

# **Planning Proposal**

## **Bayside Local Environmental Plan 2021**

### **No 88-96 New Illawarra Road & No 307- 311A Bexley Road, Bexley North**

#### **Proposed Rezoning of land to Residential High Density R4 with associated amendments to Building Height and Floor Space Ratio**

October 2022

The logo for Bayside Council, featuring the words "Bayside" and "Council" in white, stacked vertically, on a teal square background.

**Bayside  
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Table of revisions	
May 2017	Draft V1
January 2018	Draft V2
October 2021	Draft V3
February 2022	Final Draft
October 2022	Gateway Determination



## Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to the *Bayside Local Environmental Plan 2021* (Bayside LEP 2021). It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment (DPE) guidelines, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals', September 2022.

This Planning Proposal is accompanied by reports and concept plans and a draft Development Control Plan (Appendix A) prepared by specialist consultants. These studies have confirmed the capability and appropriateness of the proposal and have not identified any constraints which will result in any detrimental amenity impacts to the surrounding community.

## Background

This Planning Proposal has been prepared for land known as No 88-96 New Illawarra Road and No 307-311A Bexley Road, Bexley North. The planning proposal relates to the R2 Low Density zoned land fronting Bexley Road and New Illawarra Road, North Bexley.

The subject land is legally identified as Lot 35 in DP 663036; Lot 1 in DP 1045200; Lot A in DP 388204; Lot B in DP 388204; Lot 1 in DP 400341; Lot 6 in DP 508629; Lots 3 and 4 in DP 508629; and Lot 5 in DP 508629.

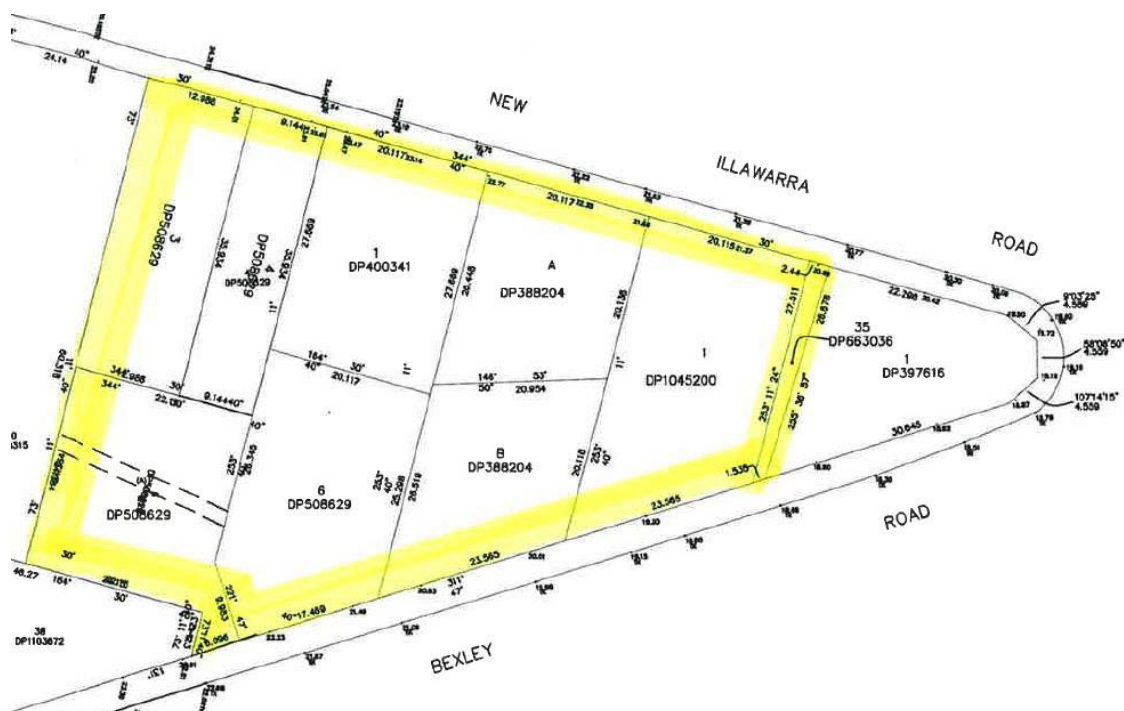


Figure 1: Aerial of the site, subject site highlighted in yellow

Adjoining the subject site to the north is Lot 1 in DP 397616, a triangular shaped parcel of open space at the point or intersection of New Illawarra Road and Bexley Road, which provides an ideal landscaped setting to the subject site.

Adjoining the subject site to the south is land owned by the Land and Housing Corporation (LAHC). It is understood that the adjoining two lots were subject to a development application to Council for the erection of a three-storey residential flat building for public housing, which has since been approved.

The subject land has been identified as being suitable for an up-zoning based on its location characteristics being within walking distance to Bexley North Railway Station, connectivity to the North Bexley town centre, existence of a redundant service station, its unique configuration on the block being separated by housing lots further to the south by Department of Family and Community Services land (Land and Housing Corporation). In addition, the subject site has potential for the erection of coordinated built form, address of local overland flow issues and public domain improvements.

Accordingly, the applicant proposes to rezone the subject land from R2 Low Density Residential to R4 High Density Residential, so as to facilitate the construction of three (3) residential flat buildings ranging in building height from 5 to 6 storeys.

The subject site is ideally situated on the southern fringe of the North Bexley town centre and benefits from having two street frontages to Bexley Road and New Illawarra Road. The subject site has a total area of 4,257m<sup>2</sup>.

The subject site has no heritage significance, nor is it located within a heritage conservation area. There are no heritage items adjoining the property.

Applicable to the subject site currently are the provisions of the Bayside LEP 2021 and associated Rockdale DCP 2011. The subject land is zoned R2 Low Density Residential, has a maximum building height limit of 8.5m and a maximum floor space ratio (FSR) of 0.5:1. The current planning controls restrict redevelopment opportunities of what is considered to be a unique and valuable parcel of land to provide additional housing within the North Bexley town centre context and in proximity to mass transit public transport.

By way of background, the applicant has had discussions with Bayside Council (Council) as to the feasibility of pursuing the proposed re-zoning. Council staff have advised that while there are no immediate plans by Council to rezone the land, the subject land has potential re-development characteristics.

Property owners within the street block have been approached by the applicant inviting support for the proposal inclusive of the Department of Family and Community Services. The property owners within the subject site have been consulted and agreement obtained to pursue the planning proposal. Representatives of the Department of Family and Community Services have advised that there is no need for a rezoning of their land as the Department was seeking to submit a development application for the development of their site pursuant to current legislation. This application has since been approved.



Figure 2: View of subject site from Bexley Road

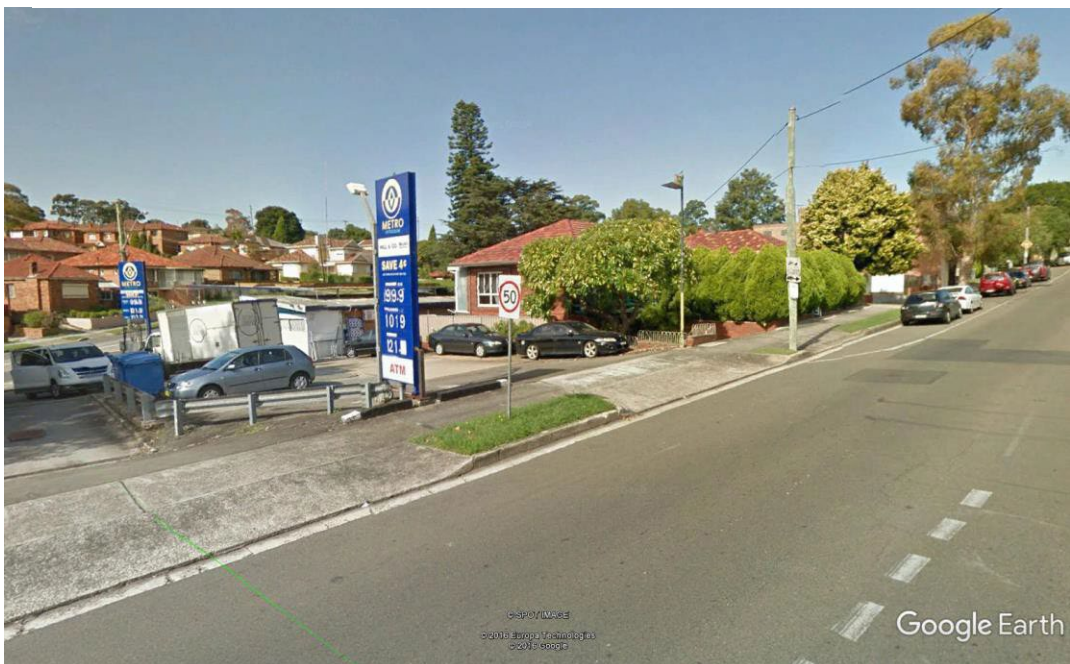


Figure 3: View of subject site from New Illawarra Road

## Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend the *Bayside LEP 2021* to facilitate the rezoning of the subject site from R2 Low Density Residential to R4 High Density Residential permitting the construction of three (3) residential flat buildings ranging in building height from 5 to 6 storeys.

A detailed site and urban analysis have been prepared by Urban Link Pty Ltd (Refer to Urban context Report).

The proposed design concept has been developed to promote and reflect the Local and State planning initiatives for renewal and consolidation of sites near major transport nodes. The scale and density of the proposed buildings is specifically designed to reflect the site context and the desired future character of development within and nearby Bexley North town centre.

The proposed design and amendments to the Bayside LEP 2021 effectively fast tracks Council initiatives. The proposed development outcome provides for building heights between 5 and 6 storeys - 20.5m and a maximum floor space ratio of 1.9:1; the planning proposal provides for corresponding amendments to the zoning, height and floor space ratio controls under the Bayside LEP 2021.

The proposed re-zoning of the land to R4 High Density Residential enables the development of the site with residential flat buildings which have the potential of increasing housing supply in the precinct and generating a community benefit as follows:

- Providing additional and diverse housing within a well serviced locality close to public transport and the workplace.
- Utilising a valuable land parcel which presently contains, in part, a redundant service station.
- The redevelopment will improve safety by restricting vehicular access to New Illawarra Road and through separating vehicular and pedestrian access. The built form will also be orientated to provide passive surveillance to the adjacent park and public domain.
- Capitalising on existing service infrastructure and transport services.
- A contribution towards material public benefits to be negotiated through a Voluntary Planning Agreement.

## Part 2 - Explanation of Provisions

### A Map

The relevant *Bayside Local Environmental Plan 2021* Maps are proposed to be amended as per Table 1 and supporting figures 4-7 below.

**Table 1** - Proposed Zoning Map Amendments

Map Tile No.	Clause	Amendment	Explanation
Zoning Map (Map LZN_001)	2.1 Land use zones	Re-zone the land from R2 Low Density Residential to R4 High Density Residential	The proposed R4 zoning enables the construction of residential flat buildings on the site, in proximity to existing public transport, services and amenity.
Lot Size Map (LSZ_001)	4.1 Minimum subdivision lot size	Remove the minimum lot size reference	To enable the efficient development of the site.
Floor Space Ratio Map (FSR_001)	4.4 Floor space ratio	Delete reference to 0.5:1 and replace with 2:1	The proposed Floor Space Ratio provides opportunity to provide a residential flat building and maximise the quality of apartments.
Height of Building Map (HOB_001)	4.3 Height of building	Delete reference to 8.5m maximum height and replace with 20.5m	The proposed height provides opportunity to provide a 6-storey building accommodating for overland flow and maximising design treatment and amenity of the buildings.





## Map LSZ\_001

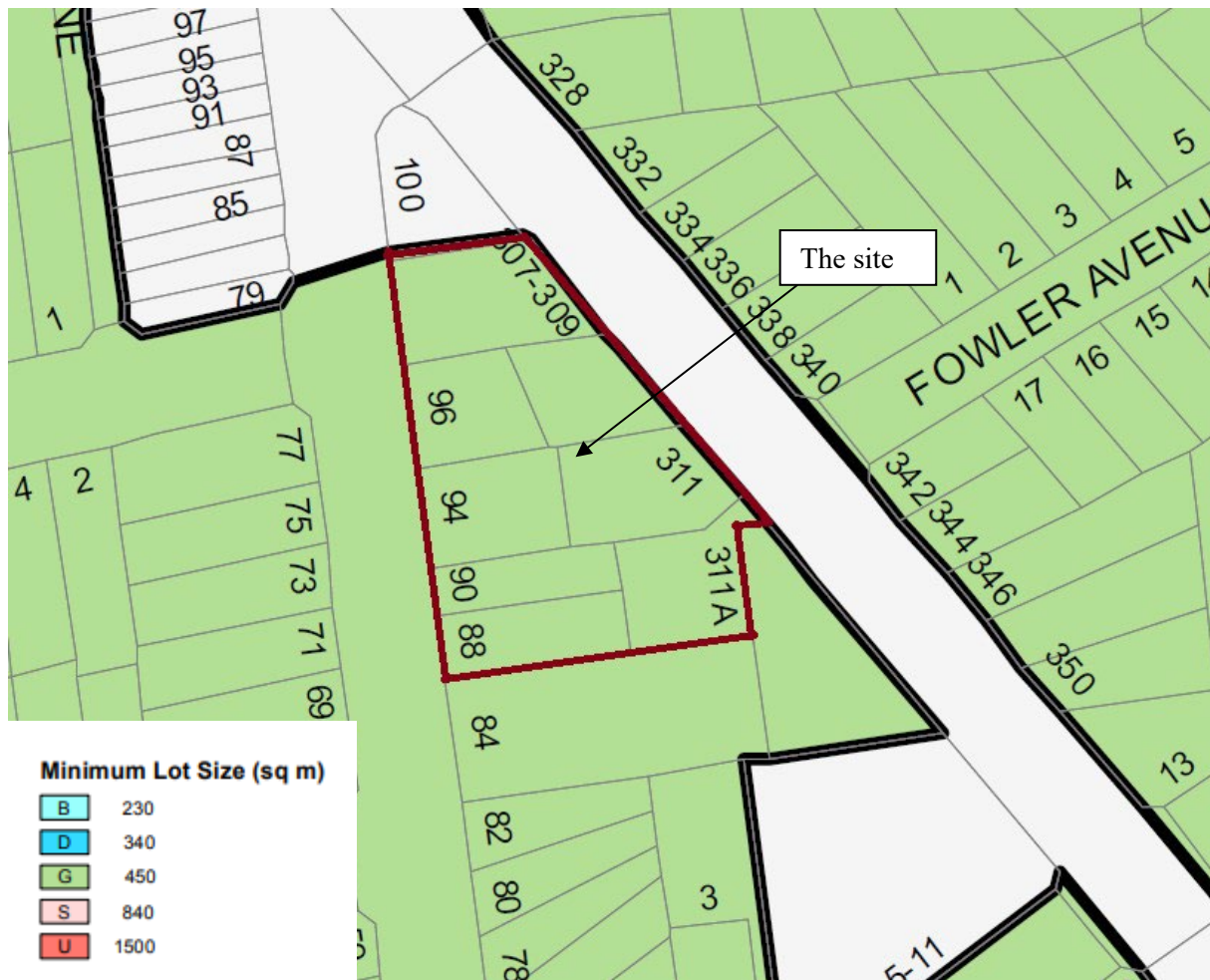


Figure 5: Extract of Current Lot Size Map (LSZ\_001)

## Map HOB\_001

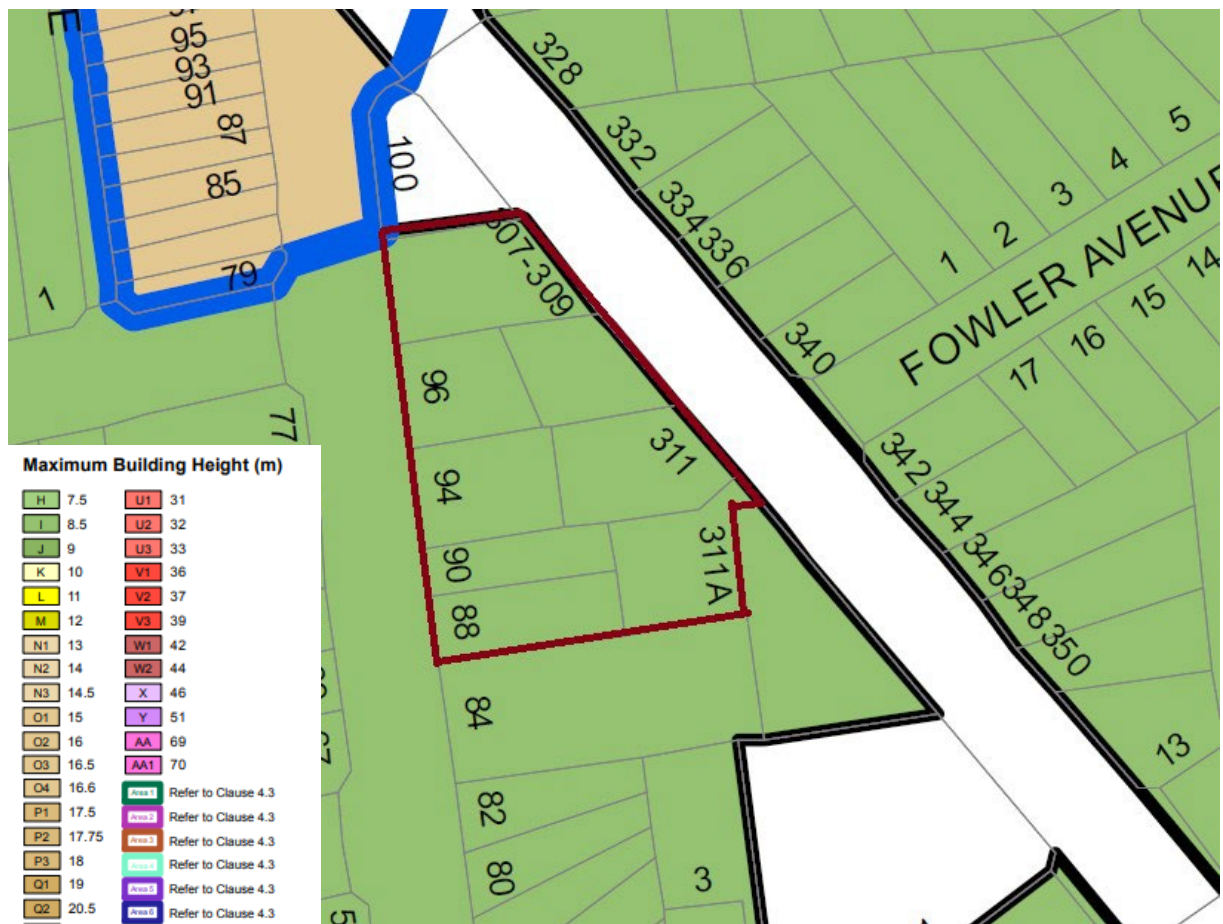


Figure 6: Extract of Current Height of Building Map (HOB\_001)



## Map FSR\_001

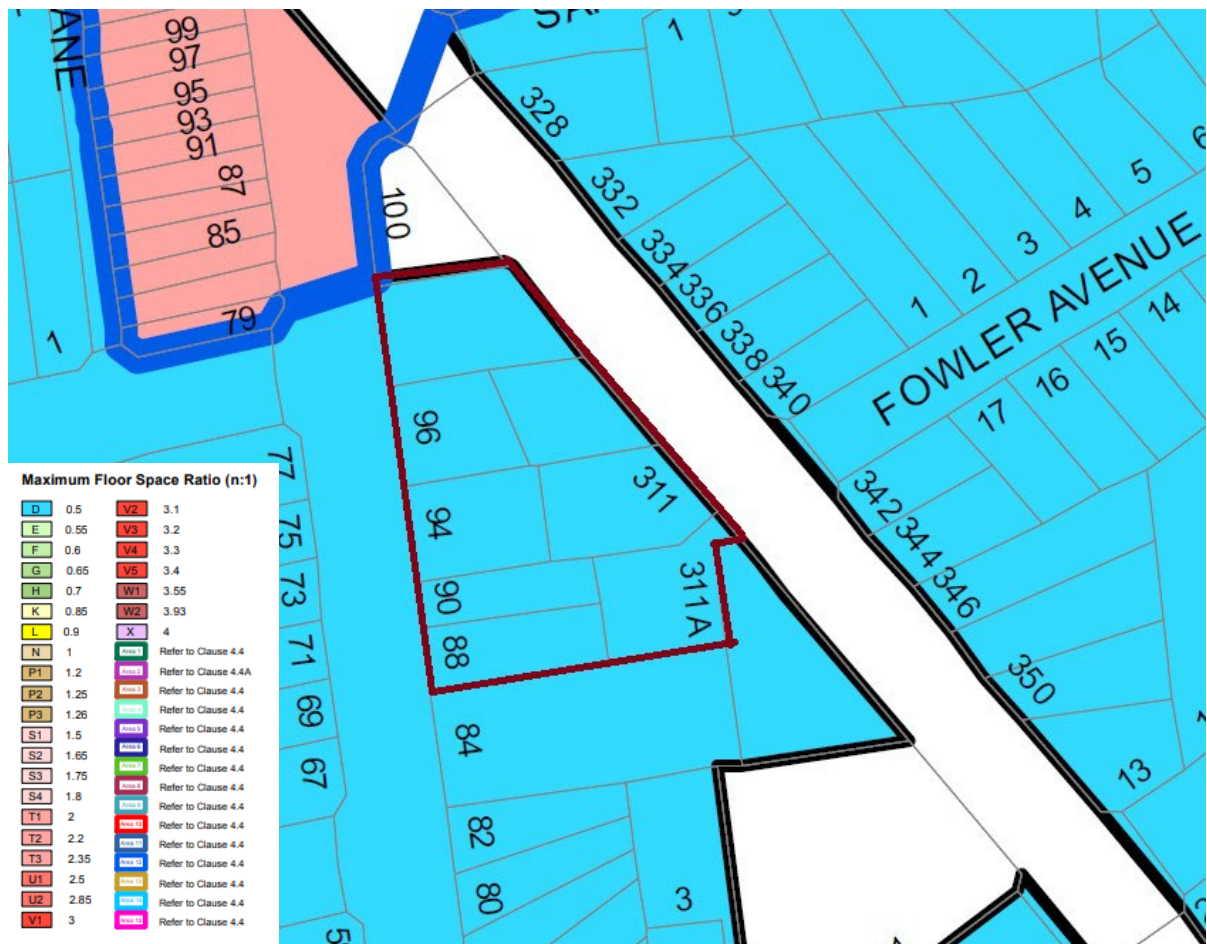


Figure 7: Extract of Current Floor Space Ratio Map (FSR\_001)

There are no other provisions of the Bayside LEP 2021 to facilitate this planning proposal.

To facilitate the above, it will be necessary to prepare a site-specific development control plan detailing the scale of building spread across the site; the proposed setbacks; landscape treatment and the desired driveway locations. A Draft DCP has been prepared and provided in **Appendix A** (for background reference purposes only). The final site specific DCP can be prepared post-exhibition once the preferred design solution for the site is determined through the consultation process.

## Part 3 – Justification

### A Need for the planning proposal

#### A1 *Is the planning proposal a result of any strategic study of report?*

There is no specific strategic study or report which justifies the need for the Planning Proposal at the site. The Eastern City District Plan identifies Bexley North as a designated local centre.

The planning proposal has evolved after much consultation with Council staff and undertaking an in-depth investigation into the redevelopment potential of the site. The derived planning outcome for the site is meritorious in generating a planning and built form outcome which is consistent with the broader planning objectives for the Bayside Local Government Area as identified by the Greater Sydney Region Plan (Region Plan) and the supporting Eastern City District Plan (District Plan). The Region Plan and District Plan seeks to increase housing densities and employment in, and near, town centres in close proximity to public transport and services. Bexley North is identified as a local centre in the District Plan

#### A2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The current planning controls and zoning are limiting in terms of promoting orderly redevelopment opportunities commensurate with broader state and local planning strategies near town centres.

A re-zoning is needed to provide the necessary stimulus to facilitate orderly development, provide diverse housing in close proximity to services, public transport and amenity, implement much needed pedestrian access to and around the site and improve passive surveillance to the adjoining park and public domain.

The site currently contains a service station which operates under 'existing use rights' provisions of the EP&A Act (prohibited use under current land use zoning). The current R2 Residential Low Density land use table does not provide the incentives or opportunities to undertake viable redevelopment. The current zoning also underutilises site opportunities and location characteristics.

There is no other mechanism available to redevelop the site and achieve orderly and economic development outcomes.

## **1. Relationship to strategic planning framework**

### **B1 *Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?***

***Does the proposal have strategic merit? Is it:***

- 1. Consistent with the relevant regional plan outside of the Draft Greater Sydney Region Plan, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- 2. Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- 3. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The planning proposal and the subsequent redevelopment of the subject land is considered to derive inherent net community benefit as follows:

- The redevelopment of the site will remove a redundant service station and prohibited use from the land;
- The redevelopment will remove old and redundant dwellings and constraints associated with irregular shaped and small allotments;
- The redevelopment will occur in accordance with an endorsed site-specific Development Control Plan regulating built form and open space provision;
- Contemporary and alternate housing forms will be generated providing affordable housing opportunities elevated above busy roads;
- Pedestrian access to the site will be reviewed and improved with the potential for a new pedestrian footpath in New Illawarra Road and/or Bexley Road;
- The open space parcels 'book ending' the subject site can be suitably embellished as part of the proposal given the likely increase in patronage should the application be approved;
- The shape of the site introduces opportunities to generate attractive and contemporary built form within a landscaped setting pronouncing the approach to the Bexley North town centre from a southern approach;
- The planning of the site will rectify current overland flow issues and regularise and storm water drainage across the site; and
- Approval of this application should stimulate a review and upgrade of controls applying to the Bexley North town centre to the benefit of the broader community.

No significant adverse community impacts or significant adverse environmental impacts are likely to arise from the proposal. A review of the development concept plans prepared as part of this submission confirms shadows cast by future buildings can be contained within the site or within the road reservations. Additionally, the consolidation of individual driveways and provision of new strategically positioned driveways will reduce the risk of vehicle/pedestrian conflict arising from cars reversing onto the main roads.

The planning outcome for the site generating a planning and built form outcome which is consistent with the broader planning objectives for the Bayside Local Government Area as identified by the Greater Sydney Region Plan (Region Plan) and the supporting Eastern City District Plan (District Plan). The

Region Plan and District Plan seeks to increase housing densities and employment in, and near, town centres in close proximity to public transport and services.

**Table 2 – Compatibility with strategic direction**

Consideration	Comment	Benefit
Will the Local Environmental Plan be compatible with agreed State and regional strategic direction for development in the area	<p>The proposed scale and type of development is appropriate on a fringe of the town centre.</p> <p>The higher density introduces opportunity for contemporary and diverse housing within walking distance of the town centre and railway station thus reducing car dependency.</p>	Positive
Is the proposal consistent with the Draft Greater Sydney Region Plan or other regional/sub-regional strategy?	The proposal is compatible with the strategic framework. The proposal facilitates housing which has the potential to accommodate for a growing population within Metropolitan Sydney, which is ideally located near transport nodes and commercial centres.	Positive
Is the planning proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	Given the sites close proximity to the town centre, the planning proposal would assist in meeting people's expectations for higher density and urban renewal. The planning proposal does not relate to an isolated site but includes several sites which achieves a coordinated response. It is envisaged that the planning proposal may provide a stimulus for further consideration within the Bexley North town centre.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezoning applications which have occurred in the vicinity of the site.	Neutral
Will the Local Environmental Plan facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal relates to an up- zoning of residential land. There will not be loss of employment land. The existing service station at the site operates under 'existing use rights'. A service station is currently a prohibited use in the R2 Low Density Residential zone under the	Neutral

	Bayside Local Environmental Plan 2021. Given this there will be no loss of employment land, as the site is currently zoned for residential purposes.	
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability?	The planning proposal provides increased housing densities in a well serviced locality improving supply and thus affordability (having regard to the fundamental economic principle of 'supply and demand').	Positive
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?  Is there good pedestrian and cycle access?  Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site is within convenient walking distance of public transport including railway and bus services.  It is proposed to improve access to the site by creating a pedestrian linkage with the town centre via pedestrian crossings in appropriate locations.  All services including electricity, sewer and phone are available to the site.	Positive
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proximity of good public transport services reduces car dependency thereby promoting positive environmental outcomes.	Positive
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal?  If so, what is the expected impact?	There are no immediate Council or State Government strategies for the upgrade of railway infrastructure or services in the locality. Notwithstanding North Bexley Station appears to have undergone a recent upgrade.	Neutral
Will the proposal impact on land that the Government has identified a need to protect (e.g., land with high biodiversity values) or have other environmental impacts?  Is the land constrained by environmental factors such as flooding?	The key characteristics of the site are:  <div style="margin-left: 20px;"> <input type="checkbox"/> The subject site is not identified as being of heritage significance.  <input type="checkbox"/> The site is not located within a heritage conservation area.  <input type="checkbox"/> The subject site does not contain significant vegetation or </div>	Positive

	<p>critical habitat.</p> <ul style="list-style-type: none"> <li>▢ The subject site is affected by overland flows during peak periods however is not identified as being significantly flood prone.</li> <li>▢ The site is not within a bushfire hazard area.</li> <li>▢ The site falls to the street enabling gravity flow of storm water to existing infrastructure in Bexley Road.</li> <li>▢ The subject site contains a service station which is subject to contaminants, however investigations reveal that contamination is not a constraint to the development of the site. A decontamination of the service station site can be effectively undertaken. The remaining lots are used for residential purposes.</li> </ul>	
<p>Will the planning proposal be compatible/complementary with surrounding land uses?</p> <p>What is the impact on amenity in the location and wider community?</p> <p>Will the public domain improve?</p>	<p>The proposed development represents a higher scale of development which will be effectively contained within a street block.</p> <p>Shadows are contained effectively within the site and road reservations.</p> <p>Storm water from the site can be directed via gravity flow to Council drainage infrastructure. Noise generated by the use is purely domestic and contained by strata by-laws.</p> <p>The proposed transition in built form from north to south is an appropriate response to protecting nearby residential amenity and maintaining a reasonable scale of development relative to the nearby zones.</p>	Positive
<p>Will the planning proposal contribute to improved transport or other services in the locality?</p>	<p>The subject site is within close proximity of regular trains and bus services, this increasing patronage of public transport use, thus justifying its expense and viability.</p>	Positive

Will the planning proposal create any significant demand on public services or facilities?	Apart from increased funding coming from section 94 contributions, a Voluntary Planning Agreement (VPA) can be entered into providing for the upgrade/embellishment of the two parks within the street block and the provision of new pedestrian footpaths in appropriate locations. The Voluntary Planning Agreement will be subject to consultation with Council.	Positive
Will the planning proposal require the expenditure of public money?	The planning proposal does not involve the expenditure of public money.	Neutral

In addition to the above, the Planning Proposal is consistent with the objectives and actions contained in the Region Plan and District Plan. A discussion in relation to these plans is provided below:

### **Greater Sydney Region Plan**

The Region Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

The Region Plan provides an integrated, long-term planning framework that is intended to manage Sydney's growth and strengthen its economic development over the next 40 years. The Plan sets in place objectives and actions for Sydney to become a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint based on the concept of a '30-minute City'.

The Region Plan establishes key objectives and actions to achieve desired outcomes of:

- Creates a metropolis of three cities, rebalancing growth and opportunities for people across Greater Sydney;
- Uses the airport as a catalyst to generate a diversity of jobs in the Western City;
- Improves housing affordability and choice aligned with local infrastructure across the city;
- Plans and prioritises infrastructure early to support a growing Greater Sydney through growth infrastructure compacts;
- Protects and enhances the city's unique landscape by recognising its environmental diversity;
- Creates great local places by protecting heritage and biodiversity, while enhancing the Green Grid and tree canopy cover;
- Uses quality design to create great places, walkable communities and shared spaces; and
- Delivers a 30-minute city to provide better access to jobs, schools, and health care within 30 minutes of people's homes.

The planning proposal is consistent with the objectives and actions of the Greater Sydney Plan which aims to achieve 30 objectives centred around enhancing infrastructure, transportation, employment and social cohesion.

The Region Plan recognises that concentrating a greater range of activities near one another in centres well served by public transport makes it easier for people to go about their daily activities and helps to create lively, functional places in which to live, work, socialise and invest. The benefits of concentrating activities in centres include:

- Improved access to retail, office, health, education, leisure and entertainment facilities, and community and personal services;
- Increased opportunities for a greater diversity of dwellings and more diverse communities;
- Encouraging collaboration, healthy competition and innovation among businesses through clustering;
- Making better use of infrastructure, and making public transport improvements more viable;
- Promoting sustainable and accessible transport and healthier communities by increasing walking, cycling and public transport options for more people by making more activities available in one location;
- Slowing the growth of greenhouse gas emissions by reducing the number of car journeys needed to access services;
- Reducing pressure for development to occur in less accessible locations, and
- Creating vibrant places which operate as a focus for community activity and events, and which help to build social inclusion.

Objective 10 in particular relates to achieving 'greater housing supply'. *Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population.*

*The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036. By 2056, it is anticipated that significant further housing supply will be required to meet Greater Sydney's continued strong population growth.*

Increasing the density of development on the subject site contributes to the fundamental objective of increasing housing densities in well serviced locations.

*Creating capacity for new housing in the right locations requires clear criteria for where capacity is to be located. Accommodating homes for the next generation needs to be linked to local infrastructure - both to optimise existing infrastructure use and to maximise investment in new infrastructure. Opportunities for capacity can be realised by urban renewal, local infill developments and land release areas.*

The planning proposal promotes the redevelopment of the site with buildings displaying good urban and architectural design on sites, which benefit from excellent access to the town centre and railway station.

### Housing Sydney's Population

Housing targets for the Eastern City District is provided below:

**Table 3 – strategic housing targets**

District Target	0–5-year housing supply: 2016-2021	20-year strategic housing target: 2016-2036
Eastern City	46,550	157,500

The Plan aims to focus the bulk of new housing development in or near centres with good public transport. The Plan requires new Local Environmental Plan's and planning proposals to support this principle.

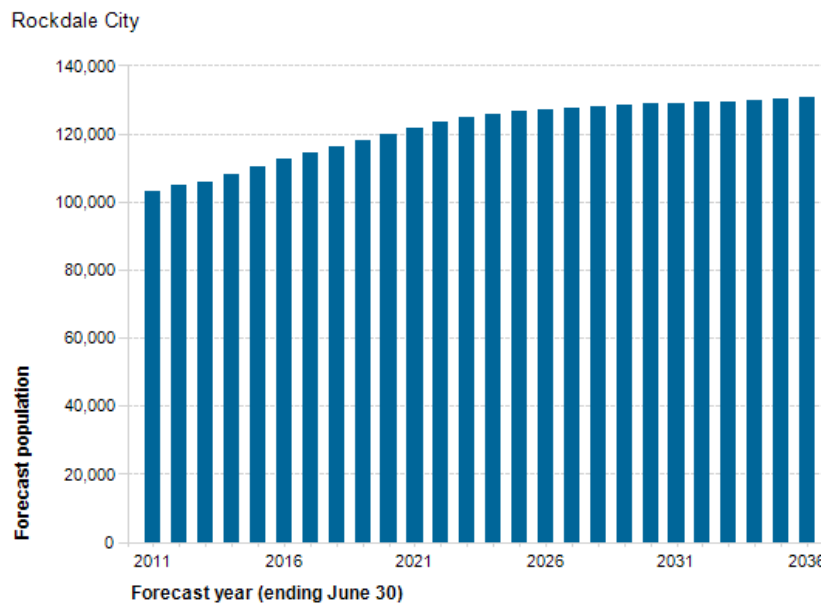
The subject site is located within walking distance to many services and facilities. The site has good



public transport access (including train and bus) that provides direct and frequent access to major employment centres including the Bayside and Sydney Central Business District. Increasing the residential density on the subject site also promotes a quality lifestyle benefitting from nearby recreational facilities, employment opportunities, restaurants, schools and churches. Increasing the density of development on the site promotes this key policy objective of the Metropolitan Plan.

As shown in the graph below, Bayside Council is expected to see significant population growth. According to Profile iD (adapted data from ABS), Rockdale anticipates to house 130,497 residents by 2036, resulting in an 18.4% increase from 2015. The proposal meets this objective as the development not only supplies land for residential development near Bexley North town centre with good public transport, but it also caters for a growing population within Bayside Council.

## Forecast population



Population and household forecasts, 2011 to 2036, prepared by .id, November 2013.



Figure 8: Forecast population in Rockdale City over 2011-2036

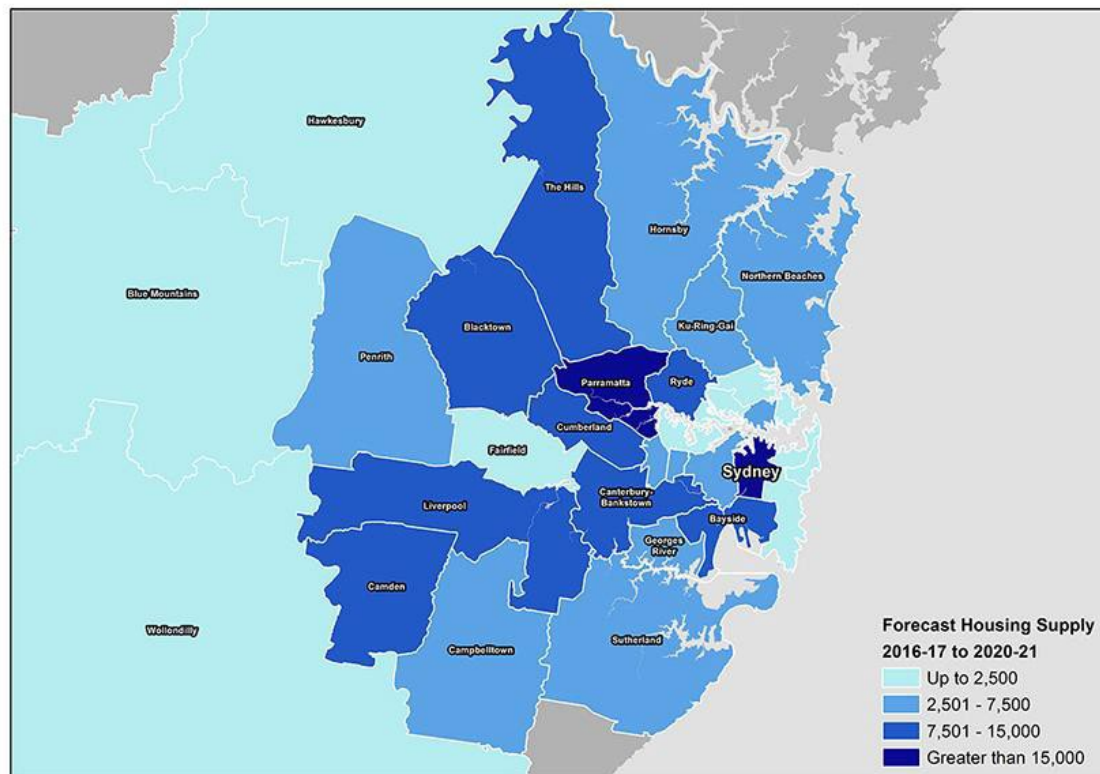


Figure 9: Forecast housing supply in Greater Sydney periods 2016-17 to 2020-21

Population forecasts for Bayside are for an increase in population by 7,500 people over the next 5-year period.

A further aim is to “produce housing that suits our expected future needs”.

Councils are to investigate opportunities for supply and a diversity of housing particularly around centres to create more walkable neighbourhoods. For councils, the main tool for understanding the need and planning for housing and infrastructure delivery is housing strategies. Councils’ housing strategies will need to address the 0–5 and 6–10 year local (when agreed) or district housing targets as well as 20-year strategic district targets outlined in this draft Plan.

The 0–5-year housing supply targets are a minimum and councils will need to find additional opportunities to exceed their target to address demand.

Developers play an important role in supporting housing outcomes. The development industry needs to continually provide new housing and translate the development capacity created by the planning system into approvals and supply.

#### **Comment:**

The proposed development plans that support the planning proposal provide opportunity for a diversity of housing choice including the provision of one bedroom, two bedroom and 3-bedroom apartments contributing to the future housing priorities identified by the Plan.

A primary objective is to “improve housing affordability”. The planning proposal provides increased housing densities in a well serviced locality improving supply and thus affordability (having regard to the fundamental economic principle of ‘supply and demand’).

The proposed development will provide a mix of apartment types within a self-contained environment inclusive of communal open space, on-site parking and security, thus placing downward pressure on housing costs and promoting housing affordability.

Affordability is further promoted by not 'over designing' the proposed apartments in terms of floor areas however compliance with State Environmental Planning Policy 65 criteria is readily achieved.

The Plan also promotes high quality design to improve the image and market attractiveness of centres by ensuring the design of new residential development on landmark sites and the urban renewal of centres is of a high quality. The planning proposal is supported by concept architectural massing plans outlining the possible desired development outcome for the site. The development is capable of meeting the principles and controls of State Environmental Planning Policy No 65 and is intended to generate design excellence.

### **Eastern City District Plan**

Bayside Council is sited within the Eastern City District and includes other Council areas of Burwood, City of Sydney, Canada Bay, Inner West, Randwick, Strathfield, Waverley and Woollahra local government areas.

The Department of Planning and Environment identifies the District as being on the precipice of great change as it solidifies its position as the nation's economic powerhouse.

The 40-year vision is to enable a more productive, liveable and sustainable Greater Sydney.

The Plan seeks to make the best use of public assets such as transport and infrastructure to make Sydney more sustainable and efficient. The Strategy identifies that the focus of housing growth will be in and around the many centres within the Metropolitan Urban Area. The aim is to deliver more and different types of housing across the city in line with employment and infrastructure and market demand to create improved quality of life, increased productivity, better environmental management and heightened accessibility.

### **Comment:**

The planning proposal provides for the increase in the density of housing on a site that is ideally located near public transport and support service infrastructure. Increasing the density of development assists in achieving housing targets and supports the fundamental principles of increasing densities in well serviced locations.

The planning proposal provides increased housing densities in a well serviced locality contributing to housing supply and thus affordability (having regard to the fundamental economic principle of 'supply and demand').

The proposed development plans enable compliance to be met with *State Environmental Planning Policy 65* requirements. The apartments will be designed to provide a high level of amenity but have not been 'over designed' as this would lead to increased market prices for the end product. In this respect:

- B** The development minimises the provision of on-site car parking so as to encourage the use of public transport services.
- C** The proposed apartment floor areas will represent 'comfortable' and not 'excessive' floor space.

- D** The above design characteristics place downward pressure on the end market price of the apartments contributing to housing affordability.

The planning proposal will facilitate the development of the subject site in a manner that is consistent with the desired future character of Bexley North. The planning proposal is supported by architectural concept plans of the desired development outcome for the site. The development has been designed to achieve the principles of State Environmental Planning Policy No 65 (a design verification statement accompanies the planning proposal) and can stimulate consideration for the planning of the North Bexley town centre.

The proposed re-zoning will facilitate the following:

- Greater housing choice and affordability;
- Attractive built form in a landscaped setting;
- Population diversity;
- An upgrade to the public reserve adjoining the site and situated at the intersection of the two main roads;
- Stimulate planning consideration within the Bexley North town centre;
- The site has no inherent sensitivity in terms of being on a ridgeline, near the coast or near water courses.

**B2** *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

**Bayside 2030 Community Strategic Plan**

The Bayside Council Community Strategic Plan (CSP) sits at the top of Council's planning framework and sets the strategic direction for Council's Delivery Program and Operational Plans as shown in the diagram. Together with our Long Term Planning for Financial Management, Workforce Management and Asset Management, and land use planning through the development of the Local Environmental Plan, it ensures that Council have an effective and cohesive way forward.

Table 4 below identifies how the Planning Proposal is consistent with the Bayside CSP:

**Table 4** – Consistency with the Bayside Community Strategic Plan

Theme	Strategic Direction	How We Will Get There	Consistency
1: Bayside will be a vibrant place	1.1: Bayside's places are accessible to all	Create spaces, places and interactions that are safe, accessible, and engaging (Deliver)	The proposed development will assist in providing patronage of existing and future uses in the town centre. The proposed residential development is accessible where it is within walking
		Improve availability of parking for residents (Deliver, Advocate)	
		Promote the provision of affordable housing for those who need it	

		(Partner, Advocate)	distance to services and amenities afforded by the Bexley North local centre.
		Provide safe, accessible open space with a range of active and passive recreation opportunities to match Bayside's growing community (Deliver, Partner)	The proposed development will promote a modal shift to active and public modes of transport where it is located within walking distance of shops, amenities, open space and public transport.
		Welcome visitors and tourists to Bayside (Partner)	
		Create green and welcoming streetscapes (Deliver)	Consistent as the site is within close proximity of the town centre, public transport nodes and open space.
	1.2: Bayside's places are dynamic and connected	Ensure public buildings are well maintained as important community hubs with the opportunity for shared and multiple use of facilities (Deliver, Advocate)	
		Facilitate greater connectivity through active transport (Deliver, Partner, Advocate)	
		Activate local areas and town centres with facilities valued by the community (Deliver, Partner)	The site benefits from close proximity to open space and will enhance patronage of local shops and services
	1.3: Our places are people focused	Create and maintain vibrant, visually appealing, and welcoming places with their own village atmosphere and sense of identity (Deliver, Partner, Advocate)	
		Promote innovative and well-designed local developments which incorporate open space and put people first (Deliver, Partner, Advocate)	

	1.4: Bayside's transport system works	<p>Promote adequate, accessible, reliable public transport for ease of travel to work and leisure (Advocate)</p> <p>Promote Bayside as a 30-minute City where residents do not have to travel for more than 30 minutes to work (Advocate)</p> <p>Support an effective and efficient local road network through investment in maintenance and reduced traffic issues in Bayside (Deliver, Partner, Advocate)</p>	The site is within close proximity of the town centre, public transport nodes and open space and will promote a transition to active and public modes of transport.
2: Our people will be connected in a creative City	2.1: Bayside celebrates and respects our diverse community	<p>Reflect and celebrate cultural diversity in Bayside's activities (Deliver, Partner)</p> <p>Support cultural and arts events that reflect and involve community (Deliver, Partner)</p> <p>Treat community members with dignity and respect (Deliver, Partner, Advocate)</p> <p>Value, respect and celebrate Bayside's shared heritage and history (Deliver, Partner, Advocate)</p>	The proposal will not have an adverse impact on the cultural heritage or diversity of the area
	2.2: Bayside utilises and benefits from technology	<p>Harness technological changes and ensure benefits are shared across Bayside (Deliver, Advocate)</p> <p>Promote smart use of technologies to make life better (Advocate)</p>	
			Consistent as the proposal is likely to stimulate future similar quality development in a town centre in need of upgrade.

		Provide accessible information and services online and through social media (Deliver)	
	2.3: The community is valued and supported	<p>Engage and communicate with all community members (Deliver)</p> <p>Promote access to active recreation, health care and education services to support a healthy community (Deliver, Partner, Advocate)</p> <p>Provide services and facilities which ensure all community members feel a sense of belonging, including children, families, young people, and seniors (Deliver, Advocate)</p> <p>Value and acknowledge our pets, and welcome them across Bayside (Deliver, Advocate)</p> <p>Work with our partners to ensure flexible care/support arrangements for seniors, children, people with disabilities and vulnerable members of our community are available across Bayside (Partner, Advocate)</p>	The proposal does not undermine such an initiative.
	2.4 The community is united and proud to live in Bayside	<p>Develop and support community connections and networks which enhance resilience (Partner, Advocate)</p> <p>Develop and support emerging community leadership (Partner)</p> <p>Ensure Council's decisions reflect</p>	Consistent as the proposal does not obstruct achievement of this goal.

		<p>community objectives and desires (Deliver)</p> <p>Engage effectively with community and provide information in a timely manner (Deliver)</p>	
3: Bayside will be green, resilient and sustainable.	3.1: Bayside is resilient to economic, social and environmental impacts	<p>Build community capacity and resilience to prepare for, cope with, adapt to and recover from economic, social, and environmental impacts (Deliver, Partner, Advocate)</p> <p>Engage with community to provide an appropriate response to threats and adverse events (Deliver, Partner)</p>	Consistent as the proposal will be designed to comply with Council's policy.
	3.2: Bayside's use of renewable energy is increasing	<p>Promote and facilitate emerging transport technologies for greener transportation and to meet the community's changing needs (Partner, Advocate)</p> <p>Promote the use of renewable energy through community education (Deliver, Partner, Advocate)</p> <p>Prioritise renewable energy use by Council where possible to reduce greenhouse gas emissions, and report publicly on benefits (Deliver, Advocate)</p>	Consistent as the use can explore the use of solar power where appropriate and the apartments can be designed to enhance cross flow, natural ventilation and screening from the western sun. ESD principles can also be incorporated in the design.
	3.3: Bayside's green and blue corridors are regenerated and preserved	<p>Capture and reuse rainwater at Council facilities where feasible (Deliver)</p> <p>Enhance and extend green grid corridors (Deliver, Partner, Advocate)</p>	Consistent as stormwater management and reuse can be considered as part of the detailed stormwater design at the DA stage.



		<p>Enhance and extend green grid corridors (Deliver, Partner, Advocate)</p> <p>Respect, manage and protect the natural environment and biodiversity (Deliver, Partner)</p>	The proposal will not result in any significant loss of trees and future development will ensure landscaping is enhanced on the site.
	3.4: Bayside's waste is well managed	Promote a circular economy by encouraging and/or implementing avoidance, reuse, rehome, repair, recycling, recovery solutions before landfilling (Deliver, Partner, Advocate)	Waste management will be demonstrated at the detailed design stage with any future DA
4: Bayside will be a prosperous community	4.1: Bayside generates diverse local employment and business opportunities	Support innovative and new and emerging businesses to locate in Bayside (Partner, Advocate)	Consistent as the use will generate increased patronage of small business outlets.
	4.2: Bayside recognises and leverages opportunities for economic development	Preserve industrial lands and employment lands and partner with major employers to support local jobs (Deliver, Partner)	The proposal does not seek to rezone employment land (currently zoned R2 Low Density Residential).
	4.3: Council is financially sustainable and well governed	Plan for growth and development so the benefits of prosperity are shared (Deliver)	Consistent the site proximity to public transport nodes will potentially reduce car dependency and promote a modal change to public transport.
		Innovative businesses are supported to locate in Bayside.	Consistent as the proposal will

		Local Plans and regulations have kept pace with the sharing economy.	encourage small business the locate at North Bexley.
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### **Bayside Local Strategic Planning Statement**

The EP&A Act defines the planning framework for NSW, including identifying the important role that a council has in the strategic land use planning of its Local Government Area.

Recent amendments to the EP&A Act introduced the requirement for a Local Strategic Planning Statement (LSPS) to be prepared by all councils. The LSPS sets out the 20-year vision for land use in the Local Government Area (LGA); it describes the special character and values that are to be retained and how change will be managed over a 20-year period.

In its LSPS Bayside Council must have regard to the Eastern City District Plan and A Metropolis of Three Cities (a land use plan for the Sydney region). Both these documents were prepared by the Greater Sydney Commission. An LSPS also aims to implement the priorities of a Council's Community Strategic Plan.

The Bayside LSPS focuses on the vision and priorities for land use and is implemented mainly through a Local Environmental Plan (LEP). It will also inform other planning tools, such as:

- Development control plans – that provide the detailed controls for development.
- Local infrastructure contribution plans – to ensure that local facilities are provided.

Priorities for aligning land use planning and transport are subject to outcomes of the Bayside Strategies that will be finalised in 2020 and include:

- Immediate (next 12 months): Arncliffe, Banksia
- Short term (1-5 years): Arncliffe West, Bardwell Park, Brighton Le Sands Stage 1, Kogarah West, Turrella
- Medium term (6-10 years): Bexley North
- Long term (10+ years): Bexley, Brighton Le Sands Stage 2, Kingsgrove, Kyeemagh, Ramsgate Beach.

#### **Comment:**

Bexley North forms part of Council's redevelopment vision for additional housing in the medium term. The planning proposal will provide additional housing to meet council's short to medium term targets.

The proposed design and density will assist and inform Council in its future masterplanning for the Bexley North town centre.

#### **What housing will Bayside need in the future**

DPE anticipates that by 2036, Bayside will need an additional 28,000 dwellings to accommodate population demand.

In planning for more growth and the location of that growth the following locational criteria should be met:

- Accessible to jobs and services;
- Near railway lines and other public transport services to achieve the aspiration of a 30-minute city;
- Pleasant to walk around, with services and shops within a reasonable walking distance;
- Near significant infrastructure investment which creates opportunities for housing redevelopment;
- Have access to open space, recreational facilities and community facilities, either existing or planned.

Table 5 below identifies how the planning proposal is consistent with 'Future Bayside: Local Strategic Planning Statement - A Land Use Vision to 2036'.

**Table 5 – Consistency with Local Strategic Planning Statement**

Theme	Planning Priority	Consistency
<b>Infrastructure and collaboration</b>		
A city supported by infrastructure	<b>B1</b> Align land use planning and transport infrastructure planning to support the growth of Bayside.	Consistent as the site benefits from existing infrastructure to support the development.
	<b>B2</b> Align land use planning with the delivery and management of assets by Bayside Council to support our community.	
A collaborative city	<b>B3</b> Working through collaboration.	Consistent as the applicant has worked closely with Council staff in developing the scheme.
<b>Liveability</b>		
A city for people	<b>B4</b> Provide social infrastructure to meet the needs of the Bayside Community.	Consistent as the subject site will provide facilities to support the social wellbeing of residents.
	<b>B5</b> Foster healthy, creative, culturally rich and socially connected communities.	
Housing the city	<b>B6</b> Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors.	Consistent through the provision of a modest higher density of quality housing in a favourable location.
	<b>B7</b> Provide choice in housing to meet the needs of the community.	
	<b>B8</b> Provide housing that is affordable.	

A city of great places	<b>B9</b> Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm.	
	<b>B10</b> Value, protect and conserve Aboriginal heritage.	
	<b>B11</b> Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas.	
<b>Productivity</b>		
A well-connected city	<b>B12</b> Deliver an integrated land use and a 30- minute city	Consistent through location.
Jobs and skills for the city	<b>B13</b> Contribute to growing a stronger and more competitive Harbour CBD.	
	<b>B14</b> Protect and grow the international trade gateways.	
	<b>B15</b> Growing investment, business opportunities and jobs in Bayside’s strategic centres and centres.	
	<b>B16</b> Contribute to growing the health and education Kogarah, Randwick and Camperdown.	
	<b>B17</b> Retain and manage industrial and urban services lands	
B18 Support the growth of targeted industry sectors.		
<b>Sustainability</b>		
A city in its landscape	<b>B19</b> Protect and improve the health of Bayside’s waterways and the biodiversity.	Consistent as the proposal will rectify overland flooding and provide stormwater detention on-site.
	<b>B20</b> Increase urban tree canopy tree canopy cover and enhance green grid connections.	
	<b>B21</b> Deliver high qualityopen space.	
	<b>B22</b> Protect and enhance scenic and cultural landscapes.	
An efficient city	<b>B23</b> Reduce carbon emissions through improved management of energy, water and waste.	Consistent as described previously.
A resilient city	<b>B24</b> Reduce community risk to urban and natural hazards and improve community’s resilience to social, environmental, and economic shock and stressors.	Consistent as the proposal will rectify overland flooding and negate the potential

		<p>natural hazard.</p> <p>The proposed housing will provide an element of affordability relative to detached housing which dominates the precinct.</p>
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### **Bayside Local Housing Strategy 2020-2036**

The Bayside Local Housing Strategy 2020-2036 (the Strategy) sets the strategic framework and vision for housing in the Bayside Local Government Area. The Strategy plans for housing until 2036 and includes a series of priorities needed to make housing more affordable, diverse and matched to the changing needs of the local community.

Key objectives/priorities of the housing strategy are:

- Planning for housing supply will establish sufficient capacity to accommodate future (20 year) housing demand while retaining the capacity to accommodate longer term demand aligned with transport infrastructure provision.
- New housing will be located in and around existing centres with good public transport accessibility and walkability and align with the provision of transport and other infrastructure.
- New housing will deliver greater diversity of housing choice to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.
- Housing affordability in Bayside will be improved, with relatively affordable housing protected and additional affordable rental housing provided.
- Advocacy and partnerships will encourage direct investment into transport by the NSW Government and ensure a collaborative approach to housing and transport provision.
- New housing will be of high quality, well designed, responsive to local character and meet the community's needs.

The Strategy outlines several Investigation Areas that have the potential for additional housing. An investigation of Bexley North was undertaken and confirmed additional housing in this location could be suitable subject to the following:

- *Redevelopment of this centre would be subject to confirmation with gas pipeline operators that it would not pose excessive risk.*
- *High densities could be achieved in the centre, subject to further investigation and master planning.*
- *There are opportunities for moderate change immediately adjacent to the centre and adjacent to the Railway Line where there are relatively large lot sizes.*
- *Lower-scale infill development, which is sympathetic to the existing character, would be appropriate elsewhere.*

The planning proposal is consistent with and promotes the recommendations of this Strategy for the following reasons:

- The proposal is for a high density residential development on the southern edge of Bexley North Town Centre in close proximity (walking distance) to the railway station and high frequency buses;
- The scale of development responds to the surrounding character and scale of development, in particular provides an appropriate transition to the lower densities to the south of the site (subject to further regulation through a site specific DCP);
- The proposal would facilitate a range of housing types and sizes through incorporation of studio up to three bedroom apartments; and
- Investigations into the gas pipeline have been undertaken and the draft site specific DCP prepared for the site includes controls to ensure the pipeline location is considered with any future redevelopment.

### **Transport and Access Strategy**

The Transport and Access Strategy focuses on 'Making Rockdale a Better City'. The strategic directions outlined below all have a relationship to transport, accessibility and sustainability.

- *Promoting a Healthy, Safe and Accessible Lifestyle*
- *Environmental Quality*
- *A Liveable City*
- *Lifestyle Quality*
- *Developing Reliable Transport and Safe Roads*
- *Economic Prosperity*

The Strategy identifies Bexley North as one of the City of Rockdale's largest employment locations. Council anticipates additional residential development within Bexley North.

*"This data shows that the largest employment locations in the City of Rockdale are Kogarah North, the International Terminal, Brighton Le Sands, Turrella, Monterey, Arncliffe and Bexley North... In terms of broad structure, additional residential development will be focused in key areas with adequate transport and services, these being along the East Hills line (Kingsgrove, Bexley North and Bardwell Park)".*

The proposal is consistent with this Strategy as the applicant proposes to cater for additional residential development within Bexley North providing greater patronage of town centre facilities and services.

### **Capacity Analysis and Built Form Study 2010**

The Study states that the scale of recent redevelopment within the Bexley North Town Centre supports the concept of additional height and floor space ratio to be applied to the centre.

*"The scale of recent redevelopments supports the concept of additional heights and FSR to be applied to the centre. There is additional capacity on the commuter train network to ensure transport choice for existing and future residents".*

### **Comment:**

It is noted that council recognises the future growth potential of Bexley North town centre. It is anticipated that the proposed re-zoning will encourage and stimulates future planning review of the town centre.

**B3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

The planning proposal is consistent with the provisions of the following State Environmental Planning Policies (SEPPs) that are relevant to the circumstances of the proposal as reflected in the following table:

**Table 6 – Consistency with State Environmental Planning Policies**

Title	Consistency of Planning Proposal with SEPP
State Environmental Planning Policy (Resilience and Hazards) 2021	<b>Consistent</b> The phase two contamination assessment states that the land is capable of being remediated to allow for residential use. The subject land will be appropriately remediated to the required standards at the DA stage.
State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development	<b>Consistent</b> The Planning Proposal will create the development control framework within which future development can achieve consistency with the SEPP. The indicative concept plans which accompany this proposal demonstrates an appropriate concept-built form on the site. Any future DA to be submitted to Council for this site will demonstrate detailed compliance with the requirements of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<b>Consistent</b> The PP will not contain provisions that will contradict or would hinder application of this SEPP. Compliance would be demonstrated at the DA stage.
State Environmental Planning Policy (Transport and Infrastructure) 2021	<b>Consistent</b> The proposal will be designed to address acoustic requirements of construction adjacent to a main road and reduce the number of vehicle crossings along the main road.

**B4 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

Section 9.1 of the EP&A Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to principles, aims, objectives or policies set out in those directions. Each planning proposal must identify which, if any, section 9.1 Directions are relevant to the proposal, and whether the proposal is consistent with the direction.

Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal.

The relevant directions are considered below. Directions not listed are not applicable to the PP.

**Table 7 - Consistency with applicable Ministerial Directions**

Ministerial Direction	Consistency
<b>Focus Area 1 – Planning Systems</b>	
<b>1.2 Implementation of Regional Plans</b> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	<b>Consistent</b> The PP had addressed and is consistent with the relevant Regional Plan – <i>A Metropolis of Three Cities – The Greater Sydney Region Plan</i>
<b>1.4 Approval and Referral Requirements</b> Ensure that LEP provisions encourage the efficient and appropriate assessment of development	<b>Consistent</b> The proposal does not contain provisions that will require additional requirements for concurrence in approvals.
<b>1.5 Site Specific Provisions</b> To discourage unnecessarily restrictive site-specific planning controls	<b>Consistent</b> The PP includes a local provision to enable the The provision is necessary in that it sets a dwelling target and lot size controls to allow for a diverse range of housing, a key objective of Councils Housing Strategy.  The local provision provides additional certainty for the existing residents over and above that which could be achieved through a DCP alone.
<b>1.6 Approval and Referral Requirements</b> Ensure that LEP provisions encourage the efficient and appropriate assessment of development	<b>Consistent</b> The proposal does not contain provisions that will require additional requirements for concurrence in approvals.
<b>Focus Area 3 – Biodiversity and Conservation</b>	
<b>3.2 Heritage Conservation</b> Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<b>Consistent</b> The site itself is not heritage listed nor is it located within a heritage conservation area and will not have an adverse impact on heritage conservation.
<b>Focus Area 4 – Resilience and Hazards</b>	
<b>4.1 Flooding</b> The objectives of this direction are to: <ul style="list-style-type: none"> <li>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</li> <li>ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul>	<b>Consistent</b> This Ministerial Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.  A Flood Risk Management Study has been submitted with the PP which concludes that: <ul style="list-style-type: none"> <li><i>The building layout for the proposed rezoning has been thoughtfully and carefully considered. The safety of the residents has been of paramount importance and will be incorporated into the ultimate design.</i></li> <li><i>No access across the major flowpath is proposed.</i></li> <li><i>There is no adverse impact to the neighbours or to the community due to flooding. In fact the removal of the</i></li> </ul>



	<p><i>service station from the flowpath could be considered to result in significant improvements to the community by eliminating the potential for spills or discharge of contaminants to the environment during a flood.</i></p> <ul style="list-style-type: none"> <li><i>• The potential upgrade of the drainage system to a higher standard as part of the development will result in additional improvements as the overland flows will be reduced over that section of the upgrade.</i></li> <li><i>• Consequently the rezoning of the lots for the proposed development should be supported as an improvement to the community and reduction of flood impacts not only within the site but also over the adjoining properties.</i></li> </ul> <p>As the Assessment was undertaken on the 5<sup>th</sup> May 2018, Council's Strategic Flood Engineer reviewed and confirmed the conclusions remain valid.</p>
<p><b>4.4 Remediation of Contaminated Land</b></p> <p>Reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p><b>Consistent</b></p> <p>A Stage 1 and Stage 2 Environmental Site Assessment has been undertaken as part of the technical supporting reports which accompany the PP. The Assessment found that the fill and natural soil is free of significant contamination which would impact the proposed development, future occupants of the site and the environment.</p> <p>Recommendations include undertaking additional assessments of the site including the preparation of a Remedial Action Plan (RAP).</p> <p>The implementation of this recommendation will ensure that the PP is consistent with this Ministerial Direction.</p> <p>Furthermore, qualified technical experts will be and reporting on the supporting contamination assessment prior to finalisation of the PP to confirm the conclusions remain valid.</p>
<p><b>4.5 Acid Sulfate Soils</b></p> <p>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p><b>Consistent</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Part of the site is affected by Class 5 Acid Sulfate Soils as is the majority of the urban land in Bexley North.</p> <p>The Contamination Assessment that supports this PP indicates that the surface elevation is greater than 5m AHD and the maximum depth of excavation is approx. 7m below the ground surface with no need for dewatering which would reduce the water table and there is no required for an acid sulfate soils management plan. Notwithstanding, the future development application will need to consider the impact on acid sulfate soils.</p> <p>Furthermore, as with Direction 4.4 (above), suitably qualified technical experts will also be reviewing and reporting on the acid sulfate soils findings of the Contamination Assessment prior to finalisation of any PP to confirm the conclusions remain valid.</p>

## Focus Area 5 – Transport and Infrastructure

### 5.1 Integrating Land Use and Transport

To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- Improving access to housing, jobs and services by walking, cycling and public transport, and
- Increasing the choice of available transport and reducing dependence on cars, and
- Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- Supporting the efficient and viable operation of public transport services, and
- Providing for the efficient movement of freight.

#### Consistent

The PP is supported by a Transport Report that addresses the accessibility of the site within the broader road and transport network.

The site is accessible to open space in the area.

The proposal will increase patronage of the existing public transport network addressing the objective of a 30-minute city.

The planning proposal includes improvements to pedestrian facilities to improve links to Bexley North Railway Station.

An independent review of the Transport Report was undertaken which did raise any concerns noting the following:

- *The total trip generation calculated for the proposed site is agreed to be significantly less than the traffic generated by the existing sites' permitted uses*
- *The level of intensity proposed is considered to be reasonable considering its proximity to Bexley North Railway Station, frequent bus services and Bexley North Town Centre*
- *The SIDRA modelling of surrounding intersections concluded that the projected development traffic will not have any adverse effects on their operational performance, considering that this traffic was modelled in addition to existing traffic for the purposes of the assessment*
- *Only two access driveways are proposed on New Illawarra Road, with no access driveways proposed on Bexley Road.*

The site specific DCP will provide details regarding maximum car parking rates, pedestrian crossing and public domain improvements to improve accessibility and from the centre and Bexley North train station .

## Focus Area 6 – Housing

### 6.1 Residential Zones

- Encourage a variety and choice of housing types to provide for existing and future housing needs make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

#### Consistent

The PP is consistent with the objectives of the Direction. It will provide diverse housing choices within a high density context.

The proposal encourages housing diversity which will provide for existing and future housing needs, whilst making efficient use of existing infrastructure and facilities.

<p>☐ Minimise the impact of residential development on the environment and resource lands.</p> <ol style="list-style-type: none"> <li>1. A planning proposal must include provisions that encourage the provision of housing that will:</li> <li>2. broaden the choice of building types and locations available in the housing market, and</li> <li>3. make more efficient use of existing infrastructure and services, and</li> <li>4. reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>5. be of good design.</li> </ol> <p>☐ A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>• contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>• not contain provisions which will reduce the permissible residential density of land.</li> </ul>	<p>The PP includes draft DCP controls to drive high quality design outcomes for the site.</p>
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## 2. Environmental, social and economic impact

### **C1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No impacts arise from the planning proposal as the site does not contain critical habitat, threatened species, populations, or ecological communities.

### **C2 *Are there any other likely environmental effects as a result of the planning proposal and how they might be managed?***

The key characteristics of the site are provided as follows:

1. The subject site is not identified as being of heritage significance.
2. The site is not located within a heritage conservation area.
3. The subject site does not contain significant vegetation or critical habitat.
4. The subject site is not near a natural water course. Some overland flooding is identified across certain lots in the street block however such does not constitute an impediment to redevelopment.
5. The site is not within a bushfire hazard area.

6. The subject site is not potentially affected by acid sulphate soils.
7. The subject site will require the decommissioning of a redundant service station however contamination is not a constraint restricting development of the site.

Geotechnical Investigation has been prepared supports the planning proposal. The report outlines a series of recommendations in regards to several matters for consideration including groundwater, which will be implemented during the detailed design phase of the development.

The subject site can be suitably developed to provide co-ordinated and safe vehicle access and the development is likely have a reduced traffic generation than the current uses on-site.

An expert report addressing flooding and stormwater management plan has been prepared supporting the planning proposal.

**C3      *Has the planning proposal adequately addressed any social or environmental impacts?***

Potential flood and acid sulphate soil impacts have been adequately addressed in previous reporting and Council assessments. The urban design aspects of the proposed redevelopment have been addressed in the architect's design statement. The planning proposal promotes the aims and objectives of the strategic framework as detailed in section 3.4 of this report. Section 3.3.3 of this report canvasses the community benefits of the development. There are no additional matters or likely impacts specific to the site.

### **3. State and Commonwealth interests**

#### **D1 *Is there adequate public infrastructure for the planning proposal?***

All utility services (telephone, electricity, sewer and water) are available to the site. A Voluntary Planning Agreement is proposed to be prepared addressing local service and facility provision including contributions towards improvements to the open space parcels within the street block and possible provision of new pedestrian footpaths providing better pedestrian connectivity to the site from the town centre.

The road network has the capacity to accommodate the proposed densities.

#### **D2 *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

There has been no consultation at this point. The planning proposal does not raise any matters of State and Commonwealth significance beyond the matters addressed in this report.

As per the Gateway determination requirements, consultation will be undertaken with the following public authorities/organisations under section 3.34(2)(d) of the Act:

- Transport for NSW;
- Environmental Protection Authority;
- Environment, Energy and Science Group;
- Sydney Water; and
- Ausgrid.



## Part 4 – Mapping

The following mapping documents have been prepared in support of the planning proposal:

- Site identification maps including aerial photographs of the site and its context (sections 3.1.1 and 3.1.2 of this report).
- Current and proposed development standards relating to the land – zoning, FSR, and building height (section 3.2.2 of this report).
- Plans of the proposed redevelopment of the site.



Figure 10: Site Context Map

Figures 11-16 illustrate the current control maps as well as proposed controls. Specifically, the zoning, height of building and floor spaceratio are proposed to be modified by this planning proposal.

Figure 11 below shows the current land zoning control as per the Bayside LEP 2021.

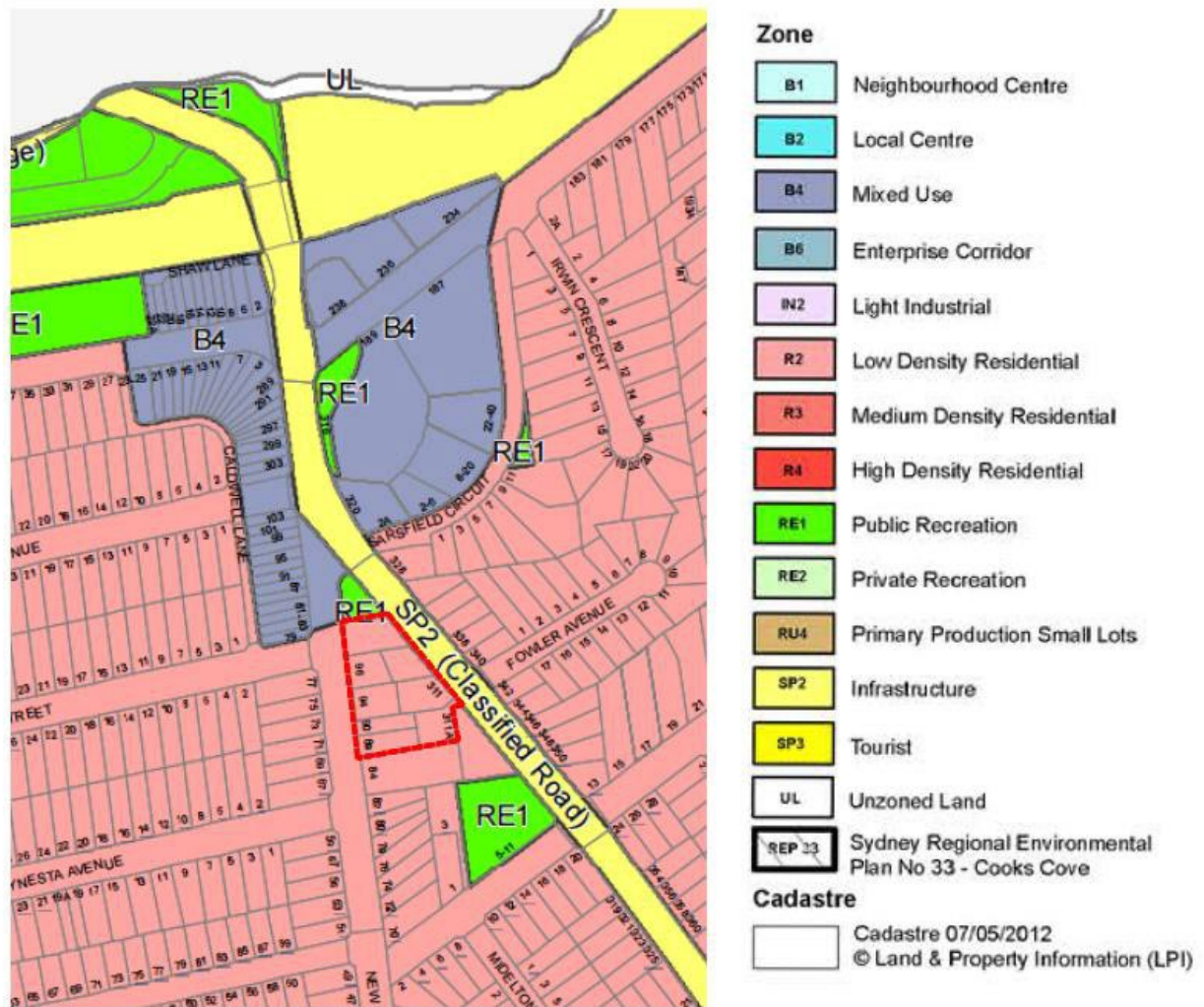


Figure 11: Current Land Zoning Control (R2 – Low Density Residential)



Figure 12 below shows the proposed land zoning control.

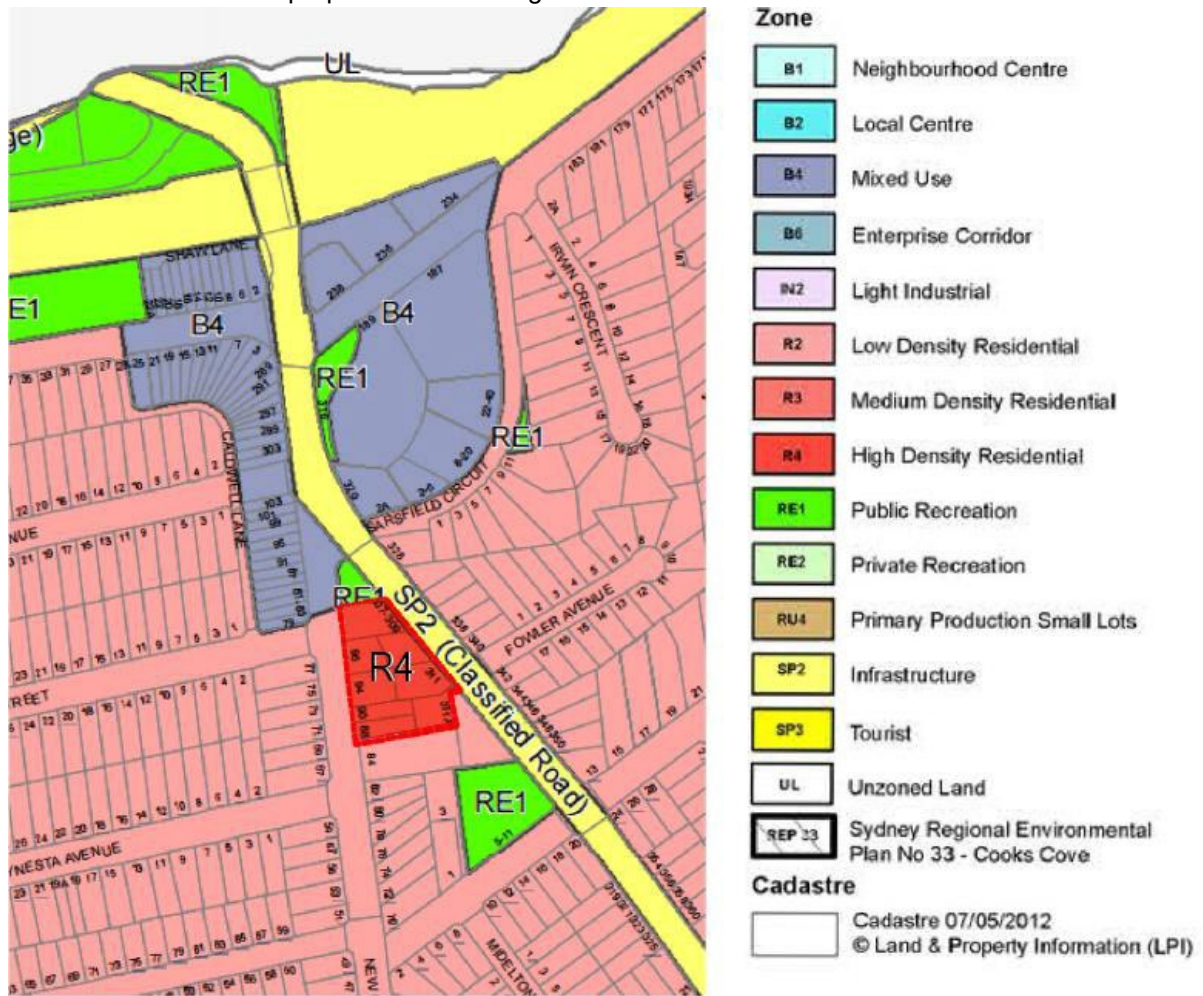


Figure 12: Proposed Land Zoning (R4 – High Density Residential)

Figure 13 below shows the current maximum building height control as per the Bayside LEP 2021.

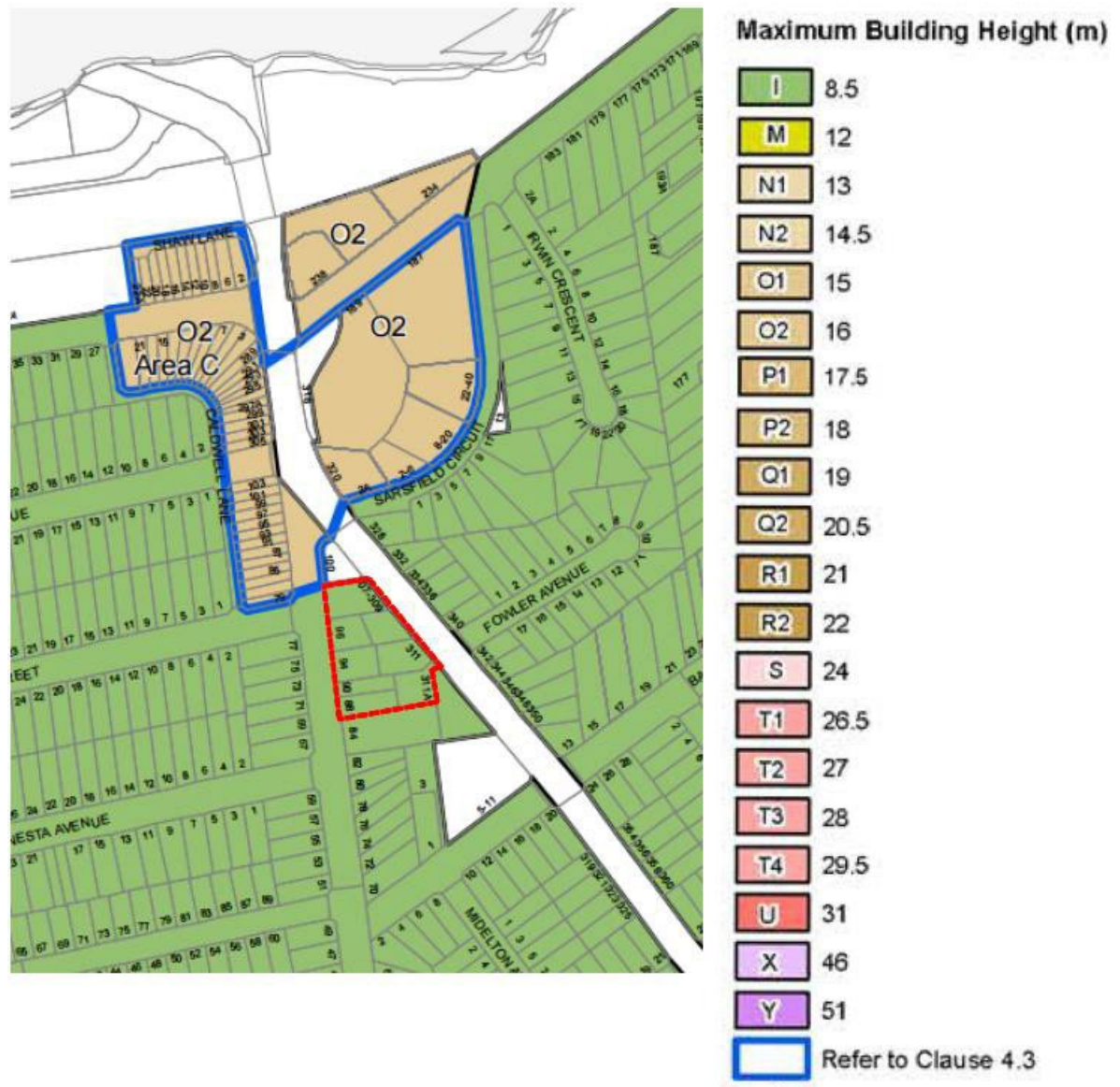


Figure 13: Current Height Control (I – 8.5m)

Figure 14 below shows the proposed maximum building height control.



Figure 14: Proposed Maximum Height Control (Q2 – 20.5m)



Figure 15 below shows the current floor space ratio control as per the Bayside LEP 2021.

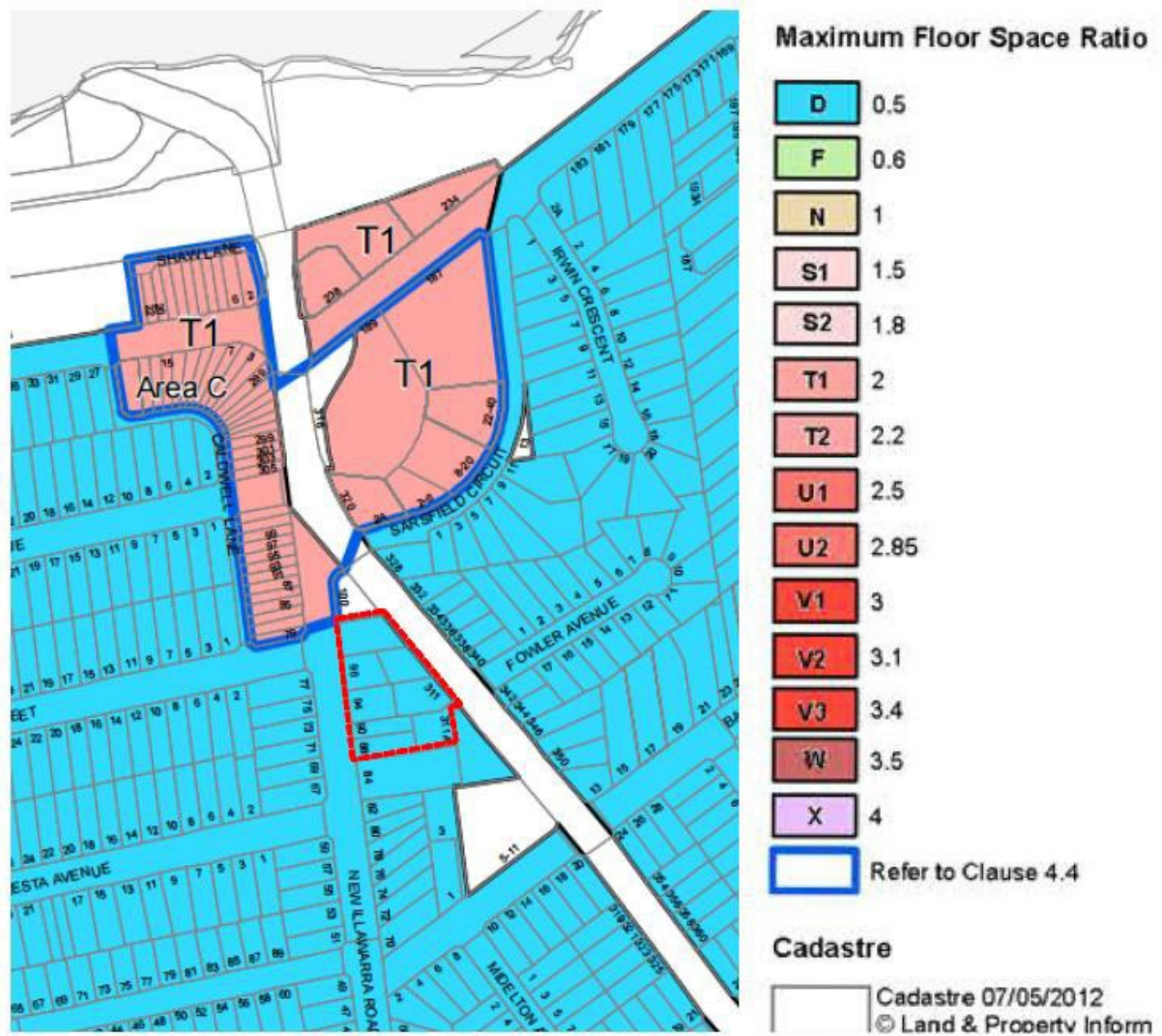


Figure 15: Current Floor Space Ratio Control (D – 0.5:1)

Figure 16 below shows the proposed floor space ratio.

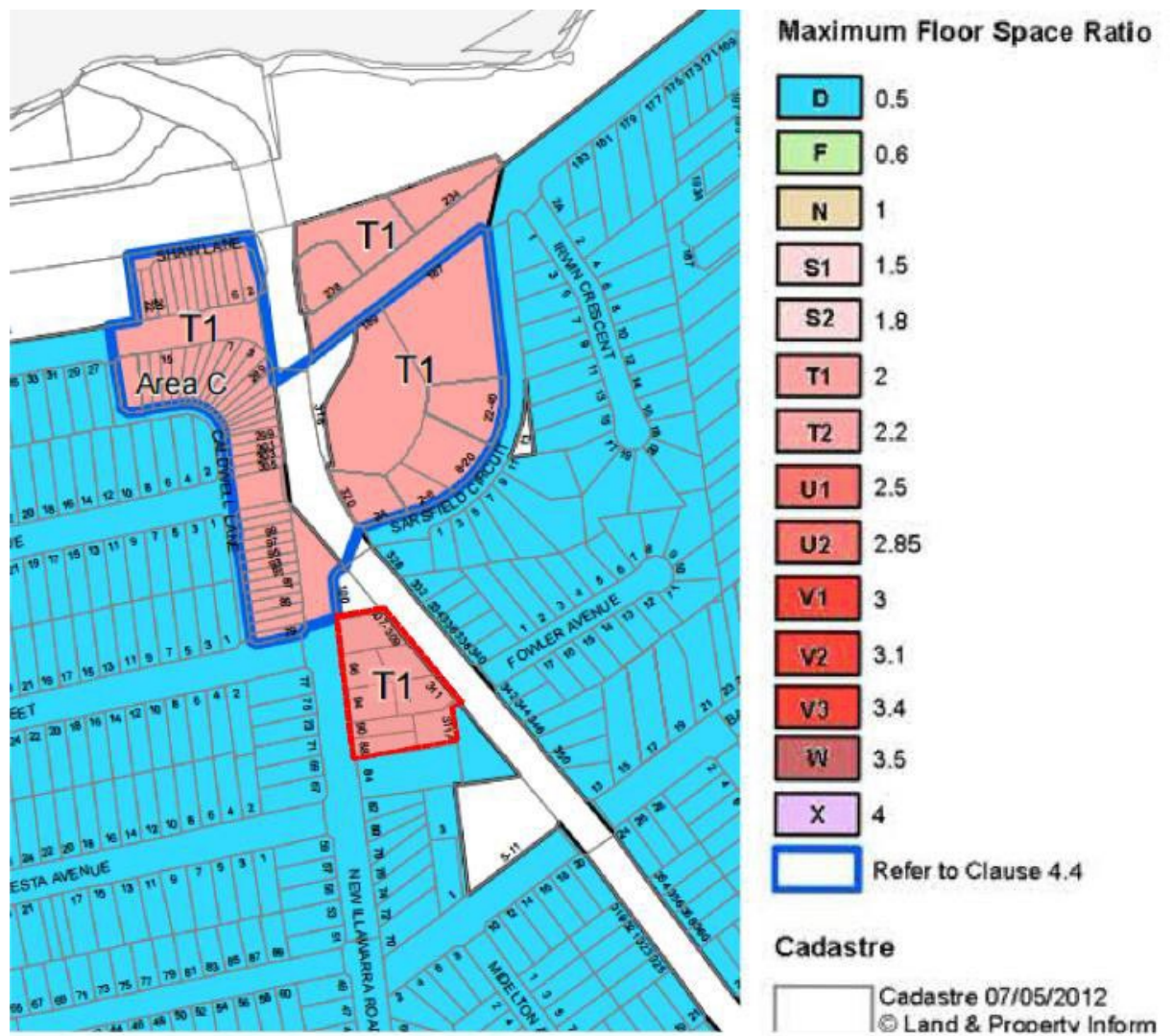


Figure 16: Proposed Floor Space Ratio Control (T1 – 2:1)

Figure 17 below shows the current Lot Size Map as per Bayside LEP 2021.

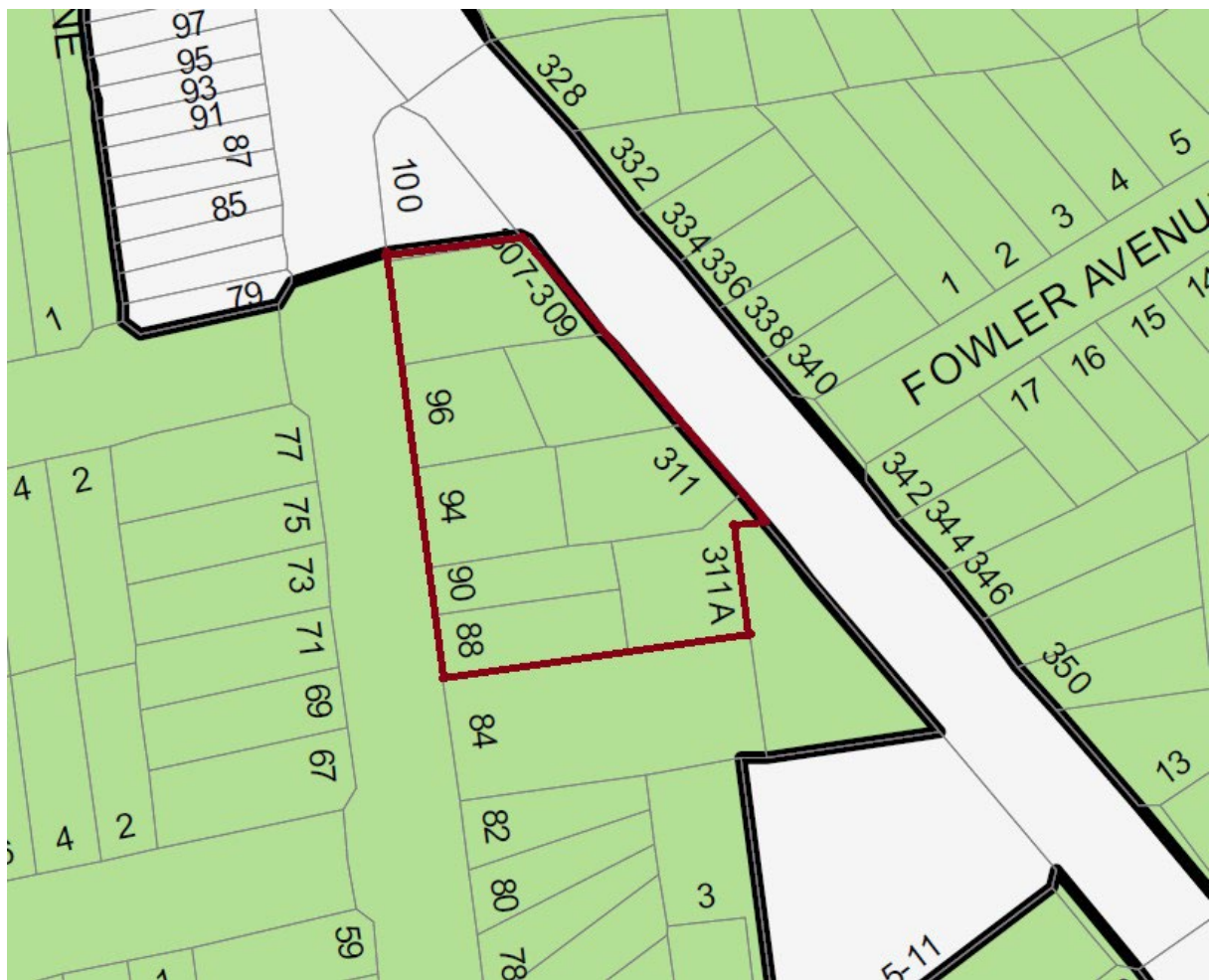


Figure 17: Current Lot Size Map



**Figure 18** below shows the removal of a lot size applicable to the site.



Figure 18: Removal of Lot Size



## Part 5 - Consultation

In preparing the planning proposal the applicant has consulted with senior officers from Bayside Council.

As per the Gateway requirements, the following consultation will be undertaken by Council:

- Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - Will be made publicly available for a minimum of 20 working days; and
  - The planning proposal authority will comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021)
- Consultation with APA Group, operator of the Moomba Sydney High Pressure Ethane Pipeline, is required to occur during community consultation. They are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
- Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the EP&A Act:
  - Transport for NSW;
  - Environmental Protection Authority;
  - Environment, Energy and Science Group;
  - Sydney Water; and
  - Ausgrid.

Each public authority/organisation will be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.

A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act.

## Part 6 – Project Timeline

The table below provides a proposed timeframe for the project:

**Table 8 – Approximate Project Timeline**

Task	Timing
Gateway determination	3 May 2022
Anticipated timeframe for the completion of required technical information	Not applicable. Technical analysis has already been commissioned to support the Planning Proposal.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in the Gateway determination. Anticipated timeframe is to run concurrently with the public exhibition period.
Commencement and completion dates for public exhibition period	10 October 2022 – 14 November 2022
Dates for public hearing (if required)	Not applicable
Timeframe for consideration of submissions	2 weeks
Timeframe for the consideration of a proposal post exhibition	2 weeks
Date of submission to the department to finalise the LEP	28 November 2022
Anticipated date RPA will make the plan (if delegated)	January 2023
Anticipated date RPA will forward to the department for notification.	February 2023
Anticipated publication date	March 2023

**APPENDIX A – DRAFT SITE SPECIFIC DCP (for background reference only)**

# **DEVELOPMENT CONTROL PLAN – BEXLEY NORTH PLANNING PROPOSAL**

89-96 New Illawarra Road & 307-311A Bexley Road, Bexley North

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# 1 Introduction

## 1.1 Purpose of this DCP

This section of the DCP provides detailed building design and built form controls to complement the *Bayside LEP 2021* (BLEP 2021) and serves to ensure the development will make the best use of public assets such as transport, public spaces and infrastructure and focus housing growth around town centres and transport services. These controls work in conjunction with the Bayside LEP Height of Buildings Map and Floor Space Ratio Map, which establish development standards for height and further building envelope controls for the site. The DCP controls also inform the configuration of buildings, as well as how the form and character of buildings affects the desired feel and experience of the site and locality.

## 1.2 Land to which this section applies

This section of the DCP applies to the area of land identified as 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North. The subject land is legally identified as Lot 35 in DP 663036; Lot 1 in DP 1045200; Lot A in DP 388204; Lot B in DP 388204; Lot 1 in DP 400341; Lot 6 in DP 508629; Lots 3 and 4 in DP 508629; and Lot 5 in DP 508629. Figure 1 below illustrates the land to which this DCP applies.



**Figure 1: Land Application Map**

## 1.3 General Objectives

- To facilitate increased housing densities in locations that have good access to public transport, services and amenities in a manner that is consistent with the desired future character of Bexley North.
- To facilitate development that is sympathetic and appropriate for the natural and built environment and results in a high-quality urban design outcome.
- Mitigate impact of traffic generation from the development on the surrounding road networks.

- d) To facilitate development which encourages safe and efficient pedestrian movements to bus interchanges and Bexley North Station.
- e) To protect and improve the amenity of the public open spaces and residential properties which adjoin the site.
- f) To focus on the integration of ground floor and street level frontages with public movement.
- g) To provide a gateway development at the prominent intersection of Bexley Road and New Illawarra Road.

## 1.4 Vision Statement

The vision for the land to which this DCP applies is to enhance the Bexley North Town Centre by creating a new vibrant community with good access to public transport and services and provides a high level of amenity and quality public domain.

The land to which this DCP applies will create an opportunity for additional dwellings to accommodate the housing needs of the growing community within the Bayside Local Government Area. Implementation of appropriate urban design principles is therefore important to ensure the new residential character created by the redevelopment of the land is sympathetic to the existing local context and adds to the vibrancy of the area.

This will be achieved through good urban design, ecologically sustainable development and high quality private and public open spaces. The site will maximise its prominent location in close proximity to mass transit public transport by promoting pedestrian activity and upgrading the adjoining public park. The development will also provide a transition in built form from the Town Centre to the north and the medium to low-density residential developments to the south.

## 1.5 Bexley North Local Character

To be developed in consultation with Bayside Council.

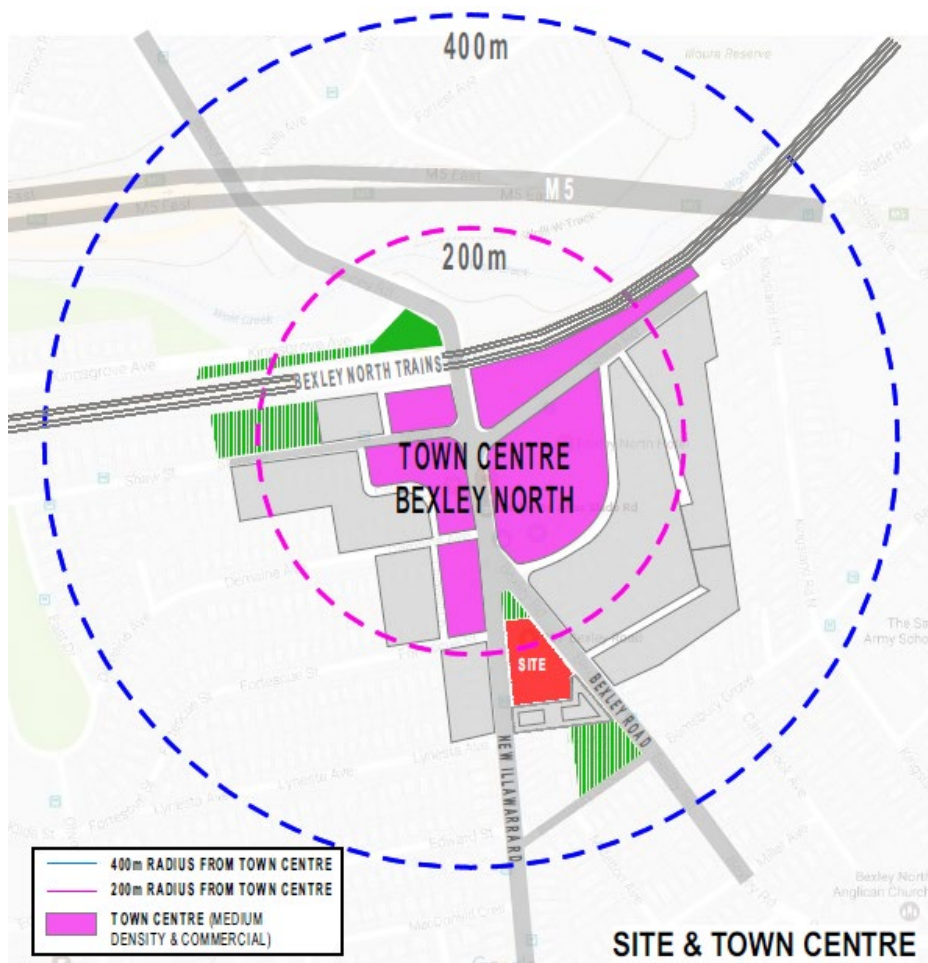
## 1.6 Regional and Local Context

The site is located on the southern side of Bexley North Town Centre and within 400m of Bexley North Railway Station (served by the T8 Airport and South line) and high frequency bus services. The land is zoned R4 High Density Residential under *Bayside Local Environmental Plan 2021*.

The surrounding land uses are a mix of commercial and residential with commercial and mixed uses directly north of the site and low density residential uses to the east, south and west. The site is located on two high-traffic arterial roads and adjoins a triangular shaped parcel of public open space to the north at the intersection of New Illawarra Road and Bexley Road. The built form should respond to the lower density context to the east, south and west of the site and the future higher densities within the Town Centre to the North.

The site is on the base of a steady and gradual incline which rises to the south and the built form should respond to the prevailing topography to minimise bulk and scale when viewed from the public domain.





**Figure 2: Locality Plan**

## 1.7 Strategic and Spatial Context of the Site

Bexley North is categorised as a Local Centre in Council's Local Strategic Planning Statement.

The spatial role of the site in the context of the Bexley North Local Centre is to provide an appropriate transition to lower scale residential developments on the periphery of the Town Centre. Development of the site should provide a well-designed landmark development where it is provided on a prominent intersection. Development of the site should improve safe pedestrian movement along New Illawarra Road and improved passive surveillance and public domain interface.

The strategic role of the site in the context of the Bexley North Town Centre is to provide a catalytic development to help revitalise the centre, improve the public domain interface and provide more diverse housing with good amenity and access to services and mass transit public transport. The site has an important role to play where it will help Council to meet demand for housing in close proximity to services and public transport.

Development on the site will celebrate the suburban local character while defining a more urban future for the centre. It will enhance Bexley North as a local destination and a place that services the local community.

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## 1.8 Relationship to Rockdale DCP

This section of the DCP provides specific development provisions for the subject site. Development at the site will need to have regard to this section as well as the other sections of the Rockdale Development Control Plan 2011/Bayside DCP 2020. In the event of any inconsistency between this Section and the other Sections of the Rockdale DCP 2011/Bayside DCP 2020, this Section will prevail to the extent of the inconsistency.

## 1.9 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) applies to residential flat building development and the residential accommodation component of any shop top housing. Such development is to have regard to SEPP 65 and Apartment Design Guide in addition to the relevant provisions provided in this DCP.

## 1.10 State Environmental Planning Policy No. 55 – Remediation of Land

The *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) applies to all land within NSW. The development on the site is to have regard to SEPP 55 in addition to the relevant provisions provided in this DCP.

## 1.11 State Environmental Planning Policy (Infrastructure) 2007

The site is located on land which is adjacent to a classified road and therefore must consider the requirements of the Development Near Rail Corridors and Busy Roads - Interim Guideline (19 December 2008) in accordance with cl.87(3) and cl.102(3) of SEPP (Infrastructure) 2007.

## 2 Structure Plan Controls

### 2.1 Lot Consolidation

#### *Objectives*

- a) To achieve a suitable built form and amenity outcome for future development on the site.
- b) Ensure that the site is amalgamated to enable sufficient site area to accommodate for high density residential development.
- c) Ensure that the development is complementary to the scale and character of development in the area
- d) To avoid isolation of lots from future development.

#### *Controls*

- 1. New development on the site will be required to consolidate all affected allotments.
- 2. The minimum lot size resulting from any lot consolidation is to be 1,650m<sup>2</sup>
- 3. The development should not result in an isolated lot that is unviable for redevelopment.
- 4. Lot consolidation is to result in two lots in accordance with Figure 3.



**Figure 3: Lot Consolidation Plan**

### 2.2 Stormwater Management, Flooding and Easements

#### *Objectives*

- a) To provide for effective and safe disposal of stormwater runoff.
- b) To protect adjoining properties from inundation due to proposed development.
- c) To protect and manage existing public stormwater drainage assets.
- d) To minimise the risk and impacts of flooding.

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## **Controls**

1. The existing Council owned stormwater drainage line that traverses through the site shall be relocated by the developer to allow for future development of the site. The relocated stormwater drainage line shall provide for, at minimum, as much flow capacity as the existing stormwater pipe. The design and construction of the relocated stormwater drainage line is to be to the satisfaction of Bayside Council. The developer is responsible for all costs associated with these works. The timing of these works as part of the development is to be to the satisfaction of Bayside Council.
2. An easement shall be established over the relocated stormwater drainage network in favour of Bayside Council. The width and terms of the easement are to be as per Council's technical requirements.
3. The development shall be designed to not result in increased flooding anywhere in the floodplain. An overland flow path is to be maintained through the site to demonstrate negligible impact on the existing flooding condition. A positive covenant and easement shall be created over the overland flow path to permit stormwater to be conveyed across the land and maintain the system.
4. A detailed Flood Study Report prepared by a suitably qualified civil engineer is to be submitted with any Development Application for the site demonstrating compliance with controls 1-3 above. A 2D flood model is to be used for the flood study. A flood risk management plan is also to be prepared for the development.
5. Each development is to provide an on-site detention system and stormwater quality improvement devices(s) designed as per Council technical requirements. A minimum 10000L rainwater tank is to be provided as part of the stormwater system connected for internal non-potable stormwater re-use.

## **2.3 Movement, Access and Parking**

### **Objectives**

- a) The number of vehicle access points are to be minimised to ensure that access to and from the site is safe and does not result in adverse impacts to traffic flows along Bexley Road and New Illawarra Road.
- b) Traffic generated from the proposed development is mitigated.
- c) Vehicular access points are designed to minimise their impact on pedestrians and the flow of traffic.
- d) Promote a modal shift to public transport and improve pedestrian connectivity and pedestrian safety.

### **Controls**

1. All vehicular access to the site is to be provided from New Illawarra Road only.
2. A maximum of two vehicular access driveways are permitted along New Illawarra Road. The driveway locations shall not compromise the ability to provide pedestrian crossing points on New Illawarra Road and shall not exceed one per amalgamated site.
3. A new raised pedestrian crossing is to be provided adjoining the site on New Illawarra Road. Location of the raised pedestrian crossing is subject to further analysis of traffic and pedestrian impacts. The raised pedestrian crossing is to be provided in accordance with the Voluntary Planning Agreement (VPA) executed for the site. If Bayside Council determines that a raised pedestrian crossing cannot be provided, a pedestrian refuge island shall be provided as an alternative.
4. Car parking rates for high density residential flat buildings is set out in the *RTA Guide to Traffic Generating Developments version 2.2 October 2002* (parking rate for metropolitan sub-regional centres). These rates are to be implemented as a maximum, rather than a minimum to reduce traffic impacts on the surrounding street network and promote a modal shift to public transport.

5. The minimum bicycle parking requirements are outlined in the table below:

Use	Bicycle Parking Provision
Residential Flat Building/Shop Top Housing	» 1 space per studio or one (1) bedroom dwelling » 2 spaces per two (2) or more bedrooms dwelling » 1 designated visitor space per 5 dwellings
Retail and Commercial	As per Rockdale DCP/ Bayside DCP

6. Provision must be made for a loading dock within the basement of each development to accommodate on-site waste collection (via a private waste contractor or council) and furniture removalist vehicles. For developments with up to and including 50 dwellings, the loading dock is to be designed to accommodate a Small Rigid Vehicle (SRV) as defined in AS2890.2. For developments with more than 50 dwellings, the loading dock is to be designed to accommodate a Medium Rigid Vehicle (MRV) as defined in AS2890.2. On-street waste collection and on-street loading/unloading is not permitted.
7. Electric Vehicle and Electric Bicycle charging facilities are to be provided for each amalgamated site to the satisfaction of Bayside Council.
8. Future development of the site must ensure that measures are put in place so that development will have no significant impact on the efficiency and operation of the existing surrounding road network.
9. All vehicles are to enter and exit the site in a forward direction.

## 3 Built Form Controls

### 3.1 Height

#### *Objectives*

- To achieve an appropriate height transition across the site responding to the existing and future desired context.
- To provide appropriate heights that maintain reasonable solar access to the private open space of nearby residential development and enhance solar access through the site.

#### *Controls*

- The maximum height for development on the site must be consistent with the height standards prescribed by the BLEP 2021 Height of Buildings Map.
- The maximum number of storeys on the site is to be consistent with the diagram in Figure 4.
- The maximum wall and street wall height for development on Site 1 and Site 2 is to be in accordance with Figure 5.





Figure 4: Maximum Storeys

## 3.2 Setbacks and Streetscape

### Objectives

- a) To ensure future development appropriately responds to the streetscape and contributes positively to the public domain.
- b) To ensure residential development proposed on the site is consistent with the design criteria contained within the Apartment Design Guide.

### Controls

1. Development must be setback from all boundaries as shown in Figure 5.
2. Separation between building forms is to be consistent with the criteria contained within the Apartment Design Guide as a minimum, consistent with setbacks shown in Figure 5.
3. The upper most level of each building is to be setback from the lower levels by at least 3 metres on all sides to provide visual interest and articulated facades. Balconies are permitted in the setback area if unenclosed with no louvres and minimum balustrade heights.
4. The design of the building facades is to create a visually interesting form incorporating recessed and projecting elements.



**Figure 5: Setbacks and Building Separation**

### 3.3 Public Domain Interface

#### *Objectives*

- a) To ensure future development appropriately responds to the streetscape and positively contributes to the public domain.

#### *Controls*

1. Clearly defined pedestrian paths and building entries should be provided adjoining the public open space to the north of the site.
2. Blank walls at ground floor level are to be avoided.
3. Apartments at ground floor level should have direct street entry, where appropriate.
4. Front fences and walls along street and park frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.
5. Any commercial or retail component of development is to comply with the relevant controls for mixed use and shop top housing contained within Section 5.3 – Mixed Use of this DCP.
6. Where active uses are proposed they should be located to overlook the public open space to the north.
7. The communal open spaces of buildings must not be located on the street frontage. However pedestrian access may be gained from the street through walkways to ground floor communal open spaces.





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## 4 Environmental Performance Controls

### 4.1 Contamination

#### *Objectives*

- a) To adequately address site contamination to ensure suitability for high density residential development.

#### *Controls*

- 1. A Remedial Action Plan (RAP) is to be prepared which details the methodology for excavation, removal and validation of the existing Underground Petroleum Storage System.

### 4.2 Road Noise

#### *Objectives*

- a) To ensure that all residents are provided with a reasonable level of acoustic privacy.

#### *Controls*

- 1. Appropriate road noise mitigation measures are to be implemented into the design of the development.
- 2. An acoustic report prepared by a certified acoustic consultant must be submitted at development application stage to demonstrate compliance with Control 1 above and the Development Near Rail Corridors and Busy Roads - Interim Guideline (19 December 2008) in accordance with cl.87(3) and cl.102(3) of SEPP (Infrastructure) 2007.

**APPENDIX B – PHOTOMONTAGES - POTENTIAL BUILT FORM SCENARIOS (6 & 7 STOREYS)**

## **Potential 6 Storey Scenario - Built Form Photomontage**



























## **Potential 7 Storey Scenario - Built Form Photomontage**



















## **APPENDIX C – SOLAR ACCESS DIAGRAMS (6 & 7 STOREY SCENARIOS)**

## **Potential 6 Storey Scenario - Solar Access Diagram**

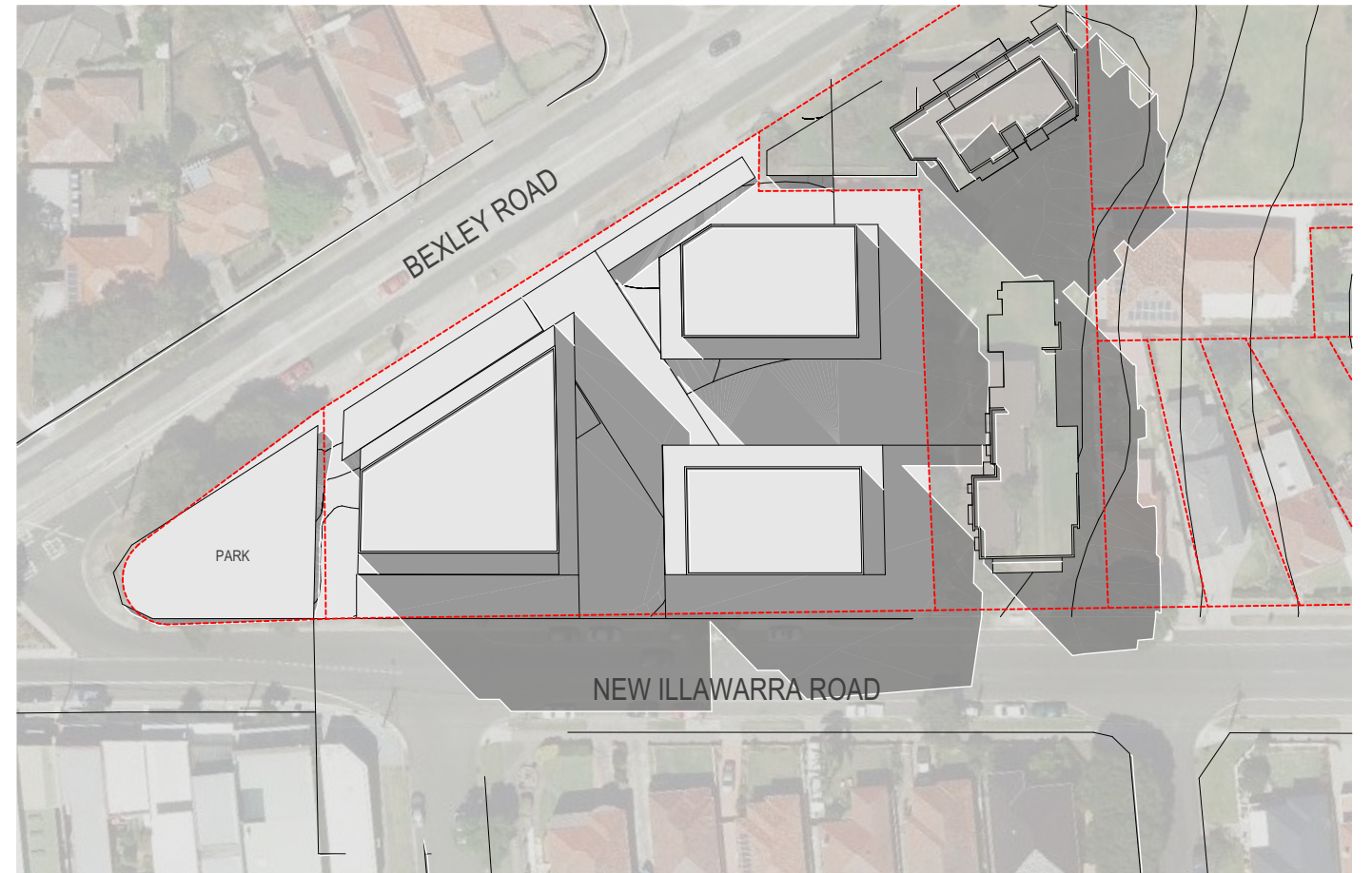








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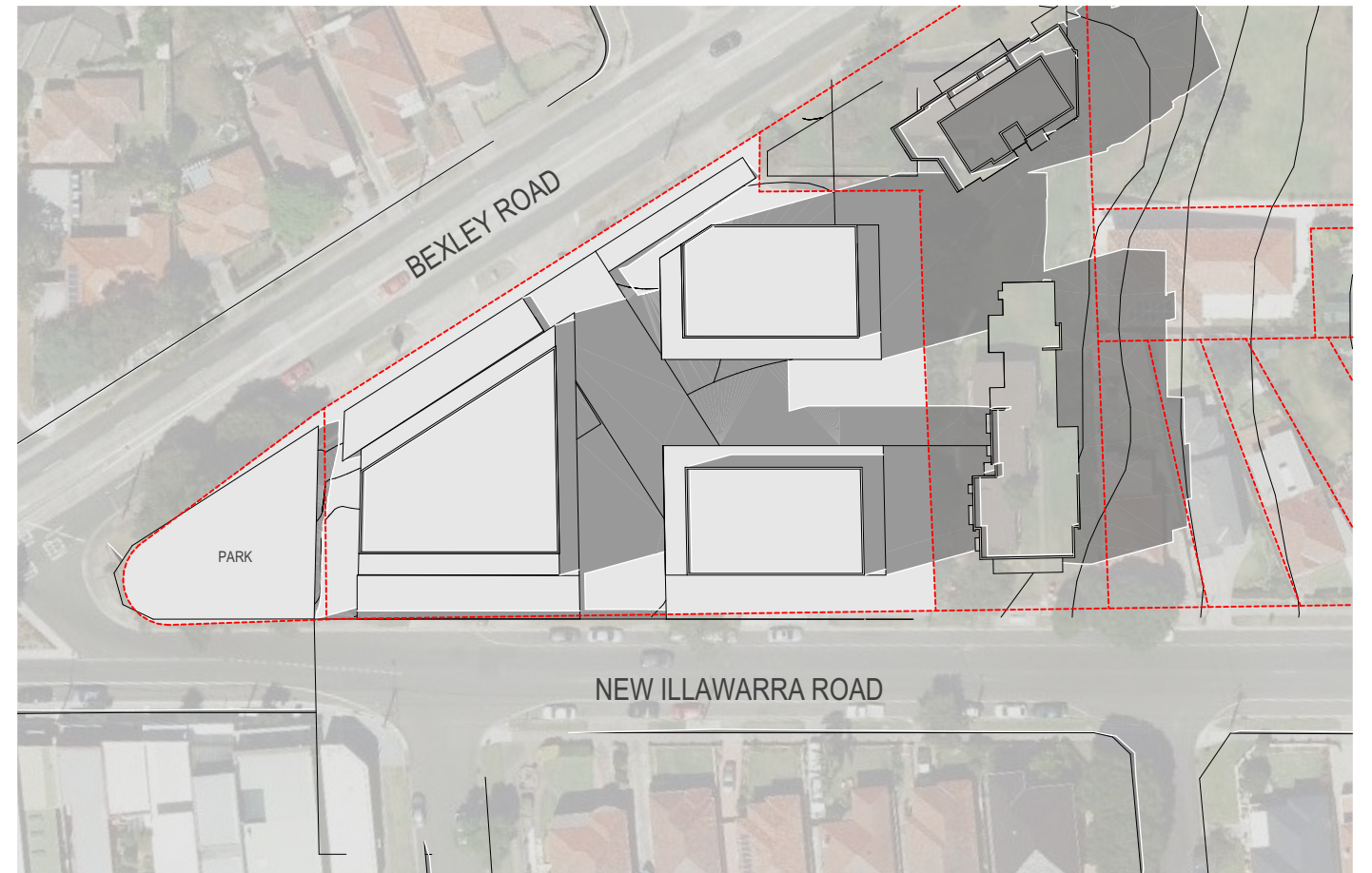
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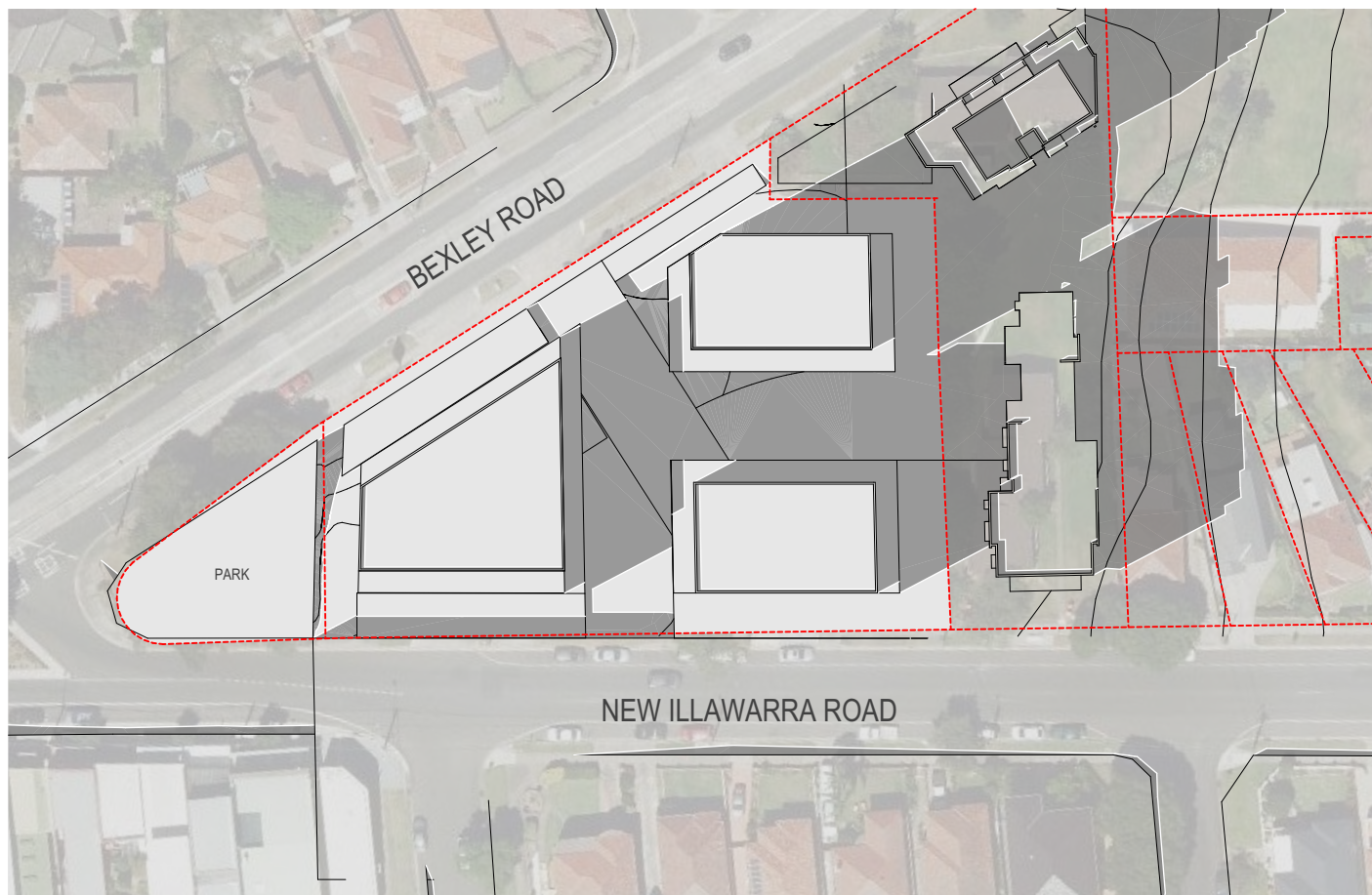




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## **Potential 7 Storey Scenario - Solar Access Diagram**

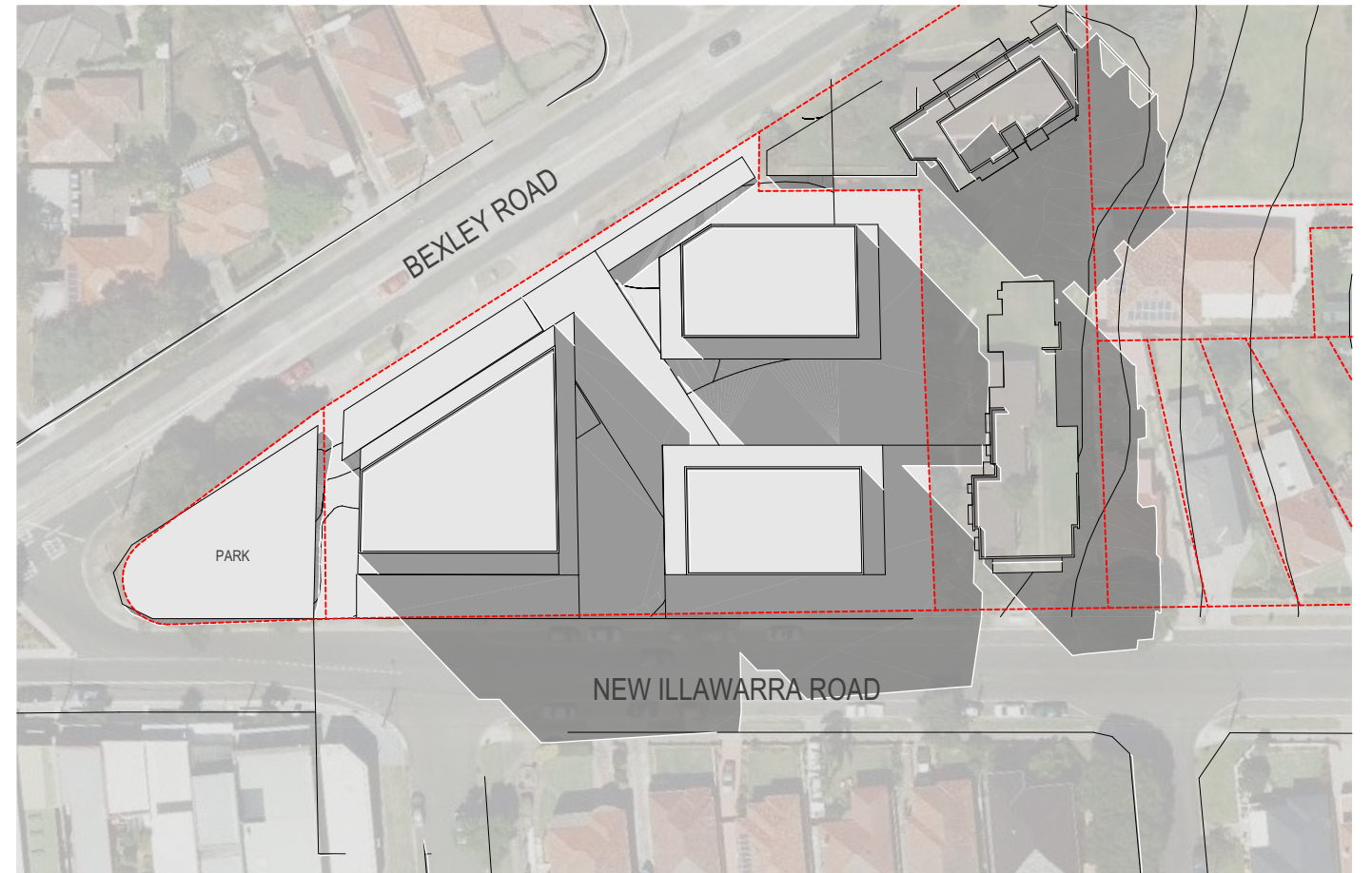








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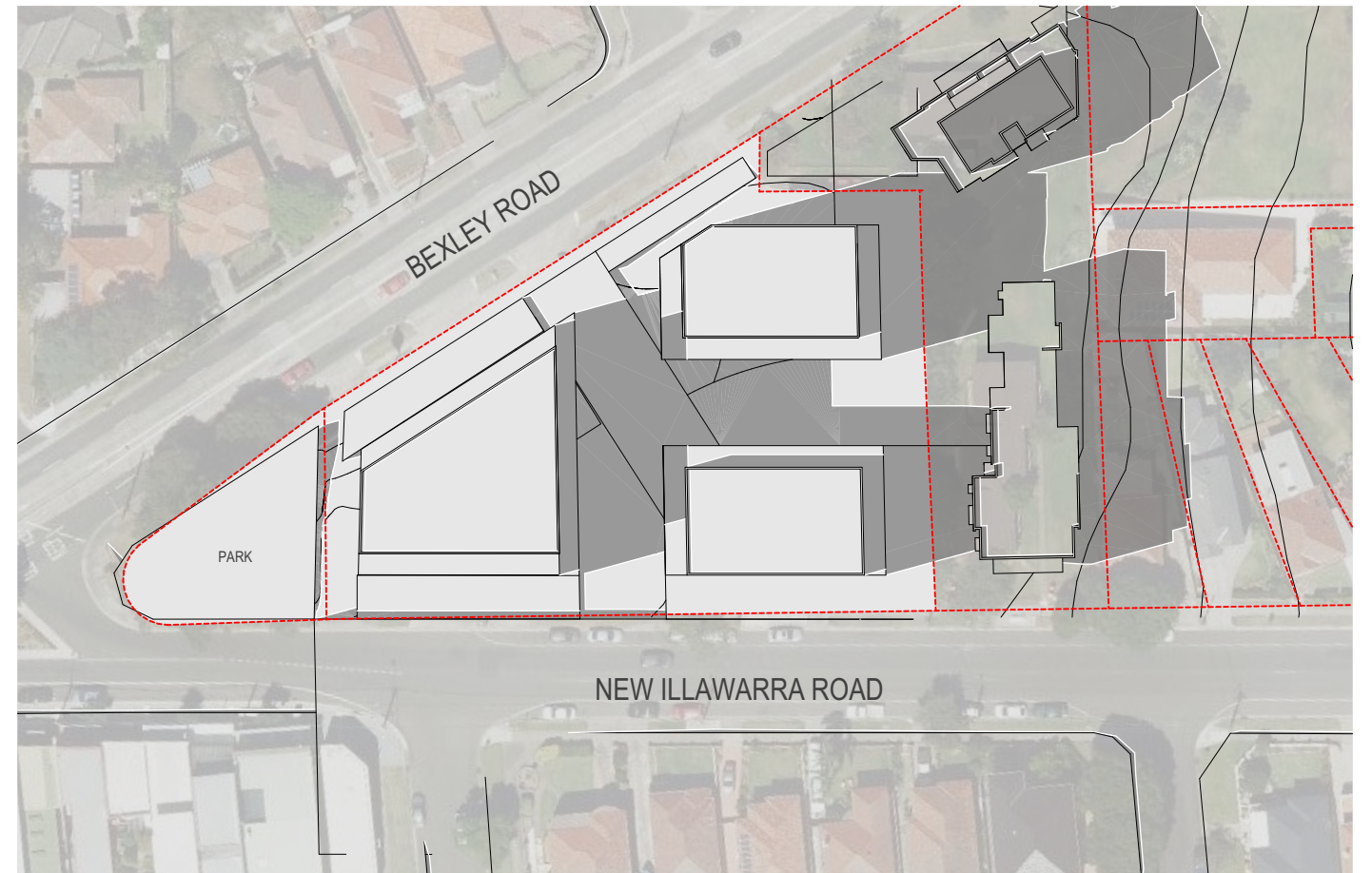
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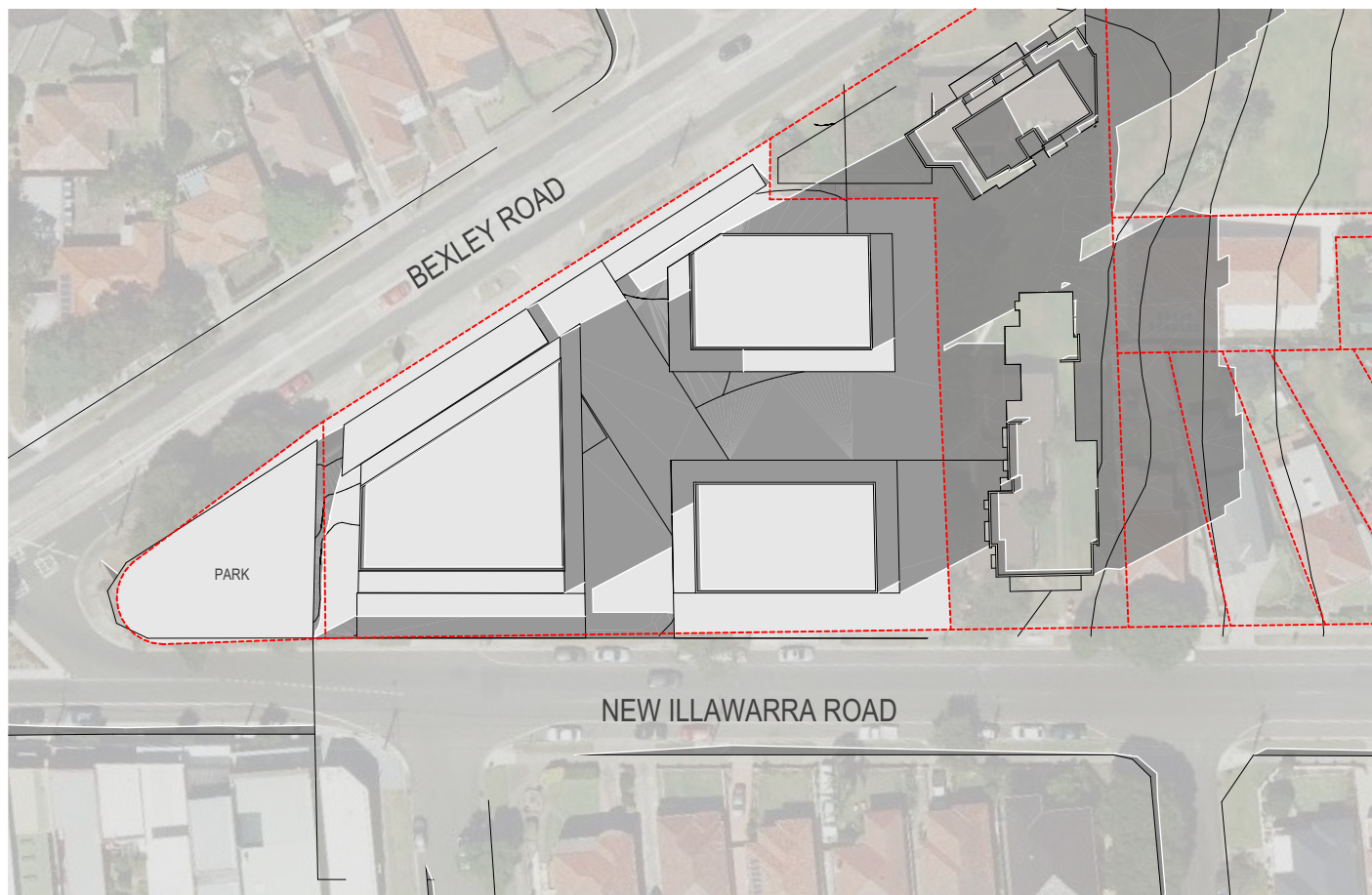




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