

5.4 Infrastructure

The site has convenient access to public bus services, schools and open space.

It is noted that Council has resolved to prepare a planning agreement to ensure the future development of the site is supported by the delivery of enabling infrastructure. The infrastructure works would include: open space and playground facilities, footpaths and public domain upgrade, traffic and transport related infrastructure and community facilities.

A condition is recommended to require consultation with relevant agencies that deliver infrastructure and community and transport services (refer to further information below).

6. CONSULTATION

6.1 Community

Council proposes a public consultation period of a minimum of 28 days. Having regard to the nature and scale of the planning proposal, this is considered to be an appropriate timeframe for community consultation.

The consultation would include:

- notification in the local newspaper,
- written notifications to affected and adjoining properties,
- displays at the Council Administration building (Bankstown Branch) and on the Council's website.

6.2 Agencies

Council intends to notify the following public authorities:

- Chullora Public School
- NSW Department of Education
- NSW Heritage Office
- NSW Police
- South Western Sydney Local Health District
- Sydney Water
- Telstra
- Transport for NSW
- Ausgrid
- Local bus operators.

Given that the proposal would have overshadowing implications on the adjoining Norfolk Reserve, which contains endangered ecological communities, it is recommended that the Environment, Energy and Science group of the Department be consulted.

7. TIME FRAME

The planning proposal indicates a timeframe of 10 months (October 2019 to July 2020) to complete the LEP amendment.

Given that additional information is required to demonstrate consistency with relevant Section 9.1 Directions prior to exhibition and agency consultation, a timeframe of 12 months is recommended for completion of the LEP.

A condition is recommended to require the proposal's Project Timeline be updated prior to exhibition.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation to make the LEP amendment. Having regard to the nature of the planning proposal, it is recommended that authorisation be granted for Council to exercise the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in this instance.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions – Direction 3.1 (Residential Zones) and Direction 4.3 (Flood Prone Land), are minor or justified; and
2. note that the consistency with section 9.1 Directions – Direction 1.1 (Business and Industrial Zones) and Direction 2.1 (Environment Protection Zones) is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities / organisations prior to the commencement of public exhibition:
 - 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
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to public exhibition and consultation with public authorities, the planning proposal is to be amended to include:

- (a) further information to demonstrate consistency with section 9.1
Directions – 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
Directions – Direction 2.1 Environment Protection Zones, including:
- iv. information to confirm the location and extent of the endangered ecological communities within Norfolk Reserve at 67-67A Norfolk Road and 11 Watergum Way, Greenacre; and
 - v. 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.
6. Prior to exhibition and consultation with public authorities, the revised planning proposal is to be submitted to the Department of Planning, Industry and Environment for endorsement.



17 February 2020
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