

## **MEETING NOTICE**

A meeting of the  
**Bayside Local Planning Panel - Other Applications**  
will be held by audio-visual link  
on **Thursday 16 December 2021 at 5:00 pm.**

## **ON-SITE INSPECTIONS**

On-site inspections were undertaken beforehand.

## **AGENDA**

### **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**

### **3 DISCLOSURES OF INTEREST**

### **4 MINUTES OF PREVIOUS MEETINGS**

Nil

### **5 REPORTS – PLANNING PROPOSALS**

5.1 Planning Proposal - 187 Slade Road, Bexley North .....2

### **6 REPORTS – DEVELOPMENT APPLICATIONS**

Nil

Meredith Wallace  
**General Manager**

**Bayside Local Planning Panel - Other Applications**

**16/12/2021**

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Item No	5.1
Subject	<b>Planning Proposal - 187 Slade Road, Bexley North</b>
Report by	Peter Barber, Director City Futures
File	F19/1273

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**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' 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.

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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## 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.
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## 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 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)



**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)

### 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)



**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)



**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)



**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)

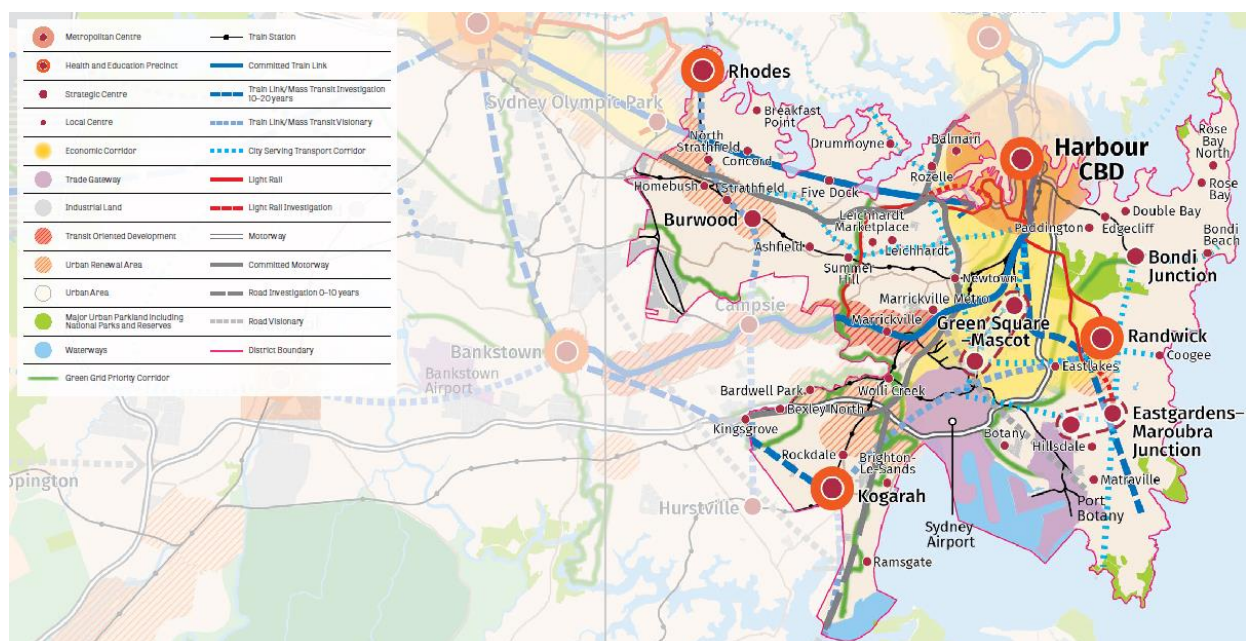
In context with the wider locality, the site is approximately a 150m walk from Bexley North train station. Access to the M5 is also a short drive north of the site, with the boundary of the Canterbury Bankstown LGA a short distance further north. Most of the wider area beyond the Bexley North centre 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)



*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:

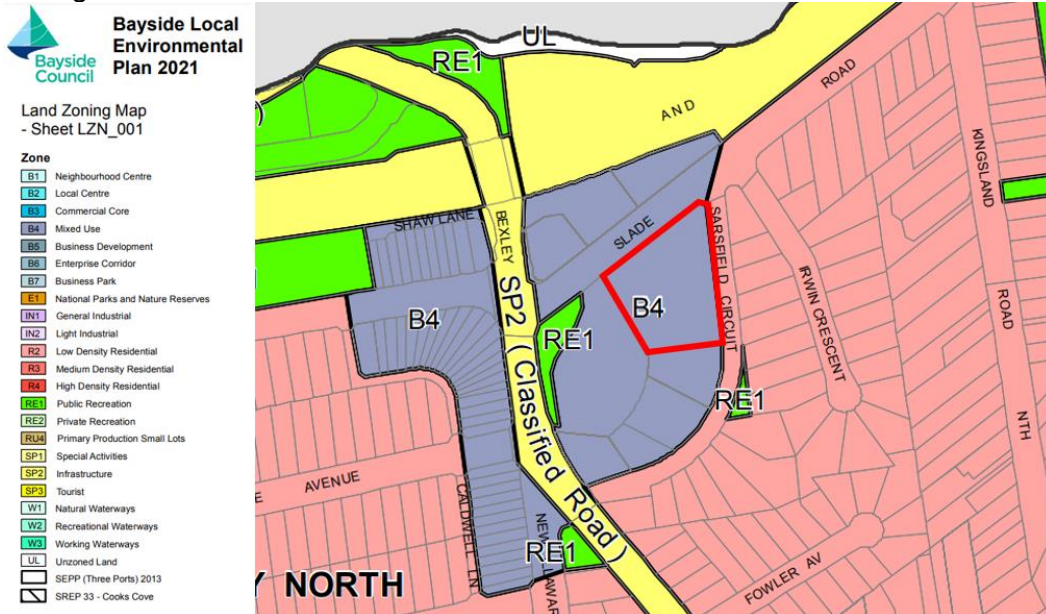
**Table 1:** Summary of any relevant changes to development standards between Rockdale LEP 2011 and Bayside LEP 2021

<b>Rockdale LEP 2011</b>	<b>Current Bayside LEP 2021</b>
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;

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:

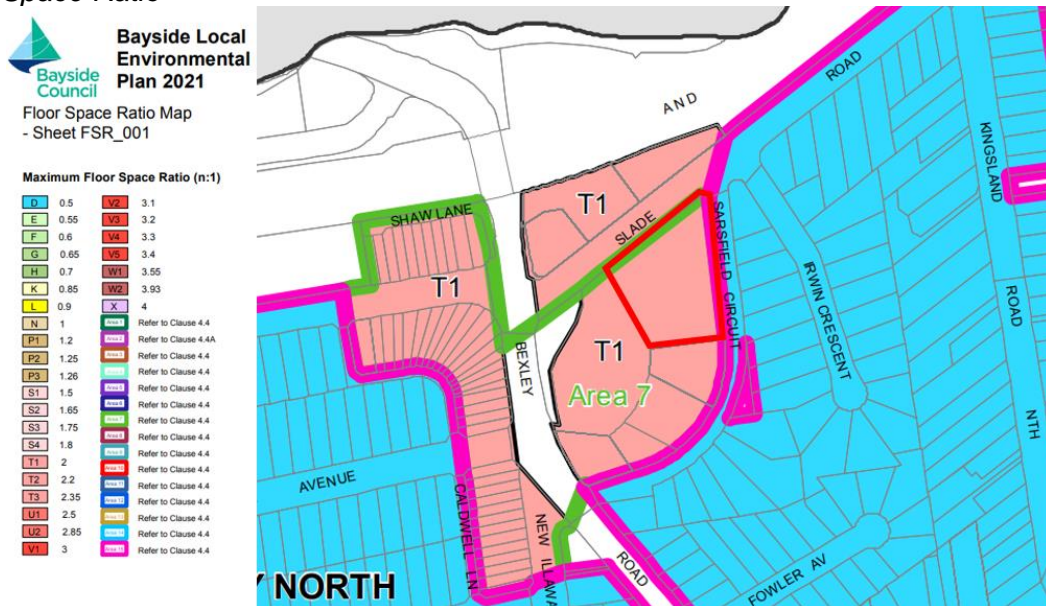
#### Land Zoning –



**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 –



**Map 6 – Bayside LEP 2021 Floor Space Ratio Map** (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

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



**Map 7 – Bayside LEP 2021 Height of Buildings Map** (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

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.

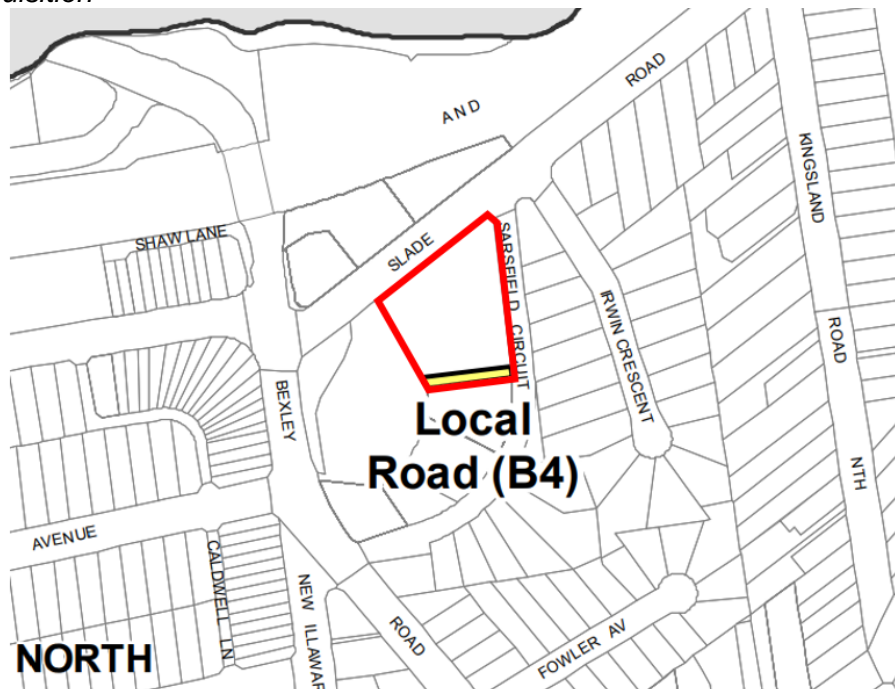
*Land Reservation Acquisition –*

**Bayside Local  
Environmental  
Plan 2021**

Land Reservation Acquisition Map  
- Sheet LRA\_001

**Land Reservation Acquisition**

- Car Parks (B4)
- Car Parks (R2)
- Classified Road (SP2)
- Classified Road Widening (SP2)
- Local Open Space (Arnccliffe) (RE1)
- Local Open Space (RE1)
- Local Road (B4)
- Local Road (R2)
- Local Road (R3)
- Local Road (R4)
- Local Road Widening (B2)
- Local Road Widening (B4)
- Local Road Widening (R2)
- Local Road Widening (R3)
- Local Road Widening (R4)
- Local Road Widening (SP2)
- Regional Open Space (RE1)
- School (R2)
- School (SP2)
- Stormwater (SP2)



**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.

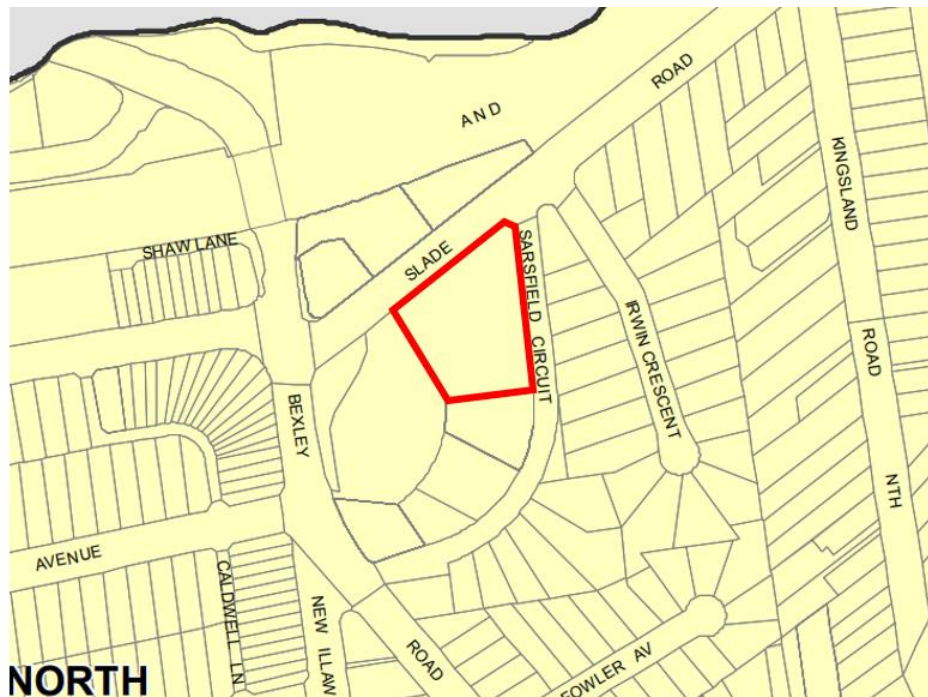
*Acid Sulphate Soils –*

**Bayside Local  
Environmental  
Plan 2021**

Acid Sulfate Soils Map  
- Sheet ASS\_001

**Acid Sulfate Soils**

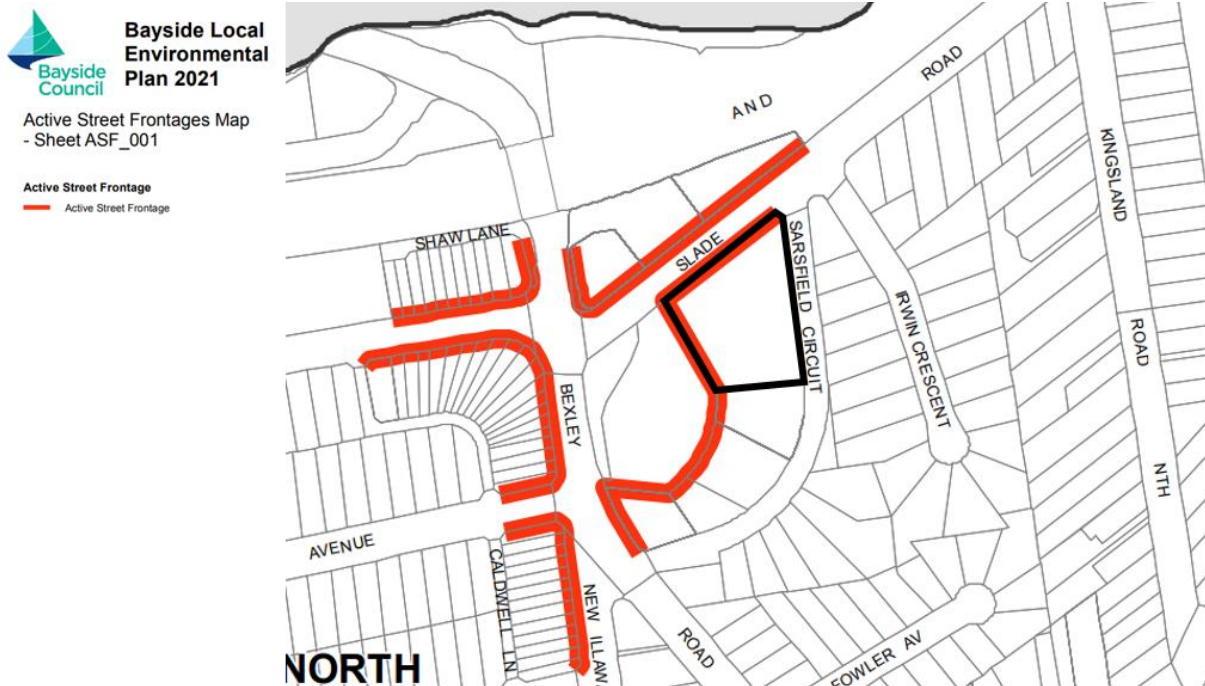
- Class 1
- Class 2
- Class 3
- Class 4
- Class 5



**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:

## 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.*

## 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

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>

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>

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>	

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>

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>

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:

**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>

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>	<b>Yes</b>

<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 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>	<b>Yes</b>

<b>District Plans – Eastern City District Plan</b>		
<b>Directions, priorities, objectives and actions</b>	<b>Consistency with the plan</b>	<b>Consistency Y/N</b>
<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.	<b>No</b>
<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.	<b>Yes</b>
<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	<b>Yes</b>

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	<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>Yes</b>
<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>	<b>Yes</b>

## 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:

**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

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	<p><i>Plan for high amenity and walkability within a 10-minute walk of centres.</i></p> <p><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>	<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	<p><i>Ensure each local centre has sufficient retail floor space to meet future demand.</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 in the heart of the Bexley North Town Centre;</li> <li>• Retain the existing Bexley North Hotel with additional restaurants/cafes;</li> </ul>

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>
<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</p>	<p><i>Advocate for outcomes that reduce the community's risk to urban and natural hazards, including air pollution, noise and traffic.</i></p>	<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>

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>

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>

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;

- 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.

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:

- *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

- 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.

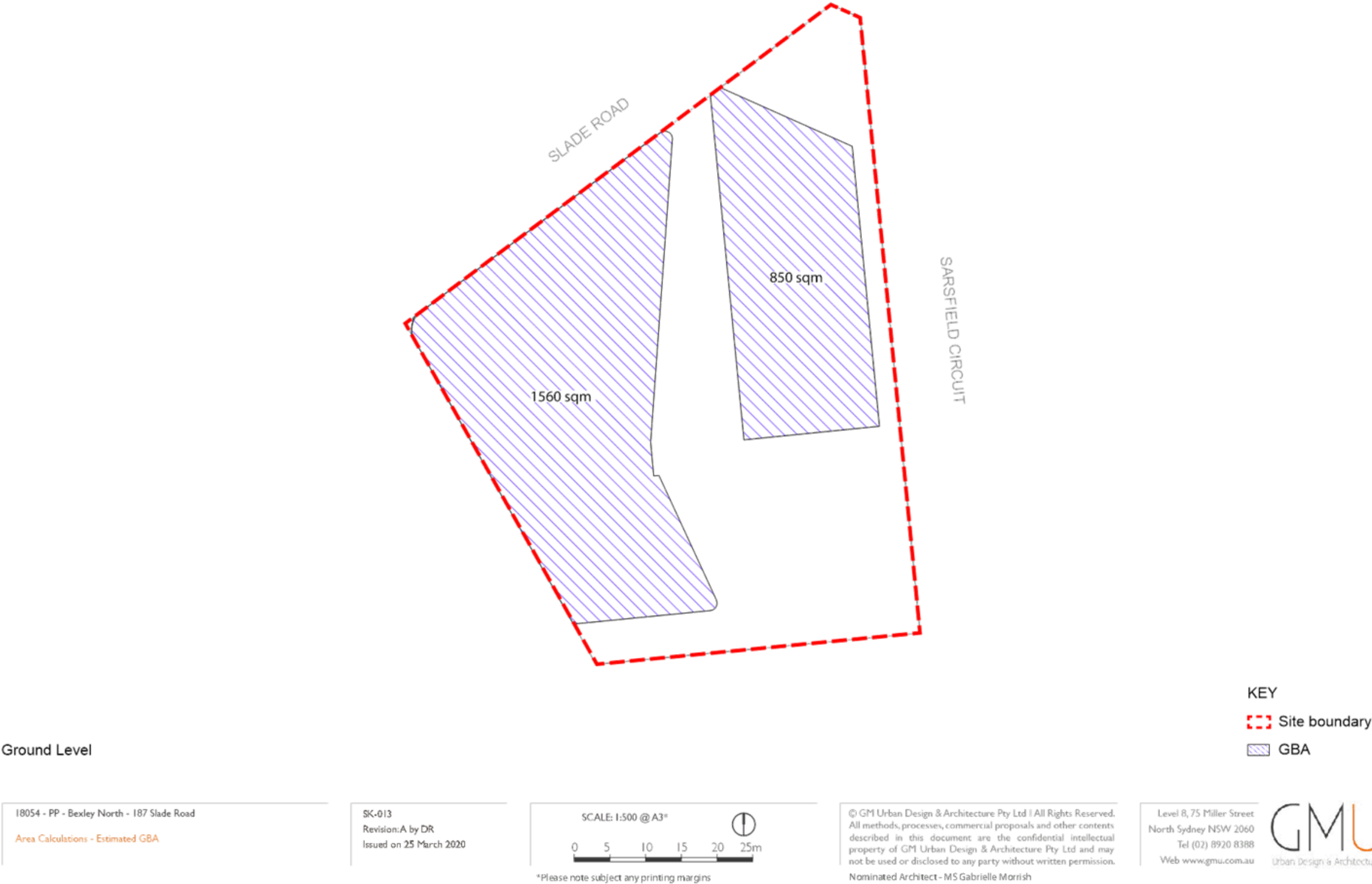
Therefore, whilst the basic principle of higher density development in this location is acceptable, as is the expansion of an existing local centre, in the absence of a masterplan for the Bexley North local centre, the proponent needs to demonstrate, through additional urban design studies, that the 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.

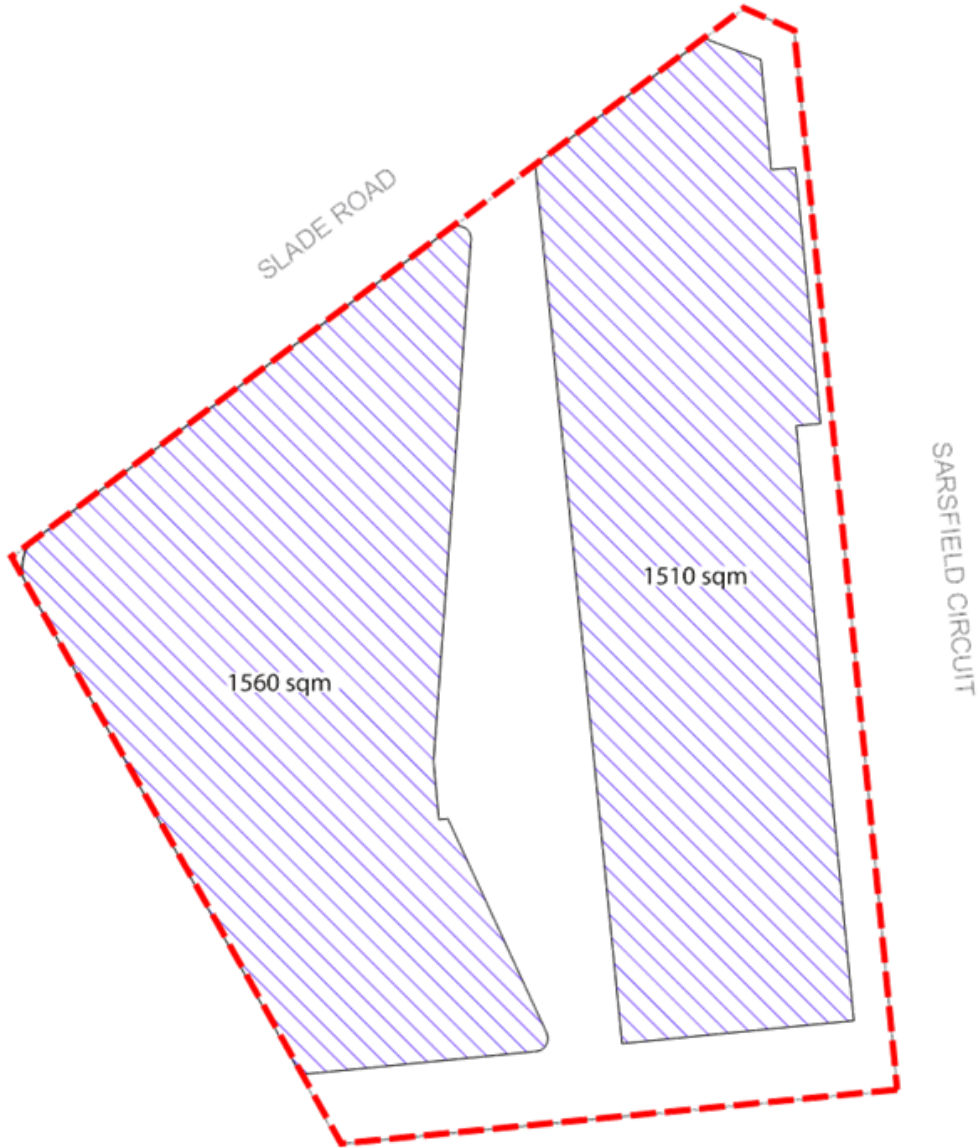
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## Attachments

- 1 Planning Proposal Report (Under separate cover Attachments Part One)

- 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)



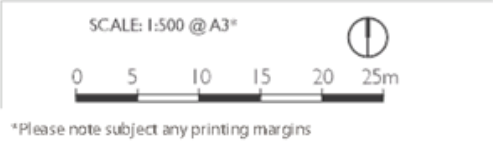


KEY  
Site boundary  
GBA

Level 01

18054 - PP - Bexley North - 187 Slade Road  
Area Calculations - Estimated GBA

SK-014  
Revision: A by DR  
Issued on 25 March 2020



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Nominated Architect - MS Gabrielle Morrish

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Levels 02 - 03

KEY

Site boundary

GBA

18054 - PP - Bexley North - 187 Slade Road

Area Calculations - Estimated GBA

SK-015

Revision: A by DR

Issued on 25 March 2020

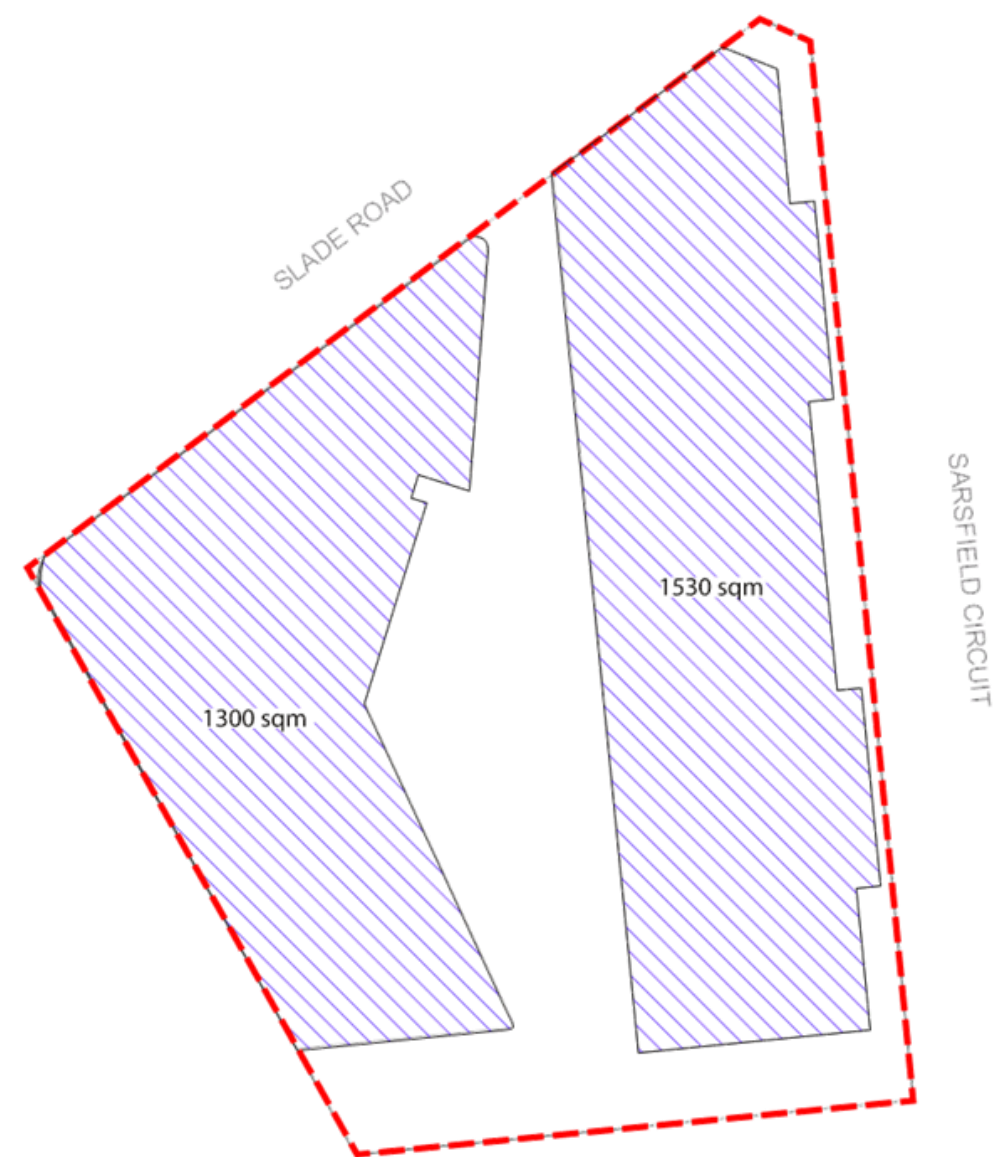
SCALE: 1:500 @ A3\*

\*Please note subject any printing margins

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Level 04

KEY

Site boundary

GBA

18054 - PP - Bexley North - 187 Slade Road

Area Calculations - Estimated GBA

Prepared for: TUNBORN PTY LTD

SK-016

Revision: A by DR

Issued on 25 March 2020

SCALE: 1:500 @ A3\*

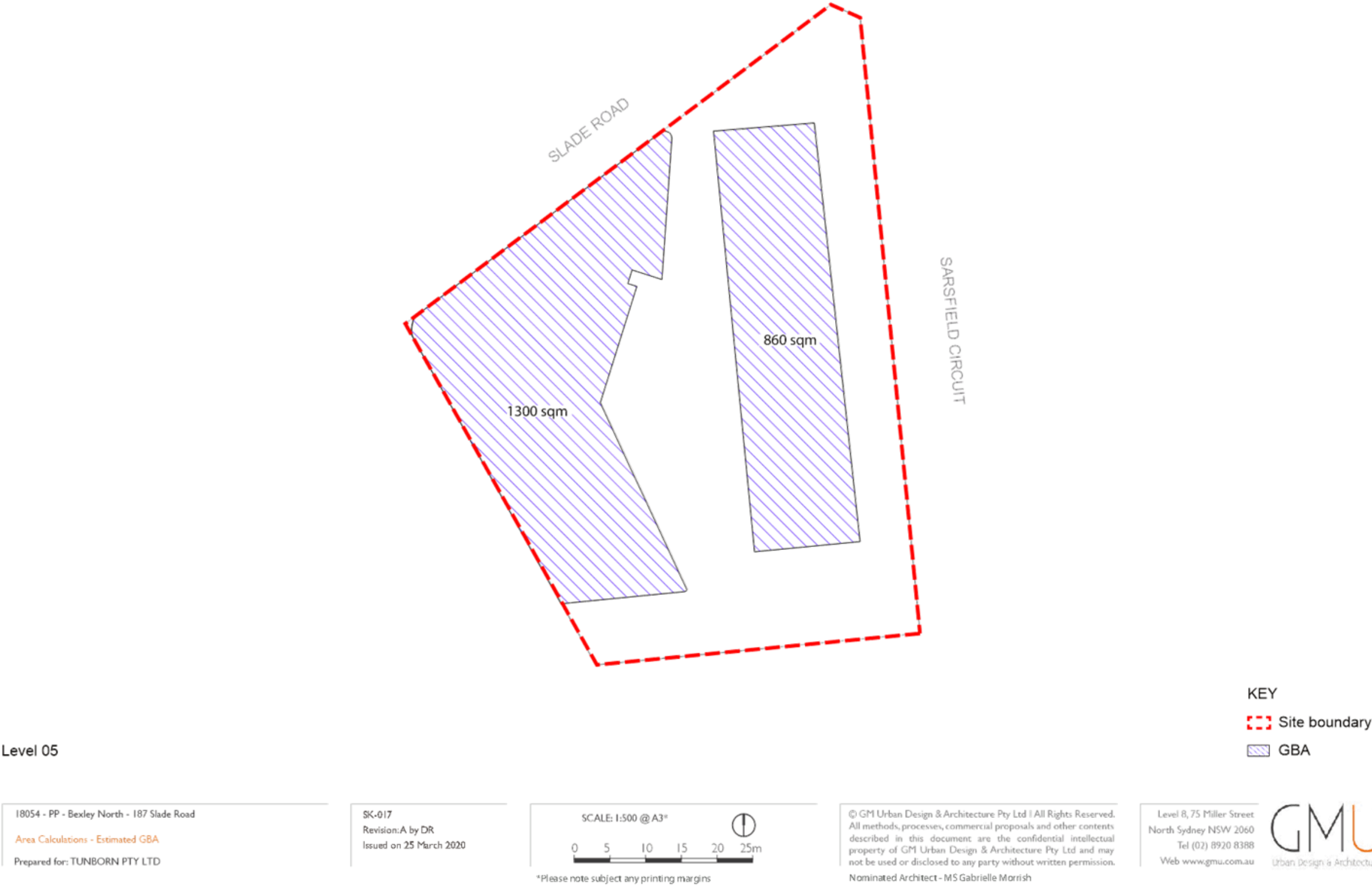
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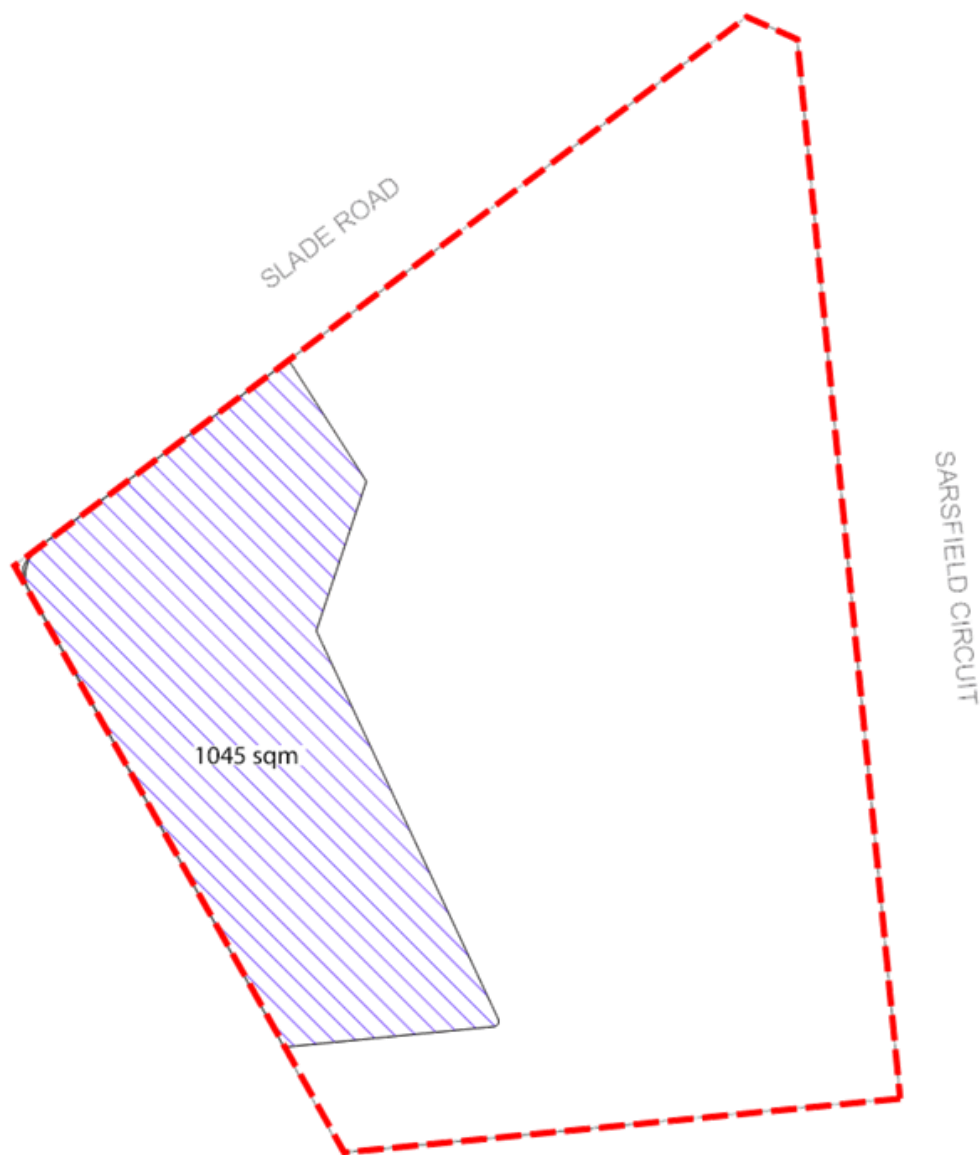
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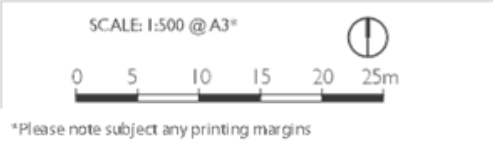


KEY  
Site boundary  
GBA

Level 06

18054 - PP - Bexley North - 187 Slade Road  
Area Calculations - Estimated GBA  
Prepared for: TUNBORN PTY LTD

SK-018  
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