

2 September 2022

Our Ref: SF22/4124
Our Contact: Lisa Ho 9562 1683

Kendall Clydsdale
Manager, Eastern and South Districts
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Mr Clydsdale,

Re: Response to Request for Rezoning Review (RR-2022-20) – 187 Slade Road, Bexley North

I refer to your letter dated 19 August 2022, advising that the Department of Planning and Environment (DPE) has received a Rezoning Review request for the draft Planning Proposal (PP) to amend the Bayside Local Environmental Plan 2021 (BLEP 2021) in relation to land at 187 Slade Road, Bexley North.

You requested that Council provide:

- Any comments and additional information on the Planning Proposal and/or provide a response detailing why the proposal was not supported; and
- Confirmation that the proposal is consistent with what was submitted as the accepted proposal by Council.

The information below responds to the above requests.

History & Assessment of Planning Proposal

On 19 December 2019 a draft PP in relation to land at 187 Slade Road, Bexley North was submitted for Council. The draft PP requested Council to initiate an amendment to the *Bayside Local Environmental Plan* (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.*

Council has not received an offer of a Planning Agreement (PA).

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Bayside Local Planning Panel Recommendation

The draft PP was reported to the Bayside Local Planning Panel (BLPP) on 16 December 2021. The community were notified of the draft PP. The officer's recommendation in the report to the BLPP was:

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.*

After considering the officer's report, the BLPP recommended to Council:

The Panel has considered the material presented in the officer's report and the various planning reports supplied by the proponent. The Panel also heard from the applicant's town planner.

The Panel recommends to Council that the planning proposal be referred to the Department of Planning Industry and Infrastructure for a Gateway Determination under s.3.34 of the Environmental Planning and Assessment Act 1979, subject to the following conditions being applied to the Gateway Determination:

1. *Prior to commencing public exhibition of the planning proposal the applicant shall consult with Council to ascertain the appropriate building height limit and floor*

space ratio for the site based on urban design principles and compliance with the Apartment Design Guide.

2. *A site-specific development control plan (DCP) shall be prepared by the applicant in consultation with the Council to demonstrate that the building envelopes resulting from the floor space ratio and height of buildings sought in the planning proposal are achievable on the site without being detrimental to local character, residential amenity and the potential future uses of Council's adjoining car park.*
3. *Without limiting the contents of the DCP, it should include elements of the urban design study submitted in support of the planning proposal as agreed by Council and requirements that:*
 - a. *the western building footprint be used for commercial floor space only; and*
 - b. *an appropriate interface and setback be provided to the existing public car parking area.*
4. *Consideration should be given to converting the proposed new central laneway (not the site through link) as an area of communal open space to be used by the residential component of any future development and for that space to be safe, secure, well designed and to be of high quality and amenity.*
5. *The DCP should include pedestrian circulation in and around the site and sensitive and careful siting of the driveway access, potential 'back of house' operations, loading and unloading areas and general Hotel and pub operations that often impact on the amenity of adjoining properties. These activities should be considered in the DCP to provide greater certainty for any future design and minimize impacts.*
6. *The DCP should also provide for the eastern boundary to include deep soil areas (minimum of 2m wide), well landscaped areas with some larger canopy trees to soften the development and enhance the transition of the built form down to the lower scaled residential development to the east.*
7. *Consideration should be given to providing some commercial floor space and/or design apartments to include studies and home offices. Spaces should be flexible and adaptable.*
8. *A variety and mix of residential apartments is also encouraged.*
9. *To ensure and secure the proposed non-residential component of the development which comprises of some 1.41:1 of FSR, Council could consider amending Clause 6.17 of the Bayside LEP 2021 by highlighting certain controls and provisions which could be incorporated (as a minimum) for the future redevelopment of the site. This is at Council's discretion.*
10. *At the time of preparing the DCP consideration may be needed to the provisions of the Draft Place and Design State Environmentla Planning Policy.*
11. *The planning proposal should include a provision that amends Bayside Local Environment Plan 2021 (BLEP 2021) to provide that both the active street frontage and design excellence clauses of LEP 2021 apply to the site.*
12. *The planning proposal should also include a provision that amends clause 6.16 of BLEP 2021 to add the subject site and the requirement that a development control plan be prepared for the site prior to any redevelopment.*

13. *The planning proposal and draft DCP should be exhibited concurrently.*
14. *Council should also consider negotiating the dedication of some affordable rental housing as part of the scheme.*

The BLPP's reasons for the recommendation were:

- *The Panel considers the proposal is consistent with a number of objectives and planning priorities of the Greater Sydney Region Plan and elements of the Eastern City District Plan. In particular, the proposal will advance the growth and revitalisation of an existing local centre identified in the Eastern City District Plan.*
- *The site is located in close proximity to mass transit and would therefore concentrate high density urban growth within a local centre adjacent to public transport corridors.*
- *After considering the likely environmental impacts of the proposal, the Panel is satisfied that it is suitable for being referred to the Department of Planning, Industry and Environment for a Gateway determination under s.3.34 of the Environmental Planning and Assessment Act 1979, subject to the imposition of conditions detailed above.*
- *Although the Panel is of the view that a development control plan should be prepared and exhibited in conjunction with the planning proposal, it is also strongly recommended that Clause 6.16 of the Bayside LEP 2021 be amended to include the site so that the LEP to include a requirement that a development control plan be prepared prior to the redevelopment of the site. Applying Clause 6.16 to the site will ensure that an overall strategic design approach will still be implemented in the event that a draft development control plan is not prepared prior to exhibition of the planning proposal.*
- *The Panel acknowledges the officer's concerns about progressing the proposal further in the absence of an overall strategic plan for the centre. However, the Panel considers that the need to revitalise this local centre and the consistency of the proposal with regional and district strategies justifies progression to Gateway Determination.*
- *In the absence of a masterplan or strategic planning and urban design work for the Local Centre as a whole, the development control plan will play an important role in advancing the potential for this spot rezoning to result in a high-quality development that sets a benchmark that may stimulate the renewal of the Centre as a whole.*
- *Without a development control plan and in the absence of strategic planning work for the locality, there is a significant risk that the planning proposal may result in a scale and/or form of development that inhibits the medium-term goal of a renewed local centre with a high degree of amenity.*

City Planning and Environment Committee Recommendation

The recommendations to the BLPP were included to the report to the City Planning and Environment Committee (CP&EC) meeting on 13 April 2022, where the following recommendation was made for Council's consideration:

1. *That Council considers the draft Planning Proposal for 187 Slade Road, Bexley 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.*
2. *That Council does not endorse the Planning Proposal for a Gateway Determination.*

Council Recommendation

At its meeting of 27 April 2022, Council resolved to endorse the minutes of the CP&EC meeting held on 13 April 2022, which included the above recommendation.

Next Steps

Council understands that the DPE will now prepare a Rezoning Review report, and forward that report (including the subject correspondence), to the Sydney East City Planning Panel (SECPP) for consideration. It is also Council's understanding that the DPE will notify Council of the determination shortly after it is made by the SECPP.

Should you have any questions in relation to this matter, please contact Lisa Ho on 9562 1683.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Harley', with a stylized flourish at the end.

Clare Harley
Manager Strategic Planning