



## PLANNING PROPOSAL

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Amend Bayside Local Environmental Plan 2021 as it applies to land at No. 187 Slade Road, Bexley North by:

- amending the height of buildings map to apply maximum building heights of 20m and 35m; and
- amending the floor space ratio map to apply a maximum FSR of 3.35:1.

Bexley North Hotel  
187 Slade Road, Bexley North

Prepared for: Tunborn Pty Ltd

REF: M170091  
Date: 8 September 2023





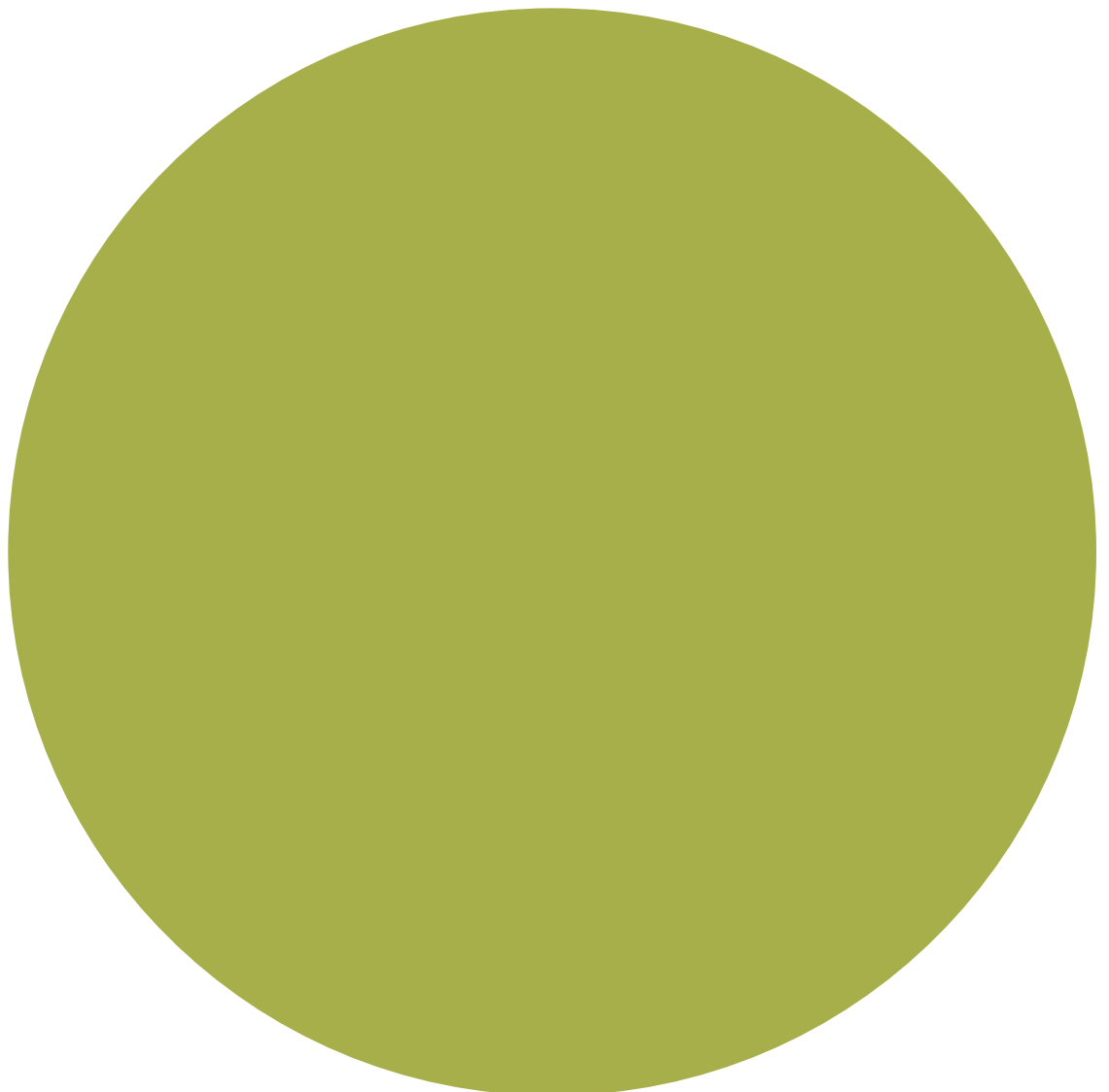
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# Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>2. LOCALITY AND SITE ANALYSIS.....</b>	<b>5</b>
2.1 The context.....	5
2.1.1 Metropolitan Context .....	5
2.2 The Site .....	6
2.3 Surrounding Development.....	9
2.4 Connectivity to public transport.....	15
2.5 Development application DA-2017/541 .....	15
2.6 Chronology of the Planning Proposal.....	16
2.7 Matters Specific to Future Development Capacity.....	17
2.7.1 Geotechnical and Contamination.....	17
2.7.2 Acid Sulfate Soils.....	17
2.7.3 Flooding and Stormwater .....	17
2.7.4 Heritage and Archaeological.....	18
2.7.5 Traffic and Transport.....	18
2.7.6 Tree Protection and Retention .....	18
2.7.7 ANEF Zone .....	19
2.7.8 Risk Assessment .....	19
2.7.9 Voluntary Planning Agreement (VPA) .....	21
<b>3. EXISTING PLANNING PROVISIONS .....</b>	<b>22</b>
3.1 Bayside Local Environmental Plan 2021 (BLEP 2021) .....	22
3.1.1 Zoning.....	22
3.1.2 Height and FSR Development Standards.....	22
3.1.3 Other Relevant Clauses.....	23
3.2 Bayside Development Control Plan 2022 .....	24
<b>4. DRAFT PLANNING PROVISIONS .....</b>	<b>25</b>
4.1 Proposed BLEP 2021 Amendments.....	25
4.1.1 Amendment of Clause 4.3 – Height of Buildings .....	25
4.1.2 Amendment of Clause 4.4 - Floor Space Ratio (FSR) .....	26
4.1.3 Amendment of Clause 6.16 – Development requiring the preparation of a development control plan.....	26
4.1.4 Other Relevant Clauses.....	28
<b>5. PLANNING PROPOSAL.....</b>	<b>29</b>
5.1 Objectives and Intended Outcomes – Part 1 of The Guideline.....	29
5.1.1 Objectives.....	29
5.1.2 Intended Outcomes .....	29





5.2	Explanation of Provisions – part 2 of the guideline .....	30
5.3	Justification of strategic and site specific merit – part 3 of the guideline.....	30
5.3.1	Section A - The Need for the Planning Proposal.....	31
5.3.2	Section B - Relationship to the Strategic Planning Framework.....	32
5.3.3	Section C - Environmental, Social and Economic Impacts.....	65
5.3.4	Section D - State and Commonwealth Interests .....	83
5.3.5	Summary of Strategic and Site Specific Merit.....	83
5.4	Part 4 - Mapping.....	91
5.5	Part 5 - Community Consultation.....	91
5.5.1	Project Timeline.....	91
6.	<b>CONCLUSION</b> .....	<b>93</b>

## FIGURES

<b>Figure 1:</b> Context within the Eastern City District .....	5
<b>Figure 2</b> Aerial image (Source: NearMap) .....	6
<b>Figure 3</b> Looking east towards the Bexley North Hotel .....	7
<b>Figure 4</b> Looking east from the public car park towards the Bexley North Hotel.....	7
<b>Figure 5</b> Looking east at the drive through bottle shop from Slade Road.....	8
<b>Figure 6</b> Looking south towards the hotel from Slade Road .....	8
<b>Figure 7</b> Looking south towards the hotel from within the site boundary.....	9
<b>Figure 8</b> Key features in proximity to the subject site .....	10
<b>Figure 9</b> Looking towards the mixed-use development at Nos. 22-40 Sarsfield Circuit from the public car park .....	11
<b>Figure 10</b> Mixed-use development at Nos. 8-20 Sarsfield Circuit.....	11
<b>Figure 11</b> Mixed-use development at No 2 Sarsfield Circuit.....	12
<b>Figure 12</b> Northern elevation of mixed-use development at Nos. 22-40 Sarsfield Circuit .....	12
<b>Figure 13</b> Looking southeast from the corner of Bexley Road and Slade Road towards the public car park.....	13
<b>Figure 14</b> Looking north-east along Slade Road at Nos. 234 and 236 Slade Road.....	13
<b>Figure 15</b> Looking north from Bexley Road towards mixed-use development at No. 238 Slade Road .....	14
<b>Figure 16</b> Commercial strip along the western side of Bexley Road .....	14
<b>Figure 17</b> Streetscape presentation of low density residential development along Sarsfield Circuit .....	15
<b>Figure 18:</b> Extract from BLEP 2021 Height of Buildings Map (HOB_001) with the subject site edged in red.....	22
<b>Figure 19:</b> Extract from BLEP 2021 FSR Map (FSR_001) with the subject site in red.....	23
<b>Figure 20:</b> Extract from BLEP 2021 LRA Map (FSR_001) with the subject site edged in red .....	23
<b>Figure 21:</b> Proposed amendment to Height of Buildings Map to BLEP 2021 .....	25
<b>Figure 22:</b> Proposed amendment to the FSR Map to BLEP 2021 .....	26





<b>Figure 23:</b> The Eastern Harbour City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan) .....	33
<b>Figure 24:</b> The Eastern City District Plan locality (Source: Eastern City District Plan) .....	38
<b>Figure 25</b> Sun eye and Shadow diagrams of the indicative concept proposal on June 21st.....	67
<b>Figure 26</b> Typical layout of northern orientation apartments of No. 22-40 Sarsfield Circuit .....	68
<b>Figure 27</b> Sun eye diagrams of the indicative concept proposal on September 21st .....	69
<b>Figure 28</b> Sun eye diagrams for a compliant envelope impacting on No. 22-40 Sarsfield Circuit.....	70
<b>Figure 29</b> Overshadowing analysis to the car park site as a result on the indicative concept proposal .....	71
<b>Figure 30</b> Overshadowing analysis to the car park site as a result on the indicative concept proposal .....	72
<b>Figure 31</b> Heat map of surrounding “compliant envelope” buildings to achieve 2 hours of solar access (shown green).....	72
<b>Figure 32</b> Solar access of the north-south through site link between 11am and 2pm.....	73
<b>Figure 33</b> View angle from Slade Road looking west towards Bexley Road .....	75
<b>Figure 34</b> View angle from Shaw Street looking east towards the Council car park.....	75
<b>Figure 35</b> View angle from Slade Road looking south into the proposed public open space .....	76
<b>Figure 36</b> View angle from the corner of Slade Road and Bexley Road towards the subject site.....	77
<b>Figure 37</b> View angle from Slade Road looking south into the proposed north-south through site link.....	77
<b>Figure 38</b> View angle from the eastern building looking towards the western building.....	78
<b>Figure 38</b> Figure 3E-2 of the ADG noting a footpath is provided in the deep soil area.....	79
<b>Figure 40</b> Proposed ground floor plan indicating through site link and non-residential floorspace .....	88

## TABLES

<b>Table 1</b> Supporting Documents with this Planning Proposal .....	4
<b>Table 2</b> Summary of Current Development Standards.....	22
<b>Table 3</b> Summary of Current and Proposed Planning Controls.....	25
<b>Table 4</b> Greater Sydney Region Plan: A Metropolis of Three Cities Directions.....	33
<b>Table 5</b> Eastern City District Plan .....	38
<b>Table 6</b> Bayside 2032 - Community Strategic Plan 2018-2032 .....	41
<b>Table 7</b> Bayside Local Strategic Planning Statement .....	43
<b>Table 8</b> Bayside Local Housing Strategy .....	46
<b>Table 9:</b> Relevant State Environmental Planning Policies .....	49
<b>Table 10:</b> Section 9.1 Ministerial Directions .....	52
<b>Table 11</b> Car Parking Generation.....	80
<b>Table 12</b> Strategic Merit Test.....	84
<b>Table 13</b> Site-Specific Merit Test.....	90





# Executive Summary

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This Planning Proposal seeks to amend the provisions of Bayside Local Environmental Plan (BLEP) 2021 for land at No. 187 Slade Road, Bexley North. Primarily, the Planning Proposal seeks to amend the development standards BLEP 2021 as they relate to the height of buildings (HOB) and Floor Space Ratio (FSR). The Planning Proposal received Gateway Determination on 30 May 2023 and has been updated to reflect the conditions provided in the Gateway Determination.

This Planning Proposal applies to the site owned and operated by Tunborn Pty Ltd known as the Bexley North Hotel at No. 187 Slade Road, Bexley North. The undertaking of the Planning Proposal will provide a unique opportunity to unlock the development capacity and potential of a significant land holding of 4,236sqm in single ownership that is ideally located within the Bexley North Town Centre and within walking distance (200m) of Bexley North Railway Station.

An analysis of the local centres located along the T8 – Airport and South Line indicates that Bexley North is under capacity in terms of the planning controls that apply, relative to other local centres. The location, and importantly access to numerous transport options, offers enormous untapped potential to revitalise the Bexley North Town Centre. The redevelopment of the subject site presents a unique opportunity to be the catalyst for redevelopment of the local centre and deliver a suite of public benefits that will not be realised if the current planning controls are retained and the opportunity for redevelopment passes.

There are compelling Urban Design and Town Planning reasons for an increase to the maximum building height and floor space ratio for the site, as has been considered within the subject application for a Planning Proposal. Specifically, the increase in density presents the opportunity to deliver a high quality urban and architectural design, responding to the accessible location and strategic characteristics of the site. The proposed amendments will provide for a suite of public benefits that will not be realised by the current standards of BLEP 2021. An increase in building height and floor space will allow for an uplift in residential and non-residential uses adjacent to Bexley North Railway Station and the within the Town Centre. The uplift in the planning controls will be accompanied by significant improvements to the Town Centre public domain which include the provision of additional high quality publicly accessible spaces, activation at street level and through site links.

Based on the Urban Design Report that accompanies this Planning Proposal which tests development scenarios in accordance with the proposed revised controls, the change to the current controls will facilitate a high quality, well planned mixed use concept development incorporating approximately 92 apartments, and 4,575m<sup>2</sup> of non-residential floor space (1.08:1) including a pub, hotel and two retail tenancies. The BLEP 2021 does not contain a blanket minimum FSR for non-residential development, however, the indicative concept proposal will increase the quantum of non-residential uses on the site facilitating employment growth at the same time as increasing quality housing stock.

The vision for the site as established by this Planning Proposal is as follows.

- Establish a 'landmark' development at a key gateway to the Bexley North local centre, forming a visual marker and reinforcing the importance and identity of the Bexley North local centre;
- Contribute towards the revitalisation of the local centre by establishing uses and activation adjacent to the Council car park and Slade Road;
- Establish a 'destination' through the provision of ground level pub and retail tenancies linked to publicly accessible open space;
- Enhance pedestrian permeability through the site to link surrounding sites and public spaces;
- Address housing affordability by providing a mix of housing choices;
- Create liveable communities by providing high quality amenities and open space to meet the needs of existing and future residents of Bexley North;
- Deliver the highest standards of urban planning and excellence in architectural design.

The redevelopment of the site will provide a significant number of public benefits which include the following:

- The renewal of the existing Bexley North Hotel (pub) and associated Motel building will act as a catalyst for the future redevelopment of the urban block bounded by Bexley Road, Slade Road and Sarsfield Circuit;
- The provision of a high quality mixed use building that defines the street frontage and provides generous and well defined open spaces for residents on the upper levels;
- The provision of a through site link (subject to acquisition by Council) to connect to a potential future “Urban Piazza” or other redevelopment on Council land currently occupied by an existing carpark;
- The redistribution of massing away from the sensitive eastern boundary (reducing the currently allowable height at this edge of the site) towards the northern and western boundaries will provide increased visual amenity through delivery of a ‘landmark’ building with generous building separation;
- A variation to building heights will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive Bexley North town centre;
- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point from Sarsfield Circuit;
- Retain the existing Bexley North Hotel as a destination which is enhanced by additional retail premises (subject to future DA’s) to contribute towards the economic vitality and increased activation on the primary frontage to Slade Road, within an easy and safe walking distance to a catchment of local residents;
- The provision of lower density residential uses fronting Sarsfield Circuit to provide a transition in scale to the low density residential development to the east and provide increased natural surveillance of the public domain, and
- Deliver the highest standards of urban planning and excellence in architectural design.

An Urban Design Report (UDR) has been prepared by Carter Williamson which builds on the original work of GMU while an indicative concept proposal has been prepared by JKM Architects. The UDR demonstrates that the proposed LEP changes will facilitate high quality urban form compatible with the context and setting of the broader locality and the immediate surroundings. Furthermore, the UDR and indicative concept proposal demonstrates the future redevelopment can relate positively to the features of the site as well as to surrounding public spaces and residential buildings. The indicative concept proposal will provide for the following:

- The construction of two buildings, comprising a 4-5 storey eastern building predominantly comprising residential apartments and small retail fronting Slade Road or the through site link and a 6-10 storey western building comprising a pub, retail tenancies, a 50 room Hotel and residential uses above;
- Publicly accessible open space located between the two buildings;
- Approximately 92 apartments across the two buildings;
- Activation along the car park frontage, the Slade Road frontage and the through site links;
- Retention of the use of the Bexley North Hotel (pub) on the Ground Level and Level 1;
- A 50 room hotel in the western building on Levels 2-3; and
- Three basement levels providing for up to 241 car parking spaces with on-site loading for MRV’s.

This application is consistent with the local, regional and state planning strategies for Bayside LGA, the Eastern City District Plan and Greater Sydney Region Plan. This application has the potential to make a substantial positive contribution to the quality and utility of public spaces and result in the efficient use of a well-serviced site to provide a development which is diverse and vibrant, compatible with neighbouring properties and a high quality urban environment. The Planning Proposal is worthy of Council’s support.

# 1. Introduction

This Planning Proposal has been prepared for Turnborn Pty Ltd, owner of No.187 Slade Road, Bexley North. This application has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (September 2022) (DPIE Guideline). It explains the intended effect of the proposed amendment to BLEP 2021 and sets out the justification for making the amendment to that Plan.

The primary intent of the application is to initiate a Planning Proposal process to amend the development standards of Bayside Local Environmental Plan (BLEP) 2021 to:

- amend the height of buildings standard (Clause 4.3) to permit buildings to a maximum height of 20m and 35m and exclude the site from "Area 3" on the Height Map;
- amend the FSR standard (Clause 4.4) to permit buildings with a maximum FSR of 3.35:1 and exclude the site from "Area 7" on the FSR Map;
- amend the development requiring the preparation of a development control plan (Clause 6.16) to include Lot 30 in DP 1222252 – 187 Slade Road, Bexley North; and
- No changes to Land Reserved for Acquisition (Clause 5.1 and 5.1A) of Active Frontage (Clause 6.9).

There are compelling strategic, urban design and town planning reasons for the above-mentioned changes to the planning controls for No. 187 Slade Road in the subject Planning Proposal. Specifically, the subject site represents a unique opportunity to deliver a high-quality, innovative and sustainable development, delivering a suite of public benefits that will not be realised if the current planning controls are retained and the opportunity for redevelopment passes. That is, the current maximum building heights and FSR are not capable to providing a scale of development that is reflective of its strategic location and superior characteristics.

An Urban Design Report (UDR) has been prepared by Carter Williamson which builds on the initial work by GMU. The UDR provides analysis of the existing urban fabric and the constraints and opportunities which create the setting to support redevelopment of the site. The indicative concept proposal demonstrates how future redevelopment could be accommodated on the subject site in accordance with the new controls.

The proposal is consistent with local and state government planning strategies to facilitate more efficient and economic use of urban land within the Bayside LGA. The site is located within the Bexley North town centre with established public transport links and access to services and community/social infrastructure. The indicative concept proposal demonstrates the opportunities to integrate residential and commercial land uses with improvements to the streetscape, new vehicular and pedestrian links and achieves positive environmental, social and economic outcomes.

This application demonstrates that the proposed LEP amendments have strategic and site-specific merit. It is aligned with the relevant matters for consideration set out in Bayside's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to amend the maximum building height and floor space development standards to allow for redevelopment of a strategically superior site.

The site received Gateway Determination on 30 May 2023 with the assessment report concluding the following on Page 46:

*The planning proposal is supported to proceed with conditions because:*

- *it is generally consistent with the relevant provisions of the Greater Sydney Region Plan and the Eastern City District Plan;*
- *it is consistent with State Environmental Planning Policies and Section 9.1 Ministerial Directions (or is justifiably inconsistent or capable of being consistent subject to further consultation or justification);*
- *it will facilitate the delivery of employment floor space in the Bexley North Town Centre and Bayside LGA facilitating services for the community; and*
- *it will provide for potential housing diversity and supply near existing transport, infrastructure, services, open*

*space and recreational areas.*

This application for a Planning Proposal has been informed by the following documents:

Table 1 – Supporting Documents with this Planning Proposal	
Document	Author
Urban Design Study	Carter Williamson
Indicative Concept Proposal	JKM Architects
Traffic and Parking Assessment	Traffix
Flooding and Stormwater Analysis	GRC Hydro
Stage 2 Environmental Site Assessment	JK Environments
Landscape Plan	Site Design Studios
Geotechnical Advice	JK Geotechnics
Ethane Pipeline Risk Assessment	Arriscar Risk Engineering Solutions

This report is divided into six sections including a locality and site analysis, existing planning provisions, draft planning provisions, the Planning Proposal and a conclusion.

## 2. Locality and Site Analysis

### 2.1 THE CONTEXT

#### 2.1.1 Metropolitan Context

The subject site is located in the suburb of Bexley North approximately 11km south west of the Sydney CBD. The subject site is classified as a local centre under the Eastern City District Plan.

The Bexley North local centre is located to the north-west of the Kogarah Strategic Centre but is located approximately 200m walking distance to Bexley North Station on the T8 – Airport and South Line and 250m from the entry/exit to the M5 Motorway. The site is also located approximately 5km west of Kingsford Smith Airport and approximately 9km north-west of Port Botany, providing a high level of accessibility.

Bexley North Town Centre comprises a mix of low and medium density development reflective of its status as a local centre. The town centre provides residents with a high level of amenity due to its centralised location within the greater metropolitan region and access to public transport. Furthermore, residents and employees within the suburb have access to major shopping centres, parks, recreation facilities, services and employment in the nearby suburbs.

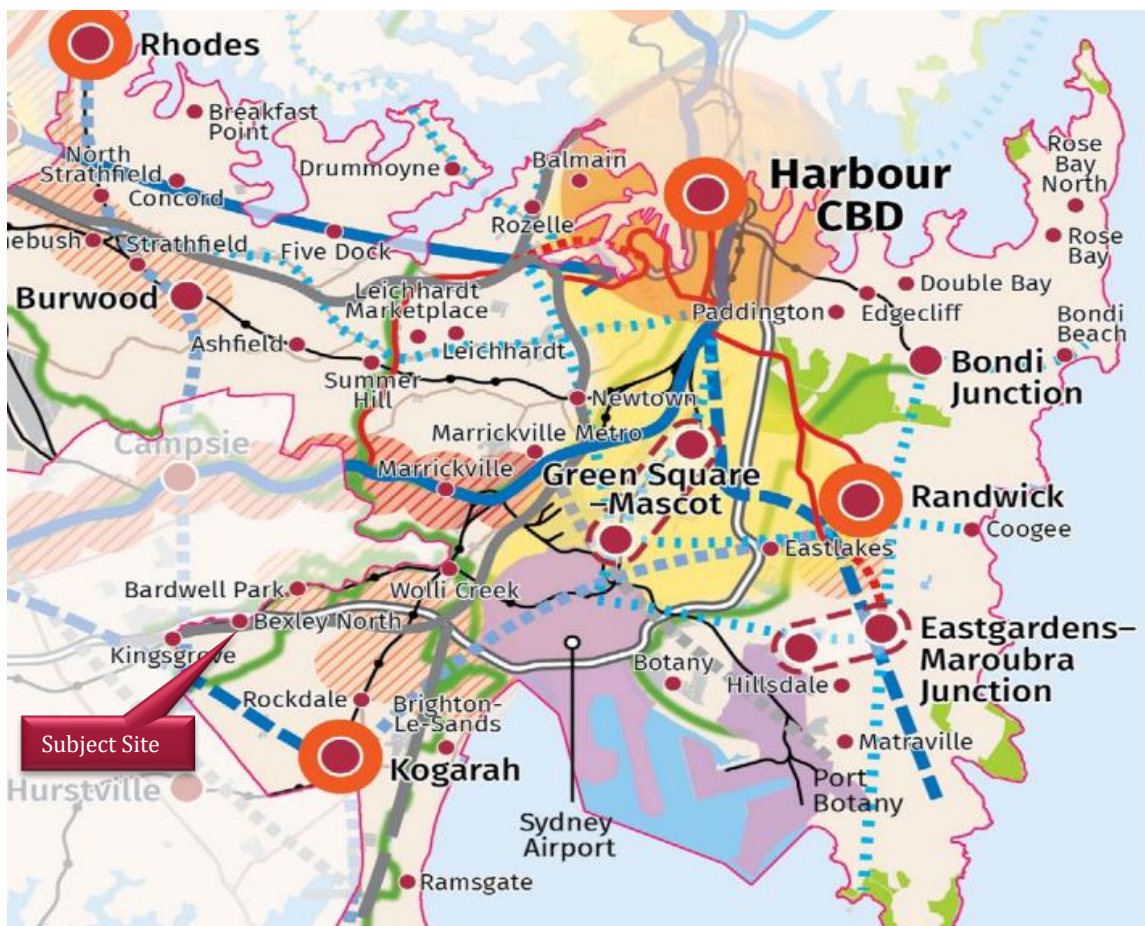


Figure 1: Context within the Eastern City District.

Based on the Consolidated Urban Design Report (cUDR) prepared by Carter Williamson, and consistent with the conditions of the Gateway Determination, this Planning Proposal tests various development scenarios consistent with a “town centre approach” around critical transport infrastructure. Importantly this testing satisfies the conditions of the Gateway Determination to test for LEP compliance to surrounding lands, especially the Council car park site immediately to the west

of the subject site. The cUDR not only successfully tests for LEP compliance for this condition, but also tests scenarios of what a “town centre approach” to Bexley North might look like. The Proposal at No. 187 Slade Road plays an important part in “town centre approach” as it scales-up towards a centre at the intersection of Bexley Road, Slade Road and Shaw Street, and extending north along Bexley Road to the Bexley North Railway Station.

These scenarios envisage a town centre core height of 12 storeys, with the Council carpark site being critical to the Bexley North town centre core, and successfully tests for SEPP65-ADG compliance (being the most amenity intensive test). The scenarios envisage that the Bexley North Town Centre is consistent with general government thinking of development uplift around new or existing transport infrastructure to help amortise the value to the state of existing critical infrastructure whilst helping solve societal issues of housing and employment. This is highlighted by the development around Metro Stations where heights in excess of 18 and 20 storeys are not uncommon.

## 2.2 THE SITE

The subject site is a corner block located on the southern side of Slade Road and comprises a single irregularly shaped allotment known as No. 187 Slade Road, Bexley North with legal description Lot 30 in DP 122252. The location of the subject site is shown edged red in the aerial image provided at **Figure 2**.



**Figure 2** Aerial image (Source: NearMap)

The subject site has a 74.675m wide frontage to Slade Road, and an 86.92m wide secondary frontage to Sarsfield Circuit. The western property boundary is 54.845m in length and the southern property boundary is 45.72m in length. The site has an area of 4,236sqm. A detailed Land Survey is submitted with this application for a Planning Proposal and indicates boundary lengths, site area, spot levels and the location of existing structures and vegetation within the allotment.

The landform has been modified in the past to create a relatively level building platform upon which the existing development is situated. The level portion of the site is at or about RL 12.6. An earth batter is situated at the south-eastern corner of the site and along the eastern property boundary where the site slopes upwards to the level of Sarsfield Circuit. The most significant difference between the street level and the existing site level occurs at the south-eastern end of the site where a difference of approximately 3m is apparent. The low point of the site is at the north-eastern corner, being the intersection of Slade Road and Sarsfield Circuit.

The site presently accommodates the Bexley North Hotel, a single storey brick structure incorporating drive though bottle shop and 'beer garden', as well as a two storey hotel development with undercroft parking. Extensive retaining structures exist along the eastern and southern property boundaries. The site has four vehicular access points including two from Slade Road servicing the bottle shop and two from Sarsfield Circuit servicing the hotel. Pedestrian access to the Bexley North Hotel (i.e. the pub building) is from the Council owned public car park to the west. Vegetation is limited to a small number of shrubs.

Photographs of the subject site depicting existing site conditions is provided at **Figure 3** through **Figure 7**.



**Figure 3** Looking east towards the Bexley North Hotel



**Figure 4** Looking east from the public car park towards the Bexley North Hotel



Figure 5 Looking east at the drive through bottle shop from Slade Road



Figure 6 Looking south towards the hotel from Slade Road



**Figure 7** Looking south towards the hotel from within the site boundary

## 2.3 SURROUNDING DEVELOPMENT

The site is located on the southern side of the rail corridor in close proximity to Bexley North Railway Station (approximately 200m walking distance) and within the Bexley North Town Centre. The site therefore has optimal access to public transport, as well as local services and facilities including shopping centres, professional and health services, and places of leisure. Proximity to public transport, services and facilities enhances the status of the site as a desirable location for higher density mixed use development comprising residential accommodation and commercial floor space.

Land use composition in the immediate locality is considerably varied as is expected at the junction of a number of disparate land use zones. Land use within the Bexley North Town Centre is characterised by multi storey mixed use development incorporating ground level commercial premises and residential accommodation above. The western side of Bexley Road contains a more traditional commercial strip and the focal point of the Centre is the public car park at the corner of Slade and Bexley Roads. Beyond the Centre, land use is almost exclusively low density residential, interspersed with educational facilities and public reserves.

The aerial image provided at **Figure 8** indicates key features of the immediate area.



**Figure 8** Key features in proximity to the subject site

Adjoining the site to the south at Nos.22-40 Sarsfield Circuit is a four storey mixed-use development with car parking and commercial floor space at ground level and three levels of residential accommodation above. The ground level is a podium base and is constructed to all property boundaries. The residential levels are setback from the edges of the podium and a number of dwellings have north-facing window openings and private open space areas oriented towards the subject site. The ground level commercial premises presents to the public car park and pedestrian access is available directly from the car park. Vehicular access is also available from Sarsfield Circuit.

Adjoining the site to the west at No. 316 Bexley Road is a Council owned public car park. The car park is classified as 'operational land' under Schedule 4 of the BLEP 2021. The car park services commercial and business development in the Bexley North Town Centre and is heavily utilised. Pedestrian access to the Bexley North Hotel is via the car park and this arrangement is understood to be long-standing. This is consistent with the properties to the south with each building fronting to the car park and containing the primary pedestrian access.

To the north of the site on the opposite side of Slade Road is an older style three storey residential flat building development with parking at ground level (No. 234 Slade Road) and a more contemporary five storey mixed use development with commercial floor space at ground floor and residential accommodation above (No. 236 Slade Road). Both developments have living areas and private open spaces in the form of balconies presenting to Slade Road and away from the train line to the north. In each case, vehicular access is from Slade Road.

On the opposite side of Sarsfield Circuit to the east of the subject site, land use is characterised by low density residential development. The dwellings on this block present to Irwin Crescent and turn their backs on Sarsfield Circuit. These dwellings do not have any physical connection with Sarsfield Circuit in the form of vehicular or pedestrian access points and the visual connection with Sarsfield Circuit is somewhat compromised by the unbroken length of solid boundary fencing along the rear property boundary of these properties.

**Figure 9** through **Figure 17** indicate the nature and form of development in the immediate locality.



Figure 9 Looking towards the mixed-use development at Nos. 22-40 Sarsfield Circuit from the public car park



Figure 10 Mixed-use development at Nos. 8-20 Sarsfield Circuit



Figure 11 Mixed-use development at No 2 Sarsfield Circuit



Figure 12 Northern elevation of mixed-use development at Nos. 22-40 Sarsfield Circuit with the rear of the site to the right



Figure 13 Looking southeast from the corner of Bexley Road and Slade Road towards the public car park adjacent to the subject site.



Figure 14 Looking north-east along Slade Road at Nos. 234 and 236 Slade Road



Figure 15 Looking north from Bexley Road towards mixed-use development at No. 238 Slade Road



Figure 16 Commercial strip along the western side of Bexley Road



**Figure 17** Streetscape presentation of low density residential development along Sarsfield Circuit

## 2.4 CONNECTIVITY TO PUBLIC TRANSPORT

The site is located within 200m walking distance of Bexley North Train Station on the T8 – Airport and South Line, providing regular train services to Sydney CBD via the Airport, and to Revesby. The site is also in close proximity to several bus stops along Bexley Road and Slade Road. Bus routes 410, 420, 420N, 446, 491 and 493 operate to locations including Hurstville, Eastgardens, Burwood, Roselands and Waterloo Park.

## 2.5 DEVELOPMENT APPLICATION DA-2017/541

Development Application DA-2017/541 was lodged 27 October 2017 and sought development consent for the retention of existing pub and bottle shop known as Bexley North Hotel; demolition of 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 1,267sqm of commercial floor space over three (3) basement levels.

This development application was withdrawn by the applicant on 12 February 2017 following meetings with Council officers which encouraged that the proposal should be submitted as a Planning Proposal rather than a development application, given variations sought to the planning controls, particularly the height of buildings and FSR development standards within the Rockdale LEP 2011.

Since then, the Rockdale LEP 2011 has been repealed and replaced by the consolidated Bayside Local Environmental Plan (BLEP) 2021, however, the height and FSR development standards under the BLEP 2021 are carried over from RLEP 2011 and are still restrictive, relative to the superior strategic location and redevelopment potential of the subject site.

This application for a Planning Proposal seeks to amend the BLEP 2021 height of buildings and FSR development standards, amongst other, prior to the re-lodgement of a revised development application.



## 2.6 CHRONOLOGY OF THE PLANNING PROPOSAL

A brief chronological timeline of the Planning Proposal is detailed below:

- **19 December 2019** – original Planning proposal submitted to Bayside Council.
- **27 February 2020** - Additional Information Email from Council.
- **7 April 2020** - In response to Council's email dated 27 February 2020, the first revised Planning Proposal was submitted to Bayside Council.
- **9 April 2020** - Email from Council with comments on the Planning Proposal Report, Traffic, Stormwater and Flooding issues.
- **26 August 2020** – In response to the issues raised on 9 April 2020, the second revised Planning Proposal application was submitted to Bayside Council.
- **5 October 2020** - Email from Council raising issues with Hazards and Risks, Flooding, Traffic and Urban design.
- **11 December 2020** - Email from Council summarising the issues in the AJ&C Urban Design Response.
- **17 December 2020** - Copy of AJ&C Urban Design report dated 25 November 2021 received via GIPA Application.
- **9 February 2021** - Email from Council regarding Flooding issues.
- **16 June 2021** – In response to the number of issues raised above, a third revised Planning Proposal was submitted to Bayside Council.
- **15 September 2021** - Email from Council outlining that the Traffic, Flooding, Hazards and Risk issues had been largely resolved but concerns remained with the Urban Design aspects of the Planning Proposal. A AJ&C response table was provided in this email.
- **5 November 2021** - Email from Council outlining the considerations for the future BLPP report.
- **16 December 2021**- Bayside Local Planning Panel Meeting.
- **13 April 2022** - Bayside Council City Planning and Environment Committee Meeting.
- **27 April 2022** - Bayside Council Ordinary Council Meeting.
- **18 May 2022** – Council notified the proponent in writing that it did not endorse the Planning Proposal for Gateway Determination
- **2 August 2022** – A Rezoning Review Application was lodged with the Department of Planning
- **13 October 2022** – The Rezoning Review was considered by the Sydney Eastern City Planning Panel
- **18 October 2022** – The Sydney Eastern City Planning Panel determined that the Planning Proposal should proceed to Gateway
- **7 December 2022** – The Planning Proposal was submitted to the Department requesting Gateway Determination



- **30 May 2023** – Gateway Determination was issued subject to conditions.

## 2.7 MATTERS SPECIFIC TO FUTURE DEVELOPMENT CAPACITY

### 2.7.1 Geotechnical and Contamination

A Stage 1 Preliminary Environmental Site Assessment was undertaken as part of DA-2017/541 by EIS and a subsequent Stage 2 Environmental Site Assessment report was prepared and submitted with that Development Application. EIS recommended the following

- *A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;*
- *A validation assessment should be undertaken on completion of remediation at each development stage; and*
- *The following unexpected finds protocol should be implemented during excavation works at the site.*

Part 10 – Discussion and Conclusions of the Stage 2 Environmental Site Assessment dated 19 March 2018 by EIS concluded the following:

*The site can be made suitable for the proposed development provided that further investigation and subsequent remediation and/or management is undertaken.*

A letter from JK Geotechnical (formally EIS) dated 18 September 2019 details that the conclusions and recommendations of the Stage 2 Environmental Site Assessment remain valid.

While it is expected that the future development of the site will include excavated basement car parking, no additional soil and ground water studies are required in conjunction with this Planning Proposal. All matters relating to excavation and contamination are more appropriately addressed as required with any future development application.

### 2.7.2 Acid Sulfate Soils

A Stage 1 Preliminary Environmental Site Assessment undertaken as part of DA-2017/541 by EIS who considered Acid Sulfate Soils where the following was noted:

*The site is not located in an acid sulfate soil (ASS) risk area according to the risk maps prepared by the Department of Land and Water Conservation.*

Whilst mapped as Class 5, the subject site is more than 500m from any Class 1-4 mapped land and will not lower the water table. Therefore, an Acid Sulfate Soils Management Plan is not required and the Planning Proposal does not alter how Clause 6.1 of BLEP 2021 operates. Acid Sulfate Soils can be considered as part of the future development application.

### 2.7.3 Flooding and Stormwater

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. Investigations into flooding in and around the subject site demonstrate that the site is subject to overland flows.

A consolidated Flood Investigation Report dated 6 September 2023 has been prepared by GRC Hydro to address Council's concerns in relation to flooding. In accordance with the Gateway Determination, a single consolidated Flood Investigation Report is provided and is submitted with this Planning Proposal. The Flood Investigation Report considered the requirements of the Bayside DCP, Bayside LEP and Section 9.1 of the Ministerial Directions.

The report concludes the following:

- *Compliance with Council's requirements is readily achieved.*
- *The diversion of existing stormwater conduit under Slade Road does not exacerbate flooding.*
- *Flood risk can be effectively managed by an evacuation in place response which is the default response in any case given the short duration of time for evacuation and then the short duration of flooding at the site.*

- *The public accessible areas created by the development provide safe refuge to any at the perimeter of the site when flooding begins around the Site.*

All further matters relating to flooding and drainage are more appropriately addressed as required with any future development application.

#### **2.7.4 Heritage and Archaeological**

The subject site is not a listed heritage item, is not located within a heritage conservation area and does not adjoin any heritage items or heritage conservation areas. It is not anticipated that the redevelopment of the site would prejudice the heritage significance or setting of any items of heritage significance.

Furthermore, an AHIMS Basic Search has also been undertaken and reveals that there are no Aboriginal sites that have been recorded on or in the vicinity of the subject site.

#### **2.7.5 Traffic and Transport**

The subject site has two frontages to public roads, the primary frontage being to Slade Road and the secondary frontage to Sarsfield Circuit. The existing pub building currently provides two vehicular crossovers from Slade Road to service the bottle shop of the Bexley North Hotel with vehicular access to the existing motel accommodation via Sarsfield Circuit. It is noted the M5 Motorway tunnel extension is proposed under the northern section of the site, however the design of the indicative concept proposal will ensure all works are clear of this tunnel.

The indicative concept proposal indicates that a three level basement will be provided with a two lane driveway providing residential and commercial vehicle access with a separate truck loading bay entrance adjacent the residential and commercial driveway off Sarsfield Circuit. The single vehicular access point will be sufficient to accommodate MRVs to service the loading areas and rubbish collection and also provide access to the separate commercial and residential car parking spaces. The remaining vehicular crossovers will be closed and made good to improve vehicular and pedestrian safety.

There are continuous concrete pedestrian pathways on Slade Road and it is anticipated that the redevelopment of the site will include the reconstruction of the footpath reserves for the full frontage of the site. This will be undertaken at the development application stage.

Bexley North Railway Station is located approximately 200m north-west of the subject site. Bexley North Railway Station is located along the T8 – Airport and South Line providing connections to Campbelltown, International and Domestic Airports, Green Square, Central, Circular Quay and Town Hall. Rail services to the City from Bexley North Railway Station depart every 15 minutes during morning and evening peak periods.

A Traffic and Parking Assessment (TPA) has been prepared by Traffix and is submitted with this Planning Proposal. A revised Traffic Impact Assessment (TIA) dated September 2023 was prepared in response to issues raised by Council. This document is submitted separately with the Planning Proposal. The report concludes as follows:

*“The planning proposal is supported on transport planning grounds and will operate satisfactorily, even based on the set of worst-case assumptions made for the concept development.”*

Parking and Traffic are discussed further in Part 5.3.3 of this Report.

#### **2.7.6 Tree Protection and Retention**

There are no trees of any significance on the subject site. Any existing trees on the site are self-seeded and are required to be removed. Specific details regarding tree removal will be considered at the development application stage.

The indicative concept proposal will provide a significantly improved and structured landscaped proposal to ensure the long term retention of the proposed trees and a high level of amenity for the subject site. There will be adequate opportunities for compensatory planting to enhance the streetscape and the microclimatic conditions within the site.

### 2.7.7 ANEF Zone

The subject site is not subject to significant aircraft noise or within any ANEF contour. As such, it is not considered that a detailed acoustic assessment is required.

### 2.7.8 Risk Assessment

The subject site is located in proximity to the Moomba to Sydney Ethane (MSE) Pipeline than runs through the north-western portion of the Bayside LGA generally within the T8 rail corridor. The subject pipeline is approximately 90m from the subject site with the residential building at No. 234 Slade Road between the pipeline and the subject site.

Planning Circular PS 21-029 relates to Development adjacent to land in a pipeline corridor and refers to the (now repealed) Clause 66C of SEPP (Infrastructure) 2007. This has been replaced by Clause 2.77 in SEPP (Transport and Infrastructure) 2021 (SEPP T&I) which states the following:

#### **2.77 Determination of development applications**

*(1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—*

*(a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*

*(b) take those risks into consideration, and*

*(c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*

*(d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*

The Moomba-Sydney Ethane Pipeline is noted as License Number 15 in PS 21-029 where consideration under the SEPP T&I is required. In this regard, a pipeline corridor is the following:

*(2) Land is in a pipeline corridor for the purposes of this section if the land is located—*

*(a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or*

*(b) within 20m of the centreline (measured radially) of a relevant pipeline, or*

*(c) within 20m of land the subject of an easement for a relevant pipeline.*

In accordance with the requirements of Clause 2.77(1) of the SEPP T&I, a Risk Assessment Report has been prepared by Arriscar Risk Engineering Solutions who conclude the following:

- *The individual risk of fatality at the BNH is less than  $1.0 \times 10^{-6}$  p.a. and does not exceed the risk criterion for residential uses and places of continuous occupancy, such as hotels in HIPAP No.10 [1].*
- *The individual risk of fatality at the BNH is  $0.5 \times 10^{-6}$  p.a. and exceeds the risk criterion for sensitive use in HIPAP No.10 [1]. The current planning proposal does not include sensitive land uses.*
- *All other individual risk levels comply with the corresponding quantitative risk criteria in HIPAP No.10 [1] (Refer to Sections 6.2 to 6.7)*
- *The entirety of the F-N curve is in the 'Negligible' or 'ALARP' regions and complies with the DPIE's indicative societal risk criteria (Refer Section 6.8)*
- *Recommendations have been made to ensure ongoing compliance with HIPAP 10.*

It is noted that Bayside Council consulted with APA Group (pipeline operator) in February 2020 who made the following comments in relation to the Planning Proposal:

*'APA has no concerns regarding any direct impact on the pipeline, as a result of the development and construction activity.'*

*'The proposed development is located within the pipeline measure length (area of consequence). However, APA would not object to the proposal given the development is not for a sensitive land use as defined under AS2885.'*

The Risk Assessment Report and its recommendations are technical in nature and Condition 1(a) of the Gateway Determination requires a plain English explanation of a future LEP provision that seeks to allow consideration of the NSW Land Use Safety Planning Framework and the Risk Assessment prepared by Arriscar at the development application stage. It is important to note that Condition 1(a) of the Gateway Determination does not actually require a new LEP provision but simply a plain English explanation. This is discussed below.

In response, the Arriscar Risk Assessment Report concludes that sensitive land uses as defined under NSW Land Use Safety Planning Framework and/or AS2885 which include uses such as hospitals, Educational Establishments, Child Care Centres, Seniors Housing and the like are not permitted on the site due to the potential risk and proximity to the pipeline. The Risk Assessment Report by Arriscar concludes that the continuous uses such as residential, commercial and hotel uses detailed in the indicative concept scheme will satisfy the risk criteria and are permitted in this instance. Therefore, the subject site does not have any hazards or risks related to the Moomba to Sydney Ethane (MSE) Pipeline that would restrict development as indicated within the indicative concept proposal.

BLEP 2021 does not contain an "Activity Hazard Risk Map" or a LEP requirement that restricts land uses in high risk areas. Clearly, the proximity to the Moomba to Sydney Ethane (MSE) Pipeline has implications on future development potential greater than the site specific Planning Proposal for the subject site which will need detailed risk assessments along the length of the pipeline within the Bayside LGA. Until the exact nature of the risks are known and can be quantified, the provision that restricts sensitive land uses cannot be undertaken by Council. In any event, we would recommend a draft condition such as the following be implemented:

#### **6.18 Development in areas of activity hazard risk**

(1) The objective of this clause is to minimise risk to life and property in the event of an emergency arising near a high pressure gas pipeline.

(2) This clause applies to the following land:

- (a) Lot 30 in DP 1222252, 187 Slade Road, Bexley North

(3) This clause applies to development for one or more of the following purposes:

- (a) centre-based child care facilities,
- (b) early education and care facilities,
- (c) educational establishments,
- (d) health services facilities,
- (e) seniors housing.

(3) The consent authority must not determine a development application for development to which this clause applies, unless, in accordance with subclause (4), the consent authority has—

- (a) consulted the Planning Secretary on the application, and
- (b) taken into consideration the Planning Secretary's submissions, if any.

(4) The consent authority must—

- (a) forward a copy of the application and the accompanying documents to the Planning Secretary within 7 days of receiving the application, and
- (b) consider the Planning Secretary's submissions within 28 days of forwarding the documents.



It is noted that Condition 1(a) of the Gateway Determination foreshadows that a future LEP provision will be inserted into BLEP 2021 to restrict sensitive land uses and ensure notification to, and, consideration of any comment from, the Department prior to issuing any development consent. Therefore, this suggested LEP provision is not included in the amendments to BLEP 2021 detailed in Section 4 of the Report. That being said, our client would not object to the insertion of the above-mentioned suggested LEP provision.

In any event, matters relating to risk management will be more appropriately addressed as required with any future development application when final uses are established.

#### **2.7.9 Voluntary Planning Agreement (VPA)**

A letter of offer to enter into a VPA dated 18 December 2019 was provided Council as part of the lodgement documents for the Planning Proposal. Bayside Council has not engaged with the applicant or its representatives in regard to the VPA offer. Even though a positive Gateway determination has occurred, the VPA offer is still applicable and we await engagement with Council.



## 3. Existing Planning Provisions

### 3.1 BAYSIDE LOCAL ENVIRONMENTAL PLAN 2021 (BLEP 2021)

#### 3.1.1 Zoning

The subject site is zoned MU1 – Mixed Use under BLEP 2021 and the zoning is not proposed to be altered by this application for a Planning Proposal.

#### 3.1.2 Height and FSR Development Standards

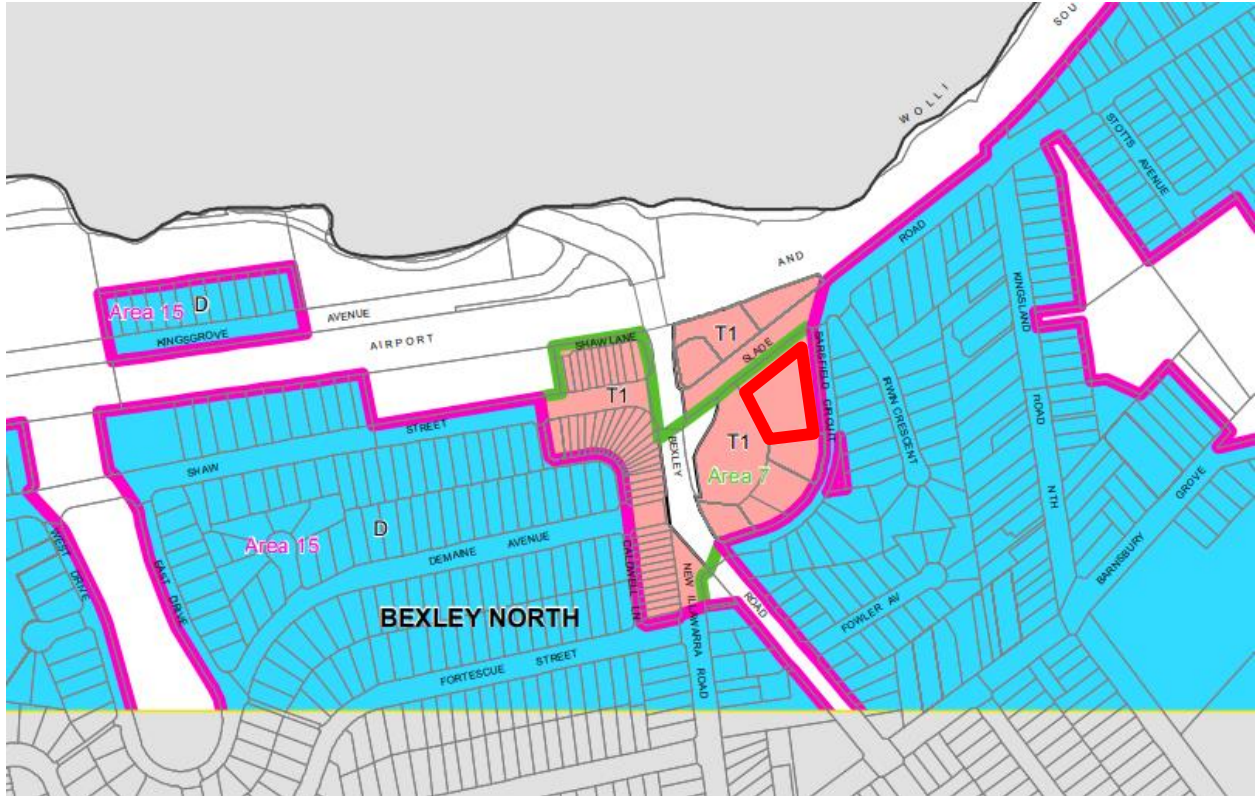
The current development standards that apply to the site under BLEP 2021 are summarised as follows:

Table 2 Summary of Current Development Standards		
Control	Existing Requirement	Figure
Height of Buildings	16m plus 6m (Area 3)	18
Floor Space Ratio	2:1 plus 0.5:1 (Area 7)	19

It is noted that the subject site is located within Areas 3 and 7 under the HOB and FSR maps of BLEP 2021, respectively, and comprise of a site area of greater than 1,200sqm. This application for a Planning Proposal seeks to alter the development standards on the maps for Clauses 4.3 and 4.4 of BLEP 2021 and will exclude the site from Areas 3 and 7 given site specific HOB and FSR development standards will be sought. The current development standards are detailed in the following maps:



Figure 18: Extract from BLEP 2021 Height of Buildings Map (HOB\_001) with the subject site edged in red



**Figure 19:** Extract from BLEP 2021 FSR Map (FSR\_001) with the subject site in red

The above listed provisions are proposed to be amended as described in Section 4.

### 3.1.3 Other Relevant Clauses

The land is not mapped as being a heritage item or within a heritage conservation area, subject to flooding or subject to any other environmental or hazard constraints.

The site is mapped as requiring an active frontage on its western boundary with the Council car park in accordance with Clause 6.9 of BLEP 2021, however, this application for a Planning Proposal does not seek to alter this requirement.

The site is also mapped as Land Reserved for Acquisition (LRA) under Clause 5.1 and Clause 5.1A of BLEP 2021. This is detailed in Figure 20 below.



**Figure 20:** Extract from BLEP 2021 LRA Map (FSR\_001) with the subject site edged in red

Figure 20 demonstrates that the southern portion of the site, estimated at a width of 6m is reserved as a “Local Road” with the relevant acquisition authority being Bayside Council. Condition 1(b) of the Gateway Determination seeks clarification on the LRA mapped land at the southern end of the site. The Gateway Determination Report notes the following response from Bayside Council in relation to the LRA land:

- *the adjoining property comprising a public car park has been identified as a strategic site for future development in Council’s property portfolio;*
- *it supports the retention of the existing acquisition layer for a local road through the subject site, to not compromise future access to the Council owned sites.*
- *The Department in its Gateway assessment consider this advice from Council, noting support for the retention of the Land Reservation Acquisition layer within the LEP until such time as the land is dedicated to Council. A condition to this effect could be included in the Gateway determination; and*
- *Council would support formalising this accessway in conjunction with the planning proposal determination by way of the transfer of a suitable area of land for access to the Council site through either a Voluntary Planning Agreement (VPA), dedication of land or at very least registration of a legally binding instrument facilitating a right of way or carriageway to provision access to the Council sites.*

The indicative concept scheme notes that the concept building and basement car parking levels are setback at least 6m from the southern boundary and will be clear to the LRA mapped land. The applicant notes Council’s response with regard to the formalisation of the accessway but notes that given the VPA has not progressed, there is no currently available method to transfer the land to Council and extinguish the LRA mapped land.

Therefore, the applicant intends to retain the LRA mapped land in situ and this can be addressed as part of the development application process. The indicative concept plans can simply remove the minor landscaping and footpath works noted on the LRA mapped land if additional clarity is required.

### 3.2 BAYSIDE DEVELOPMENT CONTROL PLAN 2022

The Bayside Development Control Plan (BDCP) 2022 applies to the subject site. There are a number of controls within BDCP 2022 are relevant to the proposed redevelopment of the site. These include:

- Part 3 – General Principles for Development;
- Part 5 – Residential and Mixed Use Development; and
- Part 6 – Non-residential development

Condition 1(h) of the Gateway Determination requires that Clause 6.16 – Development requiring the preparation of a development control plan of the BLEP 2021 be applied to the Planning Proposal. That is, a site-specific Development Control Plan (DCP) will be prepared prior to development consent being granted for a future development application rather than being provided for public exhibition with the Planning Proposal. This has been the approach for development at No. 128 Bunnerong Road and No. 120 Banks Avenue, Eastgardens and Nos. 215-235 O’Riordan Street and Nos. 1-3 Ewan Street Mascot and the subject site will simply be added to Clause 6.16 under Part 2(c) as detailed in Part 4.1 below.

## 4. Draft Planning Provisions

### 4.1 PROPOSED BLEP 2021 AMENDMENTS

The proposed amendments to BLEP 2021 are described as follows:

- amend the height of buildings standard (Clause 4.3) to permit buildings to a maximum height of 20m and 35m and exclude the site from “Area 3” on the Height Map;
- amend the FSR standard (Clause 4.4) to permit buildings with a maximum FSR of 3.35:1 and exclude the site from “Area 7” on the FSR Map;
- amend the development requiring the preparation of a development control plan (Clause 6.16) to include Lot 30 in DP 122252 – 187 Slade Road, Bexley North; and
- No changes to Land Reserved for Acquisition (Clause 5.1 and 5.1A).

The significant numerical changes can be summarised in Table 3 below.

Table 3 Summary of Current and Proposed Planning Controls			
Control	Existing Requirement	Proposed Requirement	Figure
Height of Buildings	16m plus 6m (Area 3)	20m and 35m	21
Floor Space Ratio	2:1 plus 0.5:1 (Area 7)	3.35:1	22

#### 4.1.1 Amendment of Clause 4.3 – Height of Buildings

The proposal seeks to amend the maximum building height across the site, as follows:

- Establish a height of 20m at the eastern end of the site and 35m at the western end of the site under *Clause 4.3 Height of buildings*; and
- Exclude the site from “Area 3” on the height of buildings maps as site specific provisions apply.

The height of buildings map is to be amended generally in accordance with Figure 21 below.



Figure 21: Proposed amendment to Height of Buildings Map to BLEP 2021



- The single FSR represents a change to the original proposal which contained a split FSR of 3:2:1 and 3.6:1. Condition 1(d)(iii) of the Gateway Determination required a single FSR apply to the site of 3.35:1 which represents the weighted average of the original proposal.

[illegible]

#### 4.1.3 Amendment of Clause 6.16 – Development requiring the preparation of a development control plan

#### 6.16 Development requiring the preparation of a development control plan

- 
- Planning Ingenuity Pty Ltd

*(a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or*

*(b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or*

*(c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.*

*(4) The development control plan must provide for all of the following—*

*(a) design principles drawn from an analysis of the site and its context,*

*(b) the compatibility of the proposed development with the desired future character of the area,*

*(c) the phasing of development and how it will provide for the social and recreational needs of a new community,*

*(d) distribution of land uses, including open space (its function and landscaping) and environment protection areas,*

*(e) the existing and proposed mix of land uses,*

*(f) subdivision pattern and provision of services,*

*(g) building envelopes and built form controls, including bulk, massing and modulation of buildings,*

*(h) (Repealed)*

*(i) heritage conservation, including both Aboriginal and European heritage,*

*(j) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and appropriate car parking provision, including integrated options to reduce car use,*

*(k) the overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,*

*(l) improvements to the public domain,*

*(m) minimising adverse impacts on adjoining buildings or the public domain,*

*(n) achieving appropriate interface at ground level between buildings and the public domain,*

*(o) impacts on view corridors,*

*(p) the application of the principles of ecologically sustainable development,*

*(q) environmental impacts, such as overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*



*(r) environmental constraints, including acid sulfate soils, flooding, groundwater, stormwater, aircraft movement and noise, contamination and remediation,*

*(s) opportunities to apply integrated water sensitive urban design,*

*(t) (Repealed)*

*(5) For land specified in subclause (2)(a), the development control plan must also provide for—*

*(a) housing mixes and tenure choices, including affordable and adaptable housing, and*



*(b) no additional overshadowing to the residential buildings in Zone R2 on the eastern side of Bunnerong Road between 9am and 3pm on 21 June in each year.*

#### **4.1.4 Other Relevant Clauses**

This Planning Proposal does not seek to alter application of any other Clauses in BLEP 2021 applicable to the subject site. As discussed in Part 3 of the Report (above), the most notable Clauses that will not be altered include:

- MU1 – Mixed Use Zoning
- Clauses 5.1 and 5.1A – Land Reserved for acquisition
- Clause 6.9 – Active street frontages.

Condition 1(a) of the Gateway Determination foreshadows that a future LEP provision will be inserted into BLEP 2021 to restrict sensitive land uses and ensure notification to, and, consideration of any comment from, the Department prior to issuing any development consent. Therefore, the suggested LEP provision in Part 2.7.8 of this Report is not included in the amendments to BLEP 2021. That being said, our client would not object to the insertion of the above-mentioned suggested LEP provision.

# 5. Planning Proposal

## 5.1 OBJECTIVES AND INTENDED OUTCOMES – PART 1 OF THE GUIDELINE

### 5.1.1 Objectives

The objectives for this Planning Proposal are to:

- i. Facilitate through changes to the current planning controls a 'landmark' development at the heart of the Bexley North Town Centre to form a visual marker and reinforce the importance and identity of the Bexley North Town Centre;
- ii. Contribute towards the revitalisation of the town centre by establishing uses and activation at the heart of the Bexley North Town Centre;
- iii. Establish a 'destination' through the provision of ground level active uses including retention of the Bexley North Hotel with additional café/retail spaces fronting the public car park, the through site links and Slade Road. The active uses will have direct access to the public domain or the publicly accessible open space (in private ownership) within the site;
- iv. Ensure development is of a scale, location and design to have a positive impact on the visual amenity of the locality whilst being compatible with the surrounding built and natural environment;
- v. Create new vehicular and pedestrian connections and strengthen existing links to public transport;
- vi. Enhance pedestrian permeability through the site to link surrounding sites and public spaces;
- vii. Address housing affordability by providing a mix of housing choices;
- viii. Create livable communities by providing high quality amenities and open space to meet the needs of existing and future residents of Bexley North; and,
- ix. Deliver the highest standards of urban planning and excellence in architectural design.

### 5.1.2 Intended Outcomes

The Planning Proposal will amend BLEP 2021 to facilitate redevelopment of the site in a manner presented in detail in the indicative concept proposal prepared by JKM Architects. The intended outcomes are as follows:

- i. Assist with meeting strategic development outcomes for high quality mixed use development within an underdeveloped town centre;
- ii. Deliver a redevelopment proposal that facilitates and supports a vibrant range of integrated land uses, quality open spaces and through site links;
- iii. Contribute to meeting new dwelling and employment targets set by state, regional and local strategies;
- iv. Retain the pub use (Bexley North Hotel) as a destination which is enhanced by other retail and food and drink premises to contribute towards the economic vitality of the locality within an easy and safe walking distance to a catchment of local residents;
- v. Creating new residential accommodation opportunities in an area with high amenity and excellent access to a variety of transport links, social infrastructure and recreational spaces;
- vi. Establish planning controls with the potential to deliver a new built form which integrates with the setting and context of the established character and built form in the surrounding area;
- vii. To achieve a public benefit in terms of providing publicly accessible open space and a mix of compatible land uses without a significant loss of amenity for adjoining properties;
- viii. The provision of through site link (subject to acquisition by Council) to connect to a potential "Urban Piazza" on Council land currently occupied by an existing carpark; and,
- ix. Allow for the orderly and economic development of the land.

The indicative concept proposal is based on a detailed urban design analysis of the site and its setting combined with input from specialist studies for traffic and movement, detailed modelling of visual impacts and solar access and the feedback provided throughout the design development process.

## 5.2 EXPLANATION OF PROVISIONS – PART 2 OF THE GUIDELINE

The proposed outcome will be achieved by:

- amend the height of buildings standard (Clause 4.3) to permit buildings to a maximum height of 20m and 35m and exclude the site from “Area 3” on the Height Map (refer to Figure 21);
- amend the FSR standard (Clause 4.4) to permit buildings with a maximum FSR of 3.35:1 and exclude the site from “Area 7” on the FSR Map (refer to Figure 22);
- amend the development requiring the preparation of a development control plan (Clause 6.16) to include Lot 30 in DP 1222252 – 187 Slade Road, Bexley North; and
- No changes to Land Reserved for Acquisition (Clause 5.1 and 5.1A).

All other provisions of BLEP 2021 are to remain unchanged.

The detailed description and explanation of the provisions is provided in Part 4 of this Report (above).

## 5.3 JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT – PART 3 OF THE GUIDELINE

This section details the reasons for the proposed LEP amendments and is based on a series of questions as outlined in the Department of Planning and Environment’s *Local Environmental Plan Making Guideline (August 2023)*.

The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts. This will be discussed through Part 5.3 of this Report with the Strategic and Site Specific Merit summarised at the end of this section.

In summary, the proposed amendments to BLEP 2021 outlined above and in Part 4.1 of this Report will:

- Align with the relevant key priorities and strategic merit matters in the *Greater Sydney Regional Plan* and *Eastern City District Plan* in particular increasing housing and employment in a town centre and within walking distance (200m) of Bexley North Railway Station;
- Be consistent with the relevant key planning priorities, and strategic and site-specific merit matters contained in the *Bayside Local Strategic Planning Statement*;
- Support the *Bayside 2032 - Community Strategic Plan 2018-2031* through facilitating new publicly accessible through site links and creating an active and vibrant place for the community;
- Respond to the shortfall in housing as required by the *Bayside Local Housing Strategy*;
- Deliver publicly accessible through-site links from Sarsfield Circuit to the public car park and another through site link north-south to Slade Road, thereby improving pedestrian activity throughout the locality which will likely be secured at the development application stage;
- Activate and bring vitality to the public car park, the through-site links and Slade Road locality which is otherwise devoid of a strong pedestrianised character via the retention of the pub use (Bexley North Hotel) and various retail tenancies. The proposal will also take potential activation away from Sarsfield Circuit which is typically residential in nature;
- Provide the opportunity to deliver public art or interactive spaces within the through-site links, which will add to the cultural diversity of the locality as desired by the *Bayside Local Strategic Planning Statement*;
- Respond to the circumstances of the site not recognised by the existing development standards, in that the current standards do not encourage redevelopment of the site; and
- Deliver a development which will be compatible with the character of the locality, resulting in improvements to the urban design, streetscape character and amenity of the locale through the provision of public open spaces and compatible land uses.

## *Questions for consideration in demonstrating justification*

### **5.3.1 Section A - The Need for the Planning Proposal**

#### ***Q1: Is the Planning Proposal the result of any strategic study or report?***

In part. The subject site has been considered in a previous development application and the current Planning Proposal process was encouraged by Council staff prior to withdrawal of that application.

There are no strategic studies or reports that directly address the subject site. Nonetheless, the Planning Proposal has been initiated by Turnborn Pty Ltd to address a recognised need for housing and employment within an underdeveloped town centre with excellent access to public transport. It is envisaged that this Planning Proposal will be the catalyst for the revitalisation of the local centre.

The indicative concept scheme responds to the aims and objectives of the various strategies by providing housing, employment, through site links and publicly accessible open space, in a well-located town centre. This is therefore consistent with the Bayside LSPS and Housing Strategy, as discussed in this Report. Furthermore, the proposal is consistent with the relevant state, regional or local strategic strategies.

The Planning Proposal is accompanied by a Consolidated Urban Design Report (cUDR) prepared by Carter Williamson.

#### ***Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?***

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes discussed in Part 5.1.1 and 5.1.2 of this report.

The current provisions of BLEP 2021 do not permit the built form as described in the supporting cUDR and indicative concept proposal prepared by Carter Williamson and JKM Architects respectively. Therefore, the current provisions cannot deliver the opportunities which are framed by the objectives and intended outcomes set out above.

Importantly, the current development standards do not recognise a transition in form from the MU1 - Mixed Use zone of the site to the R2 – low density residential zoning on the opposite side of Sarsfield Circuit. The split height limits proposed will ensure a transition in scale and the redistribution of bulk away from the sensitive eastern boundary to the northern and western boundaries fronting Slade Road or the Council car park. The Planning Proposal, in fact, proposes a reduction in height along the Sarsfield Circuit frontage compared with the current controls with redistribution of building mass to less sensitive parts of the site and to capitalise on unique opportunities to integrate with the surrounding town centre.

The site has been demonstrated to have a variety of attributes conducive to a higher density development comprising a mixture of non-residential and residential uses as well as the delivery of numerous public benefits. The public benefits of the redevelopment include the following:

- The redevelopment of the site will act as a catalyst for the future redevelopment of the urban block bounded by Bexley Road, Slade Road and Sarsfield Circuit;
- The provision of a high quality mixed use building that defines the street frontage and provides generous and well defined open spaces for residents on the upper levels;
- The provision of through site links to connect to a potential “Urban Piazza” on Council land currently occupied by an existing carpark;
- The redistribution of massing away from the sensitive eastern boundary towards the northern and western boundaries will provide increased visual amenity through delivery of a ‘landmark’ building with generous building separation;
- A variation to building heights within future development will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive Bexley North town centre;
- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point from Sarsfield Circuit;
- Retain the existing pub use (Bexley North Hotel) as a destination which is enhanced by other retail premises to

contribute towards the economic vitality and increased activation on the primary frontage to Slade Road, within an easy and safe walking distance to a catchment of local residents;

- The provision of lower density residential uses fronting Sarsfield Circuit to provide a transition in scale to the low density residential development to the east and provide increased natural surveillance of the public domain, and
- Deliver the highest standards of urban planning and excellence in architectural design, through establishment of prescriptive building envelope controls.

The public benefits and additional residential density can only be delivered through changes to the current planning provisions. It is noted that these LEP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

**Standard**

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

The Planning Proposal is the only way to satisfy objectives and intended outcomes as detailed above.

### 5.3.2 Section B - Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in the guidelines (Questions 3-6) demonstrate that the planning proposal has clear strategic and site-specific planning merit.

***Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

This Planning Proposal is consistent with the applicable regional and sub regional strategies. The strategic plans identify the need to deliver greater employment opportunities and a mixture of new housing for a variety of age groups throughout the established urban metropolitan area, particularly in locations that are in close proximity to a variety of public transport options. This Planning Proposal seeks a mix of residential and non-residential land uses on a site in an established urban environment that is well served by infrastructure, utilities and public transport which is consistent with the relevant regional and metropolitan plans. This Planning Proposal will:

- Increase housing choice and availability in a highly accessible location;
- Increase the available non-residential floor space on the site to promote greater employment opportunities;
- Deliver redevelopment at a scale which is compatible with the existing and desired future character of the locality;
- Permit future residents and visitors access to well-established services and facilities within the locality with access to various local, strategic and metropolitan centres;
- Increase tree canopy cover to mitigate urban heat loads; and,
- Permit future occupants and visitors to have the potential to use environmentally efficient buildings with thermal and water efficient design and will have options to use a wide range of transport options.

The applicable documents are considered in turn below.

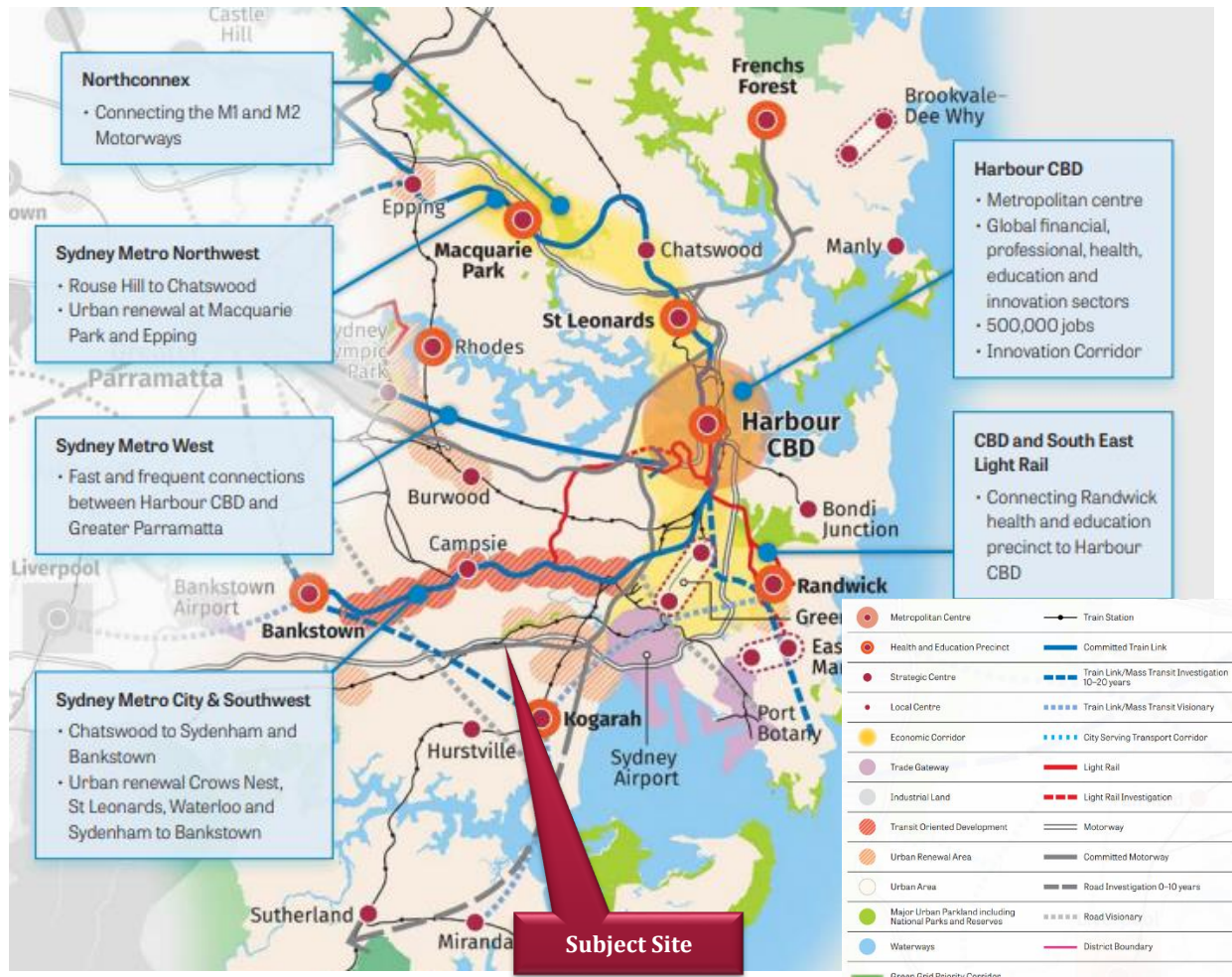
#### 5.3.2.1 A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)

On 23 March 2018, the Greater Sydney Commission released A Metropolis of 3 Cities: The Greater Sydney Region Plan (GSRP). The GSRP contains a revised ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;

4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy identifies the site as being located within the “Eastern Harbour City” as detailed in Figure 23.



**Figure 23:** The Eastern Harbour City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions
<b>Direction 1 – A city supported by infrastructure</b>
<b>Objective 1: Infrastructure supports the three cities</b>
Not Applicable.
<b>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact</b>
Not Applicable.
<b>Objective 3: Infrastructure adapts to meet future needs</b>
Not Applicable.
<b>Objective 4: Infrastructure use is optimised</b>

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

This objective seeks to maximise the use of existing infrastructure.

The proposal is consistent with this objective as it seeks to enable the redevelopment of the site for mixed use purposes, which is located within walking distance (200m) of the Bexley North Railway Station, buses and other facilities within the town centre.

The indicative concept scheme prepared by JKM Architects demonstrates the potential for the delivery of approximately 92 residential dwellings and 4,575sqm of non-residential floor space (including a pub, 50 room hotel and numerous smaller retail/food and drink premises to activate frontages. These uses will be provided within walking distance of existing bus and rail services.

**Direction 2 – A collaborative city**

**Objective 5: Benefits of growth realised by collaboration of governments, community and business**

Not Applicable.

**Direction 3 – A city for people**

**Objective 6: Services and infrastructure meet communities' changing needs**

This objective is about providing social infrastructure and public places that reflect the needs of the community now and in the future.

The indicative concept proposal retains the existing pub use (Bexley North Hotel) on the site, and also facilitates the provision of a new café and retail tenancies. The concept proposal also provides a high quality publicly accessible plaza located between the two buildings. The Planning Proposal is consistent with this objective.

**Objective 7: Communities are healthy, resilient and socially connected**

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed use centres and the opportunities for public and alternative forms of transport.

The subject site is well-located, accessible to local infrastructure, including public transport, health services and amenities. Space will be provided on site for publicly accessible open space (in private ownership) to benefit the wider local community. The indicative concept proposal indicates a mixture of residential and non-residential uses on the site, with enhanced pedestrian permeability through the site, via the provision of two through-site links. This will enhance the connectivity through the site, enabling improved pedestrian and cycling movements. The Planning Proposal is consistent with this objective.

**Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods**

This objective is about fostering cultural diversity and facilitating their growth.

The indicative concept proposal will provide for a mix of one, two and three bedroom apartments which will provide accommodation for a broad cross section of the community. In addition, 50 hotel rooms and facilities will be provided on Levels 2-3 for short term accommodation. The co-location of residential and non-residential uses also provides potential for a type of live/work lifestyle. The Planning Proposal is consistent with this objective.

**Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation**

Not Applicable.

**Direction 4 – Housing the city**

**Objective 10: Greater housing supply**

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036. The Eastern City will require 157,500 homes up to 2036. Combined with changing demographics and housing affordability challenges, greater housing choice will be needed.

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

The indicative concept proposal will provide a supply of employment and dwellings within the Bexley North local centre. The indicative concept proposal will provide for approximately 92 new dwellings within a highly accessible location in terms of public transport, services and community facilities. The Planning Proposal is consistent with this objective.

**Objective 11: Housing is more diverse and affordable**

The Plan encourages the provision of a supply of diverse housing supply and encourages the provision of Affordable Housing.

In providing a supply of apartments, the indicative concept proposal will add to the diversity accommodation in the Bexley North area. The indicative concept proposal outlines the apartment mix will comprise of 24 x 1 bedroom (26%), 49 x 2 bedroom (53%) and 19 x 3 bedroom (21%) to house a variety of people within the local centre. The Planning Proposal is consistent with this objective.

**Direction 5 – A city of great places**

**Objective 12: Great places that bring people together**

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets;
- Fine grain fabric and activity;
- A diverse mix of uses;
- A socially connected region;
- Ensure adequate car parking which takes into account access to public transport; and
- Encourage the use of car sharing and hybrid vehicles.

The indicative concept proposal will enhance the public domain and provide north-south and east-west through site connections as well as a mix of employment and residential uses that directly accords with the plans ambition. The indicative concept proposal will attract people to the site and promote connectivity and a sense of place. The mix of uses on site will encourage interaction and provide for greater employment and services in close proximity to residential accommodation. The fine grain detail of concept scheme will be provided at the development application stage and will be outlined in a future Site Specific DCP in accordance with Clause 6.16 of BLEP 2021.

The site is in a highly accessible location and the provision of car parking will be cognisant of the proximity to public transport and surrounding services. Alternative forms of transport, car sharing and electric vehicles will be encouraged. The Planning Proposal is consistent with this objective.

**Objective 13: Environmental heritage is identified, conserved and enhanced**

The Plan seeks to manage and monitor the cumulative impact of development on the heritage values and character of places.

The subject site is not a heritage item or within a heritage conservation area. There are no heritage items or conservation areas in the vicinity of the site. It is therefore considered unlikely that the proposal will have an impact on heritage values. The Planning Proposal is consistent with this objective.

**Direction 6 – A well-connected city**

**Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities**

The Metropolitan Plan seeks to integrate land use and transport planning to provide more housing and services closer to transport hubs.

The site is located a 200m walk east of Bexley North Railway Station. The proposal provides increased housing (92 dwellings), increased non-residential uses (4,575sqm of GFA) including a 50 room hotel and services in close proximity to the existing train station and bus stops. The mix of uses proposed in the indicative concept scheme will significantly improve the density and jobs on the site when compared to the existing underdeveloped site. The Planning Proposal is consistent with this objective.

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

**Objective 15: The eastern, GPOP and western economic corridors are better connected and more competitive**

Not Applicable.

**Objective 16: Freight and logistics network is competitive and efficient**

Not Applicable.

**Objective 17: Regional connectivity is enhanced**

Not Applicable.

**Direction – Jobs and skills for the city**

**Objective 18: Harbour CBD is stronger and more competitive**

Not Applicable.

**Objective 19: Greater Parramatta is stronger and better connected**

Not Applicable.

**Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western parkland City**

Not Applicable.

**Objective 21: Internationally competitive health, education, research and innovation precincts**

Not Applicable.

**Objective 22: Investment and business activity in centres**

The plan seeks to provide better access to jobs, good and services in centres.

The proposal will provide 4,575sqm of non-residential land and approximately 92 apartments on the subject site. This will promote access to jobs and business within the Bexley North Local Centre. The Planning Proposal is consistent with this objective.

**Objective 23: Industrial and urban services land is planned, retained and managed**

Not Applicable.

**Objective 24: Economic sectors are targeted for success**

Not Applicable.

**Direction 8 – A city in its landscape**

**Objective 25: The coast and waterways are protected and healthier**

Not Applicable.

**Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced**

Not Applicable.

**Objective 28: Scenic and cultural landscapes are protected**

Not Applicable.

**Objective 29: Environmental, social and economic values in rural areas are protected and enhanced**

Not Applicable.

**Objective 30: Urban tree canopy cover is increased**

The Metropolitan Plan seeks to expand the urban tree canopy in the public realm.

The existing site is largely devoid of significant planting. The indicative concept proposal will provide an improvement to the urban canopy and public realm with trees proposed along street frontages, and green roofs proposed to the eastern building and parts of the western building. The choice of landscaping and its placement around the periphery of the site and within the public spaces at ground level will enhance ground level amenity and provide a leafy outlook for workers and residents on the site. An indicative Landscape Plan has been prepared by Site Design Studios and is submitted with this report. The Planning Proposal is consistent with this objective.

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

**Objective 31: Public open spaces is accessible, protected and enhanced**

This Plan seeks to maximise the use of existing public open space and protect, enhance and expand public open space.

The indicative concept plan will provide publicly accessible open space (in private ownership) by providing links between the buildings (north-south) and links between Sarsfield Circuit and the public car park (east-west). This will enhance links within the public domain and is consistent with this objective.

**Objective 32: The green grid links parks, open spaces, bushland and walking and cycling paths**

Not Applicable.

**Direction 9 – An efficient city**

**Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change**

Not Applicable.

**Objective 34: Energy and water flows are captured, used and re-used**

The Metropolitan Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the development of the site including rainwater harvesting, increased landscaping and tree canopy cover, and the use of natural ventilation and lighting where possible. This will be considered at the development application stage. The Planning Proposal is consistent with this objective.

**Objective 35: More waste is re-used and recycled to support the development of a circular economy**

Not Applicable.

**Direction 10 – A resilient city**

**Objective 36: People and places adapt to climate change and future shocks and stresses**

Not Applicable.

**Objective 37: exposure to natural and urban hazards is reduced**

This objective seeks to provide for new urban development in appropriate areas considering natural and urban hazards.

The subject site is subject to overland flow and is in close proximity to the Moomba to Sydney (Ethane) pipeline. These hazards have been considered in Part 2.7.8 of this report (above). The Planning Proposal is consistent with this objective.

**Objective 38: Heatwaves and extreme heat are managed**

The Metropolitan Plan seeks to mitigate the urban heat island effect and reduce vulnerability to extreme heat.

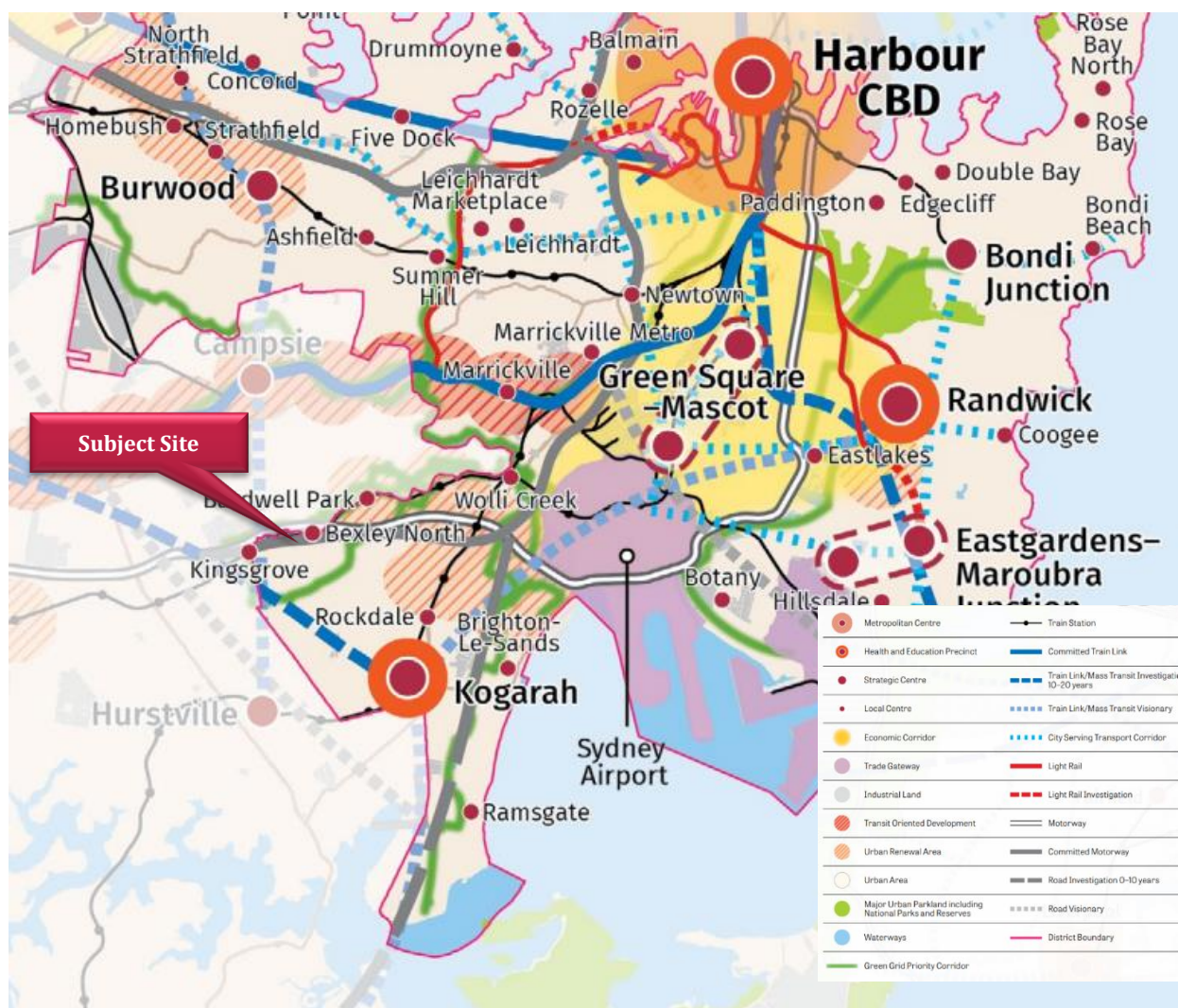
It is proposed to explore a number of measures in design and material choices that will reduce the urban heat loads and therefore reduce the reliance on mechanical ventilation. The indicate concept proposal shows an increase in landscaping on the subject site. The Planning Proposal is consistent with this objective.

### 5.3.2.2 Eastern City District Plan

The Eastern City District Plan (ECDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in this Planning Proposal. The Eastern City District Plan is a guide to implementing the Greater Sydney Region Plan at a District level. It provides a 20-year plan to manage growth and achieve the 40 year vision.

The Eastern City District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

The District Plan outlines actions for how the Eastern City District will work towards meeting the priorities and objectives of the Regional Plan. Figure 24 details the land within the Eastern City District Plan which details that Bexley North is a Local Centre:



**Figure 24:** The Eastern City District Plan locality (Source: Eastern City District Plan)

The Proposal supports a number of the actions outlined in the plan as outlined in the following table:

Table 5 Eastern City District Plan
<b>Direction 1 – A city supported by infrastructure</b>
<b>Planning Priority E1 Planning for a city supported by infrastructure</b>
Not Applicable.
<b>Direction 2 – Working Together to Grow a Greater Sydney</b>
<b>Planning Priority E2 Working through collaboration</b>
Not Applicable.
<b>Direction 3 – Celebrating diversity and putting people at the heart of planning</b>
<b>Planning Priority E3 Providing services and social infrastructure to meet people’s changing needs</b>
Not Applicable.

#### Table 5 Eastern City District Plan

##### Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities

The Planning Proposal will facilitate the indicative concept proposal which will deliver a safe and inclusive environment that provides activity in the public domain and within the site. The indicative concept proposal intends to create high quality publicly accessible open space areas for new residents, visitors and neighbours and cater for a wide variety of people and day to day activities.

The subject site is well connected to existing open space, community facilities and services in and around the Bexley North town centre. In addition, the subject site is within walking distance (200m) of Bexley North Railway Station, numerous bus stops and will promote alternative forms of transport.

The proposal is expected to have positive social impacts when factoring in the key social-economic indicators of population, employment and housing tenure and will not result in any negative impacts on the social fabric of the surrounding area. The Planning Proposal is consistent with this planning priority.

##### Direction 4 – Housing the city

##### Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport

Bayside Council is required to provide an additional 10,150 dwellings from 2016-2021. The site is currently under-developed and the indicative concept proposal represents an opportunity to provide a variety of housing and employment opportunities in a highly accessible area. The provision of approximately 92 apartments and 4,575sqm of non-residential floor space as part of a mixed use development will cater for the additional population and provide additional employment opportunities in the short and long term.

The Gateway Determination Report notes that the Eastern City District is experiencing significant population and household growth which is projected to translate to a need of an additional 157,500 homes between 2016-2036. The delivery of an additional 92 dwellings within an existing town centre will assist in meeting the aspirational dwelling targets in an ideal strategic location. The Planning Proposal is consistent with this planning priority.

##### Direction 5 – A city of great places

##### Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

The subject site is located within the Bexley North town centre which is designated as a Local Centre.

The indicative concept proposal will provide north-south and east-west through-site links which will be publicly accessible open space (in private ownership), as well as providing enhanced and active frontages to Slade Road, the Council land to the west and the land slated for acquisition to the south. The increased permeability and vitality will create open and active spaces for residents, workers and visitors.

The indicative concept proposal will also permit the removal of two vehicular cross overs on Slade Road, to create a single entry and exit point from Sarsfield Circuit. The subject site is within 200m walking distance of Bexley North Railway Station, numerous bus stops and the services of the Bexley North Centre. The provision of the pub and retail premises on the ground floor that open onto north and east facing publicly accessible open space will promote activity and social interaction for workers, occupants and surrounding residents. The proposal is a place-based solution to redevelopment of the site since it proposes to retain and incorporate the use of the pub (Bexley North Hotel) into the redevelopment. The Planning Proposal is consistent with this planning priority.

##### Direction 6 – A well connected city

##### Planning Priority E7 Growing a stronger and more competitive Harbour CBD

Not Applicable.

##### Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor

Not Applicable.

**Table 5 Eastern City District Plan**

**Planning Priority E9 Growing international trade gateways**

Not Applicable.

**Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city**

The District Plan seeks to integrate land use and transport planning to provide more housing, employment opportunities and services closer to transport hubs. In this regard, the site is located within 200m walking distance of Bexley North Railway Station.

The provision of 4,575sqm of non-residential floor space and approximately 92 apartments within 200m of Bexley North Railway Station and the entry/exit to the M5 Motorway will provide excellent levels of connectivity and provides an integrated solution for land use and transport planning. The site is entirely capable of servicing the additional density proposed in the changes to the Height of Buildings and FSR development standard. The Planning Proposal is consistent with this planning priority.

**Direction 7 – Jobs and skills for the city**

**Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres**

Not Applicable.

**Planning Priority E12 Retaining and managing industrial and urban services land**

Not Applicable.

**Planning Priority E13 Supporting growth of targeted industry sectors**

The Plan seeks to implement place based activities to attract more visitors.

The indicative concept scheme provides for the retention of the pub use (Bexley North Hotel) and the provision of a 50 room hotel above to promote the visitor economy. The site is well located and 200m from Bexley North Railway Station to promote connectivity without the need to rely on cars. The Planning Proposal is consistent with this planning priority.

**Direction 8 – A city in its landscape**

**Planning Priority E14 Protecting and improving the health and enjoyment of Sydney Harbour and the district's waterways**

Not Applicable.

**Planning Priority E15 Protecting and enhancing bushland and biodiversity**

Not Applicable.

**Planning Priority E16 Protecting and enhancing scenic and cultural landscapes**

Not Applicable.

**Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections**

The indicative concept proposal will enhance the public domain by providing trees around the periphery of the site (where not required to have an active frontage) to expand the urban tree canopy and make connections with the existing tree network. Refer to the indicative landscape plan prepared by Site Design Studios submitted with this report. The Planning Proposal is consistent with this planning priority.

**Planning Priority E18 Delivering high quality open space**

The indicative concept proposal will provide publicly accessible open space (in private ownership) between the proposed buildings. These open spaces will also provide north-south and east-west through-site links to enhance connectivity within the Bexley North Town Centre. The Planning Proposal is consistent with this planning priority.

**Direction 9 – An efficient city**

**Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently**

It is proposed to explore a number of sustainability measures in the development application stage which may include solar panels, green roofs and walls, water harvesting, and the use of natural ventilation where possible.

**Table 5 Eastern City District Plan**

Furthermore the provision of 4,575sqm of employment generating uses better matched to the local populace will encourage more local trips and jobs close to home. These will result in a reduction in car use and increased likelihood of walking. The Planning Proposal is consistent with this planning priority.

**Direction 10 – A resilient city**

**Planning Priority E20 Adapting to the impacts of urban and natural hazards and climate change**

Various measures will be explored to mitigate the urban heat island effect, including choices in materials and increasing tree canopy cover on the site. The subject site is subject to overland flow and is in close proximity to the Moomba to Sydney (Ethane) pipeline. These hazards have been considered in Part 2.7.8 of this report (above). The Planning Proposal is consistent with this planning priority.

***Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?***

**5.3.2.3 Bayside 2032 – Community Strategic Plan 2018-2032**

The Bayside 2032 – Community Strategic Plan 2018-2032 was adopted by Council after extensive community engagement. The Plan has been prepared by Council through a series of community consultations. This Plan sets out the community's vision to 2032 and sets out four strategic themes to deliver that vision:

- Theme One: In 2032 Bayside will be a vibrant place.
- Theme Two: In 2032 our people will be connected in a creative city.
- Theme Three: In 2032 Bayside will be green, resilient and sustainable.
- Theme Four: In 2032 Bayside will be a prosperous community.

The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Bayside Community Strategic Plan:

**Table 6 Bayside 2032 - Community Strategic Plan 2018-2032**

**Theme One: In 2032 Bayside will be a vibrant place**

**Community Outcome 1.1 – Bayside's places are accessible to all**

The proposal will facilitate accessible connections through publicly accessible open space (in private ownership). The spaces are safe and engaging with limited opportunities for concealment due to high levels of surveillance from surrounding and upper level uses.

**Community Outcome 1.2 – Bayside's places are dynamic and connected**

The proposal will facilitate provision of new publicly accessible open space between the two proposed buildings and provides increased permeability through new north-south and east-west through site links. These publicly accessible open spaces are enhanced in the indicative concept proposal with the location of a proposed café, larger pub and two retail tenancies, creating a dynamic space for residents and visitors of Bayside.

**Community Outcome 1.3 – Bayside's places are people focussed**

The proposal will facilitate the provision of 4,575sqm of non-residential floor space (1.08:1) including a pub, hotel and a number of retail premises. These uses will help promote a destination and enhance the existing non-residential uses in the Bexley North Local Centre. The increased non-residential FSR for the site (1.08:1) will provide greater employment opportunities and the co-location of residential and non-residential uses will also provide potential for a type of live/work lifestyle.

**Community Outcome 1.4 – Bayside's transport system works**

The proposal will facilitate the highest standard of urban design and provides high accessible publicly accessible open spaces to facilitate movement. The provision of a singular vehicular entrance on Sarsfield Circuit will minimise conflict between vehicles and pedestrians and all servicing will occur within the basements.

**Table 6 Bayside 2032 - Community Strategic Plan 2018-2032**

The Planning Proposal is consistent with this theme.

**Theme Two: In 2033 our people will be connected in a creative city**

**Community Outcome 2.1 – Bayside celebrates and respects our diverse community**

The Planning Proposal will cater for a diverse population and range of businesses. Community engagement will be undertaken post gateway.

**Community Outcome 2.2 – Bayside utilises and benefits from technology**

The provision of technology and digital access will be considered at the development application stage. It is anticipated that the site will be connected to the NBN and provide “Smart” devices for residential and non-residential uses.

**Community Outcome 2.3 – The community feels valued and supported**

The indicative concept proposal includes indoor and outdoor communal open space for the exclusive use of residents on the upper levels to promote active and passive recreation. The ground floor levels will provide for publicly accessible open space (in private ownership) and public domain improvements to promote connection, interaction and vitality.

**Community Outcome 2.4 – The community is united and proud to live in Bayside**

The proposal will respect the cultural heritage and diversity and maintain equitable access for all stakeholders.

The Planning Proposal is consistent with this theme.

**Theme Three: In 2032 Bayside will be green, resilient and sustainable**

**Community Outcome 3.1 – Bayside is resilient to economic, social and environmental impacts**

The backbone of the Planning Proposal is to retain the use of the Bexley North Hotel which is to be complimented by other non-residential, hotel and residential uses. A diversity of uses will provide for a resilient and viable development for the Town Centre. The indicative concept proposal will include public domain improvements and the provision of landscaping and green roof to enhance the quality of the site and its surrounds. Materials will be chosen at the development application stage that are both aesthetically pleasing and durable.

**Community Outcome 3.2 – Bayside’s use of renewable energy is increasing**

The provision and use of renewable energy will be considered at the development application stage.

**Community Outcome 3.3 – Bayside’s waterways and green corridors are regenerated and preserved**

The capture and re-use of water will be considered at the development application stage. The indicative concept proposal will include public domain improvements and the provision of landscaping and green roads to enhance the quality of the site and its surrounds.

**Community Outcome 3.4 – Bayside’s waste is well managed**

The indicative concept proposal indicates that waste will be collected on site within the basement and there is adequate areas to accommodate the proposed density.

The Planning Proposal is consistent with this theme.

**Theme Four: In 2032 Bayside will be a prosperous community**

**Community Outcome 4.1 – Bayside generates diverse local employment and business opportunities**

The increased non-residential FSR for the site (1.08:1) will provide greater employment opportunities and the co-location of residential and non-residential uses will also provide potential for a type of live/work lifestyle. The subject site is 200m from Bexley North Railway Station and will promote the use of alternative forms of transportation.

**Community Outcome 4.2 – Bayside recognises and leverages opportunities for economic development**

**Table 6 Bayside 2032 - Community Strategic Plan 2018-2032**

The proposal will facilitate the provision of 4,575sqm of non-residential floor space (1.081) including a pub, hotel and a number of retail premises. These uses will help promote activation, vitality and a destination which will enhance the existing non-residential uses in the Bexley North Local Centre.

**Community Outcome 4.3 – Council is financially sustainable and well governed**

The use of the retail spaces and facilitation of the sharing economy will be considered at the development application stage.

The Planning Proposal is consistent with this theme.

#### 5.3.2.4 Bayside Local Strategic Planning Statement 2020

The Bayside Local Strategic Planning Statement was released on 18 March 2020.

Local Strategic Planning Statements (LSPS) are a new legislative requirement for Councils, requiring a 20-year vision for land use, as well as outlining strategies for managing change and preserving the unique character of their areas. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Bayside area. The LSPS will align with the Community Strategic Plan and Eastern City District Plan.

The Bexley North Local Centre is identified as a future investigation area under Bayside LSPS with investigations envisaged within 6-10 years. It is noted that Council's City Planning and Environment Committee on 12 October 2022 have recommended that project planning and master planning commence for three investigations area in the following order: West Kogarah, Botany Road south of Gardner's Road and Bexley North. Given Bexley North is last on the list of priorities, it is not expected that master planning documents will be available prior to gazettal. If any documents are provided prior to finalisation, we would be happy to consider the contents of the report.

It is also noted that the Bayside LSPS proposes the preparation of an Employment Land Strategy. This has not occurred but if any documents are provided prior to finalisation, we would be happy to consider the contents of the report.

The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Bayside LSPS:

**Table 7 Bayside Local Strategic Planning Statement**

**Theme: Infrastructure and collaboration**

**Direction 1 – Infrastructure supporting new developments**

**Planning Priority B1 – Align land use planning and transport infrastructure planning to support the growth of Bayside**

The proposal is located 200m from Bexley North Railway Station and is therefore ideally located to benefit from this existing infrastructure. Alternative forms and the promotion of public transport will be considered at the development application stage. The Planning Proposal is consistent with this priority.

**Planning Priority B2 – Align land use planning with the delivery and management of assets by Bayside Council to support our community**

Not Applicable.

**Direction 2 - Working together to grow a Greater Sydney**

**Planning Priority B3 – Working through collaboration**

Not Applicable.

**Theme: Liveability**

**Direction 1 – A city for people**

**Planning Priority B4 – Provide social infrastructure to meet the needs of the Bayside Community**

**Table 7 Bayside Local Strategic Planning Statement**

The proposal will facilitate the provision public domain improvement and new publicly accessible open space (in private ownership), supported by a pub, hotel and retail tenancies. These areas will promote vitality and interaction and assist with the revitalisation of Bexley North. The Planning Proposal is consistent with this priority.

**Planning Priority B5 – Foster healthy, creative, culturally rich and socially connected communities.**

The proposal will facilitate new publicly accessible open space (in private ownership) with the non-residential uses creating a vibrant space for new cultural and social connections to occur. The indicative concept proposal provides for increased levels of surveillance and limited spaces for concealment to promote public safety. The Planning Proposal is consistent with this priority.

**Direction 2 – Housing the city**

**Planning Priority B6 – Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors**

The proposal will facilitate a high-density mixed use development provided in the Bexley North Town Centre, in close proximity to Bexley North Railway Station. In this regard, the provision of approximately 92 apartments and a 50 bed hotel will provide long and short term accommodation to cater for a variety of needs in the locality. As discussed above, the Bexley North local centre is slated for investigation in the medium term (6-10 years) for urban growth but this has not occurred. The indicative concept proposal will provide a catalyst for the redevelopment of the local centre. The Planning Proposal is consistent with this priority.

**Planning Priority B7 – Provide choice in housing to meet the needs of the community.**

The indicative concept proposal provides 24 x 1 bedroom units (26%), 49 x 2 bedroom units (53%) and 21 x 3 bedroom units (19%). In addition, a 50 room hotel is proposed to provide short term accommodation for visitors. The proposal therefore provides a variety of unit sizes and housing choice to cater for a variety of occupants.

The Planning Proposal will also redistribute bulk away from the lower density residential dwellings on the eastern side of Sarsfield Circuit to provide a better transition between the lower and higher density than envisaged under the current planning controls. The Planning Proposal is consistent with this priority.

**Planning Priority B8 – Provide housing that is affordable**

The provision of Affordable Housing may be explored as part of the VPA contribution (dependent on negotiations with Council) or at the development application stage. The Planning Proposal is consistent with this priority.

**Direction 3 – A city of great places**

**Planning Priority B9 – Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm**

The indicative concept proposal provides a high quality publicly accessible open space between the two buildings, which is enhanced by the proposed adjoining commercial spaces that include a pub, hotel and retail uses and residential tenancies above. The proposal will also enhance the public domain along Slade Road and Sarsfield Circuit. Design Excellence will be detailed at the development application stage. The Planning Proposal is consistent with this priority.

**Planning Priority B10 – Value, protect and conserve Aboriginal heritage**

A future development application will consider the diverse and cultural heritage of the locality.

**Planning Priority B11 – Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas**

There are no heritage items in the immediate vicinity of the subject site.

**Theme: Productivity**

**Direction 1 - A well connected city**

**Planning Priority B12 – Delivering an integrated land use and a 30-minute city**

**Table 7 Bayside Local Strategic Planning Statement**

The proposal integrates land use planning with the provision of infrastructure, by locating new employment and housing opportunities 200m from the Bexley North Railway Station. The promotion of public transport and alternative forms of transport will be considered at the development application stage. The Planning Proposal is consistent with this priority.

**Direction 2 – Jobs and skills for the city**

**Planning Priority B13 – Contribute to growing a stronger and more competitive Harbour CBD**

The Employment Land Strategy has not been prepared. Notwithstanding this, the indicative concept proposal will provide for 4,575sqm of non-residential floor space to enhance employment opportunities in the local centre.

**Planning Priority B14 – Protect and grow the international trade gateways**

Not Applicable.

**Planning Priority B15 – Growing investment, business opportunities and jobs in Bayside's strategic centres and centres**

The proposal will increase investment, business opportunities and jobs in the Bexley North Town Centre, through the provision of 4,575m<sup>2</sup> of non-residential floor space (1.08:1) including a pub, hotel and retail premises. These uses will help promote a destination and enhance the existing non-residential uses in the Bexley North Local Centre. The Planning Proposal is consistent with this priority.

**Planning Priority B16 – Contribute to growing the health and education Kogarah, Randwick and Camperdown**

Not Applicable.

**Planning Priority B17 – Retain and manage industrial and urban services lands**

Not Applicable.

**Planning Priority B18 – Support the growth of targeted industry sectors**

The indicative concept proposal will provide for a 50 room hotel to help promote the tourism sector within the Bexley North Local Centre. The Planning Proposal is consistent with this priority.

**Theme: Sustainability**

**Direction 1 – A city in its landscape**

**Planning Priority B19 – Protect and improve the health of Bayside's waterways and the biodiversity**

The harvesting and re-use of water will be considered at the development application stage.

**Planning Priority B20 – Increase urban tree canopy tree canopy cover and enhance green grid connections**

The concept proposal will provide new green roofs and increase tree planting on street frontages to enhance the public domain. The Planning Proposal is consistent with this priority.

**Planning Priority B21 – Deliver high quality open space**

The concept proposal provides a new high quality open space accessible to the public, but in private ownership. These areas will provide high quality and equitable access for the enjoyment of stakeholders in the local area. The Planning Proposal is consistent with this priority.

**Planning Priority B22 – Protect and enhance scenic and cultural landscapes**

Not Applicable.

**Direction 2 – An efficient city**

**Planning Priority B23 – Reduce carbon emissions through improved management of energy, water and waste**

The use of energy, water and waste will be considered at the development application stage.

**Direction 3 – A resilient city**

**Planning Priority B24 – Reduce community risk to urban and natural hazards and improve the community's resilience to social, environmental and economic shocks and stressors.**

**Table 7 Bayside Local Strategic Planning Statement**

The subject site is subject to overland flow and is in close proximity to the Moomba to Sydney (Ethane) pipeline. These hazards have been considered in Part 2.7.8 of this report (above). The Planning Proposal is consistent with this planning priority.

### 5.3.2.5 Bayside Local Housing Strategy 2020-2036

The Bayside Local Housing Strategy 2020-2036 (BLHS) sets the strategic framework and vision for housing within the Bayside LGA and provides an action plan for residential growth. This Plan sets out the directions for Bayside's housing future and sets out six objectives to guide the delivery of that vision:

1. Planning for housing supply will establish sufficient capacity to accommodate future (20 year) housing demand while retaining the capacity to accommodate longer term demand aligned with transport infrastructure provision.
2. New housing will be located in and around existing centres with accessibility and walkability to public transport and align with the provision of transport and other infrastructure.
3. New housing will deliver greater diversity of housing choice to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.
4. Housing affordability in Bayside would be improved, with relatively affordable housing protected and additional affordable rental housing provided.
5. Advocacy and partnerships would encourage direct investment into transport by the NSW Government and ensure a collaborative approach to housing and transport provision.
6. New housing would be of high quality, well designed, responsive to local character and meet the community's needs.

The BLHS outlines a dwelling target from 2016-2021 of 10,150 additional dwellings and a target of 26,021 additional dwellings by 2036. The BLHS states as following:

*Bayside is on track to meet its 2016-2021 housing target. Since 2016, there has been 8,112 dwellings built in the LGA with more development in the pipeline. Bayside has capacity for an additional 16,609 dwellings under existing planning controls. Existing development since 2016 coupled with the capacity of the current planning controls can deliver around 24,721 additional dwellings.*

Furthermore, NSW Department of Planning, Industry and Environment (DPIE) have used population projections to set an aspirational housing target of 28,050 additional dwellings for Bayside up to 2036. As noted above, the existing planning controls and existing development since 2016 cannot meet the target of 26,021 additional dwellings under the BLHS or the aspirational target of 28,050 additional dwellings set by the Department. The Planning Proposal provides a unique opportunity to provide an additional 92 dwellings and additional employment opportunities in the town centre that is ideally located close to public transport and suited for an uplift in development.

The following table details how the Planning Proposal is consistent with the relevant mechanisms and actions set out within the Bayside Local Housing Strategy to achieve the objectives of the Strategy:

**Table 8 Bayside Local Housing Strategy**

**Objective 1 Plan for housing supply and delivery**

**Action 1.1 Plan for housing targets of 10,150 additional dwellings between 2016 and 2021, 7,720 additional dwellings between 2021 and 2026 and 8,151 additional dwellings between 2026 and 2036.**

As discussed above, the indicative concept proposal will provide additional employment opportunities and dwellings within the Bexley North local centre. The indicative concept proposal will provide for approximately 92 new dwellings within a highly accessible location in terms of public transport, services and community facilities. The Planning Proposal is consistent with this action.

**Action 1.2 Review development capacity and take-up rates every five years to ensure sufficient capacity remains.**

Not applicable.

## Table 8 Bayside Local Housing Strategy

### Objective 2 Plan for the location of new housing

#### Action 2.1 Investigate and plan for the investigation areas outlined in this Strategy (Arncliffe, Banksia, Rockdale, Kogarah, Carlton, Bexley North and Bardwell Park) including the preparation of an implementation plan.

The proposal aligns with the plan for the Bexley North investigate area which identifies that higher densities could be achieved in the centre and adjacent to the Railway Line.

### Objective 3 Plan for diversity in housing types

#### Action 3.1 Develop planning controls requiring a percentage of all new apartments to have three bedrooms

The indicative concept proposal will provide for approximately 92 new dwellings, of which 19 or 21% will provide three bedrooms. The final design will be detailed at the development application stage.

#### Action 3.2 Review Part 4C.5.2 Family Friendly Apartment Buildings of the Botany Bay Development Control Plan 2013 and adopt similar provision in the forthcoming Bayside Development Control Plan

Not applicable.

#### Action 3.3 Develop planning controls requiring a percentage of all new apartments to be studios in selected precincts close to train stations.

The indicative concept proposal will provide for approximately 92 new dwellings, of which any number of these, based on housing demand, could be studio dwellings. This will be detailed at the development application stage.

#### Action 3.4 Develop planning controls requiring the delivery of ground floor terraced dwellings in apartment building where retail premises do not need to be delivered.

Due to the location of the site with active frontage requirements, only residential development in Sarsfield Circuit could provide ground floor terraced dwellings. The indicative concept plan demonstrates that residential uses will face the low density residential uses on the opposite side of Sarsfield Circuit to improve the interface between zones.

#### Action 3.5 Investigate the need for planning controls that require a percentage of all new dwellings in larger multi-dwelling housing and attached dwelling developments to be single storey and adaptable.

Not applicable.

#### Action 3.6 Permit dual occupancies throughout the Bayside LGA with minimum site frontage and area provisions set out in the LEP (except in identified heritage conservation areas or potential local character areas).

Not applicable.

### Objective 4 Promote housing affordability

#### Action 4.1 Develop an affordable housing strategy that meets the requirements of the Eastern City District Plan.

The provision of affordable housing will be considered at the development application stage.

#### Action 4.2 Develop an affordable housing contributions scheme that sets out how, where and at what rate development contributions can be collected by Council for affordable housing.

Bayside Council is yet to prepare an Affordable Housing Scheme. The provision of affordable housing will be considered at the development application stage.

#### Action 4.3 Develop a voluntary planning agreement (VPA) policy to facilitate VPAs in instances where an affordable housing contributions scheme does not apply.

A letter of offer to enter into a VPA is provided to Council under separate cover. Bayside Council has not progressed the VPA but Gateway Determination has been received. The applicant maintains its VPA offer to Council and will await engagement on the next steps.

#### Action 4.4 Continue to engage with NSW Land and Housing Corporation regarding the retention, upgrade and potential expansion of publicly owned social housing in Bayside.

Not applicable.

## Table 8 Bayside Local Housing Strategy

### Action 4.5 Investigate potential partnerships with community housing providers to facilitate affordable housing provision.

Not applicable.

### Action 4.6 Protect clusters of walk-up apartments from redevelopment to maintain the existing supply of rental housing that is relatively affordable.

Not applicable.

## Objective 5 Encourage infrastructure delivery through advocacy and partnerships

### Action 5.1 Work with the NSW Government on improved transport connections to Brighton Le Sands and Ramsgate prior to further land use change, including long-term mass transit as identified in Future Transport 2056 and more immediate service improvements

Not applicable.

### Action 5.2 Work with the Greater Sydney Commission and Randwick Council on planning for the strategic centre of Eastgardens-Maroubra Junction, including timing for improved transport accessibility to support current and future development of the strategic centre.

Not applicable.

### Action 5.3 Work with NSW Government to understand the staging of long term transport infrastructure investment, with the intention of preserving long-term development capacity around future mass transit stations between Kingsgrove and Kogarah (including Bexley) until timing for delivery is available

The M5 Motorway tunnel extension is proposed under the northern section of the site, however the design of the indicative concept proposal will ensure all works are clear of this tunnel.

### Action 5.4 Liaise with pipeline operators prior to change in land use or density regarding risk management.

The subject site is in close proximity to the Moomba to Sydney (Ethane) pipeline. These hazards have been considered in Part 2.7.8 of this report (above) and it is anticipated that a future LEP provision will be imposed for development in proximity of the pipeline.

## Objective 6 Encourage good design and the preservation of local character through planning controls

### Action 6.1 Review development controls including the use of minimum lot size and frontages controls to ensure that effective design can be achieved in infill development situations.

The proposed changes to the planning controls will allow for effective design to be achieved at the subject site. The indicative concept plans prepared by JKM Architects and the Urban Design Report by Carter Williamson detail the potential designs. The development will be subject to a Design Review Panel at the development application stage.

### Action 6.2 Review principal planning controls using a development feasibility model to ensure Bayside is able to accommodate demand for medium density housing.

Not applicable.

### Action 6.3 Revise development contribution plans as part of any proposed precinct level residential rezoning to ensure that social infrastructure provision is aligned with growth.

Not applicable.

### Action 6.4 Complete a review of heritage conservation areas where dual occupancy development would be restricted.

Not applicable.

### Action 6.5 Complete a review of potential local character areas where dual occupancy development would be restricted.

Not applicable.



**Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The primary State and regional strategies in which the Planning Proposal is consistent with has been addressed in Q3 above, and include:

- A Metropolis of Three Cities - The Greater Sydney Region Plan; and
- Eastern City District Plan.

In addition, the following strategy is also a relevant consideration:

**Future Transport 2056**

Future Transport 2056 was released by Transport for NSW and sets out the 40-year vision, directions and outcomes framework for customer mobility in NSW, and seeks to ensure that NSW's overarching strategies for transport and land use planning align and complement each other. The proposal clearly addresses the principles for future transport by providing additional density adjacent to a key train station (Bexley North) and providing improved access and safety to that train station for people in the wider community. Importantly, this ensures that the Bexley North local centre is a successful place providing liveability, amenity and economic success which is supported by the nearby transport network.

Other strategies are not considered to be immediately relevant to the Planning Proposal and do not need to be addressed.

**Q6: Is the planning proposal consistent with applicable SEPPs?**

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in Table 9.

**Table 9: Relevant State Environmental Planning Policies**

SEPP	Relevance	Consistency	Comments
SEPP 65 (Design Quality of Residential Apartment Development)	This SEPP aims to improve the design quality of developments containing apartments. The SEPP is linked to the Apartment Design Guide (ADG) which includes specific objectives and recommendations for detailed design requirements.	Yes	<p>This Planning Proposal seeks increased height and FSR controls to increase the scale of future built form on the site. The provisions of SEPP 65 will apply to the site.</p> <p>The indicative concept proposal prepared by JKM Architects and submitted with the application demonstrates that the proposal is capable of general compliance with the ADG provisions, including, but not limited to the following:</p> <ul style="list-style-type: none"><li>• A mix of apartment sizes of sufficient area and private open space;</li><li>• Solar access to 88 (95%) apartments;</li><li>• Cross ventilation to 61 (66%) apartments;</li><li>• Building separation;</li><li>• Sufficient landscaping; and</li><li>• Publicly accessible open space and sufficient communal open space on the ground level and rooftops which all receive direct solar access.</li></ul> <p>The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p>



**Table 9: Relevant State Environmental Planning Policies**

SEPP	Relevance	Consistency	Comments
SEPP (Biodiversity and Conservation) 2021	<p>Chapter 2 of this SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The remaining chapters of the SEPP are not applicable.</p>	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	This Planning Proposal does not change the manner in which this SEPP will apply to any future development application for new dwellings.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Housing) 2021	<p>Chapter 2 of this SEPP facilitates the provision of affordable rental housing and retention of existing affordable housing as well as encourages the siting of affordable housing in accessible locations through</p> <p>Chapter 3 of this SEPP facilitates the provision of housing for Seniors and People with a Disability as well as encouraging services for residents and affordable housing in accessible locations through bonus incentives.</p>	Yes	<p>The site is within an accessible location and the provision of the SEPP would apply to the site. This Planning Proposal does not change the manner in which this SEPP applies to the site.</p> <p>The site is within an accessible location and the provision of the SEPP would apply to the site in relation to Seniors Development. Notwithstanding this, it is noted that Seniors Housing is a sensitive land use and would not be permitted based on the Risk Assessment prepared by Arriscar submitted with this report. Refer to Part 2.7.8 of this Report.</p> <p>This Planning Proposal does not change the manner in which this SEPP applies to the site.</p>



### Table 9: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency	Comments
SEPP (Industry and Employment) 2021	Chapter 3 of this SEPP aims to facilitate and regulate advertising and signage.  The remaining chapters of the SEPP are not applicable.	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP (Planning Systems) 2021	Not applicable.		
SEPP Precincts (Eastern Harbour City) 2021	Not applicable.		
SEPP Precincts (Central River City) 2021	Not applicable.		
SEPP Precincts (Western parkland City) 2021	Not applicable.		
SEPP Precincts (Regional) 2021	Not applicable.		
SEPP (Primary Production) 2021	Not applicable.		
SEPP (Resilience and Hazards) 2021	Chapter 2 of this SEPP seeks to balance the need to provide jobs, housing, community facilities and transport for a changing population while maintaining the unique qualities and managing risks associated with development along our coastlines.	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
	Chapter 4 of this SEPP contains state-wide planning controls for the remediation of contaminated land.	Yes	A Stage 2 Environmental Site Assessment has been undertaken by EIS and is submitted separately with this proposal. The assessment makes the following recommendations: <ul style="list-style-type: none"> <li>A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;</li> </ul>



**Table 9: Relevant State Environmental Planning Policies**

SEPP	Relevance	Consistency	Comments
	The remaining chapters of the SEPP are not applicable.		<ul style="list-style-type: none"><li>A validation assessment should be undertaken on completion of remediation at each development stage; and</li><li>An unexpected finds protocol should be implemented during excavation works at the site.</li></ul> <p>Subject to these recommendations being enacted, the report concludes that the site can be made suitable for the proposed uses and this Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination. Refer to Part 2.7.1 of this report (above).</p> <p>This application does not change the manner in which this SEPP applies to the site.</p>
SEPP (Resources and Energy) 2021	Not applicable.		
SEPP (Transport and Infrastructure) 2021	<p>Chapter 2 of this Policy aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure.</p> <p>The remaining chapters of the SEPP are not applicable.</p>	Yes	<p>Clause 2.77 of the SEPP T&amp;I applies to the subject site in relation to development adjacent to pipeline corridors.</p> <p>The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p>

***Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?***

The consistency of the Planning Proposal with the relevant Ministerial Directions is demonstrated in Table 10.

**Table 10: Section 9.1 Ministerial Directions**

Ministerial Direction	Relevance	Consistency	Implications
<b>Focus Area 1: Planning Systems</b>			
<b>1.1 Implementation of Regional Plans</b>	The Planning Proposal is consistent with the Regional Plan as discussed in Table 4 above .		
<b>1.2 Development of Aboriginal Land Council land</b>	Not Applicable.		



<b>1.3 Approval and Referral Requirements</b>	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary),</p> <p>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p> <p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</p>	<p>Yes</p>	<p>In accordance with the Gateway Determination, the Planning Proposal will be referred to the following:</p> <ul style="list-style-type: none"> <li>• Transport for NSW</li> <li>• APA Group – Moomba to Sydney pipeline operator</li> <li>• Ausgrid</li> <li>• Sydney Water</li> <li>• NSW State Emergency Service</li> <li>• NSW Department of Environment and Heritage</li> </ul> <p>The application for a Planning Proposal minimises the inclusion of provisions that require concurrence or consultation and is therefore consistent with Direction 1.3.</p>
<b>1.4 Site Specific Provisions</b>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>This direction applies to all relevant planning authorities and to all Planning Proposals.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p>	<p>Yes</p>	<p>This application for a Planning Proposal seeks amendments to BLEP 2021 to:</p> <ul style="list-style-type: none"> <li>• amend the height of buildings standard (Clause 4.3) to permit buildings to a maximum height of 20m and 35m and exclude the site from “Area 3” on the Height Map;</li> <li>• amend the FSR standard (Clause 4.4) to permit buildings with a maximum FSR of 3.35:1 and exclude the site from “Area 7” on the FSR Map;</li> </ul>

	<ul style="list-style-type: none"> <li>- allow that land use to be carried out in the zone the land is situated on, or</li> <li>- rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul> <p>A Planning Proposal must not contain or refer to drawings that show details of the development proposal.</p>		<ul style="list-style-type: none"> <li>• amend the development requiring the preparation of a development control plan (Clause 6.16) to include Lot 30 in DP 1222252 – 187 Slade Road, Bexley North; and</li> <li>• No changes to Land Reserved for Acquisition (Clause 5.1 and 5.1A).</li> </ul> <p>The Planning Proposal is consistent with Direction 1.4 because it:</p> <ul style="list-style-type: none"> <li>• does not introduce a new land use zone that is not already contained in BLEP 2021;</li> <li>• does not introduce new development standards that are not already contained in the BLEP 2021; and</li> <li>• does not provide any additional restrictive site specific planning controls.</li> </ul> <p>The application for a Planning Proposal is therefore consistent with Direction 1.4.</p>
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>	Not Applicable.		
<b>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	Not Applicable.		
<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not Applicable.		
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not Applicable.		
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	Not Applicable.		
<b>1.10 Implementation of Western</b>	Not Applicable.		



<b>Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>			
<b>7.11 Implementation of Bayside West Precincts 2036 Plan</b>	Not Applicable.		
<b>7.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>	Not Applicable.		
<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>	Not Applicable.		
<b>1.14 Implementation of Greater Macarthur 2040</b>	Not Applicable.		
<b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>	Not Applicable.		
<b>1.16 North West Rail Link Corridor Strategy</b>	Not Applicable.		
<b>1.17 Implementation of the Bays West Place Strategy</b>	Not Applicable.		
<b>1.18 Implementation of the Macquarie Park Innovation Precinct</b>	Not Applicable.		
<b>1.19 Implementation of the Westmead Place Strategy</b>	Not Applicable.		
<b>1.20 Implementation of the Camellia-Rosehill Place Strategy</b>	Not Applicable.		
<b>1.21 Implementation of South West Growth Area Structure Plan</b>	Not Applicable.		
<b>Focus Area 2: Design and Place</b>			
This Focus Area was blank when the Directions were made.			
<b>Focus Area 3: Biodiversity and Conservation</b>			
<b>3.1 Conservation Zones</b>	Not Applicable.		



<b>3.2 Heritage Conservation</b>	Not Applicable.
<b>3.2 Sydney Drinking Water Catchments</b>	Not Applicable.
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in far North Coast LEPs</b>	Not Applicable.
<b>3.5 Recreation Vehicles Access</b>	Not Applicable.
<b>3.6 Strategic Conservation Planning</b>	Not Applicable.
<b>3.7 Public Bushland</b>	Not Applicable.
<b>3.8 Willandra Lakes Region</b>	Not Applicable.
<b>3.9 Sydney Harbour Foreshores and Waterways Area</b>	Not Applicable.
<b>3.10 Water Catchment Protection</b>	Not Applicable.
<b>Focus Area 4: Resilience and Hazards</b>	
<b>4.1 Flooding</b>	<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies to all relevant planning authorities and to Planning Proposals that create, remove or alter a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the:</p> <p>(a) NSW Flood Prone Land Policy</p> <p>(b) the principles of the Floodplain Development Manual 2005</p> <p>(c) the Considering flooding in land use planning guideline 2021, and</p> <p>(d) any adopted floor study and/or floodplain risk management plan prepared</p>
Yes	<p>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 Report has been prepared by GRC Hydro which notes the site is subject to overland flow. The report has the following conclusions:</p> <ul style="list-style-type: none"> <li>• Compliance with Council's requirements is readily achieved.</li> <li>• The diversion of existing stormwater conduit under Slade Road does not exacerbate flooding.</li> <li>• Flood risk can be effectively managed by an evacuation in place response which is the default response in any case given the short duration of time for evacuation and then the short duration of flooding at the site.</li> <li>• The public accessible areas created by the development provide safe refuge to any at the perimeter of the site when flooding begins around the Site.</li> </ul> <p>The GRC Hydro Report notes the following in response to the directions 1-4:</p> <ul style="list-style-type: none"> <li>- The development complies with the NSW government's Flood Prone Land Policy.</li> </ul>

	<p>in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p> <p>A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>A planning proposal must not contain provisions that apply to areas between the</p>	<p>This is evinced by compliance with DCP and LEP as demonstrated in the report.</p> <ul style="list-style-type: none"> <li>- Complies with the FDM. This is evinced by compliance with DCP and LEP as demonstrated above.</li> <li>- Compliance with the guideline follows on from its compliance with LEP and DCP.</li> <li>- Detailed design development will be undertaken at the development application stage. Therefore any impacts are considered to be of minor significance.</li> <li>- The model used came from a local flood study. No specific study recommendations pertain to the proposed works.</li> <li>- No development is proposed in areas of floodway. There are some areas of floodway on Sarsfield Road and also downstream of the site on Slade Road.</li> <li>- But as documented herein the site is flood fringe and flood storage.</li> <li>- Impact assessment shows that there is no adverse impact on properties' flood affectation.</li> <li>- The development does not locate residential or other development in high hazard areas.</li> <li>- The development increases the site's dwelling density but does not increase the density in flood affected areas (for example the Eastern portion has been set aside as a swale). The existing use of the site is a pub/hotel with significant development at ground level with multiple entrances at grade. The proposed development raises ground floor entrances, significantly reducing the site's flood-affectation. The proposed development will therefore reduce the intensity of use in flood-affected areas.</li> <li>- Development proposed does not meet these criteria and therefore this is not applicable. It is noteworthy however that effective evacuation is straightforward at the site. Evacuation strategy would consist of a shelter-in-place approach as flooding will occur with little to no warning and be of short duration.</li> <li>- The proposed design includes a number of stormwater drainage features to manage flooding and ensure building occupants are not placed at risk in the design flood. This ensures there is no increased requirement</li> </ul>
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	<p>flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>		<p>for government spending on mitigation or emergency management.</p> <ul style="list-style-type: none"> <li>- Development does not include hazardous industries or hazardous storage establishments.</li> <li>- The site development is compatible with the FDM NSW 2005.</li> </ul> <p>The application for a Planning Proposal is therefore consistent with Direction 4.1.</p>
<b>4.2 Coastal Management</b>	Not Applicable.		
<b>4.3 Planning for Bushfire Protection</b>	Not Applicable.		
<b>4.4 Remediation of Contaminated Land</b>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p>	Yes	<p>A Stage 2 Environmental Site Assessment has been undertaken by EIS and is submitted separately with this proposal. The assessment makes the following recommendations:</p> <ul style="list-style-type: none"> <li>• A Remedial Action Plan (RAP) should be prepared outlining procedures to be undertaken during each stage of development/excavation, with respect to the asbestos contamination;</li> <li>• A validation assessment should be undertaken on completion of remediation at each development stage; and</li> </ul>

	<p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph (1)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the</p>		<ul style="list-style-type: none"> <li>• An unexpected finds protocol should be implemented during excavation works at the site.</li> </ul> <p>Subject to these recommendations being enacted, the report concludes that the site can be made suitable for the proposed uses and this Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination. Refer to Part 2.7.1 of this report (above).</p> <p>The application for a Planning Proposal is therefore consistent with Direction 4.4.</p>
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	land carried out in accordance with the contaminated land planning guidelines.		
<b>4.5 Acid Sulfate Soils</b>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not</p>	Yes	<p>The proposal seeks to intensify land uses on land identified as having a probability of containing Class 5 acid sulfate soils.</p> <p>A Stage 1 Preliminary Environmental Site Assessment undertaken as part of DA-2017/541 by EIS considered Acid Sulfate Soils where the following was noted:</p> <p><i>The site is not located in an acid sulfate soil (ASS) risk area according to the risk maps prepared by the Department of Land and Water Conservation.</i></p> <p>The subject site is more than 500m from any Class 1-4 mapped land. An Acid Sulfate Soils Management Plan is not required and the Planning Proposal does not alter how Clause 6.1 of BLEP 2021 operates.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 4.5.</p>

	been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).		
4.6 Mine Subsidence and Unstable Lane	Not Applicable.		
Focus Area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>This direction applies to all relevant planning authorities and to all Planning Proposals that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	Yes	<p>This Direction applies to this application for a Planning Proposal as it seeks to increase housing densities within urban zoned land.</p> <p>This application for a Planning Proposal seeks to increase the density of residential development to facilitate delivery of approximately 92 apartments and provide a non-residential FSR of 1.08:1 (4,575sqm) to serve the day to day needs of the locality. In this regard, the pub, hotel and retail or commercial tenancies detailed in the indicative concept proposal are located adjacent to publicly accessible open space and provide an active frontage. This is likely to encourage pedestrian activity and social interaction as well as enhance the streetscape and public space network.</p> <p>A combined and centralised driveway on Sarsfield Circuit will improve the safe and efficient movement of vehicles, pedestrians and cyclists. The indicative concept scheme will remove driveways to enhance public safety. Since the proposal is located within 200m walking distance of Bexley North Railway Station, the proposal is likely to reduce distances travelled by car, since the train will be a more competitive mode of transport.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 5.1.</p>
5.2 Reserving Land for Public Purposes	The objectives of this direction are to:		This Direction applies to this application for a Planning Proposal as the indicative concept scheme details an east-west through site link on

	<p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any</p>	<p>the southern part of the site which is mapped as a Local Road and reserved for acquisition under Clause 5.1 and 5.1A of BLEP 2021.</p> <p>As discussed in Part 3.1 of this report (above), the indicative concept scheme notes that the concept building and basement car parking level are setback at least 6m from the southern boundary and will be clear to the LRA mapped land. The applicant notes Council's response with regard to the formalisation of the accessway but acknowledges that given the VPA has not progressed, there is no currently available method to transfer the land to Council and extinguish the LRA mapped land.</p> <p>Therefore, the applicant intends to retain the LRA mapped land in situ. This can be addressed as part of the development application process.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 5.2.</p>
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	land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.		
5.3 Development Near Regulated Airports and Defence Airfields	Not Applicable.		
5.4 Shooting Ranges	Not Applicable.		
Focus Area 6: Housing			
6.1 Residential Zones	<p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs;</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction applies to all planning authorities and applies when a relevant planning authority prepares a planning proposal that will affect land within an existing residential zone or a zone which permits significant residential development.</p> <p>A planning proposal must encourage the provision of housing that will:</p> <p>(a) broaden choice of building types and locations;</p> <p>(b) make more efficient use of existing infrastructure and services;</p> <p>(c) reduce land consumption on the urban fringe;</p> <p>(d) be of good design.</p> <p>A Planning Proposal must:</p> <p>(a) contain a provision that residential development is not permitted until land is adequately serviced; and</p> <p>(b) not contain provisions that reduce density.</p>	Yes	<p>Direction 6.1 applies to this application for a Planning Proposal as whilst the planning proposal does not rezone the site to a residential zone, the increased FSR and height controls to the MU1- mixed use zoned site will facilitate the greater provision of housing in an urban area.</p> <p>This application for a Planning Proposal will facilitate the construction of approximately 92 additional dwellings in conjunction with 4,575sqm sqm of non-residential floor space which includes the pub, hotel and retail or commercial tenancies.</p> <p>The concept proposal, based on the proposed new planning controls, provides a choice of housing in that it provides 24 x 1 bedroom units (26%), 49 x 2 bedroom units (53%) and 19 x 3 bedroom units (21%). The proposal makes efficient use of existing infrastructure since it is located in the Bexley North Town Centre and is therefore in close proximity to Bexley North Railway Station.</p> <p>The variety of new dwellings facilitated by the Planning Proposal will be of high quality design and entirely consistent with the requirements of SEPP 65 where applicable.</p> <p>The additional density will be serviced by the existing and planned infrastructure and services of the Bexley North Town Centre.</p>

			The application for a Planning Proposal is therefore consistent with Direction 6.1.
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.		
Focus Area 7: Industry and Employment			
7.1 Employment Zones	(1) The objectives of this direction are to: (a) encourage employment growth in sustainable locations; (b) protect employment land in business and industrial zones; and (c) support the viability of identified strategic centre	Yes	<p>Direction 7.1 applies to this application for a planning proposal as it seeks to increase FSR and height development standards in a MU1-Mixed Use zone. The proposal gives effect to the objectives of this direction, since concept plans seek to retain the existing pub use, and provide new employment generators through the provision of a 50 bed hotel and various retail and commercial tenancies to provide active frontages. The indicative concept proposal will include a non-residential FSR of 1.08:1 which is significantly greater than all other properties in the Bexley North town centre. In fact, the BLEP 2021 does not contain any blanket provision for minimum non-residential FSR but does dictate site specific provisions. The subject site does not contain any minimum non-residential FSR requirement and therefore the concept proposal will be a significant improvement of the existing situation or that anticipated by the current planning controls.</p> <p>The proposal also supports the viability of the Bexley North Town Centre, which is identified as a Local Centre in the Eastern City District Plan.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 7.1.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable.		
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.		
Focus Area 8: Resources and Energy			
8.1 Mining, Petroleum production &	Not Applicable.		

Extractive Industries	
Focus Area 9: Primary Production	
9.1 Rural Zones	Not Applicable.
9.2 Rural Lands	Not Applicable.
9.3 Oyster Aquaculture	Not Applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.

### 5.3.3 Section C - Environmental, Social and Economic Impacts

***Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.

***Q9: Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?***

#### Solar Access

The additional height and FSR proposed above the existing controls will have varying degrees of impact on the solar access of the adjoining properties, the public domain and the Council owner car park site to the west.

The building envelope of the indicative concept proposal has been extensively tested and designed to ensure the apartments will comply with the solar access requirements under the Apartment Design Guide (ADG) and will minimise the impact on the solar access of nearby residential properties and public open spaces.

Hourly shadow diagrams have been prepared by JKM Architects for midwinter to demonstrate the extent of overshadowing from the indicative concept proposal on adjoining properties and public open space. Detailed sun-eye diagrams have also been prepared specifically to demonstrate the extent of overshadowing to north-facing units of the southern adjoining neighbouring site at Nos. 22-40 Sarsfield Circuit and for any future redevelopment of the public car park site in accordance with Condition 1(d)(vi) of the Gateway Determination. These are detailed below.

#### Solar Access to Adjacent Dwellings

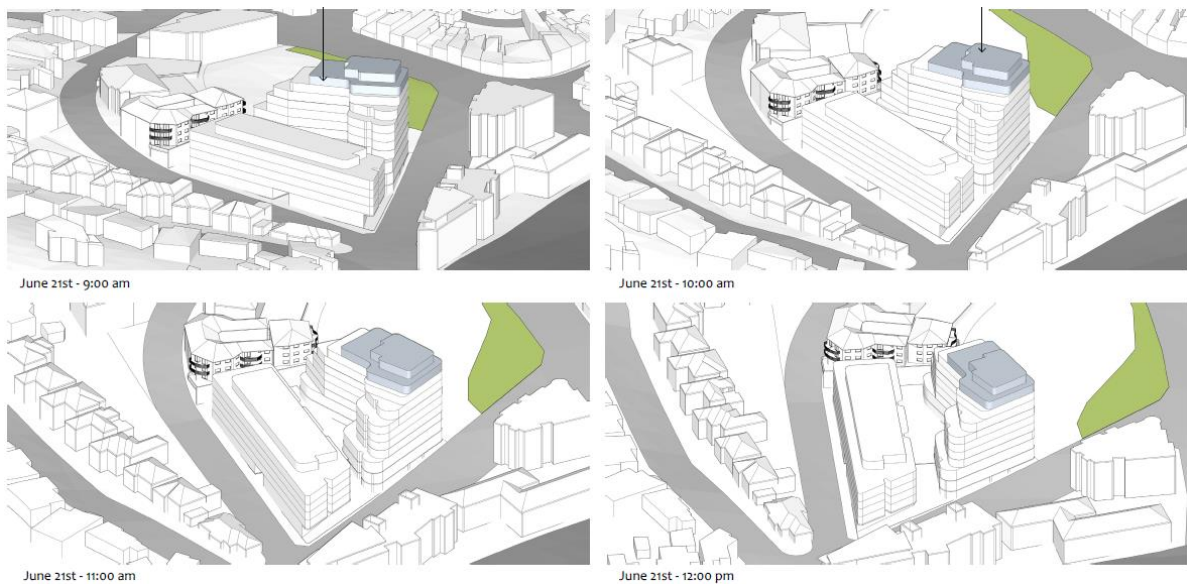
Part 5.2.4.5 (Solar Access) under Bayside DCP 2022, requires residential flat buildings and shop top housing to provide solar access as follows:

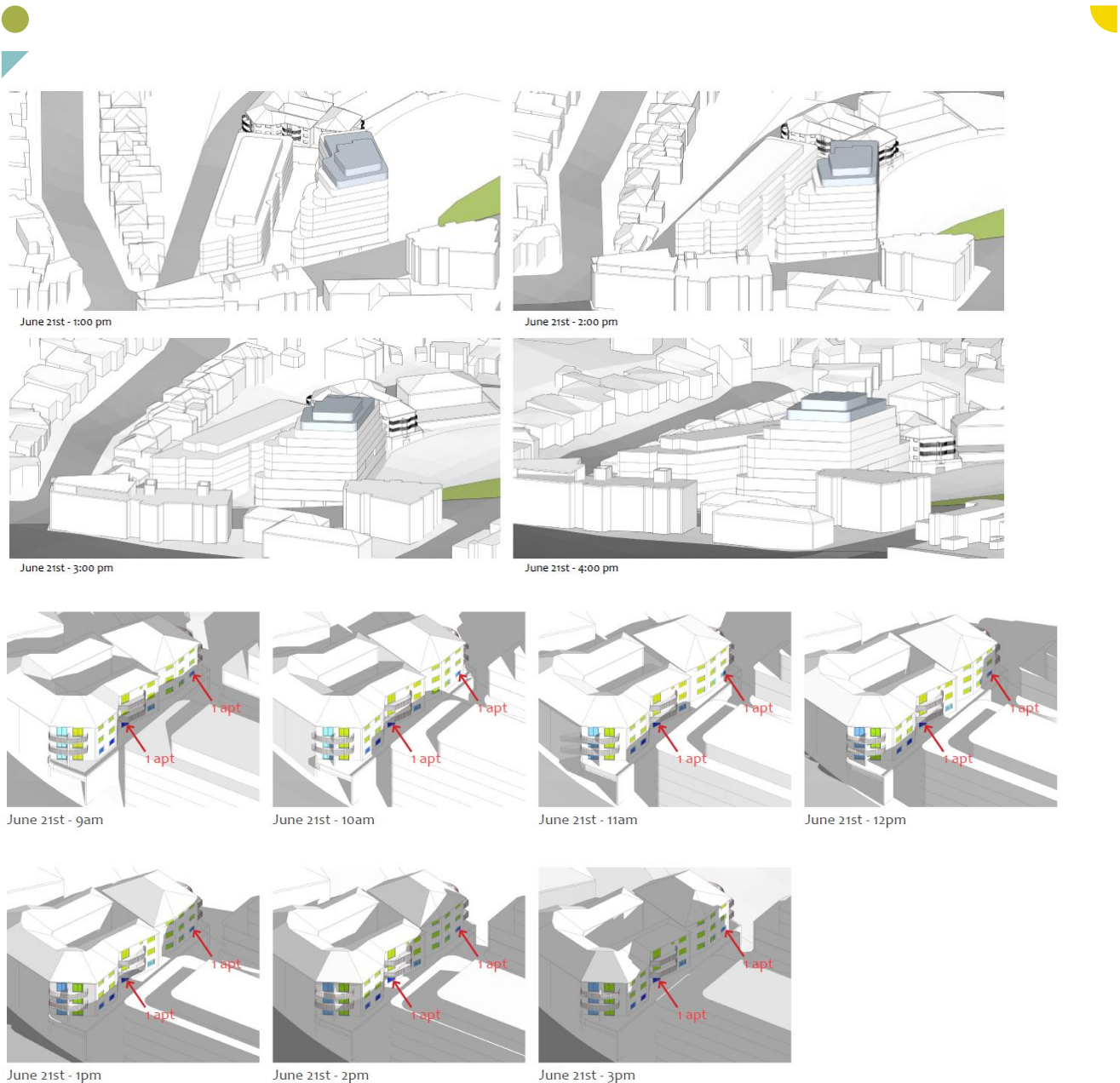
- C1. *Adjoining properties that the ADG does not apply to should receive a minimum of 2 hours direct sunlight in habitable living areas (family rooms, rumpus, lounge, and kitchen areas) and at least 50% of the primary private open space between 9am and 3pm in mid-winter.*
- C2. *Council may grant consent to a development that does not comply with the 2 hours of solar access requirement. However, Council must not grant consent, unless the applicant has satisfactorily addressed the questions identified in the Land and Environment Court Sunlight Planning Principle. The Planning Principle is updated by Court decisions and is available to view on the Land and Environment Court's website ([www.lawlink.nsw.gov.au/lec](http://www.lawlink.nsw.gov.au/lec)).*

It is understood that Nos. 22-40 Sarsfield Circuit contains 28 strata titled properties, including ground level non-residential premises. As the building is three or more storey's and contains more than four (4) apartments, the ADG would be applicable to the building. It is also noted that Nos. 22-40 Sarsfield Circuit has balconies and windows only 2 metres away from the side boundary as it was approved before the current planning framework (ADG) was in place. It is considered unreasonable to retrospectively apply the controls for solar access to living rooms and private open space of apartments that were not designed to achieve the requirements of the ADG. That is, it is unreasonable to require 70% of all apartments to achieve solar access which were not designed to do so in the first place.

Strict application of the ADG would require that 70% (or up to 19 apartments) have living rooms and private open space that receiving solar access for 2 hours. Based on the building design, it is apparent that the existing building would not comply with these controls and therefore it is considered unreasonable to apply the ADG requirements. C2 of Part 5.2.4.5 of BDCP 2022 contemplates this situation and requires consideration of *The Benevolent Society v Waverley Council [2010] NSWLEC 1082*. This will be considered in detail at the development application stage when the design is finalised. Notwithstanding this, the indicative concept proposal considers solar access in accordance with Condition 1(d)(vi) of the Gateway Determination which demonstrates that the existing north facing windows and private open spaces of Nos. 22-40 Sarsfield Circuit are vulnerable to overshadowing.

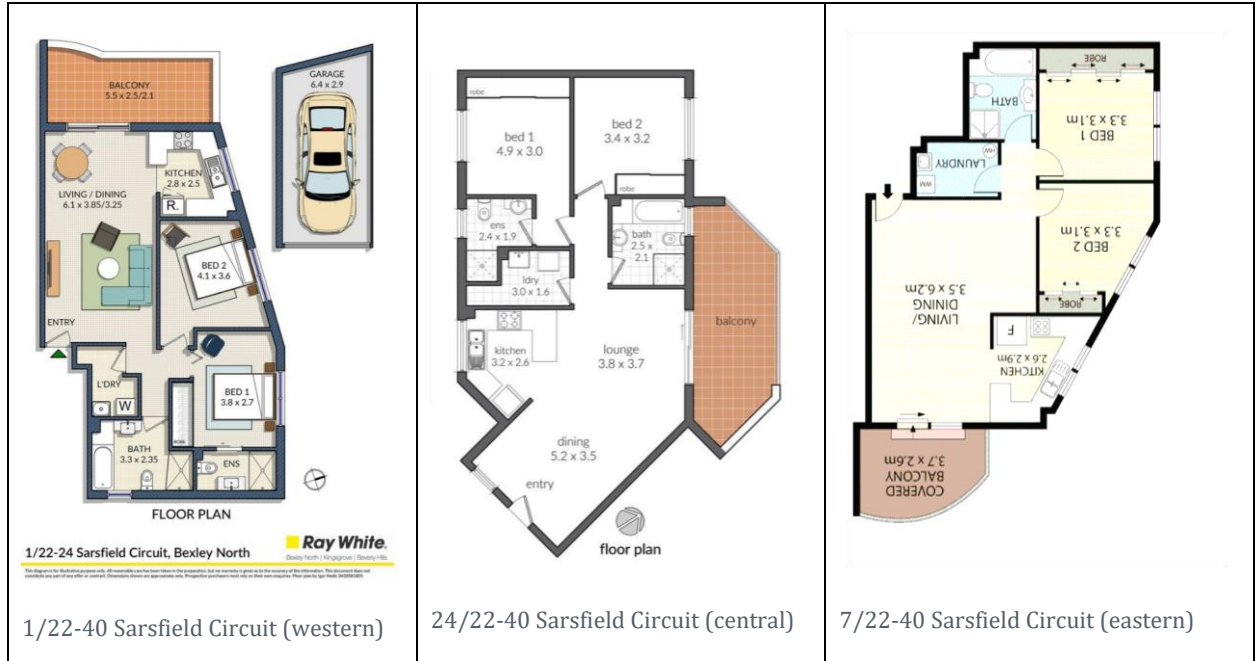
In this regard, the sun eye diagrams prepared by JKM Architects in Figure 25 below demonstrate that the indicative concept proposal will create minor additional overshadowing of Nos. 22-40 Sarsfield Circuit, directly south of the site as detailed in Figure 25 below.





**Figure 25** Sun eye and Shadow diagrams of the indicative concept proposal on June 21st

Research of the layout of the north facing apartments at Nos. 22-40 Sarsfield Circuit on google has provided the following typical layouts we assume applies to the northern orientation. The western most apartments are to the left, the central apartment in the middle and the eastern most apartment are to the right. Refer to Figure 26 below.

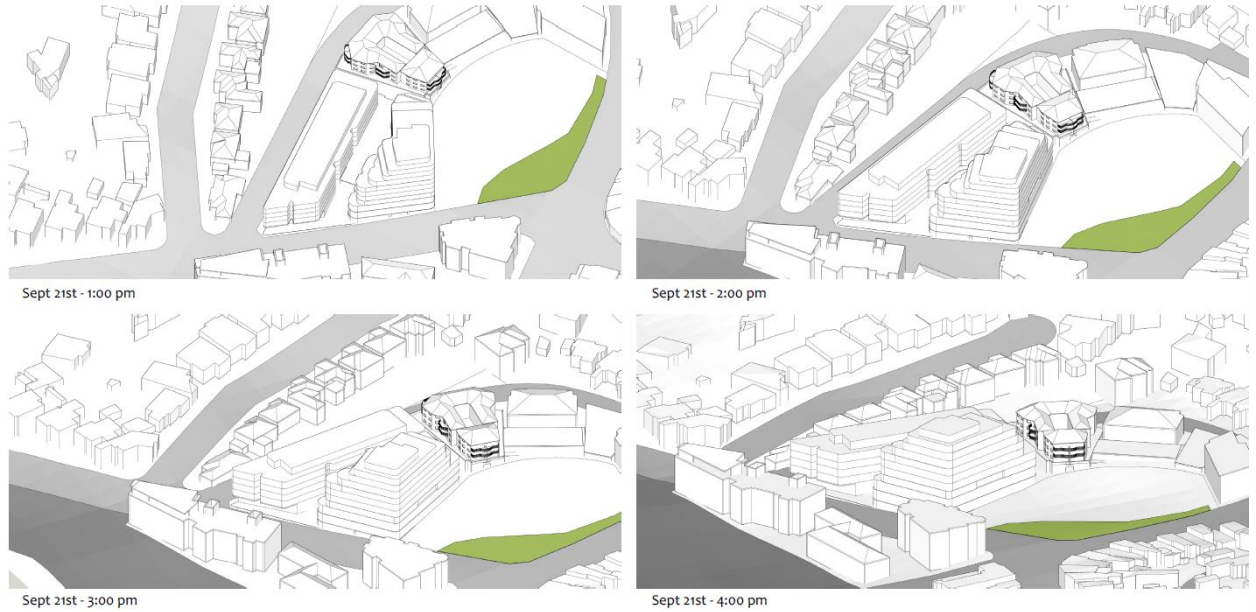


**Figure 26** Typical layout of northern orientation apartments of No. 22-40 Sarsfield Circuit

The sun eye diagrams demonstrate that northern apartments for the upper two levels of Nos. 22-40 Sarsfield Circuit would comply with the 2 hour solar access requirements for the ADG. It is only the central and western ground level apartments that do not receive 2 hours solar access requirements for the ADG, as the eastern ground level apartment complies with the ADG solar access requirements. That is, the indicative concept proposal will provide at least 2 hours of solar access to balconies and living areas to seven (7) of the nine (9) north facing units at Nos. 22-40 Sarsfield Circuit. However, when considering solar access until 4pm, the western ground floor level apartment will comply with the 2 hours of solar access under the ADG which would only result in one (1) north facing apartment not receiving at least 2 hours of solar access between 9am-4pm on June 21<sup>st</sup>. That is the central ground level apartment which is vulnerable to overshadowing given the current and proposed planning controls.

It is noted that the indicative concept plans will not have any solar access impacts on the north facing apartments at Nos. 22-40 Sarsfield Circuit during the equinox (September 21<sup>st</sup>) or the summer solstice (December 21) and the impact only occurs during the winter solstice. Therefore, it is for a maximum of 3 months in the year that any redevelopment on the subject site would have an impact on Nos. 22-40 Sarsfield Circuit. This is demonstrated in Figure 27 below.





**Figure 27** Sun eye diagrams of the indicative concept proposal on September 21st

In fact, if the subject site was developed to the full potential provided under the existing controls, a building with a maximum height of 22m (6-7 storeys) and an FSR of 2.5:1 could be constructed on the site, which could have a much greater impact on the solar access to north facing windows and private open spaces that that provided by the indicative concept proposal. That is, the Planning Proposal will effectively reduce the allowable height on this sensitive part of the site and redistribute bulk away from the southern boundary where possible to maximise solar access for Nos. 22-40 Sarsfield Circuit. Sun eye diagrams from a compliant envelope on the subject site are detailed in Figure 28 below.





**Figure 28** Sun eye diagrams for a compliant envelope under the current controls impacting on No. 22-40 Sarsfield Circuit

As detailed above, four (4) of the nine (9) north facing apartments would not receive 2 hours of solar access under the ADG which is considerably worse than the two (2) that do not receive 2 hours of solar access under the indicative concept proposal. The indicative concept proposal, which will be secured through a site specific DCP under Clause 6.16 of BLEP 2021, will be a better outcome than any redevelopment of the site under a compliant envelope based on the existing controls.

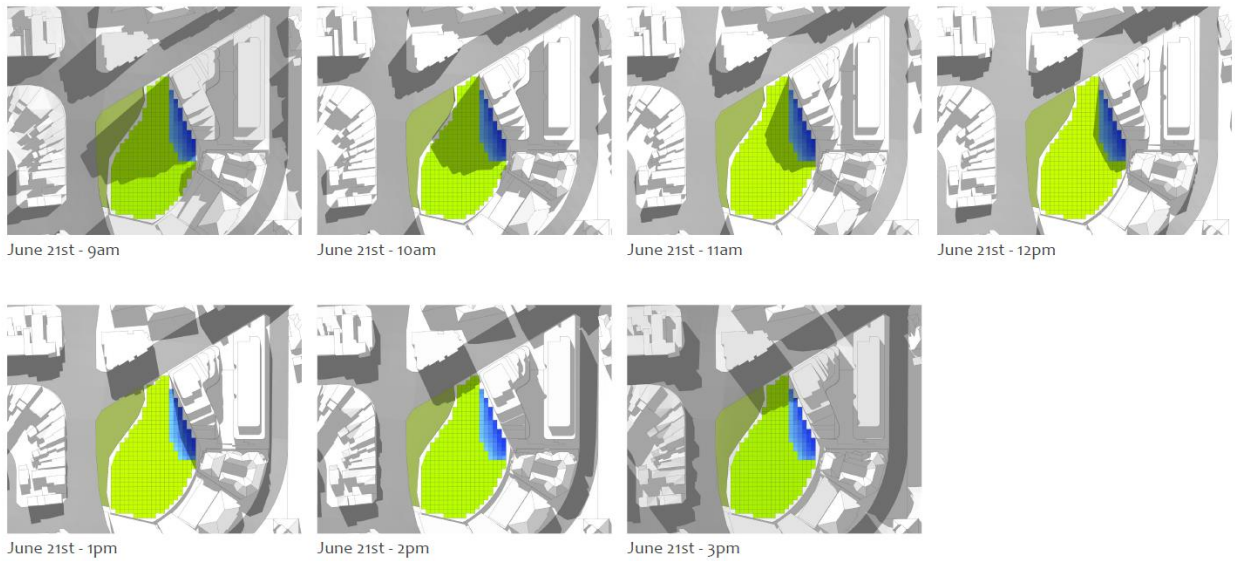
Furthermore, if Nos. 22-40 Sarsfield Circuit was redeveloped to a scale contemplated by the current planning controls, considerably more apartments would be north facing with a greater separation distance from the boundary (6m under the ADG as opposed to the current 2m) which would ensure greater levels of solar access would be achieved at Nos. 22-40 Sarsfield Circuit, irrespective of the scale of the indicative concept proposal. This is demonstrated in the compliant envelope sun eye diagrams in Figure 30 below.

In terms of the existing development on the eastern side of Sarsfield Circuit, the indicative concept proposal would not cast any shadows to the dwellings between 9am and 3pm. Furthermore, only the rear yards/open space areas of these properties would be overshadowed by the indicative concept proposal after 2pm and would therefore ensure more than 2 hours of solar access to these properties in accordance with C1 of Part 5.2.1.5 of BDCP 2022 for low density dwellings. As discussed above, if the subject site was developed to the full potential provided under the existing controls, a building with a maximum height of 22m (6-7 storeys) and an FSR of 2.5:1 could be constructed on the site, including adjacent to the eastern boundary, which could have a much greater impact on the solar access to north facing windows and private open spaces that that provided by the indicative concept proposal (4-5 storeys for the eastern building). That is, the Planning Proposal will effectively reduce the allowable height at this sensitive interface compared with the current controls.

It is therefore considered that the extent of overshadowing to adjacent residential dwellings demonstrated by the indicative concept proposal is entirely reasonable and appropriate for the site and therefore worthy of support. A detailed overshadowing analysis will be submitted as part of any future development application.

#### Solar Access to Public Open Space

There are no numerical solar access controls under the BDCP 2022 that limit the extent of overshadowing to public open space a car park. While the site to the west is operated as a car park and not considered to be “parkland” it is operational land and the same controls apply as apply to the subject site. The sun eye diagrams in Figure 25 demonstrate that the indicative concept proposal would result in additional overshadowing to the Council car park south-west of the site. However, the carpark would retain solar access to more than 75% of its area from 12pm onwards as detailed in Figure 29 below.



**Figure 29** Overshadowing analysis to the car park site as a result on the indicative concept proposal

Based on the above analysis, it is considered that the extent of shadows is “minimised” and is appropriate in this instance.

Condition 1(d)(vi) of the Gateway Determination also required solar access to be achieved to a compliant scheme to the Council car park site given it is operational land with the same zoning and development standards as the subject site. Based on the current planning controls, including consideration the scale and setbacks of existing buildings fronting the car park site, an urban form analysis of the Council car park site by Carter Williamson and JKM Architects has established a permissible envelope for the car park site to the west in accordance with the Gateway Determination. Given the scale and orientation of development surrounding the car parking site (which is typically built to the boundary) and Clause 6.9 of BLEP 2021 requires an active frontage, the burden of separation must fall onto the car park site. This is a function of Council’s actions in approving development around the car park site with the active frontage under Clause 6.9 of BLEP 2021. Importantly, the burden of separation is not just applicable for the redevelopment of No. 187 Slade Road but also for all other sites fronting the car park.

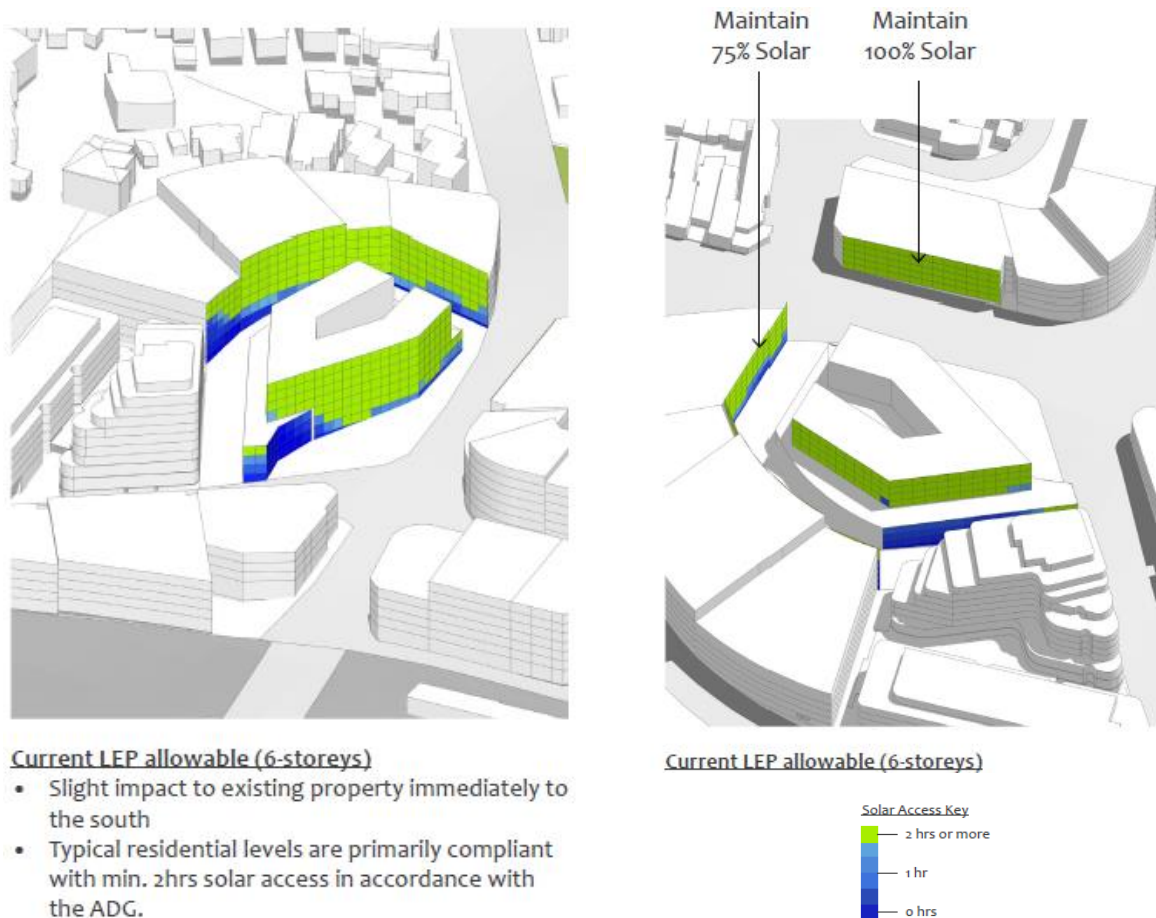
Any analysis of “compliant envelopes” based on the current controls for properties to the south of the site and for the car park site are provided in Figure 30 below.





**Figure 30** Overshadowing analysis to the car park site as a result on the indicative concept proposal

Further assessment has been undertaken on the facades of the “compliant envelope” for the Council car parking site to determine how much of the adjoining building would receive solar access. This is detailed in Figure 31 below.



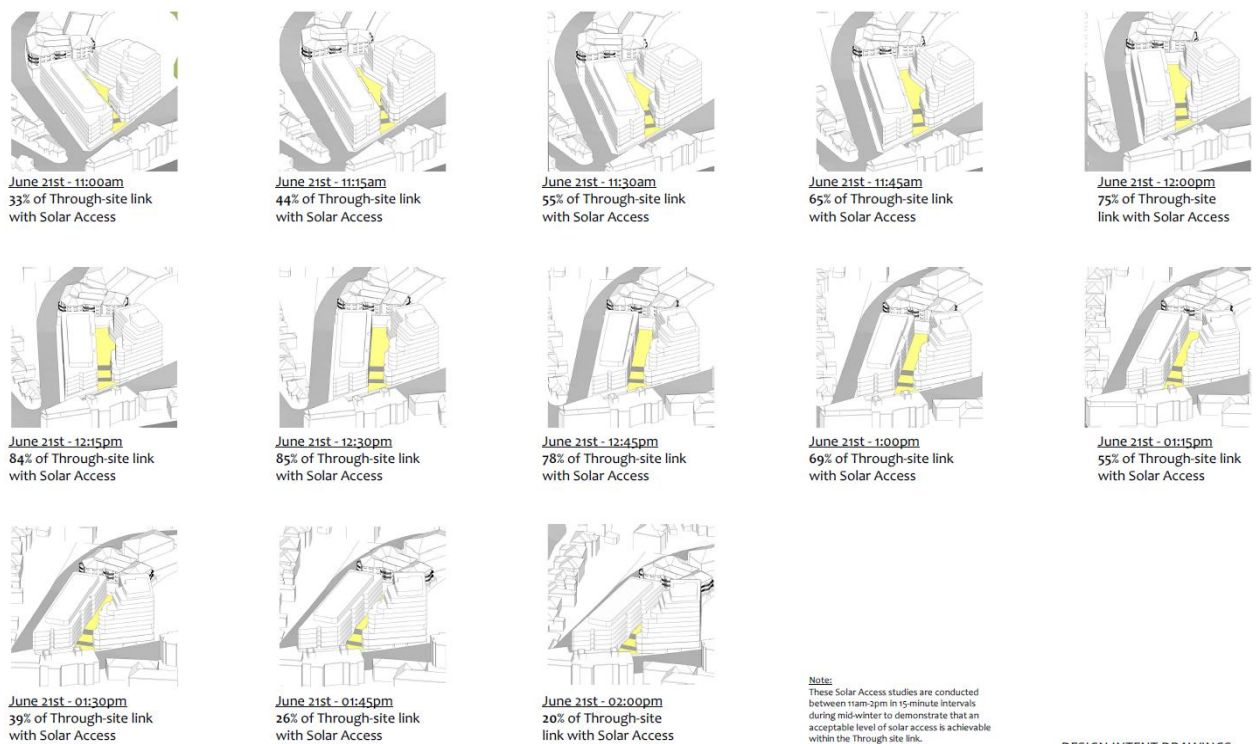
**Figure 31** Heat map of surrounding “compliant envelope” buildings and their ability to achieve 2 hours of solar access (shown green)

As detailed in Figure 31, any “compliant envelope” for the car park site is capable of achieving compliance with the numerical solar access requirements (2 hours) under the ADG, irrespective of the scale and setbacks of the development at No. 187 Slade Road. Whilst it is acknowledged that the indicative concept scheme will have an additional impact on any future redevelopment of the car park site, this is would also be the case under the current planning controls which allow a height up to 22m. Furthermore, overshadowing as a result of the indicative concept plan onto the “compliant envelope” of the Council car park site would be clear of the building by approximately 12:30pm to ensure a reasonable level of solar access will be achieved.

In terms of overshadowing to the north-south and east-west through site links in the indicative concept plans, the proposal will have a varying degree of impact dependent on the location and orientation. In regard to the east-west site link (in the location of the LRA mapped land), this east-west link is located directly to the south of the subject site and therefore any solar access would be limited in both duration and extent. Solar access is only achieved at 9am to the eastern part of the pathway, 12noon to the central part of the pathway and at 3pm to the western part of the pathway as a result of the indicative concept scheme and a similar impact would be anticipated under the current planning controls. Given the LRA mapped land requires this to be a local road and the current height control of 22m, overshadowing to this east-west link must have been anticipated and considered inevitable.

The indicative concept proposal does not provide any retail tenancies that directly access to the east-west through site link given the sensitive nature of residential uses adjoining to the south and the fact that this land is mapped for acquisition. That is, the indicative concept proposal does not rely on the LRA mapped land and could simply terminate the north-south link at the southern end of the buildings. The more important link is the north-south link between the buildings which will provide retail tenancies fronting the link to complement the activity on Slade Road and the active frontage on the adjacent the Council car park. These frontages provide better solar access and are suited for activation.

In terms of the north-south link, this area has been designed to the publicly accessible open space (in private ownership) with access secured via the form of easements which will be detailed at the development application stage. The north-south link will provide separation between the buildings and active uses on the lower levels which receive solar access during the lunchtime hours which provide an ideal environment for retail or food and drink premises to support the local centre. Detailed solar access analysis has been undertaken of the area of solar access for the north-south link by JKM Architects at the important “lunchtime” hours between 11am and 2pm. The extent of publicly accessible open space is detailed in Figure 32 below.



**Figure 32** Solar access of the north-south through site link between 11am and 2pm





Figure 32 demonstrates that 20-85% of the north-south link will receive direct solar access between 11am and 2pm. This will provide an ideal location of food and drink premises which will be subject of a future development application. It is noted that the north-south link does constitute part of the communal open space for the future occupants, but it does not constitute the only communal open space within indoor and outdoor communal space provided on Level 7 of the western building and indoor and outdoor communal space provided on Level 4 of the eastern building. These two additional communal areas, coupled with the publicly accessible north-south link will achieve varying levels of solar access and allow future occupants to follow the sun or follow the shade, depending on the time of day and season as required.

It is important to note that the numerical design criteria do not require 50% of the communal open space to achieve 2 hours of solar access, but rather the “principal useable part” to achieve 2 hours of solar access to 50% of the area. The “principal useable part” is not numerically defined but as detailed in Figure 3D.3 of the ADG, is typically less than the total area of communal open space available on the site. Therefore, the solar access for the communal open spaces, including the through site links, achieves the objectives of Part 3D-1 of the ADG to ensure “an adequate area of communal open space is provided to enhance residential amenity”.

### **Visual Impact**

The additional height and FSR proposed for the subject site above that currently permitted will have varying degrees of visual impact on the locality.

The visual catchment of the subject site comprises of an eclectic mix of building forms and typologies. Development to the north is characterised by medium to high density shop top and residential land uses with a mix of building forms and typologies, ranging from 3-5 storeys. Development directly to the west is characterised by the Council carpark, and then two storey commercial development further west. Development to the south and south-west is characterised by medium to high density shop top and residential land uses with a mix of forms, ranging from 2-5 storeys. Areas to the north, west and south are zoned B4 Mixed Use. Development to the east is characterised by 1-2 storey residential dwellings which are subject to the R2 Low Density Residential zoning.

The location and scale of the buildings has been extensively tested and designed to ensure that future apartments will satisfy the requirements of the ADG and minimise the impact on the amenity of adjoining properties. Furthermore, the design of the proposal seeks to redistribute bulk from the more sensitive eastern boundary to the less sensitive western boundary adjacent to the Council car park. This concept facilitates a two building design with the eastern building having a height of 4-5 storeys (less than the permitted 22m under the existing controls) and the western building having a height of 6-10 storeys (greater than the permitted 22m under the existing controls). This massing is more responsive to the site conditions than the current planning controls.

The original Planning Proposal documentation included Line drawings depicting view angles prepared by Tim Throsby which assist to consider the visual impact from several key locations surrounding the site as detailed in Figures 33-35 below.



**Figure 33** View angle from Slade Road looking west towards Bexley Road



**Figure 34** View angle from Shaw Street looking east towards the Council car park



**Figure 35** View angle from Slade Road looking south into the proposed public open space

Since that time, more detailed concept plans have been prepared by JKM Architects with the assistance of Carter Williamson which refine the original indicative concept proposal prepared by GMU and reflected in the Line Drawings in Figures 31-33. The more detailed concept plans have retained the essence of the original concept but have provided additional details and improvements to the design, such as improved separation between the two buildings, detailed internal layouts for better consideration of amenity and functionality for residential and non-residential uses and improvements to the public domain to name just a few.

The indicative concept proposal demonstrates that the redevelopment of the site can be undertaken in an appropriate manner that will be compatible with the scale and character of the site and surrounds. The design of the indicative concept proposal will provide a transition to surrounding lower density residential development to the east and positively respond to public car park to the west. In this regard, eastern building has a 4-5 storeys scale to reduce visual impacts. Whereas the western building will provide 6-7 storeys across the majority of the western building, rising up to 10 storeys in the north-western corner to form a visual marker and anchor the corner. This scale is considered appropriate for this portion, since it will form a key part of a redeveloped Bexley North Town Centre.

New 3D renderings of the indicative concept scheme are provided in Figures 36-38 below.



**Figure 36** View angle from the corner of Slade Road and Bexley Road towards the subject site



**Figure 37** View angle from Slade Road looking south into the proposed north-south through site link



**Figure 38** 3D View of the indicative concept scheme in the context of surrounding development

Overall, the indicative concept proposal will provide for a well-considered development on site that will achieve a better urban design and amenity outcome than that anticipated by the existing planning controls. Therefore, the proposal, will have a positive visual impact on the locality.

### **Landscaping**

The existing pub and motel to the rear is contained on a site that is largely devoid of any significant trees with landscaping typically limited to grass which does not enhance the landscape character of the locality. The indicative concept proposal is accompanied by a detailed landscape plan prepared by Site Design Studios which demonstrates that the increased density will be accompanied by an improvement in the quality of the landscaping on the subject site.

Condition (1)(d)(vii) of the Gateway Determination seeks clarification regarding the deep soil provision on the site in accordance with Part 3E-1 of the ADG. The numerical design criteria stipulate for sites greater than 1,500sqm a minimum of 7% (296.45sqm) with a minimum dimension of 6m is required for deep soil landscaping. The indicative concept plans indicate a total deep soil landscaped area of 454.06sqm which represents 10.4% of the total site area and exceeds the overall quantum of deep soil landscaping but not all of this has a minimum dimension of 6m. It is noted that the area of the east-west link has a minimum dimension of 6m and has a total area of 284.2sqm which represents 6.7% of the site area. As detailed in Figure 3E.2 of the ADG, footpaths are contemplated in the deep soil zones which is detailed in Figure 39 below.

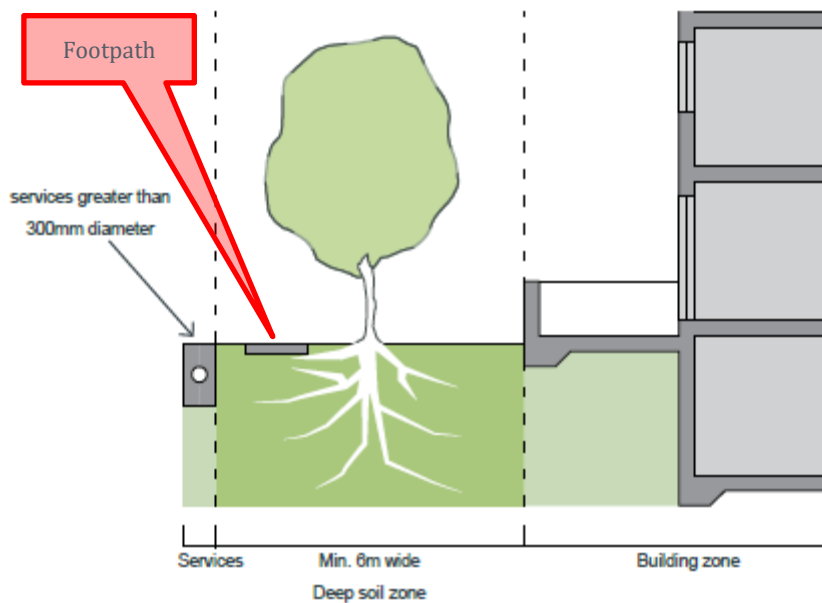


Figure 3E.2 Diagram showing the minimum dimension of deep soil zones for sites greater than 1,500m<sup>2</sup>

**Figure 39** Figure 3E-2 of the ADG noting a footpath is provided in the deep soil area

It is also noted that the subject site is contained within an MU1 – Mixed Use zone within the Bexley North Town Centre where the design guidance of Part 3E acknowledge that achieving the design criteria may not be possible. In these areas where the deep soil requirements are not attained, stormwater management should be achieved and plantings provided in alternative locations such as on structures. In this instance, the proposal provides 6.7% of the site as deep soil landscaped area with a minimum dimension of 6m and 454.06sqm (10.6%) of the site as total deep soil landscaped area without a minimum dimension.

The indicative concept proposal has considered flooding and stormwater in the report by GRC Hydro which is capable of providing acceptable stormwater management. Furthermore, the landscape plan prepared by Site Design Studios demonstrates that the indicative concept scheme will provide a high quality and layered landscape solution, especially to the more sensitive eastern periphery of the site. Despite the minor shortfall in the numerical design criteria for deep soil landscaping, the indicative concept proposal presents a superior landscape solution when compared to the existing landscaping on the site and will enhance the landscaped character of the town centre.

### Views

There are no known significant views to or from the surrounding properties. The single storey houses to the east turn their back on Sarsfield Circuit and will therefore suffer no significant view loss from the proposal. The proposal is not anticipated to have any impact on views in the locality.

### Visual and Acoustic Privacy

The indicative concept proposal has been designed and tested to ensure compliance with the separation requirements of the ADG, both for occupants within the site and adjoining the site. Physical separation between buildings on the site and neighbouring sites is assisted by Sarsfield Circuit to the east, Slade Road to the north and the Council car park to the west. The only adjoining residential property is No. 22-40 Sarsfield Circuit to the south of the site. The indicative concept proposal demonstrates that the design of the building will be set back 6m from the common boundary with the existing residential flat building for the lower levels with the setbacks increasing as the height of the building increases. The indicative concept proposal is capable of compliance with the numerical separation requirements from the boundary.

The adjoining residential flat building at Nos. 22-40 Sarsfield Circuit is separate by a minimum of 2m to the common boundary and is vulnerable to overlooking due to the design and reliance on the under-developed nature of the existing

Bexley North Hotel site. The objectives of 3F-1 of the ADG require “separation distances are shared equitably between neighbouring sites”, however the existing residential flat building at Nos. 22-40 Sarsfield Circuit relies upon the indicative concept proposal to provide adequate separation. In any event, the design of the indicative concept proposal is such that the south facing balconies and windows, even though they attain a setback of 6m or greater from the southern boundary, can be provided with privacy screening or the like in order to minimise the potential for overlooking. This can be explored at the development application stage.

In terms of visual and acoustic privacy within the subject site, the indicative concept proposal demonstrates that the proposal will satisfy the 6-12m separation distances under the ADG. The separation distances are achieved due to the orientation of living areas and private open spaces, blank facades and privacy elements to ensure any future development will be capable of satisfying the visual privacy objective of Part 3F of the ADG. Detailed separation compliance diagrams will be provided at the development application stage.

The site is capable of having no adverse impact on the visual and acoustic privacy of adjoining properties and is capable of satisfying the ADG.

### **Traffic and Parking**

A revised Traffic and Parking Assessment (TPA) has been prepared by Traffix and is submitted with this report.

The TPA provides consideration on the pedestrian and vehicular movements, quantum of car parking as part of the indicative concept proposal and the transport impact on the surrounding road network. The TPA concludes that *“the planning proposal is supported on transport planning grounds and will operate satisfactorily, even based on the set of worst-case assumptions made for the concept development”*.

The conclusions for the car parking generation rates and traffic generation will be examined in more detail below.

### **Car Parking Generation Rates**

The indicative concept proposal generates the following car parking rate:

Table 11 Car Parking Generation			
Car Parking	Units/Rooms/GFA	Minimum Parking Rate	Minimum Spaces Required
<b>Residential Component (SEPP 65)</b>			
1 Bed	24	0.6 spaces per unit	14.4 (15)
2 Bed	49	0.9 spaces per unit	44.1 (45)
3+ Bed	19	1.4 spaces per unit	26.6 (27)
Residential Visitor	92	1.0 space per 5 units	18.4 (19)
<b>Other Land Uses (DCP &amp; RMS)</b>			
Hotel Rooms	50	1 space per 4 rooms	12.5 (13)
Pub	1,550m <sup>2</sup>	1 space per 26m <sup>2</sup> GFA	59.6 (60)
Retail	1,225m <sup>2</sup>	1 space per 40m <sup>2</sup> GFA	30.6 (31)
<b>Total Required</b>			<b>206.2 (210)</b>

The indicative concept proposal details up to 241 parking spaces throughout three basement levels, thus the increased car parking generated by the increased density under the proposed amendments to the BLEP 2021 can be easily accommodated on the site. Given the restricted parking in and around the Bexley North town centre, the provision of additional unrestricted car parking on-site over and above the above requirement may be considered a better outcome for the patrons of the non-residential uses including the pub, hotel, retail and food and drink premises. The reduction in the quantum of parking spaces on the site would reduce the quantum of excavation but will generally be a poorer outcome with the increased reliance upon on-street parking or the Council car park. The provision of car parking will be detailed at the development application stage and be reflective of the proposed uses and configuration of the mixed use development.

It is not anticipated that there are any geotechnical or hydrogeological factors that would limit the provision of basement car parking and therefore these issues will be considered at the development application stage. It is noted the location of the M5 Motorway tunnel extension which is contemplated by indicative concept proposal will be considered at the detailed design stage as part of a future development application.

### Traffic Generation

The TPA details that the indicative concept proposal when calculated using the Guide to Traffic Generating Development (GTTGD) will generate 50 vehicle movements / hour in the AM Peak Hour and 112 vehicle movements / hour in the PM Peak Hour in accordance with the requirements of the GTTGD.

The existing buildings on the site when calculated using the GTTGD will generate 7 vehicle movements / hour in the AM Peak Hour and 42 vehicle movements / hour in the PM Peak Hour. These figures are low due to the operating hours of the existing pub and the underdeveloped nature of the site.

When accounting for the existing uses of the site when operated at full capacity, the proposed development will generate the following traffic volumes:

- +43 vehicle trips per hour during the morning peak period (+19 in, +24 out); and
- +70 vehicle trips per hour during the evening peak period (+42 in, +28 out).

The TPA considers the distribution of traffic and intersection performance to determine the acceptability of the increase in density. The TPA prepared by Traffix concludes as follows:

*The traffic generation arising from the development has been assessed as a net increase over existing conditions and equates to an additional 43 vehicle trips per hour during the morning peak period and 70 vehicle trips during the evening peak period. This is a worst-case assessment that does not take account of multi-purpose trips that occur in a mixed-use development. Nevertheless, SIDRA modelling demonstrates no unacceptable impacts, with no change in levels of service and minor increases in average delays at critical intersections.*

### Pedestrian Linkages

Two publicly accessible through site links are provided as part of the proposal. One provides east-west access through the site along the southern site boundary (mapped LRA land for acquisition by Council), and the other connects this link with the publicly accessible open space that runs north-south through the site. These through site links will significantly improve pedestrian permeability through the Bexley North local centre. The public use and mechanism to secure public access is detailed in Clause 6.16 of BLEP 2021 and will be detailed at the development application stage.

### Demands for infrastructure, utilities and services

The increase in building height and FSR will translate to additional floor space in dwellings and non-residential uses. The demand for infrastructure, utilities and services to support the day to day demands of future land uses are likely to be within the functional capacity of infrastructure, utilities and services augmented in response to specific development proposals.

### Public Benefits

When considering the potential environmental impacts (above), it is important to consider the number of other indirect public benefits which will accompany the redevelopment of the subject site and the indicative concept proposal. The public benefits include, but are not limited to:

- Renewal of the underdeveloped existing pub and hotel (Bexley North Hotel) that do not provide any presence or benefit to the streetscape with a high-quality mixed-use development that defines and revitalises the street frontage and provide generous and well defined open spaces surrounding and throughout the built form;
- The distribution of massing will provide increased visual amenity through increased building separation and moving massing towards the west away from the more sensitive residential uses to the east;
- A variation to building heights and FSR will contribute to a varied and more interesting skyline which will positively contribute to the creation of an attractive and balanced form that follows the height of buildings established within town centres and along the heavy rail lines;

- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point on Sarsfield Circuit;
- Enhanced pedestrian linkages via the provision of accessible east-west and north-south through site links;
- The provision of a new pub, 50 room hotel and lower ground and ground floor level retail will provide increased activation and vitality along Slade Road, the car park and the north-south through-site link;
- The provision of publicly accessible open space (in private ownership to be secured at the DA stage) in the form the through-site link that will improve connectivity and vibrancy of the urban space;
- Increased activation and natural surveillance of the new publicly accessible open spaces, retail area and public domain; and
- Rationalisation of the front boundary to Slade Road and Sarsfield Circuit for the ongoing management of the footpath.

In conclusion, the public benefits offered (above) are considered to be substantial in exchange for the increased density and heights as detailed in Part 4 of this Report. These public benefits will not be realised if the opportunity for changes to the planning controls is lost.

***Q10: Has the Planning Proposal adequately addressed any social and economic effects?***

***Social Impact***

The social impact of the indicative concept proposal will be positive. It is considered that the indicative concept proposal will contribute to the overall wellbeing of residents within the local centre and within the wider Bayside LGA for the following reasons:

- The location of the site supports the provision of residential accommodation given its location within the Bexley North local centre and access to transport, services and employment;
- The indicative concept proposal will provide an increased supply and form of housing, improved social cohesion within the community and contribute to the local economy;
- The indicative concept proposal offers an alternative to detached dwellings which dominates the local area without adversely impacting on any groups of people;
- The redevelopment of the site will bring favourable employment benefits by increasing the non-residential floor area on the site and providing short term employment during construction and an increased residential population in the long term which will assist in the growth of local retail and commercial businesses; and
- The indicative concept proposal is not of a scale that the available health, education, employment and other social support infrastructure and facilities would be unable to cope or suffer and reduced level of service as a direct consequence of this development.

The indicative concept scheme incorporating a mixed use development with approximately 92 apartments and 4,575m<sup>2</sup> of non-residential floor space which is a significant improvement on the existing situation and will undoubtedly have only positive social benefits for the Bexley North local centre.

***Economic Impact***

The existing site currently accommodates the Bexley North hotel (which is a pub) and a separate 17 room hotel. The indicative concept proposal will provide for 4,575m<sup>2</sup> of non-residential floor space across a pub, retail on the lower levels providing active street frontages and a 50 room hotel on Levels 2-3. This will present a significant increase in the net leasable area on the subject site, while retaining and integrating the existing pub and hotel uses on the site. The indicative concept proposal is anticipated to render many economic benefits for the Bexley North local centre and greater Bayside LGA, including and not limited to the following:

- Through population growth, generate additional retail and business trade opportunities;
- Provide more housing and greater housing diversity to combat affordability constraints;
- Diversify the industry base and improve the economic resilience of the Bexley North local centre;
- Encourage higher public transport utilisation by intensifying a site in an accessible location;
- Reinforce the identity and role of the Bexley North local centre;

- Encourages social well-being through the provision of day to day services and the promotion of walking on site, which will improve mental and physical health in the community and therefore reduce the impacts on local medical facilities;
- Support various professional service industries during the planning and design phase of the project e.g. consulting, architecture, engineering, planning and so forth;
- Creation of short-term jobs through the construction of the redevelopment; and
- An increase in tax revenue (rates, stamp duty, contributions) for local and state government, supporting increased and improved services and amenity within Bayside Council.

The indicative concept scheme incorporating a mixed use development with approximately 92 apartments and 4,575m<sup>2</sup> of non-residential floor space is a significant improvement on the existing situation and will undoubtedly have significant benefits for the Bexley North local centre and surrounding locality.

#### 5.3.4 Section D - State and Commonwealth Interests

##### ***Q11: Is there adequate public infrastructure for the Planning Proposal?***

The site is within the Bexley North local centre which is well serviced by infrastructure, utilities, public transport and a variety of social support services and recreational facilities. The additional development potential facilitated by the proposed LEP amendments will not exceed the capacity or availability of public infrastructure.

Appropriate Development Contributions will be levied at the time of development consent for any future development application. In addition, the applicant has provided a letter of offer for a VPA to Council which has not been progressed. This is considered to be a substantial public benefit as the 'physical' infrastructure will be delivered and coordinated with the population generated by the development.

##### ***Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Condition 3 of the Gateway Determination requires consultation with the following authorities and Government agencies:

- Transport for NSW;
- APA Group – operator of the Moomba – Sydney Pressure Ethane Pipeline;
- Ausgrid;
- Sydney Water;
- NSW State Emergency Service; and
- NSW Department of Planning and Environments' Environment and Heritage Group

Each authority is to be given at least 30 working days to comment on the Planning Proposal.

#### 5.3.5 Summary of Strategic and Site Specific Merit

In addressing Question 3, the DPIE Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The DPIE Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

##### **5.3.5.1 Strategic Merit**

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed above but is summarised in **Table 12** below (known as the 'strategic merit test').

**Table 12 Strategic Merit Test**

Assessment Criteria	Comment
Will the proposal “give effect to the relevant regional plan outside of the Greater Sydney Region, 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”.	<p>The applicable strategic plans are the <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> and the <i>Eastern City District Plan</i>, both of which have been prepared by the Greater Sydney Commission.</p> <p>Alignment with the relevant Planning Priorities of both the GSRP and ECDP has been demonstrated in Section 5.3.2.1 and 5.3.2.2, respectively. It has been demonstrated that the planning proposal is considered to give effect to both strategic documents, achieved primarily by increasing density within a highly accessible and strategic location. The increase in maximum building height and FSR has considered the relationship to the surrounding locality and any impacts. This is outlined in this Report and the supporting documentation.</p>
Will the proposal “demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan”.	<p>Consideration of the proposal against the Bayside Local Strategic Planning Statement is addressed in detail under ‘Question 4’ below, and Section 5.3.2.4 of this Report. In summary, the proposal will give effect to the LSPS by being aligned with the relevant strategic goals and the potential public benefits that can be realised by facilitating an increased density for the site. As discussed, the proposal will provide publicly accessible spaces, additional active uses, increased jobs and increased residential accommodation, within a strategically located site within a town centre.</p>
Does the proposal “Respond to a change in circumstances that has not been recognised by the existing planning framework”.	<p>The proposal is a response to the limitations of the current building height and floor space ratio development standards for the site. That is, the current standards do not allow for an increase in density which is considered to be appropriate for the site. Further to this, the proposal is an in-part response to the existing local strategic plans such as the <i>Bayside Local Housing Strategy</i> and the <i>Bayside Community Strategic Plan</i> as discussed throughout this Report.</p> <p>The increase in height and density responds to the current State Government policies of additional densities in local and established centres rather than the continued sprawl of development the urban fringe.</p>

### 5.3.5.2 Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site is located in a highly accessible location and is within close proximity to numerous features within the locality, including the following;
  - Located within the Bexley North local centre;
  - Less than 200m from the Bexley North Railway Station;
  - Numerous public open spaces, namely, Illoura Reserve and Shaw Street Reserve; and
  - A variety of uses including commercial, religious, educational and healthcare facilities, amongst others.
- The site contains numerous characteristics which also enable site-specific merit. This includes the following:
  - It is within a highly accessible and strategic location (as noted above);
  - A considerable site area of 4,236m<sup>2</sup>, representing one of the largest single holdings within the Bexley North local centre;
  - An expansive frontage of approximately 76.67m to Slade Road and 54.84m to the car park to the west which are both mapped as active street frontages under Clause 6.9 of BLEP 2021; and
  - Retention, integration and enhancement of an established use within the new building (Bexley North Hotel and hotel).
- The increase in building the height and floor space development standards will allow for innovative and flexible design, site arrangement and built form. This will enable superior urban design and architectural outcomes, such as;

- Improved presentation to Slade Road, the Council car park to the west and Sarsfield Circuit at differing scales to provide a varied skyline and greater urban fabric;
  - Distribution of massing increasing visual amenity through building arrangement, bulk and scale, whilst delivering an increase in density in a highly strategic location;
  - Allowing for a building height which will relate to the Bexley North town centre and ultimately delivering a hierarchy in built form as it relates to roadways and public domain;
  - Significant improvements to the public domain, namely, the provision of a generously sized publicly accessible open space with north-south and east-west through site links and improving permeability and access on the town centre;
  - Provision of active uses at ground level, fronting Slade Road and the car park to the west in accordance with Clause 6.9 of BLEP 2021 which will be supported by active uses and potential food and drink premises and/or other retail uses;
  - Opportunity to provide greater housing diversity and supply (92 dwellings) within an accessible location, in a desirable LGA;
  - Opportunity to provide additional employment opportunities with 4,575sqm of non-residential floor space including a pub, 50 room hotel and retail spaces; and
  - Improvements to public safety and amenity by permitted redevelopment and revitalisation of the site.
- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows and discussed in further detail under Section 5.3.3 of this document:
    - **Solar access and ventilation:** As demonstrated by the UDR and indicative concept proposal, future residential accommodation will be capable of meeting minimum solar access and ventilation requirements. In terms of overshadowing to the neighbouring properties and public domain, the proposal is well designed to ensure that the increase in building height and density will have no adverse impact to the surrounding locality. Overshadowing is minimised to surrounding properties and any future redevelopment to the car park site to the west as detailed in Part 5.3.3 above. The indicative concept proposal will maximise the available solar access to the publicly accessible north-south through site, especially during the lunch time hours (between 11am-2pm) to provide for enhanced activation and vitality. The solar gain of neighbouring properties is also considered in this Report when compared to a development of a compliant scheme under the current planning controls.
    - **Visual Privacy:** Subject to detailed design at the development application stage, visual and acoustic privacy between the indicative concept proposal and neighbouring properties is capable of compliance with the requirements of the Apartment Design Guide (ADG). The increase in building height and density will not result in any adverse privacy concern as appropriate separation, orientation and design elements can be incorporated to ensure this is maintained.
    - **Acoustic Privacy:** The acoustic privacy of future residents will form part of detailed applications given the retention of the use as a pub (Bexley North Hotel) will continue on the site. This will be considered at the development application stage. Similarly any change of use for retail tenancies will be considered at the development application stage. As such, the acoustic privacy of future residents ad adjoining properties will not be adversely impacted by this proposal. Any acoustic privacy impacts can be appropriately maintained through setbacks, privacy elements and materiality.
    - **Views:** The increase to building height and floor space is not considered to result in any adverse view loss from the surrounding developments or public domain. That is, the subject site is located towards the valley floor and not at the top of a ridge which will result in any significant view loss to or from the site.
    - **Flooding:** The increases to maximum building height has accounted for the minimum RLs required as a result of the site's overland flow affectation. Furthermore, the changes to the density permitted on-site and concept proposal, do not adversely impact flooding throughout the site. Flooding is considered by GRC Hydro in the report submitted with the Report.

- **Traffic:** The proposal will seek to increase the density on the subject site and as such, a Traffic and Parking Assessment report prepared by *Traffix* is submitted with this report. The Traffic and Parking Assessment concludes that the subject site is well located to accommodate the increase in density and will result in minor traffic impacts to the surrounding locality. Furthermore, the proposal will reduce the amount of driveway crossovers to Slade Road and Sarsfield Circuit and will increase pedestrian permeability within the local centre with the two through site links.
- The proposal will appropriately respond to the objectives of the E1 Local Centre zone, as discussed below:
  - *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

Comment: The indicative concept proposal will provide 4,575sqm of non-residential uses including a pub, 50 room hotel and retail spaces along the active frontages of Slade Road and the car park adjoining to the west. The variety of uses will serve the needs of the people who live, work or visit Bexley North.

- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Comment: The indicative concept proposal includes the retention, integration and enhancement of an existing local establishment (Bexley North Hotel and hotel) on the site which will retain existing and create additional employment opportunities given it is a known and established destination. The indicative concept proposal has a non-residential FSR of 1.08:1 which will encourage further investment and economic growth.

- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

Comment: The proposal will provide for an uplift in density suitable to the site location, which will meet the housing needs of the community. The provision of 92 dwellings in an important strategic location will create a vibrant and active local centre consistent with the strategic plans and policies of Bayside Council.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comment: As discussed above, the indicative concept proposal will provide active frontages to Slade Road and the car park to the west in accordance with Clause 6.9 of BLEP 2021. This will encourage activity and vitality in the local centre.

- *To ensure development within the zone does not detract from the economic viability of commercial centres.*

Comment: The indicative concept proposal will retain and enhance the existing uses of the site (Bexley North Hotel and hotel) which will not take away business from the commercial centres. Furthermore, the provision of numerous small retail premises will complement the existing uses and not detract from commercial centres.

- *To ensure the scale of development is compatible with the existing streetscape and does not adversely impact on residential amenity.*

Comment: The scale of development is compatible with the existing streetscape and current planning controls which anticipate a height of up to 22m and an FSR of 2.5:1. The indicative concept proposal will provide for a development that redistributes bulk away from the sensitive eastern boundary towards the western boundary to create a tower element of 35m with a secondary height of 20m to the east. The subject site will contain a single FSR of 3.35:1 reflective of the weighted average of the two building elements. As discussed in Part 5.3.3, the indicative concept proposal will not have any adverse impacts on the amenity of adjoining existing or future residential development.

- *To ensure built form and land uses are commensurate with the level of accessibility, to and from the centre, by public transport, walking and cycling.*

Comment: The Planning Proposal does not seek to alter the zoning but will enhance accessibility and permeability of the centre with the provision of through-site links and upgraded footpaths (subject to future development application) with less driveway crossovers for added safety.

- *To create lively town centres with pedestrian focused public domain activated by adjacent building uses and landscape elements.*

Comment: The active street frontages to Slade Road and the western car park site as required by Clause 6.9 of BLEP 2021 will enhance the activity and vitality of the Bexley North local centre. The provision of landscaping on the active frontages within the site is not typically associated with town centre developments but additional street tree planting can be considered and provided at the future development application stage. The design of the indicative concept proposal, including landscaping in appropriate locations towards Sarsfield Circuit will enhance the activity of the centre whilst providing an appropriate transition to the lower density development to the east.

- *To accommodate population growth in the Rockdale town centre through high density residential uses that complement retail, commercial and cultural premises in the town centre.*

Comment: Not applicable

Detailed analysis of the proposed amendments to the development standards are provided below.

### **Increase in building height**

The proposed building height and indicative concept design is the culmination of detailed design development and consultant input to arrive at a form that increases the development potential of the site while providing a suite of public benefits in a location that has been largely ignored by the current planning controls. That is, the 22m height of buildings development standard (subject to Area 3) is not sufficient to provide for redevelopment incentives in a highly accessible and strategic location.

The indicative concept proposal provides for a mixed-use development that redistributes bulk away from the sensitive eastern boundary to create a tower element adjacent to the western boundary closer to the town centre and Bexley North Railway Station. It is well established Urban Design logic that heights should be at its greatest closest to the train station and is what is being seen with the significant uplifts around the Metro Stations. The subject site is certainly closer to the station than many of the other properties within the Bexley North town centre and certainly closer than the Planning Proposal being considered at Nos. 88-96 New Illawarra Road and Nos. 307-311A Bexley Road.

The indicative concept proposal focuses the tower element to the western boundary to provide a street wall edge to the adjoining car park consistent with other buildings to the south on Sarsfield Circuit. The tower is at its highest in the north-western corner adjacent to Slade Road with the potential to create a gateway to the Bexley North local centre. The planning proposal will delete the "Area 3" requirement under BLEP 2021 as a specific height will be achieved on the site. The increased height and changes to the built form can provide a catalyst for redevelopment at a scale capable of being accommodated adjacent to heavy rail. The arrangement of the built form also balances the shadow impacts to the surrounding locality, with the solar performance of the buildings.

The evolving planning controls for Bayside Council supports greater heights (and densities) in established centres, but especially adjacent to railway stations. The additional height (and density) is accompanied by additional active street frontages and diverse non-residential spaces to create a more vibrant centre. There are a number of factors that support an increased to the height (and density) for the subject site, especially given its location, large land holding, frontage characteristics (to Slade Road and the Council car park to the west), ability to deliver much needed housing and public benefits via the through-site link and active frontages as indicated in Figure 40 below.



**Figure 40** Proposed ground floor plan indicating through site link and non-residential floorspace (noting lower ground floor level retail to the north)

The current controls constrain this vision for the site and there are compelling reasons to support an increase in the height of buildings development standard. Importantly, this Planning Proposal facilitates the development of high-quality mixed-use building that seeks to meet housing demand, employment demands and enhance connections, activity and permeability for the local centre. Specifically, the uplift will allow for the development of diverse retail and commercial spaces, while also allowing the development of residential space to activate the centre and meet the needs of the rapidly ageing community providing accessible housing near existing services, shopping and public transport. These benefits cannot be easily accommodated on other sites which are constrained for a number of reasons and will not be realised if the opportunity is not accepted by Council.

For completeness, the objectives of Clause 4.3 Height of buildings are reproduced and considered below:

*(a) to ensure that building height is consistent with the desired future character of an area,*

**Comment:** The proposed building height is consistent with the strategic location of the site and its relationship within the Bexley North local centre and Bexley North Railway Station. The proposed 35m and 20m height limits will be compatible with the height anticipated by the current planning controls and existing buildings in the centre. The redistribution of bulk and massing of the indicative concept proposal will not be visually jarring and is consistent with heights of other centres located along the train line in the Bayside LGA.

*(b) to minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,*

**Comment:** The proposed building height will not result in any adverse additional impact to the solar access of the existing or future surrounding buildings, including the Council car park site to the west. Furthermore, the building height is designed within an appropriate concept envelope to ensure that there will be no adverse disruption of views, loss of privacy or visual intrusion. The impact to amenity is considered in detail throughout this Report.

*(c) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

**Comment:** The proposed building height will ensure that the amenity of the public domain and neighbouring properties will be maintained. The amended planning controls will allow for an innovative urban and architectural approach which will bring with it significant improvements to local amenity and provide an appropriate transition of scale from the more sensitive residential development to the east to the town centre in the west which is closer to the Bexley North Railway Station. The Planning Proposal will be a catalyst for future redevelopment of the Bexley North town centre with an uplift that reflects its strategic location within an established centre and close to heavy rail.

### **Increase in floor space ratio**

The concept proposal will result in an FSR of 3.35:1, which represents a nominal uplift compared to the current FSR control of 2.5:1 (subject to Area 7). As discussed in height (above), the indicative concept proposal is the culmination of detailed design development and consultant input to arrive at a form that increases the development potential of the site while providing a suite of public benefits in a strategic location. That is, the 2.5:1 FSR development standard (subject to Area 7) is not sufficient to provide for redevelopment incentives in a highly accessible and strategic location.

The proposed FSR of 3.35:1 sits comfortably in the range of FSR's for developments within centres in the Bayside LGA and significantly lower than FSR being contemplated around Metro Stations throughout the metropolitan centre. The indicative concept proposal will include 4,575sqm of non-residential area (1.08:1) which is compatible or better than many of the other sites within the Bexley North town centre, which does not contain a minimum requirement for non-residential FSR. The distribution of massing on the site enables a subservient and appropriate interface with the lower density residential zone to the east which is considered to be a superior outcome.

The indicative concept proposal provides for a mixed-use development that redistributes bulk away from the sensitive eastern boundary to create a tower element adjacent to the western boundary closer to the town centre and Bexley North Railway Station. It is well established Urban Design logic that densities (and heights) should be at its greatest closest to the train station and is what is currently occurring with the significant uplifts around the Metro Stations. The planning proposal will delete the "Area 7" requirement under BLEP 2021 as a specific FSR will be achieved on the site. The increased density and changes to the built form can provide a catalyst for redevelopment at a scale capable of being accommodated adjacent to heavy rail. The arrangement of the built form also balances the shadow impacts to the surrounding locality, with the solar performance of the buildings.

Having regard to the subdivision pattern and allotment sizes within Bexley North, it is apparent that there are limited opportunities for a development of the scale proposed in the concept scheme that is accompanied by the suite of planning benefits it will deliver. In fact, in the event that the amalgamations anticipated by the current planning controls do not occur, the increased height and densities will be unable to be delivered and will be required elsewhere in the municipality. The subject site provides the most appropriate location for this increased density.

The evolving planning controls for Bayside Council supports greater densities (and heights) in established centres, but especially adjacent to railway stations. The additional density (and height) is accompanied by additional active street frontages and diverse commercial and retail spaces to create a more vibrant centre. There are a number of factors that support an increased to the density (and height) for the subject site, especially given its location, large land holding, frontage characteristics (to Slade Road and the Council car park to the west), ability to deliver much needed housing and public benefits via the through-site link and active frontages

For completeness, the objectives of Clause 4.4 Floor space ratio are reproduced and considered below:

*(a) to establish standards for the maximum development density and intensity of land use,*

**Comment:** The changes to the current planning controls will establish maximum density of 3.35:1 and intensity of land use for the site. The Planning Proposal seeks to delete the “Area 7” bonus FSR provision irrespective of the size of the land. Therefore, the Planning Proposal will establish the maximum density development standard.

*(b) to ensure buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*

**Comment:** The proposed bulk and scale of the indicative concept envelopes is reflective of the highly accessible location of the site and its strategic characteristics. The proposed amendments are compatible with the desired form of the Bexley North town centre and will have no adverse impact on the amenity or development potential of surrounding development.

*(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

**Comment:** As outlined in this Report, the increase in density will not result in any adverse impact to the amenity of the adjoining properties or public domain. The proposal will not result in any significant overshadowing, privacy impact, view loss or visual intrusion, despite the increase. The impacts will be appropriately managed through the well-considered concept envelope.

*(d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation,*

**Comment:** The increase in floor space will maintain a visual relationship with the existing buildings and the scale of future development anticipated by the planning controls. That is, the additional density (and height) will be entirely compatible with the scale of the existing and future development in the Bexley North town centre. Whilst there will be an increase in density, the amendments will allow for an innovative and flexible approach to redevelopment of the site which will include a suite of public benefits including publicly accessible spaces and increased activity.

*(e) to ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks and community facilities.*

**Comment:** The indicative concept proposal will be compatible with the scale of surrounding development and will not adversely affect the streetscape, skyline or landscaped character. Given the site is within a local centre, landscaping is not typically contemplated, however the redistribution of bulk away from the more sensitive eastern elevation is replaced by landscaping and planting on structures that will enhance the landscaped character without impacting of activation of the primary frontages.

#### **Development Requiring a Development Control Plan:**

As detailed in Part 4.1.3 of this Report (above), a site-specific Development Control Plan for the subject site, reflecting the indicative concept proposal will be prepared prior to the lodgement of a development application. This is considered a better and more efficient way forward to “lock in” the outcomes of the concept scheme prior to the development application stage rather than slow the Planning Proposal process.

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 13**.

Table 13 Site-Specific Merit Test	
Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, with regards to the following:</i>	
<i>The natural environment (including known significant environmental values, resources or hazards)</i>	The site is not subject to any hazards or risks, excluding flooding and the Moomba-Sydney Pipeline as detailed above. This is considered in Part 2.7.8 of this report. In summary, the potential hazards will not constrain the subject site from achieving the development potential outlined by the increased FSR or height and demonstrated in the indicative concept scheme. Furthermore, the site does not contain items or features that have significant natural or environmental values.

**Table 13 Site-Specific Merit Test**

<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i>	The change to maximum building height and floor space ratio development standards will not impact or restrict the existing or future development of neighbouring properties. Whilst increasing the density on-site, the proposal will facilitate options for future development and act as a catalyst for future redevelopment at a scale that is compatible with the context and setting of the environment. As discussed in this Report, the UDR and supporting documentation, it is demonstrated that the proposal will have no adverse impact in terms of amenity.
<i>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</i>	The proposed increase of density will be suitably supported by the existing services and infrastructure. Detailed design development will be undertaken at the development application stage to confirm the needs to the future redevelopment.

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to finalisation.

## 5.4 PART 4 - MAPPING

Proposed amendments to LEP maps are broadly indicated in Figures 21 and 22. It is anticipated that Council will update their proposed mapping under Clause s4.3 and 4.4 of BLEP 2021.

## 5.5 PART 5 - COMMUNITY CONSULTATION

Condition 2 of the Gateway Determination requires that the Planning Proposal must be available for a maximum of 20 working days and comply with the notice requirements for public exhibition of planning proposals.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Bayside Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

### 5.5.1 Project Timeline

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Phase	Timing
Consideration by Council	16 December 2021 – Bayside LPP  13 April 2022 – City Planning and Environmental Committee  27 April 2022 – Full Council
Resolution	Council does not endorse the Planning Proposal
Rezoning Review Decision	13 October 2022 - Sydney Eastern City Planning Panel
Resolution	Planning Proposal Proceed to Gateway
Gateway determination date	30 May 2023



Commencement and completion dates for public exhibition period	TBD (20 working days exhibition and notification of relevant agencies)
Consideration of submissions	Anticipated to be Two weeks from close of public exhibition
Post-exhibition review and additional studies	Four weeks from close of public exhibition
Date of submission to the Department for finalisation	Six weeks from close of public exhibition
Gazettal of LEP amendment	30 February 2024 (9 months from Gateway)



## 6. Conclusion

This Planning Proposal seeks to amend the provisions of Bayside Local Environmental Plan (BLEP) 2021 for land at No. 187 Slade Road, Bexley North. Specifically, the Planning Proposal seeks to amend the development standards BLEP 2021 as they relate to the height of buildings (HOB) and Floor Space Ratio (FSR). Specifically, the Planning Proposal process seeks to amend the development standards of Bayside Local Environmental Plan (BLEP) 2021 to:

- amend the height of buildings standard (Clause 4.3) to permit buildings to a maximum height of 20m and 35m and exclude the site from “Area 3” on the Height Map;
- amend the FSR standard (Clause 4.4) to permit buildings with a maximum FSR of 3.35:1 and exclude the site from “Area 7” on the FSR Map;
- amend the development requiring the preparation of a development control plan (Clause 6.16) to include Lot 30 in DP 1222252 – 187 Slade Road, Bexley North; and
- No changes to Land Reserved for Acquisition (Clause 5.1 and 5.1A).

There are compelling strategic, urban design and town planning reasons for the above-mentioned changes to the planning controls for No. 187 Slade Road in the subject Planning Proposal. Specifically, the subject site represents a unique opportunity to deliver a high-quality, innovative and sustainable development, delivering a suite of public benefits that will not be realized if the current planning controls are retained and the opportunity for redevelopment passes. That is, the current maximum building heights and FSR are not capable to providing a density on the site which is reflective of its strategic location and superior characteristics.

This application for a Planning Proposal demonstrates that the proposed amendments to BLEP 2021 are necessary to redevelop the subject site in line with the metropolitan and district plans, and that this redevelopment can be achieved without unreasonable amenity impacts on neighbouring sites. This application represents an opportunity for Council as it will provide a catalyst for the redevelopment of other sites in the Bexley North town centre, particularly those that adjoin the Council owned car park. The changes to the planning controls will:

- Establish a ‘landmark’ development at a key gateway to the Bexley North local centre, forming a visual marker and reinforcing the importance and identity of the Bexley North local centre;
- Contribute towards the revitalisation of the local centre by establishing uses and activation adjacent to the Council car park and Slade Road;
- Establish a ‘destination’ through the provision of ground level café, pub and retail tenancies linked to publicly accessible open space;
- Enhance pedestrian permeability through the site to link surrounding sites and public spaces;
- Address housing affordability by providing a mix of housing choices;
- Create liveable communities by providing high quality amenities and open space to meet the needs of existing and future residents of Bexley North;
- Deliver the highest standards of urban planning and excellence in architectural design.

The redevelopment of the site will provide a significant number of public benefits which include the following:

- The renewal of the existing Bexley North Hotel (pub) and associated Motel building will act as a catalyst for the future redevelopment of the urban block bounded by Bexley Road, Slade Road and Sarsfield Circuit;
- The provision of a high quality mixed use building that defines the street frontage and provides generous and well defined open spaces for residents on the upper levels;
- The provision of a through site link (subject to acquisition by Council) to connect to a potential future “Urban Piazza” or other redevelopment on Council land currently occupied by an existing carpark;
- The redistribution of massing away from the sensitive eastern boundary (reducing the currently allowable height at this edge of the site) towards the northern and western boundaries will provide increased visual amenity through delivery of a ‘landmark’ building with generous building separation;
- A variation to building heights within future development will contribute to a varied and more interesting skyline



which will positively contribute to the creation of an attractive Bexley North Town Centre;

- Improvements to public safety and amenity by rationalising the width and number of driveway crossovers on the site to a single point from Sarsfield Circuit;
- Retain the existing Bexley North Hotel as a destination which is enhanced by additional retail and food and drink premises (subject to future DA's) to contribute towards the economic vitality and increased activation on the primary frontage to Slade Road, within an easy and safe walking distance to a catchment of local residents;
- The provision of lower density residential uses fronting Sarsfield Circuit to provide a transition in scale to the low density residential development to the east and provide increased natural surveillance of the public domain, and
- Deliver the highest standards of urban planning and excellence in architectural design.

The Urban Design Report and indicative concept proposal prepared by Carter Williamson demonstrate a high quality redevelopment scheme integrated with pedestrian links and movement paths, landscaped areas, solar access and a variety of building forms. The UDR comprehensively demonstrates that the proposed building form facilitated by this application will:

- Fit with the anticipated future urban form;
- Deliver additional apartments and new open space of high quality and generally compliant with the requirements of SEPP 65 and the ADG;
- Provide increased housing opportunities to optimise the efficient use of infrastructure, services and facilities which are anticipated to be augmented as part of the redevelopment of the Bexley North local centre;
- Provide additional non-residential floor space in the form of a pub, 50 room hotel and retail areas to provide additional jobs, economic growth and vitality to the Bexley North town centre and,
- Maintain a mix of land uses expected to facilitate the orderly and economic development of the site with no detrimental impacts to the amenity and accessibility of public open spaces and at a density which will be within the capacity of augmented infrastructure.

This Planning Proposal is consistent with the local, regional and state planning strategies for Bayside LGA and the Eastern City District Plan within the Sydney Metropolitan Area. This Planning Proposal has the potential to make a substantial positive contribution to the quality and quantum of housing, commercial facilities and public open space in the Bexley North local centre, on a well-serviced site, to provide a development which is diverse and vibrant, compatible with neighbouring properties and delivers a high quality urban environment.

This application for a Planning Proposal is entirely worthy of support.