

pedestrian circulation proves to be an obstacle with the main road networks heavily congested and poor pedestrian links. Lack of rear lane access into properties also proves to be a dilemma resulting in congestion on main circulation routes.

Bexley is also classified by Sydney Airport Corporation Limited (SACL) as a zone that has strict height limits as it is located under the flight path. Rockdale City Council has proposed for Bexley Town Centre to ideally have an FSR of 2:1 and a height of 16m (4 storeys) if land parcels are up zoned to the maximum B4 Mixed Use zone. Council has also proposed a development incentive to encourage site amalgamations whereby bonus FSR and Building height are granted. Final building heights cannot obstruct the airspace and are to be approved are by Sydney Airport Corporation and Department of Infrastructure and Regional Development. The following incentives apply for Bexley Town Centre:

Table 8: Bexley Town Centre development incentive

Site Area	Maximum height	Maximum FSR
Under 1,200m ²	4 storeys (16m)	2:1
Over 1,200m ²	5 storeys (19m)	2.5:1

Source: *Capacity Analysis and Built Form Study September 2010* (section 3.5 Bexley Planning Precinct – Page 21)

The *Capacity Analysis and Built Form Study* also classifies Bexley Town Centre under the village typology. Villages are proposed to have a zone of B4 Mixed Use to provide a greater range of uses than a local neighbourhood centre. Bexley Town Centre has the capacity to house 2500 dwellings, a small supermarket and additional specialty retail and commercial operations.

The subject sites are located adjacent to the Bexley Town Centre boundary and amendment of the RLEP 2011 to a higher order B4 zoning will enable Rockdale Council to meet residential and mixed use targets whilst providing for a greater range of services and amenities in the Bexley Town Centre. The rezoning of the land and the additional height and FSR, if approved, will allow for the creation of a supplementary precinct to the Bexley Town Centre that will predominately provide shop top housing accommodation whilst also offering the flexibility of potential future business developments.

4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

4.2.3.1 Overview of State Policy

There are a number of SEPPs that apply to the site and these are outlined in **Table 9**.

Table 9 Response to Relevant SEPP applicable to proposed amendments.

Relevant SEPP	Response
SEPP 1 – Development Standards	The PP will not contain provisions that will contradict or hinder the application of SEPP.
SEPP 4- Development Without Consent and Miscellaneous Exempt and Complying Development	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 6- Number of Storeys on a Building	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP 55 – Remediation of Lands	Refer Section 4.2.4.5
SEPP 65 – Design quality of residential flat development	Refer Section 4.2.3.2
SEPP (housing for seniors or people with disability) 2004	The PP will not contain provisions that will contradict or hinder the application of SEPP
SEPP (Building Sustainability Index: BASIX) 2004	The future residential components of the development will be subject to the requirements of this SEPP.
SEPP (Infrastructure) 2007	The PP has considered the relevant parts of the SEPP (Infrastructure 2007) namely traffic development and is considered consistent. See Section 4.2.3.4
SEPP (Affordable rental housing) 2009	The PP will not contain provisions that will contradict or hinder the application of SEPP

4.2.3.2 State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

Whilst the objective of the Urban Design Strategy was not to provide a detailed design or built form; overarching design matters such as height, setbacks and solar access are critical issues to be considered at the PP stage to ensure that an appropriate built form can be achieved prior to detailed design processes occurring.

As such, the proposed building envelope identified in the Urban Design Strategy report is consistent with SEPP 65 and its controls and rules of thumb, in particular those pertaining to building separation and daylight access of apartment buildings. In addition to this, further refinements have been incorporated in the building envelope to ensure an appropriate response to streetscape can be achieved. TPG's Urban Design Strategy provided as **Appendix D** notes the following development principles for the proposed development precinct:

- Amalgamation of fragmented land parcels to achieve cohesive land use, FSR and building heights that are responsive to the local context;
- Investigate the existing development incentives of bonus FSR and building height that is permissible for higher density built form;
- Propose a maximised built form potential near Bexley Town Centre to complement the anticipated growth of the town centre precinct;
- Achieve built form and amenity that reflect the preferred standards set by *SEPP 65 Apartment Design Guide*;
- Integrate appropriate setbacks, articulation and distribution of bulk to provide solar access and public spaces in between building blocks; and
- Provision of efficient links and circulation between the proposed development precinct and Bexley Town Centre to improve permeability and public domain.

Table 10 – Response to SEPP 65 Apartment Design Guide Principles

Provision	Response
Principle 1: Context and neighbourhood character	• Responds appropriately to the town centre location in proximity to the local railway stations and bus services. • Responds to the transitional urban scale of Bexley Town Centre and proposes residential mixed use that is consistent with the future character of the town centre locality. • Consistent with state government aim to revitalise existing town centres with higher density

Provision	Response
Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	residential development. Establishes a precinct approach to built form at the intersection of Forest Road, Kingsland Road South and Stoney Creek Road.
Principle 2: Built form and scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook	- The proposed form is consistent with the appropriate future scale for Bexley and does not seek to upscale above a height that is not already permitted in the town centre. - The proposed heights provide an appropriate transition from surrounding lower residential development to a height that is already permissible in the Bexley Town Centre. - The proposed form will reinforce the street edge interface with the public realm, whilst formalising new linkages within the town centre. - Activation at ground level will assist in defining the character at the street edge and enhancing the amenity of the street and public realm. - The proposed activation of urban courtyards and laneways in open spaces between the buildings can break up the bulk of the buildings. - The proposed of well-designed open spaces will add to the streetscape, amenity and outlook of the local area.
Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	- The proposed form provides for increased housing and business opportunities in an area where it is most appropriate, with convenient access to public transport and local retail and community facilities. - The density of the development responds to the appropriate future scale of the Bexley Town Centre as it is of a scale that is already permissible in the centre. - The increase in residential activity will assist in supporting local businesses and thereby enhance economic and social sustainability. - The increase in density through the provision of greater housing stock will accommodate the

Provision	Response
Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	projected population growth of Rockdale LGA. - Building bulk is designed to ensure appropriate solar access to neighbouring properties and internal tenancies/ residences. - Intensification in a location adjacent to the existing town centre in an area of high amenity with access to local services will reduce reliance on private vehicles and encourage public transport use. - The proposal will increase residential opportunities in an area of high amenity encouraging walking instead of driving.
Principle 5: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	- The Urban Design Strategy acknowledges the potential the Bexley Town Centre has to become a more vibrant and pedestrian friendly place. - The provision and activation of green spaces for the public will contribute to the natural environment and the local area's liveability. - The facilitation of well planned open spaces will encourage social interaction and active lifestyles.
Principle 7: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.	- The proposed form is well oriented to allow for appropriate solar access, ventilation and outlook for all dwellings. - In conjunction with setbacks to shared boundaries, the building envelopes are of sufficient depth to ensure that rational and efficient floor layouts can be achieved in the proposed

Provision	Response
Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility..	building envelope. Increased residential opportunities will enhance and strengthen local amenity by providing the critical mass to support existing and future businesses.
Principle 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	- Passive surveillance of local streets, links and public places is maximised through orientation of built form, which will ultimately include units and balconies overlooking these places. - The activation of ground floor spaces will assist in activation of the street during day and night time hours to promote surveillance and safety. - An integrated development of the sites will eliminate the current poor surveillance and create a more purposeful demarcation between public and private realm. - The provision of private open spaces within a development will allow for passive surveillance of public areas and linkages. - Adequate lighting and restricted accessibility to be applied to private areas to achieve safe and secure access points.
Principle 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	- The proposed form will enable a variety of apartment types to cater for a variety of budgets and needs. - Intensification of residential activity in the Bexley Town Centre will support local business enhancing viability and diversity of local amenities.
Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.	- The proposed form and indicative design provides a framework to achieve a high quality contemporary style as a part of a future detailed design process. - Activated street frontage will provide a desirable aesthetics to the street.

Provision	Response
The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	

4.2.3.3 Development Near Rail Corridors and Busy Roads – Interim Guidelines

Development Near Rail Corridors and Busy Roads – Interim Guidelines is not a SEPP but a guideline that assists in the design of land uses near transport corridors.

The site's proximity to local rail and bus services allows the development to take advantage of the State government's response to higher density residential development near rail corridors. The State government emphasises the importance of integrating land uses and taking advantage of public transport, especially in designing medium to high density developments. The State government emphasises the importance and need in utilising transport corridors:

"The land use strategies for transport corridors and centres are all important components of the Government's suite of planning initiatives to meet the priorities in the State Plan, including: providing places and locations for services, commercial and business activities and a range of other employment and economic activity, increasing densities and clustering business and other activities in strategic centres, and increasing public transport use and improving liveability" (Development near Rail Corridors and Busy Roads – Interim Guideline, December, 2008).

This PP is considered to achieve the objectives of the Interim Guideline by providing higher density mixed use housing in an area close to public transport, which reduces the reliance on cars. The development is of high accessibility and therefore meets the intent of the Interim Guidelines.

4.2.3.4 Infrastructure SEPP 2007 – Clause 102 Impact of road noise or vibration on non road development

The State Environmental Planning Policy that needs to be addressed in the PP is *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*. It was introduced to facilitate the delivery of infrastructure such as hospitals, schools, railways, roads, power and water supplies and other necessary services across the State by improving regulatory certainty and efficiency.

Clause 102 of the Infrastructure SEPP specifies that development adjacent to a road corridor is subject to adverse road noise and vibration. Development consent is granted if the development satisfies permissible noise levels during certain times of the day.

Clause 102 of the *Infrastructure SEPP* states as follows:

102 Impact of road noise or vibration on non road development

(1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

- (a) *a building for residential use,*
- (b) *a place of public worship,*
- (c) *a hospital,*
- (d) *an educational establishment or child care centre.*

(2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

(3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
- (4) *In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.*

The PP will achieve objectives of *Infrastructure SEPP 2007* by identifying the approvals process involved regarding development that may be exposed to road noise and vibration that is above the prescribed LAeq levels. Development located near State classified roads like Forest Road and Stoney Creek Road will undergo noise and vibration analysis to establish appropriate sound attenuation for the development, if necessary.

This is a matter that can be addressed and managed at the detail design and development application stage.

4.2.3.5 Infrastructure SEPP 2007 - Clause 104 Traffic generating development

Clause 104 of *Infrastructure SEPP 2007* will need to be addressed in this PP as the amendments will result in an increase in density that may trigger additional traffic volume that needs to be assessed by the RTA. For **Clause 104** of the *Infrastructure SEPP 2007* to apply a proposed development must trigger the 'relevant size or capacity' threshold under Subclause 104(2)(a), which refers to thresholds contained within Column 2 and Column 3 of the Table to Schedule 3 of the *Infrastructure SEPP*. The subject sites are located on a classified road thus are subject to Column 3 thresholds, which include:

Table 11 – Capacity threshold for the application of Clause 104 of Infrastructure SEPP 2007

Column 1: Purpose of development	Column 3: Size or capacity-site with access to a classified road or to a road that connects to a classified road
Apartment or residential flat building	75 or more dwellings
Shops	500m ²
Shops and commercial premises	1000m ²

Proposed development that reach a capacity outlined in Schedule 3, resulting in critical traffic generation, will be referred to the RTA for assessment. Traffic generation issues will be assessed in a survey by Car Parking by Parking and Traffic Consultants in **Appendix F**, to ensure that the PP does not stray away from the appropriate capacity outlined in **Clause 104**.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (117 directions)

4.2.4.1 1.1 Business and Industrial Zones

The objectives of this Direction are to:

- encourage employment growth in suitable locations;
- protect employment land in business and industrial zones; and