

Rezoning Review Briefing Report – RR-2022-20

187 Slade Road, Bexley North (Approximately 83 residential apartments and 5,988m² commercial space)

Element	Description
Date of request	2 August 2022 (adequate on 16 August 2022)
Department ref. no	PP-2022-2456 & RR-2022-20
LGA	Bayside Local Government Area
LEP to be amended	Bayside Local Environmental Plan 2021 (Bayside LEP 2021)
Address	187 Slade Road, Bexley North
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input type="checkbox"/> Council failed to indicate support for the proposal within 90 days
Has council nominated PPA role	Council will not be accepting the PPA role as Council has notified the proponent in writing that it does not support the planning proposal.
Consultation	The proponent has undertaken consultation with Council.
Brief overview of the timeframe/progress of the planning proposal	<p>The following provides a summary of the key events relating to the proposal.</p> <ul style="list-style-type: none">• 19 December 2019: Original planning proposal lodged with Bayside Council (Council).• April 2020 to June 2021: Revisions to proposal and additional details provided by the proponent to address Council concerns and requests for information. A revised planning proposal was submitted to Council on 26 August 2020.• 16 December 2021: Bayside Local Planning Panel (LPP) recommended to Council that the proposal be referred to the Department for Gateway determination, subject to several conditions being applied to the Gateway determination.• 13 April 2022: Council's City Planning and Environment Committee recommended that Council:<ul style="list-style-type: none">○ consider the proposal to be an overdevelopment of the site based on a range of factors including but not limited to excessive increased height limits and floor space ratios; and○ does not endorse the proposal for a Gateway determination.• 27 April 2022: Council resolved to endorse the minutes of the City Planning and Environment Committee meeting on 13 April 2022, which included the above recommendation.• 18 May 2022: Council notified proponent in writing that it does not endorse the planning proposal for a Gateway determination.

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Element	Description
	<ul style="list-style-type: none">• 2 August 2022: The Department received a rezoning review request from Planning Ingenuity, on behalf of the landowner (Tunborn Pty Ltd)• 12 August 2022: Additional documentation submitted, including copies of correspondence with Council and the rezoning review remittance advice.• 16 August 2022: Receipt of payment for rezoning review issued. Package considered adequate. <p>Further background information and planning proposal history is included in Attachment 5 of this report.</p>
Department contact:	Claire Mirow, Senior Planning Officer – (02) 9274 6472

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	4,236m ²
Site description	<p>The site is located at 187 Slade Road, Bexley North, towards the south-western boundary of the Eastern City District. The site is bound by Slade Road (a regional classified road) to the north; a four-storey mixed use commercial/residential development to the south; Sarsfield Circuit to the east, and an at-grade car parking area to the west (Refer to Figure 1).</p> <p>The site has a 74.6m wide frontage to Slade Road (to the north) and 86.9m wide secondary boundary frontage to Sarsfield Circuit (to the east).</p> <p>The site is currently occupied by the 'Bexley North Hotel', a single storey brick structure incorporating a drive through bottle shop and beer garden, as well as a two-storey hotel development.</p>
Proposal summary	<p>The planning proposal seeks various amendments to the development standards for the site under the Bayside LEP 2021, to enable the redevelopment of the site for mixed use purposes. The concept development for the site comprises approximately 83 apartments, 5,988m² non-residential floor space including a pub, hotel, café, gym and two retail tenancies. The planning proposal and supporting documentation can be found in Attachment 1.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none">• Greater Sydney Region Plan: A Metropolis of Three Cities• Eastern City District Plan• Future Bayside, Local Strategic Planning Statement (March 2020)• Bayside Council Local Housing Strategy (2020-2036)• Bayside 2032 – Community Strategic Plan 2018-2032• Local Planning Directions - Section 9.1 Directions• State Environmental Planning Policy Transport and Infrastructure 2021• State Environmental Planning Policy Resilience and Hazards 2021

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Element	Description
	<ul style="list-style-type: none">State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development



 Subject site

Figure 1. Subject site (Source: Nearmap, September 2022)

Refer also to site location and context maps in **Attachment 2**.

Proposed amendment

The planning proposal seeks to amend the Bayside LEP 2021 as per the changes below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	B4 Mixed Use (Refer to Figure 1 in Attachment 4)	No change

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Control	Current	Proposed
Maximum height of building	16 metres (plus an additional 6 metres—if the building is in Area 3 identified on the Height of Buildings Map and on land having an area of at least 1,200 square metres – as per clause 4.3 Height of buildings (2A)(c) of the BLEP 2021) (Refer to Figure 2 in Attachment 4)	Part 20 metres and Part 35 metres (Refer to Figure 3 in Attachment 4)
Floor space ratio	2:1 (plus an additional 0.5:1 - if the building is in Area 7 identified on the Floor Space Ratio Map and on a lot having an area of at least 1,200 square metres – as per clause 4.4(2C)(c) of the Bayside LEP) (Refer to Figure 4 in Attachment 4)	Part 3.6:1 and Part 3.2:1 (Refer to Figure 5 in Attachment 4)
Estimated dwelling yield	N/A	Approximately 83 apartments.
Estimated jobs created		Job creation figures are not provided. However, the indicative concept provides for approximately 5,988m ² commercial space (including a pub, hotel, café, gym and two retail tenancies).

The proposal also seeks the following amendments to the Bayside LEP 2021:

- Omit the site from the incentive 'Area 3' and 'Area 7' on the respective height and FSR maps of the Bayside LEP 2021 (previously known as 'Area C' under the former Rockdale LEP 2011).

The intention of this proposed amendment is to prevent the land from benefiting from any further height of building and floor space ratio incentives which would otherwise be permitted by current clauses 4.3 and 4.4 of the LEP.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Key Issues

The Department notes the need for the Sydney Eastern City Planning Panel to consider the strategic and site-specific merits of the planning proposal (see criteria in Section 2 of the Department's Local Environmental Plan Making Guideline, September 2022), and key issues raised by Council.

In its correspondence to the Department on 2 September 2022 (see **Attachment 3**), Council provided no additional comments on the proposal. Rather, Council's letter reiterated that:

- the Bayside Local Planning Panel recommendation to Council on 16 December 2021 that the proposal be referred to the Department for Gateway determination subject to a number of conditions being applied at Gateway;

- Council's City Planning and Environment Committee's recommendation to Council on 13 April 2022, that the proposal is not endorsed for Gateway determination, citing it as an 'overdevelopment of the site'; and
- the resolution of Council on 27 April 2022 to endorse the minutes and recommendations of the City Planning and Environment Committee's meeting of 13 April 2022.

Other issues/matters for consideration:

- The site is located in proximity to an existing high pressure dangerous goods pipeline (the Moomba Sydney Ethane Pipeline). An Ethane Pipeline Risk Assessment of the subject site (dated 8 February 2021) has been undertaken by Arriscar Pty Limited in support of the proposal (refer to the Risk Assessment included in **Attachment 1**).
- The subject site contains a small portion of land at the southern boundary identified as a 'Local Road' on the Bayside LEP 2021 Land Reservation Acquisition map (refer to **Figure 6** in **Attachment 4**).
- The proposal states that the "subject site is not identified as being within a Flood Planning Area, however adjoining properties to the north and south are mapped as being within the Flood Planning Area". A Flood Investigation report of the subject site has been prepared by GRC Hydro (dated 11 Jun 2021) in support of the proposal (refer to **Attachment 1**).
- The provisions of clause 6.9 'Active street frontages' of the Bayside LEP 2021 apply.

Attachments

Attachment 1 – Rezoning Review Application Package

(Including the request prepared by Planning Ingenuity Pty Ltd and its attachments; the previous 2019 and current (2020) Planning Proposal and annexures; Council correspondence and decisions; as well as correspondence and reports during the planning proposal assessment)

Attachment 2 – Site location/context map

Attachment 3 – Council Comments – 2 September 2022

Attachment 4 – Existing and proposed LEP maps

Attachment 5 – Subject site - Planning proposal history



Kendall Clydsdale

Manager, Infrastructure and Planning



Laura Locke

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4 October 2022

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