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**Report to the Secretary on an application for a Site Compatibility Certificate  
State Environmental Planning Policy (Affordable Rental Housing) 2009**

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**SITE:** The subject site is located at 84 New Illawarra Road and 313 Bexley Road, Bexley in Rockdale Local Government Area (LGA). It is bounded by Bexley Road to the east and New Illawarra Road to the west. The site consists of two irregularly shaped freehold lots with a total area of 2,386.5 sqm. The site slopes towards the centre of the land from both street frontages and the fall is approximately 4 meters. The site has 10 bedsitter units (single storey) which are currently vacant.

**APPLICANT:** Land and Housing Corporation

**PROPOSAL:** The application is for a residential flat building development of up to 4 storeys comprising a total of 27 units and basement for 22 car parking spaces.

**PERMISSIBILITY STATEMENT:**

The site is zoned R2 Low Density Residential under the *Rockdale Local Environmental Plan 2011*. Residential flat buildings are prohibited in this zone.

The application is to develop the site for a residential flat building development pursuant to *Division 5 - Residential flat buildings - social housing providers, public authorities and joint ventures* under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the AHSEPP).

The AHSEPP promotes affordable rental housing in existing residential areas that are accessible by public transport. It enables a residential flat development providing the land is within 800m of a railway station, and the proposal is undertaken by a social housing provider.

**Clause 34 of AHSEPP**

The application complies with the 800 metre distance requirement from a railway station. The distance from the site to Bexley North Railway Station entrance is approximately 350 metres.

**Clause 35 of the AHSEPP**

The application complies with the clause 35 requirement that the development is for the purposes of a residential flat building by or on behalf of a public authority, social housing provider or the Land and Housing Corporation.

**Clause 36 of AHSEPP**

A consent authority must not consent to development pursuant to the AHSEPP unless it is satisfied that the Secretary has certified in a site compatibility certificate that the development is compatible with the surrounding land uses. This report undertakes an



Figure 1: Aerial View

assessment of the compatibility of the proposal in accordance with criteria outlined in clause 37(6) of the AHSEPP.

Under **clause 37(6)** of the AHSEPP, the Secretary must not issue a site compatibility certificate unless the Secretary:

- (a) *has taken into account any comments received from the council within 14 days after the application for the certificate was made; and*
- (b) *is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:*
  - (i) *the existing uses and approved uses of land in the vicinity of the development,*
  - (ii) *the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director General, are likely to be the preferred future uses of the land,*
  - (iii) *the services and infrastructure that are or will be available to meet the demands arising from the development; and*
- (c) *is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.*

#### **(A) COMMENTS FROM COUNCIL**

The application was referred to Rockdale City Council on 24 November 2015. Council has not supported the issuing of a Site Compatibility Certificate (Tab B). Council's response, dated 9 December 2015, is summarised below.

- The development proposal is inconsistent with the zone objectives and the applicable development standards for the site and immediate locality.
- The proposal is of a bulk and scale that is considered inappropriate for the locality, given the impacts it would introduce into a low density residential environment.
- The subject site and the immediate locality was zoned R2 Low Density Residential, as there was no planning basis for pursuing higher density outcomes in the locality.
- The proposal in its current form may be unrealistic when considering the extent of flooding associated with the site. The proponent is advised to contact Council for further information relating to flooding issues associated with the subject land.
- Access issue from Bexley Road and other traffic relating concerns need to be resolved through further consultation with the Roads and Maritime Services (RMS).
- The proposed car parking number is not consistent with that required under the Rockdale Development Control Plan 2011.
- Any proposal to remove trees within the site would be subject to Council approval, as part of the development application process.

#### **Response to comments from Council**

- The Department notes Council's view that the proposed bulk and scale of the development would be incompatible with the surrounding area, which is predominantly low density comprising one or two storey dwellings. Council's concern regarding bulk and scale can be addressed by imposing conditions to reduce the building heights of the proposed development.
- The proponent's traffic report found that basement access from the New Illawarra Road frontage towards Bexley Road side is constrained by an overland flow path and underground stormwater pipe and sewer main. As such, access is required from both road frontages. The proponent should consult RMS and get the latest feedback concerning the access from Bexley Road. This can be appropriately addressed at the development application stage.
- Council's property information records and historical flood studies indicate that a significant portion of the site is affected by 1:100 ARI flood extent and is subject to flood related development control. A stormwater overland flow investigation report

has been prepared by BG&E consultancy which analyses the overland flow path and concludes that building layouts should be planned outside of the flow extents to safely convey the 100 year overland flow. The building footprint of the proposed development is located outside the 100 year overland flow, which can be refined further at the development application stage.

- Other issues relating to car parking and tree removal can be appropriately addressed at the development application stage.

## **(B) COMPATIBILITY WITH SURROUNDING LAND USES**

The Secretary must not issue a certificate unless she is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:

### **i. the existing uses and approved uses of land in the vicinity of the development**

The site is currently zoned R2 Low Density Residential which encourages the use of land for residential or similar uses while minimising any impact on the character and amenity of the area. It contains 10 vacant bedsitter units (single storey), approved for residential use, which were built as an aged housing development in 1960s.

The area surrounding the site is typically a mixture of one and two storey older brick housing stock. Immediately adjoining the site to the south is Whitbread Park. Located one lot to the north of the site, along New Illawarra Road, is a two storey mixed use development. Approximately 85m north and north-west of the site is Bexley North Town Centre. The Town Centre contains a range of two to five storey mixed-use commercial and residential developments.

Generally speaking, the immediate area contains predominantly single and double storey detached housing with some medium to high density housing located closer to Bexley North Station.

The proposed residential flat building development will continue the existing residential use of the land. It is considered that the proposed development will not have an adverse impact on the existing or future uses of the land in the vicinity.

### **ii. the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Secretary, are likely to be preferred future uses of the land**

The concept plan proposes the demolition of existing site structures to develop the site for up to 27 residential units and basement parking. The proposed development comprises 2 building blocks (3 and 4 storeys) comprising a maximum building height of up to 14m and a floor space ratio (FSR) of 0.96:1; Block A fronting Bexley Road proposes 15 units and Block B fronting New Illawarra Road proposes 12 units.

It is noted that architectural design solutions and landscape strategies are applied to reduce the visual impact of the development and that massing of building envelope, use of appropriate setback and varying roof forms are used strategically to reduce the impact of the development on the adjoining development. The proposal complies with the SEPP 65 (*State Environmental Planning Policy No 65 - Design quality of Residential Apartment Development*) and is generally consistent with the Apartment Design Guide.

The surrounding area is predominantly low density comprising one or two storey dwellings. The applicable development standards for the site and the immediate surrounding, under the *Rockdale Local Environmental Plan 2011* (RLEP 2011) are a building height of 8.5m and an FSR of 0.5:1. It is noted that the proposed building height and FSR are significantly higher

than the existing and preferred future uses and have the potential to impact on the amenity of the surrounding development.

Additionally, it is noted that Rockdale City Council currently has no intention to increase the overall density of the locality, as Council's focus for higher density planning outcome is around centres of Rockdale Town Centre, Wolli Creek/Bonar Street, Banksia and Arncliffe.

The proposed development with the current bulk and scale is therefore considered inconsistent with the low density character of the area.

However, the proposal may be compatible with the surrounding area if:

- the proposed building fronting New Illawarra Road is reduced to a maximum of 2 storeys maintaining the current building height standard of 8.5m under the RLEP 2011; and
- the proposed building fronting Bexley Road is reduced to a maximum of 3 storeys with a maximum building height of 11m.

Reducing the building height by one storey on both the buildings will ultimately result in the reduction of the proposed FSR (0.96:1) by approximately 30 percent, provided the total ground floor area remain as proposed.

A 3 storey development fronting Bexley Road is considered suitable as:

- this section of the site adjoins Whitbread Park minimising amenity impact to the surrounding built environment;
- the impact on 31A Bexley Road, adjoining the site, can be articulated by incorporating appropriate design solutions such as setbacks, articulation and screening or strategically massing the building envelope to reduce impact;
- the site topography, which slopes from the street frontage towards the centre, would contribute in reducing the overall visual impact of the development; and
- the increase in building height by additional one storey (from current height limit of 2 storeys) is considered acceptable given the site's proximity to Bexley North Town Centre.

On 16 March 2016, Land and Housing Corporation (L&HC) provided a revised development scheme prior to the Department finalising its assessment on the proposal. The revised scheme utilises the natural contours of the site to accommodate a:

- 2 storey development fronting New Illawarra Road, transitioning to a 3 storey development at the rear; and a
- 3 storey development fronting Bexley Road, transitioning to a 4 storey development with appropriate setbacks.

The additional information was provided by L&HC in response to the Department's preliminary recommendation to reduce the maximum building height of the proposed development.

It is considered that the likely impact of the development on the existing and future uses can be minimised if the building heights are articulated incorporating strategic design solutions and setbacks.

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A revised building design and layout of the proposed development to reflect a building form that is more compatible with the surroundings can be determined in consultation with Council at the development application stage.

The final scheme should be subject to the consent authority undertaking a detailed assessment of the proposal's building design and height, and its impact on solar access and overshadowing and the amenity of surrounding residential development as part of the development application process. The final dwelling and parking numbers are to be to the satisfaction of the consent authority in determining the development application.

**iii. The services and infrastructure that are or will be available to meet the demands arising from the development**

The site is reasonably serviced by public transport including train and bus services, including:

- Bexley North Station, served by T2 Airport line services, is approximately 350m from the site. The proximity of the train station is considered to be sufficient for the purpose of the application.
- Sydney Buses routes via Bexley North Station are as follows:
  - Route 400 Burwood to Bondi Junction Interchange
  - Route 491 Five Dock to Hurstville
  - Route 493 Roselands Shopping Centre to Rockdale
  - Route 495 To Kingsgrove
  - Also served by one NightRide route

Utility services such as water, sewer, electricity, telephone and gas services are all available to the property.

The subject site is within close proximity to medical, retail and community services (Tab Services).

The existing services and infrastructure available in the surrounding neighbourhood is considered adequate to meet the demands of future residents.

**(C) EFFECT ON THE ENVIRONMENT**

An Aboriginal Heritage Information Management web search confirms that the site and 50m buffer from the site is not identified as any aboriginal sites being recorded nor was it a declared aboriginal place.

A site investigation report prepared by SMEC classifies the site as *Moderately Reactive (M)* or filled block, based on the subsurface conditions observed, and provides recommendations of foundation design and construction.

The proposal is also accompanied by an Arborist report which assesses the health and condition of trees located within and immediately adjacent to the site. The report identifies that the proposed development will necessitate the removal of 11 trees of low retention value and one of moderate retention value.

Council's property information records and historical flood studies indicate that a significant portion of the site is affected by 1:100 ARI flood extent and is subject to flood related development control. A stormwater overland flow investigation report has been prepared by BG&E consultancy which analyses the overland flow path and concludes that building layouts should be planned outside of the flow extents to safely convey the 100 year overland flow. The building footprint of the proposed development is located outside the 100 year overland flow

It is considered that there are limited environmental risks associated with the proposed development and is consistent with the requirements of clause 37(6)(c) of the AHSEPP.

## **OTHER RELEVANT MATTERS**

### **Strategic Planning Context**

#### ***A Plan for Growing Sydney***

The following Directions and Priorities under *A Plan for Growing Sydney* are considered relevant:

- Direction 2.1: Accelerate housing supply across Sydney
- Direction 2.3: Improve housing choice to suit different needs and lifestyles
- Direction 3.1: Revitalise existing suburbs
- Priorities for the South Subregion: Work with Council to identify suitable locations for housing intensification and urban renewal, particularly around Priority Precincts, established and new centres, and along key public transport corridors.

The development proposal is consistent with *A Plan for Growing Sydney* as it:

- increases housing supply in close proximity to transport corridor, services and facilities;
- improves housing choice and affordability; and
- helps to revitalise existing suburbs.

The proposal is also consistent with the priority of South Subregion as it accelerates housing supply, choice and affordability.

### **Public Benefits**

A primary aim of the proposal is to secure appropriate accommodation for the neediest members of the community and the proposal is seeking to fully maximise the development potential of the site. The waiting list for community housing in Bexley North area is over 10 years. The proposal will assist the Land and Housing Corporation in addressing this housing need.

### **Conclusion**

Approval of a Site Compatibility Certificate, subject to conditions, is recommended for the following reasons:

- the proposed development is not likely to have an adverse impact on the environment or the existing or future uses of the land in the vicinity, and the existing services and infrastructure is considered adequate;
- it will provide a well located affordable housing development in Rockdale LGA, as it is located in close proximity to existing rail and bus transport networks, education and health facilities, retail and other services;
- the proposal supports the Government's policy to encourage affordable housing and is consistent with *A Plan for Growing Sydney*; and
- Council's main concern regarding the bulk and scale of the development is addressed by imposing conditions to reduce the building heights.

To address Council's concern and ensure the bulk and scale of the proposed development is consistent with the low density character of the area, the Site Compatibility Certificate is conditioned to:

- limit the height of the proposed building fronting New Illawarra Road to a 2 storey development, transitioning to a 3 storey development at the rear to reflect a predominantly 2 storey streetscape and utilising the natural contours of the site;

- limit the height of the proposed building fronting Bexley Road to a 3 storey development, transitioning to a 4 storey development at the rear with appropriate setbacks to reflect a predominantly 3 storey streetscape and scale;
- ensure final dwelling numbers and parking spaces are to the satisfaction of the consent authority in determining the development application; and
- ensure the final built form will be subject to the consent authority undertaking a detailed assessment of the proposal's building design and height, and its impact on solar access and overshadowing and the amenity of surrounding residential development as part of the development application process.

  
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