



## COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL

### SYDNEY SOUTH PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSSH – 132 – Canterbury Bankstown Council – DA - 91/2023 – 353 – 355 Waterloo Road, Greenacre and 87 Norfolk Road, Greenacre
<b>PROPOSAL</b>	Concept DA encompassing Stages 1 and 2 of proposed redevelopment of the subject sites, with a detailed DA for Stage 1 of the proposed redevelopment. Concept DA (for Stages 1 & 2) includes: public roads and public domain layout; building envelopes (retail, residential and childcare centre); and parking. Stage 1 Detailed Development Application includes: the redevelopment of the southern part of existing shopping centre; construction of basement car parking, a 130-place childcare centre and 90 residential units in a residential flat building arrangement up to 6 storeys in height; demolition of existing dwelling and construction of a new road at 87 Norfolk Rd; landscaping and associated civil works and services.
<b>ADDRESS</b>	Lot 9 DP 10945 – 353 Waterloo Road, Greenacre Lot 41 DP 1037863 – 355 Waterloo Road, Greenacre Lot 24 DP 10945 – 87 Norfolk Road, Greenacre
<b>APPLICANT</b>	Henroth Pty Ltd
<b>OWNER</b>	Henroth Pty Limited and 87 Norfolk Pty Limited
<b>DA LODGEMENT DATE</b>	22 February 2023
<b>APPLICATION TYPE</b>	Nominated Integrated Development and Concept Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: General Development over \$30 million
<b>CIV</b>	\$121,961.950 (including GST)
<b>CLAUSE 4.6 REQUESTS</b>	Yes – Clause 4.3 (Height of Buildings) and Clause 6.14 (Exception to maximum height of buildings – Chullora Marketplace) within the Bankstown Local Environmental Plan 2015
<b>LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&amp;A ACT)</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>• State Environmental Planning Policy (Planning Systems) 2021;</li> <li>• State Environmental Planning Policy (Resilience and</li> </ul>

	<ul style="list-style-type: none"> <li>Hazards) 2021;</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>Draft Canterbury Bankstown Local Environmental Plan 2020;</li> <li>Bankstown Local Environmental Plan 2015; and</li> <li>Bankstown Development Control Plan 2015.</li> </ul>
<b>AGENCY REFERRALS</b>	<ul style="list-style-type: none"> <li>Transport for New South Wales (TfNSW);</li> <li>AusGrid.</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS</b>	17
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Permissibility</li> <li>Norfolk Lane</li> <li>Concept DA staging</li> <li>Building height</li> <li>Master Plan non-compliances</li> <li>Traffic impacts</li> <li>Apartment Design Guide</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>Architectural Plans;</li> <li>Acoustic Report;</li> <li>Geotechnical Report;</li> <li>Traffic Report;</li> <li>Heritage Report;</li> <li>Legal Advice;</li> <li>BASIX Certificate;</li> <li>Biodiversity Assessment Report;</li> <li>Clause 4.6 report;</li> <li>Cost Estimate report;</li> <li>Public art strategy;</li> <li>Infrastructure due diligence report;</li> <li>Crime risk report;</li> <li>Waste Management Plan;</li> <li>Remediation Action Plan;</li> <li>Accessibility report;</li> <li>BCA Assessment Report;</li> <li>Flood Impact Assessment;</li> <li>Stormwater Management Report;</li> <li>Civil Plans;</li> <li>Arborist Report;</li> <li>Site Survey; and</li> <li>Landscape Plans.</li> </ul>
<b>PREVIOUS BRIEFINGS</b>	27 March 2023
<b>PLAN VERSION</b>	Revision F 22/12/2022
<b>ASSESSMENT STATUS</b>	Under assessment

<b>PREPARED BY</b>	Michael Bonnici
<b>DATE OF REPORT</b>	1 May 2023

**The proposal was appealed as a 'deemed refusal' with the NSW Land and Environment Court on 27 April 2023 and served on Council on 28 April 2023.**

## **1. THE SITE AND LOCALITY**

### **1.1 The Site**

The site has a frontage of 213.91m to Waterloo Road to the west, a rear (eastern) boundary of 217.34m, 235.68m to the northern boundary and 193.62m to the southern boundary (not including 87 Norfolk Road, Greenacre). In addition, the proposal includes 87 Norfolk Road, Greenacre which has a frontage of 15.24m and length of 45.72m. The site is irregular in shape with a site area of 5.76 hectares. The site has a fall from the east to the west of approximately 5m. The site contains an existing 'Chullora Marketplace' retail / shops development with associated car parking areas, loading and ancillary structures. 87 Norfolk Road, Greenacre contains an existing single storey dwelling. The site contains a cluster of trees fronting the western boundary along Waterloo Road as well as the northern boundary adjoining the Malek Fahd Islamic School.

The east of the site is bound by Norfolk Reserve which is mapped as having biodiversity values associated with the three threatened fauna species and two threatened flora species. The north of the site is bound by Malek Fahd Islamic School with the west and south of the site being bound by Waterloo Road and low density residential properties. Further to the south of Norfolk Road is Chullora Public School.

The site is mapped as flood prone land of the medium risk level. The site is also listed as a local heritage item of archaeological significance associated with the former Cumberland Pottery and Tile Works. The State Heritage Inventory provides the following:

*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.*





Figure 1 – Site image Source: Nearmap 2023

## 1.2 The Locality

The site is located within the B2 Local Centre zone (353 – 355 Waterloo Road, Greenacre) and R2 Low Density Residential zone (87 Norfolk Road, Greenacre). The site is surrounded by the SP2 Infrastructure zone associated with the Malek Fahd Islamic School, B5 Business Development zone associated with the Suttons vehicle sales premises, RE1 Public Recreation zone for Norfolk Reserve and R2 Low Density Residential zone which is occupied by low density residential developments of varying age and scale. The wider area to the north has access to the Hume Highway, and to the east, Roberts Road.



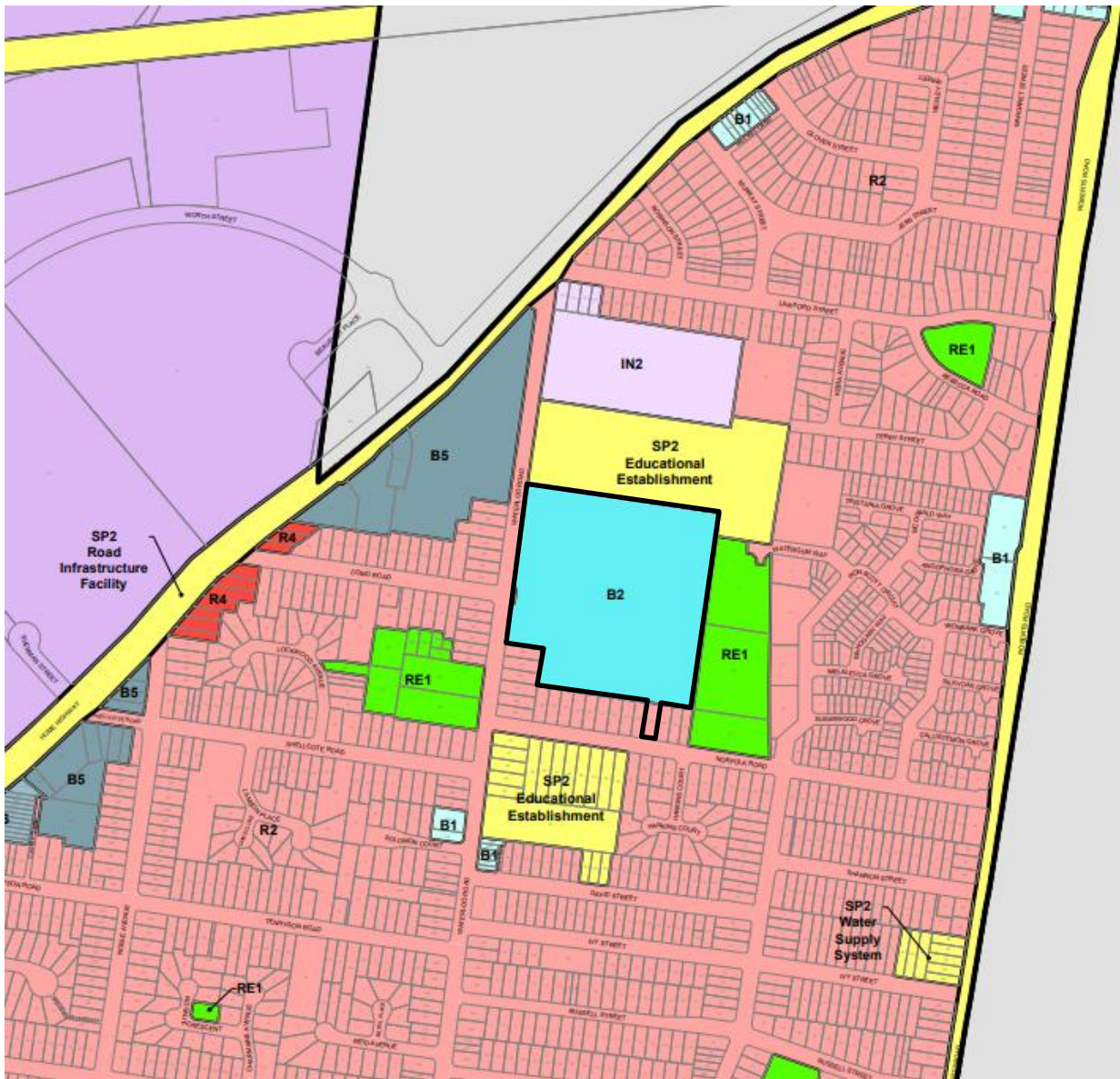


Figure 2 - Zoning Map. Source: Bankstown LEP 2015

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposal is a Concept DA (for Stages 1 & 2) which includes: public roads and public domain layout; building envelopes (retail, residential and childcare centre); and parking.

Stage 1 of the Detailed Development Application includes: the redevelopment of the southern part of existing shopping centre; construction of basement car parking, a 130-place childcare centre and 90 residential units in a residential flat building arrangement up to 6 storeys in height; demolition of the existing dwelling and construction of a new road at 87 Norfolk Rd; landscaping and associated civil works and services.

Specifically, the proposal involves:

- Partial demolition of structures on the site,
- Construction of two x six storey residential flat buildings encompassing 90 units with the eastern building incorporating a lowered 4 storey component (Stage 2 represents two residential flat buildings of six storeys equating to 82 units),
  - Stage 1
    - 17 one bedroom apartments
    - 50 two bedroom apartments
    - 19 three bedroom apartments
    - 4 four bedroom apartments
- Remediation of land,
- Car parking and access,
- Tree removal, site preparation works, civil engineering and stormwater infrastructure,
- A 130 place childcare centre (details not provided, mentioned to be part of a future development application),
- Two ground floor retail tenancies (equating to 2513m<sup>2</sup>) and associated loading areas (Stage 2 represents three retail tenancies and an open shared plaza space),
- Two lower levels of basement parking inclusive of 289 parking spaces (Stage 2 represents 342 parking spaces in addition),
  - Stage 1
    - 123 residential parking spaces
    - 42 spaces for the childcare centre
    - 124 retail parking spaces
- Above ground visitor parking for 6 spaces (Stage 2 represents 14 above ground parking spaces),
- Stage 2 includes a both a park and new access driveway / road fronting Waterloo Road.

**Table 1: Key Development Data**

Control	Control	Proposal
Site area	N/A	57, 654m <sup>2</sup>
FSR	1:1 (355 Waterloo Road)  0.5:1 (353 Waterloo Road and 87 Norfolk Road)  Site specific control for a minimum commercial FSR of 0.35:1 (to 355 Waterloo Road)	Existing FSR: 24,605m <sup>2</sup> / 57,654m <sup>2</sup> = 0.42:1  Proposed (Stage 1 including remaining existing retail): 31,240m <sup>2</sup> (0.54:1)  Stage 1 + 2 = 0.7:1  Stage 1 commercial + existing commercial = 19,313 + 2513 = 21,826m <sup>2</sup> (0.37:1)
GFA		Stage 1: 11,927m <sup>2</sup> Stage 2 (concept): 9203m <sup>2</sup>  Retail demolition / loss: 5292m <sup>2</sup> (24,605 – 5292 = 19,313 net)  11,927+9203+19313=40,443m <sup>2</sup>
Clause 4.6 Requests	Clause 6.14 of the BLEP 2015 (Maximum height)  <i>Despite clause 4.3, development consent may be granted to development on land to which this clause applies with a maximum height of – (a) for development on Lot 41, DP 1037863 – 20 metres, or (b) for development on Lot 9, DP 10945 – 14 metres</i>	22.65m proposed (2.65m variation = 13.25%)  Natural ground levels have not been showed, nor surveyed also which raises uncertainty in this regard.
Car Parking spaces	Required  Residential: <ul style="list-style-type: none"> <li>➤ One Bedroom: 17</li> <li>➤ Two Bedroom: 60</li> <li>➤ Three or more: 34.5</li> <li>➤ Visitors: 18</li> </ul> Childcare: 33	Existing: 870 parking spaces (720 at grade, 150 within the basement)  295 parking spaces proposed under Stage 1 across the two levels of basement and above ground visitor spaces along the southern portion of the site.  Retail parking of 839 spaces (net) 119 within the basement and 720 at grade. Parking study not provided. Minor details presented in the submitted traffic report.

	<p>➤ 1 space per 4 children</p> <p>Net retail (Stage 1) 19,313m<sup>2</sup> Parking study required as per the BDCP 2015, Part B5</p> <p>Total</p>	<p>?</p> <p>173</p>	
Setbacks	Refer to BDCP 2015, Part A3 (Key Infill Development Sites, Chullora Marketplace Site Specific Controls).	Childcare centre within the 6m deep soil setback	Natural ground levels not provided on survey plans (undetermined)

The key development data is provided in **Table 1**.

**Table 1: Key Development Data**

## 2.2 Background

The development application was lodged on 22 February 2023. A chronology of the development application since lodgement is outlined in **Table 2**.

**Table 2: Chronology of the DA**

Date	Event
<b>7 March 2023</b>	The application was exhibited from both 7 March to 28 March 2023 and 16 March to 6 April 2023 from which 17 submissions were received.
<b>21 March 2023</b>	Site inspection held.
<b>27 March 2023</b>	Concurrence was received from TfNSW.
	Panel briefing (Applicants Kick off briefing).
<b>28 March 2023</b>	Concurrence was received from Ausgrid.
<b>27 April 2023</b>	Applicant filed 'deemed refusal' for this application to the Land and Environment Court.



### 3. PLANNING CONTROLS

The site is located within the B2 Local Centre zone and R2 Low Density Residential Zone pursuant to Clause 2.3 of the Bankstown Local Environmental Plan 2015 (see figure 2 above).

The proposal is not permissible in the zone with consent given the proposed access off Norfolk Road. The proposal is inconsistent with the zone objectives.

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in **Table 3**.

**Table 3: Summary of Key Matters in the Relevant EPIs**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p><b>Chapter 2:</b> Vegetation in non-rural areas –</p> <p>Chapter 2 applies to the removal of vegetation in non-rural areas of Canterbury Bankstown Council and aims to protect the biodiversity values of trees and other vegetation and to preserve the amenity of these areas through the preservation of trees and other vegetation.</p> <p>The application seeks consent for removal of trees on site, the tree removal is generally consistent with Chapter 2.</p>	Y
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	In accordance with BASIX SEPP, a BASIX Certificate accompanies this application. The Certificate makes a number of energy/resource commitments relating to water, energy and thermal comfort. The relevant commitments indicated on the BASIX Certificate have been shown on the plans in order to satisfy objectives of the SEPP.	Y
State Environmental Planning Policy (Planning Systems) 2021	<p><b>Chapter 2: State and Regional Development</b></p> <ul style="list-style-type: none"> <li>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as the development is general development valued at over \$30 million.</li> </ul>	Y
SEPP (Resilience & Hazards) 2021	<p><b>Chapter 4: Remediation of Land</b></p> <p>Section 4.6 requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.</p> <p>A revised Preliminary Site Investigation is required given the</p>	N

EPI	Matters for Consideration	Comply (Y/N)
	submitted document is from 2012 (legislation has changed since then).	
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><b>Chapter 2: Infrastructure</b></p> <p>This chapter applies to infrastructure and aims to facilitate the effective delivery of infrastructure across the State.</p> <ul style="list-style-type: none"> <li> <b>Division 5 Electricity transmission or distribution - Subdivision 2 Development likely to affect an electricity transmission or distribution network.</b> <ul style="list-style-type: none"> <li>2.48 Determination of development applications—other development</li> </ul> </li> <li> <b>Division 17 Roads and traffic - Subdivision 2 Development in or adjacent to road corridors and road reservations.</b> <ul style="list-style-type: none"> <li>2.122 Traffic-generating development</li> </ul> </li> </ul>	<p>Y</p> <p>Y</p>
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	A number of non-compliances with the ADG were found during the assessment which include, communal open space, deep soil zones, natural ventilation, apartment sizes and layouts, private open space and balconies, common circulation and storage.	N
Bankstown Local Environmental Plan 2015	<ul style="list-style-type: none"> <li>Cl. 1.2 Aims of the Plan</li> <li>Cl. 2.1 Land use zones</li> <li>Cl. 2.2 Zoning of land to which Plan applies</li> <li>Cl. 2.3 Zone objectives and Land Use Table</li> <li>Cl. 4.3 Height of Buildings</li> <li>Cl. 4.4 Floor space ratio</li> <li>Cl. 4.6 Exceptions to development standards</li> <li>Cl. 5.6 Architectural Roof Features</li> <li>Cl. 5.10 Heritage conservation</li> <li>Cl. 5.21 Flood Planning</li> <li>Cl. 6.2 Earthworks</li> <li>Cl. 6.4 Biodiversity</li> <li>Cl. 6.8 Special provisions applying to centre-based child care facilities</li> <li>Cl. 6.14 Exception to maximum height of buildings – Chullora Marketplace</li> </ul> <p><i>Non-compliance associated with:</i></p> <ul style="list-style-type: none"> <li><i>Permissibility. The access driveway / road is not permissible given it's association with the residential flat building and mixed use development.</i></li> <li><i>Cl 6.14 regarding the proposed building heights.</i></li> </ul>	N

EPI	Matters for Consideration	Comply (Y/N)
BDCP 2015	<ul style="list-style-type: none"> <li>➤ Part A3 Key Infill Development Sites <ul style="list-style-type: none"> <li>• Significant non-compliances associated with the site specific DCP.</li> <li>• Concept plan required for the entire development (only stages 1 and 2 provided).</li> <li>• Building height variation causes unacceptable overshadowing impacts.</li> <li>• Civic Plaza is less than the required 950m<sup>2</sup></li> <li>• Park is less than the required 1500m<sup>2</sup></li> <li>• Proposal is largely inconsistent with the DCP in terms of layouts, access (Norfolk Road access was not included and is not supported).</li> <li>• Minimum road dimensions not provided.</li> <li>• Setback non-compliances</li> <li>• Architectural and façade / design treatment considered to be extremely poor</li> </ul> </li> <li>➤ Part B1 – Residential Development</li> <li>➤ Part B2 – Commercial Centres</li> <li>➤ Part B5 – Parking <ul style="list-style-type: none"> <li>• Insufficient information – a parking study with more detail is required to be submitted. Council is of the opinion that given Part A3 suggests the concept DA should address all 4 stages, that the parking plan and study should do the same at the beginning.</li> </ul> </li> <li>➤ Part B6 – Child Care Centres <ul style="list-style-type: none"> <li>• No details have been provided on the childcare centre. SEE references that a further DA would be lodged for the details of the use and structure. This is not supported and should be addressed as part of this application to ensure compliance and no flow on effects given the mixed use nature of the proposal.</li> </ul> </li> <li>➤ Part B11 – Tree Preservation Order</li> <li>➤ Part B12 – Flood Risk Management</li> <li>➤ Part B13 – Waste Management and Minimisation</li> <li>➤ Bankstown Development Engineering Standards</li> </ul>	N
Proposed Instruments / Plans	Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020 and Draft Consolidated Development Control Plan 2020	N

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

**Table 4: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
NSW Department of Primary Industries	<p>Fisheries (<i>Fisheries Management Act 1994</i>)</p> <ul style="list-style-type: none"> <li>• 201 Circumstances in which a person (other than a public or local government authority) may carry out dredging or reclamation</li> <li>• 204A Marine vegetation protected from any harvesting or other harm</li> <li>• 205 Marine vegetation—regulation of harm</li> <li>• 219 Passage of fish not to be blocked</li> </ul> <p>Biodiversity (<i>Biodiversity Conservation Act 2016</i>)</p> <ul style="list-style-type: none"> <li>• Part 7 Biodiversity assessment and approvals under Planning Act</li> </ul>		N/A
Water NSW	<p>Water use (<i>Water Management Act 2000</i>)</p> <ul style="list-style-type: none"> <li>• 89 Water use approvals</li> </ul> <p>Drainage works (<i>Water Management Act 2000</i>)</p> <ul style="list-style-type: none"> <li>• 89 Water use approvals</li> </ul> <p>Controlled activity (<i>Water Management Act 2000</i>)</p> <ul style="list-style-type: none"> <li>• 91 Activity approvals</li> </ul>		N/A
NSW National Parks and Wildlife Service	<p>Aboriginal heritage (<i>National Parks and Wildlife Act 1974</i>)</p> <ul style="list-style-type: none"> <li>• 90 Aboriginal heritage impact permits</li> </ul>		N/A
NSW Rural Fire Service	<p>Bush fire prone land (<i>Rural Fires Act 1997</i>)</p> <ul style="list-style-type: none"> <li>• 100B Bush fire safety authorities</li> </ul>		N/A



Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Transport for NSW	Other works and structures ( <i>Roads Act 1993</i> ) <ul style="list-style-type: none"> <li>138 Works and structures</li> </ul> Transport and Infrastructure SEPP 2022 <ul style="list-style-type: none"> <li>S2.121(4) Traffic Generating Development</li> </ul>		N/A
Heritage NSW	Subdivision ( <i>Heritage Act 1977</i> ) <ul style="list-style-type: none"> <li>58 Application of Subdivision</li> </ul>		N/A
Sydney Metro Airport	The Civil Aviation (Building Control) Regulation 1988 (Schedule 5) Building height over 15.24m		N/A
TfNSW	Transport and Infrastructure SEPP 2021 <ul style="list-style-type: none"> <li>S2.122 Traffic Generating Development</li> </ul>	Comments have been received, no issues raised. Conditions have been provided.	Y
Ausgrid	Transport and Infrastructure SEPP 2021 <ul style="list-style-type: none"> <li>2.48 Determination of development applications—other development</li> </ul>	Comments have been received, no issues raised. Conditions have been provided.	Y

## 4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

**Table 5: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering/ Flooding	<p>Council's Development and Asset Stormwater Engineering Officers reviewed the stormwater concept plan and considered the proposed stormwater management arrangements are unsatisfactory and requires amended and additional information to be provided from the applicant.</p> <p>Key issues:</p> <ul style="list-style-type: none"> <li>➤ The width of Norfolk Lane road carriageway is undersized and not supported.</li> <li>➤ Swept paths provided prove non-compliance.</li> </ul>	N

	<ul style="list-style-type: none"> <li>➤ Inadequate access for waste vehicles.</li> <li>➤ Inadequate parking space sizing / dimensions.</li> <li>➤ Inadequate information relating to aisle widths, loading areas, impervious areas, stormwater long sections and OSD details.</li> </ul>	
Building Surveyor	No objections subject to recommended conditions	Y
Tree Management	Tree Management comments have not been received at the time of writing this paper.	Outstanding
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised concerns in relation to traffic generation and car parking.	N
Environmental Health	Further information has been requested to satisfy/address concerns raised. A revised PSI is required given the submitted document is from 2012 (legislation has changed since then).	N
Waste Collection	Non-compliances associated with the communal bin storage area, loading dock, access / swept paths and childcare operations.	N
Safety and Security	Conditions provided.	Y
Landscape Architect	Amended landscape plan required. Minimum deep soil areas not provided, soil depths not provided, COS not provided, further details regarding tree plantings required.	N
Heritage	Archaeological assessment report not submitted and is required.	N
Environmental Planner	<p>Further information is required regarding the following:</p> <ol style="list-style-type: none"> <li>1. A Vegetation Management Plan must be prepared in accordance with best practice methodology and include the replanting of all structural layers (canopy, midstorey and groundcover). Species selected must contain a high diversity, be consistent with the species list for Plant Community Type (PCT) 3448 – Castlereagh Ironbark Forest and be of local provenance. The Vegetation Management Plan must incorporate the entire 6 metre wide deep soil zone proposed along the total length of the western boundary of the subject site, adjacent to Norfolk Reserve. To maintain light along the western edge of Norfolk Reserve the following planting densities must be maintained. <ul style="list-style-type: none"> <li>• Trees must be planted approximately 20 metres apart</li> <li>• Shrubs must be planted approximately 10 metres apart</li> <li>• Ground covers should be planted densely to reduce weed growth</li> </ul> </li> <li>2. The Landscape Plan must be updated to include the 6m vegetated deep soil zone adjacent to Norfolk Reserve. The vegetation</li> </ol>	N

	<p>densities and species selection must be consistent with the requirements of the Vegetation Management Plan listed above.</p> <ol style="list-style-type: none"> <li>3. Trees required to be removed to support the development would need to be replaced at a minimum 3:1 ratio in accordance with Council's Tree Management Manual.</li> <li>4. A sediment and erosion control plan must be prepared in accordance with best practice methodology to protect Norfolk Reserve.</li> <li>5. Any works on the subject site must not impact the tree protection zones of any trees in Norfolk Reserve or outside of the subject site.</li> </ol>	
--	--	--

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan for 28 days from 7 March to 28 March 2023 and readvertised for a further 28 days from 16 March to 6 April 2023 due to an error in the first exhibition period. 17 submissions were received collectively.

## 5. KEY ISSUES

---

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

1. The proposal is considered to be prohibited development given the proposed access of Norfolk Road. Legal advice was submitted, reviewed and has not changed Council's position. In addition to this, the access lane is not supported as it is inconsistent with the site specific DCP, does not provide the minimum carriageway widths and causes an unacceptable level of traffic impact to Norfolk Road and its surrounds.
2. The proposal fails to adequately address the site specific control within the LEP relating to height and provisions required to rely on the bonus height.
3. The site has been strategically planned through the provision of a site specific DCP from which this proposal is largely non-compliant with.
  - a. The DCP specifically mentions that a concept DA for all four stages must be lodged prior to any detailed DAs being submitted.
  - b. The DCP clearly articulates accessways and internal roads for the site, for which Norfolk Lane is not shown.
  - c. Specific setbacks, height controls and landscaping is required.
4. The proposal mentions that the details for the associated childcare centre would be submitted as part of a future development application. Given the mixed use nature of this application, Council does not support the childcare centre being considered at a later date given its potential to impact other aspects of this proposal.
5. The proposal fails to comply with the requirements of the Apartment Design Guide (details mentioned above).
6. The urban design and overall façade treatment is considered to be of a poor standard and inconsistent with the desired vision for the centre.
7. Stage 2 presents a number of fundamental non-compliances that do not consider the site specific DCP and should not be supported on a concept basis.
8. The proposal has outstanding information relating to:
  - a. Site contamination and the requirement for a revised preliminary site investigation.
  - b. Landscape plans;

- c. Parking study;
  - d. Stormwater plans;
  - e. Waste Management plan; and
  - f. Heritage conservation and the need for an archaeological assessment report.
9. Insufficient information has been submitted relating parking, survey levels across the site and services such as fire hydrants, sub stations and air-conditioning / circulation.

## **6. RECOMMENDATION**

---

Following a preliminary assessment of the development application in relation to the development controls, taking into account the issues raised in submissions from the community, Council officers and agencies, the Council considers:

That this matter be **recommended for refusal** given the number of non-compliances, and it's status with the Land and Environment Court.

## **7. ATTACHMENTS**

---

The following attachments are provided:

- Attachment A: Architectural Plans