

## Subject site – Planning Proposal History

The background and key events relating to the proposal are as follows:

### Previous development application for the subject site

- A preliminary concept for the redevelopment of the site was first considered by the Bayside Design Review Panel on 3 August 2017. The Bayside Design Review Panel raised a number of concerns which included the built form, scale and density of the proposed development and its insufficient consideration of landscape design, amenity, context and neighbourhood character.
- A development application for the site (DA-2017/541) was lodged with Council on **27 October 2017**. This DA sought development consent for:
  - the retention of existing pub and bottle shop known as Bexley North Hotel;
  - demolition of the existing motel and a portion of the pub component; and
  - construction of a mixed-use development comprising of a six (6) storey motel containing 66 rooms; a nine (9) storey shop top housing development fronting Sarsfield Circuit containing 80 dwellings and 1,267m<sup>2</sup> of commercial floor space at ground level over three (3) basement levels.
- This DA was subsequently withdrawn by the applicant on **12 February 2018** following consultation with Council officers, who advised that a planning proposal should be submitted given the variations sought to the existing planning controls.

### Original Planning Proposal for the site

#### Lodgement of original proposal – December 2019

- The original planning proposal for the site was lodged with Bayside Council (Council) on **19 December 2019**. The proposal sought to amend the development standards that applied to the site under the former Rockdale Local Environmental Plan 2011 to:
  - permit buildings to a maximum height of 20m and 35m;
  - permit buildings with a maximum floor space ratio (FSR) of 3.2:1 and 3.6:1; and
  - exclude the site from 'Area C' on the height and FSR maps.

#### Post lodgement engagement

- On **27 February 2020** Council sought additional urban design related information from the proponent (including indicative concept layouts, basements and sectional studies; a level-by-level breakdown of the proposed GFA; area plans; an area schedule; and height of building and FSR maps).
- A response to Council's requests for additional information was submitted on **7 April 2020**.
- On **9 April 2020** Council advised of its consultant's comments on the proposal regarding traffic, stormwater and flooding issues.

### Current Planning Proposal subject to the rezoning review

#### Lodgement of updated planning proposal package – August 2020

- On **26 August 2020** a revised planning proposal application was submitted to Council in response to issues raised. The revised application included:
  - a revised Planning Proposal Report (prepared by Planning Ingenuity);
  - an updated Environmental Site Assessment (prepared by JK Environmental);
  - a revised Traffic Impact Assessment (prepared by Traffix); and
  - a revised Flood Study (prepared by GRC Hydro Pty Ltd); and Urban Design Response (prepared by GM Urban Design).

## Attachment 5: Subject site - Planning proposal history

### Post lodgement engagement

- Council raised a number of issues with the proposal (i.e. hazards and risk, flooding, traffic and urban design) in its correspondence with the proponent between October 2020 to February 2021.
- Additional information was submitted to Council by the proponent on **16 June 2021**. This included:
  - a response by GM Urban Design & Architecture (dated June 2021) to the urban design review of the proposal undertaken by AJ&C Architects, Council's independent urban design consultant;
  - an Ethane Pipeline Risk Assessment prepared by Arriscar Pty Limited (8 February 2021); and
  - a Flood Investigation Report by GRC Hyrdo (dated 11 June 2021).
- On **15 September 2021** Council advised the proponent that the traffic, flooding and hazard issues had been largely addressed however, flagged that the urban design issues with the proposal remained unresolved.

### Bayside Local Planning Panel Meeting – 16 December 2021

- The planning proposal was considered by Bayside Local Planning Panel (LPP) on 16 December 2021. The LPP recommended to Council that the proposal be referred to the Department for Gateway determination 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 studios 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*

## Attachment 5: Subject site - Planning proposal history

*highlighting certain controls and provisions which could be incorporated (as a minimum) for the future redevelopment of the site. This is at Council's discretion.*

10. *At the time of preparing the DCP consideration may be needed to the provisions of the Draft Place and Design State Environmental Planning Policy.*
  11. *The planning proposal should include a provision that amends Bayside Local Environment Plan 2021 (BLEP 2021) to provide that both the active street frontage and design excellence clauses of LEP 2021 apply to the site.*
  12. *The planning proposal should also include a provision that amends clause 6.16 of BLEP 2021 to add the subject site and the requirement that a development control plan be prepared for the site prior to any redevelopment.*
  13. *The planning proposal and draft DCP should be exhibited concurrently.*
  14. *Council should also consider negotiating the dedication of some affordable rental housing as part of the scheme.*
- The LPP's reasons for Recommendation included:
    - *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.*

### Bayside Council City Planning and Environment Committee Meeting – 13 April 2021

- On **13 April 2021** an assessment report on the proposal was considered by Council's City Planning and Environment Committee. This assessment report included Officers Recommendations, as outlined below:

## Attachment 5: Subject site - Planning proposal history

1. That Council considers the draft Planning Proposal for 187 Slade Road, Bexley to have strategic merit due to:
    - a) its proximity to mass transit and its ability to contribute to the growth and expansion of an existing Local Centre, which are planning outcomes sought under Planning Priorities E10 and E11 of the Eastern City District Plan (ECDP);
    - b) its consistency with Objectives 10, 14 and 22 of the Greater Sydney Region Plan, and Planning Priorities E5, E6, E10 and E11 in the ECDP, as the proposal would facilitate higher density development in a Local Centre that is close to frequent public transport, potentially providing additional jobs and housing supply in this accessible location; and
    - c) its consistency with Planning Priorities 5, 6, 12 and 15 of the Bayside LSPS, as the proposal would concentrate high density urban growth/expansion within a Local Centre adjacent to public transport corridors, promote integrated land use, and enable potential investment and business opportunities in a centre within the Bayside Local Government Area.
  2. That Council endorses the Planning Proposal for a Gateway Determination, a request for which will be sent to the Department of Planning and Environment pursuant to section 3.34 of the Environmental Planning and Assessment Act, 1979;
  3. That, prior to commencing public exhibition of the Planning Proposal, the proponent consults with Council to ascertain the appropriate building height limit and floor space ratio for the site based on urban design principles and compliance with the Apartment Design Guide, and provides additional information to demonstrate that the building envelopes resulting from the proposed amendments to the Floor Space Ratio and Height of Buildings standards are achievable on the site without being detrimental to local character, residential amenity, and the potential future uses of Council's adjoining car park;
  4. That, prior to commencing public exhibition of the Planning Proposal, a site-specific development control plan (DCP) shall be prepared by the proponent, in consultation with Council, to demonstrate that the building envelopes resulting from the floor space ratio and height of buildings sought in the Planning Proposal are achievable on the site without being detrimental to local character, residential amenity and the potential future uses of Council's adjoining car park. The DCP will also have regard to the recommendations of the Bayside Local Planning Panel in its minutes of the meeting of 16 December 2021.
- At this meeting, Council's City Planning and Environment Committee recommended:
    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.

### Bayside Council Ordinary Meeting – 27 April 2022

- At an Ordinary Meeting of Council on **27 April 2022**, the following resolution was passed:
  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's written notification to the proponent advising of its decision not to proceed – 18 May 2022

- On **18 May 2022** Council notified proponent in writing that:

## Attachment 5: Subject site - Planning proposal history

- *it 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.*
- *Council does not endorse the Planning Proposal for a Gateway Determination (refer to Council's letter to the proponent included in **Attachment 1**).*

### Request for rezoning review for current proposal

- On **2 August 2022** Planning Ingenuity lodged a rezoning review application with the Department on behalf of the landowner, Tunborn Pty Ltd.
- On **12 August 2022** Planning Ingenuity submitted additional documentation to the Department in support of the proposal, including copies of correspondence with Council and the rezoning review remittance advice.
- On **16 August 2022** a receipt of payment was issued. The rezoning review package was reviewed by the Department and considered adequate for the Sydney Eastern City Panels consideration.

### Department's letters to the Panel, Council and proponent – 19 August 2022

- On 19 August 2022 the Department wrote to Council, the Sydney Eastern City Planning Panel and the proponent, acknowledging receipt of the rezoning review request made by Planning Ingenuity Pty Ltd (on behalf of Tunborn Pty Ltd), regarding a proposal for land at 187 Slade Road, Bexley North.
- In its letter to Council, the Department sought Council's comments on the proposal.

### Council's comments – 2 September 2022

- On **2 September 2022** Council submitted a response to the Department's request for comment on the proposal (Refer to **Attachment 3**).