



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

1 August 2022 - 6.00pm

ORDER OF BUSINESS

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

DARANI / BANKSTOWN WARD

- 1 Application to Amend the Bankstown Local Environmental Plan 2015: 81-95
 Boronia Road, Greenacre**

Canterbury Bankstown Local Planning Panel - 01 August 2022

ITEM 1	Application to Amend the Bankstown Local Environmental Plan 2015: 81-95 Boronia Road, Greenacre
APPLICANT	dmpps Town Planning & Property Development Services
OWNERS	GPV Investments Pty Ltd
AUTHOR	Planning

PURPOSE AND BACKGROUND

The purpose of this report is to seek the Canterbury Bankstown Local Planning Panel's advice on the proposed changes to the Bankstown Local Environmental Plan 2015 (BLEP 2015).

Council is in receipt of an application to prepare a Planning Proposal (Attachment A) to amend the BLEP 2015 for the site at 81-95 Boronia Road, Greenacre to facilitate multi-dwelling housing on the site. The changes proposed to the LEP are:

- Rezone the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential
- Increase the maximum building height from 9m to 10.5m, and
- Increase the Floor Space Ratio (FSR) from 0.5:1 to 0.75:1.

The concept development scheme submitted with the application shows 70 townhouses across the 1.1ha site, consisting of 3-4 bedrooms with a maximum building height of three storeys. The concept plan includes a shared entry/exit vehicle access point on the western side of the site to a basement with approximately 150 vehicles.

The site is currently occupied by single storey former aged care facility containing 39 units and five detached residential dwellings.

Following a receipt of an application (now superseded) in March 2021 for a maximum FSR of 1.35:1, Council commissioned independent specialists to undertake peer reviews of the applicant's urban design concept plans, the Traffic Impact Assessment report and the Social Impact Assessment report. The peer reviews are included in Attachments T-W.

During the assessment process and in response to concerns raised by Council in relation to the inappropriateness the proposed FSR of 1.35:1 being applied to the site, further consultation occurred with the applicant. The following provides an outline of engagement with the applicant to date:

- On 11 November 2021, council advised that the proposal would need to provide appropriate justification to establish strategic and site specific merit. The applicant made a verbal offer to provide 50% affordable housing which Council advised to confirm in writing. The applicant was also advised that a contribution towards a district level community or recreation facility will also be required in lieu of the need for open space that would be created by the proposal. At the meeting, Council provided details of the findings of the peer reviews and the preferred dwelling density for the site of around 45 to 52 dwellings.
- On 21 November 2021, a revised draft concept was discussed which presented an FSR of 0.9:1. Council's advice was to revise the concept to be consistent with the Urban Design Peer Review to address amenity issues including open space requirements and affordable housing contribution.
- On 15 March 2022, the applicant presented an alternative scheme containing 26 dwellings with a minimum lot size of 350m². This scheme however did not contain provision for affordable housing. Council advised at the meeting that the scheme was able to address most of the matters raised in the Urban Design Peer Review and this concept would also need to be consistent with Council's Affordable Housing Policy. On 23 March 2022, Council also confirmed in writing matters which required further justification and compliance to establish strategic and site specific merit.

In May 2022, a further revised Planning Proposal was submitted for Council's consideration which was similar to the original application made in March 2021. This option, although requested an FSR higher than the recommendations of the Urban Design Peer Review (Attachment T) and offered a reduced level of communal open space, it considered other recommendations relating to site access, circulation and delineation of private and public spaces. The revised Planning Proposal is supported with a letter of offer dated April 2022.

In June 2022, Council referred the Planning Proposal to Transport for NSW (TfNSW) to seek its preliminary advice, consistent with the requirements of the Department of Planning and Environment's (DPE) revised Planning Proposal Guidelines of 15 December 2021 to ensure infrastructure related matters are addressed in a timely manner.

Council's detailed assessment of the final proposal (Attachment S) confirms that the proposal lacks strategic and site specific merit to proceed to Gateway Determination.

ISSUE

Council's detailed assessment indicates that the applicant's proposal in its current form does not adequately demonstrate strategic and site-specific merit to proceed to a Gateway Determination.

The Planning Proposal is considered inconsistent with Council's adopted land use and planning policies, namely the Canterbury Bankstown Local Strategic Planning Statement (LSPS) '*Connective City 2036*', the Bankstown Local Environmental Plan (LEP) 2015, the Draft Canterbury Bankstown LEP 2021, the Canterbury Bankstown Housing Strategy 2020, and the Canterbury Bankstown Affordable Housing Strategy 2020.

The Planning Proposal is also considered inconsistent with the intent of the State Government's Greater Sydney Region Plan and South District Plan which requires proposed dwelling intensification to occur at the 'right location' and to be of 'good design'.

Further, the Planning Proposal is considered inconsistent with the Local Planning Directions (former Ministerial Directions) 4.1 Flooding, and 6.1 Residential Zones and the State Environmental Planning Policies, namely SEPP (Housing) 2021 and SEPP (Transport and Infrastructure SEPP) 2021.

In addition to the above inconsistencies, there are a number of detailed design matters that have not been satisfactorily resolved to ensure that the proposal provides a satisfactory level of residential amenity and that the proposed bulk and scale is complementary to the existing character of the area. Council's assessment of the Planning Proposal indicates that the proposed density of 61 dwellings/ha (70 dwellings with an FSR of 0.75:1 and a maximum building height of 10.5m) is not supported due to the adverse amenity impacts the proposal would cause in terms of inappropriate bulk and scale resulting into overlooking and overshadowing of the adjacent properties. The proposal also does not consider the potential loss of seniors housing in the local area, or adequately deal with other issues such as communal open space, waste collection and acoustic privacy.

Council's preliminary consultation with TfNSW confirmed that it did not support the applicant's SIDRA Modelling and the stated existing and the proposed traffic conditions along Boronia Road. Council's detailed assessment confirms that the Planning Proposal in its current form does not satisfy general requirements of TfNSW to ensure effective and ongoing operation and function of Boronia Road.

In summary, Council's assessment of the proposal indicates that the proposed scale and density, coupled with the unresolved matters relating to traffic and transport and affordable housing, solar access, insufficient open space and waste collection provisions would result in a poor residential amenity outcome for future residents on the site and the adjoining residents. In light of the above, the proposal does not demonstrate strategic and site specific merit that would support the proposal progressing to Gateway Determination in its current form.

RECOMMENDATION That -

1. The Canterbury Bankstown Local Planning Panel (the Panel) note the applicant initiated Planning Proposal for the site at 81-95 Boronia Road, Greenacre and the detailed assessment of the Planning Proposal undertaken by Council Officers.
2. The Panel endorse the recommendations of this report that the Planning Proposal does not proceed to Gateway Determination.

ATTACHMENTS

Click here for [Attachments A-E](#)
[Attachment R-X](#)

[Attachment F-Q](#)

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- A. Applicant - Planning Proposal, dmpps, May 2022
 - B. Applicant - Planning Agreement Offer, dmpps, April 2022
 - C. Applicant - Concept Design Report, Tony Owen, March 2022
 - D. Applicant - Landscape Planning Proposal Concept, Tony Owen, April 2022
 - E. Applicant - Social Impact Assessment, Hill PDA, April 2022
 - F. Applicant - Economic Impact Assessment, Hill PDA, Feb 2021
 - G. Applicant - Traffic Impact Assessment, ML Traffic Engineer, April 2022
 - H. Applicant - Site Specific Development Control Plan, May 2022
 - I. Applicant - Services Infrastructure Report, Glen Haig & Partners, Feb 2021
 - J. Applicant - Hydraulic, Stormwater Concept Plans, Glen Haig & Partners, Feb 2021
 - K. Applicant - Hydraulic, Stormwater Management Report, Glen Haig & Partners, May 2022
 - L. Applicant - Hydraulic, Stormwater Drainage Flow Assessment Report, May 2022
 - M. Applicant - Hydraulic, Post Development Flood Depth, May 2022
 - N. Applicant - Hydraulic, Pre Development Flood Depth, May 2022
 - O. Applicant - Arboricultural Impact Assessment, Seasoned Tree Consulting, Feb 2021
 - P. Applicant - Geotechnical Investigation, SMEC Testing Services, Oct
 - Q. Applicant - Survey Plan, Bee & Lethbridge, Oct 2010
 - R. Applicant Proposed LEP Maps- Land Zoning Map- Floor Space ratio Map- Height of Buildings Map
 - S. Detailed Merit Assessment - 81-95 Boronia Rd revised 200722
 - T. Council- Detailed Strategic and Site Specific Merit Assessment
 - U. Council - Urban Design Peer Review, Smith & Tzannes, September 2021
 - V. Council - Addendum Urban Design Peer Review, Smith & Tzannes, Julu 2022
 - W. Council - Peer Review of Traffic Impact Assessment, Bitzios, February 2022
 - X. Council - Peer Review of Social Impact Assessment, Elton, September 2021
 - Y. TfNSW – Preliminary Comments on the Planning Proposal, July 2022

POLICY IMPACT

The Planning Proposal in its current form is considered inconsistent with Council's adopted land use and planning policies including the Canterbury Bankstown Local Strategic Planning Statement (LSPS), *Connective City 2036*, the Bankstown LEP 2015, the Draft Canterbury Bankstown LEP 2021 and the Canterbury Bankstown Housing Strategy. The proposed R3 Medium Density Residential zoning which would enable approximately 70 dwellings to be delivered within an established R2 Low Density Residential zoned area, in an out of centre location, is inconsistent with these strategies.

Should Council decide to proceed with the Planning Proposal, it would set an undesirable precedent that would be contrary to Council's adopted strategies that set the planning policy direction for future development in the Local Government Area (LGA). As noted previously in this report, the Planning Proposal is also inconsistent with the intent of the Department's GSRP and the District Plan.

FINANCIAL IMPACT

The applicant's Letter of Offer dated 27 April 2022 proposes a monetary contribution of \$300,000 or to undertake works in kind to this value or embellishment of open space and recreation facilities within walking distance of the site.

Council notes that the work schedule of the recently adopted Canterbury Bankstown Local Infrastructure Contributions Plan 2022 identifies new and upgraded infrastructure for Greenacre Local Centre including a new community facility, a new splash park and water play facility, public domain improvements, road network and traffic improvements that this funding could be contributed toward.

COMMUNITY IMPACT

Although, the Planning Proposal would contribute towards housing supply, Council's assessment has found that the proposed location is not appropriate for medium density residential dwelling at the scale and density proposed by the applicant.

Despite of the Planning Proposal intending to create housing choice and diversity via providing 25% of the Gross Floor Area of the future development as an affordable housing, Council's assessment considers that it is unable to establish a net community benefit in terms of a potential loss of the existing housing on the site. While the applicant's offer includes 5% affordable housing dedicated to Council in perpetuity, the remaining 20% affordable housing could be sold off to the private market after 15 years under the provisions of Chapter 2 'Affordable housing' in the State Environmental Planning Policy (Housing) 2021.

The applicant's Economic Impact Statement indicates the total construction cost of the proposal is expected to be around \$41m. Approximately 111 job years will be generated directly in design and construction, of which approximately 105 jobs will be created on site during construction.

Council's assessment findings indicate that the proposal would result in poor interface and residential amenity for future residents on the site and the adjoining residents as a result of the proposed scale and density, insufficient open space and waste collection provisions.

DETAILED INFORMATION

1. SITE DESCRIPTION

The subject site (site) at 81-95 Boronia Road, Greenacre comprises the following properties as shown in Figure 1.

Table 1: Subject site details

Property Address	Property Description	Current Zone	Site Area
81 Boronia Road	Lot Y DP 418826	Zone R2 Low Density Residential	11,472m ² (1.147ha)
83 Boronia Road	Lot X, DP 418826; Lot B DP 320337; Lot 1 DP 1074206		
87 Boronia Road	Lot 1, DP 105002		
95 Boronia Road	Lot 2, DP 315822		

The existing development on the site includes a single storey former retirement village consisting of thirty nine (39) townhouses, now occupied as ordinary residential housing, and five detached residential dwellings. Existing vehicular access to the site is via six separate driveways on Boronia Road. The site has a frontage of approximately 113m to Boronia Road and a depth of 100m.

The site has a 4.5m fall from the street to the rear of the site. The stormwater generally drains to the rear of the site, with stormwater lines to the rear boundary. The rear portion of the site is located within a flood planning area.



Figure 1: Site Map (Source: Near Map)

The site is located approximately 600m to the west of Waterloo Road which is the main street of the Greenacre Local Centre. The existing character of the area is predominantly single storey detached residential dwellings (Figure 3) with some two storey duplexes and townhouses.

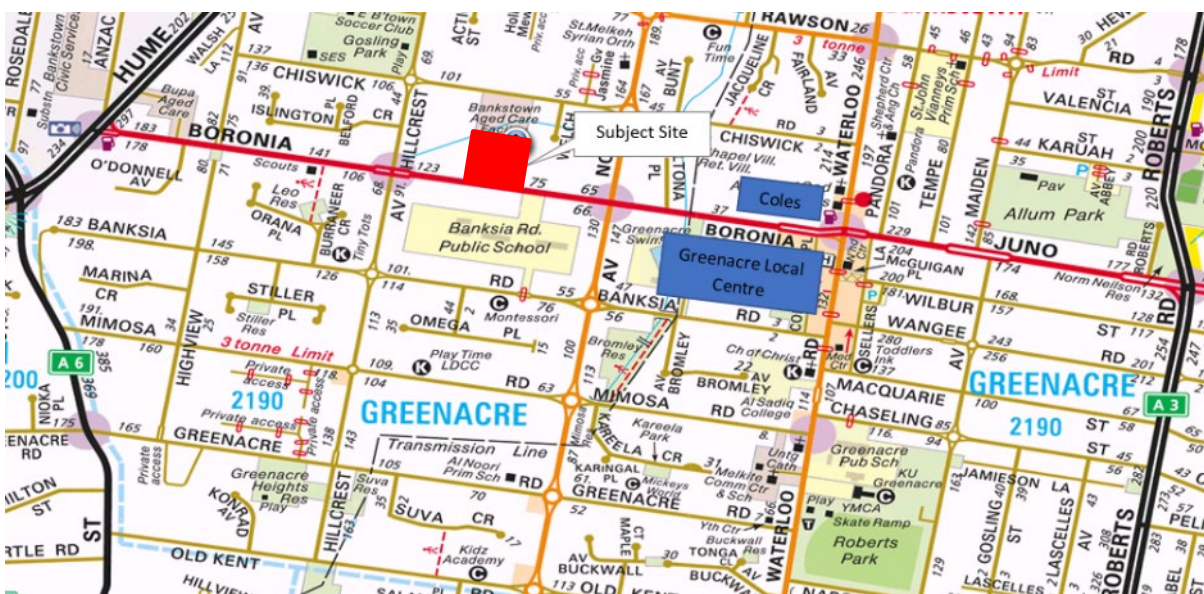


Figure 2: Site Context Map (Source: Sydway Online)

Existing uses immediately adjacent the site consist of single storey townhouse development to the east, a single storey dwelling house to the west, single and a two storey aged care facility to the north (with access from Chiswick Road) and Banksia Road Public School to the south directly opposite the site on Boronia Road.

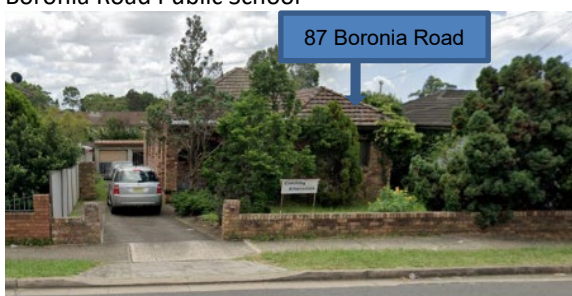
The predominant mode of travel to the site is via private vehicles and/or public transport (bus services). A bus stop is located in front of the site on Boronia Road which is served by the M90 and 946 bus routes which connects the site to Liverpool, Bankstown, Burwood and Chullora Employment Zone. Boronia Road is a major east – west road link connecting the site with Hume Highway and Roberts Road and is predominantly used by freight trucks to access the Enfield Intermodal Logistics Centre.



Boronia Road Public School



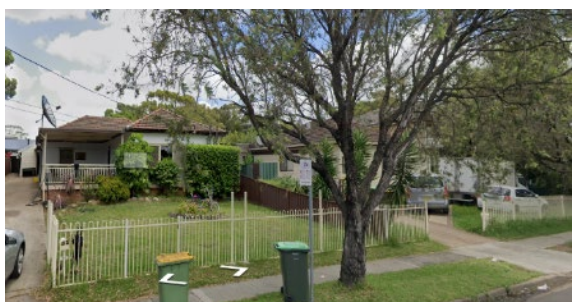
95 Boronia Road, Greenacre (Subject Site)



87 Boronia Road, Greenacre (Subject Site)



81 Boronia Road, Greenacre (Subject Site)



Predominant low density housing



Some town house developments



Town house developments in the vicinity



Greenacre Coles

Figure 3: Photos of the site and existing development surrounding the site

2. PLANNING PROPOSAL

The applicant's Planning Proposal notes the following intended outcomes:

"The purpose of this Planning Proposal is to amend the Bankstown Local Environmental Plan 2015 to facilitate redevelopment of the site in a manner that supports the NSW Government's objectives for local centres and infill development.

The proposal seeks an alternative approach to development of the site compared to that which could be achieved under the current planning controls, and is suggested would achieve a significantly improved urban design outcome, with significant social and economic benefits for the local community.

The intention is to assist Council in achieving requisite housing targets for the LGA, and to increase the supply of high quality affordable rental housing available to key workers in close proximity to the Greenacre Local Centre and Bankstown."

Following an assessment of an initial proposal submitted in March 2021, Council met with the applicant to advise its concerns and provided options for the applicant to explore in regard to alternative site layouts and densities.

In response, the applicant submitted a revised application to rezone the site to facilitate multi-dwelling housing and sought the following amendments to the LEP:

Table 3: Summary of the applicant's request to amend the LEP controls

	Current LEP controls	Initial Proposal (March 2021)	Revised Proposal (Current, May 2022)
Zone	R2 Low Density Residential	R3 Medium Density Residential	R3 Medium Density Residential
Maximum FSR	0.5:1	1.35:1	0.75:1
Maximum Building Height	9m (2 storeys)	10.5m (3 storeys)	10.5m (3 storeys)
Minimum Lot Size	450m ²	100m ²	100m ²

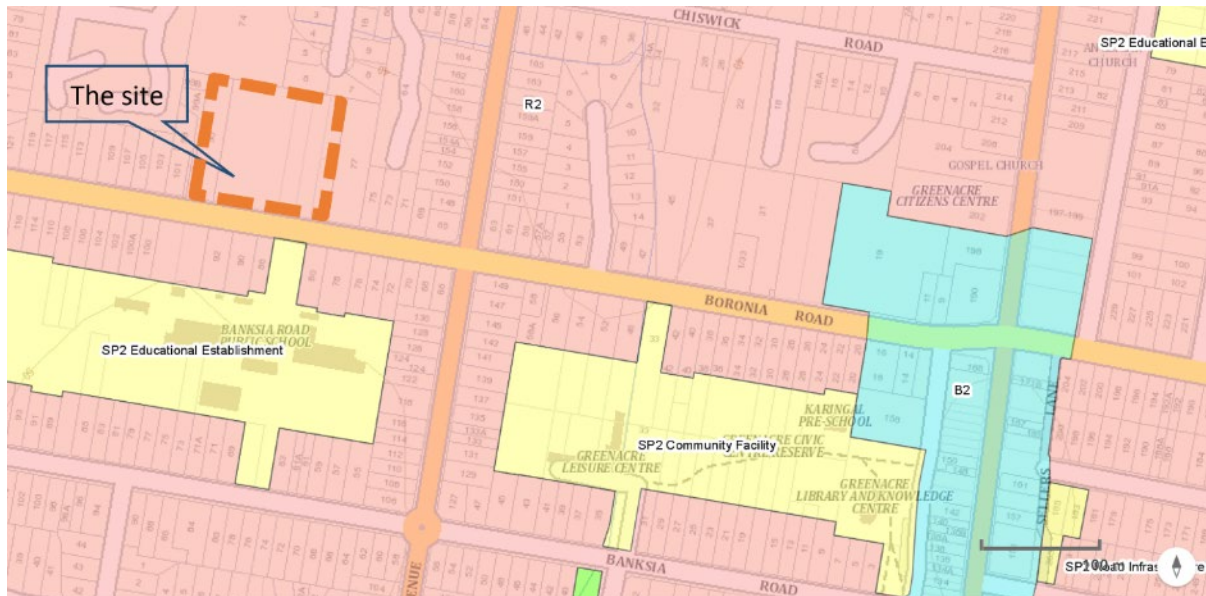


Figure 4: Bankstown LEP 2015 zoning map

The revised application includes a concept plan for a medium density townhouse development, comprising 70 townhouses and 150 vehicles in a basement carpark accessed via a single entry/exit off Boronia Street. 20 visitor car parking spaces and the waste collection area is proposed on the ground floor, however a loading bay for waste collection is also shown in the basement.

The proposal includes a communal open space area of approximately 485m² which is approximately half the area of the communal open space offered in the initial proposal.

The applicant's Planning Proposal is accompanied by a number of reports as shown at Attachments A-R.



Figure 5: Proposed Concept Plan, May 2022

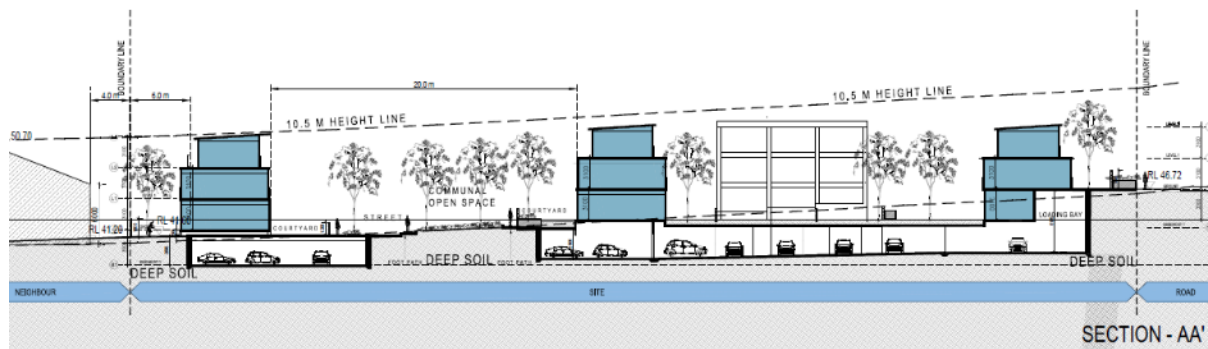


Figure 6: Section of the revised Concept Plan, May 2022



Figure 7: Revised building massing, May 2022

2.2 Planning Agreement

The revised application is accompanied by a Letter of Offer to enter into a Planning Agreement (Attachment B) comprising the following:

"...By way of an offer to enter into a Voluntary Planning Agreement, 5% of the gross floor area will be dedicated to Council for the purpose of providing affordable housing. An additional minimum 20% of the gross floor area will be made available as affordable rental housing for 15 years from the date of issue of the occupation certificate:

- (i) the dwellings proposed to be used for the purposes of affordable rental housing will be used for the purposes of affordable housing, and*
- (ii) all accommodation that is used for affordable rental housing will be managed by a registered community housing provider.*

The proponent will also either undertake works in kind or contribute \$300,000 towards the embellishment of open space and recreation facilities within walking distance of the site."

Council recommends not to proceed with the Planning Proposal to a Gateway Determination, therefore Council has at this point not progressed with the preparation of a draft Planning Agreement.

3. ASSESSMENT

Pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's (the Department) LEP Making Guideline dated December 2021, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan
- South District Plan
- State Environmental Planning Policies
- Local Planning Directions (formerly Ministerial Directions)
- Canterbury Bankstown Local Strategic Planning Statement (LSPS) '*Connective City 2036*'
- Bankstown Local Environmental Plan (LEP) 2015
- Draft Canterbury Bankstown LEP 2021
- Canterbury Bankstown Housing Strategy 2020, and
- Canterbury Bankstown Affordable Housing Strategy 2020.

The section below outlines the key findings of Council's assessment of the application.

3.1 Consistency with Strategic Planning Framework

3.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities and the South District Plan:

The Greater Sydney Region Plan (GSRP) and South District Plan (the District Plan) were released by the Greater Sydney Commission (GSC) in March 2018.

The GSRP provides a 40-year vision for the Greater Sydney region and is designed to inform district and local plans and the assessment of Planning Proposals. To accommodate planned population growth in the Sydney Region, the GSRP encourages well designed housing in the 'right location' that is compatible with the existing local character to meet the projected dwelling targets .

The GSRP identifies a number of key objectives to ensure that communities are healthy, resilient and socially connected; and that a range of housing is made available to all groups in the community. Refer to the assessment against the GSRP at Attachment S.

Council's assessment identifies that although the application would contribute towards housing supply and affordable housing for the city, it does not meet the GSRP requirements for housing to be in the 'right location' and be of a 'good design'. A detailed site-specific merit assessment of the proposal confirms that the relevant objectives/priorities of the GSRP and the District Plan are not satisfactorily met by the application.

3.1.2 Local Strategic Planning Statement – '*Connective City 2036*'

Council's LSPS guides the 20-year planning vision and changes to Council's planning framework for the LGA. The vision of the LSPS is to sustainably grow the City, protecting environmental values, creating vibrant and connected centres, delivering housing and jobs in well planned locations around mass transit/railway stations.



Figure 8: Extract of LSPS - Hierarchy of Strategic and Local Centres

The LSPS identifies Greenacre as a ‘Local Centre’ and shows the extent of the Greenacre Local Centre boundary. Attachment S to this report provides Council’s detailed assessment of the application against the key priorities of the LSPS.

Should Council decide to proceed with the application, this would set a precedent supporting an ‘out of centre’ development. The intended outcome of the applications is inconsistent with the strategic vision of the LSPS which intends to concentrate intensification within established centres supported by existing social infrastructure facilities and public transport services.

4.1 Local Planning Directions (Section 9.1 Ministerial Directions)

Council’s assessment indicates that the application is inconsistent with the Local Planning Directions 4.1 Flooding and 6.1 Residential Zones.

Local Planning Direction 4.1 Flooding

As demonstrated in the figures below, the site is located within a flood planning area and therefore the Local Planning Direction 4.1 Flooding applies to the site.

The objective of this local planning 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 and that any proposed LEP planning provisions consider potential flood impacts on and off the subject land.

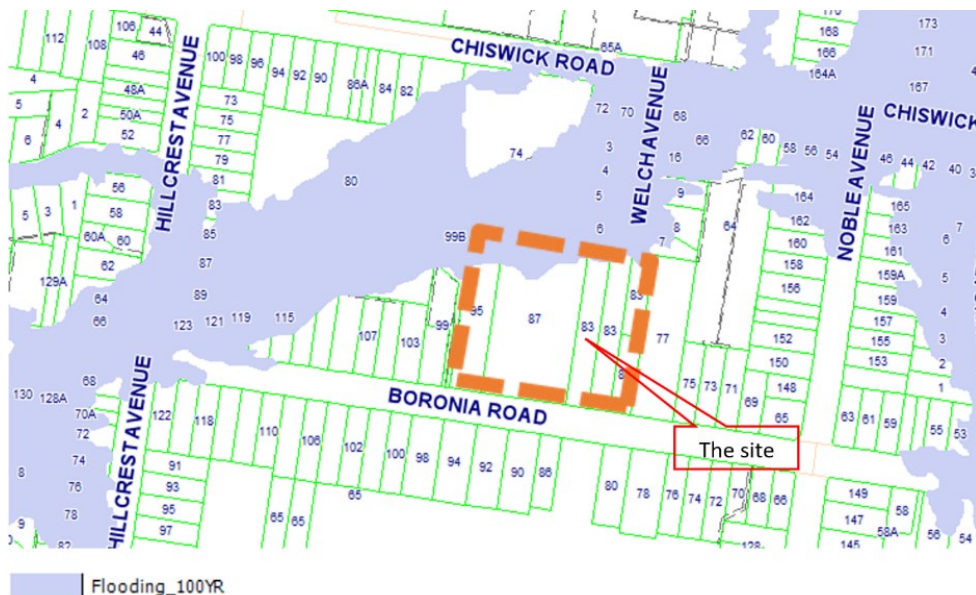


Figure 9: 1 in 100 Yr Flood Affection

Council's review of the applicant's flooding assessment confirm that the proposal does not provide an acceptable assessment of flood impacts and flood risks consistent with the requirements of the Flood Risk Management Guide LU01 (DPE, 2022) (FIRA). The proposal does not consider potential risks associated with flooding, proportionate to the intensification being proposed on the site, except for a recommendation that the dwellings are to be elevated above the flood level. Further consideration of the flooding implications from enclosed spaces which may cause blockage and subsequent obstruction to flooding would be required.

The proposal does not provide information on whether there is a change in flood level/depth, flood velocities and flood hazard for multiple scenarios including but not limited to 1% AEP (100 year ARI) and Probable Maximum Flood (PMF) flooding. Additionally, the proposal has not included a management plan for evacuation in the event of a flood.

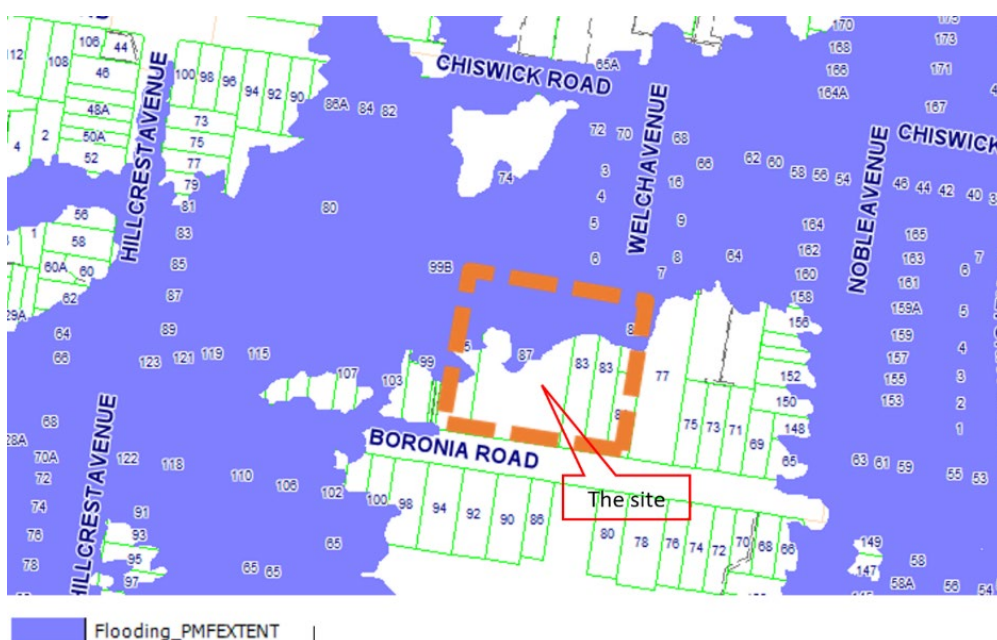


Figure 10: Probable Maximum Flood Extent

Local Planning Direction 6.1 Residential Zones

Local Planning Direction 6.1 Residential Zones requires the following:

- (1) *A planning proposal must include provisions that encourage the provision of housing that will:*
 - (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*

Council's assessment of the Planning Proposal is informed by Urban Design Peer Reviews undertaken by a qualified urban design specialist. Although the Planning Proposal intends to offer housing choice, the proposed FSR and height of building will result in poor amenity for future occupants and therefore would not deliver good design outcomes.

3.1.3 Draft Canterbury Bankstown LEP 2021

Council's vision for the future growth of the Greenacre Local Centre is contained within the draft Canterbury Bankstown LEP (draft CBLEP). The draft CBLEP will consolidate the LEPs for the former Canterbury and Bankstown LGAs and is currently awaiting finalisation by the Department of Planning.

The draft CBLEP was informed by the Local Area Plans prepared by the former Bankstown City Council which sought to increase housing density around centres to accommodate population growth through to 2031. North East Local Area Plan which was adopted by Council at its Ordinary meeting of 11 May 2016.

The North East Local Area Plan accommodated additional housing growth within Greenacre Local Centre through rezoning certain lands to R4 High Density Residential Zone which will accommodate approximately 2,139 additional dwellings through to 2031. The North East Local Area Plan also included rezoning certain land in the Greenacre Local Centre to R3 Medium Density Residential Zone adjacent to the B2 Local Centre Zone, as shown in Figure 11. Given this approach by Council, there would be limited need to rezone the subject site because housing growth has been incorporated into the draft CBLEP.



Figure 11: Extract of Zoning Map under the Draft Canterbury Bankstown LEP 2021

3.1.4 Canterbury Bankstown Housing Strategy

On 23 June 2020, Council adopted the Canterbury Bankstown Housing Strategy (the Housing Strategy) to support Council's LSPS to guide future planning decisions for housing delivery in the city.

The Housing Strategy recommends that medium density housing is located on the edge of centres to allow a transition from B2 Local Centre zoned land to R2 Low Density Residential zoned areas. This is to ensure multi-dwelling housing is limited and restricted to the edge of centres where impacts resulting from higher density housing would be minimised and that such development does not occur in existing low scale areas zoned R2 Low Density Residential. This approach is reflected by Council's resolution at its Ordinary Meeting of 28 May 2019 to make amendments to the Bankstown LEP 2015 to prohibit certain multi-dwelling development in R2 Low Density Residential zoned areas.

Should Council decide to proceed with this Planning Proposal in its current form, this would create an isolated R3 Medium Density zoned parcel of land surrounded by R2 Low Density Residential zoned land, making the proposal inconsistent with the intent of Council's Housing Strategy.

3.1.5 Canterbury Bankstown Affordable Housing Strategy

On 23 June 2020, Council adopted the Canterbury Bankstown Affordable Housing Strategy. The objectives of the Affordable Housing Strategy are to increase the provision of affordable rental housing and to reduce the level of housing stress experienced by residents across the City of Canterbury Bankstown.

The Affordable Housing Strategy and Council's Planning Agreement Policy requires a 5% affordable housing contribution for Planning Proposals resulting in uplift of more than 1,000m² of residential floorspace, unless otherwise agreed with Council.

Although the application includes an offer of 25% of the GFA of the development is affordable housing, of which 5% or around four dwellings would be dedicated to Council in perpetuity. Council's peer review of the applicant's Social Impact Assessment confirms that the Planning Proposal at this stage does not consider the loss of any existing affordable housing on the site and therefore the proposal may result in an overall net loss in permanent affordable housing for Greenacre.

3.2 Assessment of Site-Specific Merit

3.2.1 Proposed scale and density

As part of the detailed site specific merit assessment of the proposal, Council commissioned an independent urban design specialist to undertake a peer review of the applicant's initial concept design report in September 2021 and the revised concept design report in July 2022.

Urban Design Peer Review, September 2021

The Urban Design Peer Review prepared by Smith & Tzannes (Attachment T) reviewed the applicant's initial concept plan against the following site principles:

- Scale is compatible with strategic vision and surrounding development
- Appropriate medium density character
- Legible circulation and address
- Clear definition of public and private space
- Consolidated open space & deep soil for tree canopy
- Housing provides high amenity for future residents
- Create safe places, and
- Traffic does not dominate the ground plane.

The Urban Design peer review presented a number of case studies to draw appropriate recommendations on density, built form and street presentation, circulation and site safety, open space, deep soil zones and other elements in the public domain.

Addendum to Urban Design Peer Review, July 2022

A further review of the revised design concept plan was completed in July 2022 following the lodgement of the revised Planning Proposal.

The Addendum Urban Design Peer Review confirms that although the revised design concept considered some of the previous recommendations of the peer review, the key matters relating to the density and height of the proposal remains unresolved. An assessment of these key issues regarding Floor Space Ratio, height of building and minimum lot size is provided below.

Floor Space Ratio (FSR)

The applicant's initial concept design proposed an FSR of 1.35:1 which was subsequently amended to 0.75:1 FSR with the revised design concept. Based on the applicant's offer for 25% affordable housing, the proposal would benefit to a bonus FSR of 0.25:1 on top of the 0.75:1 FSR under Chapter 2 'Affordable housing' in the State Environmental Planning Policy (Housing) 2021 which would result in an FSR of 1:1.

Council's Urban Design Peer Review dated September 2021 notes that the proposed scale and density is a significant concern that will result in the future built form being inconsistent with the existing low density residential character surrounding the site and the proposal not achieving a reasonable level of solar access compliance. The other matters raised in the Peer Review include insufficient side setbacks to neighbouring properties resulting into acoustic, privacy, solar impacts and issues relating to pedestrian safety, servicing and legibility concerns, as detailed in Attachment T.

Council's Addendum Urban Design Peer Review, July 2022 (Attachment U) advises that although the revised design concept has incorporated some the previous peer review recommendations, the unreasonable density and height of the proposal is not supportable on urban design grounds.

Key recommendations of the peer review which applies to the applicant's concept plans (initial and the revised) are discussed below:

The Urban Design Peer Review (September 2021) confirms that a typical townhouse of the applicant's concept plan has a gross floor area (GFA) of 140m². With an expected yield of 74 townhouses (initial concept plan), this would equate to an expected FSR of 0.9:1 across the site, which is significantly higher than the densities of surrounding multi-dwelling developments, as demonstrated in Figure 12 below. The density of the existing townhouses in the locality as noted on Figure 12 is in a range of 31 to 41 dwellings/ha.



Figure 12: Proposed residential density in the surrounding context (orange = existing multi-dwelling housing)

The Urban Design Peer Review tested alternative concept schemes, based on site principles developed by the independent urban design specialist. This resulted in a maximum permissible FSR of 0.7:1 for the site. According to the peer review, the FSR of 0.7:1 will enable the proposal to have an appropriate density that is compatible with the adjacent R2 Low Density Residential zoned land. The urban design specialist tested the following two alternative schemes (Figures 13 and 14), which provide a potential yield of approximately 50-52 dwellings (43-45 dwellings/ha, Option 1) and 45-50 dwellings (39-44 dwellings/ha, Option 2).

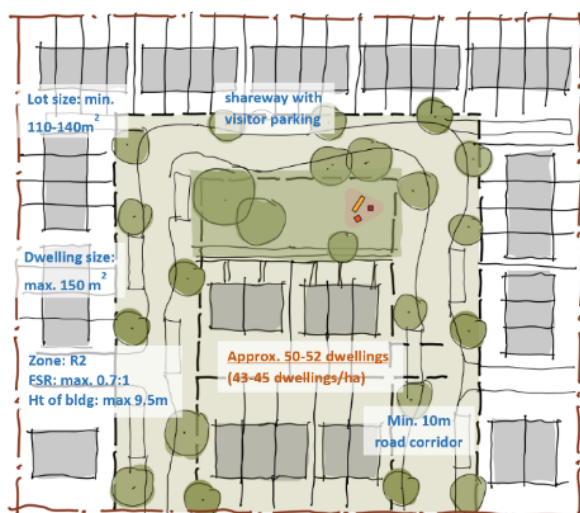


Figure 13: Urban Design Peer Review 2021 recommendation - Option 1

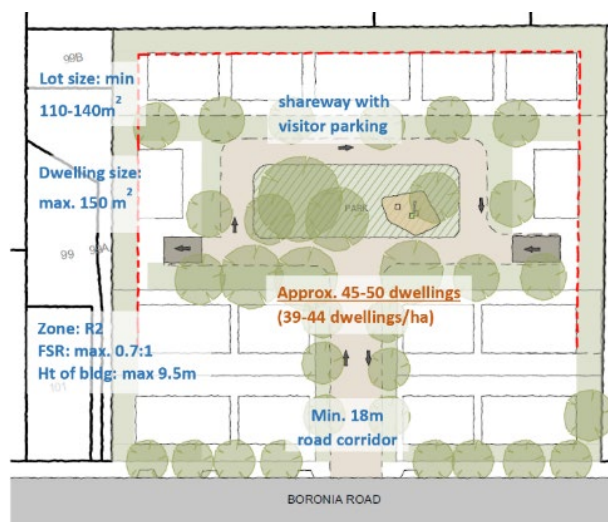


Figure 14: Urban Design Peer Review 2021 recommendation - Option 2

The Urban Design Peer Review also included a concept scheme for a currently permissible development involving attached dual occupancy dwellings under the existing LEP controls (Figure 15). A density of around 30 dwellings/ha (approximately 34 duplexes, 2 storeys) is currently permissible without requiring any changes to existing LEP controls.

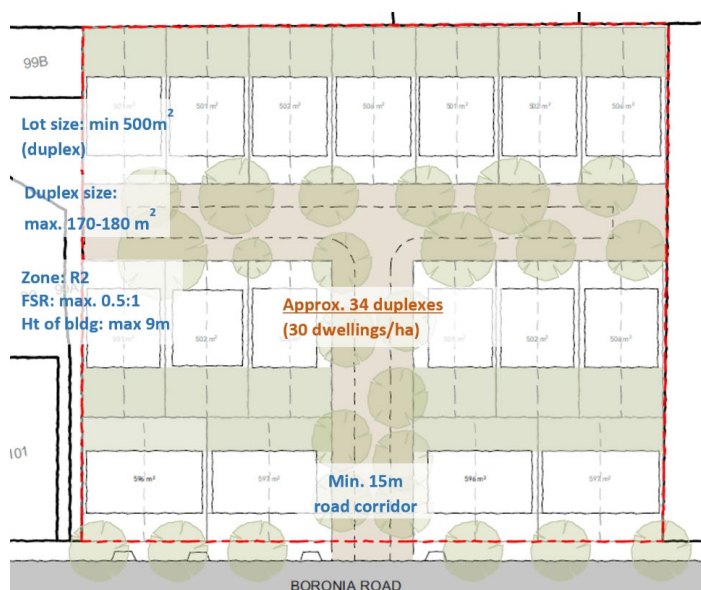


Figure 15: Complying scheme for a duplex under the Bankstown LEP 2015 (Urban Design Peer Review, September 2021)

In terms of the applicant's revised request for 0.75:1 FSR, the Addendum Urban Design Peer Review reconfirms that based on the assessment and testing of the review, there is insufficient evidence to suggest that an FSR higher than 0.7:1 can be achieved on the site. For this reason, the peer review recommends that the maximum FSR of 0.7:1 should include any bonuses under the Chapter 2 'Affordable housing' in the Housing SEPP. In consideration to the above, the applicant's proposed FSR of 0.75:1 is not supported.

Maximum Height of Buildings

The proposal seeks to increase the maximum height of buildings from the existing control of 9m to 10.5m. The increased building height would allow for three storey development across the site which is inconsistent with the predominantly 1-2 storey low density residential character of the surrounding R2 Low Density Residential zoned area.

The Urban Design Peer Review recommends that a maximum building height of 9.5m would allow a two storey built form around the perimeter of the site, with the third storey within the attic space-roof form which should be setback from the building line in order to reduce visual bulk impacts. To achieve acceptable urban design outcomes, the attic space should be limited to 60% floor space of level below and a minimum 6m setback from all site boundaries unless fronting Boronia Road.

The Urban Design Peer review also recommends that due to a considerable fall of the site, a site specific DCP may allow some flexibility to achieve certain three storey development (10.5m) only at the centre of the site if the proposal can demonstrate that the intended 3 hr solar access to private open spaces within the site can be achieved, consistent with Council's DCP requirements. Further testing of 10.5m building heights would be required to confirm whether such a building height could be supported. This testing would be undertaken post-Gateway should Council resolve to proceed with submitting the Planning Proposal for a Gateway Determination.

In consideration to the above, the applicant's request for increasing the maximum height of buildings from 9m to 10.5m across the entire site is not supported.

Minimum Lot Sizes

In order to achieve the proposed yield of around 70 dwellings, the application seeks to vary the minimum subdivision lot size to 100m². The Bankstown LEP 2015 requires a minimum lot size of 450m² in the R2 Low Density Residential Zone.



Figure 16: Streetscape study of the proposal

The existing Boronia Road streetscape along and adjacent to the site is characterised by low scale detached dwellings with a regular rhythm of spacing between the dwellings. The proposal would create a more compressed dwelling appearance along Boronia Road with minimal separation between dwellings as shown in Figure 16. Further, the lot size of 100m² is considerably smaller than the existing 450m² minimum lot size and would enable the higher residential density of proposal which is not supported by Council as outlined in this report.

The indicative floor plans of a dwelling that would be constructed on the site is shown in the figure below.

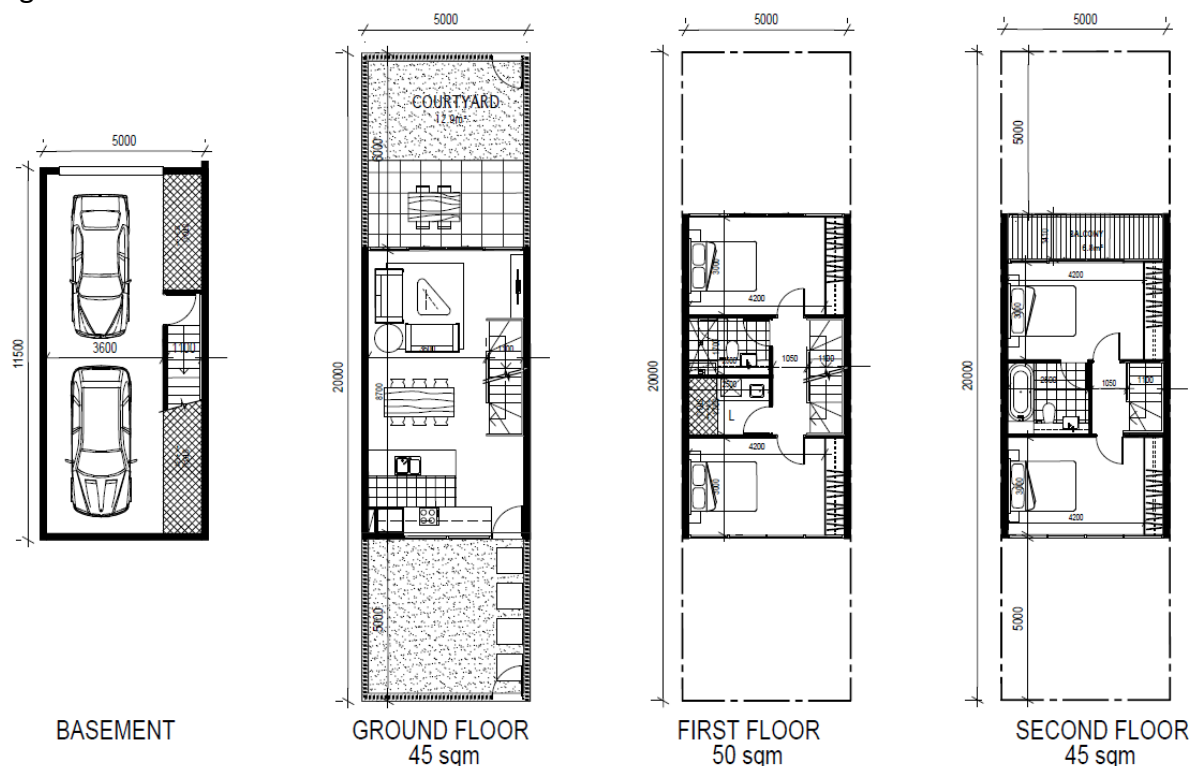


Figure 17: Typical floor plan (revised design concept)

3.2.2 Traffic and Transport

The applicant provided a Traffic Impact Assessment (TIA) for Council's consideration. This is provided in Attachment G. In August 2021, Council commissioned an independent traffic specialist to undertake a peer review of the applicant's TIA. The recommendations of the peer review are listed in Section 3 of Attachment V and summarised as follows:

- Justification needs to be provided for the assumptions in the TIA makes for the proposed traffic generation, traffic distribution, SIDRA modelling
- Early consultation with the Transport of NSW (TfNSW) is required in relation to the proposed narrowing of lanes along the Boronia Road frontage of the site, other proposed changes and the impact this may have on the functioning of the State Road and Boronia Road Public School
- Use of 'Affordable Housing' parking rates for the entirety of the development is unsuitable as the proposal does not constitute 100% affordable housing only on the site
- In order to remove the need for large trucks within the constrained basement car park, above-ground loading and waste collection areas to be considered
- Parking spaces for cars, bicycles, visitors, Person with Disabilities (PWD) to be consistent with the requirements of the Bankstown DCP 2015 and need to remove any inconsistencies in the report. Bicycle parking to be relocated from basement to a safe, convenient and public- facing space in line with passive relocated surveillance CPTED principles, and
- Swept path analysis to provide details of the largest vehicles that can access the site and the basement.

Preliminary Advice from TfNSW

In June 2022, Council referred the Planning Proposal to TfNSW to seek its preliminary advice, consistent with the requirements of the Department's LEP Making Guideline. The Guideline requires Council to undertake a preliminary consultation with relevant public authorities to ensure infrastructure related matters are addressed earlier in the Planning Proposal process.

On 8 July 2022, TfNSW advised that the findings and recommendations in Council's peer review of the Traffic Impact Assessment are supported. TfNSW provided the following additional comments:

- **SIDRA Modelling:** TfNSW did not support the applicant's SIDRA modelling and the stated traffic conditions. It is noted that the SIDRA modelling uses a generic assumed peak-periods instead of realistic site-specific peaks, evidence of calibration and validation and future year modelling (base and with development scenarios). Should Council decide to proceed with the Planning Proposal, the applicant would be required to provide evidence of calibration on an Electronic SIDRA modelling to TfNSW for review and verification. The modelling would also need to identify specific locations of deterioration by considering individual legs, in addition to the identified deterioration to the overall intersection.
- **Proposed median treatment:** TfNSW advised that future design of the proposed median treatment along the site frontage and resultant lane reduction would require concurrence from bus operators including a confirmation that the design would facilitate safe and convenient movements for pedestrians, cyclists, buses and other vehicles.

3.2.3 Open Space, Deep Soil zones and Tree Canopy

The applicant provided a Social Impact Assessment to address social impacts arising from the proposal. This is included in Attachment E.

As part of the detailed assessment of the proposal, Council engaged an independent specialist to review the applicant's Social Impact Assessment. A copy of the peer review is included in Attachment W. The Social Impact Assessment Peer Review notes the following key points:

- In accordance with Council's current open space benchmark of 2.8ha per 1,000 people, the demand of open space created by the proposal is approximately 4,200m². This requirement, according to the Government Architect's Greener Places is in a range of approximately 5,000m² - 7,000m². The peer review notes that an open space of this size may not be feasible for a Planning Proposal of this scale for an infill development, however the demand for the open space requirements should be secured via a Planning Agreement to deliver necessary community benefits. The applicant has offered to undertake works in kind or contribute \$300,000 towards the embellishment of open space and recreation facilities within walking distance of the site.
- The applicant's initial concept plan proposed approximately 823m² open space which was subsequently reduced to 485m² in the revised concept plan (refer to Page 26 of Attachment C). The Addendum Urban Design Peer Review (Attachment U) notes that in addition to a significantly reduced communal open space, the proposed width of 8.7m significantly limits the functionality of the open space and its ability to provide tree canopy over deep soil zones.

The reduction of the open space further exacerbates the adverse impacts of the increased dwelling density proposed on the site. A larger communal open space proportionate to the scale of development proposed would allow for a greater variety of open space uses to be accommodated and additional landscaping, including tree canopy coverage, to be provided. The quantum of the open space proposed in the concept plan is therefore not supported.

The peer review recommends achieving 30% tree canopy cover on the site which sits between Council's LSPS canopy targets of 25% for medium-high density areas and 40% for lower scale suburban areas. Although, the applicant's design concept satisfies the numeric requirements of the DCP for deep soil area, it is not clear whether the intended tree canopy cover can be achieved on the site due to the extent of the basement footprint across the site. Where the trees are not located within deep soil areas, the verge depth should be increased to a minimum of 2m to allow for adequate soil volume over the slab to maintain tree health. There is insufficient information to support the applicant's claimed tree canopy coverage.

3.2.6 Affordable Housing

As detailed in Section 3.1.5 of this report, although the applicant's Letter of Offer includes delivery of affordable housing on-site, the net gain in affordable housing for the locality is marginal when the loss of existing housing on the site, comprising 39 dwellings and five detached residential dwellings is considered. Council's peer review of the applicant's Social Impact Assessment confirms that the Planning Proposal has not addressed this matter and therefore a tangible net gain in affordable housing is not likely to be delivered. A greater proportion of affordable housing, above the 5% offered by the applicant, should be pursued should Council resolve to proceed to a Gateway Determination for the application.

3.2.7 Residential Amenity

In consideration to the proposed density and height of buildings, Council does not support the proposed increased FSR and building heights due to the adverse amenity impacts such as excessive visual bulk, overshadowing and overlooking to the adjoining established low density residential areas and to the future residents within the site.

As noted in the Addendum Urban Design Peer Review, although the revised concept plan has improved internal site circulation/access and delineation of public/private space to improve passive surveillance and movement, the scale and density remains inappropriate for the site and site context.

The revised concept plan includes a shadow study for the proposal between 9am- 4pm for the mid-winter solstice. The proposal does not confirm that it is consistent with the solar access requirements of Council's DCP and to achieve acceptable solar access and minimise overshadowing impacts, limiting the height of the buildings to two storeys along the perimeter of the site, increasing private open space and minimum lot size, and reducing the overall FSR and height of the proposal would be required.

Furthermore, it is also noted that although the applicant's Social Impact Statement recommends preparing an acoustic report to address and mitigate acoustic impacts arising from Boronia Road, the application is not informed by such studies at this stage.

3.2.4 Waste Collection

The Urban Design Peer Review recommends accommodating waste collection services at ground level to minimise potential conflict with other traffic in the basement. The revised concept plan does not provide sufficient information regarding the proposed waste collection facilities. A loading bay is located within the basement, however a bin collection area for approximately nine bins is shown on the ground level. The bin presentation area on the ground floor is small and is poorly located.

Council's assessment confirms that the proposed waste collection facilities do not satisfy Council's DCP requirements and therefore is not supported. A kerbside collection along Boronia Road is not feasible as the street frontage required for a kerbside collection is 130m which is greater than the street frontage of the site. Additionally, multiple wheelie bins presented to the kerbside would have a negative impact on the surrounding amenity.

Applicant's proposal currently do not provide any vehicle details for the purposes of on-site waste collection which is to be provided by a HRV as per Australia Standard (AS) 2890.2 *Parking Facilities: Off Street Commercial Vehicle Facilities*. For any basement access, the on-site collections are to accommodate a minimum height clearance of 4.5m, a minimum 12.5m length vehicle and additional 2m must be provided for bin loading at the rear of the vehicle.

Next Steps

Council's assessment of the proposal confirms that the Planning Proposal in its current form does not adequately demonstrate a clear strategic and site-specific merit to proceed to a Gateway Determination. Council's ongoing master planning of its strategic and other centres is able to comfortably absorb the number of dwellings proposed on this site, without needing this site-specific Planning Proposal which has many intangible costs associated with it.

-END-