

## **MEETING NOTICE**

A meeting of the  
**City Planning & Environment Committee**  
will be held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Wednesday 13 April 2022 at 6:30 pm.**

## **AGENDA**

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 APOLOGIES**
- 3 DISCLOSURES OF INTEREST**
- 4 MINUTES OF PREVIOUS MEETINGS**
  - 4.1 Minutes of the City Planning & Environment Committee Meeting - 9 March 2022 .....2
- 5 ITEMS BY EXCEPTION**
- 6 PUBLIC FORUM**
- 7 REPORTS**
  - CPE22.007 Clause 4.6 Variations to Development Standards - Quarterly Report.....9
  - CPE22.008 Revised Draft Planning Agreement - Advertising Signage -133-137 Baxter Road and 118 Robey Street, Mascot - .....12
  - CPE22.009 Draft Planning Proposal - 187 Slade Road, Bexley North.....46
- 8 CONFIDENTIAL REPORTS**

Nil.

The meeting will be video recorded and live streamed to the community via Council's YouTube page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace  
**General Manager**

**1 ACKNOWLEDGEMENT OF COUNTRY**

Bayside Council respects the traditional custodians of the land, elders past and present, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Sydney Basin.

**2 APOLOGIES****3 DISCLOSURES OF INTEREST**

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.



## **4 MINUTES OF PREVIOUS MEETINGS**

### **City Planning & Environment Committee**

**13/04/2022**

Item No	<b>4.1</b>
Subject	<b>Minutes of the City Planning &amp; Environment Committee Meeting - 9 March 2022</b>
Report by	Cathryn Bush, Coordinator Governance
File	SF22/811

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### **Officer Recommendation**

That the Minutes of the City Planning & Environment Committee meeting held on 9 March 2022 be confirmed as a true record of proceedings.

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### **Present**

Jo Jansyn, Councillor, Chairperson  
Liz Barlow, Councillor  
Christina Curry, Councillor  
Heidi Lee Douglas, Councillor  
Jennifer Muscat, Councillor  
Greta Werner, Councillor

### **Also Present**

Councillor Andrew Tsounis  
Councillor Ed McDougall  
Meredith Wallace, General Manager  
Peter Barber, Director City Futures  
Michael Mamo, Director City Performance  
Clare Harley, Manager Strategic Planning  
Fausto Sut, Manager Governance and Risk  
Cathryn Bush, Coordinator Governance  
Josh Ford, Coordinator Statutory Planning  
Charlotte Lowe, Acting Co-ordinator Policy and Strategy  
Nigel Riley, Senior Urban Planner  
Gina Nobrega, Governance Officer  
Lauren Thomas, Governance Officer  
Taif George, IT Support Officer

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The Chairperson opened the meeting in the Botany Committee Room, Botany Town Hall Corner of Edward Street and Botany Road, Botany at 6:33 pm.

The Chairperson informed the meeting, including members of the public, that the meeting is being video recorded and live streamed to the community via Council's Youtube page, in accordance with Council's Code of Meeting Practice.

## 1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Sydney Basin.

## 2 Apologies (Clr Curry / Clr Douglas)

An apology was received and accepted on behalf of Councillor Bill Saravinovski, (Deputy Chairperson).

## 3 Disclosures of Interest

There were no disclosures of interest.

### 4.1 Minutes of Previous Meetings

There were no Minutes to confirm as this was the inaugural meeting of the City Planning & Environment Committee.

### 4.2 Business Arising

That the Committee notes that the Minutes of the meeting of the City Planning & Environment Committee meeting held on 9 March 2022 were received and the recommendations therein were adopted by the Council at its meeting of 23 March 2022 with the exception of Item CPE22.006:

In relation to Item CPE22.006, the following was resolved by Council:

#### **CPE22.006 Submission to NSW Department of Planning & Environment - Discussion Paper: A New Approach to Rezoning**

#### RESOLUTION

Minute No. 2022/104

Resolved on the motion of Councillors Fardell and Nagil

- 1 That Council endorse the attached draft submission to the NSW Department of Planning and Environment on the *Discussion Paper: A New Approach to Rezoning*.
- 2 That Council writes to all local members advising them that Council strongly disagrees with the Department's proposals.

- 3 That Council write to the Minister for Planning and Environment expressing Council's disgust with the proposals being advanced in the discussion paper, thus taking away the role of local Councils.
- 4 That Council's delegates to SSROC raise this matter at the next SSROC meeting.
- 5 That Council write to the Local Government Association and request that representations be made on Council's behalf to the Minister for Planning and Environment.

## 5 Items by Exception

There were no items by exception.

## 6 Public Forum

There was no public forum.

## 7 Reports

### **CPE22.001 Draft Planning Proposal - Deletion of Additional Permitted Uses 34 & 35 from Bayside Local Environmental Plan 2021**

**Committee Recommendation:** (Clr Werner / Clr Douglas)

- 1 That Council considers the recommendations of the Bayside Local Planning Panel, and, pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), endorse the draft Planning Proposal – Deletion of Additional Permitted Uses Items 34 and 35 from the Bayside Local Environmental Plan 2021 to be submitted to the Department of Planning and Environment for a Gateway determination; and
- 2 That, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway determination, and to provide details of any submissions received throughout that process.
- 3 That Council inform the affected property owners when the matter is on public exhibition.

**CPE22.002 Improvements to Flood Risk Assessment and Flood Hazard Mitigation in Bayside LGA Resulting From Increased Rainfall and Rising Sea Levels**

**Committee Recommendation:** (Clr Douglas / Clr Curry)

- 1 That Council officers prepare, for Council's consideration, an analysis of the impact of climate change on flood modelling, and a draft policy recommending sea level and rainfall parameters for flood modelling over the whole Bayside Local Government Area.
- 2 That this item be referred to a Councillor Information Session once the report is prepared and prior to referral to a further committee meeting.

**CPE22.003 Draft Local Heritage Grant Policy**

**Committee Recommendation:** (Clr Barlow / Clr Muscat)

- 1 That the draft Heritage Grant Policy, attached to the report (Attachment 1), be endorsed by Council and placed on public exhibition for a period of 28 days.
- 2 That Council receives a further report post exhibition to consider any submissions.

**CPE22.004 Draft Submission Design and Place State Environmental Planning Policy**

**Committee Recommendation:** (Clr Curry / Clr Werner)

- 1 That the City Planning and Environment Committee recommends endorsement of the Draft Submission - Design and Place SEPP and lodgement of the submission with the Department of Planning and Environment subject to the submission clarifying the terminology around main streets and high streets and additional clarification.
- 2 That where full and safe separation cannot be achieved, the cycleway networks should be prioritised in secondary streets.

**CPE22.005 Submission to Employment Zones Reform - Translation of Bayside Local Environmental Plan 2021**

**Committee Recommendation:** (Clr Douglas / Clr Barlow)

- 1 That the City Planning and Environment Committee endorse the attached submission to the Department of Planning and Environment in relation to the proposed translation of Bayside Local Environmental Plan 2021 business and industrial zones under the Employment Zones Reform initiative.

- 2 That Council notifies the public once the Department of Planning and Environment places the matter on exhibition.

### **CPE22.006 Submission to NSW Department of Planning & Environment - Discussion Paper: A New Approach to Rezoning**

**Committee Recommendation:** (Clr Werner / Clr Muscat)

- 1 That Council endorse the attached draft submission to the NSW Department of Planning and Environment on the *Discussion Paper: A New Approach to Rezoning*.
- 2 That Council writes to all local members advising them that Council strongly disagrees with the Department's proposals.
- 3 That Council write to the Minister for Planning and Environment expressing Council's disgust with the proposals being advanced in the discussion paper, thus taking away the role of local Councils.
- 4 That Council's delegates to SSROC raise this matter at the next SSROC meeting.
- 5 That Council write to the Local Government Association and ask them to make representations, on Council's behalf, to the Minister for Planning.

## **8 Closing of the Meeting**

The Chairperson closed the meeting at 7:37 pm.

The next meeting will be held in the Botany Committee Room, Botany Town Hall at 6:30 pm on Wednesday, 13 April 2022.

## **Attachments**

Nil

## **5 ITEMS BY EXCEPTION**

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation

## **6 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

## **7 REPORTS**

### **City Planning & Environment Committee**

**13/04/2022**

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Item No	<b>CPE22.007</b>
Subject	<b>Clause 4.6 Variations to Development Standards - Quarterly Report</b>
Report by	Dawson Heperi, Customer Relationship Analyst
File	SF22/95

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### **Summary**

The Secretary of the Department of Planning & Environment delegates to councils assumed concurrence to use Clause 4.6 to vary development standards in Local Environmental Plans in the assessment and determination of development applications.

In accordance with Planning Circular PS 20-002, Councils monitor the use of assumed concurrence and report to the Department on a quarterly basis. Councils are also required to update a register on their website and report variations approved under delegation to a meeting of the Council.

This report provides a list of variations approved under delegation for quarter three (3) of FY2022 to promote a transparent and accountable decision-making process.

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### **Officer Recommendation**

That the report on the use of Clause 4.6 of Council's Local Environmental Plans to vary development standards in the determination of development applications during quarter three (3) of FY2022 to be received and noted.

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### **Background**

There are four (4) procedural and reporting requirements set for councils in relation to the use of clause 4.6 to permit variations to development standards in the assessment of development applications. These are in place to ensure that the process is robust, consistent, transparent, and free from corruption:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.

- A report of all variations approved (including under delegation) must be submitted through the NSW Planning Portal within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of variations approved under delegation is also to be provided to a meeting of the council each quarter.

This report is to satisfy dot point 4 of the reporting requirements for the Q3 FY2022 reporting period.

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### Financial Implications

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| Not applicable                       | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/>            |
| Additional funds required            | <input type="checkbox"/>            |

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### Attachments

Bayside Council 4.6 Register Q3 FY 2022 [↓](#)



## Bayside Council 4.6 Register Q3 of FY 2022



Council DA reference number	Lot number	DP number	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
DA-2021/286	F & G	17713		128-130	Alfred Street	Sans Souci	2219	4: Residential - New Multi unit	Rockdale LEP 2011	R3 Medium Density	FSR	Full compliance will not achieve any additional benefit	4.9%	Council	31/03/2022
DA-2021/408	32	2510		3	Parkside Drive	Sandringham	2219	2: Residential - Single New Dwelling	Rockdale LEP2011	R2 Low Density Residential	Height of Building	Approved variation of 286mm (3.4%) was minor. Excess height did not contribute to additional impacts	3.4%	Council	23/02/2022
DA-2021/284	30	1814		18	Glenfane Street	Bexley	2207	6: Residential - Other	Rockdale LEP2011 & Bayside LEP 2021	R2 Low Density Residential	Minimum Subdivision Lot Size	Proposal was only 1.55sqm from complying with the minimum subdivision lot size under Clause 4.1 of the BLEP21	1%	Council	28/01/2022
DA-2021/259	17	937		15	Brussels Street	Mascot	2020	6: Residential - Other	Botany Bay LEP 2021	R2 Low Density Rsideal	FSR	Proposal successfully achieves the objectives of the FSR standard and R2 zone	9.66%	Council	5/01/2022
DA-2021/436	9	21937		55	Carlton Parade	Carlton	2218	8: Commercial / retail / office	Bayside LEP 2021	B2 Local Centre	FSR	Consistent with local character of town centre	85%	Bayside Local Planning Panel	8/03/2022

**City Planning & Environment Committee**

**13/04/2022**

Item No	<b>CPE22.008</b>
Subject	<b>Revised Draft Planning Agreement - Advertising Signage -133-137 Baxter Road and 118 Robey Street, Mascot -</b>
Report by	John Furestad, Contracts Manager
File	F20/162

**Summary**

Under the provisions of the State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3 Advertising and Signage (previously known as SEPP 64 – Advertising and Signage), Council can enter into a Planning Agreement with a developer who proposes types of signage. Essentially the agreement takes the form of a Deed under which the developer agrees to make contributions to Council as a community share of the advertising revenue.

Money paid to Council must be spent on a program of works agreed with Transport for NSW linked to improvements in local community services and facilities including benefits such as:

- improved traffic safety (road, rail, bicycle and pedestrian)
- improved public transport services
- improved public amenity within, or adjacent to, the transport corridor
- support for school safety infrastructure and programs
- other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages

Bayside Council has a number of Planning Agreements relating to advertising signage already in place and contributions are paid into an Externally Restricted Financial Reserve. Council has not yet finalised a program of works with TfNSW.

Isak Investments Pty Ltd proposes to continue operating an outdoor advertising sign at 133-137 Baxter Road and 118 Robey Street, Mascot. The Developer lodged Development Application DA-2019/403 seeking to extend the operation of the existing signage, which was approved by the Bayside Local Planning Panel on 27 April 2021 subject to conditions including a 5-year Term.

Isak Investments issued Bayside Council with a Letter of Offer dated 22 October 2019 to enter into an Advertising and Signage Planning Agreement at (**Attachment 1**). Following internal discussion and further negotiation, a revised offer is now under consideration (**Attachment 2**) and a Draft Planning Agreement has been prepared (**Attachment 3**).

The revised Draft PA includes the following public benefit monetary contributions:

- Prior Signage Agreement \$51,368 payable upon execution.
- 27 April 2021 to 26 April 2022 \$28,560 payable upon execution.
- 27 April 2022 to 26 April 2023 \$28,560 +CPI payable within 28 days of execution.

- \$28,560 +CPI per year, each year over the 5-year Term.

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## Officer Recommendation

- 1 That the public benefit for 133-137 Baxter Road and 118 Robey Street, Mascot, offered within the 15 March 2022 updated Offer and the revised Draft Advertising and Signage Planning Agreement be received and endorsed.
- 2 That the revised Draft Advertising and Signage Planning Agreement contained in Attachment 3 to this report be publicly notified in accordance with legislative requirements.
- 3 That the General Manager and delegate(s) are authorised to negotiate and finalise all documentation necessary following the conclusion of the public notification period, taking into consideration any submissions.
- 4 That authority be delegated to the General Manager to execute all documentation (including the final Planning Agreement) necessary to give effect to these resolutions.

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## Background

Isak Investments Pty Ltd lodged Development Application, DA-2019/403 seeking to extend the operation of the existing signage approved in 2010. The application was approved by the Bayside Local Planning Panel on 27 April 2021 subject to conditions including a 5-year Term.

The satisfaction of two consent conditions, was affected by the Coronavirus pandemic, necessitating lodgement of the Subsequent Modification Application, DA-2019/403/A, which seeks to correct the Digital Display Area from 33.0sqm to the survey confirmed 40.8sqm.

There are arrears of signage fees payable by the Developer to Council under the Prior Signage Agreement, the consent for which under DA-10(244), lapsed on 12 February 2019.

## Negotiation

The application triggers the requirements of the State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3 Advertising and Signage (Industry and Employment SEPP) formerly, State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), which came into effect 1 March 2022. The SEPP contains both planning controls that must be used to assess proposals, and provisions that allow for a Planning Agreement to be entered into between a proponent and Council to return some of the benefit obtained from outdoor advertising to the community

The proponent's initial offer was negotiated to include payment of arrears under the previous agreement, payment in advance going forward, indexation of future payments, and security to ensure payments are not missed.

A display time contribution to Council (i.e. a certain amount of screen time per day for Council to display community messages) was not possible due to an existing lease arrangement with a right of first refusal. The annual monetary contribution has been agreed at a rate of \$700 per sqm compared to the Prior Signage Agreement rate of \$555 per sqm.

Security for performance under the revised Draft Planning Agreement is by way of the Developer issuing Council with an irrevocable and unconditional Bank Guarantee equivalent to one year of the agreed contribution (non-indexed) being \$28,560 within 28 days of execution of the Agreement. The PA is not to be registered on the Title of the Land.

The Developer must pay Council's legal and other costs and expenses of negotiating, preparing, executing, and performing its obligations under this Planning Agreement.

The final agree offer is as below:

- Prior Signage Agreement \$51,368 payable upon execution.
- 27 April 2021 to 26 April 2022 \$28,560 payable upon execution.
- 27 April 2022 to 26 April 2023 \$28,560 +CPI payable within 28 days of execution.
- \$28,560 +CPI per year, each year over the 5-year Term.
- A bank Guarantee of \$28,560 to be held for the 5 year duration of the agreement.

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## Financial Implications

Not applicable



The Agreement provides a revenue source to Council to fund transport related improvements

Included in existing approved budget



Additional funds required



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## Community Engagement

The revised Draft Planning Agreement is to be publicly notified for a minimum of 28 days.

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## Attachments

- 1 Letter of Offer (22.10.2019) [↓](#)
- 2 Revised Letter of Offer (15.03.2022) [↓](#)
- 3 Draft Planning Agreement (03.03.2022) [↓](#)

ISAK INVESTMENTS Pty. Ltd.  
ACN. 075768339  
127 BAXTER ROAD  
MASCOT NSW 2020  
Ph. 02 9669 2229  
mascotinn@bigpond.com

22 October 2019

The General Manager  
Bayside Council  
444-446 Princes Highway  
Rockdale NSW 2216

By Email

Dear Sir,

**Offer to enter into Voluntary Planning Agreement**  
**Property: 210 O'Riordan Street and 133-137 Baxter Road, Mascot**

We refer to the development application DA 2019/403 to extend the life of the existing signage at the Property (**DA**), and offer to enter into the enclosed Voluntary Planning Agreement (**VPA**) in respect of that DA.

In the VPA, we offer to provide the following public benefits if Council grants consent to the DA:

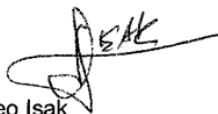
- (a) A contribution of \$555 per m<sup>2</sup> of Digital Display Area, being a total of \$18,315 per annum; and
- (b) 2.5% display time to Destination NSW to advertise NSW, and 2.5% display time to Council to advertise Council events.

We understand that the VPA is consistent with recent voluntary planning agreements executed by the Council in respect of other signage in the Bayside local government area.

We look forward to Council's confirmation that it is satisfied with the terms of the VPA.

Please do not hesitate to contact us if you have any queries.

Yours faithfully



Theo Isak  
Director  
Isak Investments Pty Ltd

15 March 2022

The General Manager  
Bayside Council  
444-446 Princes Highway  
Rockdale NSW 2216

By Email

Dear Sir,

**Offer to enter into Planning Agreement**  
**Property: 210 O'Riordan Street and 133-137 Baxter Road, Mascot**

We refer to the development application DA 2019/403 (as modified by the Subsequent Modification Application DA-2019/403/A and any future modification applications) to extend the life of the existing signage at the Property (DA), and offer to enter into the enclosed Planning Agreement (VPA) in respect of that DA.

In the VPA, we offer to provide the following public benefits if Council grants consent to the DA:

- A contribution of \$555 per m<sup>2</sup> of Digital Display Area per annum, adjusted for CPI, in relation to a Prior Signage Agreement (being a total of \$23,379.95 for 13 February 2019 – 13 February 2020, \$23,264.78 for 13 February 2020 to 12 February 2021, and \$4,723.63 for 13 February 2021 – 26 April 2021); and
- A contribution of \$700 per m<sup>2</sup> of Digital Display Area per annum, adjusted for CPI, in relation to the DA (being \$28,560.00 for 27 April 2021 – 26 April 2022 and then as adjusted for CPI each following year).

The VPA is not proposed to be registered on title. A Bank Guarantee of one years' worth of contributions is proposed as a means of providing suitable means of enforcement.

We look forward to Council's confirmation that it is satisfied with the terms of the VPA.

Please do not hesitate to contact us if you have any queries.

Yours faithfully



Theo Isak  
Director  
Isak Investments Pty Ltd



## Draft Planning Agreement

**Isak Investments Pty Ltd**

and

**Bayside Council**

Ref BO:975230 16 March 2022

Level 14, Australia Square, 264-278 George Street, Sydney  
NSW 2000 Australia  
GPO Box 5408, Sydney NSW 2001 Australia

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9507 6504 (International)



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## Planning Agreement

Date	2022
Parties	<b>Isak Investments Pty Ltd (Developer)</b> ACN 075 768 339 of 127 Baxter Road, Mascot NSW 2020 <b>Bayside Council (Council)</b> ABN 80 690 785 443 of 444-446 Princes Highway, Rockdale NSW 2216
Recitals	<p><b>A.</b> The Developer is the owner of the Developer's Land and the Existing Signage is situated on the Developer's Land. The Developer lodged the Current Development Application DA-2019/403 to extend the operation of the Existing Signage, which comprises Digital Signage, on the Developer's Land.</p> <p><b>B.</b> The Current Development Application DA-2019/403 was approved by the Bayside Local Planning Panel on 27 April 2021 subject to conditions. The status of the satisfaction of two of those conditions, was affected by the Coronavirus pandemic, necessitating lodgement of the Subsequent Modification Application DA-2019/403/A which seeks approval to correct the Digital Display Area from 33.0 sqm to 40.8 sqm residing within the Developer's Land for the operation of the Digital Signage.</p> <p><b>C.</b> There are arrears of signage fees payable by the Developer to the Council under the Prior Signage Agreement, the consent for which under DA-10(244), lapsed on 12 February 2019.</p> <p><b>D.</b> By way of this Agreement, the Developer agrees to pay the unpaid signage fees and provide the Development Contributions on the terms and conditions of this Agreement pursuant to section 7.4 of the Act in relation to the Current Development Application (DA-2019/403) (as modified by the Subsequent Modification Application (DA-2019/403/A), and any further modifications).</p> <p><b>E.</b> This Agreement between the Parties has been entered into for the purposes of satisfying Clause 3.11 of State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3 Advertising and Signage and the Transport Corridor Outdoor Advertising and Signage Guidelines for the provision of the public benefit to be provided in connection with the display of the advertisements in relation to the Current Development Application (as modified by the Subsequent Modification Application).</p>

The parties agree, in consideration of, among other things, the mutual promises contained in this agreement as follows:

## 1. Definitions and interpretation clauses

### 1.1 Definitions

In this Agreement:

<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>Agreement</b>	means this Agreement (including Schedule 1, Schedule 2 and the Explanatory Note).
<b>Bank Guarantee</b>	means the bank guarantees to be provided in accordance with clause 16.
<b>Business Day</b>	means: <ol style="list-style-type: none"> <li>for the purposes of receiving a Notice, a day which is not a Saturday, Sunday, public holiday or bank holiday in the city in which the Notice is to be received; and</li> <li>for any other purposes a day on which the banks are open for business in Sydney, New South Wales other than a Sunday or public holiday in Sydney, New South Wales.</li> </ol>
<b>Construction Certificate</b>	has the same meaning as in section 6.4(a) of the Act.
<b>Consumer Price Index</b>	means: <ol style="list-style-type: none"> <li>the All groups Consumer Price Index (CPI) Sydney published by the Australian Bureau of Statistics; and</li> <li>if this price index is discontinued or abolished or if the items or weighting of the items whose prices are considered vary, so as to change the basis of the price index, then any price index the Council selects that, as nearly as practicable, serves the same purpose.</li> </ol>
<b>Current Development Application</b>	means Development Application No DA-2019/403, (as modified by the Subsequent Modification Application DA-2019/403/A and any future modification applications) for the Development of the extension of operation of the Existing Signage, on the Developers' Land, which comprises Digital Signage, for a further 10-year period.

<b>Developers' Land</b>	means the Land described in Schedule 1.
<b>Development</b>	means the development sought to be approved under the Current Development Application and the Subsequent Modification Application which includes extension in the operation of the Existing Signage, which comprises Digital Signage, for a further 10-year period.
<b>Development Application</b>	has the same meaning as in section 1.4 of the Act.
<b>Development Consent</b>	has the same meaning as in section 1.4 of the Act.
<b>Development Consent DA-10(244)</b>	means the approval on 3 November 2010 of Development Application DA-10(244) in relation to the Existing Signage.
<b>Development Contribution</b>	means the monetary contributions required to be paid by the Developer pursuant to this Agreement.
<b>Digital Signage</b>	means Signage with a Digital Display Area.
<b>Digital Display Area</b>	means the area of Signage comprising of digital technology (including but not limited to light emitting diode technology) in a screen configuration used, intended to be used or otherwise set aside for the display of advertisements or other signs, notices, content, devices or representations.
<b>Existing Signage</b>	means the Signage that is on the Developers' Land as at the date of this Agreement as approved under Development Consent DA-10(244).
<b>GST</b>	means goods and services tax or similar value added tax levied or imposed In Australia under the GST Law or otherwise on a supply.
<b>GST Act</b>	means <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
<b>GST Law</b>	has the same meaning as in the GST Act.
<b>Occupation Certificate</b>	has the same meaning as in the Act.
<b>Party</b>	means a party to this Agreement including their successors and assigns.
<b>Payment Date</b>	means the date which is 28 days after the date of execution of this Agreement.

<b>Prior Signage Agreement</b>	means the agreement in relation to the Existing Signage made in or about November 2009 between The Council of the City of Botany Bay and the Developer in accordance with Condition 10 of Development Consent DA-10(244).
<b>Public Purpose</b>	means public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity within or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian matters.
<b>Signage</b>	means a sign (including digital LED billboard) and infrastructure which supports a sign on which advertisements or content are displayed and includes the Existing Signage and any Digital Signage use approved by the Current Development Application or as modified accordingly.
<b>Subsequent Modification Application</b>	means the modification application DA-2019/403/A lodged in respect to the 27 April 2021 approval of the Current Development Application DA-2019/403
<b>Tax</b>	means all forms of taxes, duties, imposts charges, withholdings, rates, levies or other governmental impositions of whatever nature and by whatever authority imposed, assessed or charged together with all costs, charges, interest, penalties, fines, expenses and other additional statutory charges, incidental or related to the imposition.
<b>Term</b>	<p>means the period that a Development Consent granted in relation to the Current Development Application is in force for, being:</p> <ul style="list-style-type: none"> <li>(a) 10 years after the date on which the Development Consent becomes effective and operates in accordance with s 4.20 of the Act; or</li> <li>(b) any lesser period specified in the Development Consent or as modified under any approval of the Subsequent Modification Application or any future modification application.</li> </ul>

## 1.2 Interpretation

In this Agreement, unless the context otherwise requires:

- (a) a reference to:
  - (i) one gender includes the others;



- (ii) the singular includes the plural and the plural includes the singular;
  - (iii) a recital, clause, schedule or annexure is a reference to a clause of or recital. Schedule or annexure to this agreement and references to this agreement include any recital, schedule or annexure;
  - (iv) any contract (including this agreement) or other instrument includes any variation or replacement of it and as it may be assigned or novated;
  - (v) a statute, ordinance, code or other law includes subordinate legislation (including regulations) and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
  - (vi) a person or entity includes an individual, a firm, a body corporate, a trust, an unincorporated association or an authority;
  - (vii) a person includes their legal personal representatives (including executors), administrators, successors, substitutes (including by way of novation) and permitted assigns;
  - (viii) a group of persons is a reference to any two or more of them taken together and to each of them individually;
  - (ix) an entity which has been reconstituted or merged means the body as reconstituted or merged, and to an entity which has ceased to exist where its functions have been substantially taken over by another body, means that other body;
  - (x) time is a reference to legal time in Sydney, New South Wales;
  - (xi) a reference to a day or a month means a calendar day or calendar month;
  - (xii) a reference to money (including AUD' or 'dollars') is to Australian currency,
- (b) unless expressly stated, no party enters into this agreement as agent for any other person (or otherwise on their behalf or for their benefit);
  - (c) the meaning of any general language is not restricted by any accompanying example, and the words 'includes', 'including', 'such as', 'for example' or similar words are not words of limitation;
  - (d) the words 'costs' and 'expenses' include reasonable charges, expenses and legal costs on a full indemnity basis;
  - (e) headings and the table of contents are for convenience only and do not form part of this Agreement or affect its interpretation;
  - (f) if a period of time is specified and dates from a given day or the day of an act or event. It is to be calculated exclusive of that day;

- (g) the time between two days, acts or events includes the day of occurrence or performance of the second but not the first day act or event;
- (h) if the last day for doing an act is not a Business Day, the act must be done instead on the next Business Day;
- (i) where there are two or more persons in a party each are bound jointly and severally; and
- (j) a provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this agreement or the inclusion of the provision in this Agreement.

## 2. Planning Agreement under the Act

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The parties mutually acknowledge and agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

## 3. Application of this Agreement

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- 3.1 This Agreement applies to the Developer's Land, Development Consent DA-10(244) and the Current Development Application DA-2019/403, (as modified by the Subsequent Modification Application DA-2019/403/A and any future modification applications).
- 3.2 Nothing in this Agreement affects the operation of the Development Consent(s) that are ongoing and in force in respect of the Existing Signage on the Developer's Land.

## 4. Operation of this Agreement

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- 4.1 This Agreement takes effects from the date this Agreement is executed by the Parties.
- 4.2 Subject to payment in accordance with clause 5.2, the Council releases and discharges the Developer from all obligations under the Prior Signage Agreement.

## 5. Development Contributions - the Prior Signage Agreement and the Current Development Application

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- 5.1 Item A of Schedule 2 specifies the unpaid amount payable by the Developer to the Council under the Prior Signage Agreement as at 26 April 2021.
- 5.2 Subject to the Council issuing an invoice to the Developer for such an amount, simultaneously upon execution of this Agreement, the Developer must pay to the Council:



- (a) \$51,368.37 calculated in accordance with Item A of Schedule 2; and
  - (b) \$28,560.00 calculated in accordance with Item B1 of Schedule 2.
- 5.3 Item B1 and B2 of Schedule 2 has effect in relation to the Development Contributions to be made by the Developer under this Agreement in relation to the Current Development Application DA-2019/403 approved on 27 April 2021 (as modified by the Subsequent Modification Application DA-2019/403/A).
- 5.4 By the Payment Date and each anniversary of the Payment Date, the Developer must make the Development Contribution calculated in accordance with Item B2 of Schedule 2, (as indexed in accordance with cl 5.7), to the Council in accordance with this Agreement including as provided in clauses 5.6, 6.1, 7.1, and 8.1.
- 5.5 For the purposes of Clause 5.1:
- (a) The parties acknowledge that as the Current Development Application (as modified by the Subsequent Modification Application) seeks to extend the operation of the Existing Signage which comprises Digital Signage, the Current Development Application (as modified by the Subsequent Modification Application) does not propose any buildings works and no Construction Certificate or Occupation Certificate is required under the Act.
  - (b) The Developer has been deemed by Council to have commenced use of the Digital Signage approved pursuant to the Current Development Application as the Signage has been operating as from 14 days after the date on which Development Consent was granted being the 27 April 2021.
- 5.6 The Developer agrees to make, and the Council agrees to accept, the Development Contribution in relation to the Current Development Application DA-2019/403 (as modified by the Subsequent Modification Application DA-2019/403/A), to be applied for the Public Purpose by the Council.
- 5.7 The Developer and the Council agree that on 27 of April each year, the Monetary Contribution in relation to Schedule 2 B2, will be indexed by the increase in the corresponding Consumer Price Index for the previous year.

## 6. Adjustment of Development Contribution

- 6.1 If at any time the use and operation of any of the Signage by the Developer pursuant to any Development Consent granted for the Current Development Application (as modified by the Subsequent Modification Application) permanently ceases for any reason, including on the redevelopment of the Land, the parties acknowledge that:
- (a) the Developer may provide written evidence to the Council to demonstrate that the use and operation of particular Signage by the Developer has permanently ceased; and
  - (b) if the Digital Signage has been removed or its use permanently ceased such that no party can utilise it under the Current Development Application (as



modified by the Subsequent Modification Application), on request of the other party, the parties must promptly negotiate a termination to this Agreement to formally record the ceasing of operation of the Digital Signage and end of this Agreement.

## 7. Late Payment

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- 7.1 At the discretion of Council, where any payment of a Development Contribution is not made on or before the due date for payment, the unpaid amount will accrue interest at a rate of 2% above the daily Reserve Bank of Australia Cash Rate from the date that payment was due up to and including the date when the overdue amount is paid.

## 8. Consolidation of Payment Dates

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- 8.1 Without limiting the generality of Clause 19.7 of this Agreement, the parties acknowledge that they may, from time to time, negotiate and execute a variation of this Agreement so as to make provision for the date or dates on which recurrent payments of the Development Contribution required by clause 5.3 and Item B2 of Schedule 2 of this Agreement are due to be consolidated (with appropriate adjustments) so as to make provision for a recurrent consolidated payment of the total Development Contribution payable.

## 9. Council's Obligations in respect of the Development

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- 9.1 Subject to Clause 9.2 and Clause 11, Council must not erect, install, plant or otherwise place, or grant to itself or any third party any licence, consent or approval to erect, install, plant or otherwise place, any plant or equipment, vegetation, structure, object, building or work on land owned, managed or controlled by Council which has or will have the effect of obscuring or obstructing visual access to the Signage from any public road for the duration of the Term.
- 9.2 Clause 9.1 does not limit or fetter in any way Council's ability to exercise its rights and responsibilities in relation to road safety or functions as a roads authority under the *Roads Act 1993* including, without limitation, the installation or display of a prescribed traffic control device pursuant to the *Road Transport Act 2013* or otherwise installing or erecting signs or devices related to traffic and pedestrian safety or the regulation of pedestrians and traffic.

## 10. Assignment and Transfer

---

- 10.1 Unless the matters specified in Clause 10.2 are satisfied, the Developer is not to assign, transfer dispose or novate to any person the Developer's rights or obligations under this Agreement.

10.2 The matters required to be satisfied for the purposes of Clause 10.1 are as follows:

- (a) the Developer has, at no cost to Council, first procured the execution by the person to whom the Developer's rights or obligations under this Agreement are to be assigned, transferred or novated, of an agreement in favour of the Council on terms that are no less favourable to Council than the terms of this Agreement;
- (b) Council, by notice in writing to the Developer, has stated that evidence satisfactory to Council has been produced to show that the assignee, transferee or novatee, is reasonably capable of performing its obligations under the Agreement; and
- (c) the Developer is not in breach of this Agreement.

10.3 Any purported dealing in breach of this clause is of no effect.

## 11. Council's Acknowledgement

---

11.1 Subject to Clause 11.2, Council acknowledges and agrees that for the duration of the Term:

- (a) the payment of the Development Contribution is in substitution for the payment of any other fees, rates, charges or levies (**Levy Payments**) which Council could or may seek to impose on the Developer and its successors or assigns in respect of the Existing Signage and the Development;
- (b) Council releases the Developer and its successors or assigns from all liability for Levy Payments in respect of the Existing Signage and the Development; and
- (c) Council will not seek to impose levies to the same effect of the Development Contributions.

11.2 Nothing in Clause 11.1 limits or fetters in any way Council's power to impose fees, rates, charges or levies under any Act (including but not limited to the *Local Government Act 1993*) regulation, statutory rule or similar which the Council could or may seek to impose:

- (a) on the owner of the Developer's Land; or
- (b) as a standard application fee, lodgement fee or other administrative or processing fee or charge that is payable to Council in connection with any Development Application, Modification application, application for a Construction Certificate or similar.

## 12. No Fetter

---

- 12.1 Nothing in this Agreement shall be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.
- 12.2 For the avoidance of doubt, nothing in this Agreement shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty in relation to:
- (a) assessment and determination of the Current Development Application;
  - (b) the exercise of Council's functions as a roads authority under the *Roads Act 1993*; or
  - (c) the exercise of Council's functions under the *Road Transport Act 2013* including but not limited to the installation or display of prescribed traffic control devices pursuant to that Act; or
  - (d) any other power or functions relating to installing or erecting signs or devices with respect to traffic and pedestrian safety or the regulation of traffic and pedestrians generally.

## 13. Application of sections 7.11 & 7.12 of the Act to the Development

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- 13.1 This Agreement excludes the application of Sections 7.11 and 7.12 of the Act to the Development.

## 14. Registration of this Agreement and caveatable interest

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- 14.1 The Parties agree that:
- (a) this Agreement will not be registered for the purposes of section 7.6 of the Act; and
  - (b) this Agreement gives the Council no caveatable interest in the Developer's Land

## 15. Dispute Resolution

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### 15.1 Notice of Dispute

If a party claims that a dispute has arisen under this agreement (Claimant), it must give written notice to the other party (Respondent) stating the matters in dispute and designating as its representative a person to negotiate the dispute (Claim Notice).

### 15.2 Response to Notice

Within 20 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

### 15.3 Negotiation

The nominated representatives must:

- (a) meet to discuss the matter in good faith within 10 business days after service by the Respondent of notice of its representative; and
- (b) use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

### 15.4 Further Notice if not Settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (Dispute Notice).

### 15.5 Mediation

The parties agree that a dispute shall be mediated if it is the subject of a Dispute Notice, in which case:

- (a) the parties must agree the terms of reference of the mediation within 5 business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) the appointment of a Mediator will be agreed between the parties, or failing agreement within 5 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply to appoint a mediator;
- (c) the Mediator appointed pursuant to this Clause 15.5 must:
  - (i) have reasonable qualifications and practical experience in the area of the dispute; and

- (ii) have no interest or duty which conflicts or may conflict with her function as mediator, she being required to fully disclose any such interest or duty before her appointment;
- (d) the Mediator shall be required to undertake to keep confidential all matters coming to her knowledge by reason of her appointment and performance of her duties;
- (e) the Parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (f) the Parties agree to be bound by any mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) in relation to costs and expenses:
  - (i) each party will bear their own professional and expert costs incurred in connection with the mediation; and
  - (ii) the costs of the Mediator will be shared equally by the Parties unless the Mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that Party.

#### 15.6 Litigation

If the dispute is not finally resolved in accordance with clause to litigate the dispute.

#### 15.7 Exchange of Information

The Parties acknowledge that the purpose of any exchange of information or documents or the making of any offer of settlement pursuant to this clause is to attempt to settle the dispute between the Parties. No Party may use any information or documents obtained through the dispute resolution process established by this Clause 15 for any purpose other than an attempt to settle a dispute between the Parties.

#### 15.8 Continue to Perform Obligations

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

### 16. Bank Guarantee

- 16.1 Within 28 days of the execution of this Agreement, the Developer must deliver to Council an irrevocable and unconditional Bank Guarantee in favour of Council equivalent to one (1) year of the Development Contribution (non-indexed) required to be



paid under Clause 5.3 and Item B1 of Schedule 2 (\$28,560) of this Agreement in relation to the Current Development Application.

- 16.2 The Council must return the Bank Guarantee referred to in Clause 16.1 to the extent not called upon at the end of the Term of the Development Consent granted in relation to the Current Development Application.
- 16.3 If the Development Contribution payable under clause 5.3 and Item B2 of Schedule 2 is adjusted in accordance with Clause 6, the Developer must within one (1) month from the date of such adjustment, substitute the Bank Guarantee for the amount equivalent to one (1) year of the adjusted Development Contribution then payable under this Agreement.
- 16.4 If the Developer does not comply with any of its obligations under this Agreement, the Council may after 14 days' notice, call on the Bank Guarantee.
- 16.5 If the Council calls upon the Bank Guarantee, the Developer must, within 28 days of Council calling upon the Bank Guarantee, provide to Council a further Bank Guarantee for the requisite amount so that that Council continues to hold a Bank Guarantee or Bank Guarantees in the amount specified by, and in accordance with, clause 16.1 of this Agreement (as increased in accordance with clause 16.3).

## 17. GST

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### 17.1 Defined GST terms

In this Clause 17, words and expressions which are not defined in this Agreement but which have a defined meaning in the GST Law have the same meaning as in the GST Law.

### 17.2 GST to be added to amounts payable

If GST is payable on a taxable supply made under, by reference to or in connection with this Agreement, the party providing the consideration for that Taxable Supply must also pay the GST Amount as additional consideration. This clause does not apply to the extent that the consideration for the Taxable Supply is expressly agreed to be GST inclusive, unless otherwise expressly stated, prices or other sums payable or consideration to be provided under or in accordance with this Agreement are exclusive of GST.

### 17.3 Tax Invoice

If a Party is liable for GST on any payments made under this Agreement, the other Party must issue a tax invoice (or an adjustment note) to the liable Party for any GST payable under this agreement within seven days of a written request. The tax invoice (or adjustment note) must include the particulars required by the GST Law to obtain an input tax credit for that GST.

**17.4 GST obligations to survive termination**

This Clause 17 will continue to apply after expiration of termination of this Agreement.

**18. Notices**

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**18.1 Service of Notices**

A notice, consent, approval or other communication under this agreement (Notice) must be:

- (a) in writing and signed by the sender or its duly authorised representative, addressed to the recipient and sent to the recipient's address specified in Clause 18.3; and
- (b) delivered by personal service, sent by pre-paid mail or transmitted by facsimile or email, or any other lawful means.

**18.2 Effect of Receipt**

- (a) A Notice given in accordance with this Clause 18.1 is treated as having been given and received:
  - (i) if personally delivered, on delivery;
  - (ii) if sent by pre-paid mail, on the fifth clear Business Day after the date of posting (or the seventh Business Day after the date of posting if sent to or from an address outside Australia);
  - (iii) if sent by facsimile, when the sender's fax machine produces a transmission report stating that the transmission of the entire Notice was complete; and
  - (iv) if sent by email, at the top of transmission by the sender, unless the sender receives an automated notice generated by the sender's or the recipient's email server that the email was not delivered,

except that if the delivery, receipt or transmission, is after 5.00pm in the place of receipt or on a day which is not a Business Day, it is taken to have been received at 9.00am on the next Business Day.



### 18.3 Addresses

- (a) The particulars for delivery of Notices are initially:

**Isak Investments Pty Ltd**

Name: Theo Isak  
Address: 127 Baxter Road, Mascot NSW 2020  
Email: mascotinn@bigpond.com

**Bayside Council**

Name: Bayside Council  
Contact: John Furestad  
Address: 444-446 Princes Highway, Rockdale NSW 2216  
Phone: (02) 9562 1667  
Email: John.Furestad@bayside.nsw.gov.au  
Generic Email: council@bayside.nsw.gov.au

- (b) A party may change its address for the delivery of Notices by notifying that change to each other party. The notification is effective on the later of the date specified in the Notice or five Business Days after the Notice is given.

## 19. General

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### 19.1 Legal Costs

- (a) Except as expressly stated otherwise in this Agreement, the Developer must pay the Council's legal and other costs and expenses of negotiating, preparing, executing and performing its obligations under this Agreement.
- (b) The Developer must pay all legal costs (assessed on an indemnity basis) and out of pocket disbursements incurred by the Council in relation to enforcing the Developer's obligations under this Agreement.

### 19.2 Governing Law and Jurisdiction

- (a) This Agreement is governed by and is to be construed in accordance with the laws applicable in New South Wales, Australia.
- (b) Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of New South Wales, Australia and any courts which



have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

#### 19.3 Severability

- (a) Subject to this Clause 19.3, if a provision of this Agreement is illegal or unenforceable in any relevant jurisdiction, it may be severed for the purposes of that jurisdiction without affecting the enforceability of the other provisions of this Agreement.
- (b) Clause 19.3(a) does not apply if severing the provision:
  - (i) materially alters the:
    - (A) scope and nature of this Agreement; or
    - (B) the relative commercial or financial positions of the parties; or
  - (ii) would be contrary to the public policy.

#### 19.4 Rights Cumulative

Except as expressly stated otherwise in this Agreement, the rights of a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

#### 19.5 Waiver and exercise of rights

- (a) A single or partial exercise or waiver by a party of a right relating to this Agreement does not prevent any other exercise of that right or the exercise of any other right.
- (b) A Party is not liable for any loss, cost or expense of any other Party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

#### 19.6 Survival

The rights and obligations of the Parties do not merge on:

- (a) Completion of any transaction under this Agreement; or
- (b) Termination or expiration of the Agreement.

#### 19.7 Amendment

This Agreement may only be varied or replaced by an agreement executed by the Parties.



#### 19.8 Counterparts

This Agreement may consist of a number of counterparts and, if so, the counterparts taken together constitute one agreement.

#### 19.9 Entire Understanding

- (a) This Agreement contains the entire understanding between the parties as to the subject matter of this Agreement.
- (b) All previous negotiations, understandings, representations, warranties, memoranda or commitments concerning the subject matter of this Agreement are merged in and superseded by this Agreement and are of no effect. No party is liable to any other party in respect of those matters.
- (c) No oral explanation or information provided by any party to another:
  - (i) affects the meaning or interpretation of this Agreement; or
  - (ii) constitutes any collateral Agreement, warranty or understanding between any of the parties.

## Schedule 1     The Developer's Land

Land	First Schedule (owner of the Land)	Registered Dealing Number of leasehold interest in Land (if applicable)
PT 1 DP 1190559	Isak Investments Pty Ltd	

## Schedule 2 Arrears under the Prior Signage Agreement and Development Contributions - the Current Development Application (as modified by the Subsequent Development Application)

### A. Prior Signage Agreement

The amount equivalent to \$22,644.00 per annum for the period from and including 13 February 2019 up to and including 26 April 2021, increased in accordance with clause 5.7, calculated below:

Column 1	Column 2	Column 3	Column 4
Development Application	Signage Details	Monetary Contribution (per annum)	Timing of Payment
DA-10(244)	Dimensions: 40.8 Square metres	Base rate of \$555/m <sup>2</sup> x 40.8m <sup>2</sup> = \$22,644.00per annum.  (Increased by CPI annually as per cl 5.7 as provided below)	Provided that Council has issued an invoice to the Developer for the amount payable, the Developer must pay the Schedule 2 A. Prior Signage Agreement Total Monetary Contribution Amount in relation to DA-10(244) upon the date of execution of this Agreement as per cl 5.2).
13 February 2019 - 12 February 2020		\$23,379.95	
13 February 2020 - 12 February 2021		\$23,264.78	
13 February 2021 - 26 April 2021		\$4,723.63	
<b>Schedule 2 A. Prior Signage Agreement Total Monetary Contribution Amount:</b>		<b>\$51,368.36 (GST Exempt)</b>	

**B. Current Development Application (as modified by the Subsequent Modification Application)**

Column 1	Column 2	Column 3	Column 4
Development Application	Signage Details	Monetary Contribution (per annum for the duration of the Term)	Timing of Payment
<b>Contribution B1</b> DA-2019/403	Dimensions:  40.8 Square metres	Base rate of \$700/m <sup>2</sup> x 40.8m <sup>2</sup> = \$28,560.00 per annum.  (Not Indexed)	Provided that Council has issued an invoice to the Developer for the amount payable, the Developer must pay the Schedule 2 B1. Current Development Application Monetary Contribution Amount in relation to DA-2019(403) upon the date of execution of this Agreement as per cl 5.2).
27 April 2021 – 26 April 2022		\$28,560.00	
<b>Schedule 2 B1. Current Development Application Monetary Contribution Amount:</b>		<b>\$28,560.00 (GST Exempt)</b>	
<b>Contribution B2</b> DA-2019/403  and as modified under  DA-2019/403/A	Dimensions:  40.8 Square metres	Base rate of \$700/m <sup>2</sup> x 40.8m <sup>2</sup> = \$28,560.00 per annum.  (Increased by CPI annually as per cl 5.7)  (GST Exempt)	Provided that Council has issued an invoice to the Developer for the amount payable, the Developer must pay the Monetary Contribution on or prior to the Payment Date and each anniversary of the Payment Date in relation to DA-2019/403 and as modified under DA-2019/403/A in annual instalments as indexed on 27 April each year.

## Appendix A – LED Sign Survey



**HARRISON FRIEDMANN & ASSOCIATES PTY LTD**  
 INCORPORATING THE PRACTICE OF MICHAEL J. STYNES  
 ABN 69 001 953 331

SURVEYORS, ENGINEERS, PLANNERS  
 WATER SERVICING CO-ORDINATOR FOR SYDNEY WATER

**DIRECTORS:**

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 REGISTERED SURVEYOR, NSW

**A. PRASAD** B.E. CIVIL, Grad IE Aust  
 CIVIL ENGINEER & WATER SERVICE COORDINATOR

**CONSULTANTS:**

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 B.SURV. DIP H. & N.P. M.I.S. NSW  
 REGISTERED SURVEYOR, NSW  
 ACCREDITED CERTIFIER SPW0129

**D.J. TREMAIN** B SURV. M.I.S. NSW  
 REGISTERED SURVEYOR, NSW

**B.P. WAGNER** Dip. SURV. Assoc. M.I.S. NSW

**P.D. WRIGHT** B SURV. M.I.S. NSW  
 REGISTERED SURVEYOR, NSW

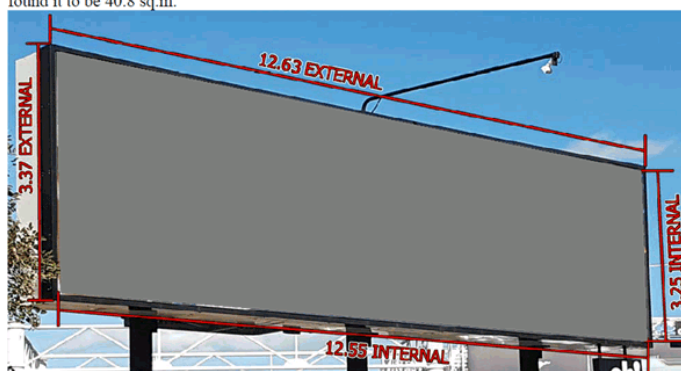
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 CARLTON NSW 2218  
 PHONE: (02) 8558 7100  
 FAX: (02) 9546 4418

DATE: 27<sup>th</sup> May, 2021  
 REF: 69911RH CORR1

The Manager  
 Isak Developments  
 C/- City Planning Works  
 P.O Box 636  
 BONDI JUNCTION NSW 1355

RE : **LED DISPLAY SIGN AT 210 O'RIORDAN ST, 133-137 BAXTER ST  
 & 118 ROBEY STREETS, MASCOT**

We have measured the internal "display" area of the large LED sign at the above site and have found it to be 40.8 sq.m.



Yours faithfully,  
 HARRISON FRIEDMANN & ASSOC. PTY LTD

*R.G. Harrison*

R.G. Harrison  
 Registered Surveyor



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 Professional Standards Legislation

## Explanatory Note

Pursuant to clause 25E of the *Environmental Planning and Assessment Regulation 2000*

### 1. Introduction

#### 1.1 Purpose

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed planning agreement (Planning Agreement) prepared in accordance with Subdivision 2, Division 7.1, Part 7 of the *Environmental Planning and Assessment Act 1979 (Act)*.

#### 1.2 Preparation and Parties to the Planning Agreement

This Explanatory Note has been prepared jointly by the Parties to the Agreement:

Isak Investments Pty Ltd  
ACN 075 768 339  
(Developer)

Bayside Council  
ABN 80 690 785 443  
(Council)

### 2. Description of the Subject Land

The Planning Agreement applies to the Land known as PT 1 DP 1190559 known collectively as 210 O'Riordan Street, and 133-137 Baxter Road, Mascot.

### 3. Description of the Development Application

This Agreement applies to the Developer's Land, Development Consent DA-10(244) and the Current Development Application DA-2019/403, (as modified by the Subsequent Modification Application DA-2019/403/A) and any future modification applications.

The Development Application seeks to extend the temporary use for an existing LED advertising sign originally approved under DA-210(244). The Development Application does not include the construction of any structures or dwellings.

### 4. Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The objective of the Planning Agreement is to record the negotiated terms based on an original Offer dated 22 October 2019 made to Council by the Developer and their obligation to provide public benefits in connection with the display of the advertisements in accordance with clause 3.11 of the State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3 Advertising and Signage and the Department of Planning and Environment 'Transport Corridor Outdoor Advertising and Signage Guidelines'.

The Planning Agreement objective is to provide a public benefit outcome utilised from annual monetary contributions paid to Council from the Developer.

The Planning Agreement provides that the Developer is to make monetary contributions to Council calculated by reference to the digital display area (40.8 sqm) used for the display of advertisements as per the following:

- a base reference rate of \$555 per square metre (sqm) in relation to DA-10(244) contributions in arrears under the Prior Signage Agreement for the period from and including 13 February 2019 up to and including 26 April 2021:  
 $\$555 \times 40.8\text{sqm} = \$22,644$   
 increased in accordance with the Consumer Price Index (CPI) All Groups – Sydney on each 27 April anniversary:  
 13 February 2019 - 12 February 2020 = \$23,379.95  
 13 February 2020 - 12 February 2021 = \$23,264.78  
 13 February 2021 - 26 April 2021 = \$4,723.63

Prior Signage Agreement Total Monetary Contribution Amount:

**= \$51,368.36 (GST Exempt)**

**Payable upon execution of the Planning Agreement**

- a base reference rate of \$700 per square metre (sqm) in relation to the Current Development Application contributions DA-2019/403 and DA-2019/403/A:  
 $\$700/\text{m}^2 \times 40.8\text{sqm} = \$28,560$ :

1) 27 April 2021 - 26 April 2022 = **\$28,560.00 (GST Exempt)**

**Payable upon execution of the Planning Agreement**

2) 27 April 2022 – 26 April 2023 = **\$28,560.00 +CPI (GST Exempt)**

**Payable on or prior to the Payment Date defined as 28 days after the date of execution of this Agreement and each anniversary of the Payment Date. First payment due in 2022 with CPI indexation to be applied on 27 April 2022 and then ongoing yearly over the Term of the Agreement (10 years unless reduced otherwise).**

Security for performance under the Planning Agreement is by way of the Developer issuing Council with an **irrevocable and unconditional Bank Guarantee** in favour of Council equivalent to one year of the Development Contribution (non-indexed) **\$28,560 within 28 days of execution of this Agreement.**

The money received by Council is placed into a restricted reserve and is to be applied, and can only be applied towards the public purpose of public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport, transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity with or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian matters.

##### 5. **Assessment of Merits and Public Purpose of the Planning Agreement**

The Planning Agreement serves the public purpose and promotes object (a) of the *Environmental Planning and Assessment Act 1979* (Act) by securing the provision of



Development Contributions in the nature of monetary payments for the purposes of public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport, transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity within or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian and matters.

**6. How the Planning Agreement promotes one or more of the objects of the *Local Government Act 1993***

The Planning Agreement promotes the principles of local government under the *Local Government Act 1993* (see former section 8 of the *Local Government Act 1993*) by:

- providing appropriate services and facilities for the community in the form funding for such service as a result of the monetary contributions;
- providing for the needs of children by providing funding for school safety infrastructure and programs; and
- properly managing, restoring and enhancing the environment of the area in a manner that is consistent with and promotes the principles of ecologically sustainable development through the provision of funding for improving or providing public amenity within or adjacent to roads, and enhancing the existing road network.

**7. Planning Purposes served by the Planning Agreement**

The planning purpose of the Planning Agreement is to provide funds to the Council for the purposes of public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport, transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity within or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian and matters. The Planning Agreement provides for a reasonable means of achieving that purpose.

**8. The Council's capital works program**

Not applicable. Council is preparing a Project Plan in relation to Advertising and Signage contributions. These works may appear in a future Capital Work's Program.

**9. Requirements prior to the issue of construction, occupation or subdivision certificates**

The Planning does not require payment of the Development Contribution after the issuing of an occupation certificate, and if no occupation certificate is issued, after such use commences.

**10. Interpretation of Planning Agreement**

This Explanatory Note is not intended to be used to assist in construing the Planning Agreement.

DRAFT



### Signing page

Executed as an agreement

**Executed by Isak Investments Pty Ltd**  
**ACN 075 768 339** in accordance with  
section 127(1) of the *Corporations Act 2001*  
(Cth) by:

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Signature of Director/Company Secretary

\_\_\_\_\_  
Full name (print)

\_\_\_\_\_  
Full name (print)

**Executed for and on behalf of Bayside**  
**Council ABN 80 690 785 443 BRANCH**  
**003** in the presence of:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Full name of witness (print)

\_\_\_\_\_  
Meredith Wallace  
Name of General Manager

---

**City Planning & Environment Committee**

**13/04/2022**

Item No	<b>CPE22.009</b>
Subject	<b>Draft Planning Proposal - 187 Slade Road, Bexley North</b>
Report by	John McNally, Urban Planner - Strategic Planning
File	SF22/1098

---

**Summary**

Council has received a draft Planning Proposal in relation to land at 187 Slade Road, Bexley North, currently occupied by the Bexley North Hotel (the subject site). The draft Planning Proposal seeks to amend the Bayside Local Environmental Plan 2021 (the LEP) by:

- Amending the height of buildings (HOB) map from 16m (plus 6m height incentive for lots of minimum 1200sqm) to introduce maximum HOB standards of 20m and 35m;
- Amending the floor space ratio (FSR) map from 2:1 (plus 0.5:1 FSR incentive for lots of minimum 1200sqm) to introduce maximum FSR standards of 3.2:1 and 3.6:1; and
- Amending both the HOB and FSR maps to omit the land from 'Area 3' and 'Area 7' respectfully, thereby preventing the land from benefitting from any further HOB and FSR incentive, which would otherwise have been permitted by current clauses 4.3 and 4.4 of the BLEP 2021.

The proposed amendments to the LEP are described in more detail later in this report. The existing zoning under the LEP is B4 Mixed Use. No change to this zone is proposed.

---

**Officer Recommendations**

1. That Council considers the draft Planning Proposal for 187 Slade Road, Bexley to have strategic merit due to:
    - a) its proximity to mass transit and its ability to contribute to the growth and expansion of an existing Local Centre, which are planning outcomes sought under Planning Priorities E10 and E11 of the Eastern City District Plan (ECDP);
    - b) its consistency with Objectives 10, 14 and 22 of the Greater Sydney Region Plan, and Planning Priorities E5, E6, E10 and E11 in the ECDP, as the proposal would facilitate higher density development in a Local Centre that is close to frequent public transport, potentially providing additional jobs and housing supply in this accessible location; and
    - c) its consistency with Planning Priorities 5, 6, 12 and 15 of the Bayside LSPS, as the proposal would concentrate high density urban growth/expansion within a Local Centre adjacent to public transport corridors, promote integrated land use, and enable potential investment and business opportunities in a centre within the Bayside Local Government Area.
-

2. That Council endorses the Planning Proposal for a Gateway Determination, a request for which will be sent to the Department of Planning and Environment pursuant to section 3.34 of the Environmental Planning and Assessment Act, 1979;
  3. That, prior to commencing public exhibition of the Planning Proposal, the proponent consults with Council to ascertain the appropriate building height limit and floor space ratio for the site based on urban design principles and compliance with the Apartment Design Guide, and provides additional information to demonstrate that the building envelopes resulting from the proposed amendments to the Floor Space Ratio and Height of Buildings standards are achievable on the site without being detrimental to local character, residential amenity, and the potential future uses of Council's adjoining car park;
  4. That, prior to commencing public exhibition of the Planning Proposal, a site-specific development control plan (DCP) shall be prepared by the proponent, in consultation with Council, to demonstrate that the building envelopes resulting from the floor space ratio and height of buildings sought in the Planning Proposal are achievable on the site without being detrimental to local character, residential amenity and the potential future uses of Council's adjoining car park. The DCP will also have regard to the recommendations of the Bayside Local Planning Panel in its minutes of the meeting of 16 December 2021.
- 

## Background

### **Applicant:**

Tunborn Pty Ltd assisted by Planning Ingenuity Pty Ltd

### **Owner:**

Tunborn Pty Ltd

### **Site Description:**

The subject site is located at 187 Slade Road, Bexley North, legally described as Lot 30 DP 1222252 (the site), has an area of approximately 4,270sqm and is located along the south-eastern boundary of Slade Road, approximately 54m from the intersection with Bexley Road (shown in **Map 1** below):





**Map 1:** Site location outlined in red (Source: Bayside Council)

The site is currently occupied by the Bexley North Hotel, a single-storey building providing pub, bottle-shop and hotel accommodation uses. Existing development on and adjoining the site is shown in **Photographs 1-4**, below:



**Photograph 1:** View of Bexley North Hotel looking east from the public car park (Source: Bayside Council)





**Photograph 2:** View of subject site and car park looking north from commercial properties on Sarsfield Circuit (Source: Bayside Council)



**Photograph 3:** View of Bexley North Hotel looking east from Bexley Road (Source: Bayside Council)



**Photograph 4:** View of bottle shop and hotel looking south from Slade Road (Source: Bayside Council)

## Planning Context

The process of putting in place or amending planning controls can be initiated either by a planning authority (such as a council) or by a proponent (such as a land owner).

The process for implementing Bayside Local Environmental Plan 2021 was initiated by Council. This was primarily and exercise in consolidating and updating the LEPs that were in place at the time, using the standard instrument provided by the Department of Planning and Environment. There were no substantial policy or planning control changes introduced in BLEP 2021.

The formulation of the Metropolitan and District Plans, followed by the Local Strategic Planning Statement and Bayside Local Housing Strategy identified localities and centres to be investigated for further development in the short, medium and long term. These areas have and will be systematically analysed, and the BLEP potentially amended over the next 10+ years to accommodate projected population growth. Bexley North was identified for investigation in the 5-10 year horizon.

It is open to a proponent to submit a planning proposal at any time in relation to a site or locality, whether or not it has been identified by Council for investigation, which is what has occurred on this occasion. Council is obliged to assess a planning proposal against the statutory planning framework, including the four planning documents referred to in the paragraph above. This report, and particularly Attachment 3, contain that assessment.

## Proposal

A Planning Proposal has been submitted, which seeks to amend the Bayside Local Environmental Plan 2021 (the LEP). The Planning Proposal is comprised of a document and supporting information that explains the intended effect and justification of the proposed amendment to the LEP.

The draft Planning Proposal (**Attachment 1**) proposes the following amendments to the LEP:

- Amending the relevant height of buildings (HOB) map from 16m (plus 6m height incentive for lots of minimum 1200sqm) to introduce maximum HOB standards of 20m and 35m;
- Amending the relevant floor space ratio (FSR) map from 2:1 (plus 0.5:1 FSR incentive for lots of minimum 1200sqm) to introduce maximum FSR standards of 3.2:1 and 3.6:1; and
- Amending both the HOB and FSR maps to omit the land from 'Area 3' and 'Area 7' respectfully, thereby preventing the land from benefitting from any further HOB and FSR incentives, which would otherwise have been permitted by current clauses 4.3 and 4.4 of the LEP.

## Height of Buildings (HOB)

The objectives of appropriate HOB standards are as follows:

1. To ensure that building height is consistent with the desired future character of an area;
2. To minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development; and
3. To nominate heights that will provide an appropriate transition in built form and land use intensity.



The proposed increases to the current maximum baseline HOB standard (16m or 22m if HOB incentive conditions are met) are transitioned across the site with the intention of reducing the intensity of development adjacent to the most sensitive land uses. The lower HOB standard of 20m is proposed to the eastern part of the site, adjacent to which is an R2 Low Density Residential Zone. This reflects a potential reduction of 2m from the current possible maximum HOB on the site of 22m (which includes a 6m height incentive).

The proposed 35m standard is proposed to be located towards western part of the site where buildings of a similar height are already prevalent in the B4 Mixed Use zone. The proposed LEP map shown below describes this in more detail:



**Map 2:** Proposed HOB map (Source: Planning Proposal Report)

Further detailed information on, and analysis of, the proposed HOB standard is contained in the Planning Proposal Report (**Attachment 1**), the Urban Design Report (**Attachment 2**) and the report to the Bayside Local Planning Panel on 16 December 2021 (**Attachment 3**, and supporting **Attachments 4-18**).

### Floor Space Ratio (FSR)

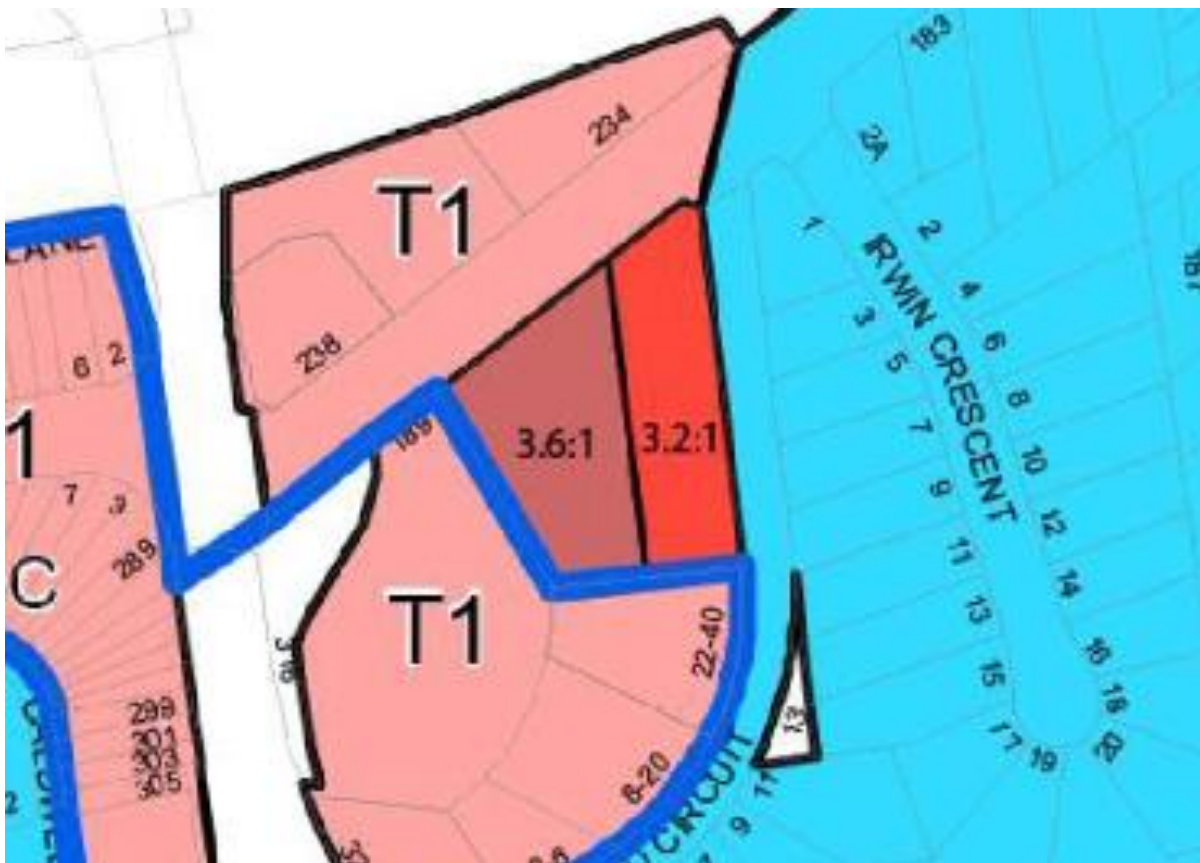
The objectives of appropriate FSR standards are as follows:

1. To establish standards for the maximum development density and intensity of land use;
2. To ensure buildings are compatible with the bulk and scale of the existing and desired future character of the locality;
3. To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;
4. To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation; and

5. To ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks and community facilities.

The proponent is seeking an increase to the current maximum FSR standard (2:1 or 2.5:1 if FSR incentive conditions are met) that would facilitate a higher-density development. As with the proposed HOB standards, the proposed increases to the maximum FSR standard are transitioned across the site with the intention of reducing the intensity of development adjacent to the most sensitive land uses. The lower FSR standard of 3.2:1 is proposed to the eastern part of

the site, adjacent to which is an R2 Low Density Residential Zone. The higher FSR standard of 3.6:1 is proposed to the western part of the site where higher-density developments are already prevalent in the B4 Mixed Use zone. The proposed FSR map below describes this in more detail:



**Map 3:** Proposed FSR map (Source: Planning Proposal Report)

### Urban Design

An Urban Design Report (**Attachment 2**) was submitted with the draft Planning Proposal, which has been subject to peer review by an external urban design consultant appointed by Council. The Urban Design Reports provides detailed analysis of the additional HOB and FSR being sought. Figures 1 and 2 below provide some visuals from the Urban Design Report which indicate the type of development the proponent could seek to construct should the proposed changes to the LEP be made:





**Figure 1:** View from corner of Shaw Street and Bexley Road (Source: Urban Design Report)



**Figure 2:** View looking south-west along Slade Road (Source: Urban Design Report)

## Comment

The basic principle of encouraging higher density development in a town centre location in proximity to good public transport is sound. Regional and district planning policies acknowledge that the growth and expansion of existing local centres is necessary to support the growth of Sydney's population and provide local jobs and services in accessible locations with access to frequent public transport. The policies encourage the location of higher density developments in existing centres, with good access to the necessary infrastructure, including good public transport accessibility/service frequency.

The subject site benefits greatly from such characteristics. However, the planning objectives/priorities direct that new developments must also display good design principles, respect local character, and improve amenity. The urban design consultancy advice received by Council raises concerns that the proposed HOB and FSR may not be achievable on the site, and could result in a development which does not reflect the design principles displayed in the indicative scheme submitted by the proponent.

Therefore, whilst the basic principle of higher density development in this location is acceptable, the proponent needs to demonstrate, through additional urban design studies and a site-specific DCP, that the proposed changes to development standards can be accommodated on the site without harm to the character or amenity in the immediate locality, and without prejudicing any future master-planning of the Bexley North local centre.

Before providing additional studies at considerable expense, the proponent has requested that Council acknowledges that the basic principle of additional height and FSR in this location has strategic merit.

It is therefore recommended that the Committee acknowledges that the Planning Proposal does have strategic merit, and allows officers to request a Gateway Determination from the Department of Planning and Environment. In the request for a Gateway Determination, officers will request that conditions be placed on the Determination that requires the proponent to provide the additional urban design studies and a site-specific DCP, to be negotiated and agreed with Council, prior to the commencement of a Public Exhibition.

Officers have also considered all other matters relating to the Planning Proposal (traffic, flooding, hazards etc) and are satisfied that the proposal does not raise any issues of concern on these matters. The matters have been analysed in detail in the report to the Bayside Local Planning Panel on 16 December 2021 (**Attachment 3**).

## Next Steps

Should the Committee agree with officers' recommendations, the minutes of this Committee will be presented to Council for endorsement. If Council endorses the minutes, officers will request a Gateway Determination as indicated above.

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## Financial Implications

Not applicable



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## Community Engagement

Should the Planning Proposal progress through the required stages and receive a Gateway Determination from DPE, public exhibition of the Planning Proposal will be undertaken if and when the pre-conditions outlined above are satisfied.

---

## Attachments

- 1 Proponent's Urban Design Report [↓](#)
- 2 Proponent's Planning Proposal Report [↓](#)



- 3 Bayside Local Planning Panel - Planning Proposal Assessment Report - 16 December 2021 [↓](#)
- 4 Bayside Local Planning Panel - Minutes - 16 December 2021 [↓](#)
- 5 Additional Urban Design Information - Cover Letter - 07.11.2020 (Under separate cover Attachments Part One) [⇨](#)
- 6 Stage 2 Environmental Site Assessment - contamination (Under separate cover Attachments Part One) [⇨](#)
- 7 Proponent's estimated GBA Calculations (Under separate cover Attachments Part One) [⇨](#)
- 8 Final Flood Investigation Report (Under separate cover Attachments Part One) [⇨](#)
- 9 Proponent's FSR and HOB Plan [↓](#)
- 10 Proponent's FSR Calculations (Under separate cover Attachments Part One) [⇨](#)
- 11 Proponent's Landscape Plans (Under separate cover Attachments Part One) [⇨](#)
- 12 Pipeline Risk Assessment (Under separate cover Attachments Part One) [⇨](#)
- 13 Proponent's Revised Basement Concept Plans (Under separate cover Attachments Part One) [⇨](#)
- 14 Proponent's Revised Indicative Concept Plans (Under separate cover Attachments Part One) [⇨](#)
- 15 Proponent's Revised Indicative Sections (Under separate cover Attachments Part One) [⇨](#)
- 16 Proponent's Revised Traffic Impact Assessment (Under separate cover Attachments Part One) [⇨](#)
- 17 Table of Urban Design Comments - Council Consultant and Proponent [↓](#)





## URBAN DESIGN REPORT IN SUPPORT OF A PLANNING PROPOSAL FOR 187 SLADE ROAD BEXLEY NORTH

18 December, 2019

GMU  
Group Management  
Unit





Prepared by GM URBAN DESIGN & ARCHITECTURE PTY LTD  
Studio 803, Level 8  
75 Miller Street  
North Sydney NSW 2060

Tel (02) 8920 8388  
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Prepared for TURNBORN PTY LTD  
Job number 18054  
Date created 01 / 11 / 2019

*GMU implements and maintains an internal quality assurance system.*

Issue	Date	Status	Prepared by	Reviewed by
A	01 / 11 / 2019	Draft for review	PG	EB / GM
B	22/11/2019	Final Draft	DR/EB	GM
C	11/12/2019	Final		EB

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# 1.INTRODUCTION



## 1.1 INTRODUCTION

GM Urban Design and Architecture (GMU) has been appointed by the owners of the site located at 187 Slade Road, Bexley (the site), to prepare an urban design study to inform the appropriate built form strategy for the subject site.

The preferred built form proposal in this report has been prepared in response to detailed urban design analysis of the site's immediate and broader context, the existing and future character of Bexley North as well as the potential opportunities provided by the existing council owned carpark adjacent to the site.

This Urban Design Report summarises the key urban design parameters informing the built form strategy for the subject site and its immediate context. It provides a potential performance framework in key areas relative to Council's current controls. It also sets a holistic vision for the site as a formal part of the local centre rather than individual isolated developments.

In preparing this study and the suggested strategy for the site, GMU have worked with the following consultant team:

Town Planners - Planning Ingenuity  
Traffic Consultant - TRAFFIX  
Flood Consultants - GRC Hydro  
Landscape architects - SITEDESIGN Studios

## 1.2 METHODOLOGY

GMU has conducted a review of applicable State and Local Government strategies/controls as well as a comprehensive contextual analysis of the site and its immediate surroundings. GMU has also reviewed the history of the site, its current and previous uses. We have reviewed the impact and opportunities of recent infrastructure upgrades to the M5 corridor to develop an understanding of the strategic role and the likely changing future character of the centre and area.

GMU have reviewed advice provided by consultants regarding traffic and flooding impacts. We have reviewed correspondence between Council and the Applicant regarding Council's requirements for the site. Our analysis has informed the opportunities and constraints diagrams for the site which in turn have informed the proposed strategy for the commercial and residential components for the site.

In formulating the views expressed in this report, GMU has:

1. Visited the site and its immediate and broader context.
2. Reviewed the A Metropolis of Three Cities (GSC).
3. Reviewed the East District Plan (GSC).
4. Reviewed the recently published Bayside Local Strategic Planning Statement.
5. Reviewed the Rockdale LEP 2011 and Rockdale DCP 2011 for the subject site and the context in general.
6. Reviewed Planning Proposals and recent approvals or DAs under assessment or approved in the vicinity of the subject site.
7. Analysed local controls in relation to the area, the site and the desired future character of the area.
8. Reviewed Flood information available on Council's website (Bayside Council)
9. Reviewed planning advice prepared by Planning Ingenuity.
10. Reviewed survey information prepared by C-Side Surveyors (June 2017).
11. Reviewed Traffic Impact Assessment prepared by TRAFFIX (v01 October 2019)
12. Reviewed Flood Advice by GRC Hydro November 2018 and October 2019
13. Reviewed Preliminary Geotechnical advice prepared by JK Geotechnics (September 2019)
14. Considered the current and potential role of the site relative to the existing town centre and other similar centres.
15. Tested potential overshadowing to adjoining residential properties and potential visual impacts of the proposed built form strategy.
16. Met with Council's staff for a pre-lodgement meeting (28 August 2018) to understand their views, issues and opinions and to seek their preliminary feedback on the Planning Proposal.

## 2.STRATEGIC CONTEXT





2.1 STRATEGIC CONTEXT

The subject site is located in Bexley North, approximately 12 km southwest of Sydney's CBD, 4 km to the west of Botany Bay and 2.5 km west of Rockdale. Employment centres near the subject site include Bankstown, Kogarah, Hurstville, the Airport, Port Botany, Green Square-Mascot and Sydney's CBD.



Aerial showing Narrabeen in context.



**GREATER SYDNEY REGIONAL PLAN "A METROPOLIS OF THREE CITIES"**  
This publication by the Greater Sydney Commission nominates the site as being located within the Eastern Harbour City, which promotes liveability and sustainability. The plan promotes the connectivity as well as easy access to jobs. The plan envisions a well connected Eastern Harbour City which provides a 30-minute access to a metropolitan centre or cluster via public transport.

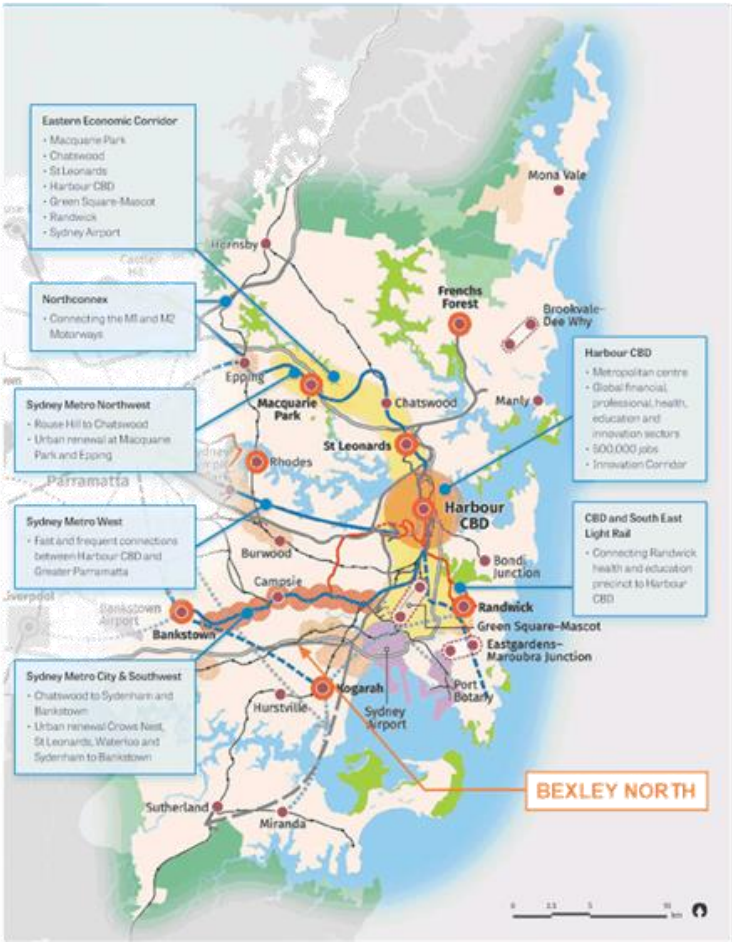
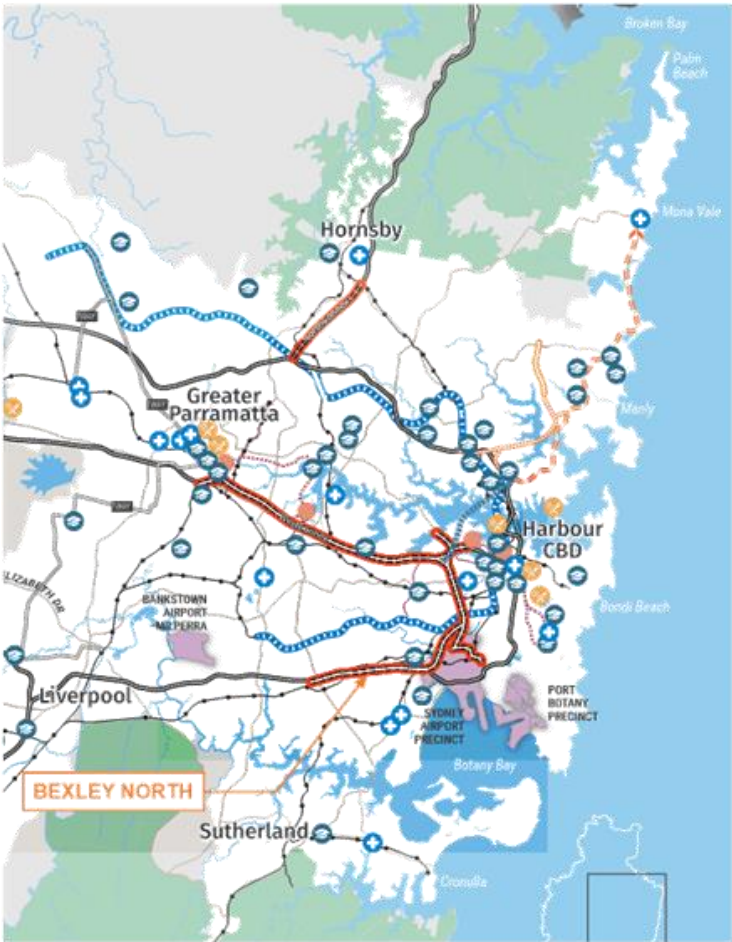


Diagram adapted from A Metropolis of Three Cities (Page 21).

KEY			
Metropolitan Centre	Industrial Land	Major Urban Priority Corridor	Train Link/Bus Rapid Transit
Health and Wellbeing Precinct	Local Urban Priority Corridor	Waterways	B-Line
Strategic Centre	Transport Oriented Development	Green Grid Priority Corridor	City Serving Strategic Corridor
Local Centre	Urban Renewal Area	Train Station	Centralising Transport Development Corridor
Economic Corridor	Urban Area	Government Precinct	Motorway
Trade Gateway	Protected Nature Area	Sydney Link/Bus Rapid Transit	Connected Motorway

The site is located along the T8 line, East Hills via Airport connecting the site to the airport and the city in a very short period of time. Furthermore, the site is near the M5 exit providing great connectivity towards the city and western Sydney via the motorway. These two major infrastructure connections provide excellent connectivity to the site and the necessary support for future growth aligned with the metropolitan design principle of encouraging growth close to infrastructures.



Existing infrastructure investment in Greater Sydney adapted from A Metropolis of Three Cities (Page 38).

KEY		
Sydney Metro	Road Upgrade	Cultural Investment
B-Line Northern Beaches	NorthConnex/WestConnex	Trade Gateway
Train Station	Sydney Metro West Station	Beaches Link Tunnel
Light Rail	Education Investments	Western Harbour Tunnel
Light Rail Committed	Health Investments	



Bexley is located within the Bayside Council Local Government Area (LGA) which forms part of the Eastern City District within the Eastern Harbour City and is nominated as a Local Centre according to the Eastern City District Plan (GSC 2018). Kogarah, is the nearest Major Strategic Centre and is located approximated 3.5 km to the southeast of Bexley North. Other Strategic Centres close to the site are Hurstville and Campsie, both less than 4 km from the site. The Eastern City District Plan (ECDP) constitutes the key strategic instrument for the district, nominating a vision and overarching priorities for the area, informing the development of local strategic planning over the coming 40 years.

- Nurturing quality lifestyles through well-designed housing in neighbourhoods close to transport and other infrastructure
- Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions
- Sustaining communities through vibrant public places, walking and cycling, and cultural, artistic and tourism assets
- Building effective responses to climate change and natural and urban hazards

- Planning for a city supported by infrastructure
- Providing services and social infrastructure to meet people's changing needs
- Providing housing supply, choice and affordability with access to jobs, services and public transport
- Creating and renewing great places and local centres, and respecting the District's heritage
- Delivering integrated land use and transport planning and a 30-minute city

- Urban Renewal areas associated with new planned infrastructure such as the Sydenham to Bankstown corridor, West Connex and the Light Rail
- Consolidation and strengthening of major Health and Education Precincts like Randwick and Kogarah.
- Innovation corridor on the western edge of the CBD
- Urban growth focused on well-connected walkable places that build on local strengths and deliver quality places

As identified in the Eastern City District Plan, infrastructure is to be planned to support orderly growth, change and adaptability and is to be delivered and used efficiently.

The Livability Framework (ECDP Part 3) nominates directions for the East City District which include:

- Providing services and social infrastructure to people
- Providing housing supply, choice and affordability
- Creating and renewing great places and local centres

- Align projected growth with existing and proposed local infrastructure improvements
- Coordinate the planning and delivery of local and State infrastructure



The Eastern City District Plan nominates five-year housing targets of 10,150 dwellings for the Bayside LGA (ECDP Part 3). Housing diversity and choice are highly valued to meet demand for different housing types, tenure, price points, preferred locations and design to accommodate the expected changes in household and age structures across Sydney. The Eastern City District Plan envisions a balanced mix of multi-unit dwellings and low to medium density homes for the district which provides a diverse mix of housing choices for the changing needs.

The Eastern City District Plan seeks improvement to the connectivity of the district to further improve the access to local jobs and services. The Productivity Priority No 10 nominates the direction for the Eastern City District to:

- Bexley North, being located at the edge of one of the Urban Renewal Areas benefits from the T8 train line and the M5 Motorway which provide improved and close access for the Bexley North's community to major employment centres, health, education, commercial and retail destinations, making it an ideal place to support growth.

A key element of the Eastern City District Plan is the delivery of sustainable, smart, clean and efficient urban solutions that will create a more sustainable and pleasant urban environment.

It is a priority of the plan to deliver high quality public open space and reduce the use of transport and the energy used per capita.

Denser environments close to transport nodes and local infrastructure are favoured as they contribute to a more local and walkable lifestyle.

Planning ahead to adapt and deal with the impacts of urban and natural hazards and climate change is also a priority of the plan to ensure that new development is resilient and future proof.

The Bayside LSPS was released recently and provides a strategic vision for Bayside LGA. The Bayside Planning Priorities have been grouped under the same four themes identified in the Eastern City District Plan and A Metropolis of Three Cities.

The Bayside LSPS is divided into the following three parts:

Part 1 - Future of Bayside: Bayside Land Use Vision 2036, the Bayside Structure Plan 2036,  
Part 2 - Our Place: Area characteristics;  
Part 3 - Planning Priorities: Planning priorities.



2.2 COMPARATIVE ANALYSIS - OTHER CENTRES OF SAME HIERARCHY

To understand the redevelopment potential of Bexley North Town Centre (including the subject site), GMU has reviewed and analysed Council's applicable controls and plans, strategic policies including the East City District Plan. Furthermore, GMU has undertaken an urban design analysis of the local context.

Bexley North Centre has been identified as a local centre similar to Riverwood, Kingsgrove, Rockdale and Wolli Creek (as per the newly released South District Plan). These centres are encouraged to provide additional dwellings within an 800m walking catchment around train stations to create walkable local centres, in line with transit-oriented development policies.

GMU has prepared a comparative analysis of local centres along the main railway corridors (closer to the subject centre), as per the following diagram below to understand the existing scale and height/density potential of other centres of a similar form. The analysis demonstrates that the current scale of Bexley North Centre is lower than other local centres (with the same hierarchy) or neighbourhood centres with a lower centre hierarchy. Given the location of the centre at the edge of an urban renewal corridor, current strategic policies to increase centre density and current exhibited planning proposals in close proximity requesting a significant height variation, GMU believes that there is an opportunity for the Bexley North centre to seek to revitalise through variation to the current controls to deliver a strong urban design concept to create a unique sense of place and focal point for the centre.

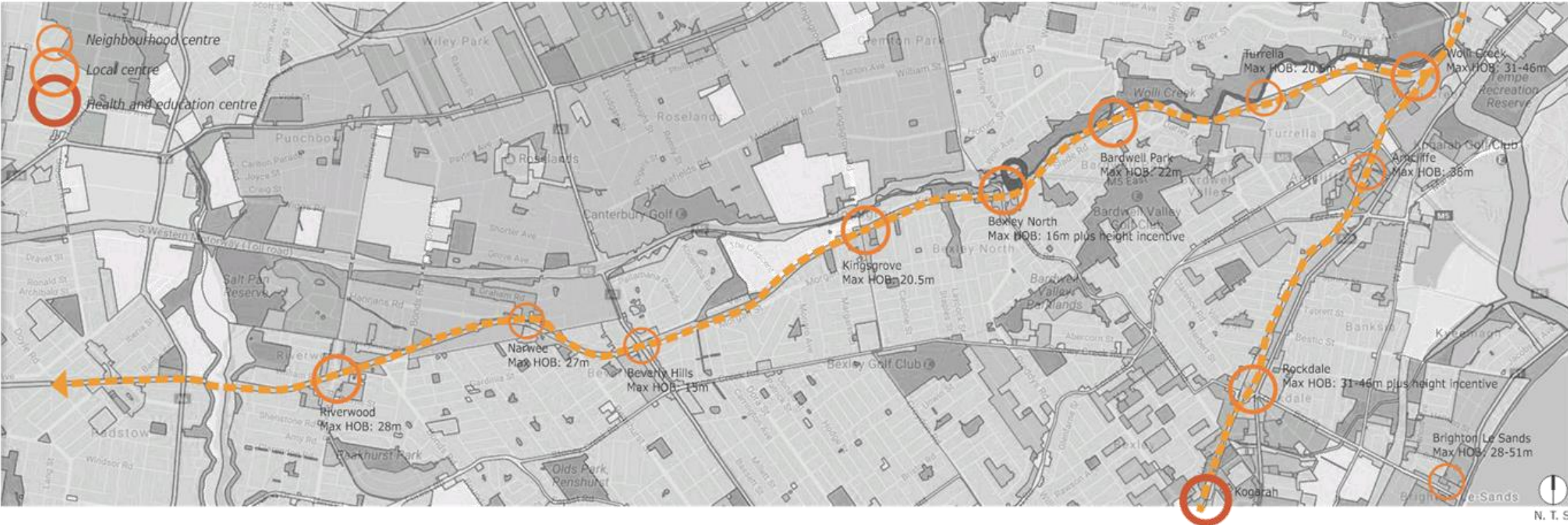
In reviewing other such centres, we consider that the appropriate height precedents are set by Kingsgrove, Riverwood, Narwee and Arncliffe. Wolli Creek and Rockdale are not relevant as they do not exhibit an appropriate urban grain.

It can be seen that Kingsgrove has a maximum height of 20.5m and FSR's of 2:1. Riverwood is 28m and FSR's of 3:1. Narwee is 27m and no FSR limit. Arncliffe is 36m and FSR's of 4:1. By comparison, Bexley North is only 16m and FSR's of 2:1, which is the lowest controls of all of them. Bexley North is located closer to Sydney's CBD with good connectivity, which would indicate capacity for greater density.

In this context, it is GMU's opinion that a planning proposal for the site that encourages ideas and opportunities for the centre as a whole could seek to increase height up to approximately 30-35m (9-10 storeys) for key sites with scale transitions similar to these other centres within the District.

We have analysed the desired built form character of the centre including its potential footprint and height distribution and considered the development opportunities for Council's carpark site. This is discussed in the next section, which shows that the subject site can contribute significantly to a new sense of place as part of seeking increased height and density.

Due to the location of the subject site within the B4 zone and the centre itself, its size and proximity to the railway station, the site has potential characteristics to mark both the entry and the focal node for the centre. The presence of low-density dwelling precinct to the east of the subject site will require a sensitive density transition however.



### 3.LOCAL CONTEXT





### 3.1 CURRENT PLANNING CONTROLS

The site is located within the Bayside Council area. The following local planning instruments apply to the subject site:

- Rockdale LEP 2011
- Rockdale DCP 2011

The following key LEP controls currently apply to the site:

- The site is zoned B4 Mixed Use.
- The adjacent area to the east of the site is zoned R2 low density residential
- Maximum permissible building height for the subject site is 22m (HOB 16 metres plus 6 metres incentive due to the site being over 1,200 sqm in area).
- The allowable FSR for the subject site is 2.5:1 (FSR of 2:1 plus 0.5:1 incentive due to the site being over 1,200 sqm in area)
- Though the site is not within the Flood Planning Area, the lots immediately to the south are within this area.
- There is an area allocated as local road within the site at the southern boundary

The following key areas of the Rockdale DCP 2011 must be considered:

- Part 4. General principles for development.  
In particular Part 4.2 Streetscape and Context, Part 4.3 Landscape Planning and Design, Part 4.5 Social Equity, and Part 4.6 Car parking, access and moving.
- Part 5. Building types  
In particular Part 5.2 Residential Flat Buildings and Part 5.3 Mixed Use must be considered.

Below there are some of the most relevant DCP controls for the proposed site :

Parking requirements (Source: Traffic Impact Assessment by Traffix)

- For the retail component 1 car space per 40 sqm of GFA
- For the pub component 1 car space per 26 sqm GFA
- For the residential component 1 car space per 1 or 2 bedroom unit, 2 car spaces per 3 bedroom unit and 1 visitor space per 5 dwellings

Setbacks

- Buildings are to be built with zero setback to the main frontage. Floors above Level 3 might be setback to reduce the bulk and the impact of the buildings.
- Side setbacks are to be 3 metres for the first 3 levels and 4.5 m above
- Rear setbacks are to be 12 metres, or 15% of the site whichever is greater

Landscape

- The minimum landscaped area for Mixed Use developments is 10%
- At least 20% of the front setback area of a residential development is to be provided as landscaped area
- The communal open space must have a minimum area of 40% that has sunlight at 1pm on 21 June



Rockdale LEP 2011, zoning map.



Rockdale LEP 2011, FSR map.



Rockdale LEP 2011, height of buildings map.



Rockdale LEP 2011, land reservation acquisition map.

The Rockdale LEP 2011 allocates a Land Reservation Acquisition area on the southern side of the site for a future public link / road



Rockdale Local  
Environmental  
Plan 2011

#### Land Zoning Map - Sheet LZN\_001

Zone

B4	Mixed Use
R2	Low Density Residential
RE1	Public Recreation
SP2	Infrastructure
UL	Unzoned Land

#### Floor Space Ratio Map - Sheet FSR\_001

Maximum Floor Space Ratio (n:1)

D	0.5
T1	2
	Refer to Clause 4.4

#### Height of Buildings Map - Sheet HOB\_001

Maximum Building Height (m)

O1	8.5
O2	16
	Refer to Clause 4.3

Rockdale LEP 2011, KEY



3.2 WIDER CONTEXT

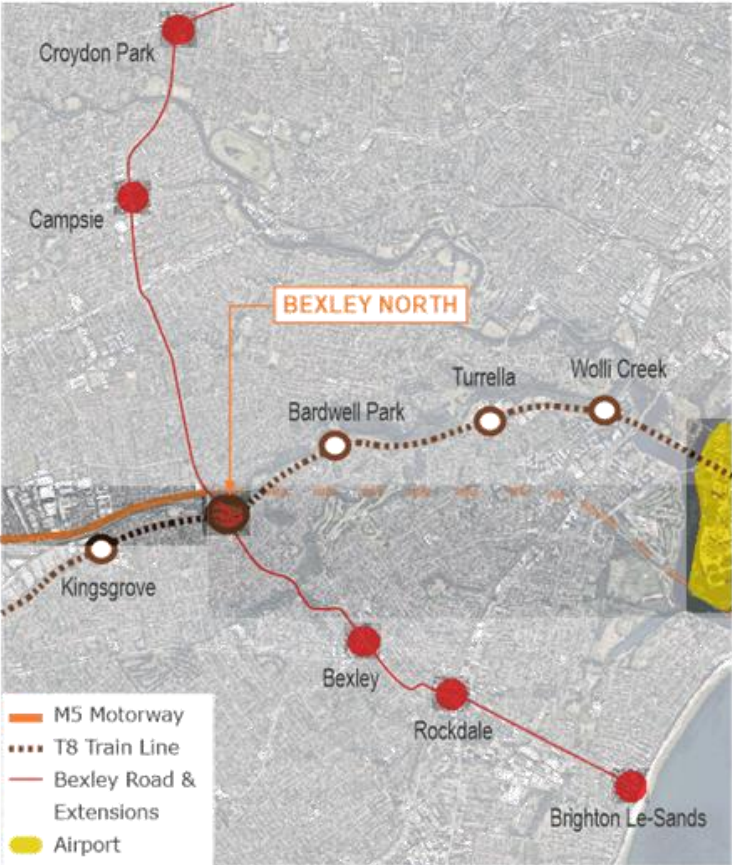


Diagram showing Bexley North within surrounding infrastructure and adjacent town centres.  
This chapter discusses the role of the site in its local context including connectivity, existing heights, views, streetscape, heritage and relevant environmental constraints.

CONNECTIVITY

The site is located 200 m from Bexley North train station, 250 m from the M5 motorway and approximately 12 km southwest of Sydney's CBD. This provides excellent connectivity both by train and car.

The Train connects Bexley North to the airport, Mascot, Green Square and the CBD in 25 minutes. It also provides a westward connection to Revesby, East Hills and other major industrial employment areas. The M5 motorway provides a quick link towards Liverpool and the future airport to the West and access to the airport and the city in less than 30 mins to the northeast.

The site is adjacent to Bexley Road, which is part of an arterial connection linking several inner west town centres from Brighton-Le Sands and Rockdale, through Bexley, Bexley North, Campsie, to Croydon Park and Ashfield.



Diagram showing the location of the subject site within the town centre.

URBAN SETTING

Bexley North is one of several smaller town centres on the western/southwestern part of Sydney. They are currently characterised by a commercial strip with two to three storey buildings with retail premises, local supermarkets, a pub and some minor civic facilities and pocket parks and green spaces.

The character and demographics of these centres are gradually changing with the development of new higher mixed use developments with active ground floor retail uses, that can accommodate an increased residential density that reflects the general population growth and the renewed desirability of these areas. Bexley North's location, connectivity, existing public transport links and surroundings give the area a great growth potential moving forward.

3.3 TOPOGRAPHY

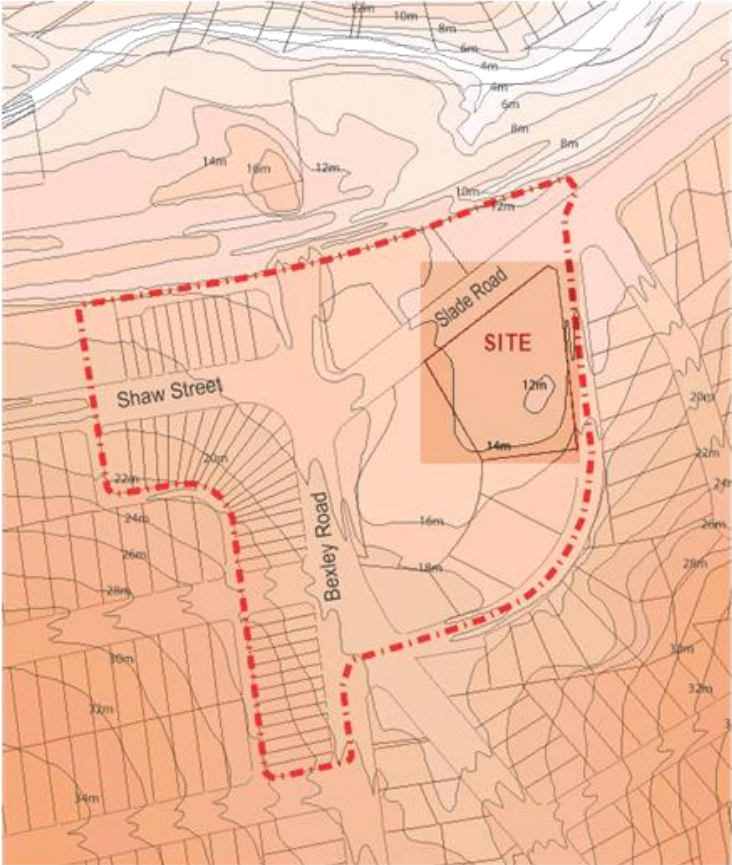


Diagram showing topography

TOPOGRAPHY

The site is located near Wolli Creek, which runs parallel to the train line, near the bottom of the valley within the creek's catchment. This location presents potential flooding issues which can be mitigated through design solutions but must be considered when analysing the development potential of the site.

The site's topography falls from the towards the north, with a height difference of almost 4 metres from the southeast corner to the northeast corner.

The adjacent council carpark to the west has a slight slope falling down towards the subject site, creating a low point along the boundary.



### 3.4 LOCAL CONTEXT

#### BEXLEY NORTH

Bexley North is a neighbourhood nestled along Wolli Creek that sits at the intersection of Bexley Road, New Illawarra Road, the M5 Motorway and the T8 train line. It is a relatively recent suburb as it expanded following the opening of the East Hills Line in 1931.

Today, due to the confluence of all the different main roads and transport infrastructure elements, the main town centre does not have a strong urban design character and its setting is dominated by traffic and by the existing Council carpark that sits at the corner of Bexley Road and Slade Road.

The intersection between Slade Road, Bexley Road and Shaw Street is the main focal point of the town centre as it is the entry to the centre from the train station.

It is a busy intersection with heavy traffic as there is an entry to the M5 just across the tracks, making it the exit and entry point to the motorway for many people living in the St. George area.

It is this clash between the town centre and motorway traffic that is one of the main issues to resolve in Bexley North.

The suburb sits between Wolli Creek and the train line to the North and Bardwell Creek to the South and presents several parks and open spaces generous in size, giving it a leafy aspect overall. This is in contrast with the town centre where there are no real public open spaces or sense of place.

The site is located on the corner of Slade Road and Sarsfield Circuit on the northern end of the town centre and has frontage to the Council Carpark.

#### EXISTING USES

The site is currently occupied by the Bexley North Hotel, a family friendly pub with beer garden that also includes hotel accommodation and has a liquor store. The hotel terminates a row of commercial premises that front the carpark.

They include a TAB facility, a Woolworths Metro, and a German Cafe & Butchery Deli among other stores. All these premises open to the carpark with rear access from Sarsfield Circuit. Sarsfield Circuit is currently fronted by a mix of rear service entries and residential premises.

Across Bexley Road, a row of one and two storey commercial premises that include a pharmacy, several restaurants, a hardware store and a real estate agent, complete the town centre, offering a variety of facilities to the local residents.

However, the quality of the retail offerings and the public domain pathways to the council carpark does not enhance the centre or encourage visitation. The landscape character is sparse apart from the tree pocket at the intersection. Various development applications have been lodged over the years within the subject block, but there is little evidence of recent redevelopment to revitalise the centre. This also points to the planning controls providing insufficient encouragement to achieve viable quality development for the centre.



Bexley North in 1943 with the subject site shown in orange. (Source: SIX Maps)



Existing on grade Council carpark with the site at the back shown in orange.



Corner of Bexley Road and Shaw Street. The site sits on the left edge behind the trees



Bexley Road looking south with the council carpark to the left.



Bexley Road shops.



Shaw Street looking west.



Landscaped buffer between Bexley Road and Council carpark



### 3.5 THE SITE

The subject site is legally known as Lot 30 DP 1222252 and is located at No. 187 Slade Road, Bexley North (the site). It is located at the corner of Slade Road and Sarsfield Circuit with frontages to Slade Road (74.7 m), Sarsfield Circuit (86.9 m) and to the existing council carpark to the west (54.9 m) which is its primary facade.

According to the survey information provided (Clement & Reid, Project Surveyors), the site area by title is approximately 4,234m<sup>2</sup> and consists of 1 lot.

The survey provided also shows an existing drainage easement, 3.05 metres wide (DP 31941) crossing diagonally the northwestern part of the site from councils carpark to a manhole on the footpath on Slade Road.

The site presents a slope from the South to the North, with a level difference of almost 4 metres on the eastern side. It is worth noting that currently the site has been flattened to accommodate undercroft parking on the eastern side and the ground level sits below the street level.

Built in 1959, and renovated several time, the Bexley North Hotel currently sits on the property. It is a part one, part two storey building with areas for the pub, gaming room, back of the house facilities (kitchen, laundry, cool room, storage), bottle shop and hotel rooms, plus undercroft parking.



Location of the subject site (Source: nearmap)

outdoor beer garden and miscellaneous landscape. The pub does not currently activate its site frontage and its presentation is dated. It does not contribute to the amenity of this part of the town centre and needs to be revitalised.

To inform the built form study, GMU has reviewed and analysed the existing context, the neighbouring properties, and the desired future character of the area. Potential impacts and constraints presented by any heritage items in the vicinity, the existing vegetation and the natural environment has also been considered. GMU has also received advice from town planning, transport and flooding specialists.

#### HERITAGE

There are no significant heritage items in the vicinity of the subject site, the closest two being the Scotts Reserve, 250 metres to the east of the site and the site of the Glendalough McIlveen Museum and Research Centre, 300 metres from the site, currently used by Booth College, Burrows College and The Salvation Army College. There is no direct visual connection between the subject site and the heritage listed items

#### VEGETATION

There is no significant vegetation currently on site.



Rear gardens and fences of two storey dwellings across Sarsfield Circuit



5-Storey building on the corner of Slade Road and Bexley Road

#### TRAFFIC

Traffic advice has been provided by Traffix to inform the proposal based on the potential traffic impacts associated with redevelopment of the site and to inform the location of vehicular entries to the site. The traffic advice seeks to minimise adverse impacts to local road networks and to the intersection of Slade Road/Bexley Road.

Based on the traffic advice provided, vehicular entry off Slade Road is not considered appropriate. Instead a consolidated vehicular entry to the basement car parking is provided off Sarsfield Circuit, close to the intersection of Slade Road, minimising impacts to local residents along Sarsfield Circuit.

#### FLOODING

GRC Hydro has prepared flood modelling for the subject site, informing the massing strategies explored as well as the preferred option. Their latest study is based on an improved Council modelling tool used for the site analysis. The study shows that the site is flood liable, albeit only to overland flows (stormwater). This flood liability is primarily affected by the redistribution of overland flow resulted from a 2010 development approved at the corner of Sarsfield Circuit and Slade Road.

The flood constraints can be managed successfully by compliance with the current DCP controls, the provision of appropriate site storage and the inclusion of pipes along Sarsfield Circuit and Slade Road.



5-Storey residential building on Slade Road



4-Storey residential building adjacent to the subject site to the south



3.6 SITE PHOTOGRAPHS



Current entry to Bexley North Hotel facing council's carpark



Hotel accommodation wing on Sarsfield Circuit with bottleshop in the background



Rear of the subject site with adjacent residential building to the south



Current entry to Bexley North Hotel facing council's carpark



Hotel accommodation wing facing Sarsfield Circuit. The building sits below the street



Bottle shop facing Slade Road with hotel wing to the left and pub courtyard to the right (dark fence)



Bottle Shop and Drove through entry from Slade Road



Panoramic view of the existing facade to the council's carpark with the subject site on the left side

## 4.BUILT FORM STRATEGY





## 4.1 OPPORTUNITIES AND CONSTRAINTS - BEXLEY NORTH CENTRE

### EXISTING STRUCTURE



Bexley North Town Centre existing structure

GMU has analysed the main characteristics of Bexley North Centre and identified the current centre structure as follows:

- Oriented along the main access road of Bexley Road connecting the southern and northern half of the neighbourhood and the rail line
- Expands to the east along Slade Road
- Comprises 5 blocks, with the primary blocks being the two blocks to the west and the subject block which adopts a crescent form around the existing council carpark
- Main entry sequence to the centre is from the north, south and east including the subject site
- Southern gateway created by a landscape pocket at the corner of Bexley Road/New Illawarra Road
- Northern gateway created by the rail line and two blocks each side of Bexley Road
- Eastern gateway created by subject site and block to the north along the rail line
- Core of the centre is created by the tree stand at the intersection of Slade Road and Bexley Road and the council car park.
- Centre lacks quality retail selections and many retail tenancies are struggling
- There is poor pedestrian permeability from the eastern residential areas to the centre
- Currently there is no positive urban space for use by pedestrians when in the centre

### CONSTRAINTS



Bexley North Town Centre constraints

The main constraints of Bexley North Town Centre are:

- Extent of traffic movements along Bexley Road to access the M5 motorway and WestConnex
- Dominance of the core by the on-grade council car park
- Lack of sense of place and quality urban public spaces
- Poor activation to some of the town centre frontages
- Impacts of flooding in heavy rain events
- Library and green spaces along Shaw Street disconnected from the town centre
- Existing footpaths are narrow and exposed to traffic impacts
- No drop off areas associated with the rail station
- Fine grain lot pattern to the west makes amalgamation for revitalisation complex
- Insufficient density at the centre to encourage and achieve revitalisation with high quality outcomes

### OPPORTUNITIES



Bexley North Town Centre opportunities

The main opportunities for Bexley North Town Centre are to:

- Revitalise the centre through creation of a strong sense of place and increased density on appropriate sites
- Consider opportunities for new urban public space and increased landscape
- Improve connectivity to the eastern residential areas
- Celebrate arrival into the centre
- Encourage redevelopment with setbacks to improve footpath width and landscape opportunities where appropriate
- Consider opportunities for the Council car park to contribute to the landscape quality of the centre
- Encourage redevelopment of the large centre sites including the crescent block in which the site is located
- Require increased activation and permeability within these blocks



## 4.2 VISION FOR BEXLEY NORTH CENTRE

The existing urban structure and Council land ownership in this town centre offer enormous opportunities to revitalise this area and support the existing rail service. Bexley North will be a vibrant, active centre with a range of quality retail offerings as well as food and drink opportunities.

The sense of place will be enhanced by new development that provides additional publicly accessible open space areas, working with Council to maximise the opportunities of the crescent shaped block edged by Bexley Road, Slade Road and Sarsfield Circuit.

Redevelopment of the western side of the centre will retain the fine grain low scale street wall character and provide additional setbacks at street level to widen footpaths and provide additional street tree planting with opportunities for outdoor dining.

The crescent shaped block to the east will be revitalised with a strong street wall character of 6 storeys and active ground level uses. Celebration of the eastern arrival point will be acknowledged by increased localised height to announce arrival to the centre and provide the opportunity for increased public space at ground level in this block.

Additional landscape will be provided on Sarsfield Crescent, Slade Road and to the property boundary areas fronting onto the Council car park with external areas for outdoor seating and increased pedestrian activity.

New buildings will offer a high quality contemporary and sustainable architecture that improves the visual amenity of the centre and contributes to its identity.



Artist Impression of the development from the eastern side of Slade Road. Image by Tim Throsby



### 4.3 DESIGN PRINCIPLES

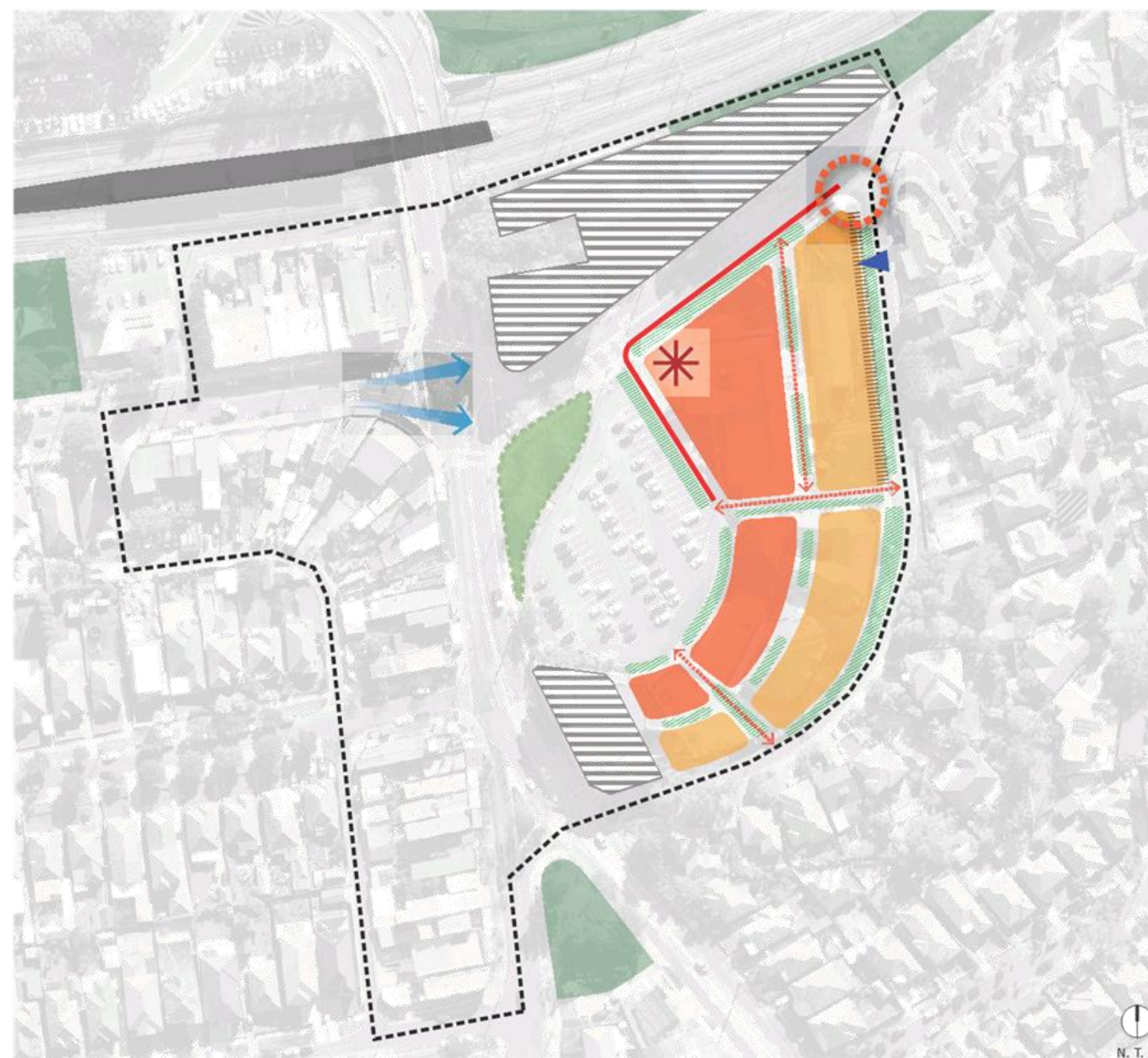
Considering the analysis of the existing town centre structure and the opportunities it presents, GMU has developed key design principles to guide the future development of the subject block and site:

#### DESIGN PRINCIPLES

- Provide a high-quality contemporary mixed use development that achieves design excellence.
- Enhance the activation, public domain character and architectural quality of Bexley North Town Centre.
- Provide an urban marker on the northwestern corner of the site signalling the entry to the town centre and providing stronger sense of enclosure to the existing carpark.
- Provide a lower streetwall to Sarsfield Circuit in response to the lower density residential character opposite the street.
- Respond to topography and natural features of the site and mitigate flood impacts.
- Investigate opportunities for new publicly accessible space - piazza or laneways - to create vibrant, protected urban spaces for outdoor dining and visitor use as a place maker and focal point.
- Provide active frontages and uses to Slade Road, carpark edge and new links / public spaces.
- Create an east-west link within the site.
- Provide improved landscape character throughout.

#### KEY

	Town Centre boundary		Built form marker Higher element
	Existing cluster of trees		Residential / SOHO Interface
	Existing mid-rise development, 4-6 storeys		Vehicular Entry
	Landscape treatment/ public domain improvements		Potential Developable area Lower transition element
	Active frontage		Potential Developable area Higher urban element
	Main Urban View		Inner block connections
			Public domain improvement opportunity



Design Principles for future development on the site



4.4 ROLE OF SUBJECT BLOCK

In order to develop a considered and thoughtful proposal for the subject site, GMU has analysed the entire block in which the site is located, to understand the potential built form and urban structure opportunities to ensure the development contributes to the character of the Bexley North Town Centre.

We see an opportunity for this block to create a true focus for the town centre by exploring the creation of new public open space. In addition new mixed use development could also be sleeved with residential only or SOHO developments to Sarsfield Circuit to create a better interface. The block presents opportunities to provide links to the Circuit to improve pedestrian movement and also to create new retail edges that could start to change the perception of Bexley North to a place to dwell and enjoy.

Whilst not within the remit of this study, there are opportunities in the future for the Council to consider how their existing carpark might be improved in terms of landscape quality and improvements to the general public domain areas.

Option 1 - The Amphitheatre

This strategy seeks to:

- Consider options to introduce additional landscaping into the Council carpark in junctions between car spaces and provide increased setbacks to the boundary line of the private sites to the carpark to deliver wider verges and outdoor seating opportunities.
- Formalise links through the block to improve permeability to Sarsfield Circuit and create active retail edges to improve amenity and opportunities for public space away from vehicle traffic.
- Provide a new pedestrian link, or alternatively a laneway within the block to take traffic away from Sarsfield Circuit.
- Provide 4-5 storey townhouses or SOHO apartments to Sarsfield Circuit to transition to the residential uses on the other side of the street.
- Consider setbacks to the property boundaries and adjustments to Council's carpark layout to provide 4m wide paved footpaths to support outdoor dining and mature trees to line the car park edges.
- Introduce new trees in the diamond of space between car spaces in the Council carpark to improve the landscape character.
- Provide street tree opportunities to Sarsfield Circuit and Slade Road.
- Respond to the existing development with a 6 storey streetwall to the Council carpark.
- Celebrate the eastern gateway by increased mass to the corner at Slade Road where it will not impact adjacent residential dwelling lots and improve walkability of the piazza. Note this would be the long term vision, our site would be the catalyst.
- Increase the density of the site and rest of block up to 4-10 storeys to create an appropriate enclosure for the plaza.
- Create a 6 storey street wall height with additional storeys on specific sites as built form markers.



Examples of urban amphitheatres



Option 1. Mud-map

- KEY
- Existing 2 storey developments along Bexley Road
  - Potential higher density developments along Bexley Road
  - Subject site
  - Retail frontage
  - Commercial frontage
  - Pedestrian link (to meet ADG requirements)
  - Pedestrian arcade
  - Open space/ pocket park
  - Potential additional Pedestrian link within the block



Option 2 - The Lanes

This strategy seeks to:

- Create a strong sense of place for Bexley North by providing a strong and vibrant public space link through the private sites via a series of linked 'Lanes'.
- Activate the 'lanes' with retail and commercial uses as well as residential entry points with widths sufficient to provide outdoor dining opportunities, landscape and pedestrian movement.
- Supplement the 'lanes' with cross block links to the Council carpark and Sarsfield Circuit to encourage permeability.
- Consider lower scale to Sarsfield Circuit through SOHO or Townhouse type development with a 4 storey streetwall and setback 5th floor.
- Provide active uses along the interface with Council's carpark and improve the footpath with trees and quality paving.
- Celebrate the eastern gateway to the centre by increased massing on the corner.
- Provide a 6 storey streetwall to respond to existing development and create a sense of appropriate enclosure to the large Council car park area.
- Consider additional landscape to Council carpark by inserting trees into the diamonds of space between existing car spaces for shade and colour.



Option 2. Mud-map showing overall massing strategy

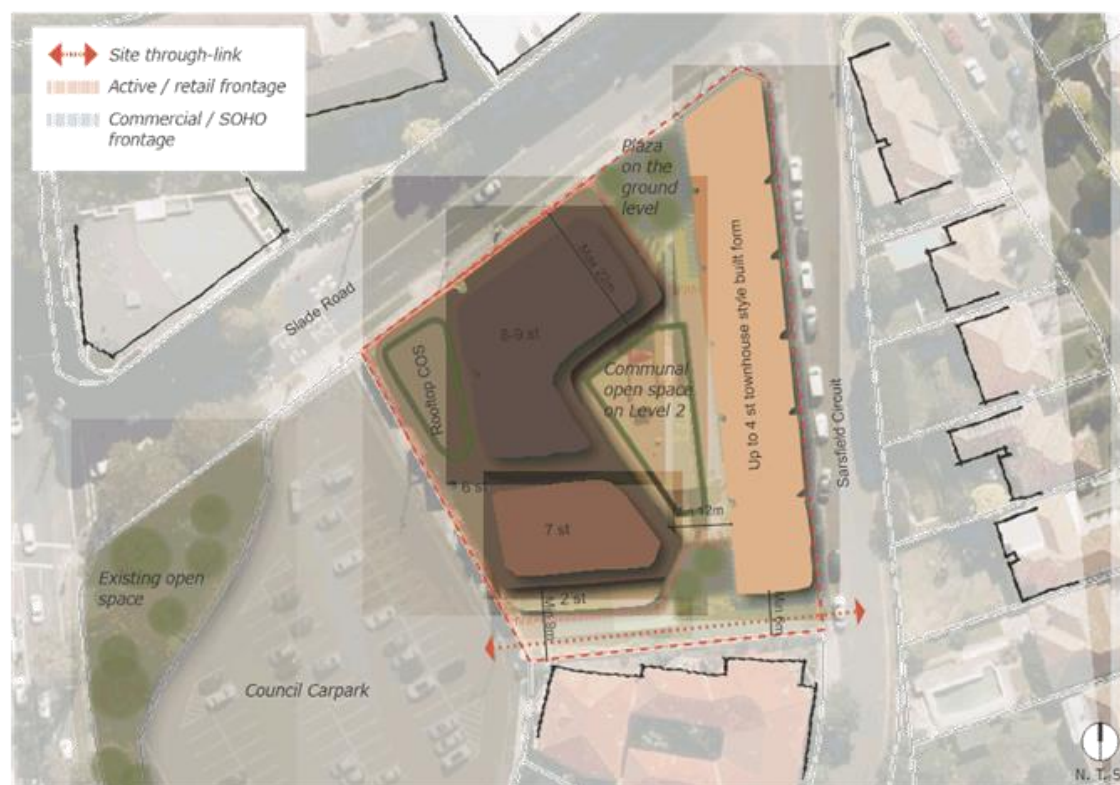


Examples of urban lanes

- KEY
- Existing 2 storey developments along Bexley Road
  - Potential higher density developments along Bexley Road
  - Subject site
  - Retail frontage
  - Commercial frontage
  - ..... Pedestrian link (to meet ADG requirements)
  - Pedestrian arcade
  - Open space/ pocket park



#### 4.5 PRELIMINARY BUILT FORM STUDIES FOR THE SITE



OPTION 01

- Create a block of 'fine grain' built form to the east of the subject site including commercial facilities (or SOHO) on the ground level to activate the public domain as per the DCP. In this option, both built forms are connected over 2 levels.
- Create a minimum 6m wide link to the south (as would be requested by Council) to improve permeability.
- Create a maximum height of 9 storeys including a 6 storey street wall height to the west and north.
- Create a maximum of 22m building depth for the residential developments.
- Create a central communal open space on Level 2 edged by residential / hotel uses.
- Create a northern pocket park/publicly accessible open space on the ground level.
- Provide retail/club facilities on the ground and first floor levels to the west of the subject site to activate the pocket park and Council's carpark.

Estimated FSR: 3.5:1



OPTION 02

- Create a separate block of 'fine grain' built form to the east of the subject site including residential uses at the ground level to respond to the residential character of Sarsfield Circuit
- Create a minimum 6m wide link to the south (as would be requested by Council) to improve permeability.
- Create a ground level north-south pedestrianised urban space and link to break the form and create a 'town square and pedestrian way' for Bexley.
- Create a maximum height of 10 storeys with 9 storey streetwall to celebrate the eastern centre entry and create a sense of enclosure to the large area of the council carpark and create a 6 storey street wall height to the remainder of the western site edge and to the north to provide an appropriate street wall.
- Create a maximum 22m building depth for the residential development.
- Create central communal open space on upper level for both future buildings.
- Include retail/club facilities at the ground and first floor levels in the western building of the subject site to activate the central space.

Estimated FSR: 3.45:1



## 4.6 THE PREFERRED MASTERPLAN

Based on the Option 2 massing strategy, GMU have developed a preferred master plan. Option 1 activates the Council carparking and provides a through site link but the location of the proposed plaza space is not ideal as it is considered too isolated and does not encourage public space provision in other sites edging the car park. Option 2 delivers 2 distinct building forms with the residential building buffering Sarsfield Circuit from the more active uses of the retail areas.

The preferred option delivers a new publicly accessible urban space via the north south laneway/plaza that will offer a sunny and protected pedestrianised outdoor space lined with active uses that will create a true destination for Bexley North and encourage continuation of this laneway character through the other sites to the south when they redevelop. It also ensures a pleasant rear facade of the development to Sarsfield Circuit with residential uses rather than a service dominated environment.

This preferred masterplan is the outcome of all the previous analysis and principles. It is aligned with the strategic direction for the area and follows the design principles outlined in Section 4.3 of this report. The masterplan also considers potential staging of the site to enable continued operation of the existing hotel.

The preferred masterplan seeks to relocate the anticipated built form mass away from the more sensitive Sarsfield Circuit interface. The built form on the eastern side of the site is lower in scale in response to the low density residential across the street. The built form on the western side of the site (facing the current Council's carpark) creates an urban marker for the eastern gateway.

The masterplan provides active frontages to the council carpark, the new plaza/ laneway and through site links. Vehicular entry is provided from Sarsfield Circuit. The car entry is located to minimise impacts to adjoining properties and is contained within the indicative built form to minimise visual exposure. Basement car parking is provided in Stage 1 (subject to DA), relying on loading from the existing pub loading area.

In the preferred masterplan, the proposed building footprints are as follows:

### Built form A

- Located on the eastern side of the site fronting Sarsfield Circuit. This massing relates to the lower density, 1 and 2 storey area opposite the street.
- Provides a 4 storey streetwall with a recessed partial 5th floor with very limited visibility from the street.
- Provides a 3 metre setback on the ground floor with landscaping and a residential character.
- Provides retail/cafe opportunities along the north south connection and Slade Road

### Built forms B and C

The proposed built forms B and C occupy the western part of the site and face Slade Road to the north and council's carpark to the west. Though they form a consolidated massing, they are likely to be two different elements as they would be staged and built separately. Built form B occupies the southern half of the site and would be built first, whilst Built Form C occupies the northern half where the existing pub is located.

### Built form B

- Southern half of the western built form
- 6 storey streetwall defining the carpark with a recessed 7th storey
- 2 storey podium to internal plaza with potential retail / commercial uses
- Assumes residential uses above podium
- Provides for a Rooftop Communal Open Space at Level 5 (6th storey) & Level 6 (7th storey)
- Provides 6 and 9 metres separation to the southern boundary to achieve ADG separation requirements
- Provides a nil setback to the public domain edge of the carpark for the ground floor active uses

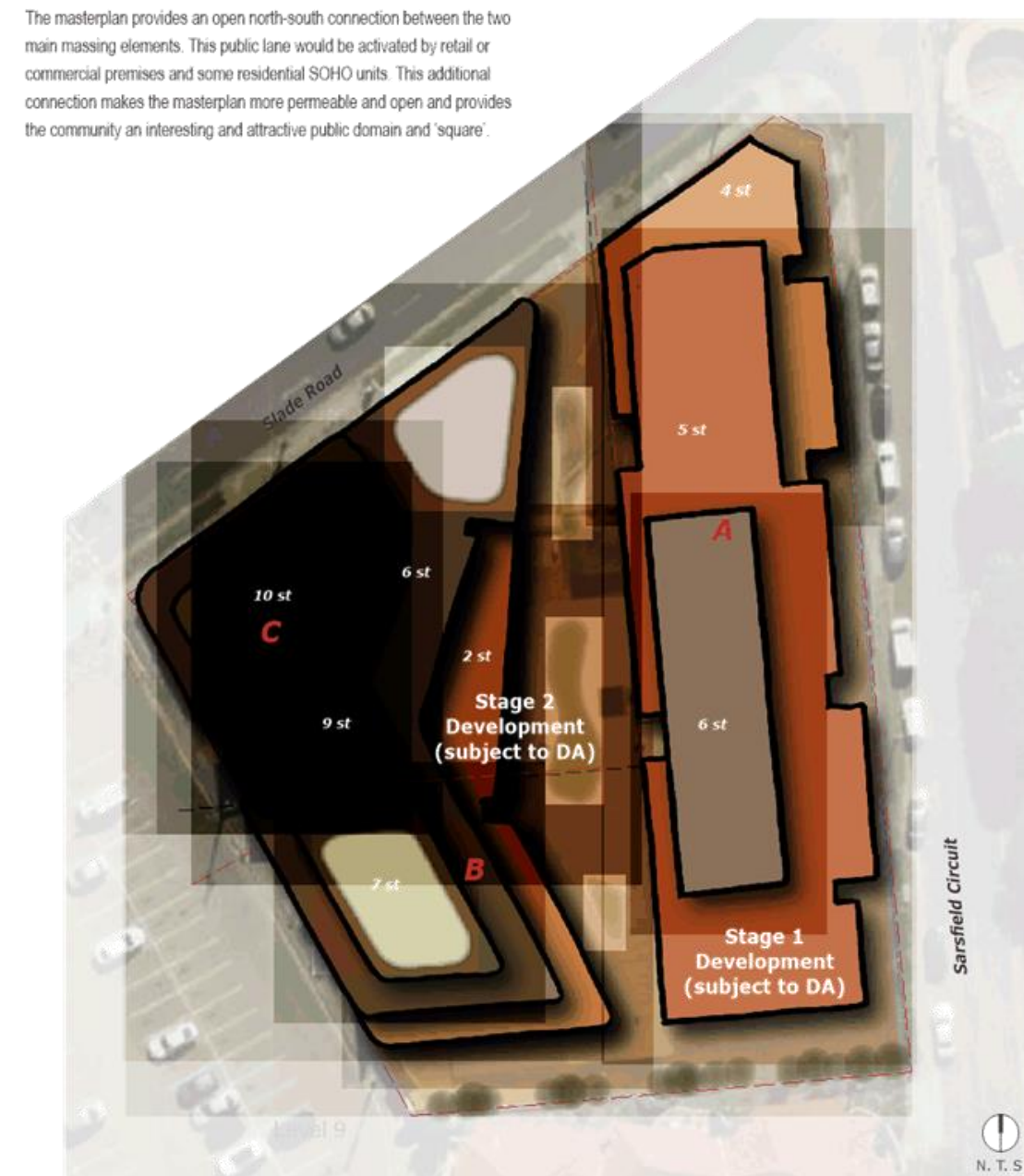
### Built form C

- Northern half of the western built form
- 6 storey streetwall defining the carpark with a maximum 10-storey corner element to celebrate entry to the centre and anchor the corner
- 2 storey podium with potential retail / commercial uses facing the Plaza
- Provides a footprint capable of accommodating hotel uses within the podium
- Provides for residential uses on Level 6 (7th storey) and above
- Provides for potential hotel uses in the taller form
- Provides a Rooftop Communal Open Space at Level 6 (7th storey)
- Provides a nil setback to the public domain edge for the ground floor and streetwall

All proposed built forms comply with the relevant DCP setback requirements. The proposal complies with ADG separation to the south and also within the site between the two buildings, subject to unit layout.

### PEDESTRIAN LANE AND THROUGH SITE LINK

The masterplan includes an east-west through site link that is part of Council's planning framework for the area. The location of this link is at the southern end of the site. This is the best location for the link as it provides a more balanced and equitable access to the town centre to the properties on Sarsfield Circuit. A more northern link would be too close to Slade Road.



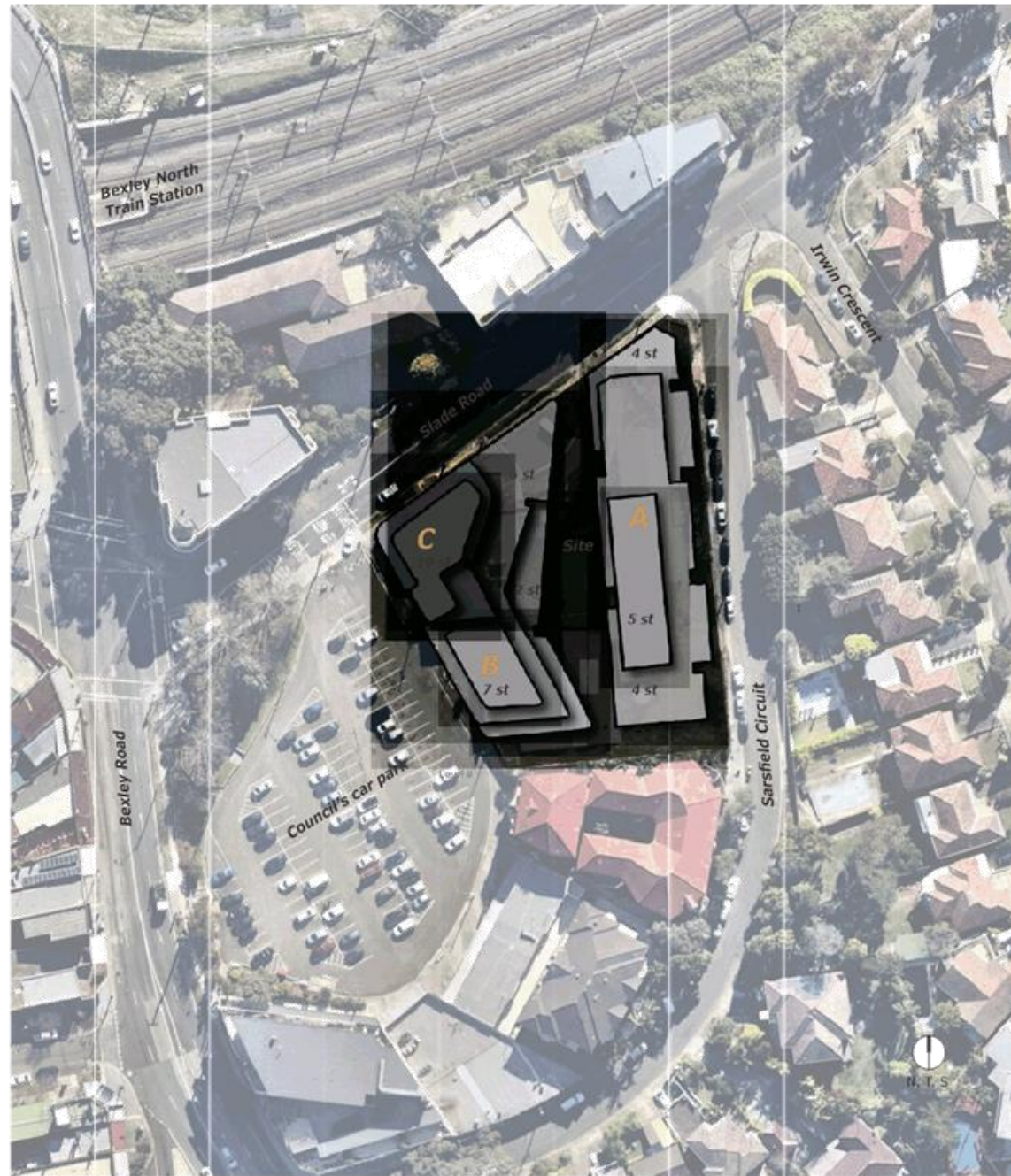
Preferred Option Masterplan for the site

## 5. ILLUSTRATIVE SKETCH DESIGN

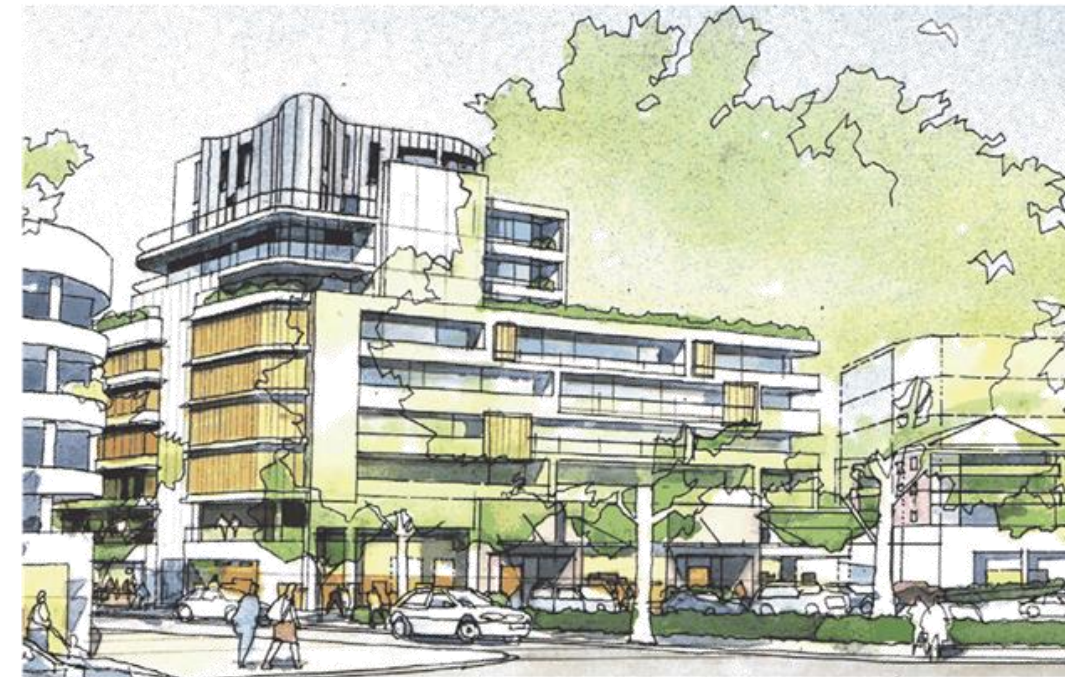




## 5.1 OVERVIEW



Site Plan (Indicative scheme)



Artist Impression of the development from the corner of Shaw Street and Bexley Road. Image by Tim Throsby

The preferred masterplan has been tested in an indicative scheme to ensure flooding, vehicle access and servicing, unit layouts, parking, etc. can be accommodated and satisfy council's requirements and the ADG.

The southern end of the site is proposed to become a 6-metre wide link (subject to acquisition by Council), open to the public, connecting Sarsfield Circuit to the town centre and providing some separation to the residential building to the south.

The proposed masterplan allows for active frontages to Slade Road and towards the current council carpark facing the town centre.

The eastern interface fronting Sarsfield Circuit provides the opportunity for a residential character aligned with the transitional nature of the street, towards the lower density residential neighbourhood to the east.

The proposed heights also transition from 10 storeys on the northwest corner of the site that serves as an urban marker for the town centre, to a 4-storey street wall to Sarsfield Circuit

Vehicular entry is likely to be provided from Sarsfield Circuit, located to minimise impacts to adjoining properties and contained within the indicative built form to minimise visual exposure. Basement car parking would be provided.

Due to the ongoing operation of the existing pub, it is envisioned that any future development will be built in 2 or possibly 3 stages.

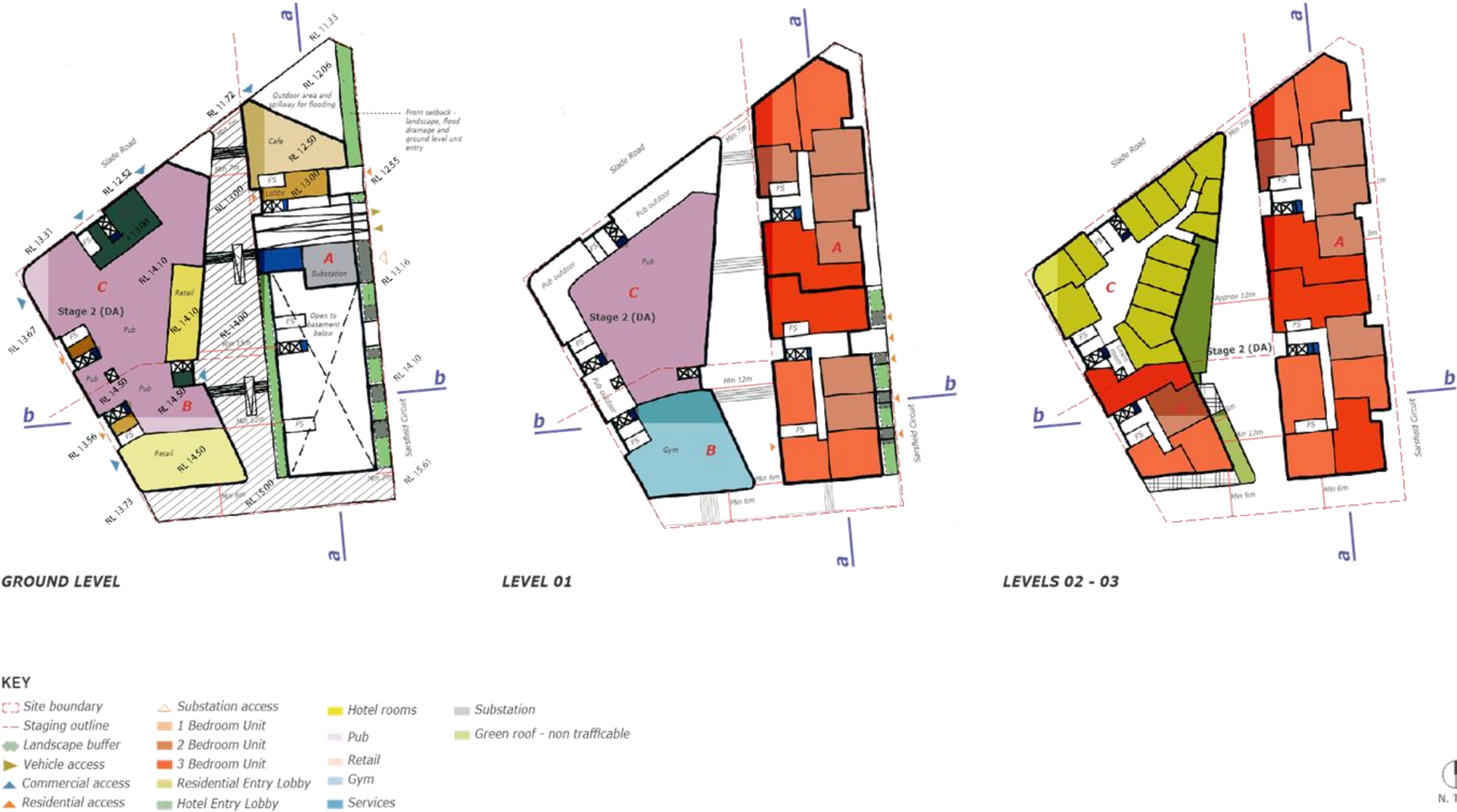
The first stage would be likely to comprise the eastern part of the site fronting Sarsfield Circuit and potentially the southwestern part of the site, leaving the current pub operational. Similarly, the basement would be built in stages subject to DA approval. Loading to the Pub premises would occur from the current location.

The second stage would consist of the northwestern corner of the site and would develop the higher element fronting the corner.

Indicative floor plans follow showing one potential approved to the massing.



5.2 INDICATIVE CONCEPT LAYOUTS



18054- PP- Bexley North- 187 Slade Road

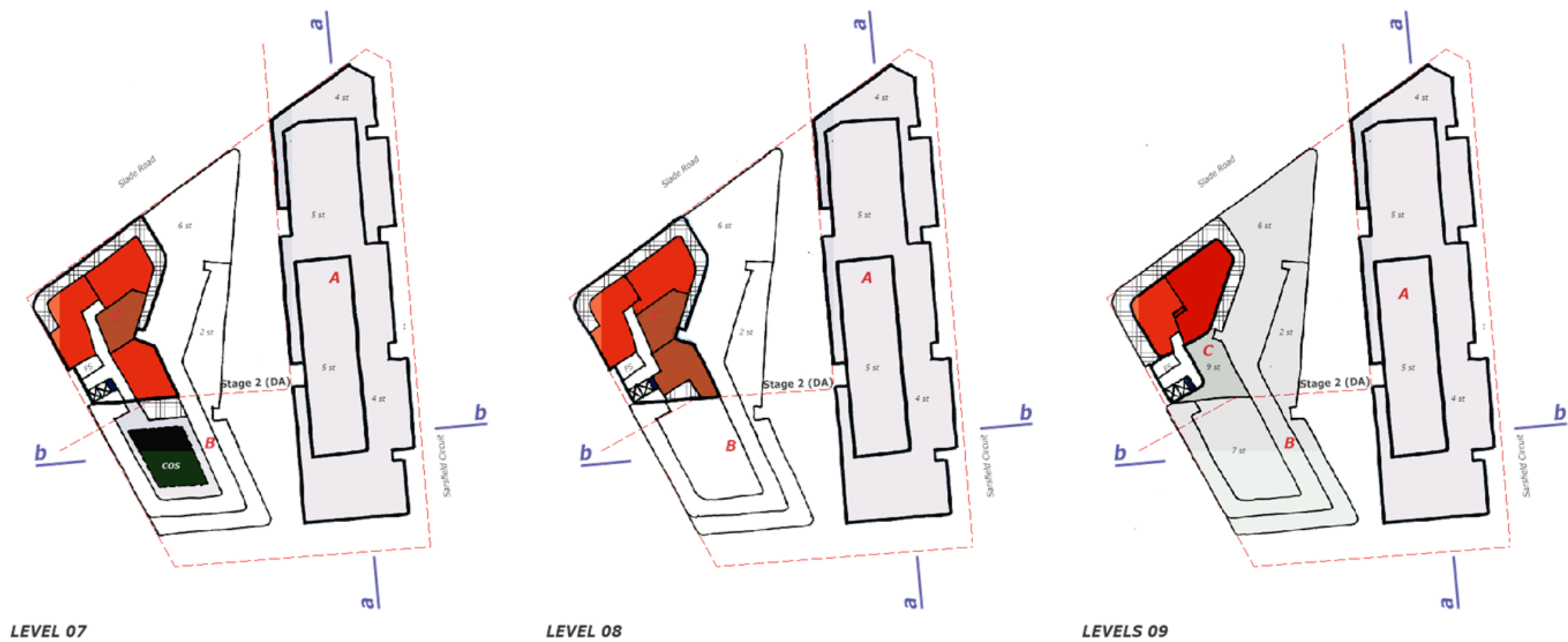
23 of 42



GMU



- KEY**
- Site boundary
  - Staging outline
  - 1 Bedroom Unit
  - 2 Bedroom Unit
  - 3 Bedroom Unit
  - Hotel rooms
  - Services
  - Green roof - non trafficable
  - Terraces
  - Rooftop COS

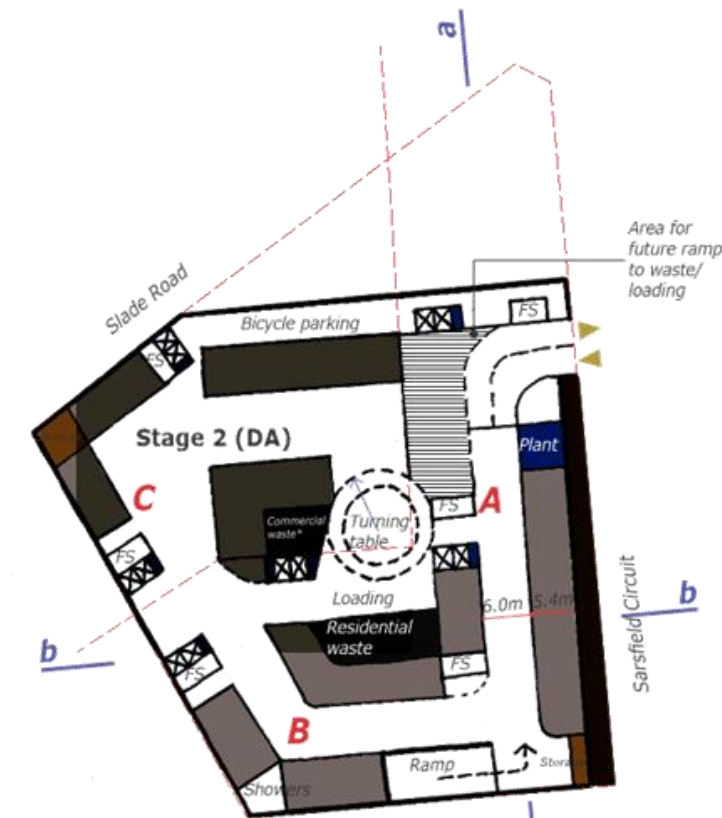


- KEY**
- Site boundary
  - Staging outline
  - 1 Bedroom Unit
  - 2 Bedroom Unit
  - 3 Bedroom Unit
  - Services
  - Terraces
  - Rooftop COS

The In order to determine the capacity of the indicative scheme to meet key ADG guidelines and deliver appropriate amenity outcomes, GMU have tested typical layout configurations. We have reviewed the performance of the potential unit layouts in terms of solar access to units and communal areas, cross ventilation and overshadowing. Our findings are summarised in Appendix 1.

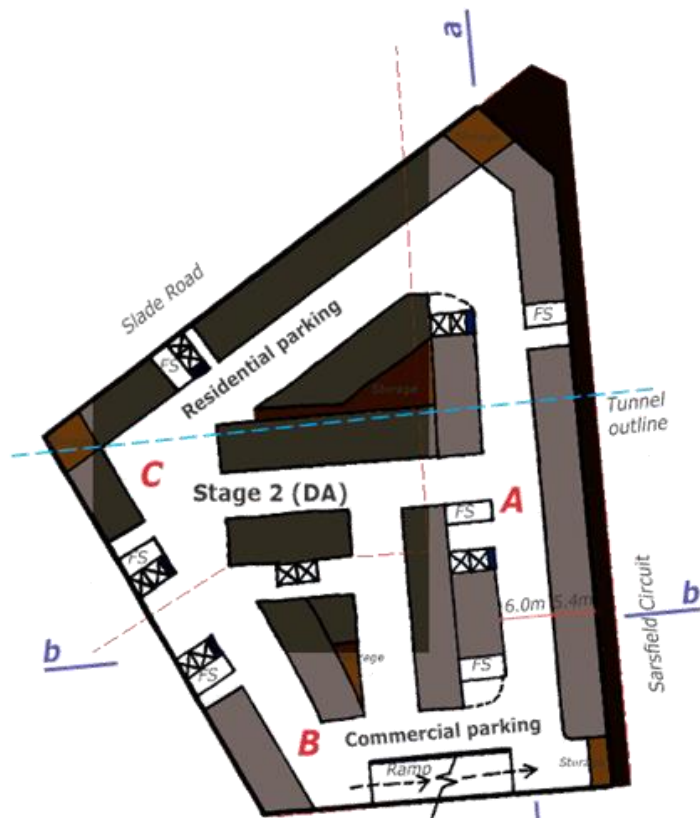


5.3 INDICATIVE BASEMENTS AND CARPARKING



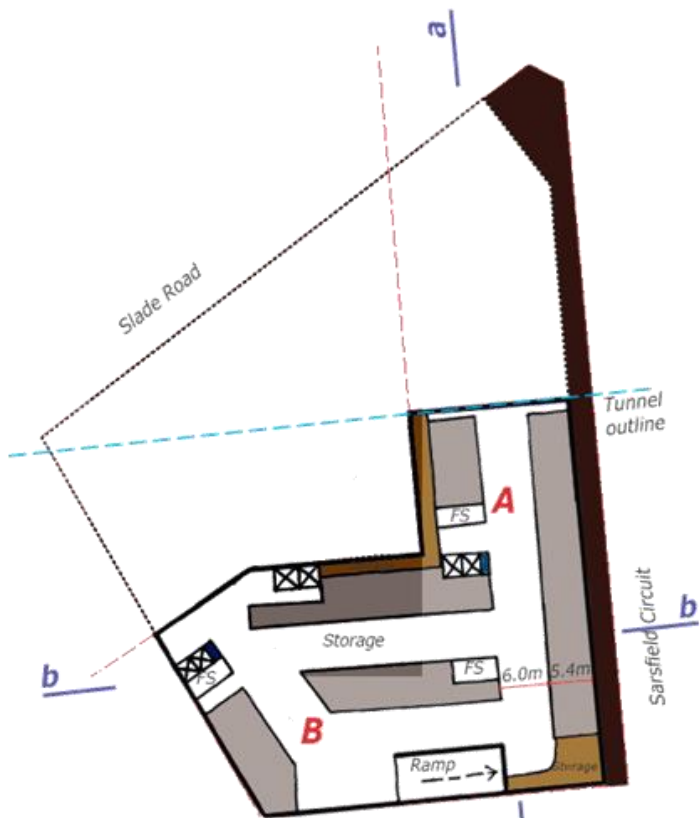
INDICATIVE LAYOUT  
BASEMENT LEVEL - B1  
COMMERCIAL PARKING

Approximately: 68 CARS



INDICATIVE LAYOUT  
BASEMENT LEVEL - B2 COMBINED  
RESIDENTIAL & COMMERCIAL PARKING

Approximately: 110 CARS



INDICATIVE LAYOUT  
BASEMENT LEVEL - B3  
RESIDENTIAL PARKING

Approximately: 42 CARS

\* Loading and commercial waste layouts to be accommodated in the existing location for Stage 1.  
Please note adjustments to layout may be required subject to potential acquisition by Council

Minimum parking rate (Source: Traffic Impact Assessment, Traffic)		
Residential rates		Hospitality, retail and commercial rates.
- 0.6 car space per 1 bedroom units		- Hotel: 1 car space per 4 rooms
- 0.9 car space per 2 bedroom units		- Pub: 1 space per 26sqm GFA
- 0.9 car spaces per 3 bedroom units		- Retail: 1 space per 40sqm GFA
- 1 visitor car space per 5 dwellings		- Gym: 4.5 spaces per 100sqm GFA
		- Cafe: 1 space per 40sqm GFA
		<b>Total car spaces required = 214</b>
		<b>Range of car spaces provided = 214-220</b>

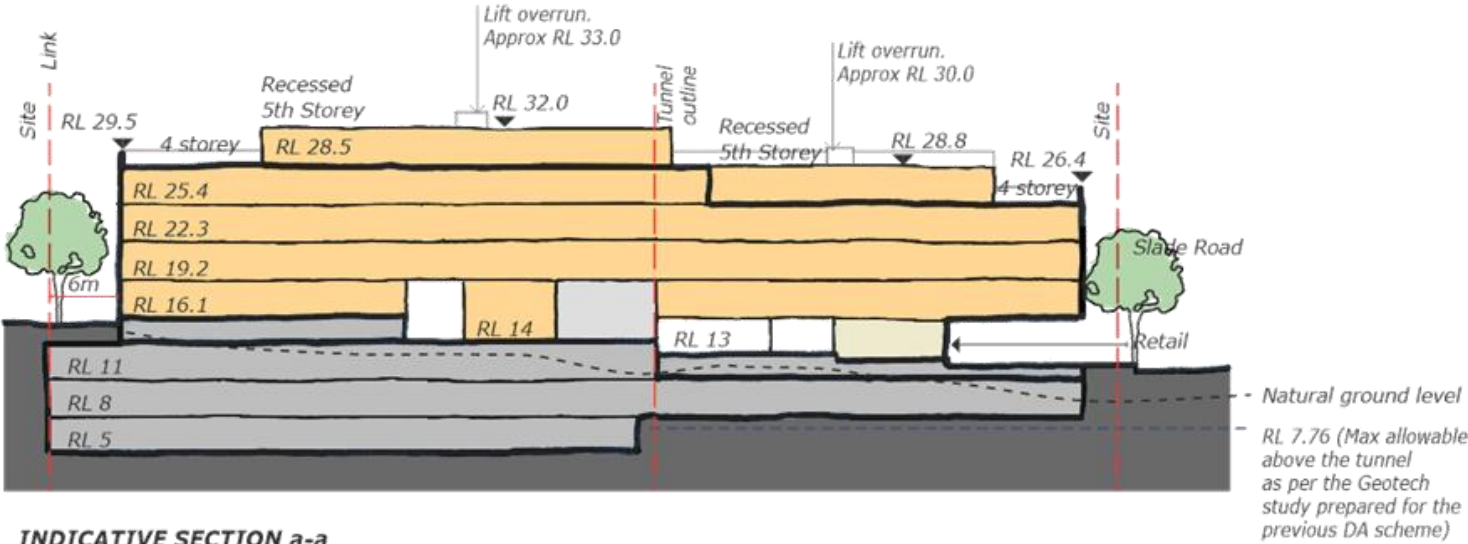
KEY

- Site boundary
- Indicative staging
- outline subject to future DA
- Vehicle access
- Parking

- Storage areas
- Waste rooms
- Deep Soil
- Services

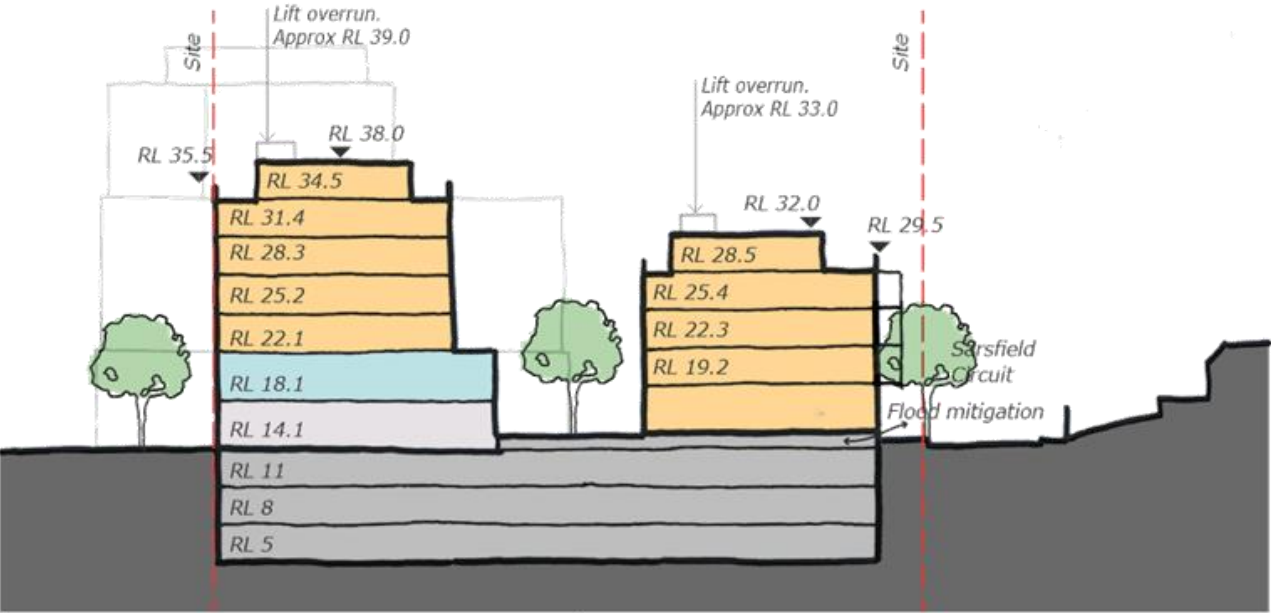


5.4 INDICATIVE SECTIONAL STUDIES



INDICATIVE SECTION a-a

- KEY
- ↔ Flood mitigation
  - Residential
  - Gym
  - Pub
  - Cafe
  - Substation
  - Basement



INDICATIVE SECTION b-b



5.5 INDICATIVE YIELD ESTIMATION



Artist Impression of the proposed laneway. Image by Tim Throsby



APPROXIMATE AREAS AND YIELD ESTIMATION

Site Area: 4,234 sqm (by survey)  
Estimated Site GFA: 14,360 sqm  
Estimated FSR : 3.4:1

Eastern Built Form (A)

- Commercial GFA 494 sqm
- Residential GFA 5,361 sqm
- Estimated Total GFA 5,855 sqm

Western Built Form (B+C)

- Commercial GFA 5,494 sqm
- Residential GFA 3,012 sqm
- Estimated Total GFA 8,507 sqm

Number of Units: 83

- Unit breakdown.
- 1 Bedroom Units 24 (28.90%)
  - 2 Bedroom Units 38 (45.80%)
  - 3 Bedroom Units 21 (25.30%)

Cross Ventilation: 50 out of 83 units are cross ventilated. (60%)

Solar Access: 66 out of 83 units receive at least 2 hours of direct sunlight to the living areas in mid winter (79%)

Detailed cross ventilation, solar access and shadow diagrams are provided in Appendix 1. Compliance Analysis



## 5.6 ILLUSTRATIVE PERSPECTIVES



Artist Impression of the development from the eastern side of Slade Road. Image by Tim Throsby





Artist Impression of the development from the corner of Shaw Street and Bexley Road. Image by Tim Throsby





Artist Impression of the proposed laneway. Image by Tim Throsby



## 5.7 URBAN DESIGN GUIDELINES

To guide the future development of the site, GMU has developed the following site specific design principles and guidelines which could be adopted by Council, if desired.

### MAXIMUM BUILDING HEIGHT

Objectives:

- Mark the eastern gateway and the Bexley North Town Centre.
- Achieve transition to adjoining residential dwellings and sensitive interfaces.
- Respond to the natural topography and characteristics of the site.
- Achieve an appropriate sense of enclosure and streetwall height to the area of the Council car park.
- Minimise visual impacts to adjoining properties and Sarsfield Circuit and ensure that the built form scale does not visually dominate the streetscape.

Proposed controls:

- Provide a maximum height control of 20m to the eastern half of the site.
- Provide a maximum height control of 35m to the western half of the site.
- Provide a maximum 4 storey streetwall height to Sarsfield Circuit.
- Provide a predominantly 2 storey streetwall height to the western built form facing the laneway to the west.
- Provide a 4 storey streetwall to the eastern side of the laneway.
- Provide a 6 storey streetwall to the Council carpark.

### BUILDING SETBACKS AND SEPARATION

Objectives:

- Complement the existing and future character of the area with appropriate setbacks.
- Provide separation to adjoining properties.
- Reinforce the street corner and transition to adjacent developments to both streets.

Proposed controls:

- Setbacks and separation distances should generally be consistent with the Urban Design Guidelines diagram shown on this page.
- Habitable spaces are to be located where separation distances are appropriate.
- Provide nil streetwall setback to the northern and western boundaries (Slade Road and Council's car park).
- Provide 3m setback to Sarsfield Circuit at Ground floor level. Encroachments into the 3m setback to Sarsfield Circuit are permissible above Ground floor level for maximum 50% of the building length. However, minimum 1m setback should be provided to the eastern boundary (Sarsfield Circuit).
- Provide secondary setback to upper levels above streetwall height.

### ACCESS

Objectives:

- Consolidate vehicular entries and improve the pedestrian environment where possible.
- Minimise impacts to dwellings on Sarsfield Circuit.
- Enhance permeability through the site and use entries to activate links and streets.

Proposed controls:

- Locate vehicular entries on Sarsfield Circuit as close to Slade Road as possible.
- Design pedestrian entries to complement the streetscape and minimise impacts to adjoining properties.

### ACTIVE FRONTAGES

Objectives:

- Maintain a residential interface on Sarsfield Circuit.
- Create a high-quality and attractive streetscape response to improve the amenity to public domain interfaces.

Proposed controls:

- Maximise active frontage areas along the western and northern site boundaries, to the western side of the laneway and northern side of the link in response to the desired future character of the area.
- Provide improvements to the pedestrian environment where possible.
- Provide active uses generally consistent with Urban Design Guidelines diagram shown on this page.

### LINKS

Objectives:

- Enhance sense of place.
- Provide a vibrant public space in the form of a pedestrianised laneway.
- Provide retail opportunities to activate the laneway.
- Improve site permeability and passive surveillance.

Proposed controls:

- A public link and plaza area should be provided between Sarsfield Circuit and the existing Council carpark, linking to Slade Road.
- The link should be located on the southern edge of the site.
- The centralised plaza should have a maximum up to 15m, tapering to minimum 7m at Slade Road, in accordance with the Urban Design Guidelines Diagram.
- The link along the southern boundary should be minimum 6m in width.

### LANDSCAPING

Objectives:

- Complement the built forms.
- Contribute to a sense of place with vibrant landscape treatment to the central plaza and to the southern through-site link.
- Provide landscape treatment to site edges where possible, improving the public domain interface.
- Ensure high levels of amenity and quality through landscaping.
- Incorporate innovative and sustainable landscape solutions.

Proposed controls:

- Ensure adequate soil depth above structure to accommodate small to medium sized trees in planters to the central plaza/laneway.
- Provide landscape treatment to private open spaces, where possible.
- Provide landscaping to site edge facing Sarsfield Circuit. Landscape treatment to be compatible with flood mitigation measures.
- Primary communal open spaces to provide BBQ facilities, seating and shading in accordance with ADG guidelines.

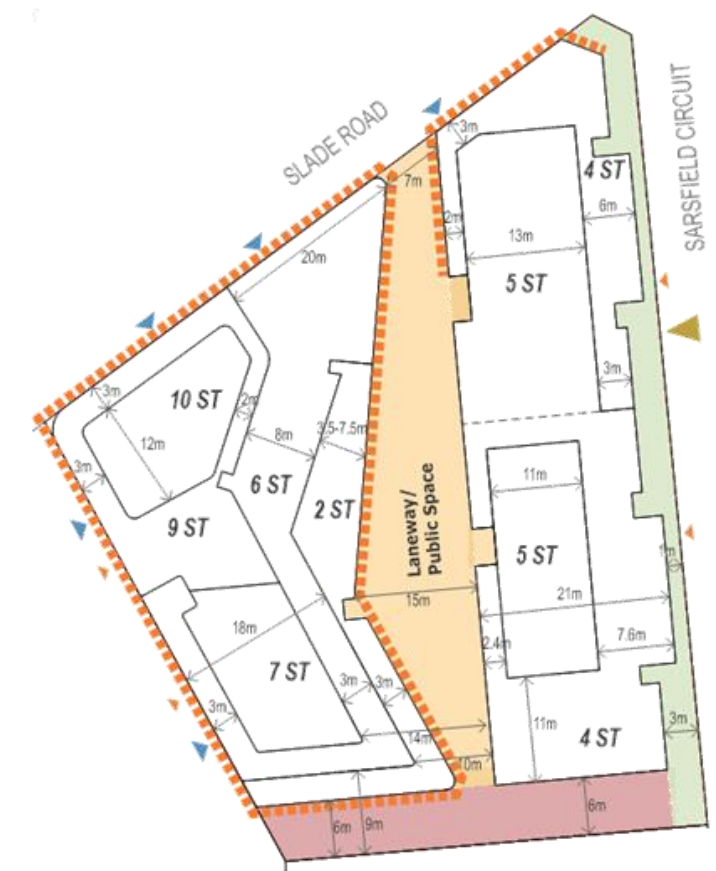
### ARTICULATION & ARCHITECTURAL CHARACTER

Objectives:

- Provide design excellence through high-quality architectural outcomes to improve the built form character of the area and the site.
- Articulate built forms to minimise visual bulk and enhance the pedestrian environment.

Proposed controls:

- Provide adequate built form articulation to ensure slender building proportions.
- Provide elegant and harmonious compositions to building elevations.
- Minimise visual bulk to upper levels.
- Provide high-quality, durable building materials to ensure design excellence.



KEY

- Site boundary
- Active frontages
- Vehicle access
- Residential access
- Commercial access
- Ground Floor landscape buffer
- Inner block pedestrian laneway / Plaza
- Public Link

N.T.S.

## 6.RECOMMENDATIONS





## 6.1 RECOMMENDED LEP AMENDMENTS

Based on the urban design analysis and the masterplan for the subject site, it is GMU and the project team's opinion that the subject site is capable of achieving greater density compared the current applicable controls.

The increased in density will not have adverse impacts in the surrounding areas, on the contrary, it will help regenerate and revisalisation of the town centre and begin to set the desired future character of the town centre that Bexley North should have.

In order to achieve this greater density, it is proposed to increase the maximum building height and the maximum FSR allowed on the site. Other statutory controls including Land Zoning do not require amendment.

The new FSR and Height controls will help achieve a positive urban design outcome for the town centre, one that is more in character with the aims and objectives of the Eastern City District Plan and the area as a whole.

The recommended height and FSR for the subject site are as follows:

### Height of Buildings

The site is currently subject to a height control of 16 m with the potential of having a maximum height control of 22 metres if the site is over 1,200 sqm, which the subject site is.

The proposal seeks an amendment to the maximum height as per Map 4 to allow a maximum height of buildings of 35m for the western part and 20m for the eastern part of the subject site.

### FSR

Currently the FSR for the subject site is 2:1, with the potential of having a maximum FSR of 2.5:1 if the site area is over 1,200 sqm, which the subject site is.

The proposal seeks an amendment to the maximum FSR allowed as per Map 3 to allow a maximum FSR of 3.6:1 for the western part and 3.2:1 for the eastern part of the subject site.

### Area C

Currently the area is included in 'Area C' in Rockdale LEP 2011.

The proposal seeks an amendment to exclude the site from 'Area C' as per Maps 3 & 4.

### EXISTING PLANNING CONTROLS

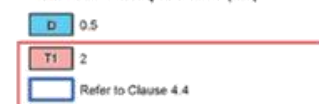


Map 1. CURRENT Rockdale LEP 2011, FSR map.

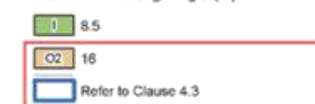


Map 2. CURRENT Rockdale LEP 2011, height of buildings map.

Floor Space Ratio Map  
- Sheet FSR\_001  
Maximum Floor Space Ratio (n:1)



Height of Buildings Map  
- Sheet HOB\_001  
Maximum Building Height (m)



### PROPOSED PLANNING CONTROLS

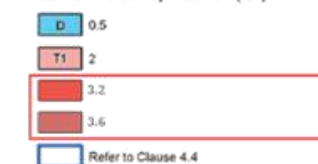


Map 3. PROPOSED FSR map.



Map 4. PROPOSED height of buildings map.

Floor Space Ratio Map  
- Sheet FSR\_001  
Maximum Floor Space Ratio (n:1)



Height of Buildings Map  
- Sheet HOB\_001  
Maximum Building Height (m)





## 6.2 CONCLUSIONS

GMU and the project team have undertaken extensive analysis of the site and the context and its potential future role in support of the growth of the area. We have developed a masterplan for the site through comprehensive evidence based analysis to ensure an built form outcome for the site.

GMU consider it appropriate to provide a built form scale on the site that consolidates and provides an enclosure to the council carpark and creates an urban marker for the eastern gateway. We consider that the proposed built form should acknowledge the lower density area to the east and provide a transition in scale on the Sarsfield Circuit.

The proposed amendments to the LEP and the site specific design guidelines offer an opportunity to begin the revitalisation of the town centre and spatially frame the carpark allowing future public benefit visions for this area.

The proposal will improve public domain interfaces and will strengthen the area's connectivity with the addition of a through site link whilst also providing a more pleasant vibrant new laneway / public domain area for local residents and visitors.

Though the site is flood affected, this can be successfully managed within the development and appropriate solutions can be adopted provisions have informed by advice from GRC Hydro hydraulic engineers.

Traffic impacts have been carefully considered and the Traffic Impact Assessment has demonstrated that the traffic impacts generated by the proposal are acceptable and can be managed by appropriate design solutions.

Overall, the proposal provides for an attractive urban environment that fits within the context and that improves and enhances the town centre. It provides for vibrant, activated, public open spaces. It improves the connectivity within the town centre, it creates an eastern gateway marker and frames the council carpark area, setting the framework for potential future redevelopment of that area.

Based on the opportunities available within the site and its relationship to surrounding context, it is reasonable and appropriate to consider higher density and height on the subject site, in alignment with a greater vision for the future of Bexley North Town Centre.

We encourage Council to support this planning proposal and recommend it for 'gateway' approval.



Artist Impression of the development from the corner of Shaw Street and Bexley Road. Image by Tim Throsby

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## APPENDIX I. COMPLIANCE ANALYSIS



A- AMENITY REQUIREMENTS - SOLAR ACCESS

In order to determine the capacity of the indicative scheme to meet key ADG guidelines and deliver appropriate amenity outcomes, GMU have tested typical layout configurations. We have reviewed the performance of the potential unit layouts in terms of solar access to units and communal areas, cross ventilation and overshadowing. Our findings are summarised in the following pages.

SOLAR ACCESS SUMMARY

66 out of 83 units receive at least 2 hours of direct sunlight to the living areas in mid winter (79%) in accordance with ADG guidelines. Only 1 (one) of 83 units receives less than 15 minutes sunlight.

The indicative layout testing demonstrates that minimum 2 hours solar access in mid-winter can be achieved to at least 50% of the principle usable communal open space in accordance with the ADG.



GROUND LEVEL  
No residential apartments



LEVEL 01  
9 out 13 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



LEVEL 02  
14 out 17 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



LEVEL 03  
14 out 17 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



LEVEL 04  
10 out 14 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



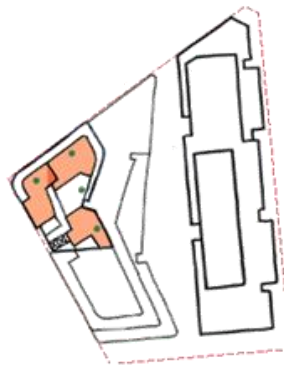
LEVEL 05  
6 out 7 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



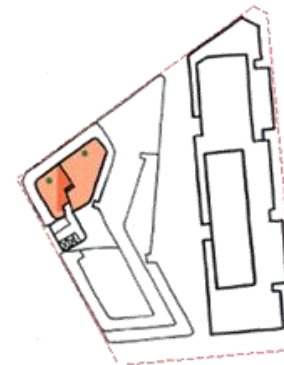
LEVEL 06  
5 out 5 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



LEVEL 07  
3 out 4 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



LEVEL 08  
3 out of 4 apartments receive 2hrs of direct sunlight to their living areas in mid-winter



LEVEL 09  
2 out 2 apartments receive 2hrs of direct sunlight to their living areas in mid-winter

KEY

Apartment receiving minimum 2hrs solar access

Private open space (indicative)

Communal open space (indicative)

B - AMENITY REQUIREMENTS - CROSS VENTILATION



**GROUND LEVEL**  
No residential apartments



**LEVEL 01**  
7 out of 13 apartments are naturally cross ventilated



**LEVEL 02**  
9 out of 17 apartments are naturally cross ventilated



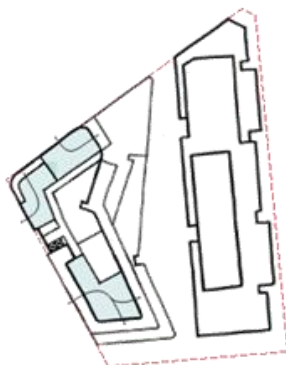
**LEVEL 03**  
9 out of 17 apartments are naturally cross ventilated



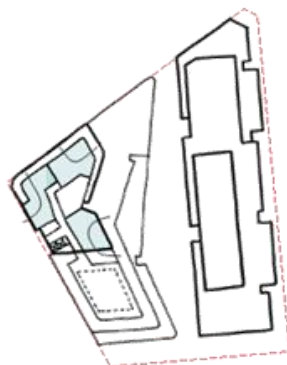
**LEVEL 04**  
9 out of 13 apartments are naturally cross ventilated



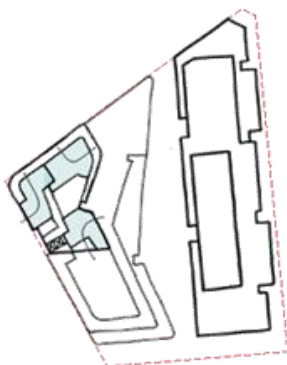
**LEVEL 05**  
5 out of 7 apartments are naturally cross ventilated



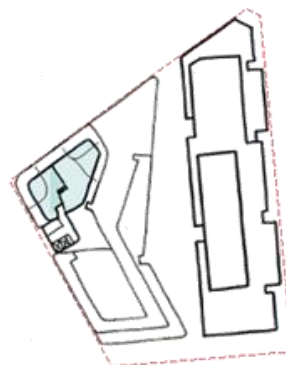
**LEVEL 06**  
3 out of 5 apartments are naturally cross ventilated



**LEVEL 07**  
3 out of 4 apartments are naturally cross ventilated



**LEVEL 08**  
3 out of 4 apartments are naturally cross ventilated



**LEVEL 09**  
2 out of 2 apartments are naturally cross ventilated

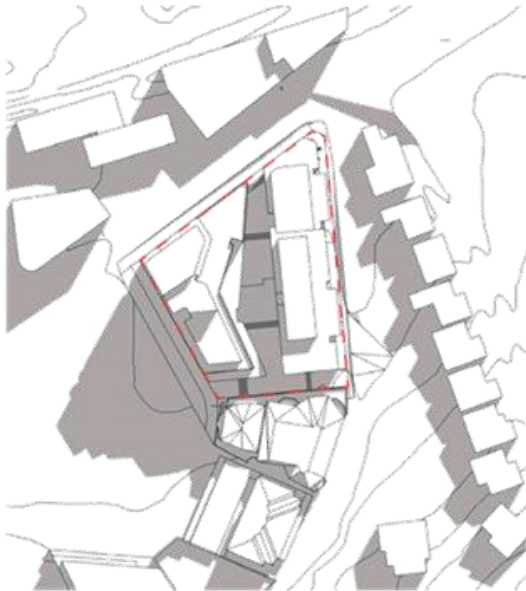
**SOLAR ACCESS**  
50 out of 83 units are cross ventilated (60%) in accordance with the ADG



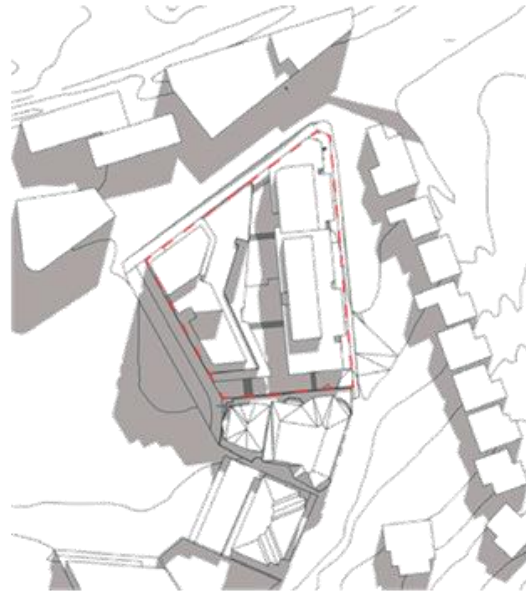
C- SHADOW DIAGRAMS



9.00 AM



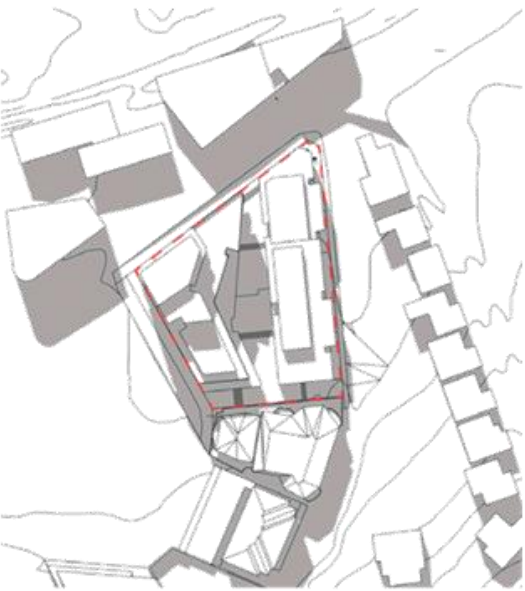
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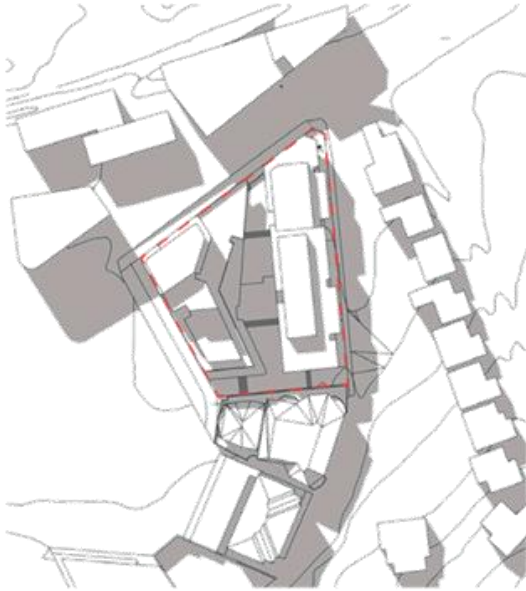
11.00 AM



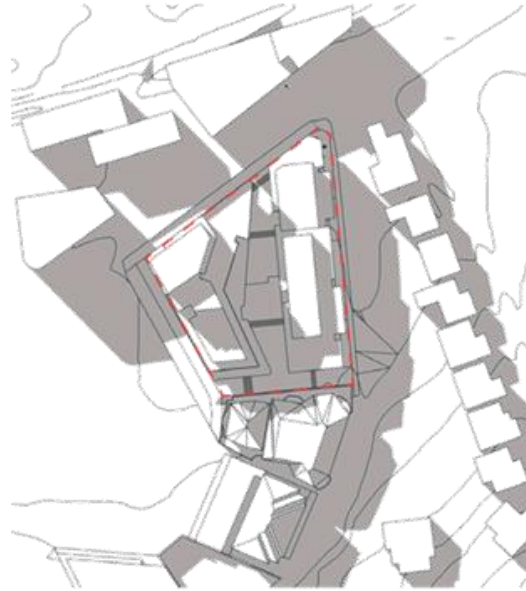
12.00 PM



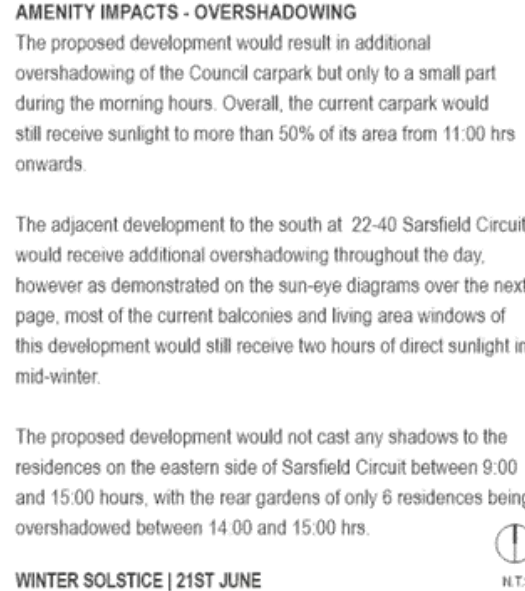
1.00 PM



2.00 PM



3.00 PM



**AMENITY IMPACTS - OVERSHADOWING**  
The proposed development would result in additional overshadowing of the Council carpark but only to a small part during the morning hours. Overall, the current carpark would still receive sunlight to more than 50% of its area from 11:00 hrs onwards.

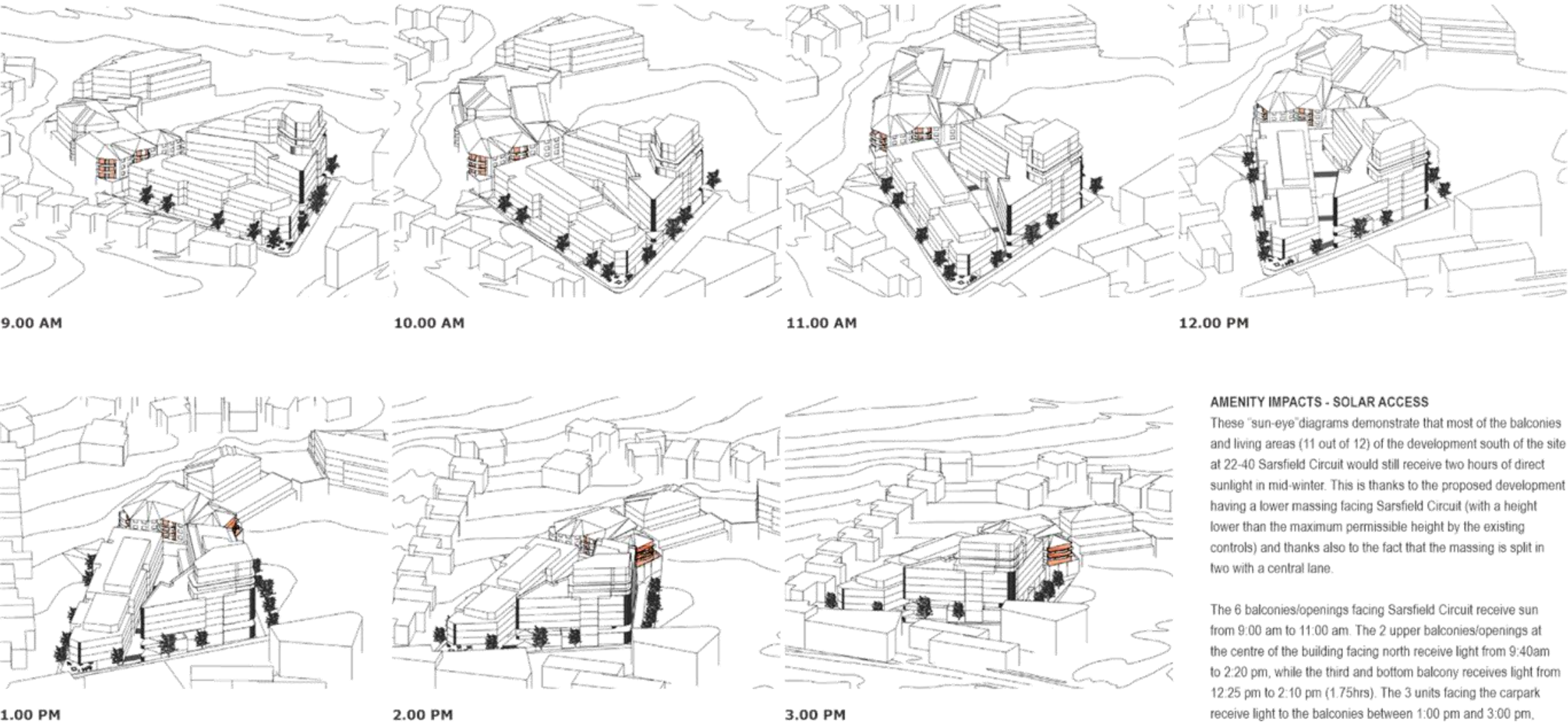
The adjacent development to the south at 22-40 Sarsfield Circuit would receive additional overshadowing throughout the day, however as demonstrated on the sun-eye diagrams over the next page, most of the current balconies and living area windows of this development would still receive two hours of direct sunlight in mid-winter.

The proposed development would not cast any shadows to the residences on the eastern side of Sarsfield Circuit between 9:00 and 15:00 hours, with the rear gardens of only 6 residences being overshadowed between 14:00 and 15:00 hrs.

**WINTER SOLSTICE | 21ST JUNE**

N.T.S.

D- “SUN-EYE” DIAGRAMS



**AMENITY IMPACTS - SOLAR ACCESS**

These “sun-eye” diagrams demonstrate that most of the balconies and living areas (11 out of 12) of the development south of the site at 22-40 Sarsfield Circuit would still receive two hours of direct sunlight in mid-winter. This is thanks to the proposed development having a lower massing facing Sarsfield Circuit (with a height lower than the maximum permissible height by the existing controls) and thanks also to the fact that the massing is split in two with a central lane.

The 6 balconies/openings facing Sarsfield Circuit receive sun from 9:00 am to 11:00 am. The 2 upper balconies/openings at the centre of the building facing north receive light from 9:40am to 2:20 pm, while the third and bottom balcony receives light from 12:25 pm to 2:10 pm (1.75hrs). The 3 units facing the carpark receive light to the balconies between 1:00 pm and 3:00 pm, though the facade is overshadowed by the existing balconies until 1:20 pm.

**Note.**

*It is worth noting that the neighbouring development has balconies and windows only 2 metres away from the side boundary as it was approved before the current planning framework was in place. If the site were to be redeveloped and were to provide the required ADG separation, it would be able to receive 2hrs of sunlight to the majority of the facade facing the subject site.*

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Project PP - Bexley North - 187 Slade Road  
Job number 18054  
Date issued 18 December, 2019



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## PLANNING PROPOSAL

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Amend Rockdale Local Environmental Plan 2011 as it applies to land at No. 187 Slade Road, Bexley North by:

- amending the height of buildings map to apply maximum building heights of 20m and 35m; and
- amending the floor space ratio map to apply maximum FSRs of 3.2:1 and 3.6:1.

Bexley North Hotel  
187 Slade Road, Bexley North

Prepared for: Tunborn Pty Ltd

REF: M170091

Date: 26 August 2020





## PLANNING PROPOSAL

**Details:**

Prepared for: Turnborn Pty Ltd

REF: M170091

Date: 26 August 2020







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- Annexure B.** Traffic and Parking Assessment prepared by Traffix
- Annexure C.** Flooding and Stormwater Assessment prepared by GRC Hydro
- Annexure D.** Stage 2 Environmental Site Assessment prepared by EIS
- Annexure E.** Landscape Plan prepared by Site Design Studios

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## Executive Summary

This Planning Proposal seeks to amend the provisions of Rockdale Local Environmental Plan (RLEP) 2011 for land at No. 187 Slade Road, Bexley North. Specifically, the Planning Proposal seeks to amend the development standards RLEP 2011 as they relate to the height of buildings (HOB) and Floor Space Ratio (FSR).

This Planning Proposal applies to the site owned and operated by Tunborn Pty Ltd known as the Bexley North Hotel at No. 187 Slade Road, Bexley North. The undertaking of the Planning Proposal will provide a unique opportunity to unlock the development capacity and community building potential of the subject site with an area of 4,236sqm that is ideally located within the Bexley North Town Centre.

An analysis of the local centres located along the T8 – Airport and South Line indicates that Bexley North is under capacity in terms of the planning controls that apply, relative to other local centres. The location, and importantly access to numerous transport options, offers enormous untapped potential to revitalise the Bexley North Town Centre. The redevelopment of the subject site presents a unique opportunity to be the catalyst for redevelopment of the local centre and deliver a suite of public benefits that will not be realised if the current planning controls are retained and the opportunity for redevelopment passes.

Based on the Urban Design Report that accompanies this Planning Proposal which tests development scenarios in accordance with the proposed revised controls, the change to the current controls will facilitate a high quality, well planned mixed use concept development incorporating approximately 83 apartments, and 5,988m<sup>2</sup> of non-residential floor space (1.41:1) including a pub, hotel, café, gym and two retail tenancies. The RLEP 2011 does not contain a blanket minimum FSR for non-residential development, however, the indicative concept proposal will retain and increase the amount of non-residential uses on the site facilitating employment growth at the same time as increasing quality housing stock. The vision for the site as established by this Planning Proposal is as follows.

- Establish a 'landmark' development at a key gateway to the Bexley North local centre, forming a visual marker and reinforcing the importance and identity of the Bexley North local centre;
- Contribute towards the revitalisation of the local centre by establishing uses and activation adjacent to the Council car park and Slade Road;
- Establish a 'destination' through the provision of ground level café, pub and retail tenancies linked to publicly accessible open space;
- Enhance pedestrian permeability through the site to link surrounding sites and public spaces;
- Address housing affordability by providing a mix of housing choices;
- Create liveable communities by providing high quality amenities and open space to meet the needs of existing and future residents of Bexley North;
- Deliver the highest standards of urban planning and excellence in architectural design.

The redevelopment of the site will provide a significant number of public benefits which include the following:

- The renewal of the existing Bexley North Hotel and associated Motel building will act as a catalyst for the future redevelopment of the urban block bounded by Bexley Road, Slade Road and Sarsfield Circuit;
- The provision of a high quality mixed use building that defines the street frontage and provides generous and well defined open spaces for residents on the upper levels;
- The provision of a through site link (subject to acquisition by Council) to connect to a potential future "Urban Piazza" or other redevelopment on Council land currently occupied by an existing carpark;
- The redistribution of massing away from the sensitive eastern boundary (reducing the currently allowable





height at this edge of the site) towards the northern and western boundaries will provide increased visual amenity through delivery of a 'landmark' building with generous building separation;

- A variation to building heights within future development will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive Bexley North Town Centre;
- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point from Sarsfield Circuit;
- Retain the existing Bexley North Hotel as a destination which is enhanced by additional retail and food and drink premises to contribute towards the economic vitality and increased activation on the primary frontage to Slade Road, within an easy and safe walking distance to a catchment of local residents;
- The provision of lower density residential uses fronting Sarsfield Crescent to provide a transition in scale to the low density residential development to the east and provide increased natural surveillance of the public domain, and
- Deliver the highest standards of urban planning and excellence in architectural design.

An Urban Design Report (UDR) and indicative concept proposal has been prepared by GMU (refer to Annexure A). The UDR demonstrates that the proposed LEP changes will facilitate high quality urban form compatible with the context and setting of the broader locality and the immediate surroundings. Furthermore, the UDR and indicative concept proposal shows future development can relate positively to the features of the site as well as to surrounding public spaces and residential buildings. The indicative concept proposal will provide for the following:

- The construction of two buildings, comprising a 4-5 storey eastern building predominantly comprising residential apartments and a 6-10 storey western building comprising commercial, hotel and residential uses;
- Publicly accessible open space located between the two buildings;
- Approximately 83 apartments across the two buildings;
- Café on the ground floor of the eastern building fronting Slade Road;
- Two retail tenancies fronting the public open space;
- Retention of the Bexley North Hotel on the Ground Level and Level 1;
- A gym on Level 1 of the western building;
- A hotel in the northern portion of the western building on Levels 2-5; and
- Three basement levels providing for up to 214 car parking spaces.

This application is consistent with the local, regional and state planning strategies for Bayside LGA and the Eastern City District Plan within the Sydney Metropolitan Area. This application has the potential to make a substantial positive contribution to the quality and utility of public space and result in the efficient use of a well-serviced site to provide a development which is diverse and vibrant, compatible with neighbouring properties and a high quality urban environment. The Planning Proposal is worthy of Council's support.





# 1. Introduction

This Planning Proposal has been prepared for Turnborn Pty Ltd, owner of No.187 Slade Road, Bexley North. This application is a request to Council to seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment (EP&A) Act, 1979*. This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act, 1979* as well as the NSW Department of Planning publication "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

The primary intent of the application is to initiate a Planning Proposal process to amend the development standards of Rockdale Local Environmental Plan (LEP) 2011 to:

- o amend the height of buildings control to permit buildings to a maximum height of 20m and 35m;
- o amend the FSR control to permit buildings with a maximum FSR of 3.2:1 and 3.6:1; and,
- o exclude the site from "Area C" on the Height and FSR Maps.

An Urban Design Report (UDR) has been prepared by GMU and is attached as Annexure A. The UDR provides analysis of the existing urban fabric and the constraints and opportunities which create the setting to support redevelopment of the site. The indicative concept proposal demonstrates how future redevelopment could be accommodated on the subject site in accordance with the new controls.

The proposal is consistent with local and state government planning strategies to facilitate more efficient and economic use of urban land within the Bayside LGA. The site is located within the Bexley North Town Centre with established public transport links and access to services and community/social infrastructure. The indicative concept proposal demonstrates the opportunities to integrate residential and commercial land uses with improvements to the streetscape, new vehicular and pedestrian links and achieves positive environmental, social and economic outcomes.

This application for a Planning Proposal has been informed by the following documents:

Table 1 – Supporting Documents with this Planning Proposal		
Annexure	Document	Author
A	Urban Design Study	GMU
B	Traffic and Parking Assessment	Traffix
C	Flooding and Stormwater Analysis	GRC Hydro
D	Stage 2 Environmental Site Assessment and Addendum Cover Letter	JK Environments (formerly known as Environmental Investigation Services)
E	Landscape Plan	Site Design Studios

This report is divided into six sections including a locality and site analysis, existing planning provisions, draft planning provisions, the Planning Proposal and a conclusion.





## 2. Locality and Site Analysis

### 2.1 THE CONTEXT

#### 2.1.1 Metropolitan Context

The subject site is located in the suburb of Bexley North approximately 11km south west of the Sydney CBD. The subject site is classified as a local centre under the Eastern City District Plan.

The Bexley North local centre is located to the north-west of the Kogarah Strategic Centre but is located approximately 200m walking distance to Bexley North Station on the T8 – Airport and South Line and 250m from the entry/exit to the M5 Motorway. The site is also located approximately 5km west of Kingsford Smith Airport and approximately 9km north-west of Port Botany, providing a high level of accessibility.

Bexley North Town Centre comprises a mix of low and medium density development reflective of its status as a local centre. The town centre provides residents with a high level of amenity due to its centralised location within the greater metropolitan region and access to public transport. Furthermore, residents and employees within the suburb have access to major shopping centres, parks, recreation facilities, services and employment in the nearby suburbs.



Figure 1: Context within the Eastern City District.



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## 2.2 THE SITE

The subject site is a corner block located on the southern side of Slade Road and comprises a single irregularly shaped allotment known as No. 187 Slade Road, Bexley North with legal description Lot 30 in DP 1222252. The location of the subject site is shown edged red in the aerial image provided at **Figure 2**.



Figure 2 Aerial image (Source: NearMap)

The subject site has a 74.675m wide frontage to Slade Road, and an 86.92m wide secondary frontage to Sarsfield Circuit. The western property boundary is 54.845m in length and the southern property boundary is 45.72m in length. The site has an area of 4,236sqm. A detailed Land Survey is submitted with this application for a Planning Proposal and indicates boundary lengths, site area, spot levels and the location of existing structures and vegetation within the allotment.

The landform has been modified in the past to create a relatively level building platform upon which the existing development is situated. The level portion of the site is at or about RL 12.6. An earth batter is situated at the south eastern corner of the site and along the eastern property boundary where the site slopes upwards to the level of Sarsfield Circuit. The most significant difference between the street level and the existing site level occurs at the south eastern end of the site where a difference of approximately 3m is apparent. The low point of the site is at the north-eastern corner, being the intersection of Slade Road and Sarsfield Circuit.

The site presently accommodates the Bexley North Hotel, a single storey brick structure incorporating drive through bottle shop and 'beer garden', as well as a two storey hotel development with undercroft parking. Extensive retaining structures exist along the eastern and southern property boundaries. The site has four vehicular access points including two from Slade Road servicing the bottle shop and two from Sarsfield Circuit servicing the hotel. Pedestrian access to the Bexley North Hotel (i.e. the pub building) is from the Council owned public car park to the west. Vegetation is limited to a small number of shrubs.



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Photographs of the subject site depicting existing site conditions is provided at **Figure 3** through **Figure 7**.



Figure 3 Looking east towards the Bexley North Hotel



Figure 4 Looking east from the public car park towards the Bexley North Hotel





Figure 5 Looking east at the drive through bottle shop from Slade Road



Figure 6 Looking south towards the hotel from Slade Road



Figure 7 Looking south towards the hotel from within the site boundary

## 2.3 SURROUNDING DEVELOPMENT

The site is located on the southern side of the rail corridor in close proximity to Bexley North Railway Station (approximately 200m walking distance) and within the Bexley North Town Centre. The site therefore has optimal access to public transport, as well as local services and facilities including shopping centres, professional and health services, and places of leisure. Proximity to public transport, services and facilities enhances the status of the site as a desirable location for higher density mixed use development comprising residential accommodation and commercial floor space.

Land use composition in the immediate locality is considerably varied as is expected at the junction of a number of disparate land use zones. Land use within the Bexley North Town Centre is characterised by multi storey mixed use development incorporating ground level commercial premises and residential accommodation above. The western side of Bexley Road contains a more traditional commercial strip and the focal point of the Centre is the public car park at the corner of Slade and Bexley Roads. Beyond the Centre, land use is almost exclusively low density residential, interspersed with educational facilities and public reserves.

The aerial image provided at **Figure 8** indicates key features of the immediate area.



Figure 8 Key features in proximity to the subject site

Adjoining the site to the south at Nos.22-40 Sarsfield Circuit is a four storey mixed-use development with car parking and commercial floor space at ground level and three levels of residential accommodation above. The ground level is a podium base and is constructed to all property boundaries. The residential levels are setback from the edges of the podium and a number of dwellings have north-facing window openings and private open space areas oriented towards the subject site. The ground level commercial premises presents to the public car park and pedestrian access is available directly from the car park. Vehicular access is also available from Sarsfield Circuit.

Adjoining the site to the west at No. 316 Bexley Road is a Council owned public car park. The car park is classified as 'operational land' under Schedule 4 of the RLEP 2011. The car park services commercial and business development in the Bexley North Town Centre and is heavily utilised. Pedestrian access to the Bexley North Hotel is via the car park and this arrangement is understood to be long-standing. This is consistent with the properties to the south with each building fronting to the car park and containing the primary pedestrian access.

To the north of the site on the opposite side of Slade Road is an older style three storey residential flat building development with parking at ground level (No. 234 Slade Road) and a more contemporary five storey mixed use development with commercial floor space at ground floor and residential accommodation above (No. 236 Slade Road). Both developments have living areas and private open spaces in the form of balconies presenting to Slade Road and away from the train line to the north. In each case, vehicular access is from Slade Road.

On the opposite side of Sarsfield Circuit to the east of the subject site, land use is characterised by low density residential development. The dwellings on this block present to Irwin Crescent and turn their backs on Sarsfield Circuit. These dwellings do not have any physical connection with Sarsfield Circuit in the form of vehicular or pedestrian access points and the visual connection with Sarsfield Circuit is somewhat compromised by the unbroken length of solid boundary fencing along the rear property boundary of these properties.

Figure 9 through Figure 17 indicate the nature and form of development in the immediate locality.





Figure 9 Looking towards the mixed-use development at Nos. 22-40 Sarsfield Circuit from the public car park



Figure 10 Mixed-use development at Nos. 8-20 Sarsfield Circuit



Figure 11 Mixed-use development at No 2 Sarsfield Circuit



Figure 12 Northern elevation of mixed-use development at Nos. 22-40 Sarsfield Circuit





Figure 13 Looking southeast from the corner of Bexley Road and Slade Road towards the council owned public car park adjacent to the subject site.



Figure 14 Looking north-east along Slade Road at Nos. 234 and 236 Slade Road





Figure 15 Looking north from Bexley Road towards mixed-use development at No. 238 Slade Road



Figure 16 Commercial strip along the western side of Bexley Road



Figure 17 Streetscape presentation of low density residential development along Sarsfield Circuit

## 2.4 CONNECTIVITY TO PUBLIC TRANSPORT

The site is located within 200m walking distance of Bexley North Train Station on the T8 – Airport and South Line, providing regular train services to Sydney CBD via the Airport, and to Revesby. The site is also in close proximity to several bus stops along Bexley Road and Slade Road. Bus routes 410, 420, 420N, 446, 491 and 493 operate to locations including Hurstville, Eastgardens, Burwood, Roselands and Waterloo Park.

## 2.5 DEVELOPMENT APPLICATION DA-2017/541

Development Application DA-2017/541 was lodged 27 October 2017 and sought development consent for the retention of existing pub and bottle shop known as Bexley North Hotel; demolition of existing motel and a portion of the pub component and construction of a mixed use development comprising of a six (6) storey motel containing 66 rooms; a nine (9) storey shop top housing development fronting Sarsfield Circuit containing 80 dwellings and 1,267sqm of commercial floor space over three (3) basement levels.

This development application was withdrawn by the applicant on 12 February 2017 following meetings with Council officers which encouraged that the proposal should be submitted as a Planning Proposal rather than a development application, given variations sought to the planning controls.

This application for a Planning Proposal seeks to amend the RLEP 2011 height of buildings and FSR development standards prior to the re-lodgement of a revised development application.



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## 2.6 MATTERS SPECIFIC TO FUTURE DEVELOPMENT CAPACITY

### 2.6.1 Geotechnical and Contamination

The subject site is not affected by acid sulfate soils or salinity.

A Stage 1 Preliminary Environmental Site Assessment was undertaken as part of DA-2017/541 by EIS and a subsequent Stage 2 Environmental Site Assessment report was prepared and submitted with that Development Application. EIS recommended the following

- A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;
- A validation assessment should be undertaken on completion of remediation at each development stage; and
- The following unexpected finds protocol should be implemented during excavation works at the site.

Part 10 – Discussion and Conclusions of the Stage 2 Environmental Site Assessment dated 19 March 2018 by EIS concluded the following:

*The site can be made suitable for the proposed development provided that further investigation and subsequent remediation and/or management is undertaken.*

A letter from JK Geotechnical (formally EIS) dated 18 September 2019 details that the conclusions and recommendations of the Stage 2 Environmental Site Assessment remain valid (refer to Annexure D).

While it is expected that the future development of the site will include excavated basement car parking, no additional soil and ground water studies are required in conjunction with this Planning Proposal. All matters relating to excavation and contamination are more appropriately addressed as required with any future development application.

### 2.6.2 Flooding and Stormwater

The subject site is not identified as being within a Flood Planning Area, however adjoining properties to the north and south are mapped as being within the Flood Planning Area. A Flood Report has been prepared by GRC Hydro and is attached at Annexure C.

A supplementary Flood Investigation Report was prepared by GRC Hydro on 26 August 2020 to address Council's concerns in relation to flooding. This report is provided with the updated documentation. The report concludes the following:

- GRC Hydro have done extensive work on flood modelling at the site for a previous Development Application;
- Since that time Council have provided an improved Council modelling tool that is suitable for site analysis;
- The site is flood liable albeit to overland flows or what would tend to be called stormwater;
- Council stormwater assets on the site currently lie under buildings – the re-development is an opportunity to put such assets in locations where they can be accessed should maintenance be required;
- Site's flood liability is very much affected by a re-distribution of flow that resulted from a 2010 development approved at the corner of Sarsfield Circuit and Bexley Road;
- Flood liability of the site means that compliance with DCP controls is required to be achieved by any development;
- Compliance with risk management requirements (appropriate floor levels, building materials etc.) is straightforward;
- Compliance with impact consent conditions required the following mitigation measures:
  - Site Storage via detention Tank;
  - Swale on the eastern side of the development; and





- Pipe diversion on Slade Road.

All further matters relating to flooding and drainage are more appropriately addressed as required with any future development application.

### 2.6.3 Heritage and Archaeological

The subject site is not a listed heritage item, is not located within a heritage conservation area and does not adjoin any heritage items or heritage conservation areas. It is not anticipated that the redevelopment of the site would prejudice the heritage significance or setting of any items of heritage significance.

Furthermore, an AHIMS Basic Search has also been undertaken and reveals that there are no Aboriginal sites that have been recorded on or in the vicinity of the subject site.

### 2.6.4 Traffic and Transport

The subject site has two frontages to public roads, the primary frontage being to Slade Road and the secondary frontage to Sarsfield Circuit. The existing pub building currently provides two vehicular crossovers from Slade Road to service the bottle shop of the Bexley North Hotel with vehicular access to the existing motel accommodation via Sarsfield Circuit. It is noted the M5 Motorway tunnel extension is proposed under the northern section of the site, however the design of the indicative concept proposal will ensure all works are clear of this tunnel.

The indicative concept proposal indicates that a three level basement will be provided with a two lane driveway providing residential and commercial vehicle access with a separate truck loading bay entrance adjacent the residential and commercial driveway off Sarsfield Circuit. The single vehicular access point will be sufficient to accommodate SRVs to service the loading areas and rubbish collection and also provide access to the separate commercial and residential car parking spaces. The remaining vehicular crossovers will be closed and made good to improve vehicular and pedestrian safety.

There are continuous concrete pedestrian pathways on Slade Road and it is anticipated that the redevelopment of the site will include the reconstruction of the footpath reserves for the full frontage of the site.

Bexley North Railway Station is located approximately 200m north-west of the subject site. Bexley North Railway Station is located along the T8 – Airport and South Line providing connections to Campbelltown, International and Domestic Airports, Green Square, Central, Circular Quay and Town Hall. Rail services to the City from Bexley North Railway Station depart every 15 minutes during morning and evening peak periods.

A Traffic and Parking Assessment (TPA) has been prepared by Traffix and is attached as Annexure B. A revised Traffic Impact Assessment (TIA) dated August 2022 was prepared in response to issues raised by Council. This document is submitted separately with the Planning Proposal. Both reports conclude as follows:

*"The planning proposal is supported on transport planning grounds and will operate satisfactorily, even based on the set of worst-case assumptions made for the concept development."*

### 2.6.5 Tree Protection and Retention

There are no trees of any significance on the subject site. Any existing trees on the site are self-seeded and are required to be removed. Specific details regarding tree removal will be considered at the development application stage.

The indicative concept proposal will provide a significantly improved and structured landscaped proposal to ensure the long term retention of the proposed trees and a high level of amenity for the subject site. There will be adequate opportunities for compensatory planting to enhance the streetscape and the microclimatic conditions within the site.





#### **2.6.6 ANEF Zone**

The subject site is not subject to significant aircraft noise or within any ANEF contour. As such, it is not considered that a detailed acoustic assessment is required.

#### **2.6.7 Voluntary Planning Agreement (VPA)**

A letter of offer to enter into a VPA will be provided to Council under separate cover. Should the application receive a positive Gateway determination, the applicant intends to progress a draft VPA with Council that may be subject to public exhibition concurrently with the draft Planning Proposal.



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## 3. Existing Planning Provisions

### 3.1 ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 (RLEP 2011)

The subject site is zoned B4 – Mixed Use under RLEP 2011 and the zoning is not proposed to be altered by this application for a Planning Proposal. The current development standards that apply to the site under RLEP 2011 are summarised as follows:

Table 2 Summary of Current Development Standards

Control	Existing Requirement	Figure
Height of Buildings	16m plus 6m (Area C)	18
Floor Space Ratio	2:1 plus 0.5:1 (Area C)	19

It is noted that the subject site is located within Area C under the HOB and FSR maps of RLEP 2011 and comprise of a site area of greater than 1,200sqm. This application for a Planning Proposal seeks to alter the development standards on the maps for Clauses 4.3 and 4.4 of RLEP 2011 and will exclude the site from Area C given site specific HOB and FSR development standards will be sought. The current development standards are detailed in the following maps:

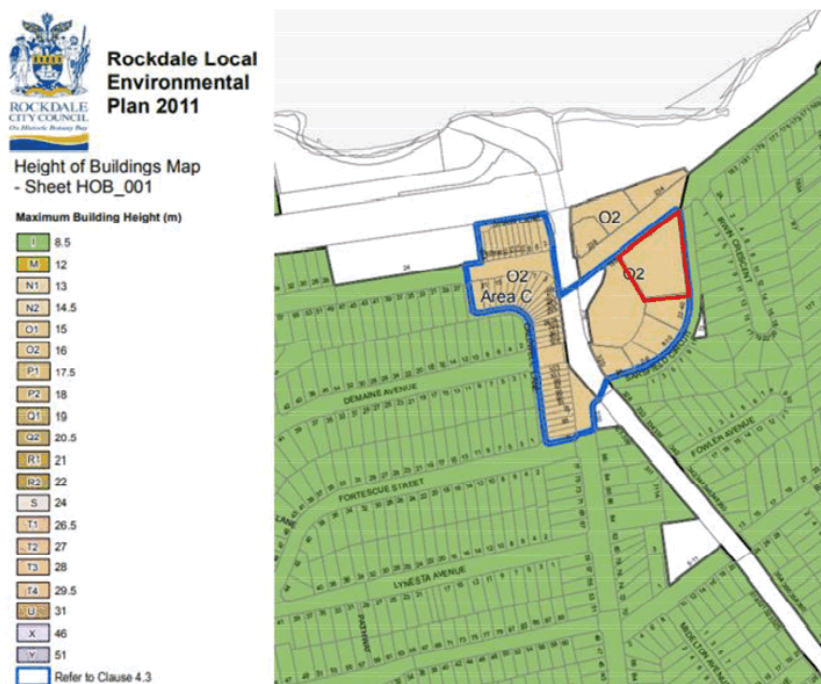


Figure 18: Extract from RLEP 2011 Height of Buildings Map (HOB\_001) with the subject site edged in red



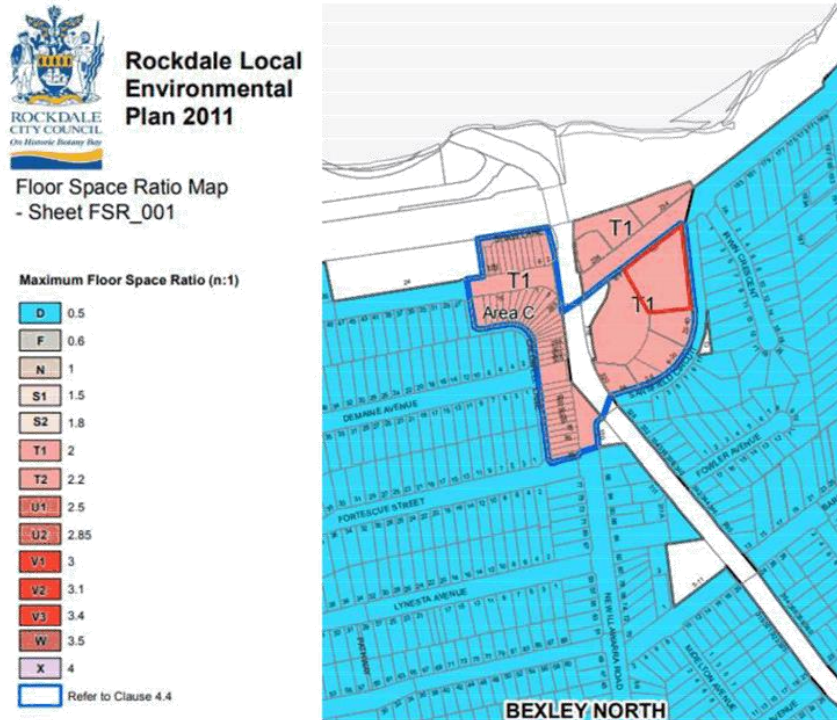


Figure 19: Extract from RLEP 2011 FSR Map (FSR\_001) with the subject site in red

The above listed provisions are proposed to be amended as described in Section 4.

The land is not mapped as being a heritage item or within a heritage conservation area, requiring an active frontage, contain acid sulfate soils, subject to flooding or subject to any other environmental or hazard constraints.

### 3.2 ROCKDALE DEVELOPMENT CONTROL PLAN 2011

The Rockdale Development Control Plan (RDCP) 2011 applies to the subject site. There are a number of controls within RDCP 2011 are relevant to the proposed redevelopment of the site. These include:

- Part 4 – General Principles for Development; and,
- Part 5 – Building Types (Mixed Use);

A site-specific Development Control Plan (DCP) will be prepared post-Gateway for public exhibition with the draft Planning Proposal documents. Details of intended controls are demonstrated in the indicative concept proposal which provide sufficient information on setbacks and building envelope controls to enable Gateway Determination.

In addition, the site-specific DCP will be guided by the Urban Design Guidelines provided on Page 32 of the Urban Design Report prepared by GMU.



### 3.3 DRAFT BAYSIDE LOCAL ENVIRONMENTAL PLAN 2020

It is noted a draft Planning Proposal report has been prepared by Bayside Council staff for the Bayside Local Planning Panel to consider the Draft Bayside Local Environmental Plan (BLEP) 2020 on 25 November 2019. The report notes the following:

*This Planning Proposal initiates the preparation of the Draft Bayside Local Environmental Plan 2020 (BLEP 2020), which is the first stage in the implementation of the Bayside Local Strategic Planning Statement. The overriding objective of the Planning Proposal is to harmonise the existing LEPs to create one comprehensive LEP for the Bayside LGA.*

The Draft BLEP 2020 document does not alter the principal planning controls for the subject site and is largely an administrative exercise to provide consistency that is not currently provided due to the differences in the Botany Bay LEP and Rockdale LEP.

The Bayside Local Planning Panel noted the following in the minutes:

*• Employment Land – In particular, the need to retain land which is zoned for employment use to satisfy the longer-term economic strategies and goals for the Bayside LGA consistent with the Eastern City District Plan. The draft plan goes some way to achieving this by prohibiting residential flat buildings in the B2 Local Centre and B4 Mixed Use zones. However, there is continual pressure to convert employment land to residential use for short term gain and it is considered that through its planning decisions Council should resist this pressure now and moving into the future.*

This application for a Planning Proposal seeks to maintain employment land on the site with a non-residential FSR of 1.41:1 which is a significant improvement on the existing situation.

The Draft BLEP 2020 has received Gateway Determination on 19 March 2020 and is in the finalisation stage. As the Draft BLEP 2020 does not alter the applicable planning controls, the gazettal of the Draft BLEP 2020 will have no significant impact on this Planning Proposal.



## 4. Draft Planning Provisions

### 4.1 PROPOSED RLEP 2011 AMENDMENTS

The proposed amendments to RLEP 2011 are described as follows:

- Amend the RLEP 2011 height of buildings map to apply maximum building heights as shown in Figure 20; and
- Amend the RLEP 2011 floor space ratio map to apply maximum FSRs as shown in Figure 21.

The proposed amendments to the RLEP 2011 maps will have the effect of the following detailed in Table 3.

Table 3 Summary of Current and Proposed Planning Controls			
Control	Existing Requirement	Proposed Requirement	Figure
Height of Buildings	16m plus 6m (Area C)	20m and 35m	20
Floor Space Ratio	2:1 plus 0.5:1 (Area C)	3.2:1 and 3.6:1	21

It is noted that the subject site is located within Area C under the existing HOB and FSR maps of RLEP 2011 and comprise of a site area of greater than 1,200sqm. This application for a Planning Proposal seeks to alter the development standards on the maps for Clauses 4.3 and 4.4 of RLEP 2011 and will exclude the site from Area C given site specific HOB and FSR development standards will be sought.

The proposed development standards are detailed in the following maps:



Figure 20: Proposed amendment to Height of Buildings Map to RLEP 2011



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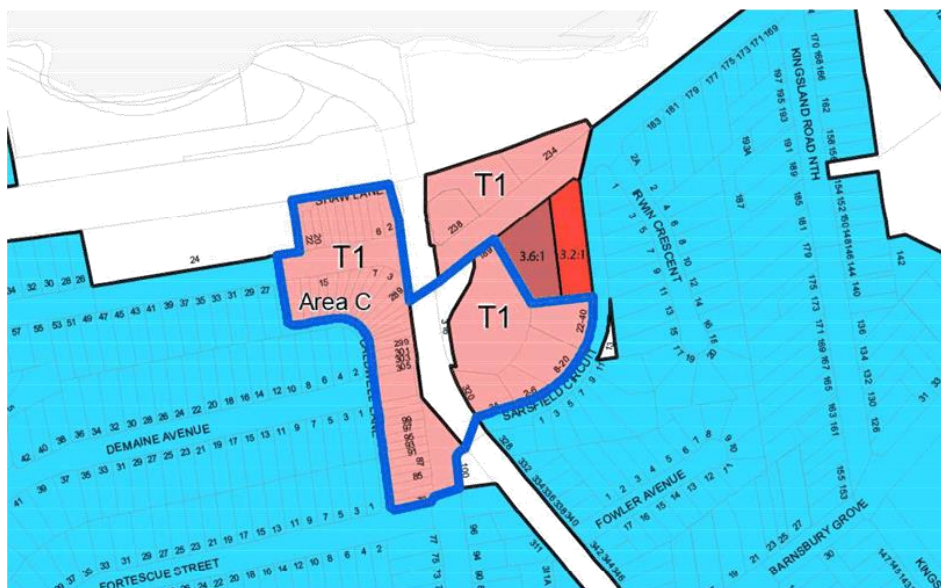


Figure 21: Proposed amendment to the FSR Map to RLEP 2011



## 5. Planning Proposal

### 5.1 OBJECTIVES OR INTENDED OUTCOMES – PART 1 OF THE GUIDE

#### 5.1.1 Objectives

The objectives for this Planning Proposal are to:

- i. Facilitate through changes to the current planning controls a 'landmark' development at the heart of the Bexley North Town Centre to form a visual marker and reinforce the importance and identity of the Bexley North Town Centre;
- ii. Contribute towards the revitalisation of the town centre by establishing uses and activation at the heart of the Bexley North Town Centre;
- iii. Establish a 'destination' through the provision of ground level retail and food and drink premises including retention of the existing Bexley North Hotel with additional restaurants/cafes with direct access to the public domain or the publicly accessible open space (in private ownership) within the site;
- iv. Ensure development is of a scale, location and design to have a positive impact on the visual amenity of the locality whilst being compatible with the surrounding built and natural environment;
- v. Create new vehicular and pedestrian connections and strengthen existing links to public transport;
- vi. Enhance pedestrian permeability through the site to link surrounding sites and public spaces;
- vii. Address housing affordability by providing a mix of housing choices;
- viii. Create livable communities by providing high quality amenities and open space to meet the needs of existing and future residents of Bexley North; and,
- ix. Deliver the highest standards of urban planning and excellence in architectural design.

#### 5.1.2 Intended Outcomes

The Planning Proposal will amend RLEP 2011 to facilitate redevelopment of the site in a manner presented in detail in the indicative concept proposal prepared by GMU. The intended outcomes are as follows:

- i. Assist with meeting strategic development outcomes for high quality mixed use development within an underdeveloped town centre;
- ii. Deliver a redevelopment proposal that facilitates and supports a vibrant range of integrated land uses, quality open spaces and through site links;
- iii. Contribute to meeting new dwelling and employment targets set by state, regional and local strategies;
- iv. Retain the existing Bexley North Hotel as a destination which is enhanced by other retail and food and drink premises to contribute towards the economic vitality of the locality within an easy and safe walking distance to a catchment of local residents;
- v. Creating new residential accommodation opportunities in an area with high amenity and excellent access to a variety of transport links, social infrastructure and recreational spaces;
- vi. Establish planning controls with the potential to deliver a new built form which integrates with the setting and context of the established character and built form in the surrounding area;
- vii. To achieve a public benefit in terms of providing publicly accessible open space and a mix of compatible land uses without a significant loss of amenity for adjoining properties;
- viii. The provision of through site link (subject to acquisition by Council) to connect to a potential "Urban Piazza" on Council land currently occupied by an existing carpark; and,
- ix. Allow for the orderly and economic development of the land.





The indicative concept proposal is based on a detailed urban design analysis of the site and its setting combined with input from specialist studies for traffic and movement, detailed modelling of visual impacts and solar access and the feedback provided throughout the design development process.

## 5.2 EXPLANATION OF PROVISIONS – PART 2 OF THE GUIDE

The proposed outcome will be achieved by:

- Amending RLEP 2011 height of buildings map to apply maximum building heights as shown in Figure 20; and
- Amending RLEP 2011 floor space ratio map to apply maximum FSRs as shown in Figure 21.

## 5.3 JUSTIFICATION – PART 3 OF THE GUIDE

This section details the reasons for the proposed LEP amendments and is based on a series of questions as outlined in the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals'. The matters to be addressed include the strategic planning context of the amendments, potential State and Commonwealth agency interests, environmental, social and economic impacts.

### *Questions for consideration in demonstrating justification*

#### 5.3.1 Section A - The Need for the Planning Proposal

##### **Q1: Is the Planning Proposal the result of any strategic study or report?**

In part. There are no strategic studies or reports that directly address the subject site. Nonetheless, the Planning Proposal has been initiated by Turnborn Pty Ltd to address a recognised need for housing and employment within an underdeveloped town centre with excellent access to public transport. The Planning Proposal is based on an Urban Design Report prepared by GMU. The subject site has been considered in a previous development application and the current Planning Proposal process was encouraged by Council staff prior to withdrawal of that application. It is envisaged that this Planning Proposal will be the catalyst for the redevelopment of the local centre. As such, the proposal is consistent with the relevant state, regional or local strategic strategies.

##### **Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?**

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes discussed in Part 5.1.1 and 5.1.2 of this report.

The current provisions of RLEP 2011 do not permit the built form as described in the supporting UDR and indicative concept proposal prepared by GMU and therefore cannot deliver the opportunities which are framed by the objectives and intended outcomes set out above. Importantly, the current development standards do not recognise a transition in form from the B4 mixed use zoning of the site to the R2 – low density residential zoning on the opposite side of Sarsfield Circuit. This Planning Proposal will be accompanied by a Site Specific DCP that will ensure a transition in scale and the redistribution of bulk away from the sensitive eastern boundary to the northern and western boundaries fronting Slade Road or the Council owned carpark. The Planning Proposal, in fact, proposes a reduction in height along the Sarsfield Circuit frontage compared with the current controls with redistribution of building mass to less sensitive parts of the site and to capitalise on unique opportunities to integrate with the surrounding town centre.

The site has been demonstrated to have a variety of attributes conducive to a higher density development comprising a mixture of non-residential and residential uses as well as the delivery of numerous public benefits. The public benefits of the redevelopment include the following:

- The renewal of the existing Bexley North Hotel and demolition of the associated motel building will act as a







catalyst for the future redevelopment of the urban block bounded by Bexley Road, Slade Road and Sarsfield Circuit;

- The provision of a high quality mixed use building that defines the street frontage and provides generous and well defined open spaces for residents on the upper levels;
- The provision of a through site link (subject to acquisition by Council) to connect to a potential "Urban Piazza" on Council land currently occupied by an existing carpark;
- The redistribution of massing away from the sensitive eastern boundary towards the northern and western boundaries will provide increased visual amenity through delivery of a 'landmark' building with generous building separation;
- A variation to building heights within future development will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive Bexley North Town Centre;
- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point from Sarsfield Circuit;
- Retain the existing Bexley North Hotel as a destination which is enhanced by other retail and food and drink premises to contribute towards the economic vitality and increased activation on the primary frontage to Slade Road, within an easy and safe walking distance to a catchment of local residents;
- The provision of lower density residential uses fronting Sarsfield Crescent to provide a transition in scale to the low density residential development to the east and provide increased natural surveillance of the public domain, and
- Deliver the highest standards of urban planning and excellence in architectural design, through establishment of prescriptive building envelope controls.

The public benefits and additional residential density can only be delivered through changes to the current planning provisions.

### 5.3.2 Section B - Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in The Guide (Questions 3-6) demonstrate that the Planning Proposal has clear strategic planning merit.

This Planning Proposal is consistent with the applicable regional and sub regional strategies. The strategic plans identify the need to deliver greater employment opportunities and a mixture of new housing for a variety of age groups throughout the established urban metropolitan area, particularly in locations that are in close proximity to a variety of public transport options. This Planning Proposal seeks a mix of residential and non-residential land uses on a site in an established urban environment that is well served by infrastructure, utilities and public transport which is consistent with the relevant regional and metropolitan plans. This Planning Proposal will:

- Increase housing choice and availability in a highly accessible location;
- Increase the available non-residential floor space on the site to promote greater employment opportunities;
- Deliver redevelopment at a scale which is compatible with the existing and desired future character of the locality;
- Permit future residents and visitors access to well-established services and facilities within the locality with access to various local, strategic and metropolitan centres;
- Increase tree canopy cover to mitigate urban heat loads; and,
- Permit future occupants and visitors to have the potential to use environmentally efficient buildings with thermal and water efficient design and will have options to use a wide range of transport options.



**Q3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or subregional strategy?**

*A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)*

On 23 March 2018, the Greater Sydney Commission released A Metropolis of 3 Cities: The Greater Sydney Region Plan. The new Regional Plan contains a revised ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy identifies the site as being located within the "Eastern Harbour City" as detailed in Figure 22.

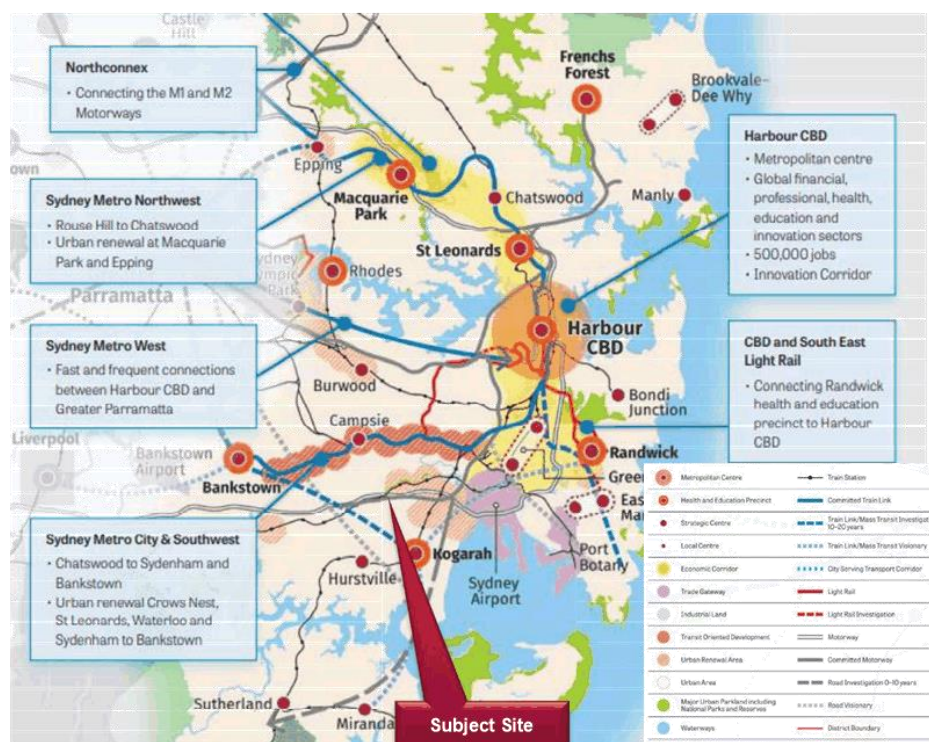


Figure 22: The Eastern Harbour City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)



An assessment against the relevant directions and their objectives is provided in the table below.

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

**Direction 1 – A city supported by infrastructure**

**Objective 1: Infrastructure supports the three cities**

Not Applicable.

**Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact**

Not Applicable.

**Objective 3: Infrastructure adapts to meet future needs**

Not Applicable.

**Objective 4: Infrastructure use is optimised**

Not Applicable.

**Direction 2 – A collaborative city**

**Objective 5: Benefits of growth realised by collaboration of governments, community and business**

Not Applicable.

**Direction 3 – A city for people**

**Objective 6: Services and infrastructure meet communities' changing needs**

This objective is about providing social infrastructure and public places that reflect the needs of the community now and in the future.

The indicative concept proposal retains the North Bexley Hotel on the site, and also facilitates the provision of a new café and retail tenancies. The concept proposal also provides a high quality publicly accessible plaza located between the two buildings. The Planning Proposal is consistent with this objective.

**Objective 7: Communities are healthy, resilient and socially connected**

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed use centres and the opportunities for public and alternative forms of transport.

The subject site is well-located, accessible to local infrastructure, including public transport, health services and amenities. Space will be provided on site for publicly accessible open space (in private ownership) to benefit the wider local community. The indicative concept proposal indicates a mixture of residential and non-residential uses on the site, with enhanced pedestrian permeability through the site, via the provision of two through-site links. This will enhance the connectivity through the site, enabling improved pedestrian and cycling movements. The Planning Proposal is consistent with this objective.





#### Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

##### Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods

This objective is about fostering cultural diversity and facilitating their growth.

The indicative concept proposal will provide for a mix of one, two and three bedroom apartments which will provide accommodation for a broad cross section of the community. In addition, hotel rooms and facilities will be provided on Levels 2-5 for short term accommodation. The co-location of residential and non-residential uses also provides potential for a type of live/work lifestyle. The Planning Proposal is consistent with this objective.

##### Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation

Not Applicable.

#### Direction 4 – Housing the city

##### Objective 10: Greater housing supply

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036. The Eastern City will require 157,500 homes up to 2036. Combined with changing demographics and housing affordability challenges, greater housing choice will be needed.

The indicative concept proposal will provide a supply of employment and dwellings within the Bexley North local centre. The indicative concept proposal will provide for approximately 83 new dwellings within a highly accessible location in terms of public transport, services and community facilities. The Planning Proposal is consistent with this objective.

##### Objective 11: Housing is more diverse and affordable

The Plan encourages the provision of a supply of diverse housing supply and encourages the provision of Affordable Housing.

In providing a supply of apartments, the indicative concept proposal will add to the diversity accommodation in the Bexley North area. The indicative concept proposal outlines the apartment mix will comprise of 24 x 1 bedroom (28.9%), 38 x 2 bedroom (45.8%) and 21 x 3 bedroom (25.3%) to house a variety of people within the local centre. The Planning Proposal is consistent with this objective.

#### Direction 5 – A city of great places

##### Objective 12: Great places that bring people together

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets;
- Fine grain fabric and activity;
- A diverse mix of uses;
- A socially connected region;
- Ensure adequate car parking which takes into account access to public transport; and
- Encourage the use of car sharing and hybrid vehicles.

The indicative concept proposal will enhance the public domain and provide north-south and east-west through site connections as well as a mix of employment and residential uses that directly accords with the plans ambition. The indicative concept proposal

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

will attract people to the site and promote connectivity and a sense of place. The mix of uses on site will encourage interaction and provide for greater employment and services in close proximity to residential accommodation.

The site is in a highly accessible location and the provision of car parking will be cognisant of the proximity to public transport and surrounding services. Alternative forms of transport, car sharing and electric vehicles will be encouraged. The Planning Proposal is consistent with this objective.

**Objective 13: Environmental heritage is identified, conserved and enhanced**

The Plan seeks to manage and monitor the cumulative impact of development on the heritage values and character of places.

The subject site is not a heritage item or within a heritage conservation area. There are no heritage items or conservation areas in the vicinity of the site. It is therefore considered unlikely that the proposal will have an impact on heritage values. The Planning Proposal is consistent with this objective.

**Direction 6 – A well-connected city****Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities**

The Metropolitan Plan seeks to integrate land use and transport planning to provide more housing and services closer to transport hubs.

The site is located a 200m walk east of Bexley North Station. The proposal provides increased housing, non-residential uses and services in close proximity to the existing train station. The Planning Proposal is consistent with this objective.

**Objective 15: The eastern, GOP and western economic corridors are better connected and more competitive**

Not Applicable.

**Objective 16: Freight and logistics network is competitive and efficient**

Not Applicable.

**Objective 17: Regional connectivity is enhanced**

Not Applicable.

**Direction – Jobs and skills for the city****Objective 18: Harbour CBD is stronger and more competitive**

Not Applicable.

**Objective 19: Greater Parramatta is stronger and better connected**

Not Applicable.

**Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western parkland City**

Not Applicable.

#### Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

##### Objective 21: Internationally competitive health, education, research and innovation precincts

Not Applicable.

##### Objective 22: Investment and business activity in centres

The plan seeks to provide better access to jobs, good and services in centres.

The proposal will provide 5,988sqm of non-residential land and approximately 83 apartments on the subject site. This will promote access to jobs and business within the Bexley North Local Centre. The Planning Proposal is consistent with this objective.

##### Objective 23: Industrial and urban services land is planned, retained and managed

Not Applicable.

##### Objective 24: Economic sectors are targeted for success

Not Applicable.

##### Direction 8 – A city in its landscape

##### Objective 25: The coast and waterways are protected and healthier

Not Applicable.

##### Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced

Not Applicable.

##### Objective 28: Scenic and cultural landscapes are protected

Not Applicable.

##### Objective 29: Environmental, social and economic values in rural areas are protected and enhanced

Not Applicable.

##### Objective 30: Urban tree canopy cover is increased

The Metropolitan Plan seeks to expand the urban tree canopy in the public realm.

The existing site is largely devoid of significant planting. The indicative concept proposal will provide an improvement to the urban canopy and public realm with trees proposed along street frontages, and green roofs proposed to the eastern building and parts of the western building. The choice of landscaping and its placement around the periphery of the site and within the public spaces at ground level will enhance ground level amenity and provide a leafy outlook for workers and residents on the site. The Planning Proposal is consistent with this objective.

##### Objective 31: Public open spaces is accessible, protected and enhanced

This Plan seeks to maximise the use of existing public open space and protect, enhance and expand public open space.

The indicative concept plan will provide publically accessible open space (in private ownership) by providing links between the buildings (north-south) and links between Sarsfield Circuit and the public car park (east-west). This will enhance links within the public domain and is consistent with this objective.



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**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions****Objective 32: The green grid links parks, open spaces, bushland and walking and cycling paths**

Not Applicable.

**Direction 9 – An efficient city****Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change**

Not Applicable.

**Objective 34: Energy and water flows are captured, used and re-used**

The Metropolitan Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the development of the site including rainwater harvesting, increased landscaping and tree canopy cover, and the use of natural ventilation and lighting where possible. The Planning Proposal is consistent with this objective.

**Objective 35: More waste is re-used and recycled to support the development of a circular economy**

Not Applicable.

**Direction 10 – A resilient city****Objective 36: People and places adapt to climate change and future shocks and stresses**

Not Applicable.

**Objective 37: exposure to natural and urban hazards is reduced**

Not Applicable.

**Objective 38: Heatwaves and extreme heat are managed**

The Metropolitan Plan seeks to mitigate the urban heat island effect and reduce vulnerability to extreme heat.

It is proposed to explore a number of measures in design and material choices that will reduce the urban heat loads and therefore reduce the reliance on mechanical ventilation. The indicate concept proposal shows an increase in landscaping on the subject site. The Planning Proposal is consistent with this objective.

**Eastern City District Plan**

In March 2018, the Greater Sydney Commission released the Eastern City District Plan. The Eastern City District Plan is a guide to implementing the Greater Sydney Region Plan at a District level. It provides a 20-year plan to manage growth and achieve the 40 year vision.

The Eastern City District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

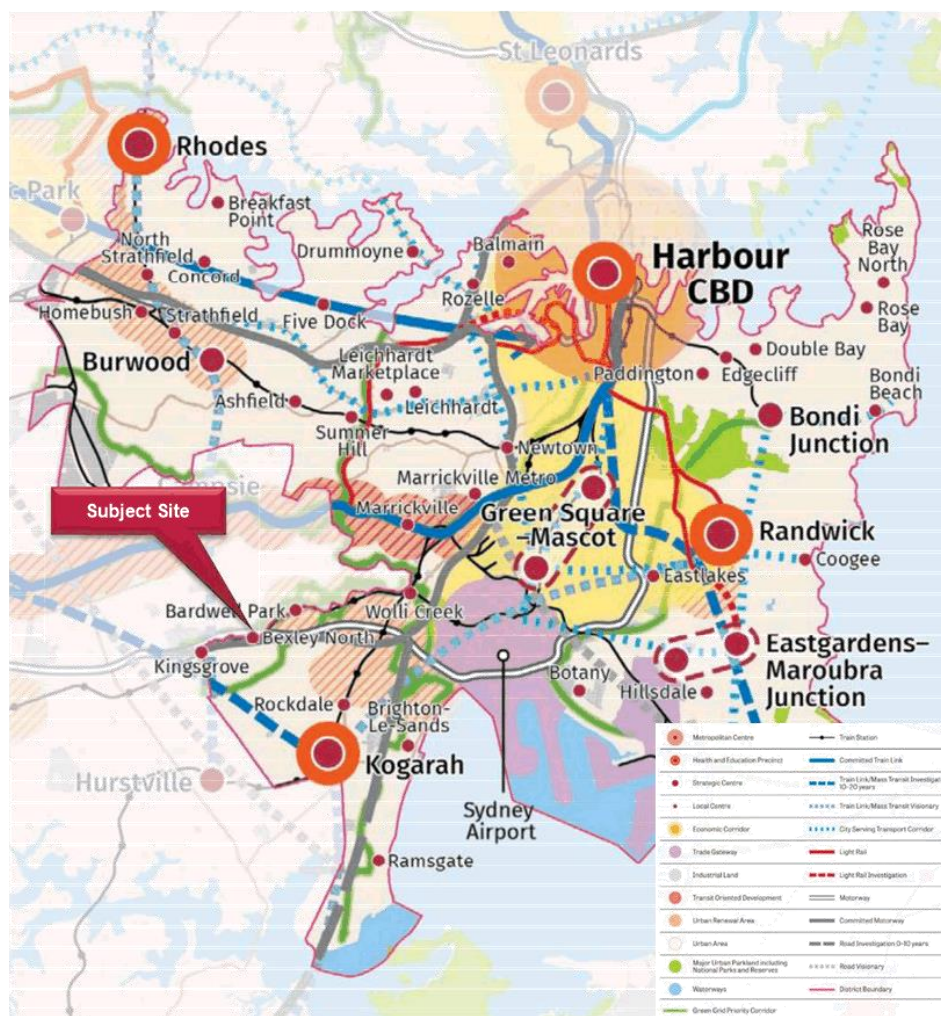


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The District Plan outlines actions for how the Eastern City District will work towards meeting the priorities and objectives of the Regional Plan. Figure 23 details the land within the Eastern City District Plan which details that Bexley North is a Local Centre:



**Figure 23:** The Eastern City District Plan locality (Source: Eastern City District Plan)

The Proposal supports a number of the actions outlined in the plan as outlined in the following table:

**Table 5 Eastern City District Plan****Direction 1 – A city supported by infrastructure****Planning Priority E1 Planning for a city supported by infrastructure**

Not Applicable.

**Direction 2 – Working Together to Grow a Greater Sydney****Planning Priority E2 Working through collaboration**

Not Applicable.

**Direction 3 – Celebrating diversity and putting people at the heart of planning****Planning Priority E3 Providing services and social infrastructure to meet people's changing needs**

Not Applicable.

**Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities**

The Planning Proposal will facilitate the indicative concept proposal which will deliver a safe and inclusive environment that provides activity in the public domain and within the site. The indicative concept proposal intends to create high quality publicly accessible open space areas for new residents, visitors and neighbours and cater for a wide variety of people and day to day activities.

The subject site is well connected to existing open space, community facilities and services in and around the Bexley North Local Centre. In addition, the subject site is within walking distance of Bexley North railway station, numerous bus stops and will promote alternative forms of transport.

The proposal is expected to have positive social impacts when factoring in the key social-economic indicators of population, employment and housing tenure and will not result in any negative impacts on the social fabric of the surrounding area. The Planning Proposal is consistent with this planning priority.

**Direction 4 – Housing the city****Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport**

Bayside Council is required to provide an additional 10,150 dwellings from 2016-2021. The provision of approximately 83 apartments and 5,988sqm of commercial space as part of a mixed use development will cater for the additional population and provide additional employment opportunities in the short and long term.

The site is currently underdeveloped and the indicative concept proposal represents an opportunity to provide a variety of housing and employment opportunities in a highly accessible area. The Planning Proposal is consistent with this planning priority.







#### Table 5 Eastern City District Plan

##### Direction 5 – A city of great places

##### Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

The subject site is located within the Bexley North Town Centre which is designated as a Local Centre.

The indicative concept proposal will provide north-south and east-west publicly accessible open space (in private ownership), as well as providing enhanced and active frontages to Slade Road, the Council land to the west and the land slated for acquisition to the south. The increased permeability and vitality will create open and active spaces for residents, workers and visitors.

The indicative concept proposal will also permit the removal of two vehicular cross overs on Slade Road, to create a single entry and exit point from Sarsfield Circuit. The subject site is within 200m walking distance of Bexley North Railway Station, numerous bus stops and the services of the Bexley North Centre. The provision of the pub and retail premises on the ground floor that open onto north and east facing publicly accessible open space will promote activity and social interaction for workers, occupants and surrounding residents.

The proposal is a place-based solution to redevelopment of the site, since it proposes to retain and incorporate the Bexley North Hotel into the redevelopment. The two through site links will promote permeability and enhance pedestrian connectivity in the Bexley North Town Centre. The Planning Proposal is consistent with this planning priority.

##### Direction 6 – A well connected city

##### Planning Priority E7 Growing a stronger and more competitive Harbour CBD

Not Applicable.

##### Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor

Not Applicable.

##### Planning Priority E9 Growing international trade gateways

Not Applicable.

##### Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city

The District Plan seeks to integrate land use and transport planning to provide more housing, employment opportunities and services closer to transport hubs. In this regard, the site is located within 200m walking distance of Bexley North Railway Station.

The provision of 5,988sqm of non-residential land and approximately 83 apartments within 200m of Bexley North Railway Station and the entry/exit to the M5 Motorway will provide excellent levels of connectivity and provides an integrated solution for land use and transport planning. The site is entirely capable of servicing the additional density proposed in Figures 20 and 21 (above). The Planning Proposal is consistent with this planning priority.

##### Direction 7 – Jobs and skills for the city

##### Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres

Not Applicable.





#### Table 5 Eastern City District Plan

##### Planning Priority E12 Retaining and managing industrial and urban services land

Not Applicable.

##### Planning Priority E13 Supporting growth of targeted industry sectors

The Plan seeks to implement place based activities to attract more visitors.

The indicative concept scheme provides for the retention of the Bexley North Hotel and the provision of a 60 room Hotel above to promote the visitor economy. The site is well located and 200m from Bexley North Train Station. The Planning Proposal is consistent with this planning priority.

#### Direction 8 – A city in its landscape

##### Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the district's waterways

Not Applicable.

##### Planning Priority E15 Protecting and enhancing bushland and biodiversity

Not Applicable.

##### Planning Priority E16 Protecting and enhancing scenic and cultural landscapes

Not Applicable.

##### Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections

The indicative concept proposal will enhance the public domain by providing trees around the periphery of the site (where not required to have an active frontage) to expand the urban tree canopy and make connections with the existing tree network. The Planning Proposal is consistent with this planning priority.

##### Planning Priority E18 Delivering high quality open space

The indicative concept proposal will provide publicly accessible open space (in private ownership) between the proposed buildings. These open space will also provide north-south and east-west through-site links to enhance connectivity within the Bexley North Town Centre. The Planning Proposal is consistent with this planning priority.

#### Direction 9 – An efficient city

##### Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently

It is proposed to explore a number of sustainability measures through the development of the site such as solar panels, green roofs and walls, water harvesting, and the use of natural ventilation where possible.

Furthermore the provision of employment generating uses better matched to the local populace will encourage more local trips and jobs close to home. These will result in a reduction in car use and increased likelihood of walking. The Planning Proposal is consistent with this planning priority.



**Table 5 Eastern City District Plan****Direction 10 – A resilient city****Planning Priority E20 Adapting to the impacts of urban and natural hazards and climate change**

Various measures will be explored to mitigate the urban heat island effect, including choices in materials and increasing tree canopy cover on the site. The Planning Proposal is consistent with this planning priority.

**Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?****Bayside Community Strategic Plan 2018-2030**

The Bayside Community Strategic Plan 2018-2030 was adopted by Council after extensive community engagement. The Plan has been prepared by Council through a series of community consultations. This Plan sets out the community's vision to 2030 and sets out four strategic themes to deliver that vision:

- Theme One: In 2030 Bayside will be a vibrant place.
- Theme Two: In 2030 our people will be connected in a smart city.
- Theme Three: In 2030 Bayside will be green, leafy and sustainable.
- Theme Four: In 2030 we will be a prosperous community.

The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Bayside Community Strategic Plan:

**Table 6 Bayside 2030 - Community Strategic Plan 2018-2030****Theme One: In 2030 Bayside will be a vibrant place****Direction 1 – Our places are people focussed**

The proposal will facilitate the provision of 5,988sqm of non-residential floor space (1.41:1) including a pub, hotel, café, gym and two retail tenancies. These uses will help promote a destination and enhance the existing non-residential uses in the Bexley North Local Centre. The increased non-residential FSR for the site (1.41:1) will provide greater employment opportunities and the co-location of residential and non-residential uses will also provide potential for a type of live/work lifestyle.

**Direction 2 – Our places connect people**

The proposal will facilitate provision of new publicly accessible open space between the two proposed buildings and provides increased permeability through new north-south and east-west through site links. These publicly accessible open spaces are enhanced in the indicative concept proposal with the location of a proposed café, larger pub and two retail tenancies, creating a dynamic space for residents and visitors of Bayside.

**Direction 3 – Our places are accessible to all**

The proposal will facilitate accessible connections through publicly accessible open space (in private ownership). The spaces are safe and engaging with limited opportunities for concealment due to high levels of surveillance from surrounding uses.

**Direction 4 – My place will be special to me**

The proposal will facilitate the highest standard of urban design and provides high accessible publicly accessible open spaces to facilitate movement. The provision of a singular vehicular entrance on Sarsfield Circuit will minimise conflict between vehicles and pedestrians and all servicing will occur within the basements.





**Table 6 Bayside 2030 - Community Strategic Plan 2018-2030**

The Planning Proposal is consistent with this theme.

**Theme Two: In 2030 our people will be connected in a smart city**

**Direction 1 – We benefit from technology**

The provision of technology and digital access will be considered at the development application stage. It is anticipated that the site will be connected to the NBN and provide “Smart” devices for residential and non-residential uses.

**Direction 2 – We are unified and excited about our future**

Community engagement will be undertaken post gateway.

**Direction 3 – the community is valued**

The indicative concept proposal includes communal open space for the exclusive use of residents on the upper levels to promote active and passive recreation. The ground floor level will provide for publicly accessible open space (in private ownership) and public domain improvements to promote connection, interaction and vitality.

**Direction 4 – We treat each other with dignity and respect**

The proposal will respect the cultural heritage and diversity and maintain equitable access for all stakeholders.

The Planning Proposal is consistent with this theme.

**Theme Three: In 2030 Bayside will be green, leafy and sustainable**

**Direction 1 – Our waste is well managed**

The indicative concept proposal indicates that waste will be collected on site and there is adequate areas to accommodate the proposed density.

**Direction 2 – We are prepared for climate change**

The indicative concept proposal will include public domain improvements and the provision of landscaping and green roads to enhance the quality of the site and its surrounds. Materials will be chosen at the development application stage that are both aesthetically pleasing and durable.

**Direction 3 – We increase our use of renewable energy**

The provision and use of renewable energy will be considered at the development application stage.

**Direction 4 – Waterways and green corridors are regenerated and preserved**

The capture and re-use of water will be considered at the development application stage. The indicative concept proposal will include public domain improvements and the provision of landscaping and green roads to enhance the quality of the site and its surrounds.

**Table 6 Bayside 2030 - Community Strategic Plan 2018-2030**

The Planning Proposal is consistent with this theme.

**Theme Four: In 2030 we will be a prosperous community**

**Direction 1 – Opportunities for economic development are recognised**

The proposal will facilitate the provision of 5,988m<sup>2</sup> of non-residential floor space (1.41:1) including a pub, hotel, café, gym and two retail tenancies. These uses will help promote a destination and enhance the existing non-residential uses in the Bexley North Local Centre.

**Direction 2 – Local housing, employment and business opportunities are generated**

The increased non-residential FSR for the site (1.41:1) will provide greater employment opportunities and the co-location of residential and non-residential uses will also provide potential for a type of live/work lifestyle. The subject site is 200m from Bexley North Railway Station and will promote the use of alternative forms of transportation.

**Direction 3 – The transport system works**

The proximity of the site to train and bus routes ensures efficient transport for employees and residents of the site. The site is accessible and equitable access has been provided.

**Direction 4 – We are prepared for a sharing economy**

The use of the retail spaces and facilitation of the sharing economy will be considered at the development application stage.

The Planning Proposal is consistent with this theme.

**Bayside Local Strategic Planning Statement**

The Bayside Local Strategic Planning Statement was released on 18 March 2020.

Local Strategic Planning Statements (LSPS) are a new legislative requirement for Councils, requiring a 20-year vision for land use, as well as outlining strategies for managing change and preserving the unique character of their areas. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Bayside area. The LSPS will align with the Community Strategic Plan and Eastern City District Plan.

The Bexley North Local Centre is identified as a future investigation area under Bayside LSPS with investigations envisaged within 6-10 years.

The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Bayside LSPS:

**Table 7 Bayside Local Strategic Planning Statement****Theme: Infrastructure and collaboration****Direction 1 – Infrastructure supporting new developments****Planning Priority B1 – Align land use planning and transport infrastructure planning to support the growth of Bayside**

The proposal is located 200m from Bexley North Railway Station and is therefore ideally located to benefit from this existing infrastructure. Alternative forms and the promotion of public transport will be considered at the development application stage. The Planning Proposal is consistent with this priority.

**Planning Priority B2 – Align land use planning with the delivery and management of assets by Bayside Council to support our community**

Not Applicable.

**Direction 2 – Working together to grow a Greater Sydney****Planning Priority B3 – Working through collaboration**

Not Applicable.

**Theme: Liveability****Direction 1 – A city for people****Planning Priority B4 – Provide social infrastructure to meet the needs of the Bayside Community**

The proposal will facilitate the provision of public domain improvement and new publicly accessible open space (in private ownership), supported by a pub, café, gym and retail tenancies. These areas will promote vitality and interaction. The Planning Proposal is consistent with this priority.

**Planning Priority B5 – Foster healthy, creative, culturally rich and socially connected communities.**

The proposal will facilitate new publicly accessible open space (in private ownership) with the non-residential uses creating a vibrant space for new cultural and social connections to occur. The indicative concept proposal provides for increased levels of surveillance limited spaces for concealment to promote public safety. The Planning Proposal is consistent with this priority.

**Direction 2 – Housing the city****Planning Priority B6 – Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors**

The proposal will facilitate a high-density mixed use development provided in the Bexley North Town Centre, in close proximity to Bexley North Railway Station. In this regard, the provision of 83 apartments and a 60 bed hotel will provide long and short term accommodation to cater for a variety of needs in the locality. The Bexley North local centre is slated for investigation in the medium term (6-10 years) for urban growth. The indicative concept proposal will provide a catalyst for the redevelopment of the local centre. The Planning Proposal is consistent with this priority.

**Planning Priority B7 – Provide choice in housing to meet the needs of the community.**

The indicative concept proposal provides 24 x 1 bedroom units (28.9%), 38 x 2 bedroom units (45.8%) and 21 x 3 bedroom units (25.3%). In addition, a 60 room hotel is proposed to provide short term accommodation for visitors. The proposal therefore provides a variety of unit sizes and housing choice to cater for a variety of occupants.





#### Table 7 Bayside Local Strategic Planning Statement

The Planning Proposal will also redistribute bulk away from the lower density residential dwellings on the eastern side of Sarsfield Circuit to provide a better transition between the lower and higher density than envisaged under the current planning controls. The Planning Proposal is consistent with this priority.

#### Planning Priority B8 – Provide housing that is affordable

The provision of Affordable Housing may be explored as part of the VPA contribution (dependent on negotiations with Council) or at the development application stage. The Planning Proposal is consistent with this priority.

#### Direction 3 – A city of great places

##### Planning Priority B9 – Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm

The indicative concept proposal provides a high quality publicly accessible open space between the two buildings, which is enhanced by the proposed adjoining commercial spaces that include a pub, café and residential tenancies. The proposal will also enhance the public domain along Slade Road and Sarsfield Circuit. Design Excellence will be detailed at the development application stage. The Planning Proposal is consistent with this priority.

#### Planning Priority B10 – Value, protect and conserve Aboriginal heritage

A future development application will consider the diverse and cultural heritage of the locality.

##### Planning Priority B11 – Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas

There are no heritage items in the immediate vicinity of the subject site.

#### Theme: Productivity

##### Direction 1 - A well connected city

##### Planning Priority B12 – Delivering an integrated land use and a 30-minute city

The proposal integrates land use planning with the provision of infrastructure, by locating new employment and housing opportunities 200m from the Bexley North Railway Station. The promotion of public transport and alternative forms of transport will be considered at the development application stage. The Planning Proposal is consistent with this priority.

#### Direction 2 – Jobs and skills for the city

##### Planning Priority B13 – Contribute to growing a stronger and more competitive Harbour CBD

Not Applicable.

##### Planning Priority B14 – Protect and grow the international trade gateways

Not Applicable.

##### Planning Priority B15 – Growing investment, business opportunities and jobs in Bayside's strategic centres and centres

The proposal will increase investment, business opportunities and jobs in the Bexley North Town Centre, through the provision of 5,988m<sup>2</sup> of non-residential floor space (1.41:1) including a pub, hotel, café, gym and two retail tenancies. These uses will help



#### Table 7 Bayside Local Strategic Planning Statement

promote a destination and enhance the existing non-residential uses in the Bexley North Local Centre. The Planning Proposal is consistent with this priority.

#### Planning Priority B16 – Contribute to growing the health and education Kogarah, Randwick and Camperdown

Not Applicable.

#### Planning Priority B17 – Retain and manage industrial and urban services lands

Not Applicable.

#### Planning Priority B18 – Support the growth of targeted industry sectors

The indicative concept proposal will provide for a 60 room hotel to help promote the tourism sector within the Bexley North Local Centre. The Planning Proposal is consistent with this priority.

#### Theme: Sustainability

#### Direction 1 – A city in its landscape

#### Planning Priority B19 – Protect and improve the health of Bayside's waterways and the biodiversity

The harvesting and re-use of water will be considered at the development application stage.

#### Planning Priority B20 – Increase urban tree canopy tree canopy cover and enhance green grid connections

The concept proposal will provide new green roofs and increase tree planting on street frontages to enhance the public domain. The Planning Proposal is consistent with this priority.

#### Planning Priority B21 – Deliver high quality open space

The concept proposal provides a new high quality open space accessible to the public, but in private ownership. These areas will provide high quality and equitable access for the enjoyment of stakeholders in the local area. The Planning Proposal is consistent with this priority.

#### Planning Priority B22 – Protect and enhance scenic and cultural landscapes

Not Applicable.

#### Direction 2 – An efficient city

#### Planning Priority B23 – Reduce carbon emissions through improved management of energy, water and waste

The use of energy, water and waste will be considered at the development application stage.

#### Direction 3 – A resilient city

#### Planning Priority B24 – Reduce community risk to urban and natural hazards and improve the community's resilience to social, environmental and economic shocks and stressors.

Not Applicable.





**Q5: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in Table 8.

Table 8: Relevant State Environmental Planning Policies			
SEPP	Relevance	Consistency	Comments
SEPP No 19- Bushland in Urban Areas	Not Applicable.		
SEPP No 21- Caravan Parks	Not Applicable.		
SEPP No 33- Hazardous and Offensive Development	Not Applicable.		
SEPP No 36- Manufactured Home Estates	Not Applicable.		
SEPP No 47- Moore Park Showground	Not Applicable.		
SEPP No 50- Canal Estate Development	Not Applicable.		
SEPP No 55- Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land.	Yes	<p>A Stage 2 Environmental Site Assessment has been undertaken by EIS and is submitted separately with this proposal. The assessment makes the following recommendations:</p> <ul style="list-style-type: none"> <li>A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;</li> </ul>





SEPP	Relevance	Consistency	Comments
			<ul style="list-style-type: none"> <li>A validation assessment should be undertaken on completion of remediation at each development stage; and</li> <li>An unexpected finds protocol should be implemented during excavation works at the site.</li> </ul> <p>Subject to these recommendations being enacted, the report concludes that the site can be made suitable for the proposed uses and this Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination. Refer to Part 2.7.1 of this report (above).</p> <p>This application does not change the manner in which this SEPP applies to the site.</p>
SEPP 64 – Advertising and Signage	This SEPP aims to facilitate and regulate advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP 65 (Design Quality of Residential Apartment Development)	This SEPP aims to improve the design quality of developments containing apartments. The SEPP is linked to the Apartment Design Guide (ADG) which includes specific objectives and recommendations for detailed design requirements.	Yes	<p>This Planning Proposal seeks increased height and FSR controls to increase the scale of future built form on the site. The provisions of SEPP 65 will apply to the site.</p> <p>The indicative concept proposal prepared by GMU and submitted with the application demonstrates that the proposal is capable of general compliance with the ADG provisions, including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>A mix of apartment sizes of sufficient area and private open space;</li> <li>Solar access to 79% (66) of apartments;</li> <li>Cross ventilation to 60% (50) of apartments;</li> <li>Building separation;</li> <li>Sufficient landscaping; and</li> <li>Publicly accessible open space and sufficient communal open space on the ground level and rooftops.</li> </ul>



Table 8: Relevant State Environmental Planning Policies			
SEPP	Relevance	Consistency	Comments
			The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP No 70- Affordable Housing (Revised Scheme)	Not Applicable.		
SEPP (Aboriginal Land) 2019	Not applicable.		
SEPP (Activation Precincts) 2020	Not applicable.		
SEPP (Affordable Rental Housing) 2009	This SEPP facilitates the provision of affordable rental housing and retention of existing affordable housing as well as encourages the siting of affordable housing in accessible locations through bonus incentives.	Yes	The site is within an accessible location and the provision of the SEPP would apply to the site. This Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	This Planning Proposal does not change the manner in which this SEPP will apply to any future development application for new dwellings.
SEPP Coastal Management 2018	This SEPP seeks to balance the need to provide jobs, housing, community facilities and transport for a changing population while maintaining the unique qualities and managing	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.





Table 8: Relevant State Environmental Planning Policies			
SEPP	Relevance	Consistency	Comments
	risks associated with development along our coastlines.		
SEPP (Concurrences and Consents) 2018	Not Applicable.		
SEPP (Education Establishments and Child Care Facilities) 2017	Not Applicable.		
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Gosford City Centre) 2018	Not Applicable.		
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP facilitates the provision of housing for Seniors and People with a Disability as well as encouraging services for residents and affordable housing in accessible locations through bonus incentives.	Yes	<p>The site is within an accessible location and the provision of the SEPP would apply to the site.</p> <p>This Planning Proposal does not change the manner in which this SEPP applies to the site.</p>
SEPP (Infrastructure) 2007	This Policy aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure.	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.







Table 8: Relevant State Environmental Planning Policies			
SEPP	Relevance	Consistency	Comments
SEPP (Koala Protection) 2019	Not Applicable.		
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable.		
SEPP (Kurnell Peninsula) 1989	Not Applicable.		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable.		
SEPP (Major Infrastructure Corridors) 2020	Not Applicable.		
SEPP (Penrith Lakes Scheme) 1989	Not Applicable.		
SEPP (Primary Production and Rural Development) 2019	Not Applicable.		
SEPP (State and Regional Development) 2011	Not Applicable.		





Table 8: Relevant State Environmental Planning Policies			
SEPP	Relevance	Consistency	Comments
SEPP (State Significant Precincts) 2005	Not Applicable.		
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable.		
SEPP (Sydney Region Growth Centres) 2006	Not Applicable.		
SEPP (Three Ports) 2013	Not Applicable.		
SEPP (Urban Renewal) 2010	Not Applicable.		
SEPP (Vegetation in Non-Rural Areas) 2017	This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP (Western Sydney Employment Area) 2009	Not Applicable.		
SEPP (Western Sydney Parklands) 2009	Not Applicable.		



**Q6: Is the Planning Proposal consistent with the applicable Ministerial Directions?**

The consistency of the Planning Proposal with the relevant Ministerial Directions is demonstrated in Table 9.

Table 9: Section 9.1 Ministerial Directions			
Ministerial Direction	Relevance	Consistency	Implications
<b>1. Employment and Resources</b>			
<b>1.1 Business and Industrial Zones</b>	<p>(1) The objectives of this direction are to:</p> <p>(a) encourage employment growth in sustainable locations;</p> <p>(b) protect employment land in business and industrial zones; and</p> <p>(c) support the viability of identified strategic centre</p>	Yes	<p>Direction 1.1 applies to this application for a planning proposal as it seeks to increase FSR and height development standards in a B4 Mixed Use zone. The proposal gives effect to the objectives of this direction, since concept plans seek to retain the existing pub use, and provide new employment generators through the provision of a new café and two new retail tenancies. The indicative concept proposal will include a non-residential FSR of 1.41:1 which is significantly greater than all other properties in the Bexley North Town Centre. In fact, the RLEP 2011 does not contain any blanket provision for minimum non-residential FSR but does dictate site specific provisions. The subject site does not contain any minimum non-residential FSR requirement and therefore the concept proposal will be a significant improvement of the existing situation or that anticipated by the current planning controls.</p> <p>The proposal also supports the viability of the Bexley North Town Centre, which is identified as a Local Centre in the Eastern City District Plan.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 1.1.</p>
<b>1.2 Rural Zones</b>	Not Applicable.		
<b>1.3 Mining, Petroleum production &amp; Extractive Industries</b>	Not Applicable.		
<b>1.4 Oyster Aquaculture</b>	Not Applicable.		
<b>1.5 Rural Lands</b>	Not Applicable.		



2. Environment and Heritage			
2.1 Environmental Protection Zones	Not Applicable.		
2.2 Coastal Protection	Not Applicable.		
2.3 Heritage Conservation	Not Applicable.		
2.4 Recreation Vehicle Areas	Not Applicable.		
2.5 Application of E2 and E3 Zones and Environmental Overlays in far North Coast LEPs	Not Applicable.		
2.6 Remediation of Contaminated Land	<p>The objective of this direction is to 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>This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).</p> <p>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which</p>		<p>A Stage 2 Environmental Site Assessment has been undertaken by EIS and is submitted separately with this proposal. The assessment makes the following recommendations:</p> <ul style="list-style-type: none"> <li>• A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;</li> <li>• A validation assessment should be undertaken on completion of remediation at each development stage; and</li> <li>• An unexpected finds protocol should be implemented during excavation works at the site.</li> </ul> <p>Subject to these recommendations being enacted, the report concludes that the site can be made suitable for the proposed uses and this Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination. Refer to Part 2.7.1 of this report (above).</p> <p>The application for a Planning Proposal is therefore consistent with Direction 2.6.</p>



	<p>land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>		
<b>3. Housing, Infrastructure and Urban Development</b>			
<b>3.1 Residential Zones</b>	<p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs;</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction applies to all planning authorities and applies when a relevant planning authority prepares a planning proposal that will affect land within an existing residential zone or a zone which permits significant residential development.</p> <p>A planning proposal must encourage the provision of housing that will:</p> <p>(a) broaden choice of building types and locations;</p> <p>(b) make more efficient use of existing infrastructure and services;</p> <p>(c) reduce land consumption on the urban fringe;</p> <p>(d) be of good design.</p>	Yes	<p>Direction 3.1 applies to this application for a Planning Proposal as whilst the planning proposal does not rezone the site to a residential zone, the increased FSR and height controls to the B4 – mixed use zoned site will facilitate the greater provision of housing in an urban area.</p> <p>This application for a Planning Proposal will facilitate the construction of approximately 83 additional dwellings in conjunction with 5,988sqm of commercial floor space.</p> <p>The concept proposal, based on the proposed new planning controls, provides a choice of housing in that it provides 24 x 1 bedroom units (28.9%), 38 x 2 bedroom units (45.8%) and 21 x 3 bedroom units (25.3%). The proposal makes efficient use of existing infrastructure since it is located in the Bexley North Town Centre and is therefore in close proximity to Bexley North Railway Station.</p> <p>The variety of new dwellings facilitated by the Planning Proposal will be of high quality design and entirely consistent with the requirements of SEPP 65 where applicable.</p>



	<p>A Planning Proposal must:</p> <p>(a) contain a provision that residential development is not permitted until land is adequately serviced; and</p> <p>(b) not contain provisions that reduce density.</p>		<p>The additional density will be serviced by the existing and planned infrastructure and services of the Bexley North Town Centre.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 3.1.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not Applicable.		
<b>3.3 Home Occupations</b>	Not Applicable.		
<b>3.4 Integrating Land Use and Transport</b>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>This direction applies to all relevant planning authorities and to all Planning Proposals that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a)</p>	Yes	<p>This Direction applies to this application for a Planning Proposal as it seeks to increase housing densities within urban zoned land.</p> <p>This application for a Planning Proposal seeks to increase the density of residential development to facilitate delivery of approximately 83 apartments and provide a non-residential FSR of 1.41:1 to serve the day to day needs of the locality. In this regard, the new ground level café and pub detailed in the indicative concept proposal are located adjacent to publicly accessible open space. This is likely to encourage pedestrian activity and social interaction as well as enhance the streetscape and public space network.</p> <p>A combined and centralised driveway on Sarsfield Circuit will improve the safe and efficient movement of vehicles, pedestrians and cyclists. Since the proposal is located within 200m walking distance of Bexley North Railway Station, the proposal is likely to reduce distances travelled by car, since the train will be a more competitive mode of transport.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 3.4.</p>



	Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).		
3.5 Development near Regulated Airports and Defence Airfields	Not Applicable.		
3.6 Shooting Ranges	Not Applicable.		
3.7 Reduction in non-hosted short term rental accommodation period	Not Applicable.		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Not Applicable.		
4.2 Mine Subsidence and Unstable Land	Not Applicable.		
4.3 Flood Prone Land	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies to all relevant planning authorities and to Planning Proposals that create, remove or alter a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain</p>	Yes	<p>The subject site is not identified as being within a Flood Planning Area, however adjoining properties to the north and south are mapped as being within the Flood Planning Area. A Flood Report has been prepared by GRC Hydro and is attached at Annexure C.</p> <p>A supplementary Flood Investigation Report was prepared by GRC Hydro on 26 August 2020 to address Council's concerns in relation to flooding. This report is provided with the updated documentation. The report concludes the following:</p> <ul style="list-style-type: none"><li>• GRC Hydro have done extensive work on flood modelling at the site for a previous Development Application;</li><li>• Since that time Council have provided an improved Council modelling tool that is suitable for site analysis;</li><li>• The site is flood liable albeit to overland flows or what would tend to</li></ul>



	<p>Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>A Planning Proposal must not contain or refer to drawings that show details of the development proposal.</p>		<p><i>be called stormwater;</i></p> <ul style="list-style-type: none"> <li>• <i>Council stormwater assets on the site currently lie under buildings – the re-development is an opportunity to put such assets in locations where they can be accessed should maintenance be required;</i></li> <li>• <i>Site's flood liability is very much affected by a re-distribution of flow that resulted from a 2010 development approved at the corner of Sarsfield Circuit and Bexley Road;</i></li> <li>• <i>Flood liability of the site means that compliance with DCP controls is required to be achieved by any development;</i></li> <li>• <i>Compliance with risk management requirements (appropriate floor levels, building materials etc.) is straightforward;</i></li> <li>• <i>Compliance with impact consent conditions required the following mitigation measures:</i> <ul style="list-style-type: none"> <li>◦ <i>Site Storage via detention Tank;</i></li> <li>◦ <i>Swale on the eastern side of the development; and</i></li> <li>◦ <i>Pipe diversion on Slade Road.</i></li> </ul> </li> </ul> <p>GRC Hydro has been engaged with the Planning Proposal from early design stages to provide advice and design guidance to mitigate the impacts of flooding. It is concluded that the risks associated with flooding and overland flow can be controlled and mitigated. Detailed design development will be undertaken at the development application stage. Therefore any impacts are considered to be of minor significance.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 4.3.</p>
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4.4 Planning for Bushfire Protection	Not Applicable.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Not Applicable.
5.2 Sydney Drinking Water Catchments	Not Applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.
5.5 Development in the vicinity of Eilalong, Paxton and Millfield	Not Applicable.
5.6 Sydney to Canberra Corridor	Not Applicable.
5.7 Central Coast	Not Applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable.
5.9 North West Rail Link Corridor Strategy	Not Applicable.
5.10 Implementation of Regional Plans	Not Applicable.
5.11 Development of Aboriginal Land Council land	Not Applicable.



6. Local Plan Making			
6.1 Approval and Referral Requirements	Not Applicable.		
6.2 Reserving Land for Public Purposes	Not Applicable.		
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>This direction applies to all relevant planning authorities and to all Planning Proposals.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>- allow that land use to be carried out in the zone the land is situated on, or</li> <li>- rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul> <p>A Planning Proposal must not contain or refer to drawings that show details of the development proposal.</p>	Yes	<p>This application for a Planning Proposal seeks amendments to RLEP 2011 to:</p> <ul style="list-style-type: none"> <li>• apply height of buildings controls which will increase the height from 16m to 20m and 35m; and</li> <li>• apply FSR controls which will increase the FSR from 2:1 to 3.2:1 and 3.6:1.</li> </ul> <p>The Planning Proposal will, post gateway determination, be accompanied by a Site Specific DCP that seeks to control development as a result of the change to the RLEP 2011. The amendment is consistent with Direction 6.3 because it:</p> <ul style="list-style-type: none"> <li>• does not introduce a new land use zone that is not already contained in RLEP 2011; and</li> <li>• does not introduce new development standards that are not already contained in the RLEP 2011.</li> </ul> <p>The application for a Planning Proposal is therefore consistent with Direction 6.3.</p>
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	<p>This Direction applies to all Planning Proposals in nominated Local Government Areas and seeks to give legal effect to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>	Yes	<p>A Plan for Growing Sydney has been superseded by the Greater Sydney Commission's Greater Sydney Region Plan (A Metropolis of Three Cities). For the reasons discussed in Tables 5 and 6, the Planning Proposal is consistent with the broader</p>







	A Planning Proposal must be consistent with the Plan unless the inconsistency is of minor significance and the planning proposal achieves the overall intent of the Plan.		strategic planning for Greater Sydney and the Eastern City District.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable.		
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable.		
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable.		
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable.		
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable.		
7.7 Implementation	Not Applicable.		





of Glenfield to Macarthur Urban Renewal Corridor	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not Applicable.
7.9 Implementation of Bayside West Precincts 2036 Plan	Not Applicable.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable.

### 5.3.3 Section C - Environmental, Social and Economic Impacts

**Q7: 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?**

The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.

**Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

#### Solar Access

The additional height and FSR proposed above the existing controls will have varying degrees of impact on the solar access of the adjoining properties.

The building envelope of the indicative concept proposal has been extensively tested and designed to ensure the apartments will comply with the solar access requirements under the Apartment Design Guide (ADG) and will minimise the impact on the solar access of nearby residential properties and public open spaces.

Hourly shadow diagrams have been prepared by GMU in the UDR (refer to Annexure A) for midwinter to demonstrate the extent of overshadowing from the indicative concept proposal on adjoining properties and public open space. Detailed sun-eye diagrams have also been prepared specifically to demonstrate the extent of overshadowing to north-facing units of the southern adjoining neighbouring site at Nos. 22-40 Sarsfield Circuit. These are reproduced below.



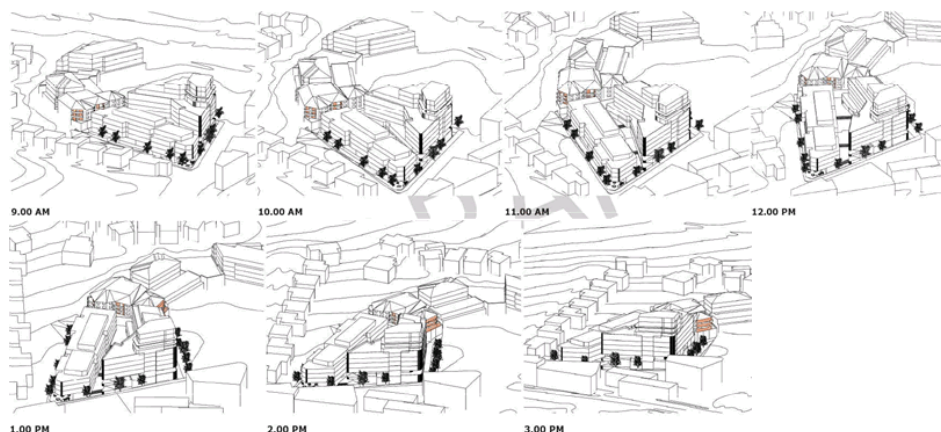


Figure 24 Shadow and Sun eye diagrams

#### Solar Access to Adjacent Dwellings

Part 4.4.2 (Solar Access) under Rockdale DCP 2011, requires residential flat buildings and shop top housing to provide solar access as follows:

- b. Living rooms and private open spaces for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.*

The shadow diagrams prepared by GMU show that the proposal will create additional overshadowing of Nos. 22-40 Sarsfield Circuit, directly south of the site. Sun-eye diagrams prepared by GMU provide a detailed analysis of solar access to the north-facing units at Nos. 22-40 Sarsfield Circuit. The UDR summarises the impacts as follows:

*The 6 balconies/openings facing Sarsfield Circuit receive sun from 9:00 am to 11:00 am. The 2 upper balconies/openings at the centre of the building facing north receive light from 9:40am to 2:20 pm, while the third and bottom balcony receives light from 12:25 pm to 2:10 pm (1.75hrs). The 3 units facing the carpark receive light to the balconies between 1:00 pm and 3:00 pm, though the facade is overshadowed by the existing balconies until 1:20 pm.*

The proposal would therefore create shadow impacts that are non-compliant with RDCP 2011. It is understood that Nos. 22-40 Sarsfield Circuit contains 28 strata titled premises, including ground level non-residential premises. Therefore, strict application of Part 4.4.2 of RDCP 2011 would require that 70% (or up to 19 apartments) have living rooms and private open space that receiving solar access for 3 hours. Based on the building design, it is apparent that the existing building would not comply with these controls and therefore it is considered unreasonable to retrospectively apply controls for solar access to living rooms and private open space of apartments that were not designed to achieve the requirements of the ADG in the first place.

It is noted that Part 4A-1 of the ADG requires two (2) hours of solar access to living rooms and private open spaces of 70% of apartments in a development in the Sydney Metropolitan Area. As discussed above, it is unreasonable to require 70% of all apartments to achieve solar access which were not designed to do so in the first place, however, the proposal does provide at least two hours of solar access to balconies and living areas of 11 out of 12 north or west facing units at Nos. 22-40 Sarsfield Circuit that could be affected by the indicative





concept proposal This is considered to be a more appropriate solar access control for higher density and mixed use precincts.

It is also noted that Nos. 22-40 Sarsfield Circuit has balconies and windows only 2 metres away from the side boundary as it was approved before the current planning framework was in place. This makes the north facing windows and private open spaces vulnerable to overshadowing. In fact, if the subject site was developed to the full potential provided under the existing controls, a building with a maximum height of 22m (6-7 storeys) and an FSR of 2.5:1 could be constructed on the site, including adjacent to the southern boundary, which could have a much greater impact on the solar access to north facing windows and private open spaces than that provided by the indicative concept proposal (4-5 storeys for the eastern building). That is, the Planning Proposal will effectively reduce the allowable height on this sensitive part of the site. Furthermore, if Nos. 22-40 Sarsfield Circuit was redeveloped, there would need to be greater consideration of solar access for the apartments and greater separation distances to enhance solar access.

The proposed development would not cast any shadows to the dwellings on the eastern side of Sarsfield Circuit between 9am and 3pm. Furthermore, only the rear yards/open space areas of these properties would be overshadowed by the indicative concept proposal from approximately 2pm and would therefore ensure more than 3 hours of solar access to these properties. As discussed above, if the subject site was developed to the full potential provided under the existing controls, a building with a maximum height of 22m (6-7 storeys) and an FSR of 2.5:1 could be constructed on the site, including adjacent to the eastern boundary, which could have a much greater impact on the solar access to north facing windows and private open spaces than that provided by the indicative concept proposal (4-5 storeys for the eastern building). That is, the Planning Proposal will effectively reduce the allowable height at this sensitive interface compared with the current controls.

It is therefore considered that the extent of overshadowing to adjacent residential dwellings demonstrated by the concept proposal is entirely reasonable and appropriate for the site, and is worthy of Council's support. A detailed overshadowing analysis will be submitted as part of any future development application.

#### Solar Access to Public Open Space

There are no controls under the RDCP 2011 that dictate solar access to public open space. While not public open space, the indicative concept proposal would result in additional overshadowing to the Council carpark south-west of the site. However, the carpark would retain solar access to more than 50% of its area from 11am onwards. Therefore, if the car park was put to an alternate use in the future, solar access would be available to it to a reasonable level.

The proposed north-south publicly accessible open space between the two buildings will receive solar access from approximately 11am to 1pm, ensuring a pleasant and protected space in mid-winter during lunchtimes for residents and workers to enjoy.

#### Visual Impact

The additional height and FSR proposed for the subject site above that currently permitted will have varying degrees of visual impact on the locality.

The visual catchment of the subject site comprises of an eclectic mix of building forms and typologies. Development to the north is characterised by medium to high density shop top and residential land uses with a mix of building forms and typologies, ranging from 3-5 storeys. Development directly to the west is characterised by the Council carpark, and then two storey commercial development further west. Development to the south and south-west is characterised by medium to high density shop top and residential land uses with a mix of forms, ranging from 2-5 storeys. Areas to the north, west and south are zoned B4 Mixed Use. Development to the east is characterised by 1-2 storey residential dwellings which are subject to the R2 Low Density Residential zoning.





The location and scale of the buildings has been extensively tested and designed to ensure that future apartments will satisfy the requirements of the ADG and minimise the impact on the amenity of adjoining properties. Furthermore, the design of the proposal seeks to redistribute bulk from the more sensitive eastern boundary to the less sensitive western boundary adjacent to the Council car park. This concept facilitates a two building design with the eastern building having a height of 4-5 storeys (less than the permitted 22m under the existing controls) and the western building having a height of 6-10 storeys (greater than the permitted 22m under the existing controls). This massing is more responsive to the site conditions than the current planning controls.

Line drawings depicting view angles of the proposal have been provided by Tim Throsby to consider the visual impact from several key locations surrounding the site as detailed in Figures 25-27 below.



Figure 25 View angle from Slade Road looking west towards Bexley Road





Figure 26 View angle from Shaw Street looking east towards the Council car park



Figure 27 View angle from Slade Road looking south into the proposed public open space



The line drawings prepared by Tim Throsby demonstrate that the proposed LEP amendments and indicative concept proposal will enable the redevelopment of the site in an appropriate manner that will be compatible with the scale and character of the site and surrounds. The proposal has carefully considered low density residential dwellings to the east, dropping in scale to 4-5 storeys along the eastern elevation to reduce visual impacts.

The indicative concept proposal demonstrates that the redevelopment of the site can be undertaken in an appropriate manner that will be compatible with the scale and character of the site and surrounds. The design of the indicative concept proposal will provide a transition to surrounding lower density residential development to the east and positively respond to public car park to the west. In this regard, the western building will provide 6-7 storeys across the majority of the western building, rising up to 10 storeys in the north-western corner to form a visual marker and anchor the corner. This scale is considered appropriate for this portion, since it will form a key part of a redeveloped Bexley North Town Centre.

Overall, the indicative concept proposal will provide for a well-considered development on site that will achieve a better urban design and amenity outcome than that anticipated by the existing planning controls. Therefore, the proposal, will have a positive visual impact on the locality.

#### Views

There are no existing significant views across the site. The single storey houses to the east turn their back on Sarsfield Circuit, and will therefore suffer no significant view loss from the proposal. The proposal is not anticipated to have any impact on views in the locality.

#### Visual and Acoustic Privacy

The indicative concept proposal has been designed and tested to ensure compliance with the separation requirements of the ADG, both for occupants within the site and adjoining the site. Physical separation between buildings on the site and neighbouring sites is assisted by Sarsfield Circuit to the east, Slade Road to the north, the Council car park to the west and the proposed through site pedestrian link to the south (subject to acquisition by Council).

The site is capable of having no adverse impact on the visual and acoustic privacy of adjoining properties.

#### Traffic and Parking

A Traffic and Parking Assessment (TPA) has been prepared by Traffix and is attached as Annexure B. A revised Traffic Impact Assessment dated August 2020 has also been prepared to address Council's concerns on traffic and parking. This is submitted separately with this Planning Proposal.

The TPA provides consideration on the pedestrian and vehicular movements, quantum of car parking as part of the indicative concept proposal and the transport impact on the surrounding road network. The TPA concludes that *"the planning proposal is supported on transport planning grounds and will operate satisfactorily, even based on the set of worst-case assumptions made for the concept development"*.

The conclusions for the car parking generation rates and traffic generation will be examined in more detail below.

#### Car Parking Generation Rates

The indicative concept proposal generates the following car parking rate:

Table 10 Car Parking Generation			
Car Parking	Units/Rooms/GFA	Minimum Parking Rate	Minimum Spaces Required
Residential Component (SEPP 65)			
1 Bed	24	0.6 spaces per unit	14







Table 10 Car Parking Generation			
2 Bed	38	0.9 spaces per unit	34
3+ Bed	21	1.4 spaces per unit	29
Residential Visitor	83	1.0 space per 5-7 units	17
Other Land Uses (DCP & RMS)			
Hotel Rooms	60	1 space per 4 rooms	15
Pub	2,060m <sup>2</sup>	1 space per 26m <sup>2</sup> GFA	80
Retail	287m <sup>2</sup>	1 space per 40m <sup>2</sup> GFA	8
Gym	297m <sup>2</sup>	4.5 spaces per 100m <sup>2</sup> GFA	13
Cafe	160m <sup>2</sup>	1 space per 40m <sup>2</sup>	4
<b>Total Required</b>			<b>214</b>

The indicative concept proposal details up to 214 parking spaces throughout three basement levels, thus the increased car parking generated by the increased density under the proposed amendments to the RLEP 2011 can be easily accommodated on the site. Given the restricted parking in and around the Bexley North Town Centre, the provision of additional unrestricted car parking on-site over and above the above requirement may be considered a better outcome for the patrons of the non-residential uses including the pub, gym, hotel and café's. The reduction in the quantum of parking spaces on the site would reduce the quantum of excavation but will generally be a poorer outcome with the increased reliance upon on-street parking or the Council car park. The provision of car parking will be detailed at the development application stage.

It is not anticipated that there are any geotechnical or hydrogeological factors that would limit the provision of basement car parking and therefore these issues will be considered at the development application stage. It is noted the location of the M5 Motorway tunnel extension which is not affected by the indicative concept proposal.

#### Traffic Generation

The TPA details that the indicative concept proposal when calculated using the Guide to Traffic Generating Development (GTTGD) will generate 59 vehicle movements / hour in the AM Peak Hour and 130 vehicle movements / hour in the PM Peak Hour in accordance with the requirements of the GTTGD.

The existing buildings on the site when calculated using the GTTGD will generate 7 vehicle movements / hour in the AM Peak Hour and 43 vehicle movements / hour in the PM Peak Hour. These figures are low due to the operating hours of the existing pub and the underdeveloped nature of the site.

When accounting for the existing uses of the site when operated at full capacity, the proposed development will generate the following traffic volumes:

- +59 vehicle trips per hour during the morning peak period (+19 in, +40 out); and
- +129 vehicle trips per hour during the evening peak period (+71 in, +58 out).

The TPA considers the distribution of traffic and intersection performance to determine the acceptability of the increase in density. The TPA prepared by Traffix concludes as follows:

*"The traffic generation arising from the development has been assessed as a net increase over existing conditions and equates to an additional 52 vehicle trips per hour during the morning peak period and 87 vehicle trips during the evening peak period. This is a worst-case assessment that does not take account*





*of multi-purpose trips that occur in a mixed-use development. Nevertheless, SIDRA modelling demonstrates no unacceptable impacts, with no change in levels of service and minor increases in average delays at critical intersections."*

#### **Pedestrian Linkages**

Two publicly accessible (in private ownership) through site links are provided as part of the proposal. One provides access through the site along the southern site boundary (subject to acquisition by Council), and the other connects this link with the publicly accessible open space that runs north-south through the site. These through site links will significantly improve pedestrian permeability through the Bexley North local centre.

#### **Demands for infrastructure, utilities and services**

The increase in building height and FSR will translate to additional floor space in dwellings and non-residential uses. The demand for infrastructure, utilities and services to support the day to day demands of future land uses are likely to be within the functional capacity of infrastructure, utilities and services augmented in response to specific development proposals.

#### **Q9: Has the Planning Proposal adequately addressed any social and economic effects?**

##### **Social Impact**

The social impact of the indicative concept proposal will be positive. It is considered that the indicative concept proposal will contribute to the overall wellbeing of residents within the local centre and within the wider Bayside LGA for the following reasons:

- The location of the site supports the provision of residential accommodation given its location within the Bexley North local centre and access to transport, services and employment.
- The indicative concept proposal will provide an increased supply and form of housing, improved social cohesion within the community and contribute to the local economy;
- The indicative concept proposal offers an alternative to detached dwellings which dominates the local area without adversely impacting on any groups of people;
- The redevelopment of the site will bring favourable employment benefits by increasing the non-residential floor area on the site and providing short term employment during construction and an increased residential population in the long term which will assist in the growth of local retail and commercial businesses; and
- The indicative concept proposal is not of a scale that the available health, education, employment and other social support infrastructure and facilities would be unable to cope or suffer and reduced level of service as a direct consequence of this development.

The indicative concept scheme incorporating a mixed use development with approximately 83 apartments and 5,988m<sup>2</sup> of non-residential floor space which is a significant improvement on the existing situation and will undoubtedly have only positive social benefits for the Bexley North local centre.

##### **Economic Impact**

The existing site currently accommodates the Bexley North hotel (which is a pub) and a separate hotel. The indicative concept proposal will provide for 5,988m<sup>2</sup> of non-residential floor space across a pub on ground and first floors, a café on the ground floor, two retail tenancies on the ground floor, a gym on the first floor, and a hotel in the north-western portion of the development on Levels 2-5. This will present a significant increase in the net leasable area on the subject site, while retaining and integrating the existing pub and hotel uses on the site. The indicative concept proposal is anticipated to render many economic benefits for the Bexley North local centre and greater Bayside LGA, including and not limited to the following:



- Through population growth, generate additional retail and business trade opportunities;
- Provide more housing and greater housing diversity to combat affordability constraints;
- Diversify the industry base and improve the economic resilience of the Bexley North local centre;
- Encourage higher public transport utilisation by intensifying a site in an accessible location;
- Reinforce the identity and role of the Bexley North local centre;
- Encourages social well-being through the provision of day to day services and the promotion of walking on site, which will improve mental and physical health in the community and therefore reduce the impacts on local medical facilities;
- Support various professional service industries during the planning and design phase of the project e.g. consulting, architecture, engineering, planning and so forth;
- Creation of short-term jobs through the construction of the redevelopment; and
- An increase in tax revenue (rates, stamp duty, contributions) for local and state government, supporting increased and improved services and amenity within Bayside Council.

The indicative concept scheme incorporating a mixed use development with approximately 83 apartments and 5,988m<sup>2</sup> of commercial space is a significant improvement on the existing situation and will undoubtedly have significant benefits for the Bexley North local centre and surrounding locality.

#### 5.3.4 Section D - State and Commonwealth Interests

##### ***Q10: Is there adequate public infrastructure for the Planning Proposal?***

The site is within the Bexley North local centre which is well serviced by infrastructure, utilities, public transport and a variety of social support services and recreational facilities. The additional development potential facilitated by the proposed LEP amendments will not exceed the capacity or availability of public infrastructure. Appropriate Development Contributions will be levied at the time of development consent for any future building work. In addition, the applicant will provide a letter of offer for a VPA to Council, the contents of which will be subject to further negotiation following a positive Gateway determination. This is considered to be a substantial public benefit as the 'physical' infrastructure will be delivered and coordinated with the population generated by the development.

##### ***Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation. The Gateway determination may identify additional agencies to be consulted.

## 5.4 STRATEGIC MERIT TEST

The Department of Planning in Circular PS 16-004 issued 30 August 2016 released updated criteria relating to strategic merit. They include:

*The key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. The Department has strengthened the Strategic Merit Test and proposals will now be assessed to determine if they are:*

- ***consistent with the relevant regional plan outside of the Greater Sydney Region, 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***
- ***consistent with a relevant local strategy that has been endorsed by the Department; or***
- ***responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.***





*A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.*

As outlined at Section 5.3.2 of this Report, the proposal is consistent with the strategic planning documents prepared by the Greater Sydney Commission, including *A Metropolis of 3 Cities: The Greater Sydney Region Plan* and the *Eastern City District Plan*. The proposal is also consistent with the strategic planning documents prepared by Bayside Council, including the *Bayside Community Strategic Plan 2018-2030* and the *Draft Future Bayside Local Strategic Planning Statement*. The proposal is consistent with these documents since it provides a mixed use development that incorporates additional housing supply, commercial floor space and new publicly accessible open space within the Bexley North local centre, which has excellent access to public transport.

Once satisfied that sufficient strategic merit exists for the development, the Department will then consider the site specific merit and have regard to the following:

- the natural environment (including known significant environmental values, resources or hazards);
- the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The subject site is not subject to known significant environmental values or resources, however it is flood affected. A Flood Report has been prepared by GRC Hydro, which details how the proposal can be designed to satisfy overland flow requirements. It is concluded that the risks associated with flooding and overland flow can be controlled and mitigated. Detailed design development will be undertaken at the development application stage. Therefore any impacts are considered to be of minor significance.

Based on the existing and likely future uses of land in the vicinity of the land subject to the proposal, a height of 20m and 35m and an FSR of 3.2:1 and 3.6:1 would be suited for the individual site circumstances as a gateway to the Bexley North local centre. This would allow buildings up to 10 storeys, which is achievable in parts of the site given the limited FSR.

The increase in building height and FSR for the indicative concept proposal will translate to additional floor space in dwellings and permissible non-residential uses. The demand for infrastructure, utilities and services to support the day to day demands of future land uses are likely to be within the functional capacity of infrastructure, utilities and services augmented in response to specific development proposals.

## 5.5 PART 4 - MAPPING

Proposed amendments to LEP maps are indicated in Figures 20 and 21. Should Council resolve to support the Planning Proposal, proposed mapping amendments will be prepared by Council staff.

## 5.6 PART 5 - COMMUNITY CONSULTATION

It is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Bayside Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.





### 5.6.1 Project Timeline

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Phase	Timing
Gateway determination date	TBD (by Department of Planning, Industry & Environment)
Completion of required technical information	No additional supporting studies required Draft DCP Provisions to be completed within 3 weeks of Gateway determination
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application by IHAP	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition





## 6. Conclusion

This Planning Proposal has been prepared for Turnborn Pty Ltd, owner of No. 187 Slade Road, Bexley North. This application is a request to Council to seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment (EP&A) Act, 1979*. This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act, 1979* as well as the NSW Department of Planning publication "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

The primary intent of the application is to initiate a Planning Proposal process to amend the provisions of RLEP 2011 by:

- amending the height of buildings map to permit buildings to a maximum height of 20m and 35m ; and
- amending the FSR map to permit buildings with a maximum FSR of 3.2:1 and 3.6:1.

This application for a Planning Proposal demonstrates that the proposed amendments to RLEP 2011 are necessary to redevelop the subject site in line with the metropolitan and district plans, and that this redevelopment can be achieved without unreasonable amenity impacts on neighbouring sites. This application represents an opportunity for Council as it will provide a catalyst for the redevelopment of other sites in the Bexley North Town Centre, particularly those that adjoin the Council owned car park. It presents a unique opportunity to set a high standard for redevelopment in this precinct and to deliver a suite of public benefits that will not be realised if the current planning controls are retained and the opportunity for redevelopment passes.

The changes to the planning controls will:

- Facilitate the establishment of a 'landmark' development at a key gateway to the Bexley North local centre, forming a visual marker and reinforcing the importance and identity of the Bexley North local centre;
- Contribute towards the revitalisation of the local centre by establishing uses and activation adjacent to the Council car park and Slade Road;
- Establish a 'destination' through the provision of ground level café, pub and retail tenancies linked to publicly accessible open space;
- Enhance pedestrian permeability through the site to link surrounding sites and public spaces;
- Address housing affordability by providing a mix of housing choices;
- Create liveable communities by providing high quality amenities and open space to meet the needs of existing and future residents of Bexley North;
- Deliver the highest standards of urban planning and excellence in architectural design.

In addition, the redevelopment of the combined sites will provide a significant number of public benefits which are discussed throughout this application for a Planning Proposal. The application is entirely consistent with the local, regional and state strategic planning directions.

The Urban Design Report and indicative concept proposal prepared by GMU demonstrate a high quality redevelopment scheme integrated with pedestrian links and movement paths, landscaped areas, solar access and a variety of building forms. The UDR comprehensively demonstrates that the proposed building form facilitated by this application will:

- Fit with the anticipated future urban form;
- Deliver additional apartments and new open space of high quality and generally compliant with the requirements of SEPP 65 and the ADG;
- Provide increased housing opportunities to optimise the efficient use of infrastructure, services and facilities which are anticipated to be augmented as part of the redevelopment of the Bexley North local centre; and,





- Maintain a mix of land uses expected to facilitate the orderly and economic development of the site with no detrimental impacts to the amenity and accessibility of public open spaces and at a density which will be within the capacity of augmented infrastructure.

This Planning Proposal is consistent with the local, regional and state planning strategies for Bayside LGA and the Eastern City District Plan within the Sydney Metropolitan Area. This Planning Proposal has the potential to make a substantial positive contribution to the quality and quantum of housing, commercial facilities and public open space in the Bexley North local centre, on a well-serviced site, to provide a development which is diverse and vibrant, compatible with neighbouring properties and delivers a high quality urban environment.

This application for a Planning Proposal is entirely worthy of Council's support.



Planning Ingenuity Pty Ltd

PLANNING PROPOSAL  
REF: M170091

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**Bayside Local Planning Panel - Other Applications****16/12/2021**

Item No	5.1
Subject	<b>Planning Proposal - 187 Slade Road, Bexley North</b>
Report by	John McNally, Urban Planner - Strategic Planning
File	F19/1273

**Summary**

Council has received a draft Planning Proposal in relation to land at 187 Slade Road, Bexley North – the site of the Bexley North Hotel (the subject site). The draft Planning Proposal seeks to amend the Bayside Local Environmental Plan 2021 (BLEP 2021) by:

- Amending the height of buildings (HOB) map from 16m (plus 6m height incentive for lots of minimum 1200sqm) to introduce maximum HOB standards of 20m and 35m;
- Amending the floor space ratio (FSR) map from 2:1 (plus 0.5:1 FSR incentive for lots of minimum 1200sqm) to introduce maximum FSR standards of 3.2:1 and 3.6:1; and
- Amending both the HOB and FSR maps to omit the land from 'Area 3' and 'Area 7' respectively, thereby preventing the land from benefitting from any further exceedance of the resulting HOB and FSR standards which would otherwise have been permitted by current clauses 4.3 and 4.4 of the BLEP 2021.

The existing zoning under the Bayside Local Environmental Plan 2021 is B4 Mixed Use. No change to the zone is proposed.

Regional and district planning policies acknowledge that the growth and expansion of existing local centres is necessary to support the growth of Sydney's population and provide local jobs and services in accessible locations.

However, these policies also direct that new developments must display good design principles, respect local character and improve amenity. To properly assess the urban design issues associated with the proposed changes to the LEP, Council has engaged the services of an external urban design consultant. The urban design consultant raised a number of concerns that the proposed HOB and FSR may not be achievable on the site and could result in a development which does not reflect the design principles displayed in the indicative scheme submitted by the proponent.

In summary, whilst the principle of higher density development in this location is acceptable, in the absence of a masterplan for the Bexley North centre, additional work is required to demonstrate that the proposed changes to development standards can be accommodated on the site without harm to the character or amenity in the immediate locality or prejudicing any future master-planning of the Bexley North local centre.

The proponent has provided a significant amount of information and is not willing to address the urban design issues raised without some general assurance that the proposal could be supported as it stands or with some refinement. The matter is being reported to the Panel to seek the Panel's advice to assist the proponent in determining how to proceed.



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Bayside Local Planning Panel - Other Applications16/12/2021

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**Officer Recommendation**

- 1 That the Bayside Local Planning Panel consider the draft Planning Proposal for 187 Slade Road, Bexley North and provide feedback to the proponent as follows:
    - a. While the timing of the draft Planning Proposal is premature when considered against the timeframes for investigation into the Bexley North area (6-10 years) in both the Bayside Local Strategic Planning Statement and Bayside Local Housing Strategy, the site is within an existing Local Centre identified in the Eastern City District Plan, and therefore there is merit in supporting an increase in development potential;
    - b. the draft Planning Proposal has strategic merit due to its close proximity to mass transit, and its ability to contribute to the growth and expansion of an existing Local Centre, which are planning outcomes sought under Planning Priorities E10 and E11 of the Eastern City District Plan (ECDP).
    - c. The draft Planning Proposal is consistent with Objectives 10, 14 and 22 of the Greater Sydney Region Plan, and Planning Priorities E5, E6, E10 and E11 in the ECDP, as the proposal would facilitate higher density development in a Local Centre that is close to frequent public transport, potentially providing additional jobs and housing supply in this accessible location.
    - d. The draft Planning Proposal is consistent with Planning Priorities 5,6,12 and 15 of the Bayside LSPS, as the proposal would concentrate high density urban growth/expansion within a Local Centre adjacent to public transport corridors, promote integrated land use, and enable potential investment and business opportunities in a centre within the Bayside Local Government Area.
  - 2 That the Bayside Local Planning Panel recommend that the proponent provide additional information to demonstrate that the building envelopes resulting from the Floor Space Ratio and Height of Buildings requested are achievable on the site without being detrimental to local character, residential amenity, and the potential future uses of Council's adjoining car park.
  - 3 That the final version of the Planning Proposal be reported back to the Bayside Local Planning Panel for advice prior to being reported to Council for a Gateway decision.
- 

**Background**Applicant:

Tunborn Pty Ltd assisted by Planning Ingenuity Pty Ltd

Owner:

Tunborn Pty Ltd

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Site Description:

The subject site is located at 187 Slade Road, Bexley North, legally described as Lots 30 DP 1222252 (the site). The site is irregular in shape and has a north-western boundary along Slade Road of approximately 75m, an eastern boundary along Sarsfield Circuit of approximately 87m, a southern boundary against 22-40 Sarsfield Circuit of approximately 46m and a south-western boundary along the public car park of approximately 55m. The site has an area of approximately 4,270sqm, and is the site of the Bexley North Hotel, a single-storey building providing pub, bottle-shop and hotel accommodation uses. The site is located along the south-eastern boundary of Slade Road, approximately 54m from the intersection with Bexley Road (shown in **Map 1** below). Existing development on and adjoining the site is shown in **Photographs 1-4**, below:



**Map 1:** Site location outlined in red (Source: Bayside Council)

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**Photograph 1:** View of Bexley North Hotel looking east from the public car park (Source: Bayside Council)



**Photograph 2:** View of subject site and car park looking north from commercial properties on Sarsfield Circuit (Source: Bayside Council)



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**Photograph 3:** View of Bexley North Hotel looking east from Bexley Road (Source: Bayside Council)



**Photograph 4:** View of bottle shop and hotel looking south from Slade Road (Source: Bayside Council)

Site Context:

The immediate locality is characterised by various residential and commercial/retail uses, with residential flat buildings and shop-top housing to the north, low-density residential properties to the east, shop-top housing and commercial/retail properties to the south and a public car park to the west. The immediate site context is described in **Photographs 5-14** below:



**Photograph 5:** View looking east from public car park of shop-top housing located directly south of subject site (Source: Bayside Council)



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**Photograph 6:** View looking north-west along site boundary towards shop-top housing on opposite side of Slade Road (Source: Bayside Council)



**Photograph 7:** View looking south-east towards shop-top housing and commercial properties on Sarsfield Circuit (Source: Bayside Council)



**Photograph 8:** View looking south-west from subject site to shop-top housing on Sarsfield Circuit and commercial properties on Bexley Road (Source: Bayside Council)

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**Photograph 9:** View from north-west boundary of subject site looking north-east along Slade Road  
(Source: Bayside Council)



**Photograph 10:** View from north-west boundary of subject site looking south-west along Slade Road towards intersection with Bexley Road (Source: Bayside Council)



**Photograph 11:** View looking south towards subject site and surrounding land from opposite side of Slade Road (Source: Bayside Council)

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**Photograph 12:** View looking north on Sarsfield Circuit along eastern boundary of subject site and western boundary of residential properties (Source: Bayside Council)



**Photograph 13:** View looking east along Sarsfield Circuit from intersection with Bexley Road (Source: Bayside Council)



**Photograph 14:** View looking north along Bexley Road at intersection with Sarsfield Circuit (Source: Bayside Council)

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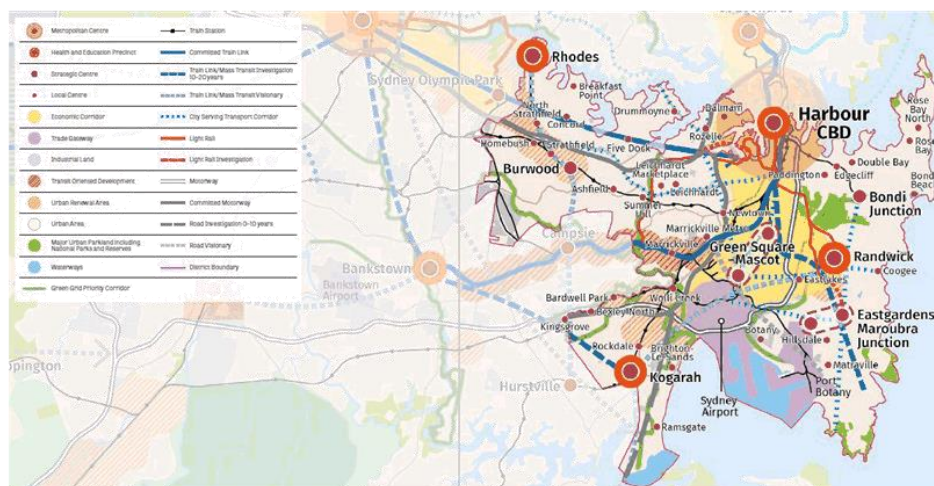
In context with the wider locality, the site is approximately a 150m walk from Bexley North train station. Access to the M5 is also a short drive north of the site, with the boundary of the Canterbury Bankstown LGA a short distance further north. Most of the wider area beyond the Bexley North centre is characterised by large areas of low-density residential properties interspersed with pockets of public recreation land. **Map 2** below shows the site in context with the wider area:



**Map 2:** Wider context of subject site (Source: Draft Planning Proposal Report, Planning Ingenuity)

*Strategic –*

Bexley Town Centre is identified as a 'Local Centre' in the Eastern City District Plan:

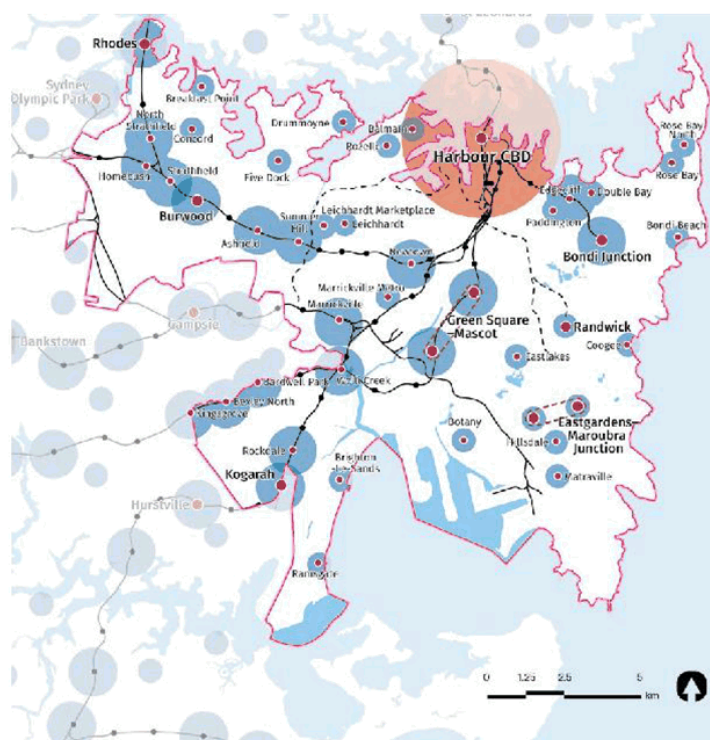


**Map 3:** Structure Plan for the Eastern City District (Source: Eastern City District Plan)

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**Map 4: Eastern City District – Centres** (Source: Eastern City District Plan)

The Eastern City District Plan does not provide any specific commentary about Bexley North local centre, but provides the following general commentary about Local Centres:

#### ***Improving Access to Local Jobs and Services –***

*The District's strategic and local centres provide a range of local jobs and services that support the growing population. Encouraging the growth of strategic and local centres will reduce the need for people to travel long distances to access jobs and local services;*

#### ***Principles for Greater Sydney's Centres –***

*As Greater Sydney's population grows over the next 20 years, there will be a need to grow existing centres, particularly strategic centres and supermarket-based local centres...*

Existing centres: Expansion options will need to consider building heights and outward growth;

**Productivity: A Well-Connected City –**

*A Metropolis of Three Cities requires a well-connected Greater Sydney with new jobs, shops and services in well-located centres with efficient transport connections and safe and convenient walking and cycling routes. This creates a 30-minute city. A well-connected city will be measured against the outcomes achieved by improved access to metropolitan, strategic and local centres.*

Potential indicators: Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/cluster; Percentage of dwellings located within 30 minutes by public transport of a strategic centre.

Planning Controls

**Bayside LEP 2011**

At the time of the original submission of the draft Planning Proposal, the Rockdale LEP 2011 applied to the land. Since then, the Bayside LEP has been notified and now applies to the land. A summary of any changes to the standards made through the gazettal of Bayside LEP 2021 is included in **Table 1** below (NB. Table 1 does not include the amendments proposed by the draft Planning Proposal for the subject site:

**Table 1:** Summary of any relevant changes to development standards between Rockdale LEP 2011 and Bayside LEP 2021

Rockdale LEP 2011	Current Bayside LEP 2021
Zoned B4 Mixed Use	No change to zoning
FSR of 2:1 plus 0.5:1 incentive	No change to the FSR standards; Incentive Area C is now notated as Area 7
Height of 16m plus 6m incentive	No change to the HOB standards; Incentive Area C is now notated as Area 3
LRA – Local Road	No change to the LRA for a Local Road; The same portion of the land is still reserved for a local road
Acid Sulphate Soils Class 5	No change to classification
Flood Planning Areas	No Flood Planning Maps have been included in the BLEP 2021; Council's flood information shows that the land is affected by both the 1% Annual Exceedance Probability and the Probable Maximum Flood;

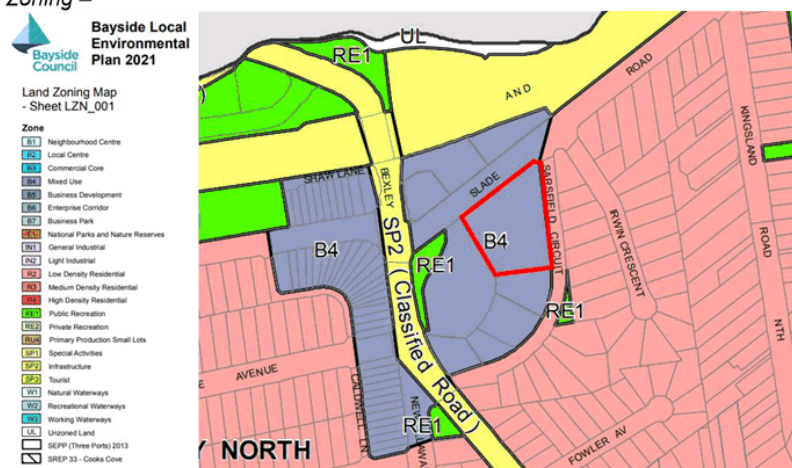
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Rockdale LEP 2011	Current Bayside LEP 2021
	The proponent has provided a Flood Risk Study to support the draft Planning Proposal
Active Street Frontages	No changes to designation

The map extracts for the site and surrounding land from the Bayside LEP 2021 are provided below (**Maps 5-10**). These describe the planning controls for the subject site and the locality:

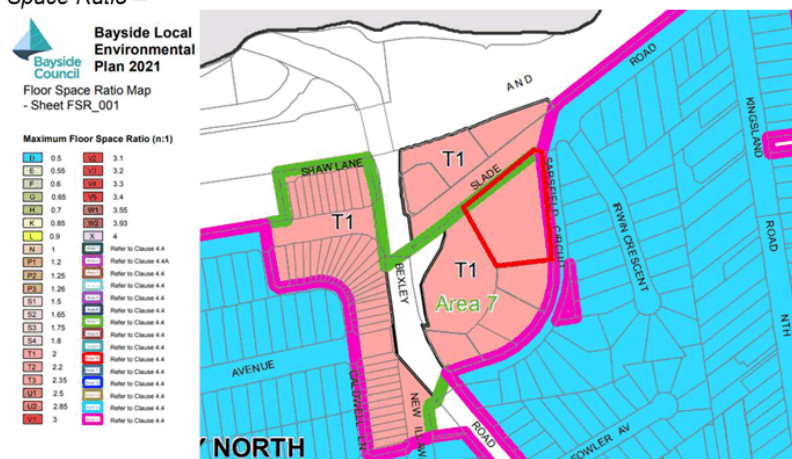
## Land Zoning –



Map 5 – Bayside LEP 2021 Land Zoning Map (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

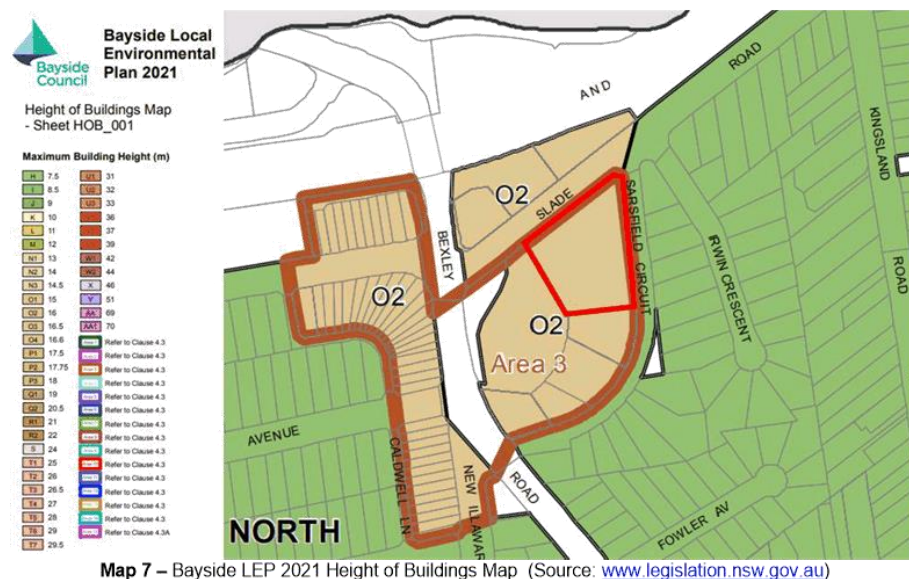
The subject site is zoned B4 Mixed Use. The land immediately to the north, west and south is also zoned B4. Land to the east is zoned R2 Low Density Residential.

## Floor Space Ratio –



The subject site has a maximum FSR of 2:1 and is included in the FSR incentive Area 7, which allows for consideration of an additional FSR of 0.5:1 on an allotment of at least 1,200sqm. The immediate surrounding B4 zoned land is affected by the same FSR standards, except for the B4 zoned land immediately to the north, beyond Slade Road, which does not benefit from the FSR incentive. The broader locality has a maximum FSR of 0.5:1.

#### Height of Buildings



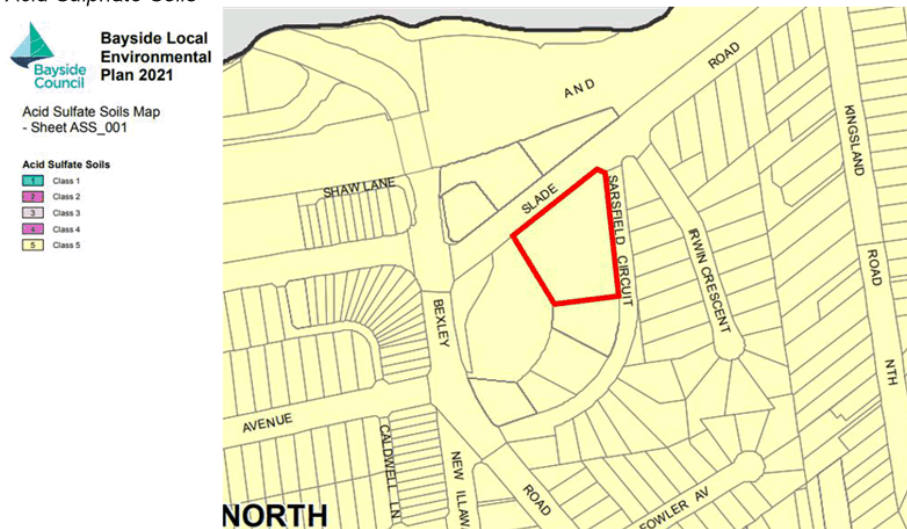
The subject site has a maximum HOB of 16m and is included in the HOB incentive Area 3, which allows for consideration of an additional 6m height on an allotment of at least 1,200sqm. The immediate surrounding B4 zoned land is affected by the same HOB standards, except for the B4 zoned land immediately to the north, beyond Slade Road, which does not benefit from the HOB incentive. The broader locality has a maximum HOB of 8.5m.



**Land Reservation Acquisition –**

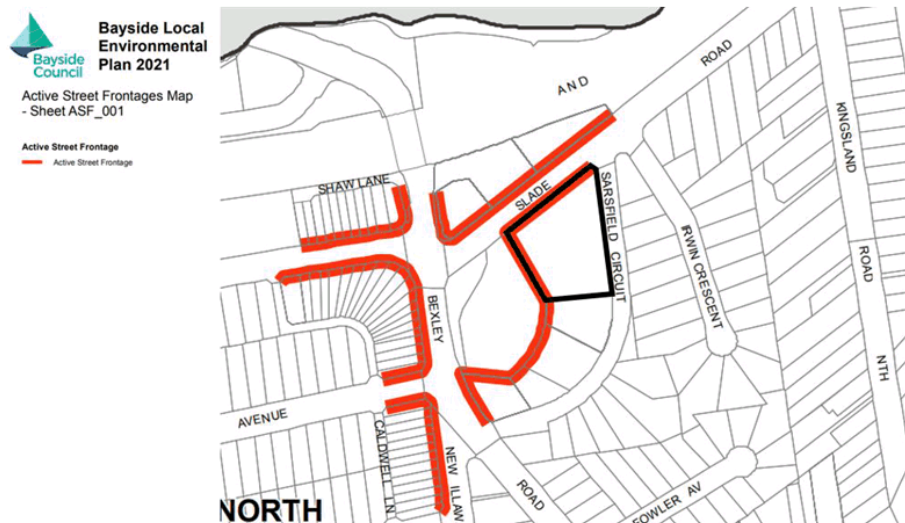
**Map 8 – Bayside LEP 2021 Land Reservation Acquisition Map** (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

The southern part of the subject site is affected by a LRA for a Local Road. No other LRAs exist in the immediate locality.

**Acid Sulphate Soils –**

**Map 9 – Bayside LEP 2011 Acid Sulphate Soils Map** (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

The subject site and the wider area are affected by Class 5 Acid Sulphate Soils.

**Active Street Frontages**

Map 10 – Bayside LEP 2021 Active Street Frontages Maps (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

The north-west and south-west boundaries of the site are identified as Active Street Frontages, as are most other frontages in the Bexley North local centre.

**Proposed Changes to the Bayside LEP 2021**

The draft Planning Proposal (**Attachment 1**) proposes the following changes to the BLEP 2021:

- Amending the relevant height of buildings (HOB) map from 16m (plus 6m height incentive for lots of minimum 1200sqm) to introduce maximum HOB standards of 20m and 35m;
- Amending the relevant floor space ratio (FSR) map from 2:1 (plus 0.5:1 FSR incentive for lots of minimum 1200sqm) to introduce maximum FSR standards of 3.2:1 and 3.6:1; and
- Amending both the HOB and FSR maps to omit the land from 'Area 3' and 'Area 7' respectfully, thereby preventing the land from benefitting from any further exceedance of the resulting HOB and FSR standards which would otherwise have been permitted by current clauses 4.3 and 4.4 of the BLEP 2021.

**Environmental Planning and Assessment Act 1979 (the Act)**

The NSW Department of Planning and Environment's publication '*A Guide to Preparing Planning Proposals*' (December 2018) (the Guide), issued under section 3.33(3) of the Act, provides guidance and information on the process for preparing Planning Proposals. It can be found at **Attachment 2**.

The Guide states the following, which has relevance to the assessment of the draft Planning Proposal for the subject site:

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## Section 1.3, Page 5 –

- *A planning proposal must demonstrate the strategic merit of the proposed LEP amendment;*
- *A planning proposal relates only to a LEP amendment. It is not a development application, nor does it consider specific detailed matters that should form part of a development application;*

## Section 2.3, Pages 9 and 10 –

- *The overarching principles that guide the preparation of planning proposals are:*
  - *The level of justification should be proportionate to the impact the planning proposal will have;*
  - *The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised within the timeframe proposed.*
- *It is not expected that a council or proponent will provide comprehensive information to support a request for Gateway determination. As a minimum, a planning proposal before a Gateway determination has been issued must identify relevant environmental, social, economic and other site-specific considerations. The planning proposal document may identify the need for investigations and an approach for addressing the issues;*
- *It must also demonstrate how the proposed instrument will give effect to the local strategic planning statement of the Council of the area.*

## Section 2.3.1, Pages 12 and 13:

## Assessment Criteria

- a) *Does the proposal have strategic merit? Will it:*
  - *Give effect to the... relevant district plan within the Greater Sydney Region...; or*
  - *Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement;*
- b) *Does the proposal have site-specific merit, having regard to the following?*
  - *The natural environment (including known significant environmental values, resources or hazards); and*
  - *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
  - *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

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## Section 2.3.1, Page 13:

*When preparing a planning proposal, the proposal is required to demonstrate how it will give effect to an endorsed local strategic planning statement. Relevant matters must be identified and the relationship of the planning proposal to those matters should be discussed.*

The assessment of the submitted draft Planning Proposal by Council staff has been undertaken in accordance with the latest version of this Guide (dated December 2018).

**Strategic Planning Framework – State**Section 9.1 Directions by the Minister

Section 9.1 Directions by the Minister (s9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a s9.1 direction applies to a draft Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified. An assessment of the draft Planning Proposal against the current s9.1 directions (issued 5 August 2021 by DPIE) is provided in **Table 2** below:

**Table 2:** Draft Planning Proposal consistency with applicable s9.1 directions –

Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>1.1 Business and Industrial Zones</b>	<p><b>What a Relevant Planning Authority must do:</b></p> <p>A draft Planning Proposal must:</p> <p>(a) <i>give effect to the objectives of this direction (i.e., encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres);</i></p> <p>(b) <i>retain the areas and locations of existing business and industrial zones;</i></p> <p>(c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones;</i></p> <p>(d) <i>not reduce the total potential floor space area for industrial uses in industrial zones.</i></p> <p><u>Comment:</u></p> <p>The draft Planning Proposal is considered to be consistent with the terms of the direction. It proposes to create a more efficient use of B4 Mixed</p>	YES



## Bayside Local Planning Panel - Other Applications

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Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>Use land, which will allow the retention and enhancement of the functions currently provided by the existing Bexley North Hotel. It is intended that the LEP amendment will facilitate a future redevelopment of the land which will contribute towards the economic vitality of the Bexley North local centre.</p> <p><u>Consistency:</u></p> <p>No inconsistencies with the terms of the direction were identified.</p>	
<b>3.4 Integrating Land Use and Transport</b>	<p><b>What a RPA must do:</b></p> <p>A draft Planning Proposal must locate zones for urban purposes and include provisions that give effect to, and are consistent with, the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>.</p> <p><u>Comment:</u></p> <p>The draft Planning Proposal is considered consistent with the guidelines, as the draft Planning Proposal encourages business development in an existing town centre location within a short walking distance of public transport (Bexley North railway station).</p> <p><u>Consistency:</u></p> <p>No inconsistencies with the terms of the direction were identified.</p>	<b>YES</b>
<b>4.1 Acid Sulfate Soils</b>	<p><b>What a RPA must do:</b></p> <p>This Direction requires that a RPA must consider an acid sulfate soils study assessing the appropriateness of the intensification of land use, given the presence of acid sulfate soils.</p> <p><u>Comment:</u></p> <p>The Bayside LEP 2021 Acid Sulfate Soils Map identifies the subject site as containing Class 5 acid</p>	<b>YES</b>

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## Bayside Local Planning Panel - Other Applications

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Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>sulfate soils. Clause 6.1 of the LEP seeks to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.</p> <p>The Planning Proposal report states that the subject site is not affected by acid sulphate soils or salinity. The proponent has not submitted an acid sulphate soils study to support the Planning Proposal, however, the proponent has submitted a Stage 2 Environmental Site Assessment (see <b>Attachment 3</b>) which states that the site is not located in an acid sulphate soil risk area according to the risk maps prepared by the Department of Land and Water Conservation.</p> <p><u>Consistency</u></p> <p>Although an acid sulphate soils report has not been submitted in support of the draft Planning Proposal, this would appear to be unnecessary given the likelihood that acid sulphate soils are not present on the site as shown on the State Government's acid sulphate soils database.</p> <p>In any case, Clause 6.1 of the Bayside LEP 2021 requires this matter to be addressed before development consent can be granted to development identified on the Acid Sulfate Soils Map.</p>	
<b>4.3 Flood Prone Land</b>	<p><b>What an RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> <li>- permit development in floodway areas,</li> <li>- permit development that will result in significant flood impacts to other properties,</li> <li>- permit a significant increase in the development and/or dwelling density of that land.</li> </ul> <p><u>Comment:</u></p> <p>The draft Planning Proposal seeks provisions that will permit a significant increase in potential density</p>	<b>YES</b>

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Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>of development of the land which is located within a flood planning area.</p> <p><u>Consistency:</u></p> <p>A Planning Proposal may be inconsistent with the direction if the RPA can satisfy the Director-General that:</p> <ul style="list-style-type: none"> <li>- the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority, and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or</li> <li>- the provisions of the planning proposal that are inconsistent are of minor significance, as determined by the relevant planning authority.</li> </ul> <p><u>Comment:</u></p> <p>The proponent has submitted a Flood Investigation Report (<b>Attachment 4</b>) prepared in accordance with the principles and guidelines of the <i>Flood Plain Development Manual 2005</i> to support the Planning Proposal. Table 7 of the report illustrates how the Planning Proposal and Flood Investigation Report comply with the requirements of Ministerial Direction 4.3. The Flood Investigation Report has also been reviewed internally by Council's technical staff and, following some amendments and inclusion of additional information, is now considered satisfactory to address this Direction. Accordingly, the inconsistency with the terms of the direction is considered to have been adequately justified.</p>	

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## Bayside Local Planning Panel - Other Applications

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An assessment of the draft Planning Proposal against the relevant SEPPs is provided in **Table 3**, below:

**Table 3:** Relevant State Environmental Planning Policies

Name of SEPP	Compliance of Draft Planning Proposal with SEPP	Complies Y/ N
SEPP 55 – Remediation of Land	<p>This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p> <p>The proponent has provided a Stage 2 Environmental Site Assessment (<b>Attachment 3</b>) to support the draft Planning Proposal. Based on the scope of work undertaken for this assessment, the following potential contamination sources were identified:</p> <ul style="list-style-type: none"> <li>• Fill material;</li> <li>• Historical agricultural use (poultry farm);</li> <li>• Use of pesticides;</li> <li>• Hazardous Building Material;</li> <li>• Two service stations were located approximately 75m and 150m up-gradient (south-west) of the site; and</li> <li>• A former dry cleaners was located less than 50m to the south of the site.</li> </ul> <p>The assessment has made the following recommendations:</p> <ul style="list-style-type: none"> <li>• A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;</li> </ul>	<b>YES</b>



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Name of SEPP	Compliance of Draft Planning Proposal with SEPP	Complies Y/ N
	<ul style="list-style-type: none"> <li>• A validation assessment should be undertaken on completion of remediation at each development stage; and</li> <li>• An unexpected finds protocol should be implemented during excavation works at the site.</li> </ul> <p>The findings of the Environmental Site Assessment are principally concerns for a future development application (DA) to consider. The land is already zoned B4 Mixed Use, and has development standards permitting the future development of the land for a range of uses, subject to development consent. The draft Planning Proposal for development standards allowing higher density development will not obstruct the aims of the SEPP to remediate land as part of the future redevelopment of the site.</p>	
SEPP 65 – Design Quality of Residential Apartment Development	<p>The key objectives of the SEPP are to improve the design quality of residential apartment development aims—</p> <ul style="list-style-type: none"> <li>(a) to ensure that it contributes to the sustainable development of New South Wales—               <ul style="list-style-type: none"> <li>(i) by providing sustainable housing in social and environmental terms, and</li> <li>(ii) by being a long-term asset to its neighbourhood, and</li> <li>(iii) by achieving the urban planning policies for its regional and local contexts, and</li> </ul> </li> <li>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</li> <li>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</li> <li>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</li> <li>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</li> </ul>	<b>NO</b>

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Name of SEPP	Compliance of Draft Planning Proposal with SEPP	Complies Y/ N
	<p>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</p> <p>(g) to support housing affordability, and</p> <p>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</p> <p>It is acknowledged that the development shown in the Urban Design Report is an indicative scheme at this stage. It is also recognised that most of the objectives of the SEPP will be realised through a detailed design assessed by a DA at the appropriate time.</p> <p>However, Council's urban design consultant has raised concerns that the potential height and bulk associated with the proposed changes to the LEP development standards on the land could encourage development proposals that are unable to meet the requirements of SEPP 65 and the ADG, and which may well have a detrimental impact on the amenity of neighbouring residential properties. This is discussed in more detail later in this report.</p>	

There are no other SEPPs applicable to the draft Planning Proposal.

#### Strategic Planning Framework – Regional

##### Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the draft Planning Proposal.

##### Strategic Planning Framework – Regional and District

Regional, sub-regional and district plans and strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure. An assessment of the draft Planning Proposal's consistency with the strategic planning framework is provided in **Table 4**, which follows:

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**Table 4:** Strategic Planning Framework

<b>Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan</b>		
<b>Directions, priorities, objectives and actions</b>	<b>Consistency with the plan</b>	<b>Consistency Y/N</b>
<b>Objective 10 –</b> Greater housing supply	The draft Planning Proposal will facilitate a higher density, mixed use development, including greater housing supply, in a local centre, in close proximity to local amenities and public transport infrastructure/frequent public transport services.	<b>Yes</b>
<b>Objective 12:</b> Great places that bring people together	<p>Strategy 12.1 promotes using a place-based and collaborative approach to deliver great places by:</p> <ul style="list-style-type: none"> <li>• prioritising a people-friendly public realm and open spaces as a central organising design principle;</li> <li>• providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres; and</li> <li>• recognising and celebrating the character of a place and its people.</li> </ul> <p>A peer review of the proponent's Urban Design report, and the indicative scheme employed to support the proposed higher density development standards, has raised the following ongoing concerns:</p> <ul style="list-style-type: none"> <li>• <i>Over-reliance on there being no future development of the public car park, which in turn relies on reductions in DCP setbacks to achieve the FSR standards;</i></li> <li>• <i>The use of deep footprints with long unbroken frontages to achieve similar densities at much lower building heights is a poor urban outcome. This indicates that the proposed FSR is mismatched to the proposed HOB control;</i></li> <li>• <i>The length of building and its footprint is out of character with the adjacent residential properties. It is recommended that the indicative design be broken into two sections to help offset the extensive length of blank street frontage;</i></li> <li>• <i>A Planning Proposal should not rely on architectural treatments to ameliorate conditions created by an envelope; the envelope itself</i></li> </ul>	<b>No</b>

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Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
	<p><i>should be reduced to avoid the problem. This does not prevent a future architectural scheme from pursuing a street wall scheme, but it provides the flexibility for it to be a design choice rather than a necessity to achieve the site's proposed FSR;</i></p> <ul style="list-style-type: none"> <li><i>The height is potentially supportable, but the massing is out of scale with its surroundings, primarily due to its oversized floor plates;</i></li> <li><i>There is a concern with the flexibility of the proposed height map is related to larger concerns about the viability and appropriateness of the proposed building envelopes. We believe a likely outcome is 'infilling' the entire height envelope to make up for FSR allowance assumed but not achievable elsewhere on site. Our preference is that the FSR be significantly reduced;</i></li> <li><i>Alternatively, or as well as, other controls such as the height map should be significantly tightened to avoid unexpected outcomes.</i></li> </ul> <p>These comments are not exhaustive and form part of lengthy negotiations between council's external consultant (AJ&amp;C who conducted the peer review) and the proponent (<b>Attachment 5</b>). This matter is dealt with in more detail later in the report.</p> <p>However, for the reasons listed above, the draft Planning Proposal is considered to be inconsistent with this particular objective of the Greater Sydney Region Plan.</p>	
<p><b>Objective 14</b></p> <p>A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>The draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility. The subject site is a very short walk to Bexley North train station, which enjoys links to the CBD in 20-30 minutes, and there are also several bus routes in the local area. The local road network provides easy links to adjacent suburbs, and the M5 can be accessed a short distance from the subject site, again providing links to the CBD or to other parts of Greater Sydney.</p>	Yes



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Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
<b>Objective 22</b> Investment and business activity in centres	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> <li>Contribute towards the revitalisation of the town centre by establishing uses and activation at the heart of the Bexley North Town Centre;</li> <li>Retain the existing Bexley North Hotel with additional restaurants/cafes</li> <li>Assist with meeting strategic development outcomes for high quality mixed use development within an underdeveloped town centre.</li> </ul> <p>Whilst the exact business uses secured on the site would only be determined via future DA assessment/approval, the draft Planning Proposal would likely make the site more attractive for investment in any of the range of uses allowable under the B4 Mixed Use zone.</p>	Yes

District Plans – Eastern City District Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
<b>Planning Priority E1</b> Planning for a city supported by infrastructure	As a local centre, Bexley North has not been specifically identified for growth in the plan. Higher density development on the site is therefore not specifically supported by the plan.	No
<b>Planning Priority E5</b> Providing housing supply, choice and affordability with access to jobs, services and public transport	The draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility and local amenities. It is intended that the future redevelopment of the site, facilitated by the increase in development standards, will include a residential development, along with a mix of business uses allowable under the existing B4 Mixed Use zone.	Yes
<b>Planning Priority E6</b>	The draft Planning Proposal has significant strategic merit as it will contribute to the growth and expansion of an existing local centre. The	Yes

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Creating and renewing great places and local centres, and respecting the District's heritage	<p>proposed changes to the development standards will facilitate a higher density development on a local centre site close to public transport (including Bexley North railway station), potentially providing additional jobs and housing supply in this accessible location.</p> <p>There are ongoing concerns that the additional FSR being sought cannot be successfully accommodated within the maximum HOB being sought, and that this could lead to undesirable urban design outcomes. However, before a request for a Gateway Determination is made to DPIE, additional urban design studies will be requested from the proponent to demonstrate that an acceptable development envelope can be achieved on the site.</p>	
<b>Planning Priority E10</b>  Delivering integrated land use and transport planning and a 30-minute city	The subject site is a very short walk to Bexley North train station, which enjoys links to the CBD in 20-30 minutes and there are also several bus routes in the local area. The local road network provides easy links to adjacent suburbs and the M5 can be accessed a short distance from the subject site, again providing links to the CBD or to other parts of Greater Sydney.	Yes
<b>Planning Priority E11</b>  Growing investment, business opportunities and jobs in strategic centres	<p>This priority advocates for growth and investment in all centres, including the expansion of local centres.</p> <p>The proponent's stated intentions are that the draft Planning Proposal will facilitate a future development that provides a new and expanded hotel premises, along with additional retail and commercial floorspace opportunities. The proposal meets the objective of this planning priority, by enabling expansion for growth to occur.</p>	Yes

**Strategic Planning Framework – Local**Bayside Local Strategic Planning Statement (LSPS)

Council's LSPS was adopted in March 2020. It outlines a 20-year vision for the Bayside LGA and illustrates how Council is implementing the planning priorities and actions in the relevant district plan in conjunction with its Community Strategic Plan.

The Planning Priorities in the Bayside LSPS that are relevant to the draft Planning proposals are examined in **Table 5** below:

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**Table 5:** Bayside LSPS assessment

<b>Bayside Planning Priority</b>	<b>Action</b>	<b>Draft Planning Proposal consistency</b>
<b>Planning Priority 2</b> Align land use planning with the delivery and management of assets by Bayside Council to support our community	<i>Council will take a place-based approach to land use and asset planning to ensure growth aligns with infrastructure provision</i>	Whilst the draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility and local amenities, the LSPS shows that Bexley North is identified as having a 'medium-term' growth plan of 6-10 years. The draft Planning Proposal is inconsistent with this priority, in relation to the <i>timing</i> for future investigation. However, the site is part of an existing centre, and the ECDP identifies expansion opportunities for existing centres, particularly those located within short walkable distances to railway stations.
<b>Planning Priority 5</b> Foster healthy, creative, culturally rich and socially connected communities	<i>Prioritise opportunities for people to walk, cycle and use public transport when planning for existing or future centres.</i>	The subject site is a very short walk to Bexley North train station, which enjoys links to the CBD in 20-30 minutes and there are also several bus routes in the local area.
<b>Planning Priority 6</b> Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors	<i>Finalise and adopt the Local Housing Strategy to inform investigation of opportunities for residential growth.</i>  <i>Continue to facilitate housing development in areas with capacity available under current planning controls.</i>	The Bayside Local Housing Strategy (LHS) was finalised and adopted in July 2021. As with the LSPS, the LHS identified Bexley North as an 'investigation area' where high densities could be achieved, subject to further investigation and master-planning.  Despite the prematurity of the draft Planning Proposal, the site is located in an existing local centre, meaning that the proposal embraces the principle of higher density development in a location with good public transport accessibility and local amenities.
<b>Planning Priority 7</b> Provide choice in housing to meet the needs of the community	<i>Review planning controls to deliver a greater range of dwelling types, size and standards</i>	The current B4 Mixed Use zoning of the subject site allows residential accommodation, with development consent, in this location. A resulting residential development is likely to provide a range of apartments as part of a higher density, mixed use

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Bayside Planning Priority	Action	Draft Planning Proposal consistency
		development, to suit the town centre location. The final range and mix of units would be determined through a future DA.
<b>Planning Priority 9</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	<i>Council will take a place-based approach for each local centre and prepare master plans/urban design studies or public domain plans to create great places including the following centres at west Kogarah, Carlton, Kingsgrove, Bexley, Bexley North, Ramsgate, Hillsdale, Botany, Mascot (Coward/Botany Road) and Mascot station Precinct.</i>	<p>The draft PP does not align with this priority. As referred to above, ongoing concerns remain that the additional FSR being sought cannot be successfully accommodated within the maximum HOB being sought, and that this could lead to undesirable urban design outcomes. This is considered in further detail later in this report.</p> <p>The prematurity of the draft Planning Proposal in this context, before the preparation of the necessary master-planning, results in inconsistency with this priority.</p>
<b>Planning Priority 12</b> Deliver an integrated land use and a 30-minute city	<i>Plan for high amenity and walkability within a 10-minute walk of centres.</i>  <i>Plan for urban development, new centres, better places and employment uses that are integrated with existing transport infrastructure and proposed transport projects.</i>	<p>The subject site is a very short walk to Bexley North train station which enjoys links to the CBD in 20-30 minutes and there are also several bus routes in the local area. The local road network provides easy links to adjacent suburbs, and the M5 can be accessed a short distance from the subject site, again providing links to the CBD or to other parts of Greater Sydney.</p>
<b>Planning Priority B15</b>  Growing investment, Business opportunities and jobs in Bayside's strategic centres and centres	<i>Ensure each local centre has sufficient retail floor space to meet future demand.</i>	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> <li>• Contribute towards the revitalisation of the town centre by establishing uses and activation in the heart of the Bexley North Town Centre;</li> <li>• Retain the existing Bexley North Hotel with additional restaurants/cafes;</li> </ul>

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Bayside Planning Priority	Action	Draft Planning Proposal consistency
		<ul style="list-style-type: none"> <li>Assist with meeting strategic development outcomes for high-quality mixed-use development within an underdeveloped town centre.</li> </ul> <p>Whilst the exact business uses secured on the site would only be determined through a future DA, the draft Planning Proposal and subsequent LEP amendments is likely to make the site more attractive for investment in any of the range of uses allowable under the B4 Mixed Use zone, including retail uses.</p>
<b>Planning Priority B24</b> Reduce community risk to urban and natural hazards and improve community's resilience to social, environmental and economic shocks and stressors	<i>Advocate for outcomes that reduce the community's risk to urban and natural hazards, including air pollution, noise and traffic.</i>	<p>The proponent has submitted a Flood Investigation Report (<b>Attachment 4</b>) to support the draft Planning Proposal. The Flood Investigation Report has been reviewed internally by Council's technical staff and is satisfactory. Flood Risk will also be examined in more detailed as part of a future DA.</p> <p>The subject site is also within the notification zone of the Moomba to Sydney Ethane Pipeline. The proponent has prepared a Pipeline Risk Assessment (<b>Attachment 6</b>) which has reached the following conclusions:</p> <ul style="list-style-type: none"> <li>The individual risk of fatality does not exceed the risk criterion for residential uses and places of continuous occupancy, such as hotels;</li> <li>The individual risk of fatality exceeds the risk criterion for sensitive uses and the current planning proposal does not include sensitive land uses;</li> <li>All other individual risk levels comply with the corresponding quantitative risk criteria;</li> <li>The indicative societal risk criteria is also 'negligible'.</li> </ul>

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Bayside Planning Priority	Action	Draft Planning Proposal consistency
		<p>The NSW Department of Planning, Industry and Environment's hazards specialist has also been consulted and made the following comments:</p> <ul style="list-style-type: none"> <li>• It is noted that the proposal will include both commercial (retail, gym) and residential (hotel and apartment) components but will not include sensitive uses;</li> <li>• The technical assumptions adopted in the study are developed based on appropriate references and considered as appropriate;</li> <li>• individual risk and societal risks were evaluated and compared against the risk criteria. It was concluded that both criteria were satisfied;</li> <li>• The location of the planning proposal are outside of the individual fatality risk for residential uses, but inside the individual fatality risk for sensitive uses. As such, sensitive uses such as childcare centre should not be permitted within the area affected by individual fatality risks for sensitive uses.</li> </ul>

Bayside Community Strategic Plan 2030

An assessment of the draft Planning Proposal's consistency with the following relevant themes and strategic directions in the Bayside Community Strategic Plan 2030 (Plan) is provided in **Table 6** below:

**Table 6:** Bayside Community Strategic Plan 2030 assessment

Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
<b>Strategic Direction –</b> <i>Our places are people focussed</i>	<i>Local areas are activated with cafes, restaurants, and cultural events</i>	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> <li>• Contribute towards the revitalisation of the town centre</li> </ul>

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Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
		<p>by establishing uses and activation at the heart of the Bexley North Town Centre;</p> <ul style="list-style-type: none"> <li>Retain the existing Bexley North Hotel with additional restaurants/cafes;</li> <li>Assist with meeting strategic development outcomes for high quality mixed use development within an underdeveloped town centre.</li> </ul> <p>These points are considered valid when assessed against this particular theme.</p>
<b>Strategic Direction –</b> <i>Our places are accessible to all</i>	<i>People who need to can access affordable housing</i>	<p>The draft PP does not make any commitment to providing affordable housing. This may be an aspect of the development which progresses and evolves should the proponent be successful in securing the increase in FSR and HOB development standards.</p>
<b>Strategic Direction –</b> <i>My place will be special to me</i>	<i>Local developments reflect innovative, good design and incorporate open space and consider vertical families</i>	<p>The draft PP does not align with this direction. Ongoing concerns remain that the additional FSR being sought cannot be successfully accommodated within the maximum HOB being sought, and that this could lead to undesirable urban design outcomes. This is considered in further detail later in this report.</p>
Theme Two – In 2030 our people will be connected in a smart City	How We Will Get There	Consistency
<b>Strategic Direction –</b> <i>We benefit from technology</i>	<i>Council engages with us and decision making is transparent and data driven</i>	<p>If the draft PP was to be supported by Council and a Gateway Determination issued by the DPIE, a formal public consultation process would take place. This would involve a 28 day exhibition period, and would include various forms of consultation to landowners, the community and government agencies. The Bayside Local Planning Panel and,</p>

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Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
		subsequently, elected Council, would then consider (via detailed planning reports prepared by Council staff) the submissions received, before determining whether the proposal should be finalised by the DPIE.
Theme Four – In 2030 we will be a prosperous community	How We Will Get There	Consistency
<ul style="list-style-type: none"> <li><b>Strategic Direction –</b> <i>Local housing, employment and business opportunities are generated</i></li> </ul>	<p><i>Bayside will be a 30-minute City – residents work locally or work off-site – no one has to travel for more than 30 minutes to work</i></p>	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> <li>Contribute towards the revitalisation of the town centre by establishing uses and activation at the heart of the Bexley North Town Centre;</li> <li>Retain the existing Bexley North Hotel with additional restaurants/cafes;</li> <li>Assist with meeting strategic development outcomes for high-quality mixed-use development within an underdeveloped town centre.</li> </ul> <p>Future redevelopment of the land may result in a development which retains existing jobs for local people, whilst enhancing the mix of uses on the subject, that could potentially create additional jobs and growth to local employment options. The potential introduction of residential units to the development might also provide accommodation for people who work in the local area.</p>

Bayside Local Housing Strategy

Council adopted the Bayside Local Housing Strategy (LHS) in March 2021. Following Council's decision, DPIE approved the LHS on 30 June 2021. The LHS provides the evidence base to inform suitable locations across the local government area for uplift in housing supply, and considers the following factors:

- The demand for dwellings in the entire Bayside LGA;

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- The type of dwellings needed over the next 20 years in the entire Bayside LGA;
- Opportunities and housing constraints to housing growth in the entire Bayside LGA;
- The need for affordable housing, now and in the future; and
- Future investigation areas for housing growth across the entire Bayside LGA.

The LHS states the following in respect of Bexley North which is relevant to the subject site:

Investigation Area: Bexley North

- Redevelopment of this centre would be subject to confirmation with gas pipeline operators that it would not pose excessive risk; and
- High densities could be achieved in the centre, subject to further investigation and master planning.

With regard to the proximity of the centre, and the subject site, to the Moomba to Sydney Ethane Pipeline (MSEP), the proponent has prepared a Pipeline Risk Assessment (PRA) to support the draft Planning Proposal. The PRA concludes that:

- The individual risk of fatality does not exceed the risk criterion for residential uses and places of continuous occupancy, such as hotels;
- Whilst the individual risk of fatality exceeds the risk criterion for sensitive uses, the current planning proposal does not include sensitive land uses;
- All other individual risk levels comply with the corresponding quantitative risk criteria; and
- The indicative societal risk criteria is also 'negligible'.

The NSW Department of Planning, Industry and Environment's hazards specialist has also been consulted on the PRA and made the following comments:

- It is noted that the proposal will include both commercial (retail, gym) and residential (hotel and apartment) components but will not include sensitive uses;
- The technical assumptions adopted in the study are developed based on appropriate references and considered as appropriate;
- Individual risk and societal risks were evaluated and compared against the risk criteria. It was concluded that both criteria were satisfied;
- The location of the planning proposal is outside of the individual fatality risk for residential uses, but inside the individual fatality risk for sensitive uses. As such, sensitive uses such as childcare centre should not be permitted within the area affected by individual fatality risks for sensitive uses.

It is clear that implications of the MSEP proximity on the final uses proposed on the site as part of a DA would need to be subject to further scrutiny by Council and the Department.

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However, at a strategic level in relation to this issue, there is no objection raised to higher density development standards proposed on the subject site on an individual basis.

With regard to the future master-planning of the centre to accommodate higher densities, it is clear that the current draft Planning Proposal comes well in advance of the 6-10 year medium term period for this envisaged by the LSPS. Although the draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility and local amenities, the prematurity of the draft Planning Proposal results in an inconsistency with the relevant local strategic planning policies. Nevertheless, draft Planning Proposals for spot rezoning and upzoning of land are still considered by DPIE to be an acceptable means of stimulating urban regeneration and housing supply for some sites, particularly when located in centres in proximity to frequent and easily accessible public transport (transit-oriented development)

### Further Considerations

#### Urban Design

An Urban Design Report (**Attachment 7**) was submitted with the draft Planning Proposal, which has been subject to peer review by an external urban design consultant appointed by Council (AJ&C). The consultant has raised a number of concerns, the main points of which can be summarised as follows:

- Possible building lengths, depths and heights affecting the ability of a future development to adhere to ADG building separation requirements from existing and future roads, as well as shared property boundaries, including the immediate adjoining Council Car Park site;
- The Council Car Park is a potential development site. The proponent should respond to the Car Park site as a standard shared property boundary rather than assume no future development of this immediate adjoining site;
- Ability of a future development to meet minimum ADG numeric cross-ventilation targets without relying on mid-building 'notches';
- The need to reduce the proposed FSR to be successfully accommodated within the proposed HOB so that a possible future development will provide good urban design outcomes;
- Impose a separate limitation on residential FSR to avoid the GFA from the large non-residential footprints being redistributed to residential, contributing further to building bulk; and
- AJ&C's view is that a building envelope established for the purposes of setting an FSR in the context of a PP should comply with ADG minimum separations in most cases. This would not prevent a designer from using architectural treatments to justify specific variances from the ADG at Development Application stage, as proposed in this response, but rather allows this to be a design choice rather than a necessity to achieve the site's new FSR.

The proponent has considered these comments and has responded as follows:

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- *Please note that these are indicative plans. Their purpose is to provide some additional information to demonstrate one way a scheme could occur within the proposed envelope and amendments to the FSR and height. It is not a final and definite solution and has not been developed to the same detail as a DA would have to achieve;*
- *We disagree that this boundary operates as a shared boundary and therefore should be subject to the ADG separation distances in the manner proposed. It is a boundary to public land that currently provides public access to the existing developments and shopfronts. It also provides the major public car parking for the town centre;*
- *Given that the site has a significant role as part of the town centre and is required to provide active frontages to that boundary any redevelopment of the carpark will have to maintain public access to the site boundary (and to those other lots that currently benefit from access via the carpark);*
- *We disagree that a break in the building form to Sarsfield Circuit is necessary or in fact desirable. A building break opens up the intended retail/commercial piazza to the residential street but there is no connectivity beyond that street i.e., no lanes or streets to link to and it opens up the activity of that internal street to residents beyond. We suspect that the residents would be less than happy with such a solution;*
- *We note the support for the height which is a positive conclusion. The deep footprints for the lower floors in the proposal are specifically for commercial uses only and the depths of the floor plates are not unusual for commercial uses. These uses are permissible and encouraged by Councils controls and the zoning. They reinforce the role of the site in the town centre and we would recommend against encouraging more residential at the expense of commercial uses. We do not support reducing the footprint as it would preclude larger commercial tenancies if the hotel did not proceed. However, we note that it is the applicant's intention to relocate the existing hotel use into the lower podium floors of any new development and it does require deeper floor plates; and*
- *Council has suggested various outcomes for the car park site and it is therefore unreasonable to restrict the scheme given that there is no confirmation of what design solution might occur.*

The above is a summary of extensive comments provided by both the proponent and Council's consultant. A detailed table of comments is provided in **Attachment 5**. It is noted that the Proponent suggests that it has been advised by Council of a potential outcome on the Council owned car park. However, Council has not undertaken master-planning of the site or the broader centre, has not considered nor adopted any such masterplan and does not have a position in relation to the future of the Council owned carpark. Additional indicative drawings and supporting information discussed in the urban design comments are also included in **Attachments 9-16**.

With regard to the proximity of the subject site to the car park and the possible implications for the future redevelopment of the car park it is noted that:

- As the Urban Design Review states the existing council park is considered a gateway location. Whilst Council has no immediate plans for development of the site, this will be subject to strategic design review and assessment;
- The key issue that needs to be considered is how the planning proposal interacts/addresses the remaining land parcels yet to be developed, that hold B4 Mixed Use zoning. This is also noted as part of the Urban Design Review undertaken by AJ&C; and

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- The majority of the design's density sits adjacent to the council lot and doesn't recognise the future build potential enabled by the B4 Mixed Use zone.

These comments also speak to the potential prematurity of the draft Planning Proposal in the absence of proper master-planning of the North Bexley Town Centre. However, as the proponent indicates, at this time there is no masterplan for Bexley Town Centre, and it can be argued that Council has a responsibility to consider the strategic and site-specific planning merits of the draft Planning Proposal at the current time.

**Traffic**

A Traffic Impact Assessment report (**Attachment 8**) has been submitted with the draft Planning Proposal, and referred to an external Traffic Consultant for peer review. Following some requests for clarification of matters and additional information, the peer review found that there are no traffic or transport issues that would preclude the draft Planning Proposal from proceeding.

**Conclusion**

The basic principle of encouraging higher density development in a town centre location in close proximity to good public transport is sound. Regional and district planning policies acknowledge that the growth and expansion of existing local centres is necessary to support the growth of Sydney's population and provide local jobs and services in accessible locations with access to frequent public transport. The policies encourage the location of higher density developments in existing centres, with good access to the necessary infrastructure, including good public transport accessibility/service frequency.

The draft Planning Proposal therefore has significant strategic merit in this regard, and is consistent with the relevant policies of the Greater Sydney Region Plan and the Eastern City District Plan in so far as those specific planning objectives/priorities apply.

However, these planning objectives/priorities also direct that new developments must also display good design principles, respect local character, and improve amenity. The urban design consultancy advice received by Council raises concerns that the proposed HOB and FSR may not be achievable on the site, and could result in a development which does not reflect the design principles displayed in the indicative scheme submitted by the proponent.

Therefore, whilst the basic principle of higher density development in this location is acceptable, as is the expansion of an existing local centre, in the absence of a masterplan for the Bexley North local centre, the proponent needs to demonstrate, through additional urban design studies, that the proposed changes to development standards can be accommodated on the site without harm to the character or amenity in the immediate locality, and without prejudicing any future master-planning of the Bexley North local centre. Should the Panel recommend that draft Planning Proposal progress, this additional urban design work is will be requested. Once the final planning proposal is submitted, the matter will be referred back to the Planning Panel for advice before being reported to Council for Gateway consideration.

**Attachments**

- 1 Planning Proposal Report (Under separate cover Attachments Part One)

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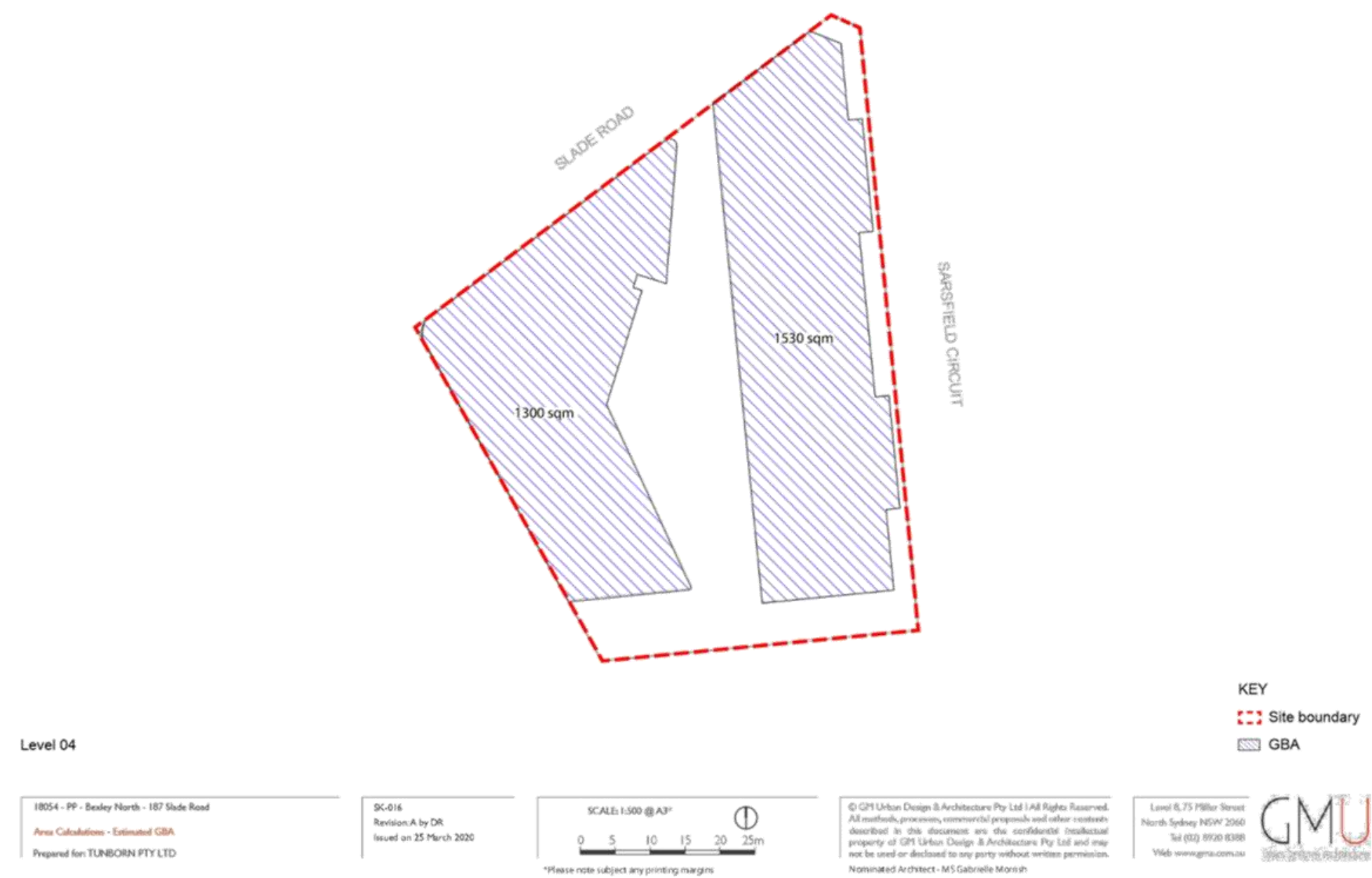
- 2 Guide to Preparing Planning Proposals (Under separate cover Attachments Part One)
- 3 Environmental Site Assessment (Under separate cover Attachments Part One)
- 4 Flood Investigation Report (Under separate cover Attachments Part One)
- 5 Urban Design Comments (Under separate cover Attachments Part One)
- 6 Pipeline Risk Assessment (Under separate cover Attachments Part One)
- 7 Urban Design Report (Under separate cover Attachments Part One)
- 8 Traffic Impact Assessment (Under separate cover Attachments Part One)
- 9 Urban Design Submission - Cover Letter (Under separate cover Attachments Part One)
- 10 FSR and HOB Calculations Plan (Under separate cover Attachments Part One)
- 11 FSR Calculations (Under separate cover Attachments Part One)
- 12 Estimated GBA calculations [↓](#)
- 13 Landscape Plans (Under separate cover Attachments Part One)
- 14 Basement Concept Plans (Under separate cover Attachments Part One)
- 15 Indicative Concept Plans (Under separate cover Attachments Part One)
- 16 Indicative Sections (Under separate cover Attachments Part One)





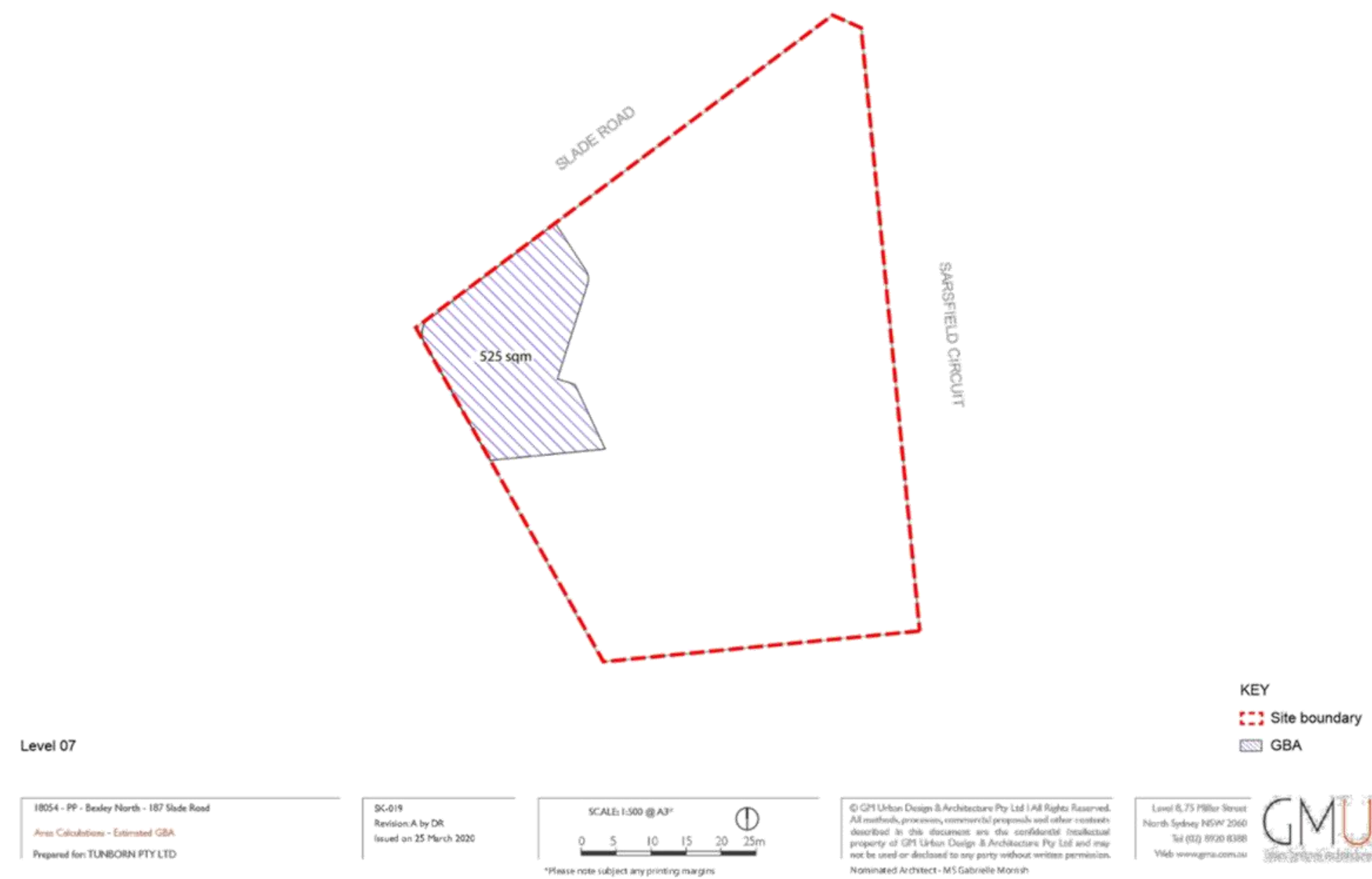




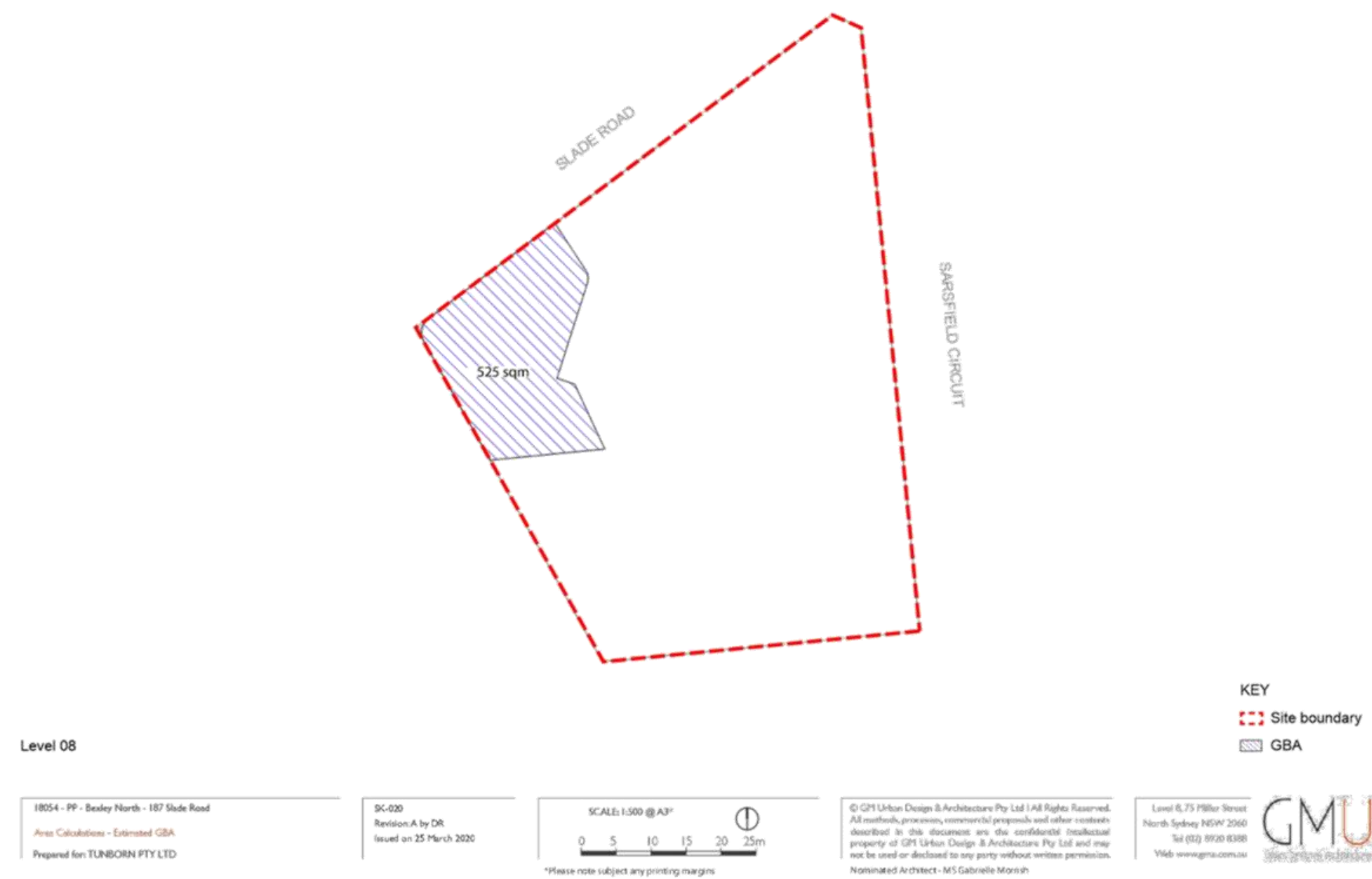
















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## MINUTES

### **Bayside Local Planning Panel - Other Applications** held by audio-visual link on **Thursday 16 December 2021** at 5:00 pm.

Decisions outside the public meeting  
in accordance with the Operational Procedures.

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#### **Present**

Marcia Doheny, Chairperson  
Robert Montgomery, Independent Expert Member  
Larissa Ozog, Independent Expert Member  
Amber O'Connell, Community Representative

#### **Also Present**

Clare Harley, Manager Strategic Planning  
Cathryn Bush, Coordinator Governance  
Josh Ford, Coordinator Strategic Planning  
John McNally, Urban Planner - Strategic Planning

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Deliberations commenced at 5:05 pm.

#### **1 Acknowledgement of Country**

Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

#### **2 Apologies**

There were no apologies received.

#### **3 Disclosures of Interest**

There were no declarations of interest.

#### **4 Minutes of Previous Meetings**

There were no Minutes to confirm.

## 5 Reports – Planning Proposals

### 5.1 Planning Proposal - 187 Slade Road, Bexley North

Panel members have undertaken individual inspections of the site.

The following person spoke:

- Jeff Mead, planner, spoke to the officer's recommendation and responded to the Panel's questions.

The following people attended the meeting:

- David Waghorn, planner.
- Trevor Yang, applicant.

#### Panel Recommendation to Council

The Panel has considered the material presented in the officer's report and the various planning reports supplied by the proponent. The Panel also heard from the applicant's town planner.

The Panel recommends to Council that the planning proposal be referred to the Department of Planning Industry and Infrastructure for a Gateway Determination under s.3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the following conditions being applied to the Gateway Determination:

1. Prior to commencing public exhibition of the planning proposal the applicant shall consult with Council to ascertain the appropriate building height limit and floor space ratio for the site based on urban design principles and compliance with the Apartment Design Guide.
2. A site-specific development control plan (DCP) shall be prepared by the applicant in consultation with the Council to demonstrate that the building envelopes resulting from the floor space ratio and height of buildings sought in the planning proposal are achievable on the site without being detrimental to local character, residential amenity and the potential future uses of Council's adjoining car park.
3. Without limiting the contents of the DCP, it should include elements of the urban design study submitted in support of the planning proposal as agreed by Council and requirements that:
  - a. the western building footprint be used for commercial floor space only; and
  - b. an appropriate interface and setback be provided to the existing public car parking area.
4. Consideration should be given to converting the proposed new central laneway (not the site through link) as an area of communal open space to be used by the



## Bayside Local Planning Panel - Other Applications

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residential component of any future development and for that space to be safe, secure, well designed and to be of high quality and amenity.

5. The DCP should include pedestrian circulation in and around the site and sensitive and careful siting of the driveway access, potential 'back of house' operations, loading and unloading areas and general Hotel and pub operations that often impact on the amenity of adjoining properties. These activities should be considered in the DCP to provide greater certainty for any future design and minimize impacts.
6. The DCP should also provide for the eastern boundary to include deep soil areas (minimum of 2m wide), well landscaped areas with some larger canopy trees to soften the development and enhance the transition of the built form down to the lower scaled residential development to the east.
7. Consideration should be given to providing some commercial floor space and/or design apartments to include studies and home offices. Spaces should be flexible and adaptable.
8. A variety and mix of residential apartments is also encouraged.
9. To ensure and secure the proposed non-residential component of the development which comprises of some 1.41:1 of FSR, Council could consider amending Clause 6.17 of the Bayside LEP 2021 by highlighting certain controls and provisions which could be incorporated (as a minimum) for the future redevelopment of the site. This is at Council's discretion.
10. At the time of preparing the DCP consideration may be needed to the provisions of the Draft Place and Design State Environmental Planning Policy.
11. The planning proposal should include a provision that amends Bayside Local Environment Plan 2021 (BLEP 2021) to provide that both the active street frontage and design excellence clauses of LEP 2021 apply to the site.
12. The planning proposal should also include a provision that amends clause 6.16 of BLEP 2021 to add the subject site and the requirement that a development control plan be prepared for the site prior to any redevelopment.
13. The planning proposal and draft DCP should be exhibited concurrently.
14. Council should also consider negotiating the dedication of some affordable rental housing as part of the scheme.

**Reasons for Panel Recommendation**

- The Panel considers the proposal is consistent with a number of objectives and planning priorities of the Greater Sydney Region Plan and elements of the Eastern City District Plan. In particular, the proposal will advance the growth and revitalisation of an existing local centre identified in the Eastern City District Plan.
- The site is located in close proximity to mass transit and would therefore concentrate high density urban growth within a local centre adjacent to public transport corridors.

## Bayside Local Planning Panel - Other Applications

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- After considering the likely environmental impacts of the proposal, the Panel is satisfied that it is suitable for being referred to the Department of Planning, Industry and Environment for a Gateway determination under s.3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the imposition of conditions detailed above.
- Although the Panel is of the view that a development control plan should be prepared and exhibited in conjunction with the planning proposal, it is also strongly recommended that Clause 6.16 of the Bayside LEP 2021 be amended to include the site so that the LEP to include a requirement that a development control plan be prepared prior to the redevelopment of the site. Applying Clause 6.16 to the site will ensure that an overall strategic design approach will still be implemented in the event that a draft development control plan is not prepared prior to exhibition of the planning proposal.
- The Panel acknowledges the officer's concerns about progressing the proposal further in the absence of an overall strategic plan for the centre. However, the Panel considers that the need to revitalise this local centre and the consistency of the proposal with regional and district strategies justifies progression to Gateway Determination.
- In the absence of a masterplan or strategic planning and urban design work for the Local Centre as a whole, the development control plan will play an important role in advancing the potential for this spot rezoning to result in a high-quality development that sets a benchmark that may stimulate the renewal of the Centre as a whole.
- Without a development control plan and in the absence of strategic planning work for the locality, there is a significant risk that the planning proposal may result in a scale and/or form of development that inhibits the medium-term goal of a renewed local centre with a high degree of amenity.

## 5.2 Draft Planning Proposal - Deletion of Additional Permitted Uses 34 & 35 from Bayside Local Environmental Plan 2021

Panel members have undertaken individual inspections of the site.

### Panel Recommendation to Council

- 1 The Bayside Local Planning Panel recommends to Council that pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the draft Planning Proposal for the deletion of Items 34 and 35 of Schedule 1 (Additional Permitted Uses) of the Bayside Local Environmental Plan 2021 be submitted to the Department of Planning, Industry and Environment for a Gateway determination.
- 2 The Bayside Local Planning Panel recommends to Council that, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the

Bayside Local Planning Panel - Other Applications

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Gateway determination, and to provide details of any submissions received throughout that process.

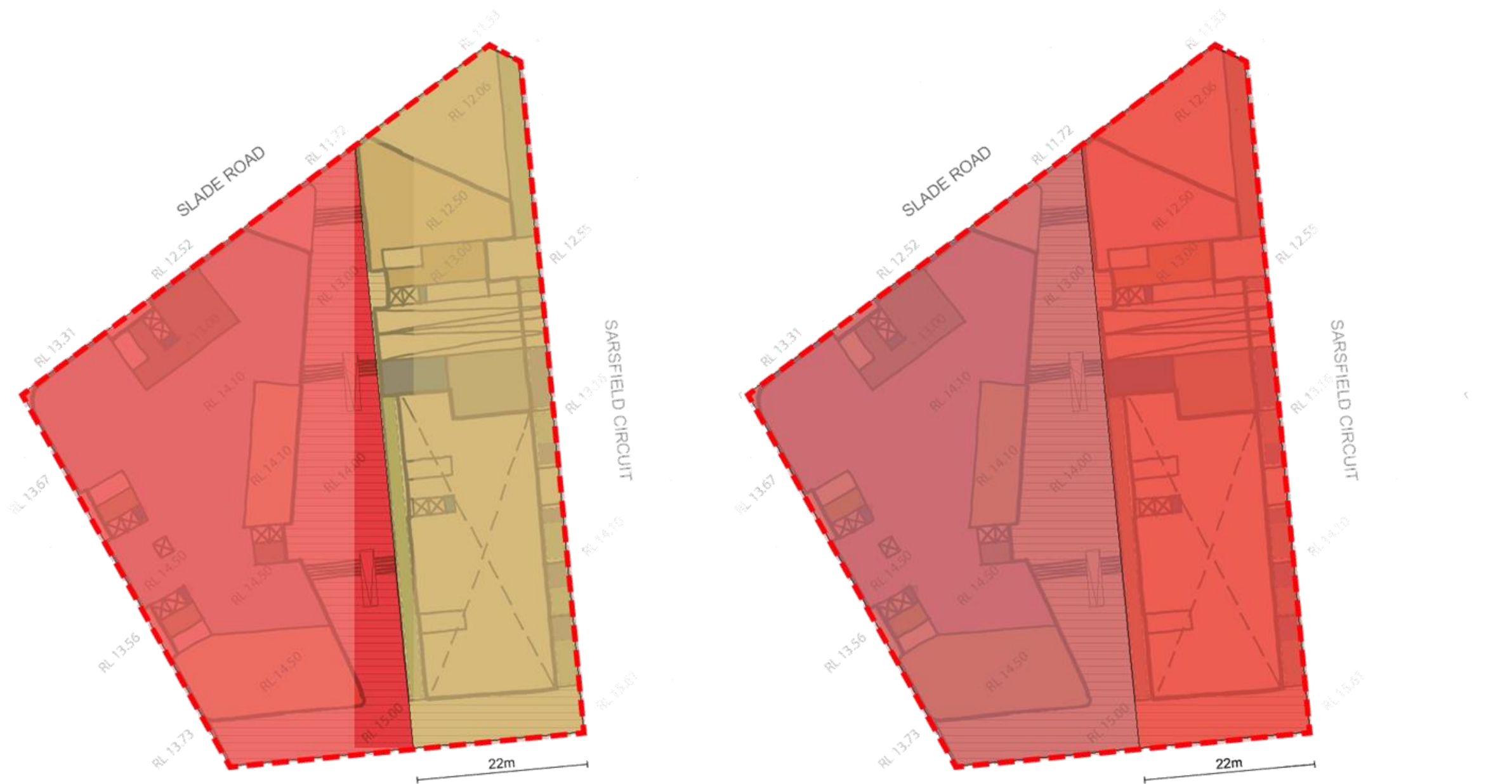
## **6 Reports – Development Applications**

There were no development applications.

Closed deliberations concluded at 7:15 pm.

Certified as true and correct.

Marcia Doheny  
**Chairperson**



Proposed HOB

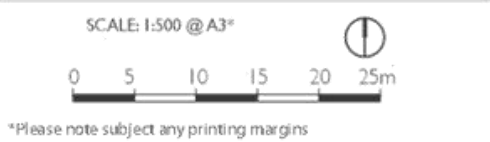
Proposed FSR

KEY  
[Red dashed line] Site boundary

This assumed a separation between the areas (HOB,FSR) of 22m perpendicular to the eastern boundary (Sarsfield Circuit)

18054 - PP - Bexley North - 187 Slade Road  
Proposed LEP amendments  
Prepared for: TUNBORN PTY LTD

SK-023  
Revision: B by DR  
Issued on 25 March 2020



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Nominated Architect - MS Gabrielle Morrish

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## 187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
<p><b>Access:</b> Given the Council Car Park is a superlot without any internal public streets, residential lobbies facing only the car park are not ideal, as they effectively have no street address.</p>	<p>The existing commercial uses that form part of the crescent have access from the footpath of the car park site. These commercial uses assist in activating the area. Additionally, the RDCP 5.3 states that building uses fronting public domain at ground level are to be active uses wherever possible. We also note that Councils DCP requires residential uses to have access from a public space or street and not an internal public space as AJC suggest.</p> <p>It is our understanding that the Council car park may be redeveloped to contain a major public space based on the previous discussions held with Council which will include access to all the sites located in the crescent. Active frontages are a requirement of the Council controls to this site boundary so it must by definition retain in perpetuity a public access ability.</p> <p>The indicative layout intends access to any residential component from either the public edge of Councils carpark (as it is currently) and/or from within the publicly accessible lane/piazza.</p>	<p>The concern raised in AJ&amp;C's initial review referred to the lack of any residential street address for the western building, with the indicative design showing two residential lobbies which are both only accessible via the Council car park.</p>
<p><b>Staging:</b> There are some inconsistencies in the documentation: the upper-level unit (level 6) in Built Form B are only accessible via the core in Built Form C, which would not be delivered at the same time. Units in B also rely on a communal open space that will not be delivered until C is built and will need to use the core in C to access it.</p> <p>Similarly, the basement design is based on a vehicle turntable that crosses the stage boundary. The basement will, therefore, not be functional until the turntable is delivered in a subsequent stage.</p>	<p>Please note that these are indicative hand sketch plans not a DA. Their purpose is to provide some additional information to demonstrate one way a scheme could occur within the proposed envelope and amendments to the FSR and height. It is not a final and definite solution and has not been developed to the same detail as a DA would have to achieve. The staging plan and indicative core locations can easily be modified if desired to address the access to the top floor indicative apartments.</p> <p>The core shown to the floor below can be extended to continue through to level 6 or that apartment could be connected back to the core once the next stage is constructed.</p> <p>The turntable in the basement is part of the second stage. During the initial stage, loading will continue to occur through the pub lot as existing. Consequently, there is no issue with the location of the suggested turntable.</p>	
<p><b>Future Neighbourhood Character:</b> As the proponent has identified, the Council Car Park is a potential development site. The proponent should respond to the Car Park site as a standard shared property boundary rather than assume no future development of this adjoining site.</p>	<p>We disagree that this boundary operates as a shared boundary and therefore should be subject to the ADG separation distances in the manner proposed. It is a boundary to public land that currently provides public access to the existing developments and shopfronts. It also provides the major public car parking for the town centre.</p> <p>Given that the site has a significant role as part of the town centre and is required to provide active frontages to that boundary any redevelopment of the carpark will have to maintain public access to the site boundary (and to those other lots that currently benefit from access via the carpark).</p> <p>A redevelopment solution by Council for their land is highly likely to include a major public space as Bexley North does not have a key public open space or square. Given the existing active edges of this site and its neighbours the logical conclusion is that any development would be likely to be positioned to provide a built form edge to Slade Rd and Bexley Rd with a public space or at the very least a new internal street system between. To maintain the current uses and access a public street of some form will need to be provided to access the existing commercial uses.</p> <p>It should also be noted that all the existing new/old buildings edging the car park have treated the frontage to the car park site as an active and primary frontage as required by the controls. As per the RDCP 5.3, development is to define a coherent alignment to the public domain, accentuate street corners and have a zero setback with active uses to the ground level.</p> <p>The urban design concept behind the PP was to improve the pedestrian experience and connectivity in a manner that buffered pedestrians from the noise of the carpark initially and provided a positive and more intimate public space via the provision of a publicly accessible laneway and urban space through the site initially and have it link ultimately (via the midblock link to the south) to a redevelopment of the council carpark. The carpark area could create a vibrant local hub with a central urban piazza e.g. the Piazza in Sienna. The Piazza could be envisaged as a community meeting place with an urban built form edge that provides containment of the space and a wonderful retail precinct and place making element for Bexley North. The site contributes to that vision by introducing a finer grain of space and connectivity as part of the revitalisation of the centre that would provide a further public area that would provide more intimate proportions and more retail offerings. The exemplar is something such as The Piazza in Sienna – a generous space that is enclosed by continuous building form ranging from around 5-7 storeys as a street wall linked to the town beyond by a series of pedestrianised streets and lanes with smaller more intimate spaces.</p>	<p>AJ+C's concern is that the proponent has justified setbacks lower than either the ADG or DCP through a large public square identified on publicly owned property zoned B4-Mixed Use. We do agree any future development of the car park should be expected to maintain public access to the properties along its perimeter, and so setbacks may be reduced below ADG minimums. However, without the square a zero setback from ground level to the tenth storey is not an outcome that can be relied upon, and so should not be used for the purposes of setting an increased FSR for this site.</p> <p>To establish a more confidently-achievable setback, which affects FSR, we recommend that there needs to be either engagement by the proponent with Council or reference made to its existing planning framework – e.g. the Rockdale DCP currently only requires a 3m setback for the first 3-storeys above ground and then a 4.5m setback on the levels above, which is lower than the ADG but greater than that assumed by the proponent in the planning proposal.</p>

## 187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
	<p>Whether future sites in the block redevelop to continue the laneway system or not the site (due to its links in both directions) can contribute to the vibrancy of Bexley town centre in its own right and provides a sense of place and urban space for Bexley.</p>  <p>Mud-map</p> <p>N.T.S.</p>	
<p><b>Bulk and Scale:</b> At the densities (FSRs of 3.2 and 3.6) proposed we would recommend tower-and-podium typologies, with multiple towers of between 10 and 12 storeys with podiums of 4-6 storeys. The proposal instead uses very deep footprints with long unbroken frontages to achieve similar densities at much lower building heights (although 10-storeys are shown in one corner, this represents very little of the floor space), which is a poor urban outcome.</p>	<p>The RDCP 5.3 states that on retail streets, the building articulation is to be a heavily modelled street wall building. The existing controls for mixed use centres in this LGA seek to encourage a development form of strong street edges and forms. Tower typologies are not evident anywhere in Bexley North or in the lower order centres in this area generally. Woll Creek does adopt a tower form typology but is not considered a positive precedent by Council or the project team.</p> <p>Given the sheer area of the car park and the distance across the square to the enclosing built form edges to the north and west, a strong street wall form provides an appropriate scale and sense of enclosure for the car park and eventually perhaps a future piazza. Such spaces historically were edged by abutting buildings in the order of 5-6 storeys – Sienna is higher, up to 7 storeys plus roof form.</p> <p>The current controls in fact encourage and require this strong form around the crescent through the 22m height controls, seeking nil setbacks to the road behind and only requiring a single connection through the block. The most recent building to the west sets up the framework for this development form with its nil setback blank side wall waiting for new development to abut to it.</p> <p>We consider that introducing a number of tower forms over 4/6 storey podiums will erode the role of the taller setback floors proposed which can reinforce both the corners of the block, consistent with a street wall building approach and also acknowledge the entry points into the centre from the south and east.</p> <p>Further a 6 storey podium with 10 or even 12 storey form overall is not tall enough to achieve a true tower typology and proportionally will not read as a tower. If a 4 storey street wall form was adopted with then a 6 or 8 storey component to the 'tower' the proportions would still not be ideal. It also creates a street wall that does not 'hold' the space of the car park particularly well, as can be seen from the existing building.</p> <p>The 10 storey element at the north-western corner was provided to enhance the corner, which is consistent with the RDCP 5.3 which states that the massing of a building on a corner site is to be distributed to enhance the street corner. The final shape of any form here can be regularised and an option illustrating that approach is provided at pgs 36 and 37.</p>	<p>AJ+C's reference to towers was not well worded, to clarify; this was not intended as a recommendation for an alternative built form outcome. It was intended as a comment on what built form we would expect to see for a site of this size to achieve the FSRs stated in the proposal, being taller building heights across multiple buildings with wide separations rather than the bulky mid-rises proposed. This indicates that the proposed FSR is mismatched to the proposed HOB control.</p>

## 187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
<p><b>Building A</b></p> <p>The 80m length of the building and its 1530 GBA footprint is out of character with the adjacent residential properties. It is recommended that the indicative design for Building A be broken into two sections – 45m is a common limitation on apartment building length and it would be appropriate in this case. Breaking the building into two separate structures will also help offset the extensive length of blank street frontage shown for Building A.</p> <p>This length of blank frontage is not appropriate, particularly given the nature of the residential streets it fronts. It is not validated by the relatively gentle slope of the street. The problem could be addressed by requiring residential ground floor levels on Sarsfield Circuit to be within 1m of natural ground level. We would also refer you to Part 5.3 of the Rookdale DCP 2011 where it refers to ground level uses and ground floor articulation at the public domain interface.</p>	<p>A number of buildings along Sarsfield Circuit already create a continuous wall of development. In fact, the controls ask for a nil setback to the street and do not require breaks in the form. A nil setback at the side boundary is required for the street wall with no differentiation on where a residential zone occurs across the street. The existing more recent development sets up the relationship with a blank wall to Sarsfield Circuit waiting for the adjacent development to occur.</p> <p>A connection and break in the form is already required by the 'laneway' to the south of the subject site but other breaks are not indicated in the controls. The DCP also seems to encourage transition of form and density to occur by the treatment of the facades and articulation as well as materials e.g. a terrace typology in the building form by expressing the division between apartments or a proportion that responds to the width of existing dwellings. The intent of the PP is that these sort of mechanisms as well as indents into the facades for entries and lobbies would be used to moderate scale and form.</p> <p>A study of building length in the current context is provided for Councils consideration. It shows that the length of the proposed envelope is reasonably consistent with other town centre development to both the car park and also at the residential interface – see pg 19.</p> <p>AJC suggests a break in the building form to Sarsfield Circuit. We disagree that this is necessary or in fact desirable. A building break opens up the intended retail/commercial piazza to the residential street but there is no connectivity beyond that street ie no lanes or streets to link to and it opens up the activity of that internal street to residents beyond. We suspect that the residents would be less than happy with such a solution.</p> <p>A better way to manage building length is as we have suggested in the PP, entry points would be inset to create recesses in the building form, combined with balcony projections and strong vertical articulation. This will break up the building form and introduce a finer grain without having to fully break the massing apart. More detail of how the articulation might be resolved in a future DA is shown on pg 18 of this report. The way to manage this outcome is through the design guidelines that would go into Councils DCP in the future via objectives, controls and imagery. It is not necessary to enshrine a physical break in the reference design or building form envelope.</p> <p>It should also be noted that many of the houses on the other side of Sarsfield Circuit are raised above street level and present garages to the ground level. Details around modulation and depths of the inset to create a 'fine-grain' character will be the subject of detailed design at the DA stage. We consider that if desired we can further expand the suggested design guidelines in the package to include precedent imagery and more objectives around vertical and horizontal modulation.</p> <p>In relation to the levels of the residential floors along Sarsfield, this has been dictated by Councils requirements for flood levels and freeboard. There have been many discussions but the applicants flood engineer with Council. The site is actually shown as not flood affected but it appears that Council desires the applicant to provide a scheme that can manage issues with existing overland flow due to insufficient existing public infrastructure. This has required numerous changes in the levels of the scheme as Council and the applicant have investigated what the correct levels should be for a development. Council is also requiring the applicant to adopt levels that correspond to the PMF levels rather than the 1:100 levels which forces the floor levels higher.</p> <p>Since the PP was lodged further discussions have occurred on flooding and it is our understanding that levels have now finally been agreed. These new levels are shown on pg 23 of this report. The changes in the freeboard height have allows some further rationalisation of the Sarsfield and plaza levels so that the building can be entered closer to grade and movement through the site can be improved. Therefore there will be a reduction in the height of any retaining walls.</p> <p>This situation would occur in any event under the current controls and is not unique to the PP. We note that this outcome has to be managed in many areas of Sydney. The intent is that there would be bridge connections over the natural swale that would be created to manage water flow and that any level differences would be managed through landscaped terracing and use of high quality walling materials and planters with trailing planting to soften the edge. Ground level access will also be provided to each unit which will further break up any unavoidable walls along the street with entry gates and stairs. The basement cannot be lowered further due to the tunnel in the northern portion of the site. Indicative sections and images of how this would be likely to</p>	<p>AJ+C's concern on building length relates only to the eastern Building A, which is proposed to present a 6-storey 80m unbroken length along Smithfield Circuit facing a line of one- and two-storey single-family detached homes in a R2 Low Density Residential Zone.</p> <p>Any mid-block break in Eastern Building A would not need to continue through to Building B/C and so would not impact the continuity of the street wall surrounding the Council car park.</p> <p>Although architectural treatments and envelope sculpting may mitigate a long building length along Smithfield, in establishing a theoretical envelope in the Planning Proposal for the purposes of setting a maximum FSR, we recommend a real break in the building form be assumed. This is the more conservative outcome, and one we consider more likely to be approved at DA stage.</p> <p>More generally, a PP should not rely on architectural treatments to ameliorate conditions created by an envelope; the envelope itself should be reduced to avoid the problem. This does not prevent a future architectural scheme from pursuing a street wall scheme, but it provides the flexibility for it to be a design choice rather than a necessity to achieve the site's proposed FSR.</p> <p>The revised drawings provided in the proponent's "Urban Design Response" indicate reduced blank frontage is possible, and we expect AJ+C's concern with the percentage of blank frontage shown along Smithfield Circuit can be mitigated by DCP controls submitted with the Planning Proposal, as suggested here and in AJ+C's review.</p>

## 187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
	<p>resolve are shown on pgs 26 and 27. The design guidelines can also be expanded to include a specific section on this relationship with imagery to ensure a quality outcome occurs in a DA.</p>	
<p><b>Building B/C</b></p> <p>The height is potentially supportable, but the massing is out of scale with its surroundings, primarily due to its oversized floor plates. Recommend that all levels above Level 1 (i.e. from the third storey, being all levels above the licensed venue) be significantly reduced to 1000GBA. The reduction could be achieved by narrowing the building and/or by breaking it into multiple buildings.</p> <p>The large floor plate is partly created due to a triangular plan with a &gt;30m depth in its centre (above Level 1). Typical floor plans provided with the proposal show the central area is used as empty lobby area on every hotel floor. This shows the depth is excessive for hotel uses.</p> <p>Concern that if future design development pursues a residential alternative, that depth is also unachievable for a residential building footprint. We therefore recommend that residential uses be limited as a separate Maximum Residential FSR based on the expected floor space distribution once the massing is reduced to a supportable level. This will ensure design quality is not reduced due to the pursuit of an FSR that is not sensibly achievable. Whilst we acknowledge the resistance to a site-specific DCP at this at this stage, this again places greater emphasis on the need to engage with Council on this matter.</p> <p>If changes to the HOB allowance are considered, they should be provided to a building that is otherwise slender in profile. It is not appropriate that a building so out of scale with its surroundings be provided additional height as well.</p> <p>The overall GFA gain shown across the top three levels provide a minor 0.25 FSR increase (+10%) that requires a disproportionate 3-storey / 9.3m increase (+40%) to the HOB control to accommodate them. However, the proposed HOB map applies this height increase to over 80% of the site, despite their footprints shown covering less than 15% of it. This may result in far more extensive building lengths at 10-storeys than shown in the indicative design provided, particularly if the floor space on lower levels is less than expected (as identified above).</p>	<p>We note the support for the height which is a positive conclusion. The deep footprints for the lower floors in the proposal are specifically for commercial uses only and the depths of the floor plates are not unusual for commercial uses. These uses are permissible and encouraged by Councils controls and the zoning. They reinforce the role of the site in the town centre and we would recommend against encouraging more residential at the expense of commercial uses. We do not support reducing the footprint as it would preclude larger commercial tenancies if the hotel did not proceed. However we note that it is the applicants intention to relocated the existing hotel use into the lower podium floors of any new development and it does require deeper floor plates.</p> <p>The envelope should allow the maximum flexibility for future uses – if a DA sought to have residential uses on these lower floors then it would have to comply with the ADG, and the footprint would be reduced to around 22m in any event. We also note that other uses such as student housing or boarding houses often have footprints in the order of around 29m so the floor plate depth would also suit these outcomes.</p> <p>Where the indicative layouts show residential units the floor plate is narrowed as required. Again, this is a PP and compliance with the ADG would have to be demonstrated for an actual scheme as part of any DA. We do not support reducing the maximum envelope at a PP stage to preclude commercial uses.</p> <p>We also note that the depth of the floorplates cannot be perceived from any part of the public domain as the envelope narrows to all its edges, so it is not clear how the depth creates visual impacts of bulk or is unacceptable.</p> <p>We disagree as discussed above that the building in the podium needs to be 'narrow in profile' assuming this infers a tower typology for the reasons discussed previously. We also note that as seen from the public domain the building form where the commercial uses are intended does narrow in any event.</p> <p>It is not clear if the height is supported, why GBA should be deleted from the limited extent of massing that achieves this height?</p> <p>The suggested LEP height map adopts an approach that is standard in the industry. The DCP indicates the number of storeys and the preferred location of height within that maximum but the Department of Planning usually will not support heavily fragmented height maps.</p> <p>The FSR control in concert with the height map and the design guidelines indicating where height should occur are sufficient to give Council the tools to manage any DA outcomes to ensure height is in the correct position to reinforce the corner. Reduction of the extent of the greater height reduces innovation and exploring options of detailed design in the final scheme.</p> <p>We also note the comment that more height may be appropriate for the western edge of the site. If this approach was adopted (and we have investigated a scheme that does this on pgs 36 and 37). If that approach was adopted then height across that part of the site as per the proposed map would be possible under the PP but would not be possible if the height map is fragmented map.</p> <p>The proposed heights for buildings B and C is based on the maximum height of the 10 storey element of building C. The first two levels have been assumed to have a floor to floor height of 4m, with 3.1m height for the levels above. This results in a total height of 32.8m and including the lift overrun, will take the total height to 34.3m. As part of the Planning Proposal, the suggested height is 35m which is consistent with the calculations.</p>	<p>AJ&amp;C's comment here referred to the hotel accommodation on upper levels. The suggestions of maintaining flexibility and allowing non-residential uses made here are well taken. However, the blanket 75% efficiency applied to oversized envelopes to calculate FSR does not only create flexibility in envelope, it establishes a GFA capacity that is difficult to sensibly achieve on site. If envelopes are made intentionally larger than intended, an additional 5-10% envelope reduction should be made before calculating GFA.</p> <p>Maintaining flexibility to support larger commercial/hospitality floor plates on the lower levels without worsening the risk of oversized residential envelopes is recommended to be addressed through setting a separate residential FSR.</p> <p>Maximum residential FSRs are currently used in both LEPs and SEPPs in NSW. They do not seek to constrain the extent of permissible uses, but rather recognise that a residential building is significantly larger than a non-residential building with the same FSR, due to increased requirements for daylight, building depth and building separation.</p> <p>AJ&amp;C's suggestion to set a separate maximum Residential FSR is in response to the envelopes proposed, which are considered oversized. Given they include a significant percentage of non-residential floor space, our concern is that without additional controls a future development application may ignore the PP yield distribution and instead choose to maximise residential within the FSR allowance – a likely outcome in a city where residential is invariably the highest and best use. This would make the proposed FSR even more mismatched to the proposed HOB limit, as the envelopes must expand up and out to accommodate the reduced lower-efficiency floor plates of residential uses.</p> <p>Given the flexible HOB map offered by the proponent, we expect the likeliest outcome is that the 10-storey section of building would be extended across the entire car park frontage rather than only the small three-storey section at the corner shown in the current massing. Building depths would also likely need to increase, creating pressure to reduce building separations further below ADG minimum guidance.</p> <p>Therefore, if this project is progressed as drawn, we recommend a maximum FSR be implemented, noting this would not prevent the outcome identified in the current planning proposal being delivered.</p> <p>AJ&amp;C's concern with the flexibility of the proposed height map is related to larger concerns about the viability and appropriateness of the proposed building envelopes. We believe a likely outcome is 'infilling' the entire height envelope to make up for FSR allowance assumed but not achievable elsewhere on site. Our preference is that the FSR be significantly reduced. Alternatively, or as well as, other controls such as the height map should be significantly tightened to avoid unexpected outcomes.</p>
<p><b>Yield:</b></p> <p>There are several inconsistencies between the GBA plans and the indicative concept design, which indicates more work needs to be undertaken to establish the appropriateness of the proposed FSR. In particular, the GBA plans for Levels 2 and 3 on Building B/C as well as Ground Level, Level 4 and Level 5 on Building A do not match the concept design. There is also an inconsistency between the Building A Level 1 residential plan, which shows a full level, and the indicative section, which shows the substation and one lobby extending double-height from Ground into Level 1. Depending on which is accurate, floor space may have been counted twice. Clarification of this is needed.</p>	<p>The GBA and FSR calculations undertaken are high level estimates only using the efficiency suggested in the ADG. It should also be noted that the concept or reference plans are hand sketches with varying line thickness.</p> <p>The sections provided are indicative hand sketches only. The section shown cuts through the lobby entry which would be a double height space to enable connection to the street and then to the residential level. The floor space has not been counted twice.</p> <p>This is an indicative scheme and therefore a floor by floor indicative GFA was not provided as there may be variations to the extent of uses subject to detailed design at the DA stage. The FSR has been based on a % allowance of the GBA.</p>	<p>Scale drawings and a level-by-level area breakdown identifying how the proponent has established the proposed FSR within the envelope is considered essential documentation for Council to ensure that the FSR listed in the planning proposal matches the drawings, and is sensibly achievable within the envelopes they show.</p>



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	<p>It is not usual to constrain the extent of permissible uses on a site as part of a PP unless the proposition is for uses that would undermine the achievement of the zone objectives.</p> <p>The indicative scheme reinforces the role of the site in the town centre with predominantly commercial uses facing the car park and residential mainly in the form to Sarsfield Circuit. We don't think it is necessary or reasonable to tie down the overall FSR/ specific floor areas to particular uses as such constraints do not affect other sites in the town centre and there is no proposal to change the zoning. However, should further detailed breakdown be required by Council further information can be provided.</p>	
<p><b>Alignment with the NSW Apartment Design Guide:</b></p> <p><i>Building-by-building vs Site averages</i> A common language interpretation of the indicative design would define it as two buildings, as the eastern and western buildings are completely separated above ground.</p> <p>The Proponent instead bases ADG compliance on a site average, treating the two buildings as one. This aligns with the NCC which classifies structures that share a basement without fire separation as a single building.</p> <p>From an objective based standpoint, numeric targets can be considered met even when averaged over a site. However, as future construction stages are never guaranteed, targets can at most be averaged across each stage. While not strictly matching the language in the guide, measuring ADG solar and cross-ventilation on a stage-by-stage basis can still ensure the overall objectives are met even if all stages do not occur.</p> <p><i>Building Separation: Internal</i> The pinch point where 'Built Form C' sits opposite the northern part of 'Built Form A' is 5.5m for the first four storeys, setting back to at least 7.5m from the fifth. On the southern end, the pinch point between 'A' and 'B' is point is between 5.76m and 10m for the first four storeys and between 10m and 12m from the fifth floor.</p> <p><i>Building Separation: Setbacks</i> Based on the Gross Building Area diagrams provided as supplementary material by the applicant, the design is based on several inappropriate setbacks. These are noted in Table A below:</p>	<p>Noted, at the DA stage compliance with the ADG is required in any event however it is normal practice to average across a site with a number of buildings that will comprise a single development when completed.</p> <p>The narrowing of the space between the forms at the laneway/plaza entrances has been deliberately provided to create more intimate entries into the link. These entry points are fully open to the sky. The narrowing of the space is essential to create a sense of curiosity, the space then widens into the broader space and encourages pedestrians to enter and use the space as a public town centre space. If these entries were opened up to 12m with no variation that sense of discovery and interest is lost, and it becomes just another lane. The tightening of the throat of the entrance heightens the awareness of entering a public area and space. Creating a 'threshold' is a very important part of creating a successful neighbourhood square. The separation distances in the ADG should not be the guiding force in such a situation. Privacy impacts can be managed – the grain is more important in creating a context.</p> <p>We disagree that the ADG separation distances should be applied as minimum controls in this instance as the PP and indicative scheme seeks to achieve design outcomes that justify using narrower distances.</p> <p>As identified in the plans in the Planning Proposal report prepared by GMU, the minimum separation at the northern link entry is 7m and that of the southern is 6m. As per ADG 3F, for the buildings on the same site the minimum separation distance required from a habitable space to a blank wall is 6m. The windows for habitable spaces facing Slade Road could have angled or 'ear' windows and the commercial spaces would be designed to minimise outlook towards any habitable spaces in Building A. Any fenestration in the commercial uses could be frosted and fixed to ensure no visual or acoustic impacts. It is possible to design unit layouts that work with this sort of proximity and window positions are subject to detailed design at the DA stage. Additional objectives and imagery can be added to the design guidelines if Council is concerned to demonstrate how uses should relate across these narrower throats if desired.</p> <p>The separation distances in the ADG are never applied across normal public streets with full street reserve dimensions. Where laneways occur that are narrow and public the separation distance for each site is taken from the centre line but not for full public streets.</p> <p>Building form and setbacks from Slade St and any other public street are dictated by the front setback requirements and are not overlaid by ADG separation distances or that would detract from the ability to respond to a context and to town centre scale or to reinforce the boundary edge.</p> <p>It should be noted that the property to the north of Slade Road has already been developed at a height of building of 16m i.e., 4-5 storeys. Therefore, there will be no built form above 5 storeys and hence no issues relating to the separation given the existing street reserve width in any event. Additionally, Section 5.3 of the RDCP states that development is to be built to the street alignment with a zero setback. The uppermost level may be set back. It does not impose ADG separations to override context responses.</p>	<p>AJ&amp;C's view is that a building envelope established for the purposes of setting an FSR in the context of a PP should comply with ADG minimum separations in most cases. This would not prevent a designer from using architectural treatments to justify specific variances from the ADG at development application stage, as proposed in this response, but rather allows this to be a design choice rather than a necessity to achieve the site's new FSR.</p> <p>A PP should not rely on future architectural treatments to ameliorate problems themselves created by the PP.</p> <p>AJ&amp;C's understanding of industry practice is to measure to the centreline of a public road to ensure ADG minimums are met and shared equally. The nature of the street as 'normal public street' vs. 'laneway' is not relevant except that a wide enough public street will make zero setbacks possible while still meeting ADG separation controls. However, the ADG is silent on this issue and Bayside Council should apply an approach consistent with our applications in the LGA.</p> <p>AJ&amp;C also does not view the opposite building being 5-storeys (and so reducing building separation) as relevant in the context of the proposed spot rezoning, as the neighbour could make an equal argument for uplift in a similar Planning Proposal for their site. Again, the ADG is silent on this issue and Bayside Council should apply an approach consistent with other applications in the LGA.</p>

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SETBACK TO	BUILT FORM A	BUILT FORM B/C	DC/LEP MINIMUMS	ADG MINIMUMS
North (Slade Rd)	1-4 storeys 6m 6th storey 6m	1-4 storeys 6m		
20m road reserve	Road CL 1-5 storeys 10m 6th storey 14m	1-4 storeys 10m		1-4 storeys 12m
South (Future Local Road)	1-4 storeys 6m 6th storey 10.5m	1-4 storeys 6m 5-7 storeys 9m 8-10 storeys 14.5m	6.3-6.8m to match LEP land reservation map	
average 6.5m future road reserve	Road CL 1-4 storeys 3.25m 6th storey 10.25m	1-4 storeys 3.25m 5-7 storeys 5.75m 8-10 storeys 14.5m		1-4 storeys 6m 5-8 storeys 9m 9-10 storeys 12m
East (Sarsfield Ct)	1-4 storeys 10.5m 6th storey 12m	1-4m		
10m road reserve	Road CL 1-4 storeys 4.5m 6th storey 15.5m	1-4m		5-8 storeys 9m 9-10 storeys 12m
West (Council Car Park)	1-4m	1-4 storeys 6m 4-10 storeys 4.5m	1-3 storeys 3m 4-10 storeys 4.5m	Without agreement by Council (see landowner) 1-4 storeys 6m 5-8 storeys 9m 9-10 storeys 12m
assumed 10m future road reserve	Road CL 1-4m	1-4 storeys 6m		With agreement by Council (see landowner) 1-4 storeys 6m 5-8 storeys 9m 9-10 storeys 12m

<sup>1</sup> labelled on a plan section, scaled (ADA drawings show 15.5m)

The ADG recommends residential setbacks of between 3m and 12m from property boundaries. Where fronting a public street, typical practice is to reduce these by half the width of the road reserve. The property on the other side of the road reserve can then take advantage of the balance should they be (re)developed.

Additional height beyond existing HOB limits should be expected to meet ADG recommendations. Based on a review of the Urban Design Report, we recommend additional building setbacks be required along three of four site boundaries. This will result in a measurable reduction in the proposed FSR, and impact the viability of the upper levels that are beyond the existing HOB limit:

- Northern Boundary, Slade Road: The setbacks of the upper two levels, if approved, should be increased to align with the ADG.
- Southern Boundary, which is to include a future local road (within the site): A maximum ground level setback of 6m is provided to the southern boundary, which is slightly narrower than the 6.3m - 6.8m (variable) scaled from the LEP Land Reservation Map. Council should confirm the required width of the Future Local Road with the proponent, and the building separation should be measured its centre line.
- Eastern Boundary, Sarsfield Ct: Setbacks are generally appropriate.
- Western Boundary, the Council Car Park: The proposal extends to the site's western side boundary with zero setback to the Council Car Park at all levels. A strict reading of the ADG would require full habitable-room setbacks to this shared boundary, as the primary residential facades are facing it. This would require 6m up to level 4, 8m for Levels 5-8 and 12m for Levels 9 and above, effectively deleting the upper levels from the indicative design and potentially the entirety of Building B/C.

With Council's agreement, it may be appropriate to reduce these setbacks under the expectation that a public road be delivered around the perimeter of the Car Park in future, as such a road would be required to retain access to existing retail tenancies even if the Car Park is redeveloped. In this case, we expect the required building separation could be reduced by half the expected future road reserve width. However, the Planning Proposal still needs to be able to demonstrate how, in applying the sought FSR and HOB increases, it can still comply with the required ADG and/or DCP setbacks.

Given that the proposal is for a mixed-use building, and the main retail frontage for the subject site is along Slade Road and Council's carpark. We consider that a nil frontage is appropriate to respond to the proposed and existing mixed use character of the area. As mentioned previously, the boundary to the car park site is a public boundary with a predominant active frontage facing the car park site and nil setbacks required by the controls.

It should also be noted that Section 5.3 of the RDCP also states that for development on sites with rear access lane, development facing the lane should be built to the boundary.

Regarding the comment in relation to the width of the future laneway connection to the south we note that the LEP shows a connection only-- there are no set dimensions, and it is inappropriate to scale from an LEP map to arrive at a dimension. Laneways are traditionally 6m wide and this width has been adopted for the PP.

We also note that the connection is totally on private land. It is not appropriate or reasonable to effectively gift half of the connection setback to an existing site to the west. The ADG is specific in stating that an existing development is not to require increased separation for an adjacent development that does not comply with current separation requirements. Instead, 50% of the required separation only is to be provided.

Once a new connection is formed it will have the character of a public edge and therefore reinforcement of the street wall scale should occur. The indicative scheme shows a setback provision from the 5th level which increases the separation to 6m as measured from our site boundary which is compliant with the ADG.

We are concerned that the AJC report seeks to apply the ADG separation as rules, ignoring contextual relationships and opportunities to create positive and interesting spaces with design solutions to deal with issues. It is also noted that the section on separation is about privacy primarily and there are completely different sections that deal with side setback conditions and these do relate to context and grain. No dimensions are given there as the final setbacks should be dictated by the character of the area and the location of the site.

If separation distances are applied as suggested by AJC the result will be ziggurat form or 'wedding cake' appearance that delivers in our opinion a very poor built form outcome that cannot achieve design excellence.

The future laneway is identified as a local road in the LEP Land Reservation map, meaning the land will be purchased by Council to become a public local road. Its width has been confirmed by Council staff as 6.2m.

To establishing an envelope for the purposes of proving an increased FSR, our recommendation is that the building setback from this boundary should be based on habitable separation distances measured from the centreline of the future local road.

We also note that the lack of separation provided at this point is causing overshadowing of neighbouring habitable rooms beyond what the ADG considers acceptable, and greater-than-ADG setbacks are likely to be required along this boundary. This is discussed further below

Refer to the Initial Peer Review for commentary on this point. An indicative design in the context of a PP does not create any need for stricter compliance with the ADG at DA stage, however compliance with key numeric controls that affect achievable yield is important to avoid mismatched FSR controls.

AJ&C's initial review did not intend to recommend ziggurat forms, the setback scale listed is repeated from the ADG. Generally a single upper-level setback should be assumed, the extent of which will be established by the upper levels. This setback would then be carried down through mid-levels to the street wall height, with the setback therefore exceeding ADG minimums on the intermediate storeys.

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<p>The acceptability of this solution and the expected width of this road reserve width should be confirmed with Council. It should be noted that even a development compliant with the existing statutory framework may reduce the solar access available for future residential development on the Council Car Park, should the car park site be considered for redevelopment in the future. In Table A we have shown the impact of a future 12m road reserve along the perimeter of the Car Park, an estimate based on the width of Sarsfield Circuit to the east. This would reduce required setbacks along the proponent's shared western boundary by 6m, requiring 0-6m depending on the floor. However, it could equally match the 0.3-0.8m future local road shown within the proponent's southern boundary, in which case setbacks would only be reduced by 3m to be within a 3-9m range.</p> <p>We recommend all residential levels be required to have at least some setback from the Car Park.</p> <p><u>Cross Ventilation:</u> The proponent states that 50 out of 83 units are cross-ventilated, calculating to 60.2% of the total unit count across both buildings. However, this figure includes 2 x units on the 10th storey (Level 9) of Building B/C which are not relevant to a tally of 'the first nine storeys'. It also shows two units in Building A (Level 1 and Level 4) relying on mid-building indentations that not typically classified as providing cross-ventilation. With these units removed the figure is 56.8%.</p> <p>AJ+C calculates the cross-ventilation of the indicative concept design on the basis below:</p> <p>A. Building-by-Building</p> <ul style="list-style-type: none"> <li>Building A - 25 of 52 units, 48.1%</li> <li>Building B/C - 21 of 29 units, 72.4%</li> </ul> <p>B. Stage-by-Stage</p> <ul style="list-style-type: none"> <li>Stage 1 ('Built Forms A &amp; B') - 38 of 70 units, 54.3%</li> <li>Stage 2 ('Built Form C') - 8 of 11 units, 72.7%</li> </ul> <p>C. Whole-of-site (first nine storeys only)</p> <ul style="list-style-type: none"> <li>46 of 81 units, 56.8%</li> </ul> <p>Note that two units shown in Stage 1 use a building core for access that will not be delivered until Stage 2.</p> <p>While it is not critical that detailed compliance with the ADG be provided at Planning Proposal stage, the design decisions that have caused the non-compliance with cross-ventilation objectives have resulted in increased building bulk and inferior presentation to public streets. We therefore recommend the indicative design, and corresponding yield, be updated to meet minimum compliance with the ADG cross-ventilation target.</p>	<p>We note that the units from level 9 have been included in the calculations and agree that according to the ADG the units of the first 9 storeys are to be included for calculation purposes. We have now further amended the unit layouts such that 50 out of 83 units are cross ventilated resulting in 60% compliance as seen on pg 32.</p>	<p>The amended scheme does not appear to comply with ADG cross-ventilation requirements.</p> <p>The units on the 10th storey have been removed from cross-ventilation and total apartment numbers, a row of unventilated units previously counted as cross-ventilated have been removed and 3 new through-units have been added to the upper level of the Eastern Building A through the expansion of its footprint, all of which has improved the percentage of cross-ventilation units. The urban design response lists 50 out of 83 units = 60% cross-ventilated.</p> <p>However, the revised design has created additional issues which means the scheme still does not comply with cross-ventilation requirements:</p> <ol style="list-style-type: none"> <li>New ground-floor units have been added that are identified as "residential part of SOHO". These would still be counted as units by the ADG, but have not been included in calculations. Their inclusion worsens the cross-ventilation non-compliance. Adding the 3x ground-floor SOHO units: 51 out of 86 units = 59%</li> <li>Two stacked rows of 2-storey 3-bedroom units are now shown in a relatively low-value location at the centre of the eastern floorplate. This is not considered a realistic outcome, as upper level 3-bedroom units in a residential flat building are typically single storey and placed on the highest value positions of the envelope. In this case, the use of these units may have been proposed to artificially reduce the number of units to meet ADG targets without reducing the building envelope. For the purposes of an indicative design in a PP, typical outcomes should be assumed unless there is a clear site-specific argument for an alternative.</li> </ol> <p>Changing the 6x two-storey 3-bed units on Levels 1 to 4 to more typical 12x single storey units worsens the cross-ventilation non-compliance: 51 out of 92 = 55%</p> <p>Note that these calculations use a whole-of-site measurement approach. Refer to AJ+C's initial review for commentary on building-by-building versus whole-of-site compliance, with Bayside Council encouraged to apply a consistent approach to other applications made in the LGA. The initial review found the eastern Building A at a significantly non-compliant 48% cross-ventilation when measured individually.</p>
<p><u>Communal Open Spaces:</u> No area information has been provided, but total communal open spaces appear to be less than the ADG's recommendation of 25% of site area, without the provision of an alternative strategy. Not all core locations are able to provide access to the communal open spaces on Building B/C, and the proposed staging means many apartments would be delivered without access to any communal open spaces.</p>	<p>Based on high level calculations of the amended concept layouts as seen on pages 28-31, the total area of communal open space (COS) is approximately 732 sqm which constitutes approximately 17% of the site area. However, the majority of Building B and C are commercial uses which do not require communal open space and the proposal includes a considerable area of publicly accessible space which provides recreational opportunities.</p> <p>The main residential building – building A, has communal space provided on its roof as does Building B and C, associated with the apartment levels. The balance of landscaped area and private versus communal space area at the roof level can easily be adjusted as part of a DA but we consider application of the ADG (without consideration of the actual extent of residential on the site versus commercial) and ignoring the publicly accessible ground level space is not an appropriate methodology.</p>	

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	<p>A more appropriate approach would be to determine the site area of Building A and then apply the percentage to that area rather than using the entire site. Detailed design and calculations will be subject to detailed design and the DA stage. This is a town centre mixed use site and therefore COS provision is often balanced against the location and the provision of public space instead.</p> <p>It should also be noted that in the indicative layouts the residential units have been provided with generous private open spaces and as per the ADG 3D-1, where developments are unable to achieve the design criteria, they should provide large balconies or increased private open space for apartments.</p>	
<p><b>Solar Access: To Neighbours:</b></p> <p>The proposal notes the main impact is to the southern adjoining property at 22-40 Sarsfield Circuit. The ADG protects neighbouring developments to a 20% 'reduction' in solar amenity: "where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%".</p> <p>This guideline is imprecise and can be interpreted in several ways. It is also frequently impractical to meet this objective where neighbouring buildings pre-date the ADG or have very few total units.</p> <p>In the case of a Planning Proposal to spot rezone a single site, we believe the hurdle should be that the increased HOB allowance proposed will not have a significantly greater effect than the likeliest 'Business-As-Usual' development using existing controls, unless the strategic benefit of the (usually wide) rezoning justifies the negative impact on certain properties.</p> <p>In the case of this Planning Proposal, which has not provided a compelling strategic merit argument, we expect the former hurdle is most appropriate. However, more information is required to fully analyse the impact on the southern property, and whether it is justifiable under the conditions outlined above.</p> <p>The analysis should identify the number of total units at 22-40 Sarsfield Circuit and estimate their existing level of solar amenity, locating living rooms and primary open spaces. Existing sun-eye views (that is, before the proponent's development) should be provided. The proposed development should be shown transparent, making each level clear, to understand the additional impact of the storeys proposed that are in excess of existing HOB limits.</p> <p>The report identifies the solar impact on 22-40 Sarsfield Circuit as largely being a result of the existing non-compliance with separation distance from the shared property boundary. The report states that "if the site were to be redeveloped and were to provide the required ADG separation, it would be able to receive 2hrs of sunlight to the majority of the facade facing the subject site."</p> <p>The neighbouring development is substantially in alignment with current ADG separation requirements, as typical practice would measure their separation burden from the centreline of the future Local Road rather than the shared property boundary. Based on the proponent's description, it may be that the overshadowing becomes acceptable if the setback is increased to the ADG minimum from that future road's centreline.</p> <p>The western face of 22-40 Sarsfield Circuit appears to have two units facing the Car Park on each level, rather than the single unit identified in the Planning Proposal, which means the overshadowing impact has been understated in the proposal.</p> <p>The Car Park Site is shown significantly overshadowed due to the zero setback and increased building height on the northwest corner, impacting its viability as a future development site. ADG compliant setbacks at 187 Slade will reduce this overshadowing as well.</p>	<p>Council has suggested various outcomes for the car park site and it is therefore unreasonable to restrict the scheme given that there is no confirmation of what design solution might occur. There are no overshadowing controls that apply to car parks and the site orientation will mean that any development on this site will have some shadow impact on the car park if built to the height of the current controls.</p> <p>Sun-eye diagrams with reduced opacity of the proposal are provided at pg 33 with sufficient translucency that 22-20 Sarsfield Circuit is visible. We also note that the apartment development is to the south of the site and therefore overshadowing is unavoidable.</p>	<p>ADG solar access analysis of the revised massing and unit layout has not been provided.</p> <p>The proponent has provided updated sun eye views that illustrate the envelopes in the urban design report result in significantly worse solar impact on the southern neighbour than would be expected under current controls.</p> <p>The reference scheme provided to show impacts that might be expected under existing planning controls has not been appropriately designed to be regarded as complying and so understates the impact. The sun eye views show that a relatively minor upper-level setback to its top floor would maintain solar access to an additional floor of units on the neighbouring property. This minor envelope reduction is likely to be required by ADG and DCP controls, and is expected to be able to be sustained while still meeting the sites existing FSR allowance.</p> <p>To reduce the indicative/reference scheme to an equivalent impact, however, will require much larger setbacks due to the proposed height increase on this site. Given the envelopes are already maximised, this is expected to result in further pressure to replace the 'lost' FSR elsewhere through increased height and bulk compared to what is currently shown.</p>



**187 Slade Road, Bexley North – Urban Design Comments**

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
<p><b>Summary of Recommendations:</b>  Setbacks should be increased throughout to meet ADG and DCP minimums, including treating the Council Car Park as a standard shared property boundary rather than publicly-accessible space as currently shown.</p> <p>The Height-of-Buildings Map should be aligned with the proposed envelope, or the three small upper levels removed.</p> <p>Any FSR increase should include a maximum residential FSR, separate to the maximum non-residential FSR.</p> <p>All building uses should be provided with a street address, meaning residential and hotel lobbies should be reoriented to public streets.</p> <p>The southern through-site link should be redesigned as a Local Road, per the LEP Land Reservation Map. This will require reducing the basement and increasing ADG-imposed setbacks.</p> <p>Additional documentation is required to show that the proposed rezoning of 187 Slade will have no additional impact on the residential properties 22-40 Sarsfield Circuit when compared with the likely impact under existing LEP controls.</p>	<p>The project team have considered the comments by AJC and in the spirit of trying to move forward on the PP some additional options have been tested that work with or close to the current FSR proposed in the PP (which is necessary to justify redevelopment of the current hotel site).</p> <p>These options test some of the philosophies expounded by AJC. If Council's preference is for a building envelope that is consistent with one of these other approaches then the applicant would be amenable to Council adopting those envelopes instead.</p> <p>These options are –</p> <ul style="list-style-type: none"> <li>A. Greater height and massing on the car park western edge of the site as two forms</li> <li>B. A tower scheme with lower podium</li> <li>C. The current planning proposal with upper level form rationalised and greater articulation shown in the envelopes to address the building length issue and provide more certainty for Council (although the design guidelines proposed would have delivered this outcome).</li> </ul>	<p>The updated documentation provided still does not provide sufficient confidence that the residential envelopes proposed can meet the key numeric ADG controls that influence yield. We recommend the envelopes and corresponding FSR be reduced until they satisfy numeric compliance with those ADG controls that can have major yield implications.</p> <p>The ADG variations currently shown in the planning proposal are resulting in a higher hypothetical development yield at the cost of poorer urban design outcomes.</p> <p>As noted in the initial peer review, if the indicative design better complied with ADG controls it would result in greatly improved urban design outcomes - benefiting resident and neighbouring amenity as well as street quality. To meet cross-ventilation requirements the building forms would need to be broken up, and to maintain neighbouring amenity and satisfy building separation the overall envelope would need to be reduced in all directions.</p>