

Review of Bayside Council's Decision Not to Proceed to Gateway - Planning Proposal

Rockdale Local Environmental Plan 2011

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

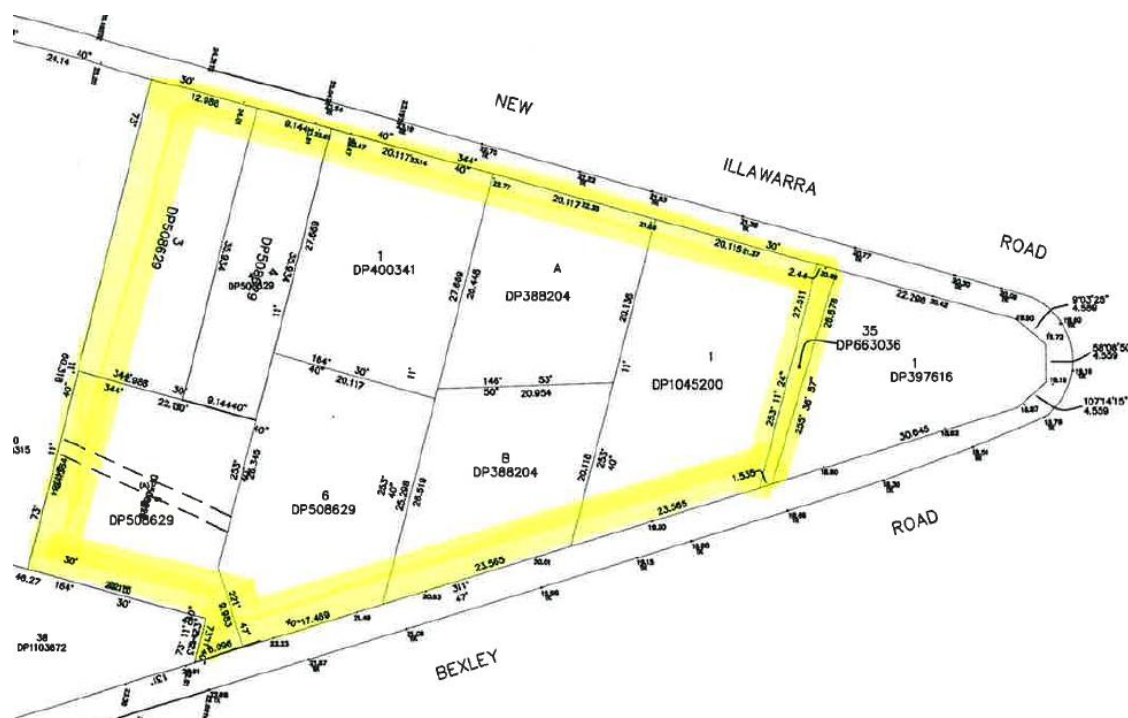
**Proposed Rezoning of land to Residential High
Density R4 with associated amendments to
building height and FSR**

October 2019

1 Introduction

This review application is made pursuant to Section 6.2 - A Guide to Preparing Local Environmental Plans (LEPs).

The applicant prepared a planning proposal application for consideration by Bayside Council in relation to land at No 88-96 New Illawarra Road and No 307-311A Bexley Road, Bexley North. The planning proposal relates to the proposed up-zoning of R2 Low Density zoned land fronting Bexley Road and New Illawarra Road, North Bexley to R4 High Density.



Bayside Council considered a planning proposal application on the 12th June 2019 relating to the up-zoning of R2 Low Density zoned land to R4 High Density under the Rockdale Local Environmental Plan 2011.

The staff recommendation is as follows:

1 That the draft Planning Proposal for 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North be forwarded to the Department of Planning and Environment for a Gateway Determination for the reasons outlined in the report, in particular:

(i) It gives effect to the directions, priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan, particularly where it provides additional housing within a 400m catchment of a train station, as well as shops, services and parkland;

(ii) The proposed planning controls are generally consistent with the planning controls applicable to the surrounding development within the Bexley North Local Centre;

(iii) The site specific merit has generally shown the capacity and capability of site to accommodate the proposal.

2 The following additional requirements are recommended post Gateway:

(i) Preparation of a site specific Development Control Plan to support the planning proposal; and

(ii) further detailed traffic modelling and analysis of potential solutions to traffic issues;

(iii) Improvements to pedestrian and cycle links from the development to Bexley North Station, as well as the investigation of appropriate traffic mitigation measures, should be considered as part of any site specific Development Control Plan and Voluntary Planning Agreement.

The application was also considered by the Bayside Local Planning Panel prior to the Council meeting. The recommendation of the Panel was as follows:

□□ That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP and A Act) the draft Planning Proposal for land known as 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North be submitted to the Department of Planning and Environment (DPE) for a Gateway determination.

The Planning Proposal for an amendment to Rockdale Local Environmental Plan 2011 was considered by Council at its meeting of 12th June 2019.

Council resolved not to support the Planning Proposal, by way of the resolution included below:

1. That Council does not support the submission of the draft Planning Proposal for 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North to the Department of Planning and Environment for a Gateway Determination on the grounds of density, car parking, traffic issues and the lack of strategic direction in the Bexley North area.

2 That all sites are being considered as part of the Bayside LEP review process.

1.1 The Subject Site and Context

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

The site is known as No 88-96 New Illawarra Road and No 307-311A Bexley Road, Bexley North.

Adjoining the subject site to the north is Lot 1 in DP 397616, a triangular shaped parcel of open space at the point or intersection of New Illawarra Road and Bexley Road, which provides an ideal landscaped setting to the subject site. This open space parcel of land is located at a prominent road intersection and is suitable for embellishment works generating a public benefit. Such works will be discussed with Council and can form part of a formal voluntary planning agreement.

Adjoining the subject site to the south is land owned by the Department of Family and Community Services (Dept of Housing). It is understood that the adjoining two lots are subject to a development consent to erect 3 and 4 storey residential flat buildings for public housing.

The subject land has been identified as being suitable for an up-zoning based on its location characteristics being within walking distance to Bexley North Railway Station and connectivity to the North Bexley town centre.

In addition, the part of the site contains a redundant service station and dated dwellings effectively land locked by the Department land to the south and open space to the north. The subject site has potential for the erection of coordinated built form, which also addresses local overland flooding issues and public domain improvements.

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

The subject is ideally situated on the southern fringe of the North Bexley town centre and benefits from having two street frontages to Bexley Road and New Illawarra Road. The subject site has a total area of **4,257m²**.

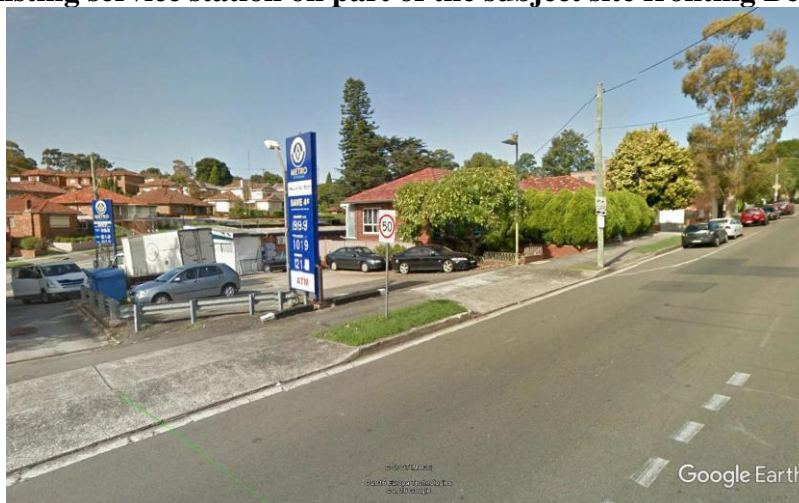
The subject site has no heritage significance, nor is it located within a heritage conservation area. There are no heritage items adjoining the property.

Applicable to the subject site currently are the provisions of Rockdale Local Environmental Plan 2011 and associated Development control Plan. Pursuant to which the subject land is zoned R2 Low Density Residential, has a maximum building height limit of 8.5m and a maximum floor space ratio (FSR) of 0.5:1. The current planning controls stifle redevelopment opportunities of what is considered to be a unique and valuable parcel of land within the North Bexley town centre context.

While it is acknowledged that Council has no immediate plans by to up-zone the Bexley North town centre, redevelopment of the subject site as proposed will act as a catalyst for future planning of the town centre.



View of existing service station on part of the subject site fronting Bexley Road



View of subject site from New Illawarra Road

2.0 Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend *Rockdale LEP 2011* to facilitate the rezoning of the subject site from R2 Low Density Residential to R4 High Density Residential permitting the construction of three (3) residential flat buildings ranging in building height from 5 to 6 storeys.

A detailed site, urban analysis and architectural modelling of the subject site has been prepared by *Urban Link Pty Ltd*. The revised submission is attached for the Department's consideration.

The proposed design concept has been developed to promote and reflect the Local and State planning metropolitan initiatives for renewal and consolidation of sites near major transport nodes. The scale and density of the proposed buildings is site specifically designed and meant to reflect the desired future character of development within and near the town centres within the Bayside Local Government Area.

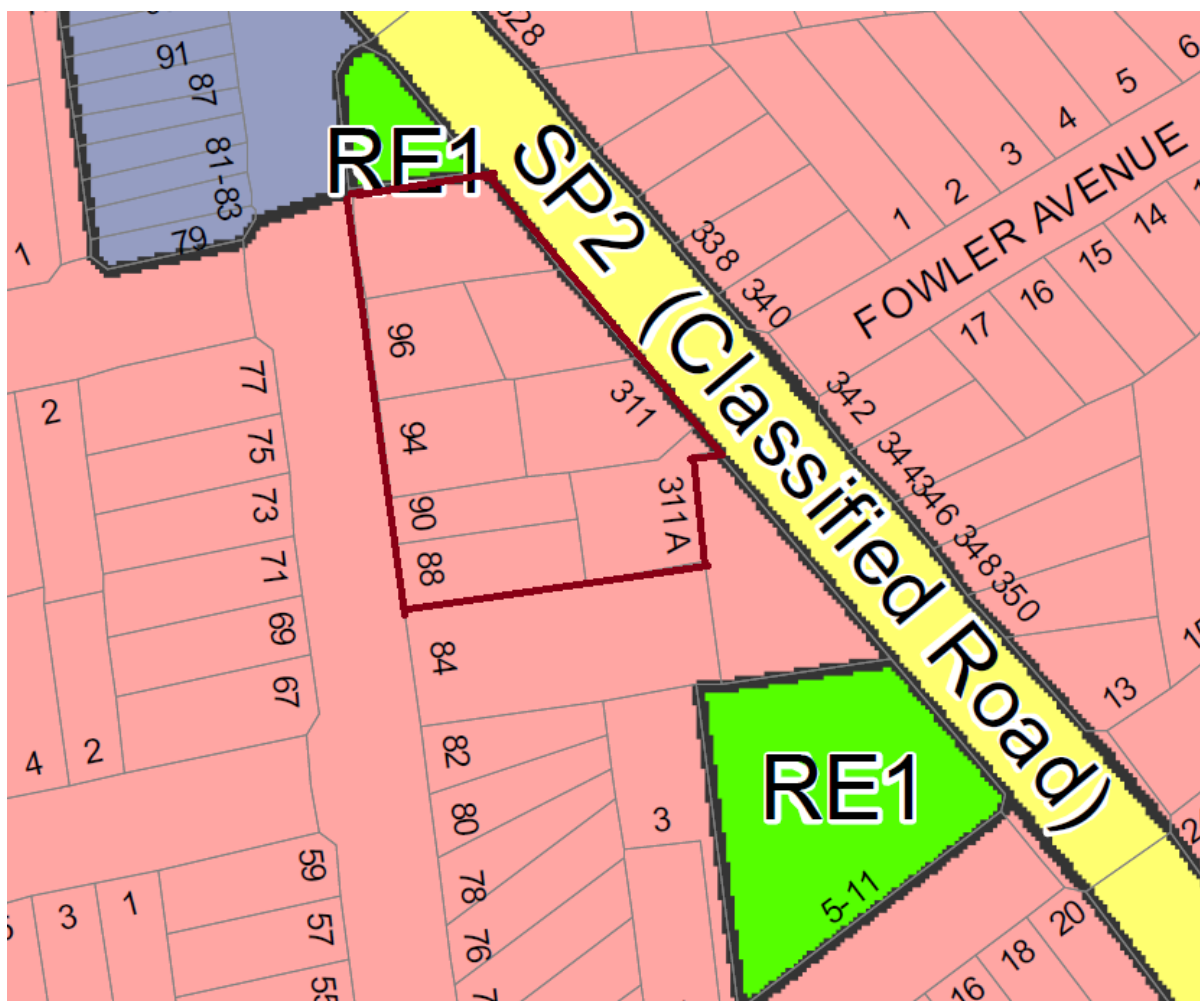
The proposed design and amendments to the planning instrument effectively fast tracks Council initiatives. The proposed development outcome provides for building heights between 5 and 6 storeys - 20.5m and a maximum floor space ratio of 1.9:1; the planning proposal provides for corresponding amendments to the zoning, height and floor space ratio controls under the Rockdale Local Environmental Plan 2011.

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

- providing additional affordable housing opportunities within a well serviced locality close to public transport and the work place.
- Utilising a valuable land parcel which presently contains in part a redundant service station;
- Capitalising on existing service infrastructure, shopping facilities and transport services.

2.1 Part 2 - Explanation of Provisions

Map LZN_001



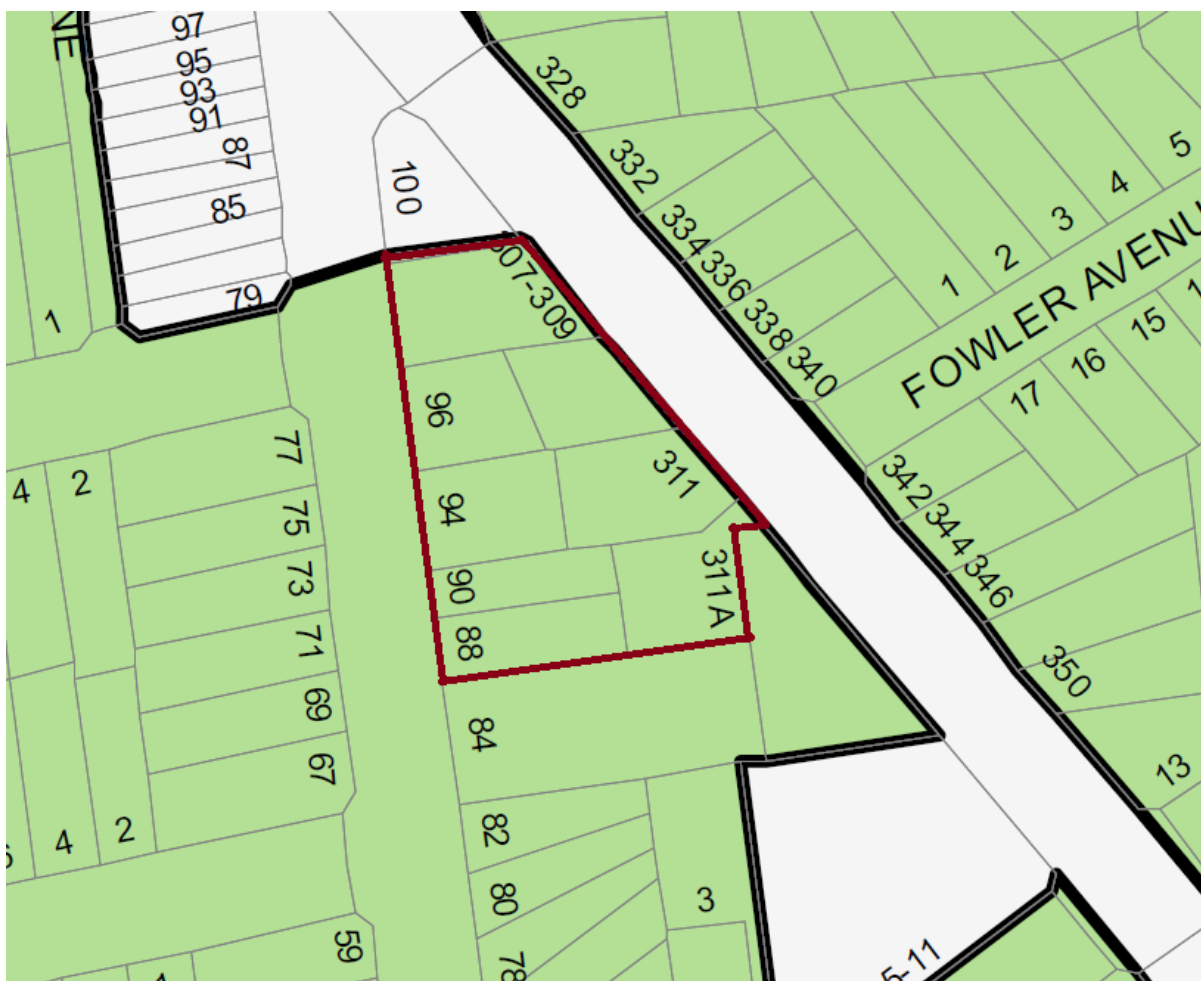
Extract of Current Zoning Map

The *Rockdale Local Environmental Plan 2011* Zoning Map is proposed to be amended as per Table 1 below.

Table 1 – Proposed Map Amendments

Map Title No.	Amendment	Explanation
Zoning Map	<ul style="list-style-type: none">Up-zone the land from R2 Low density residential to R4 High Density Residential	The proposed R4 zoning enables the construction of residential flat buildings on the site

Map LSZ_001



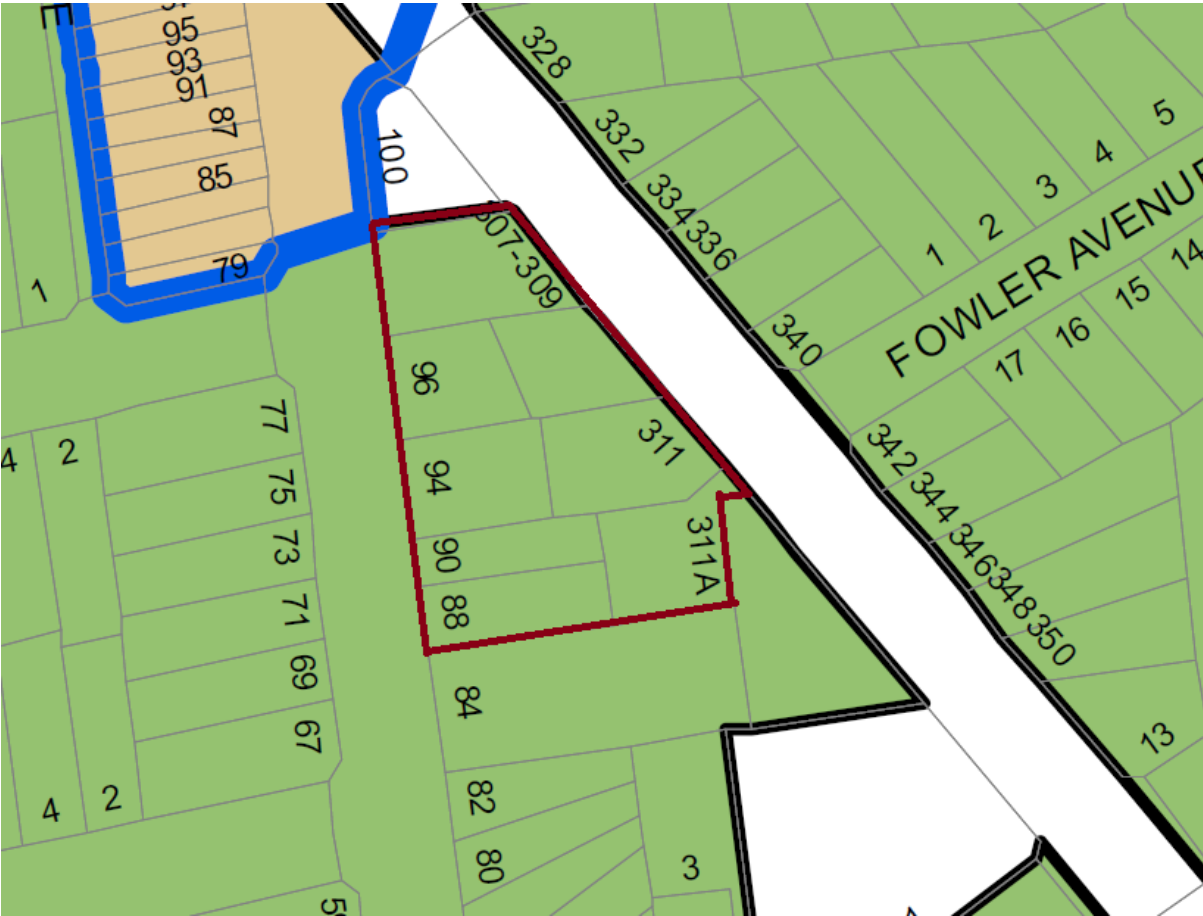
Extract of the current Lot Size Map

The *Rockdale Local Environmental Plan 2011* Lot Size Map is proposed to be amended as per Table 1 below.

Table 1 – Proposed Map Amendments

Map Tile No.	Amendment	Explanation
Lot Size Map	<ul style="list-style-type: none"> Remove the minimum lot size reference 	Maintain consistency across the Local Environmental Plan

Map HOB_001



Extract from the current Height of Building Map

The *Rockdale Local Environmental Plan 2011* Height of Building Map is proposed to be amended as per Table 1 below.

Table 1 – Proposed Map Amendments

Map Tile No.	Amendment	Explanation
Height of Building Map	<ul style="list-style-type: none">Delete reference to I - 8.5m maximum height and replace with Q2 - 20.5m	The proposed height provides opportunity to provide a 6 storey building catering for overland flow issues and maximising design treatment of the buildings.

Extract from the current Maximum Floor Space Ratio Map

The *Rockdale Local Environmental Plan 2011* Maximum Floor Space Ratio Map is proposed to be amended as per Table 1 below.

Table 1 – Proposed Map Amendments

Map Tile No.	Amendment	Explanation
Floor Space Ratio Map	<ul style="list-style-type: none"> Delete reference to D - 0.5:1 and replace with T1 - 2:1 	The proposed Floor Space Ratio provides opportunity to provide a 6 storey building and maximise the quality of apartments.

B There are no other provisions of the Local Environmental Plan requiring amendment to facilitate this planning proposal.

To facilitate the above, it will be necessary to prepare a site specific development control plan detailing the scale of building spread across the site; the proposed setbacks; landscape treatment and the desired driveway locations. The development control plan can be prepared once the preferred design solution for the site is determined through the consultation process.

3.0 Part 3 - Justification

Question 1: Is the planning proposal a result of any strategic study or report?

The planning proposal is not a direct result of a specific strategic study or report for the site undertaken by a public authority. The planning proposal has evolved after much consultation with Council staff and undertaking an in-depth investigation into the redevelopment potential of the site. The derived planning outcome for the site is meritorious in generating a planning and built form outcome which is consistent with the broader planning objectives for the Bayside Local Government Area as identified by Greater Sydney Region Plan planning strategy. This plan seeks to increase housing densities and employment in and near town centres given their high level of access to public transport (both rail and buses), the availability of local support services and the convenient accessibility of the town centre and other major employment areas.

Bexley North is a town centre portraying such location characteristics however the existing planning controls are in need of review to keep pace with initiatives being undertaken in other town centres and Local Government Areas such as Parramatta, Merrylands, Top Ryde and Burwood and the like.

Accordingly the subject planning proposal warrants consideration.

Question 2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current planning controls and land use table are limiting in terms of promoting orderly redevelopment opportunities commensurate with broader planning strategies near town centres.

A rezoning is needed to provide the necessary stimulus to facilitate orderly development, to engage neighbour co-operation in the process, derive pedestrian access improvements to and around the site and embellishment upgrades of open space within the street block.

This planning proposal establishes the appropriate planning mechanism to facilitate the optimum redevelopment opportunities for the site as Council have no plans to undertake the same in the immediate future.

The subject site currently contains a redundant service station use, which operates pursuant to the 'existing use rights' provisions. The current R2 Residential Low Density land use table does not provide the incentives or opportunities to undertake viable redevelopment. The current zoning also under utilises site opportunities and location characteristics.

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

4.0 Strategic and Site Specific Merit of the Proposal

According to the Guide to Preparing Local Environmental Plans and Planning Proposals (2018) and Rezoning Reviews (2016), it imposes a requirement on applicant's to pass two main tests. The strategic merit test and the site-specific merit test.

A consideration of the proposal against these two tests is provided below.

4.1 Strategic Merit Test

The strategic merit test requires the following consideration:

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

The Planning Proposal is consistent with the objectives and actions contained in the Greater Sydney Plan and the more specific Eastern City District Plan as follows:

Greater Sydney Region Plan - A Metropolis of Three Cities

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

The Plan sets in place objectives and actions for Sydney to become a more compact, networked city with improved accessibility, capable of supporting

more jobs, homes and lifestyle opportunities within the existing urban footprint based on the concept of a '*30-minute City*'.

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

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

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

- improved access to retail, office, health, education, leisure and entertainment facilities, and community and personal services;
- increased opportunities for a greater diversity of dwellings and more diverse communities;
- encouraging collaboration, healthy competition and innovation among businesses through clustering;
- making better use of infrastructure, and making public transport improvements more viable;

- promoting sustainable and accessible transport and healthier communities by increasing walking, cycling and public transport options for more people by making more activities available in one location;
- slowing the growth of greenhouse gas emissions by reducing the number of car journeys needed to access services;
- reducing pressure for development to occur in less accessible locations, and
- creating vibrant places which operate as a focus for community activity and events and which help to build social inclusion.

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

Housing targets for the Eastern District in which the subject site is contained is provided below:

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

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

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

As shown in the graph below, Bayside Council is expected to see significant population growth. According to Profile iD (adapted data from ABS), Rockdale

anticipates to house 130,497 residents by 2036, resulting in an 18.4% increase from 2015. The proposal meets this objective as the development not only supplies land for residential development near Bexley North town centre with good public transport, but it also caters for a growing population within Bayside Council.

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

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

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

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

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

Eastern City District Plan

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

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

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

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

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

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

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

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

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

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

verification statement accompanies the planning proposal) and can stimulate consideration for the planning of the North Bexley town centre.

The proposed up-zoning can facilitate the following:

- Greater housing choice and affordability;
- Attractive built form in a landscaped setting;
- Population diversity;
- An upgrade to the public reserve adjoining the site and situated at the intersection of the two main roads;
- Stimulate planning consideration within the Bexley North town centre;

The site has no inherent sensitivity in terms of being on a ridgeline, near the coast or near water courses.

4.2 Site-specific Merit Test

In order to establish site-specific merit, the guidelines requires consideration of the following criteria.

- 1. The natural environment (including known significant environmental values, resources or hazards);*
- 2. The existing uses approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and*
- 3. The services and infrastructure that are or will be available to meet the demands arising from the Planning Proposal and any proposed financial arrangements for infrastructure provision.*

The Planning Proposal contains a number of specialist reports demonstrating the site is appropriate for the type of development proposed. The main studies are listed below and discussed in more detail above in Part 6 of this report. The reports include:

The applicant has prepared a revised comprehensive set of Architectural plans and an urban design study prepared by *Urban Link Pty Ltd*.

Supporting studies have been undertaken in respect of traffic considerations - *Varga Traffic Planning Pty Ltd*; Overland flooding and drainage resolution -

David M. Romanous; and geotechnical and contamination issues - Geo-Environmental Engineering;

An assessment of the sites key characteristics against the site-specific criteria is provided below. More detailed assessment is provided in the attached Planning Proposal and specialist reports.

1. The natural environment (including known significant environmental values, resources or hazards);

The are no environmental values attributed to the subject site. The subject site has no bushland or critical habitat. Issues relating to decontamination, overland flows and drainage have been readily resolved.

2. The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and

The subject site contains a prohibited use in the zone - service station, which is close to the end of its economic life and remains a detracting feature at a prominent intersection.

It is anticipated that the Bexley North town centre will attract concerted review and planning in the near future consistent with other up-zoned town centres benefitting from a rail service. The proposed height and density reflects the likely transition between the town centre to the north and low density housing to the south.

3. 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.

All essential services are available in the locality to service the development. It should be noted that a higher density of development is preferable via a consolidation of sites rather than fragmented redevelopment of small lots fronting busy roads.

Amplification of utility services is not required to facilitate the use.

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

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

No significant adverse community impacts or significant adverse environmental impacts are likely to arise from the proposal. A review of the development concept plans prepared as part of this submission confirms shadows cast by future buildings can be contained within the site or within the road reservations.

Additionally, the consolidation of individual driveways and provision of new strategically positioned driveways will reduce the risk of vehicle/pedestrian conflict arising from cars reversing onto the main roads.

5.0 Conclusion

The Planning Proposal demonstrates that the locality is capable of supporting the proposed development and the proposal will give rise to minimal environmental impacts.

Amendments required to the LEP includes:

- Rezone the Precinct from R2 Low Density Residential to R4 High Density Residential Zone;
- Amend the maximum height of buildings between 5 and 6 storeys - 20.5m;
- Amend the maximum floor space ratio from 0.5:1 to a maximum floor space ratio of 2:1.

The proposed density and building height conservatively sit with the existing built form and future planning for the precinct.

Aspects of strategic merit of the site are summarised below:

- The Planning Proposal will contribute to the housing target for the Bexley North Local Government Area.
 - The Planning Proposal seeks to provide a mix of residential apartments, which will facilitate housing diversity and affordability and increase supply in the short term.
 - The development of the site as proposed will ensure that public transport and strategic centres will be patronised. The Planning Proposal capitalises on planned investments within the Bexley North town centre and the proposed density will encourage an increase in jobs and workers within the 30-minutes of a strategic centre.
 - The subject site is well located within a 30-min commute of the Bexley North town centre and larger centres within the LGA. An increase in the supply of housing close to employment opportunities contributes to the achievement of a 30-minute city as envisaged by *The Greater Sydney Region Plan - A Metropolis of Three Cities*.
 - Consistent with the District Plan, the Planning Proposal will lead to the embellishment of existing parks within the street block.
- Safer pedestrian connections will be created accessing the Bexley North town centre and railway station.

Aspects of site-specific merit of the site are summarised below:

- The Planning Proposal seeks to amend the land use zone from R2 Low Density Residential to R4 High Density Residential to allow for the development of residential flat buildings. The proposed density will act as an impetus for further planning in and around the Bexley North town centre. The proposed scale of buildings is appropriate under current site circumstances and in a future context. An effective transition between the town centre to the north and low density housing to the north will be achieved.
- The Planning Proposal provides an opportunity to embellish existing tracts of open space. Issues relating to over land flows will be addressed and better managed. Drainage issues in the precinct will also be addressed through design and the re-alignment of the drainage on-site. Particularly the proposal removes a redundant service station from a prominent intersection. The proposal delivers contemporary high amenity living and affordability in a well serviced locality.
- The Planning Proposal optimises the rare opportunity to amalgamate small residential lots close to a Strategic Centre and transport infrastructure with capacity to achieve a high standard of amenity and deliver significant public benefits.
- The surrounding infrastructure and services network are capable of facilitating the proposal as demonstrated by the relevant specialist reports.

It should be noted that Council staff planners and the Local Planning Panel concurred that the subject site has strategic and site merit.

In view of the above, the Applicant requests that the Regional Panel be appointed as the Relevant Planning Authority to ensure that the Planning Proposal gains a fair hearing based on town planning merit and effectively progressed through the Gateway process.