

Bayside Local Planning Panel - Other Applications

16/12/2021

Item No	5.1
Subject	Planning Proposal - 187 Slade Road, Bexley North
Report by	John McNally, Urban Planner - Strategic Planning
File	F19/1273

Summary

Council has received a draft Planning Proposal in relation to land at 187 Slade Road, Bexley North – the site of the Bexley North Hotel (the subject site). The draft Planning Proposal seeks to amend the Bayside Local Environmental Plan 2021 (BLEP 2021) by:

- Amending the height of buildings (HOB) map from 16m (plus 6m height incentive for lots of minimum 1200sqm) to introduce maximum HOB standards of 20m and 35m;
- Amending the floor space ratio (FSR) map from 2:1 (plus 0.5:1 FSR incentive for lots of minimum 1200sqm) to introduce maximum FSR standards of 3.2:1 and 3.6:1; and
- Amending both the HOB and FSR maps to omit the land from 'Area 3' and 'Area 7' respectively, thereby preventing the land from benefitting from any further exceedance of the resulting HOB and FSR standards which would otherwise have been permitted by current clauses 4.3 and 4.4 of the BLEP 2021.

The existing zoning under the Bayside Local Environmental Plan 2021 is B4 Mixed Use. No change to the zone is proposed.

Regional and district planning policies acknowledge that the growth and expansion of existing local centres is necessary to support the growth of Sydney's population and provide local jobs and services in accessible locations.

However, these policies also direct that new developments must display good design principles, respect local character and improve amenity. To properly assess the urban design issues associated with the proposed changes to the LEP, Council has engaged the services of an external urban design consultant. The urban design consultant raised a number of concerns that the proposed HOB and FSR may not be achievable on the site and could result in a development which does not reflect the design principles displayed in the indicative scheme submitted by the proponent.

In summary, whilst the principle of higher density development in this location is acceptable, in the absence of a masterplan for the Bexley North centre, additional work is required to demonstrate that the proposed changes to development standards can be accommodated on the site without harm to the character or amenity in the immediate locality or prejudicing any future master-planning of the Bexley North local centre.

The proponent has provided a significant amount of information and is not willing to address the urban design issues raised without some general assurance that the proposal could be supported as it stands or with some refinement. The matter is being reported to the Panel to seek the Panel's advice to assist the proponent in determining how to proceed.

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Officer Recommendation

- 1 That the Bayside Local Planning Panel consider the draft Planning Proposal for 187 Slade Road, Bexley North and provide feedback to the proponent as follows:
 - a. While the timing of the draft Planning Proposal is premature when considered against the timeframes for investigation into the Bexley North area (6-10 years) in both the Bayside Local Strategic Planning Statement and Bayside Local Housing Strategy, the site is within an existing Local Centre identified in the Eastern City District Plan, and therefore there is merit in supporting an increase in development potential;
 - b. the draft Planning Proposal has strategic merit due to its close proximity to mass transit, and its ability to contribute to the growth and expansion of an existing Local Centre, which are planning outcomes sought under Planning Priorities E10 and E11 of the Eastern City District Plan (ECDP).
 - c. The draft Planning Proposal is consistent with Objectives 10, 14 and 22 of the Greater Sydney Region Plan, and Planning Priorities E5, E6, E10 and E11 in the ECDP, as the proposal would facilitate higher density development in a Local Centre that is close to frequent public transport, potentially providing additional jobs and housing supply in this accessible location.
 - d. The draft Planning Proposal is consistent with Planning Priorities 5,6,12 and 15 of the Bayside LSPS, as the proposal would concentrate high density urban growth/expansion within a Local Centre adjacent to public transport corridors, promote integrated land use, and enable potential investment and business opportunities in a centre within the Bayside Local Government Area.
 - 2 That the Bayside Local Planning Panel recommend that the proponent provide additional information to demonstrate that the building envelopes resulting from the Floor Space Ratio and Height of Buildings requested are achievable on the site without being detrimental to local character, residential amenity, and the potential future uses of Council's adjoining car park.
 - 3 That the final version of the Planning Proposal be reported back to the Bayside Local Planning Panel for advice prior to being reported to Council for a Gateway decision.
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BackgroundApplicant:

Tunborn Pty Ltd assisted by Planning Ingenuity Pty Ltd

Owner:

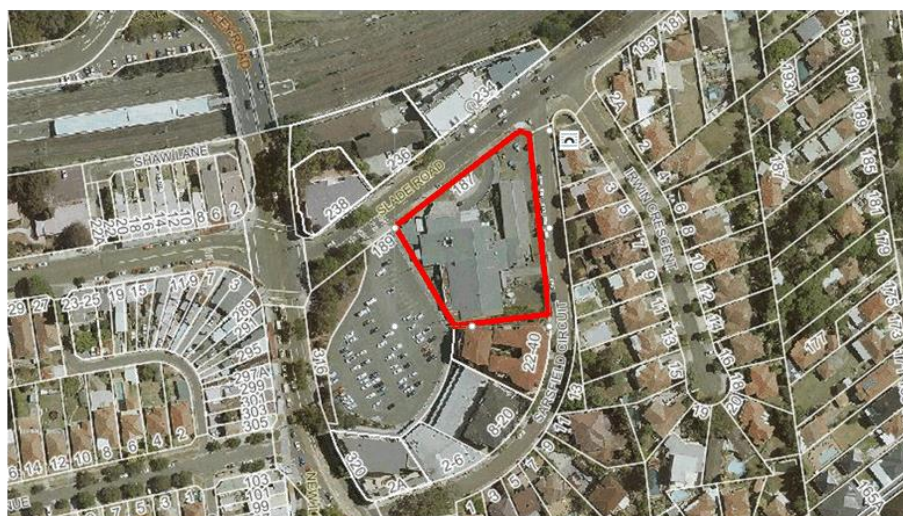
Tunborn Pty Ltd

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Site Description:

The subject site is located at 187 Slade Road, Bexley North, legally described as Lots 30 DP 1222252 (the site). The site is irregular in shape and has a north-western boundary along Slade Road of approximately 75m, an eastern boundary along Sarsfield Circuit of approximately 87m, a southern boundary against 22-40 Sarsfield Circuit of approximately 46m and a south-western boundary along the public car park of approximately 55m. The site has an area of approximately 4,270sqm, and is the site of the Bexley North Hotel, a single-storey building providing pub, bottle-shop and hotel accommodation uses. The site is located along the south-eastern boundary of Slade Road, approximately 54m from the intersection with Bexley Road (shown in **Map 1** below). Existing development on and adjoining the site is shown in **Photographs 1-4**, below:



Map 1: Site location outlined in red (Source: Bayside Council)

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Photograph 1: View of Bexley North Hotel looking east from the public car park (Source: Bayside Council)



Photograph 2: View of subject site and car park looking north from commercial properties on Sarsfield Circuit (Source: Bayside Council)



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Photograph 3: View of Bexley North Hotel looking east from Bexley Road (Source: Bayside Council)



Photograph 4: View of bottle shop and hotel looking south from Slade Road (Source: Bayside Council)

Site Context:

The immediate locality is characterised by various residential and commercial/retail uses, with residential flat buildings and shop-top housing to the north, low-density residential properties to the east, shop-top housing and commercial/retail properties to the south and a public car park to the west. The immediate site context is described in **Photographs 5-14** below:



Photograph 5: View looking east from public car park of shop-top housing located directly south of subject site (Source: Bayside Council)

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Photograph 6: View looking north-west along site boundary towards shop-top housing on opposite side of Slade Road (Source: Bayside Council)



Photograph 7: View looking south-east towards shop-top housing and commercial properties on Sarsfield Circuit (Source: Bayside Council)



Photograph 8: View looking south-west from subject site to shop-top housing on Sarsfield Circuit and commercial properties on Bexley Road (Source: Bayside Council)

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Photograph 9: View from north-west boundary of subject site looking north-east along Slade Road
(Source: Bayside Council)



Photograph 10: View from north-west boundary of subject site looking south-west along Slade Road towards intersection with Bexley Road (Source: Bayside Council)



Photograph 11: View looking south towards subject site and surrounding land from opposite side of Slade Road (Source: Bayside Council)

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Photograph 12: View looking north on Sarsfield Circuit along eastern boundary of subject site and western boundary of residential properties (Source: Bayside Council)



Photograph 13: View looking east along Sarsfield Circuit from intersection with Bexley Road (Source: Bayside Council)



Photograph 14: View looking north along Bexley Road at intersection with Sarsfield Circuit (Source: Bayside Council)

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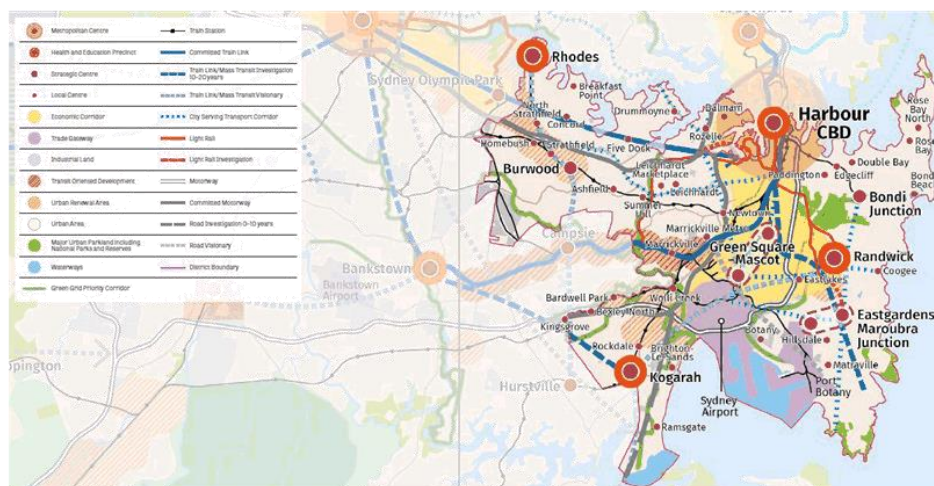
In context with the wider locality, the site is approximately a 150m walk from Bexley North train station. Access to the M5 is also a short drive north of the site, with the boundary of the Canterbury Bankstown LGA a short distance further north. Most of the wider area beyond the Bexley North centre is characterised by large areas of low-density residential properties interspersed with pockets of public recreation land. **Map 2** below shows the site in context with the wider area:



Map 2: Wider context of subject site (Source: Draft Planning Proposal Report, Planning Ingenuity)

Strategic –

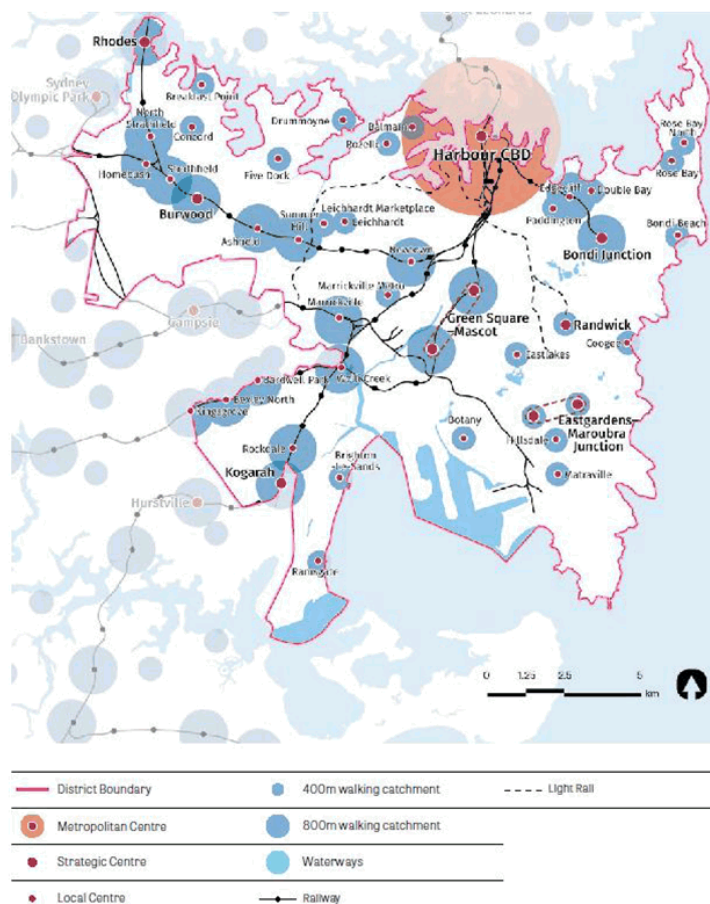
Bexley Town Centre is identified as a 'Local Centre' in the Eastern City District Plan:



Map 3: Structure Plan for the Eastern City District (Source: Eastern City District Plan)

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The Eastern City District Plan does not provide any specific commentary about Bexley North local centre, but provides the following general commentary about Local Centres:

Improving Access to Local Jobs and Services –

The District's strategic and local centres provide a range of local jobs and services that support the growing population. Encouraging the growth of strategic and local centres will reduce the need for people to travel long distances to access jobs and local services;

Principles for Greater Sydney's Centres –

As Greater Sydney's population grows over the next 20 years, there will be a need to grow existing centres, particularly strategic centres and supermarket-based local centres...

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Existing centres: Expansion options will need to consider building heights and outward growth;

Productivity: A Well-Connected City –

A Metropolis of Three Cities requires a well-connected Greater Sydney with new jobs, shops and services in well-located centres with efficient transport connections and safe and convenient walking and cycling routes. This creates a 30-minute city. A well-connected city will be measured against the outcomes achieved by improved access to metropolitan, strategic and local centres.

Potential indicators: Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/cluster; Percentage of dwellings located within 30 minutes by public transport of a strategic centre.

Planning Controls

Bayside LEP 2011

At the time of the original submission of the draft Planning Proposal, the Rockdale LEP 2011 applied to the land. Since then, the Bayside LEP has been notified and now applies to the land. A summary of any changes to the standards made through the gazettal of Bayside LEP 2021 is included in **Table 1** below (NB. Table 1 does not include the amendments proposed by the draft Planning Proposal for the subject site:

Table 1: Summary of any relevant changes to development standards between Rockdale LEP 2011 and Bayside LEP 2021

Rockdale LEP 2011	Current Bayside LEP 2021
Zoned B4 Mixed Use	No change to zoning
FSR of 2:1 plus 0.5:1 incentive	No change to the FSR standards; Incentive Area C is now notated as Area 7
Height of 16m plus 6m incentive	No change to the HOB standards; Incentive Area C is now notated as Area 3
LRA – Local Road	No change to the LRA for a Local Road; The same portion of the land is still reserved for a local road
Acid Sulphate Soils Class 5	No change to classification
Flood Planning Areas	No Flood Planning Maps have been included in the BLEP 2021; Council's flood information shows that the land is affected by both the 1% Annual Exceedance Probability and the Probable Maximum Flood;

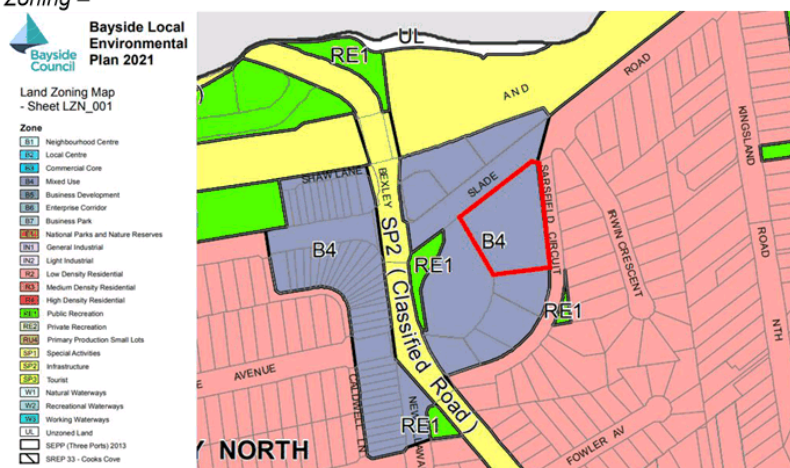
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Rockdale LEP 2011	Current Bayside LEP 2021
	The proponent has provided a Flood Risk Study to support the draft Planning Proposal
Active Street Frontages	No changes to designation

The map extracts for the site and surrounding land from the Bayside LEP 2021 are provided below (**Maps 5-10**). These describe the planning controls for the subject site and the locality:

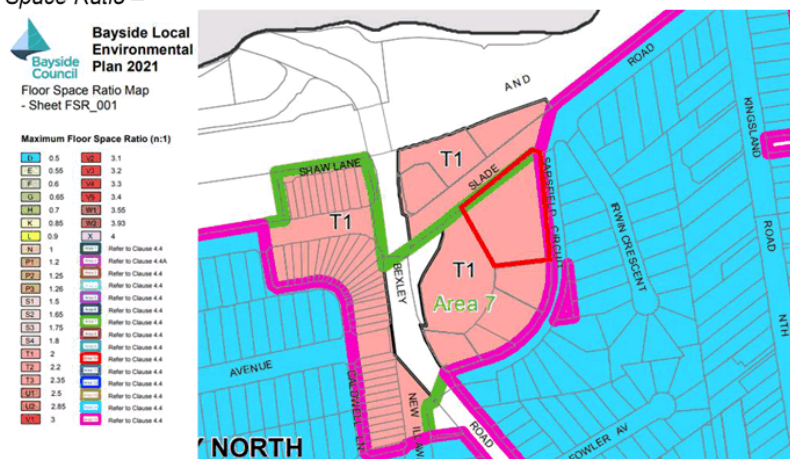
Land Zoning –



Map 5 – Bayside LEP 2021 Land Zoning Map (Source: www.legislation.nsw.gov.au)

The subject site is zoned B4 Mixed Use. The land immediately to the north, west and south is also zoned B4. Land to the east is zoned R2 Low Density Residential.

Floor Space Ratio –



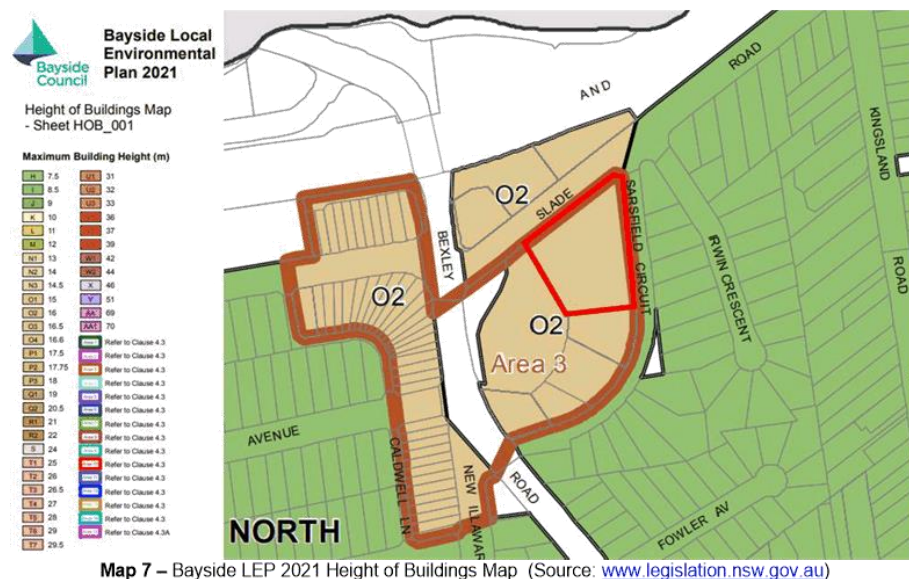
Map 6 – Bayside LEP 2021 Floor Space Ratio Map (Source: www.legislation.nsw.gov.au)

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The subject site has a maximum FSR of 2:1 and is included in the FSR incentive Area 7, which allows for consideration of an additional FSR of 0.5:1 on an allotment of at least 1,200sqm. The immediate surrounding B4 zoned land is affected by the same FSR standards, except for the B4 zoned land immediately to the north, beyond Slade Road, which does not benefit from the FSR incentive. The broader locality has a maximum FSR of 0.5:1.

Height of Buildings

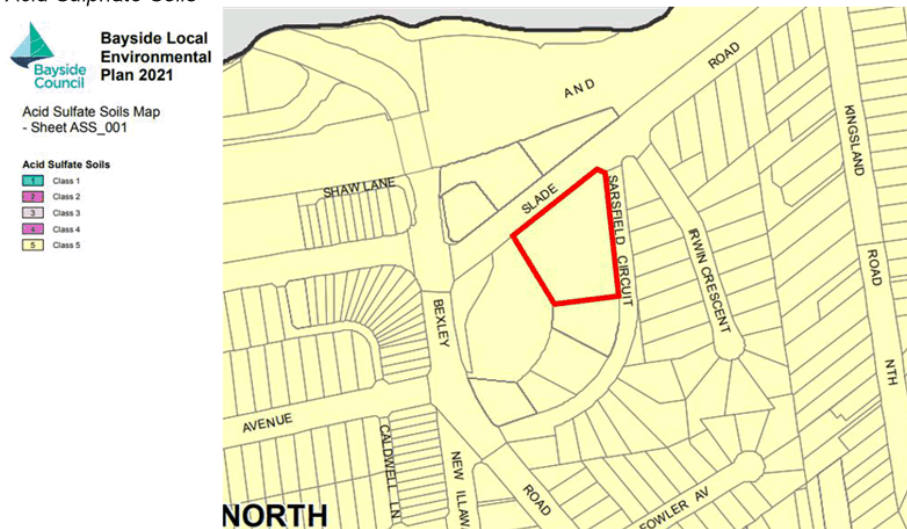


The subject site has a maximum HOB of 16m and is included in the HOB incentive Area 3, which allows for consideration of an additional 6m height on an allotment of at least 1,200sqm. The immediate surrounding B4 zoned land is affected by the same HOB standards, except for the B4 zoned land immediately to the north, beyond Slade Road, which does not benefit from the HOB incentive. The broader locality has a maximum HOB of 8.5m.

Land Reservation Acquisition –

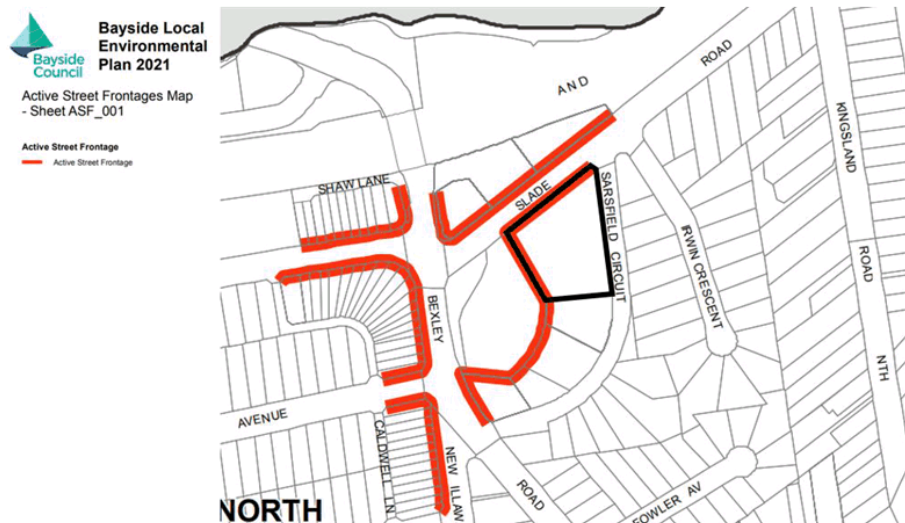
Map 8 – Bayside LEP 2021 Land Reservation Acquisition Map (Source: www.legislation.nsw.gov.au)

The southern part of the subject site is affected by a LRA for a Local Road. No other LRAs exist in the immediate locality.

Acid Sulphate Soils –

Map 9 – Bayside LEP 2011 Acid Sulphate Soils Map (Source: www.legislation.nsw.gov.au)

The subject site and the wider area are affected by Class 5 Acid Sulphate Soils.

Active Street Frontages

The north-west and south-west boundaries of the site are identified as Active Street Frontages, as are most other frontages in the Bexley North local centre.

Proposed Changes to the Bayside LEP 2021

The draft Planning Proposal (**Attachment 1**) proposes the following changes to the BLEP 2021:

- Amending the relevant height of buildings (HOB) map from 16m (plus 6m height incentive for lots of minimum 1200sqm) to introduce maximum HOB standards of 20m and 35m;
- Amending the relevant floor space ratio (FSR) map from 2:1 (plus 0.5:1 FSR incentive for lots of minimum 1200sqm) to introduce maximum FSR standards of 3.2:1 and 3.6:1; and
- Amending both the HOB and FSR maps to omit the land from 'Area 3' and 'Area 7' respectfully, thereby preventing the land from benefitting from any further exceedance of the resulting HOB and FSR standards which would otherwise have been permitted by current clauses 4.3 and 4.4 of the BLEP 2021.

Environmental Planning and Assessment Act 1979 (the Act)

The NSW Department of Planning and Environment's publication '*A Guide to Preparing Planning Proposals*' (December 2018) (the Guide), issued under section 3.33(3) of the Act, provides guidance and information on the process for preparing Planning Proposals. It can be found at **Attachment 2**.

The Guide states the following, which has relevance to the assessment of the draft Planning Proposal for the subject site:

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Section 1.3, Page 5 –

- *A planning proposal must demonstrate the strategic merit of the proposed LEP amendment;*
- *A planning proposal relates only to a LEP amendment. It is not a development application, nor does it consider specific detailed matters that should form part of a development application;*

Section 2.3, Pages 9 and 10 –

- *The overarching principles that guide the preparation of planning proposals are:*
 - *The level of justification should be proportionate to the impact the planning proposal will have;*
 - *The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised within the timeframe proposed.*
- *It is not expected that a council or proponent will provide comprehensive information to support a request for Gateway determination. As a minimum, a planning proposal before a Gateway determination has been issued must identify relevant environmental, social, economic and other site-specific considerations. The planning proposal document may identify the need for investigations and an approach for addressing the issues;*
- *It must also demonstrate how the proposed instrument will give effect to the local strategic planning statement of the Council of the area.*

Section 2.3.1, Pages 12 and 13:

Assessment Criteria

- a) *Does the proposal have strategic merit? Will it:*
 - *Give effect to the... relevant district plan within the Greater Sydney Region...; or*
 - *Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement;*
- b) *Does the proposal have site-specific merit, having regard to the following?*
 - *The natural environment (including known significant environmental values, resources or hazards); and*
 - *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
 - *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.*

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Section 2.3.1, Page 13:

When preparing a planning proposal, the proposal is required to demonstrate how it will give effect to an endorsed local strategic planning statement. Relevant matters must be identified and the relationship of the planning proposal to those matters should be discussed.

The assessment of the submitted draft Planning Proposal by Council staff has been undertaken in accordance with the latest version of this Guide (dated December 2018).

Strategic Planning Framework – StateSection 9.1 Directions by the Minister

Section 9.1 Directions by the Minister (s9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a s9.1 direction applies to a draft Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified. An assessment of the draft Planning Proposal against the current s9.1 directions (issued 5 August 2021 by DPIE) is provided in **Table 2** below:

Table 2: Draft Planning Proposal consistency with applicable s9.1 directions –

Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
1.1 Business and Industrial Zones	<p>What a Relevant Planning Authority must do:</p> <p>A draft Planning Proposal must:</p> <p>(a) <i>give effect to the objectives of this direction (i.e., encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres);</i></p> <p>(b) <i>retain the areas and locations of existing business and industrial zones;</i></p> <p>(c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones;</i></p> <p>(d) <i>not reduce the total potential floor space area for industrial uses in industrial zones.</i></p> <p><u>Comment:</u></p> <p>The draft Planning Proposal is considered to be consistent with the terms of the direction. It proposes to create a more efficient use of B4 Mixed</p>	YES

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Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>Use land, which will allow the retention and enhancement of the functions currently provided by the existing Bexley North Hotel. It is intended that the LEP amendment will facilitate a future redevelopment of the land which will contribute towards the economic vitality of the Bexley North local centre.</p> <p><u>Consistency:</u></p> <p>No inconsistencies with the terms of the direction were identified.</p>	
3.4 Integrating Land Use and Transport	<p>What a RPA must do:</p> <p>A draft 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 <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>.</p> <p><u>Comment:</u></p> <p>The draft Planning Proposal is considered consistent with the guidelines, as the draft Planning Proposal encourages business development in an existing town centre location within a short walking distance of public transport (Bexley North railway station).</p> <p><u>Consistency:</u></p> <p>No inconsistencies with the terms of the direction were identified.</p>	YES
4.1 Acid Sulfate Soils	<p>What a RPA must do:</p> <p>This Direction requires that a RPA must consider an acid sulfate soils study assessing the appropriateness of the intensification of land use, given the presence of acid sulfate soils.</p> <p><u>Comment:</u></p> <p>The Bayside LEP 2021 Acid Sulfate Soils Map identifies the subject site as containing Class 5 acid</p>	YES

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Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>sulfate soils. Clause 6.1 of the LEP seeks to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.</p> <p>The Planning Proposal report states that the subject site is not affected by acid sulphate soils or salinity. The proponent has not submitted an acid sulphate soils study to support the Planning Proposal, however, the proponent has submitted a Stage 2 Environmental Site Assessment (see Attachment 3) which states that the site is not located in an acid sulphate soil risk area according to the risk maps prepared by the Department of Land and Water Conservation.</p> <p><u>Consistency</u></p> <p>Although an acid sulphate soils report has not been submitted in support of the draft Planning Proposal, this would appear to be unnecessary given the likelihood that acid sulphate soils are not present on the site as shown on the State Government's acid sulphate soils database.</p> <p>In any case, Clause 6.1 of the Bayside LEP 2021 requires this matter to be addressed before development consent can be granted to development identified on the Acid Sulfate Soils Map.</p>	
4.3 Flood Prone Land	<p>What an RPA must do:</p> <p>A RPA must ensure that a Planning Proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> - permit development in floodway areas, - permit development that will result in significant flood impacts to other properties, - permit a significant increase in the development and/or dwelling density of that land. <p><u>Comment:</u></p> <p>The draft Planning Proposal seeks provisions that will permit a significant increase in potential density</p>	YES

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Ministerial Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>of development of the land which is located within a flood planning area.</p> <p><u>Consistency:</u></p> <p>A Planning Proposal may be inconsistent with the direction if the RPA can satisfy the Director-General that:</p> <ul style="list-style-type: none"> - the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority, and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or - the provisions of the planning proposal that are inconsistent are of minor significance, as determined by the relevant planning authority. <p><u>Comment:</u></p> <p>The proponent has submitted a Flood Investigation Report (Attachment 4) prepared in accordance with the principles and guidelines of the <i>Flood Plain Development Manual 2005</i> to support the Planning Proposal. Table 7 of the report illustrates how the Planning Proposal and Flood Investigation Report comply with the requirements of Ministerial Direction 4.3. The Flood Investigation Report has also been reviewed internally by Council's technical staff and, following some amendments and inclusion of additional information, is now considered satisfactory to address this Direction. Accordingly, the inconsistency with the terms of the direction is considered to have been adequately justified.</p>	

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An assessment of the draft Planning Proposal against the relevant SEPPs is provided in **Table 3**, below:

Table 3: Relevant State Environmental Planning Policies

Name of SEPP	Compliance of Draft Planning Proposal with SEPP	Complies Y/ N
SEPP 55 – Remediation of Land	<p>This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p> <p>The proponent has provided a Stage 2 Environmental Site Assessment (Attachment 3) to support the draft Planning Proposal. Based on the scope of work undertaken for this assessment, the following potential contamination sources were identified:</p> <ul style="list-style-type: none"> • Fill material; • Historical agricultural use (poultry farm); • Use of pesticides; • Hazardous Building Material; • Two service stations were located approximately 75m and 150m up-gradient (south-west) of the site; and • A former dry cleaners was located less than 50m to the south of the site. <p>The assessment has made the following recommendations:</p> <ul style="list-style-type: none"> • 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; 	YES

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Name of SEPP	Compliance of Draft Planning Proposal with SEPP	Complies Y/ N
	<ul style="list-style-type: none"> • A validation assessment should be undertaken on completion of remediation at each development stage; and • An unexpected finds protocol should be implemented during excavation works at the site. <p>The findings of the Environmental Site Assessment are principally concerns for a future development application (DA) to consider. The land is already zoned B4 Mixed Use, and has development standards permitting the future development of the land for a range of uses, subject to development consent. The draft Planning Proposal for development standards allowing higher density development will not obstruct the aims of the SEPP to remediate land as part of the future redevelopment of the site.</p>	
SEPP 65 – Design Quality of Residential Apartment Development	<p>The key objectives of the SEPP are to improve the design quality of residential apartment development aims—</p> <ul style="list-style-type: none"> (a) to ensure that it contributes to the sustainable development of New South Wales— <ul style="list-style-type: none"> (i) by providing sustainable housing in social and environmental terms, and (ii) by being a long-term asset to its neighbourhood, and (iii) by achieving the urban planning policies for its regional and local contexts, and (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and 	NO

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Name of SEPP	Compliance of Draft Planning Proposal with SEPP	Complies Y/ N
	<p>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</p> <p>(g) to support housing affordability, and</p> <p>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</p> <p>It is acknowledged that the development shown in the Urban Design Report is an indicative scheme at this stage. It is also recognised that most of the objectives of the SEPP will be realised through a detailed design assessed by a DA at the appropriate time.</p> <p>However, Council's urban design consultant has raised concerns that the potential height and bulk associated with the proposed changes to the LEP development standards on the land could encourage development proposals that are unable to meet the requirements of SEPP 65 and the ADG, and which may well have a detrimental impact on the amenity of neighbouring residential properties. This is discussed in more detail later in this report.</p>	

There are no other SEPPs applicable to the draft Planning Proposal.

Strategic Planning Framework – Regional

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the draft Planning Proposal.

Strategic Planning Framework – Regional and District

Regional, sub-regional and district plans and strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure. An assessment of the draft Planning Proposal's consistency with the strategic planning framework is provided in **Table 4**, which follows:

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Table 4: Strategic Planning Framework

Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
Objective 10 – Greater housing supply	The draft Planning Proposal will facilitate a higher density, mixed use development, including greater housing supply, in a local centre, in close proximity to local amenities and public transport infrastructure/frequent public transport services.	Yes
Objective 12: Great places that bring people together	<p>Strategy 12.1 promotes using a place-based and collaborative approach to deliver great places by:</p> <ul style="list-style-type: none"> • prioritising a people-friendly public realm and open spaces as a central organising design principle; • providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres; and • recognising and celebrating the character of a place and its people. <p>A peer review of the proponent's Urban Design report, and the indicative scheme employed to support the proposed higher density development standards, has raised the following ongoing concerns:</p> <ul style="list-style-type: none"> • <i>Over-reliance on there being no future development of the public car park, which in turn relies on reductions in DCP setbacks to achieve the FSR standards;</i> • <i>The use of deep footprints with long unbroken frontages to achieve similar densities at much lower building heights is a poor urban outcome. This indicates that the proposed FSR is mismatched to the proposed HOB control;</i> • <i>The length of building and its footprint is out of character with the adjacent residential properties. It is recommended that the indicative design be broken into two sections to help offset the extensive length of blank street frontage;</i> • <i>A Planning Proposal should not rely on architectural treatments to ameliorate conditions created by an envelope; the envelope itself</i> 	No

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Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
	<p><i>should be reduced to avoid the problem. This does not prevent a future architectural scheme from pursuing a street wall scheme, but it provides the flexibility for it to be a design choice rather than a necessity to achieve the site's proposed FSR;</i></p> <ul style="list-style-type: none"> <i>The height is potentially supportable, but the massing is out of scale with its surroundings, primarily due to its oversized floor plates;</i> <i>There is a concern with the flexibility of the proposed height map is related to larger concerns about the viability and appropriateness of the proposed building envelopes. We believe a likely outcome is 'infilling' the entire height envelope to make up for FSR allowance assumed but not achievable elsewhere on site. Our preference is that the FSR be significantly reduced;</i> <i>Alternatively, or as well as, other controls such as the height map should be significantly tightened to avoid unexpected outcomes.</i> <p>These comments are not exhaustive and form part of lengthy negotiations between council's external consultant (AJ&C who conducted the peer review) and the proponent (Attachment 5). This matter is dealt with in more detail later in the report.</p> <p>However, for the reasons listed above, the draft Planning Proposal is considered to be inconsistent with this particular objective of the Greater Sydney Region Plan.</p>	
<p>Objective 14</p> <p>A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>The draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility. The subject site is a very short walk to Bexley North train station, which enjoys links to the CBD in 20-30 minutes, and there are also several bus routes in the local area. The local road network provides easy links to adjacent suburbs, and the M5 can be accessed a short distance from the subject site, again providing links to the CBD or to other parts of Greater Sydney.</p>	Yes

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Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
Objective 22 Investment and business activity in centres	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> Contribute towards the revitalisation of the town centre by establishing uses and activation at the heart of the Bexley North Town Centre; Retain the existing Bexley North Hotel with additional restaurants/cafes Assist with meeting strategic development outcomes for high quality mixed use development within an underdeveloped town centre. <p>Whilst the exact business uses secured on the site would only be determined via future DA assessment/approval, the draft Planning Proposal would likely make the site more attractive for investment in any of the range of uses allowable under the B4 Mixed Use zone.</p>	Yes

District Plans – Eastern City District Plan		
Directions, priorities, objectives and actions	Consistency with the plan	Consistency Y/N
Planning Priority E1 Planning for a city supported by infrastructure	As a local centre, Bexley North has not been specifically identified for growth in the plan. Higher density development on the site is therefore not specifically supported by the plan.	No
Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport	The draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility and local amenities. It is intended that the future redevelopment of the site, facilitated by the increase in development standards, will include a residential development, along with a mix of business uses allowable under the existing B4 Mixed Use zone.	Yes
Planning Priority E6	The draft Planning Proposal has significant strategic merit as it will contribute to the growth and expansion of an existing local centre. The	Yes

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Creating and renewing great places and local centres, and respecting the District's heritage	<p>proposed changes to the development standards will facilitate a higher density development on a local centre site close to public transport (including Bexley North railway station), potentially providing additional jobs and housing supply in this accessible location.</p> <p>There are ongoing concerns that the additional FSR being sought cannot be successfully accommodated within the maximum HOB being sought, and that this could lead to undesirable urban design outcomes. However, before a request for a Gateway Determination is made to DPIE, additional urban design studies will be requested from the proponent to demonstrate that an acceptable development envelope can be achieved on the site.</p>	
Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	The subject site is a very short walk to Bexley North train station, which enjoys links to the CBD in 20-30 minutes and there are also several bus routes in the local area. The local road network provides easy links to adjacent suburbs and the M5 can be accessed a short distance from the subject site, again providing links to the CBD or to other parts of Greater Sydney.	Yes
Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	<p>This priority advocates for growth and investment in all centres, including the expansion of local centres.</p> <p>The proponent's stated intentions are that the draft Planning Proposal will facilitate a future development that provides a new and expanded hotel premises, along with additional retail and commercial floorspace opportunities. The proposal meets the objective of this planning priority, by enabling expansion for growth to occur.</p>	Yes

Strategic Planning Framework – LocalBayside Local Strategic Planning Statement (LSPS)

Council's LSPS was adopted in March 2020. It outlines a 20-year vision for the Bayside LGA and illustrates how Council is implementing the planning priorities and actions in the relevant district plan in conjunction with its Community Strategic Plan.

The Planning Priorities in the Bayside LSPS that are relevant to the draft Planning proposals are examined in **Table 5** below:

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Table 5: Bayside LSPS assessment

Bayside Planning Priority	Action	Draft Planning Proposal consistency
Planning Priority 2 Align land use planning with the delivery and management of assets by Bayside Council to support our community	<i>Council will take a place-based approach to land use and asset planning to ensure growth aligns with infrastructure provision</i>	Whilst the draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility and local amenities, the LSPS shows that Bexley North is identified as having a 'medium-term' growth plan of 6-10 years. The draft Planning Proposal is inconsistent with this priority, in relation to the <i>timing</i> for future investigation. However, the site is part of an existing centre, and the ECDP identifies expansion opportunities for existing centres, particularly those located within short walkable distances to railway stations.
Planning Priority 5 Foster healthy, creative, culturally rich and socially connected communities	<i>Prioritise opportunities for people to walk, cycle and use public transport when planning for existing or future centres.</i>	The subject site is a very short walk to Bexley North train station, which enjoys links to the CBD in 20-30 minutes and there are also several bus routes in the local area.
Planning Priority 6 Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors	<i>Finalise and adopt the Local Housing Strategy to inform investigation of opportunities for residential growth.</i> <i>Continue to facilitate housing development in areas with capacity available under current planning controls.</i>	The Bayside Local Housing Strategy (LHS) was finalised and adopted in July 2021. As with the LSPS, the LHS identified Bexley North as an 'investigation area' where high densities could be achieved, subject to further investigation and master-planning. Despite the prematurity of the draft Planning Proposal, the site is located in an existing local centre, meaning that the proposal embraces the principle of higher density development in a location with good public transport accessibility and local amenities.
Planning Priority 7 Provide choice in housing to meet the needs of the community	<i>Review planning controls to deliver a greater range of dwelling types, size and standards</i>	The current B4 Mixed Use zoning of the subject site allows residential accommodation, with development consent, in this location. A resulting residential development is likely to provide a range of apartments as part of a higher density, mixed use

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Bayside Planning Priority	Action	Draft Planning Proposal consistency
		development, to suit the town centre location. The final range and mix of units would be determined through a future DA.
Planning Priority 9 Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm	<i>Council will take a place-based approach for each local centre and prepare master plans/urban design studies or public domain plans to create great places including the following centres at west Kogarah, Carlton, Kingsgrove, Bexley, Bexley North, Ramsgate, Hillsdale, Botany, Mascot (Coward/Botany Road) and Mascot station Precinct.</i>	<p>The draft PP does not align with this priority. As referred to above, ongoing concerns remain that the additional FSR being sought cannot be successfully accommodated within the maximum HOB being sought, and that this could lead to undesirable urban design outcomes. This is considered in further detail later in this report.</p> <p>The prematurity of the draft Planning Proposal in this context, before the preparation of the necessary master-planning, results in inconsistency with this priority.</p>
Planning Priority 12 Deliver an integrated land use and a 30-minute city	<p><i>Plan for high amenity and walkability within a 10-minute walk of centres.</i></p> <p><i>Plan for urban development, new centres, better places and employment uses that are integrated with existing transport infrastructure and proposed transport projects.</i></p>	The subject site is a very short walk to Bexley North train station which enjoys links to the CBD in 20-30 minutes and there are also several bus routes in the local area. The local road network provides easy links to adjacent suburbs, and the M5 can be accessed a short distance from the subject site, again providing links to the CBD or to other parts of Greater Sydney.
Planning Priority B15 Growing investment, Business opportunities and jobs in Bayside's strategic centres and centres	<p><i>Ensure each local centre has sufficient retail floor space to meet future demand.</i></p>	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> • Contribute towards the revitalisation of the town centre by establishing uses and activation in the heart of the Bexley North Town Centre; • Retain the existing Bexley North Hotel with additional restaurants/cafes;

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Bayside Planning Priority	Action	Draft Planning Proposal consistency
		<ul style="list-style-type: none"> Assist with meeting strategic development outcomes for high-quality mixed-use development within an underdeveloped town centre. <p>Whilst the exact business uses secured on the site would only be determined through a future DA, the draft Planning Proposal and subsequent LEP amendments is likely to make the site more attractive for investment in any of the range of uses allowable under the B4 Mixed Use zone, including retail uses.</p>
Planning Priority B24 Reduce community risk to urban and natural hazards and improve community's resilience to social, environmental and economic shocks and stressors	<i>Advocate for outcomes that reduce the community's risk to urban and natural hazards, including air pollution, noise and traffic.</i>	<p>The proponent has submitted a Flood Investigation Report (Attachment 4) to support the draft Planning Proposal. The Flood Investigation Report has been reviewed internally by Council's technical staff and is satisfactory. Flood Risk will also be examined in more detailed as part of a future DA.</p> <p>The subject site is also within the notification zone of the Moomba to Sydney Ethane Pipeline. The proponent has prepared a Pipeline Risk Assessment (Attachment 6) which has reached the following conclusions:</p> <ul style="list-style-type: none"> The individual risk of fatality does not exceed the risk criterion for residential uses and places of continuous occupancy, such as hotels; The individual risk of fatality exceeds the risk criterion for sensitive uses and the current planning proposal does not include sensitive land uses; All other individual risk levels comply with the corresponding quantitative risk criteria; The indicative societal risk criteria is also 'negligible'.

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Bayside Planning Priority	Action	Draft Planning Proposal consistency
		<p>The NSW Department of Planning, Industry and Environment's hazards specialist has also been consulted and made the following comments:</p> <ul style="list-style-type: none"> • It is noted that the proposal will include both commercial (retail, gym) and residential (hotel and apartment) components but will not include sensitive uses; • The technical assumptions adopted in the study are developed based on appropriate references and considered as appropriate; • individual risk and societal risks were evaluated and compared against the risk criteria. It was concluded that both criteria were satisfied; • The location of the planning proposal are outside of the individual fatality risk for residential uses, but inside the individual fatality risk for sensitive uses. As such, sensitive uses such as childcare centre should not be permitted within the area affected by individual fatality risks for sensitive uses.

Bayside Community Strategic Plan 2030

An assessment of the draft Planning Proposal's consistency with the following relevant themes and strategic directions in the Bayside Community Strategic Plan 2030 (Plan) is provided in **Table 6** below:

Table 6: Bayside Community Strategic Plan 2030 assessment

Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
Strategic Direction – <i>Our places are people focussed</i>	<i>Local areas are activated with cafes, restaurants, and cultural events</i>	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> • Contribute towards the revitalisation of the town centre

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Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
		<p>by establishing uses and activation at the heart of the Bexley North Town Centre;</p> <ul style="list-style-type: none"> • Retain the existing Bexley North Hotel with additional restaurants/cafes; • Assist with meeting strategic development outcomes for high quality mixed use development within an underdeveloped town centre. <p>These points are considered valid when assessed against this particular theme.</p>
Strategic Direction – <i>Our places are accessible to all</i>	<i>People who need to can access affordable housing</i>	<p>The draft PP does not make any commitment to providing affordable housing. This may be an aspect of the development which progresses and evolves should the proponent be successful in securing the increase in FSR and HOB development standards.</p>
Strategic Direction – <i>My place will be special to me</i>	<i>Local developments reflect innovative, good design and incorporate open space and consider vertical families</i>	<p>The draft PP does not align with this direction. Ongoing concerns remain that the additional FSR being sought cannot be successfully accommodated within the maximum HOB being sought, and that this could lead to undesirable urban design outcomes. This is considered in further detail later in this report.</p>
Theme Two – In 2030 our people will be connected in a smart City	How We Will Get There	Consistency
Strategic Direction – <i>We benefit from technology</i>	<i>Council engages with us and decision making is transparent and data driven</i>	<p>If the draft PP was to be supported by Council and a Gateway Determination issued by the DPIE, a formal public consultation process would take place. This would involve a 28 day exhibition period, and would include various forms of consultation to landowners, the community and government agencies. The Bayside Local Planning Panel and,</p>

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Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
		subsequently, elected Council, would then consider (via detailed planning reports prepared by Council staff) the submissions received, before determining whether the proposal should be finalised by the DPIE.
Theme Four – In 2030 we will be a prosperous community	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>Local housing, employment and business opportunities are generated</i> 	<p><i>Bayside will be a 30-minute City – residents work locally or work off-site – no one has to travel for more than 30 minutes to work</i></p>	<p>The proponent has stated that the draft Planning Proposal will assist in achieving the following outcomes:</p> <ul style="list-style-type: none"> Contribute towards the revitalisation of the town centre by establishing uses and activation at the heart of the Bexley North Town Centre; Retain the existing Bexley North Hotel with additional restaurants/cafes; Assist with meeting strategic development outcomes for high-quality mixed-use development within an underdeveloped town centre. <p>Future redevelopment of the land may result in a development which retains existing jobs for local people, whilst enhancing the mix of uses on the subject, that could potentially create additional jobs and growth to local employment options. The potential introduction of residential units to the development might also provide accommodation for people who work in the local area.</p>

Bayside Local Housing Strategy

Council adopted the Bayside Local Housing Strategy (LHS) in March 2021. Following Council's decision, DPIE approved the LHS on 30 June 2021. The LHS provides the evidence base to inform suitable locations across the local government area for uplift in housing supply, and considers the following factors:

- The demand for dwellings in the entire Bayside LGA;

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- The type of dwellings needed over the next 20 years in the entire Bayside LGA;
- Opportunities and housing constraints to housing growth in the entire Bayside LGA;
- The need for affordable housing, now and in the future; and
- Future investigation areas for housing growth across the entire Bayside LGA.

The LHS states the following in respect of Bexley North which is relevant to the subject site:

Investigation Area: Bexley North

- Redevelopment of this centre would be subject to confirmation with gas pipeline operators that it would not pose excessive risk; and
- High densities could be achieved in the centre, subject to further investigation and master planning.

With regard to the proximity of the centre, and the subject site, to the Moomba to Sydney Ethane Pipeline (MSEP), the proponent has prepared a Pipeline Risk Assessment (PRA) to support the draft Planning Proposal. The PRA concludes that:

- The individual risk of fatality does not exceed the risk criterion for residential uses and places of continuous occupancy, such as hotels;
- Whilst the individual risk of fatality exceeds the risk criterion for sensitive uses, the current planning proposal does not include sensitive land uses;
- All other individual risk levels comply with the corresponding quantitative risk criteria; and
- The indicative societal risk criteria is also 'negligible'.

The NSW Department of Planning, Industry and Environment's hazards specialist has also been consulted on the PRA and made the following comments:

- It is noted that the proposal will include both commercial (retail, gym) and residential (hotel and apartment) components but will not include sensitive uses;
- The technical assumptions adopted in the study are developed based on appropriate references and considered as appropriate;
- Individual risk and societal risks were evaluated and compared against the risk criteria. It was concluded that both criteria were satisfied;
- The location of the planning proposal is outside of the individual fatality risk for residential uses, but inside the individual fatality risk for sensitive uses. As such, sensitive uses such as childcare centre should not be permitted within the area affected by individual fatality risks for sensitive uses.

It is clear that implications of the MSEP proximity on the final uses proposed on the site as part of a DA would need to be subject to further scrutiny by Council and the Department.

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However, at a strategic level in relation to this issue, there is no objection raised to higher density development standards proposed on the subject site on an individual basis.

With regard to the future master-planning of the centre to accommodate higher densities, it is clear that the current draft Planning Proposal comes well in advance of the 6-10 year medium term period for this envisaged by the LSPS. Although the draft Planning Proposal embraces the principle of higher density development in areas with good public transport accessibility and local amenities, the prematurity of the draft Planning Proposal results in an inconsistency with the relevant local strategic planning policies. Nevertheless, draft Planning Proposals for spot rezoning and upzoning of land are still considered by DPIE to be an acceptable means of stimulating urban regeneration and housing supply for some sites, particularly when located in centres in proximity to frequent and easily accessible public transport (transit-oriented development)

Further Considerations

Urban Design

An Urban Design Report (**Attachment 7**) was submitted with the draft Planning Proposal, which has been subject to peer review by an external urban design consultant appointed by Council (AJ&C). The consultant has raised a number of concerns, the main points of which can be summarised as follows:

- Possible building lengths, depths and heights affecting the ability of a future development to adhere to ADG building separation requirements from existing and future roads, as well as shared property boundaries, including the immediate adjoining Council Car Park site;
- The Council Car Park is a potential development site. The proponent should respond to the Car Park site as a standard shared property boundary rather than assume no future development of this immediate adjoining site;
- Ability of a future development to meet minimum ADG numeric cross-ventilation targets without relying on mid-building 'notches';
- The need to reduce the proposed FSR to be successfully accommodated within the proposed HOB so that a possible future development will provide good urban design outcomes;
- Impose a separate limitation on residential FSR to avoid the GFA from the large non-residential footprints being redistributed to residential, contributing further to building bulk; and
- AJ&C's view is that a building envelope established for the purposes of setting an FSR in the context of a PP should comply with ADG minimum separations in most cases. This would not prevent a designer from using architectural treatments to justify specific variances from the ADG at Development Application stage, as proposed in this response, but rather allows this to be a design choice rather than a necessity to achieve the site's new FSR.

The proponent has considered these comments and has responded as follows:

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- *Please note that these are indicative plans. Their purpose is to provide some additional information to demonstrate one way a scheme could occur within the proposed envelope and amendments to the FSR and height. It is not a final and definite solution and has not been developed to the same detail as a DA would have to achieve;*
- *We disagree that this boundary operates as a shared boundary and therefore should be subject to the ADG separation distances in the manner proposed. It is a boundary to public land that currently provides public access to the existing developments and shopfronts. It also provides the major public car parking for the town centre;*
- *Given that the site has a significant role as part of the town centre and is required to provide active frontages to that boundary any redevelopment of the carpark will have to maintain public access to the site boundary (and to those other lots that currently benefit from access via the carpark);*
- *We disagree that a break in the building form to Sarsfield Circuit is necessary or in fact desirable. A building break opens up the intended retail/commercial piazza to the residential street but there is no connectivity beyond that street i.e., no lanes or streets to link to and it opens up the activity of that internal street to residents beyond. We suspect that the residents would be less than happy with such a solution;*
- *We note the support for the height which is a positive conclusion. The deep footprints for the lower floors in the proposal are specifically for commercial uses only and the depths of the floor plates are not unusual for commercial uses. These uses are permissible and encouraged by Councils controls and the zoning. They reinforce the role of the site in the town centre and we would recommend against encouraging more residential at the expense of commercial uses. We do not support reducing the footprint as it would preclude larger commercial tenancies if the hotel did not proceed. However, we note that it is the applicant's intention to relocate the existing hotel use into the lower podium floors of any new development and it does require deeper floor plates; and*
- *Council has suggested various outcomes for the car park site and it is therefore unreasonable to restrict the scheme given that there is no confirmation of what design solution might occur.*

The above is a summary of extensive comments provided by both the proponent and Council's consultant. A detailed table of comments is provided in **Attachment 5**. It is noted that the Proponent suggests that it has been advised by Council of a potential outcome on the Council owned car park. However, Council has not undertaken master-planning of the site or the broader centre, has not considered nor adopted any such masterplan and does not have a position in relation to the future of the Council owned carpark. Additional indicative drawings and supporting information discussed in the urban design comments are also included in **Attachments 9-16**.

With regard to the proximity of the subject site to the car park and the possible implications for the future redevelopment of the car park it is noted that:

- As the Urban Design Review states the existing council park is considered a gateway location. Whilst Council has no immediate plans for development of the site, this will be subject to strategic design review and assessment;
- The key issue that needs to be considered is how the planning proposal interacts/addresses the remaining land parcels yet to be developed, that hold B4 Mixed Use zoning. This is also noted as part of the Urban Design Review undertaken by AJ&C; and

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- The majority of the design's density sits adjacent to the council lot and doesn't recognise the future build potential enabled by the B4 Mixed Use zone.

These comments also speak to the potential prematurity of the draft Planning Proposal in the absence of proper master-planning of the North Bexley Town Centre. However, as the proponent indicates, at this time there is no masterplan for Bexley Town Centre, and it can be argued that Council has a responsibility to consider the strategic and site-specific planning merits of the draft Planning Proposal at the current time.

Traffic

A Traffic Impact Assessment report (**Attachment 8**) has been submitted with the draft Planning Proposal, and referred to an external Traffic Consultant for peer review. Following some requests for clarification of matters and additional information, the peer review found that there are no traffic or transport issues that would preclude the draft Planning Proposal from proceeding.

Conclusion

The basic principle of encouraging higher density development in a town centre location in close proximity to good public transport is sound. Regional and district planning policies acknowledge that the growth and expansion of existing local centres is necessary to support the growth of Sydney's population and provide local jobs and services in accessible locations with access to frequent public transport. The policies encourage the location of higher density developments in existing centres, with good access to the necessary infrastructure, including good public transport accessibility/service frequency.

The draft Planning Proposal therefore has significant strategic merit in this regard, and is consistent with the relevant policies of the Greater Sydney Region Plan and the Eastern City District Plan in so far as those specific planning objectives/priorities apply.

However, these planning objectives/priorities also direct that new developments must also display good design principles, respect local character, and improve amenity. The urban design consultancy advice received by Council raises concerns that the proposed HOB and FSR may not be achievable on the site, and could result in a development which does not reflect the design principles displayed in the indicative scheme submitted by the proponent.

Therefore, whilst the basic principle of higher density development in this location is acceptable, as is the expansion of an existing local centre, in the absence of a masterplan for the Bexley North local centre, the proponent needs to demonstrate, through additional urban design studies, that the proposed changes to development standards can be accommodated on the site without harm to the character or amenity in the immediate locality, and without prejudicing any future master-planning of the Bexley North local centre. Should the Panel recommend that draft Planning Proposal progress, this additional urban design work is will be requested. Once the final planning proposal is submitted, the matter will be referred back to the Planning Panel for advice before being reported to Council for Gateway consideration.

Attachments

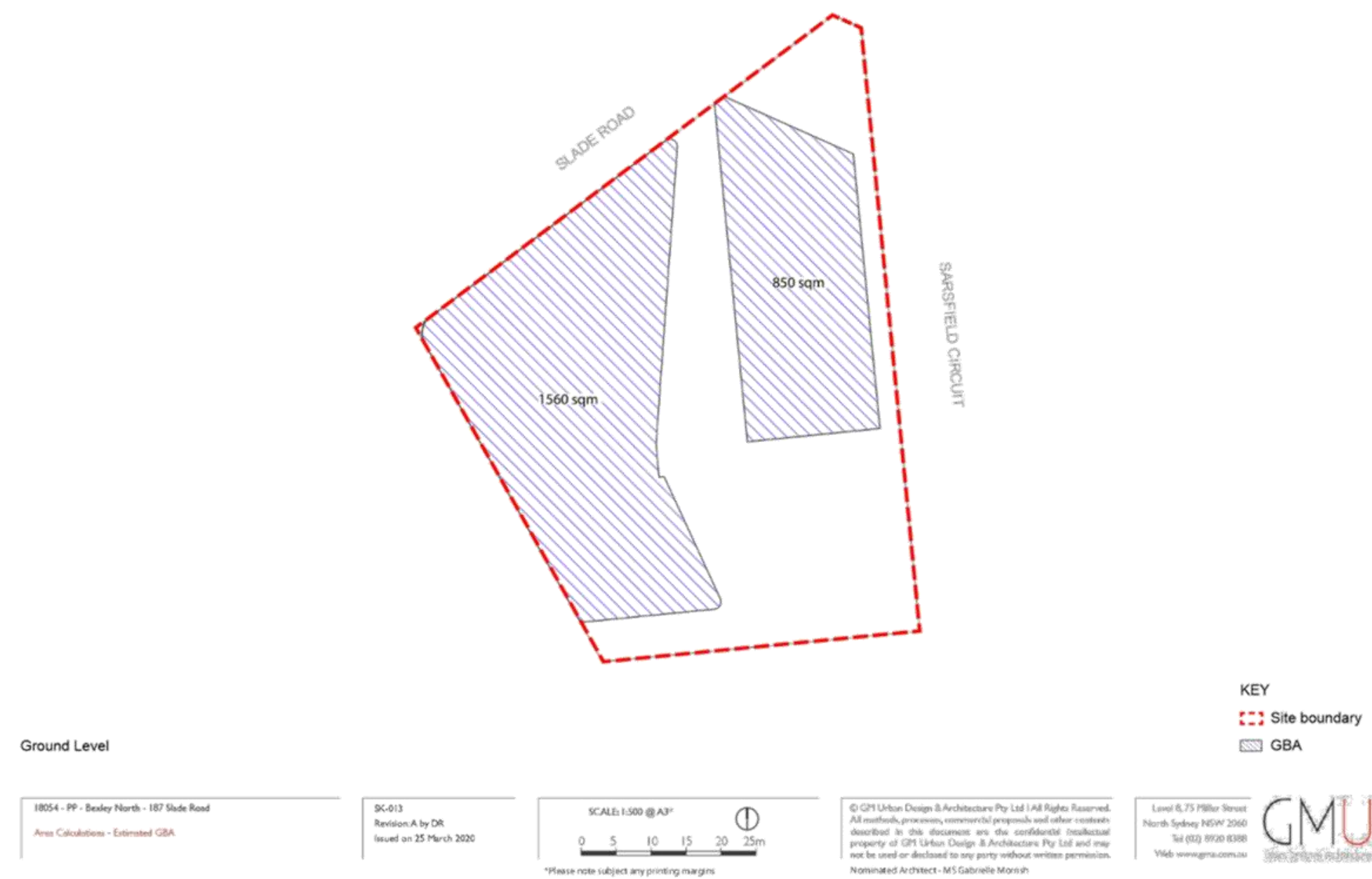
- 1 Planning Proposal Report (Under separate cover Attachments Part One)

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- 2 Guide to Preparing Planning Proposals (Under separate cover Attachments Part One)
- 3 Environmental Site Assessment (Under separate cover Attachments Part One)
- 4 Flood Investigation Report (Under separate cover Attachments Part One)
- 5 Urban Design Comments (Under separate cover Attachments Part One)
- 6 Pipeline Risk Assessment (Under separate cover Attachments Part One)
- 7 Urban Design Report (Under separate cover Attachments Part One)
- 8 Traffic Impact Assessment (Under separate cover Attachments Part One)
- 9 Urban Design Submission - Cover Letter (Under separate cover Attachments Part One)
- 10 FSR and HOB Calculations Plan (Under separate cover Attachments Part One)
- 11 FSR Calculations (Under separate cover Attachments Part One)
- 12 Estimated GBA calculations [↓](#)
- 13 Landscape Plans (Under separate cover Attachments Part One)
- 14 Basement Concept Plans (Under separate cover Attachments Part One)
- 15 Indicative Concept Plans (Under separate cover Attachments Part One)
- 16 Indicative Sections (Under separate cover Attachments Part One)



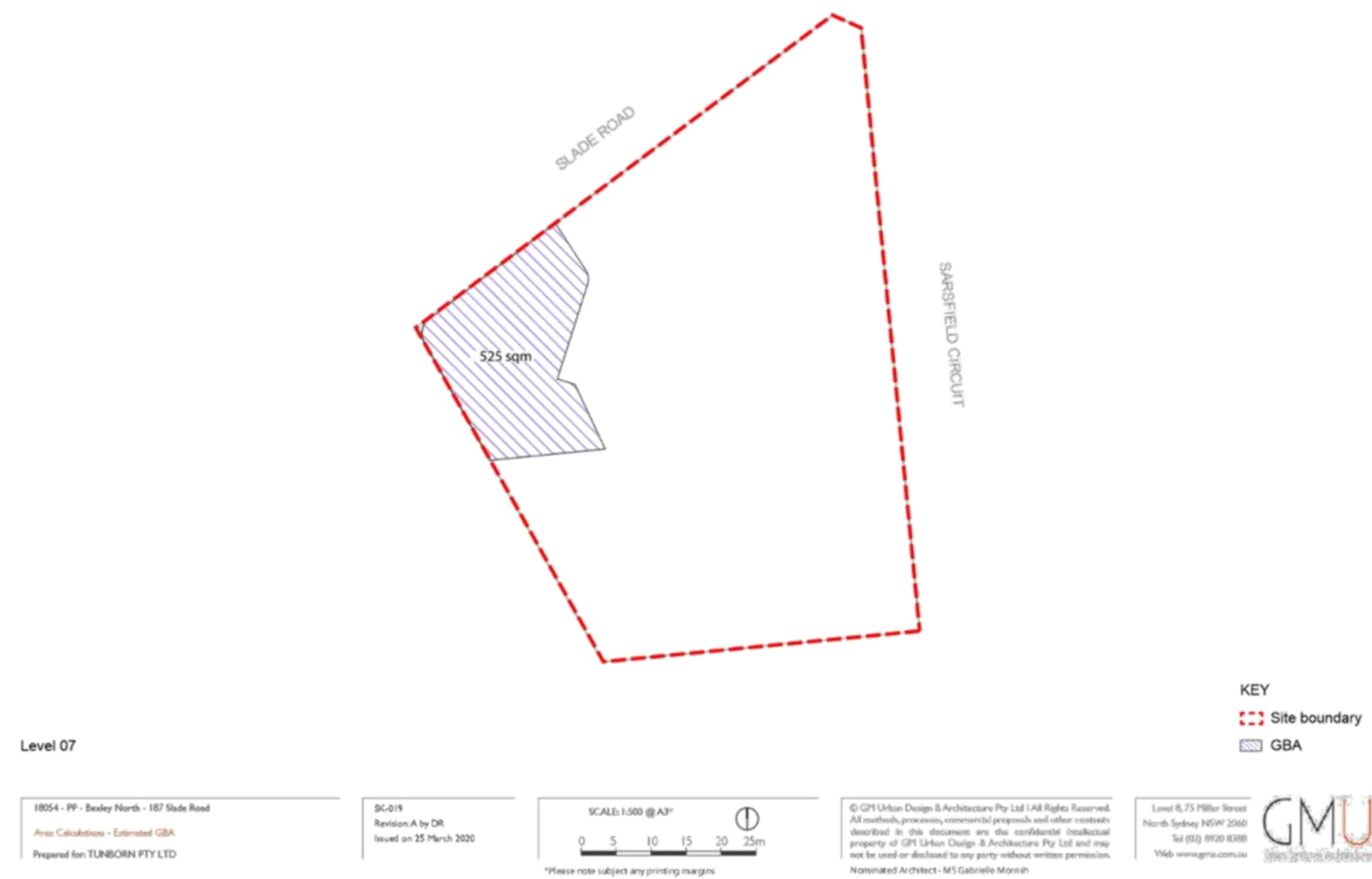


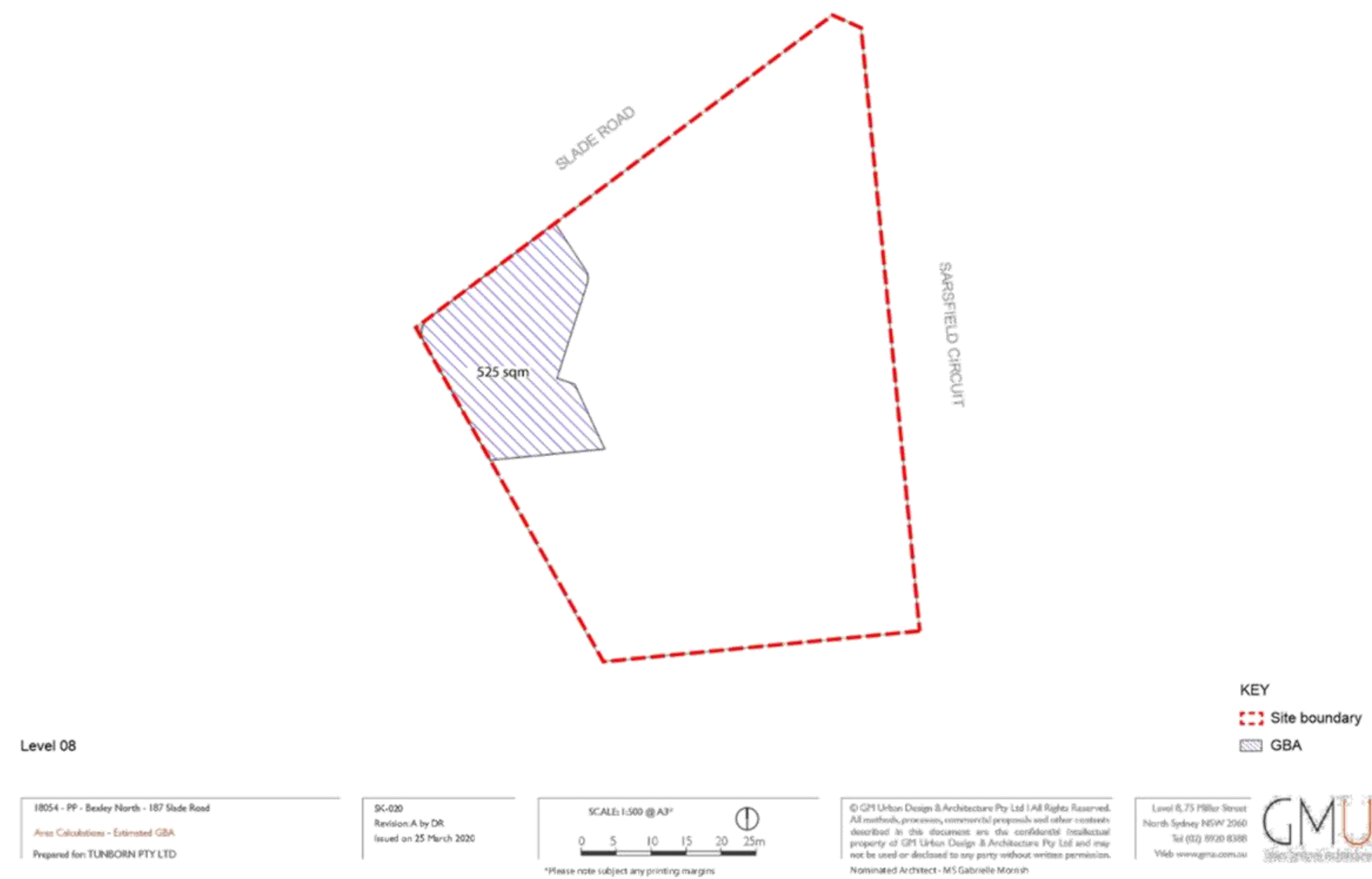
















MINUTES

Bayside Local Planning Panel - Other Applications held by audio-visual link on **Thursday 16 December 2021** at 5:00 pm.

Decisions outside the public meeting
in accordance with the Operational Procedures.

Present

Marcia Doheny, Chairperson
Robert Montgomery, Independent Expert Member
Larissa Ozog, Independent Expert Member
Amber O'Connell, Community Representative

Also Present

Clare Harley, Manager Strategic Planning
Cathryn Bush, Coordinator Governance
Josh Ford, Coordinator Strategic Planning
John McNally, Urban Planner - Strategic Planning

Deliberations commenced at 5:05 pm.

1 Acknowledgement of Country

Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no declarations of interest.

4 Minutes of Previous Meetings

There were no Minutes to confirm.

5 Reports – Planning Proposals

5.1 Planning Proposal - 187 Slade Road, Bexley North

Panel members have undertaken individual inspections of the site.

The following person spoke:

- Jeff Mead, planner, spoke to the officer's recommendation and responded to the Panel's questions.

The following people attended the meeting:

- David Waghorn, planner.
- Trevor Yang, applicant.

Panel Recommendation to Council

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

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

1. Prior to commencing public exhibition of the planning proposal the applicant shall consult with Council to ascertain the appropriate building height limit and floor space ratio for the site based on urban design principles and compliance with the Apartment Design Guide.
2. A site-specific development control plan (DCP) shall be prepared by the applicant in consultation with the Council to demonstrate that the building envelopes resulting from the floor space ratio and height of buildings sought in the planning proposal are achievable on the site without being detrimental to local character, residential amenity and the potential future uses of Council's adjoining car park.
3. Without limiting the contents of the DCP, it should include elements of the urban design study submitted in support of the planning proposal as agreed by Council and requirements that:
 - a. the western building footprint be used for commercial floor space only; and
 - b. an appropriate interface and setback be provided to the existing public car parking area.
4. Consideration should be given to converting the proposed new central laneway (not the site through link) as an area of communal open space to be used by the

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residential component of any future development and for that space to be safe, secure, well designed and to be of high quality and amenity.

5. The DCP should include pedestrian circulation in and around the site and sensitive and careful siting of the driveway access, potential 'back of house' operations, loading and unloading areas and general Hotel and pub operations that often impact on the amenity of adjoining properties. These activities should be considered in the DCP to provide greater certainty for any future design and minimize impacts.
6. The DCP should also provide for the eastern boundary to include deep soil areas (minimum of 2m wide), well landscaped areas with some larger canopy trees to soften the development and enhance the transition of the built form down to the lower scaled residential development to the east.
7. Consideration should be given to providing some commercial floor space and/or design apartments to include studies and home offices. Spaces should be flexible and adaptable.
8. A variety and mix of residential apartments is also encouraged.
9. To ensure and secure the proposed non-residential component of the development which comprises of some 1.41:1 of FSR, Council could consider amending Clause 6.17 of the Bayside LEP 2021 by highlighting certain controls and provisions which could be incorporated (as a minimum) for the future redevelopment of the site. This is at Council's discretion.
10. At the time of preparing the DCP consideration may be needed to the provisions of the Draft Place and Design State Environmental Planning Policy.
11. The planning proposal should include a provision that amends Bayside Local Environment Plan 2021 (BLEP 2021) to provide that both the active street frontage and design excellence clauses of LEP 2021 apply to the site.
12. The planning proposal should also include a provision that amends clause 6.16 of BLEP 2021 to add the subject site and the requirement that a development control plan be prepared for the site prior to any redevelopment.
13. The planning proposal and draft DCP should be exhibited concurrently.
14. Council should also consider negotiating the dedication of some affordable rental housing as part of the scheme.

Reasons for Panel Recommendation

- The Panel considers the proposal is consistent with a number of objectives and planning priorities of the Greater Sydney Region Plan and elements of the Eastern City District Plan. In particular, the proposal will advance the growth and revitalisation of an existing local centre identified in the Eastern City District Plan.
- The site is located in close proximity to mass transit and would therefore concentrate high density urban growth within a local centre adjacent to public transport corridors.

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

5.2 Draft Planning Proposal - Deletion of Additional Permitted Uses 34 & 35 from Bayside Local Environmental Plan 2021

Panel members have undertaken individual inspections of the site.

Panel Recommendation to Council

- 1 The Bayside Local Planning Panel recommends to Council that pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the draft Planning Proposal for the deletion of Items 34 and 35 of Schedule 1 (Additional Permitted Uses) of the Bayside Local Environmental Plan 2021 be submitted to the Department of Planning, Industry and Environment for a Gateway determination.
- 2 The Bayside Local Planning Panel recommends to Council that, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the

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Gateway determination, and to provide details of any submissions received throughout that process.

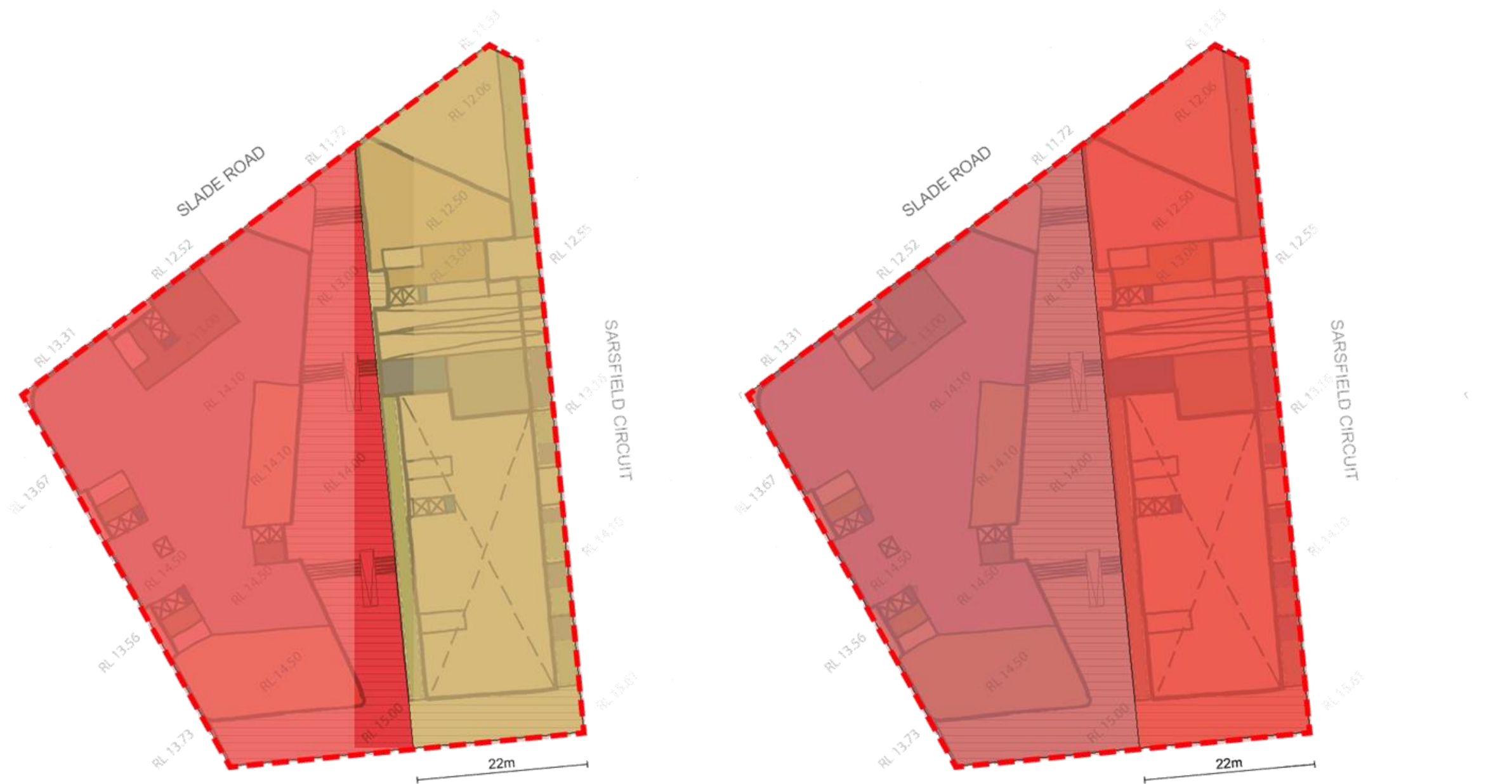
6 Reports – Development Applications

There were no development applications.

Closed deliberations concluded at 7:15 pm.

Certified as true and correct.

Marcia Doheny
Chairperson



Proposed HOB

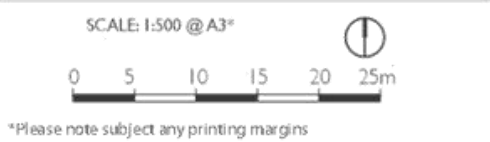
Proposed FSR

KEY
[Red dashed line] Site boundary

This assumed a separation between the areas (HOB,FSR) of 22m perpendicular to the eastern boundary (Sarsfield Circuit)

18054 - PP - Besley North - 187 Slade Road
Proposed LEP amendments
Prepared for: TUNBORN PTY LTD

SK-023
Revision: B by DR
Issued on 25 March 2020



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187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
<p>Access: Given the Council Car Park is a superlot without any internal public streets, residential lobbies facing only the car park are not ideal, as they effectively have no street address.</p>	<p>The existing commercial uses that form part of the crescent have access from the footpath of the car park site. These commercial uses assist in activating the area. Additionally, the RDCP 5.3 states that building uses fronting public domain at ground level are to be active uses wherever possible. We also note that Councils DCP requires residential uses to have access from a public space or street and not an internal public space as AJC suggest.</p> <p>It is our understanding that the Council car park may be redeveloped to contain a major public space based on the previous discussions held with Council which will include access to all the sites located in the crescent. Active frontages are a requirement of the Council controls to this site boundary so it must by definition retain in perpetuity a public access ability.</p> <p>The indicative layout intends access to any residential component from either the public edge of Councils carpark (as it is currently) and/or from within the publicly accessible lane/piazza.</p>	<p>The concern raised in AJ&C's initial review referred to the lack of any residential street address for the western building, with the indicative design showing two residential lobbies which are both only accessible via the Council car park.</p>
<p>Staging: There are some inconsistencies in the documentation: the upper-level unit (level 6) in Built Form B are only accessible via the core in Built Form C, which would not be delivered at the same time. Units in B also rely on a communal open space that will not be delivered until C is built and will need to use the core in C to access it.</p> <p>Similarly, the basement design is based on a vehicle turntable that crosses the stage boundary. The basement will, therefore, not be functional until the turntable is delivered in a subsequent stage.</p>	<p>Please note that these are indicative hand sketch plans not a DA. Their purpose is to provide some additional information to demonstrate one way a scheme could occur within the proposed envelope and amendments to the FSR and height. It is not a final and definite solution and has not been developed to the same detail as a DA would have to achieve. The staging plan and indicative core locations can easily be modified if desired to address the access to the top floor indicative apartments.</p> <p>The core shown to the floor below can be extended to continue through to level 6 or that apartment could be connected back to the core once the next stage is constructed.</p> <p>The turntable in the basement is part of the second stage. During the initial stage, loading will continue to occur through the pub lot as existing. Consequently, there is no issue with the location of the suggested turntable.</p>	
<p>Future Neighbourhood Character: As the proponent has identified, the Council Car Park is a potential development site. The proponent should respond to the Car Park site as a standard shared property boundary rather than assume no future development of this adjoining site.</p>	<p>We disagree that this boundary operates as a shared boundary and therefore should be subject to the ADG separation distances in the manner proposed. It is a boundary to public land that currently provides public access to the existing developments and shopfronts. It also provides the major public car parking for the town centre.</p> <p>Given that the site has a significant role as part of the town centre and is required to provide active frontages to that boundary any redevelopment of the carpark will have to maintain public access to the site boundary (and to those other lots that currently benefit from access via the carpark).</p> <p>A redevelopment solution by Council for their land is highly likely to include a major public space as Bexley North does not have a key public open space or square. Given the existing active edges of this site and its neighbours the logical conclusion is that any development would be likely to be positioned to provide a built form edge to Slade Rd and Bexley Rd with a public space or at the very least a new internal street system between. To maintain the current uses and access a public street of some form will need to be provided to access the existing commercial uses.</p> <p>It should also be noted that all the existing new/old buildings edging the car park have treated the frontage to the car park site as an active and primary frontage as required by the controls. As per the RDCP 5.3, development is to define a coherent alignment to the public domain, accentuate street corners and have a zero setback with active uses to the ground level.</p> <p>The urban design concept behind the PP was to improve the pedestrian experience and connectivity in a manner that buffered pedestrians from the noise of the carpark initially and provided a positive and more intimate public space via the provision of a publicly accessible laneway and urban space through the site initially and have it link ultimately (via the midblock link to the south) to a redevelopment of the council carpark. The carpark area could create a vibrant local hub with a central urban piazza e.g. the Piazza in Sienna. The Piazza could be envisaged as a community meeting place with an urban built form edge that provides containment of the space and a wonderful retail precinct and place making element for Bexley North. The site contributes to that vision by introducing a finer grain of space and connectivity as part of the revitalisation of the centre that would provide a further public area that would provide more intimate proportions and more retail offerings. The exemplar is something such as The Piazza in Sienna – a generous space that is enclosed by continuous building form ranging from around 5-7 storeys as a street wall linked to the town beyond by a series of pedestrianised streets and lanes with smaller more intimate spaces.</p>	<p>AJ+C's concern is that the proponent has justified setbacks lower than either the ADG or DCP through a large public square identified on publicly owned property zoned B4-Mixed Use. We do agree any future development of the car park should be expected to maintain public access to the properties along its perimeter, and so setbacks may be reduced below ADG minimums. However, without the square a zero setback from ground level to the tenth storey is not an outcome that can be relied upon, and so should not be used for the purposes of setting an increased FSR for this site.</p> <p>To establish a more confidently-achievable setback, which affects FSR, we recommend that there needs to be either engagement by the proponent with Council or reference made to its existing planning framework – e.g. the Rockdale DCP currently only requires a 3m setback for the first 3-storeys above ground and then a 4.5m setback on the levels above, which is lower than the ADG but greater than that assumed by the proponent in the planning proposal.</p>

187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
	<p>Whether future sites in the block redevelop to continue the laneway system or not the site (due to its links in both directions) can contribute to the vibrancy of Bexley town centre in its own right and provides a sense of place and urban space for Bexley.</p>  <p>Mud-map N.T.S.</p>	
<p>Bulk and Scale: At the densities (FSRs of 3.2 and 3.6) proposed we would recommend tower-and-podium typologies, with multiple towers of between 10 and 12 storeys with podiums of 4-6 storeys. The proposal instead uses very deep footprints with long unbroken frontages to achieve similar densities at much lower building heights (although 10-storeys are shown in one corner, this represents very little of the floor space), which is a poor urban outcome.</p>	<p>The RDCP 5.3 states that on retail streets, the building articulation is to be a heavily modelled street wall building. The existing controls for mixed use centres in this LGA seek to encourage a development form of strong street edges and forms. Tower typologies are not evident anywhere in Bexley North or in the lower order centres in this area generally. Woll Creek does adopt a tower form typology but is not considered a positive precedent by Council or the project team.</p> <p>Given the sheer area of the car park and the distance across the square to the enclosing built form edges to the north and west, a strong street wall form provides an appropriate scale and sense of enclosure for the car park and eventually perhaps a future piazza. Such spaces historically were edged by abutting buildings in the order of 5-6 storeys – Sienna is higher, up to 7 storeys plus roof form.</p> <p>The current controls in fact encourage and require this strong form around the crescent through the 22m height controls, seeking nil setbacks to the road behind and only requiring a single connection through the block. The most recent building to the west sets up the framework for this development form with its nil setback blank side wall waiting for new development to abut to it.</p> <p>We consider that introducing a number of tower forms over 4/6 storey podiums will erode the role of the taller setback floors proposed which can reinforce both the corners of the block, consistent with a street wall building approach and also acknowledge the entry points into the centre from the south and east.</p> <p>Further a 6 storey podium with 10 or even 12 storey form overall is not tall enough to achieve a true tower typology and proportionally will not read as a tower. If a 4 storey street wall form was adopted with then a 6 or 8 storey component to the 'tower' the proportions would still not be ideal. It also creates a street wall that does not 'hold' the space of the car park particularly well, as can be seen from the existing building.</p> <p>The 10 storey element at the north-western corner was provided to enhance the corner, which is consistent with the RDCP 5.3 which states that the massing of a building on a corner site is to be distributed to enhance the street corner. The final shape of any form here can be regularised and an option illustrating that approach is provided at pgs 36 and 37.</p>	<p>AJ+C's reference to towers was not well worded, to clarify; this was not intended as a recommendation for an alternative built form outcome. It was intended as a comment on what built form we would expect to see for a site of this size to achieve the FSRs stated in the proposal, being taller building heights across multiple buildings with wide separations rather than the bulky mid-rises proposed. This indicates that the proposed FSR is mismatched to the proposed HOB control.</p>

187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
<p>Building A</p> <p>The 80m length of the building and its 1530 GBA footprint is out of character with the adjacent residential properties. It is recommended that the indicative design for Building A be broken into two sections – 45m is a common limitation on apartment building length and it would be appropriate in this case. Breaking the building into two separate structures will also help offset the extensive length of blank street frontage shown for Building A.</p> <p>This length of blank frontage is not appropriate, particularly given the nature of the residential streets it fronts. It is not validated by the relatively gentle slope of the street. The problem could be addressed by requiring residential ground floor levels on Sarsfield Circuit to be within 1m of natural ground level. We would also refer you to Part 5.3 of the Rookdale DCP 2011 where it refers to ground level uses and ground floor articulation at the public domain interface.</p>	<p>A number of buildings along Sarsfield Circuit already create a continuous wall of development. In fact, the controls ask for a nil setback to the street and do not require breaks in the form. A nil setback at the side boundary is required for the street wall with no differentiation on where a residential zone occurs across the street. The existing more recent development sets up the relationship with a blank wall to Sarsfield Circuit waiting for the adjacent development to occur.</p> <p>A connection and break in the form is already required by the 'laneway' to the south of the subject site but other breaks are not indicated in the controls. The DCP also seems to encourage transition of form and density to occur by the treatment of the facades and articulation as well as materials e.g. a terrace typology in the building form by expressing the division between apartments or a proportion that responds to the width of existing dwellings. The intent of the PP is that these sort of mechanisms as well as indents into the facades for entries and lobbies would be used to moderate scale and form.</p> <p>A study of building length in the current context is provided for Councils consideration. It shows that the length of the proposed envelope is reasonably consistent with other town centre development to both the car park and also at the residential interface – see pg 19.</p> <p>AJC suggests a break in the building form to Sarsfield Circuit. We disagree that this is necessary or in fact desirable. A building break opens up the intended retail/commercial piazza to the residential street but there is no connectivity beyond that street ie no lanes or streets to link to and it opens up the activity of that internal street to residents beyond. We suspect that the residents would be less than happy with such a solution.</p> <p>A better way to manage building length is as we have suggested in the PP, entry points would be inset to create recesses in the building form, combined with balcony projections and strong vertical articulation. This will break up the building form and introduce a finer grain without having to fully break the massing apart. More detail of how the articulation might be resolved in a future DA is shown on pg 18 of this report. The way to manage this outcome is through the design guidelines that would go into Councils DCP in the future via objectives, controls and imagery. It is not necessary to enshrine a physical break in the reference design or building form envelope.</p> <p>It should also be noted that many of the houses on the other side of Sarsfield Circuit are raised above street level and present garages to the ground level. Details around modulation and depths of the inset to create a 'fine-grain' character will be the subject of detailed design at the DA stage. We consider that if desired we can further expand the suggested design guidelines in the package to include precedent imagery and more objectives around vertical and horizontal modulation.</p> <p>In relation to the levels of the residential floors along Sarsfield, this has been dictated by Councils requirements for flood levels and freeboard. There have been many discussions but the applicants flood engineer with Council. The site is actually shown as not flood affected but it appears that Council desires the applicant to provide a scheme that can manage issues with existing overland flow due to insufficient existing public infrastructure. This has required numerous changes in the levels of the scheme as Council and the applicant have investigated what the correct levels should be for a development. Council is also requiring the applicant to adopt levels that correspond to the PMF levels rather than the 1:100 levels which forces the floor levels higher.</p> <p>Since the PP was lodged further discussions have occurred on flooding and it is our understanding that levels have now finally been agreed. These new levels are shown on pg 23 of this report. The changes in the freeboard height have allows some further rationalisation of the Sarsfield and plaza levels so that the building can be entered closer to grade and movement through the site can be improved. Therefore there will be a reduction in the height of any retaining walls.</p> <p>This situation would occur in any event under the current controls and is not unique to the PP. We note that this outcome has to be managed in many areas of Sydney. The intent is that there would be bridge connections over the natural swale that would be created to manage water flow and that any level differences would be managed through landscaped terracing and use of high quality walling materials and planters with trailing planting to soften the edge. Ground level access will also be provided to each unit which will further break up any unavoidable walls along the street with entry gates and stairs. The basement cannot be lowered further due to the tunnel in the northern portion of the site. Indicative sections and images of how this would be likely to</p>	<p>AJ+C's concern on building length relates only to the eastern Building A, which is proposed to present a 6-storey 80m unbroken length along Smithfield Circuit facing a line of one- and two-storey single-family detached homes in a R2 Low Density Residential Zone.</p> <p>Any mid-block break in Eastern Building A would not need to continue through to Building B/C and so would not impact the continuity of the street wall surrounding the Council car park.</p> <p>Although architectural treatments and envelope sculpting may mitigate a long building length along Smithfield, in establishing a theoretical envelope in the Planning Proposal for the purposes of setting a maximum FSR, we recommend a real break in the building form be assumed. This is the more conservative outcome, and one we consider more likely to be approved at DA stage.</p> <p>More generally, a PP should not rely on architectural treatments to ameliorate conditions created by an envelope; the envelope itself should be reduced to avoid the problem. This does not prevent a future architectural scheme from pursuing a street wall scheme, but it provides the flexibility for it to be a design choice rather than a necessity to achieve the site's proposed FSR.</p> <p>The revised drawings provided in the proponent's "Urban Design Response" indicate reduced blank frontage is possible, and we expect AJ+C's concern with the percentage of blank frontage shown along Smithfield Circuit can be mitigated by DCP controls submitted with the Planning Proposal, as suggested here and in AJ+C's review.</p>

187 Slade Road, Bexley North – Urban Design Comments

AJ&C Comments – December 2020	Proponent Response – June 2021	AJ&C Response – August 2021
	<p>resolve are shown on pgs 26 and 27. The design guidelines can also be expanded to include a specific section on this relationship with imagery to ensure a quality outcome occurs in a DA.</p>	
<p>Building B/C</p> <p>The height is potentially supportable, but the massing is out of scale with its surroundings, primarily due to its oversized floor plates. Recommend that all levels above Level 1 (i.e. from the third storey, being all levels above the licensed venue) be significantly reduced to 1000GBA. The reduction could be achieved by narrowing the building and/or by breaking it into multiple buildings.</p> <p>The large floor plate is partly created due to a triangular plan with a >30m depth in its centre (above Level 1). Typical floor plans provided with the proposal show the central area is used as empty lobby area on every hotel floor. This shows the depth is excessive for hotel uses.</p> <p>Concern that if future design development pursues a residential alternative, that depth is also unachievable for a residential building footprint. We therefore recommend that residential uses be limited as a separate Maximum Residential FSR based on the expected floor space distribution once the massing is reduced to a supportable level. This will ensure design quality is not reduced due to the pursuit of an FSR that is not sensibly achievable. Whilst we acknowledge the resistance to a site-specific DCP at this at this stage, this again places greater emphasis on the need to engage with Council on this matter.</p> <p>If changes to the HOB allowance are considered, they should be provided to a building that is otherwise slender in profile. It is not appropriate that a building so out of scale with its surroundings be provided additional height as well.</p> <p>The overall GFA gain shown across the top three levels provide a minor 0.25 FSR increase (+10%) that requires a disproportionate 3-storey / 9.3m increase (+40%) to the HOB control to accommodate them. However, the proposed HOB map applies this height increase to over 80% of the site, despite their footprints shown covering less than 15% of it. This may result in far more extensive building lengths at 10-storeys than shown in the indicative design provided, particularly if the floor space on lower levels is less than expected (as identified above).</p>	<p>We note the support for the height which is a positive conclusion. The deep footprints for the lower floors in the proposal are specifically for commercial uses only and the depths of the floor plates are not unusual for commercial uses. These uses are permissible and encouraged by Councils controls and the zoning. They reinforce the role of the site in the town centre and we would recommend against encouraging more residential at the expense of commercial uses. We do not support reducing the footprint as it would preclude larger commercial tenancies if the hotel did not proceed. However we note that it is the applicants intention to relocated the existing hotel use into the lower podium floors of any new development and it does require deeper floor plates.</p> <p>The envelope should allow the maximum flexibility for future uses – if a DA sought to have residential uses on these lower floors then it would have to comply with the ADG, and the footprint would be reduced to around 22m in any event. We also note that other uses such as student housing or boarding houses often have footprints in the order of around 29m so the floor plate depth would also suit these outcomes.</p> <p>Where the indicative layouts show residential units the floor plate is narrowed as required. Again, this is a PP and compliance with the ADG would have to be demonstrated for an actual scheme as part of any DA. We do not support reducing the maximum envelope at a PP stage to preclude commercial uses.</p> <p>We also note that the depth of the floorplates cannot be perceived from any part of the public domain as the envelope narrows to all its edges, so it is not clear how the depth creates visual impacts of bulk or is unacceptable.</p> <p>We disagree as discussed above that the building in the podium needs to be 'narrow in profile' assuming this infers a tower typology for the reasons discussed previously. We also note that as seen from the public domain the building form where the commercial uses are intended does narrow in any event.</p> <p>It is not clear if the height is supported, why GBA should be deleted from the limited extent of massing that achieves this height?</p> <p>The suggested LEP height map adopts an approach that is standard in the industry. The DCP indicates the number of storeys and the preferred location of height within that maximum but the Department of Planning usually will not support heavily fragmented height maps.</p> <p>The FSR control in concert with the height map and the design guidelines indicating where height should occur are sufficient to give Council the tools to manage any DA outcomes to ensure height is in the correct position to reinforce the corner. Reduction of the extent of the greater height reduces innovation and exploring options of detailed design in the final scheme.</p> <p>We also note the comment that more height may be appropriate for the western edge of the site. If this approach was adopted (and we have investigated a scheme that does this on pgs 36 and 37). If that approach was adopted then height across that part of the site as per the proposed map would be possible under the PP but would not be possible if the height map is fragmented map.</p> <p>The proposed heights for buildings B and C is based on the maximum height of the 10 storey element of building C. The first two levels have been assumed to have a floor to floor height of 4m, with 3.1m height for the levels above. This results in a total height of 32.8m and including the lift overrun, will take the total height to 34.3m. As part of the Planning Proposal, the suggested height is 35m which is consistent with the calculations.</p>	<p>AJ&C's comment here referred to the hotel accommodation on upper levels. The suggestions of maintaining flexibility and allowing non-residential uses made here are well taken. However, the blanket 75% efficiency applied to oversized envelopes to calculate FSR does not only create flexibility in envelope, it establishes a GFA capacity that is difficult to sensibly achieve on site. If envelopes are made intentionally larger than intended, an additional 5-10% envelope reduction should be made before calculating GFA.</p> <p>Maintaining flexibility to support larger commercial/hospitality floor plates on the lower levels without worsening the risk of oversized residential envelopes is recommended to be addressed through setting a separate residential FSR.</p> <p>Maximum residential FSRs are currently used in both LEPs and SEPPs in NSW. They do not seek to constrain the extent of permissible uses, but rather recognise that a residential building is significantly larger than a non-residential building with the same FSR, due to increased requirements for daylight, building depth and building separation.</p> <p>AJ&C's suggestion to set a separate maximum Residential FSR is in response to the envelopes proposed, which are considered oversized. Given they include a significant percentage of non-residential floor space, our concern is that without additional controls a future development application may ignore the PP yield distribution and instead choose to maximise residential within the FSR allowance – a likely outcome in a city where residential is invariably the highest and best use. This would make the proposed FSR even more mismatched to the proposed HOB limit, as the envelopes must expand up and out to accommodate the reduced lower-efficiency floor plates of residential uses.</p> <p>Given the flexible HOB map offered by the proponent, we expect the likeliest outcome is that the 10-storey section of building would be extended across the entire car park frontage rather than only the small three-storey section at the corner shown in the current massing. Building depths would also likely need to increase, creating pressure to reduce building separations further below ADG minimum guidance.</p> <p>Therefore, if this project is progressed as drawn, we recommend a maximum FSR be implemented, noting this would not prevent the outcome identified in the current planning proposal being delivered.</p> <p>AJ&C's concern with the flexibility of the proposed height map is related to larger concerns about the viability and appropriateness of the proposed building envelopes. We believe a likely outcome is 'infilling' the entire height envelope to make up for FSR allowance assumed but not achievable elsewhere on site. Our preference is that the FSR be significantly reduced. Alternatively, or as well as, other controls such as the height map should be significantly tightened to avoid unexpected outcomes.</p>
<p>Yield:</p> <p>There are several inconsistencies between the GBA plans and the indicative concept design, which indicates more work needs to be undertaken to establish the appropriateness of the proposed FSR. In particular, the GBA plans for Levels 2 and 3 on Building B/C as well as Ground Level, Level 4 and Level 5 on Building A do not match the concept design. There is also an inconsistency between the Building A Level 1 residential plan, which shows a full level, and the indicative section, which shows the substation and one lobby extending double-height from Ground into Level 1. Depending on which is accurate, floor space may have been counted twice. Clarification of this is needed.</p>	<p>The GBA and FSR calculations undertaken are high level estimates only using the efficiency suggested in the ADG. It should also be noted that the concept or reference plans are hand sketches with varying line thickness.</p> <p>The sections provided are indicative hand sketches only. The section shown cuts through the lobby entry which would be a double height space to enable connection to the street and then to the residential level. The floor space has not been counted twice.</p> <p>This is an indicative scheme and therefore a floor by floor indicative GFA was not provided as there may be variations to the extent of uses subject to detailed design at the DA stage. The FSR has been based on a % allowance of the GBA.</p>	<p>Scale drawings and a level-by-level area breakdown identifying how the proponent has established the proposed FSR within the envelope is considered essential documentation for Council to ensure that the FSR listed in the planning proposal matches the drawings, and is sensibly achievable within the envelopes they show.</p>

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	<p>It is not usual to constrain the extent of permissible uses on a site as part of a PP unless the proposition is for uses that would undermine the achievement of the zone objectives.</p> <p>The indicative scheme reinforces the role of the site in the town centre with predominantly commercial uses facing the car park and residential mainly in the form to Sarsfield Circuit. We don't think it is necessary or reasonable to tie down the overall FSR/ specific floor areas to particular uses as such constraints do not affect other sites in the town centre and there is no proposal to change the zoning. However, should further detailed breakdown be required by Council further information can be provided.</p>	
<p>Alignment with the NSW Apartment Design Guide:</p> <p><i>Building-by-building vs Site averages</i> A common language interpretation of the indicative design would define it as two buildings, as the eastern and western buildings are completely separated above ground.</p> <p>The Proponent instead bases ADG compliance on a site average, treating the two buildings as one. This aligns with the NCC which classifies structures that share a basement without fire separation as a single building.</p> <p>From an objective based standpoint, numeric targets can be considered met even when averaged over a site. However, as future construction stages are never guaranteed, targets can at most be averaged across each stage. While not strictly matching the language in the guide, measuring ADG solar and cross-ventilation on a stage-by-stage basis can still ensure the overall objectives are met even if all stages do not occur.</p> <p><i>Building Separation: Internal</i> The pinch point where 'Built Form C' sits opposite the northern part of 'Built Form A' is 5.5m for the first four storeys, setting back to at least 7.5m from the fifth. On the southern end, the pinch point between 'A' and 'B' is point is between 5.76m and 10m for the first four storeys and between 10m and 12m from the fifth floor.</p> <p><i>Building Separation: Setbacks</i> Based on the Gross Building Area diagrams provided as supplementary material by the applicant, the design is based on several inappropriate setbacks. These are noted in Table A below:</p>	<p>Noted, at the DA stage compliance with the ADG is required in any event however it is normal practice to average across a site with a number of buildings that will comprise a single development when completed.</p> <p>The narrowing of the space between the forms at the laneway/plaza entrances has been deliberately provided to create more intimate entries into the link. These entry points are fully open to the sky. The narrowing of the space is essential to create a sense of curiosity, the space then widens into the broader space and encourages pedestrians to enter and use the space as a public town centre space. If these entries were opened up to 12m with no variation that sense of discovery and interest is lost, and it becomes just another lane. The tightening of the throat of the entrance heightens the awareness of entering a public area and space. Creating a 'threshold' is a very important part of creating a successful neighbourhood square. The separation distances in the ADG should not be the guiding force in such a situation. Privacy impacts can be managed – the grain is more important in creating a context.</p> <p>We disagree that the ADG separation distances should be applied as minimum controls in this instance as the PP and indicative scheme seeks to achieve design outcomes that justify using narrower distances.</p> <p>As identified in the plans in the Planning Proposal report prepared by GMU, the minimum separation at the northern link entry is 7m and that of the southern is 6m. As per ADG 3F, for the buildings on the same site the minimum separation distance required from a habitable space to a blank wall is 6m. The windows for habitable spaces facing Slade Road could have angled or 'ear' windows and the commercial spaces would be designed to minimise outlook towards any habitable spaces in Building A. Any fenestration in the commercial uses could be frosted and fixed to ensure no visual or acoustic impacts. It is possible to design unit layouts that work with this sort of proximity and window positions are subject to detailed design at the DA stage. Additional objectives and imagery can be added to the design guidelines if Council is concerned to demonstrate how uses should relate across these narrower throats if desired.</p> <p>The separation distances in the ADG are never applied across normal public streets with full street reserve dimensions. Where laneways occur that are narrow and public the separation distance for each site is taken from the centre line but not for full public streets.</p> <p>Building form and setbacks from Slade St and any other public street are dictated by the front setback requirements and are not overlaid by ADG separation distances or that would detract from the ability to respond to a context and to town centre scale or to reinforce the boundary edge.</p> <p>It should be noted that the property to the north of Slade Road has already been developed at a height of building of 16m i.e. 4-5 storeys. Therefore, there will be no built form above 5 storeys and hence no issues relating to the separation given the existing street reserve width in any event. Additionally, Section 5.3 of the RDCP states that development is to be built to the street alignment with a zero setback. The uppermost level may be set back. It does not impose ADG separations to override context responses.</p>	<p>AJ&C's view is that a building envelope established for the purposes of setting an FSR in the context of a PP should comply with ADG minimum separations in most cases. This would not prevent a designer from using architectural treatments to justify specific variances from the ADG at development application stage, as proposed in this response, but rather allows this to be a design choice rather than a necessity to achieve the site's new FSR.</p> <p>A PP should not rely on future architectural treatments to ameliorate problems themselves created by the PP.</p> <p>AJ&C's understanding of industry practice is to measure to the centreline of a public road to ensure ADG minimums are met and shared equally. The nature of the street as 'normal public street' vs. 'laneway' is not relevant except that a wide enough public street will make zero setbacks possible while still meeting ADG separation controls. However, the ADG is silent on this issue and Bayside Council should apply an approach consistent with our applications in the LGA.</p> <p>AJ&C also does not view the opposite building being 5-storeys (and so reducing building separation) as relevant in the context of the proposed spot rezoning, as the neighbour could make an equal argument for uplift in a similar Planning Proposal for their site. Again, the ADG is silent on this issue and Bayside Council should apply an approach consistent with other applications in the LGA.</p>

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SETBACK TO	BUILT FORM A	BUILT FORM B/C	DC/LEP MINIMUMS	ADG MINIMUMS
North (Slade Rd)	1-4 storeys 6m 6th storey 6m	1-4 storeys 6m		
20m road reserve	Ground 10m 1-5 storeys 10m 6th storey 10m	1-4 storeys 10m		1-4 storeys 12m
South (Future Local Road)	1-4 storeys 6m 6th storey 10.5m	1-4 storeys 6m 5-7 storeys 6m 8-10 storeys 10.5m	6.3-6.8m to match LEP and reservation map	
Average 6.5m future road reserve	1-4 storeys 3.25m 6th storey 10.25m	1-4 storeys 3.25m 5-7 storeys 5.75m 8-10 storeys 10.4m		1-4 storeys 6m 5-8 storeys 9m 9-10 storeys 12m
East (Sarsfield Ct)	1-4 storeys 10.5m 6th storey 12m	1-4m		
20m road reserve	1-4 storeys 4.5m 6th storey 10.5m	1-4m		5-8 storeys 9m 9-10 storeys 12m
West (Council Car Park)	1-4m	1-4 storeys 6m 4-10 storeys 4.5m	1-3 storeys 3m 4-10 storeys 4.5m	Without agreement by Council (see landowner) 1-4 storeys 6m 5-8 storeys 9m 9-10 storeys 12m
Assumed 10m future road reserve	1-4m	1-4 storeys 6m		With agreement by Council (see landowner) 1-4 storeys 6m 5-8 storeys 9m 9-10 storeys 12m

¹ Indicated on a plan view, scaled 1:500 drawings show 10.5m

The ADG recommends residential setbacks of between 3m and 12m from property boundaries. Where fronting a public street, typical practice is to reduce these by half the width of the road reserve. The property on the other side of the road reserve can then take advantage of the balance should they be (re)developed.

Additional height beyond existing HOB limits should be expected to meet ADG recommendations. Based on a review of the Urban Design Report, we recommend additional building setbacks be required along three of four site boundaries. This will result in a measurable reduction in the proposed FSR, and impact the viability of the upper levels that are beyond the existing HOB limit:

- Northern Boundary, Slade Road: The setbacks of the upper two levels, if approved, should be increased to align with the ADG.
- Southern Boundary, which is to include a future local road (within the site): A maximum ground level setback of 6m is provided to the southern boundary, which is slightly narrower than the 6.3m - 6.8m (variable) scaled from the LEP Land Reservation Map. Council should confirm the required width of the Future Local Road with the proponent, and the building separation should be measured its centre line.
- Eastern Boundary, Sarsfield Ct: Setbacks are generally appropriate.
- Western Boundary, the Council Car Park: The proposal extends to the site's western side boundary with zero setback to the Council Car Park at all levels. A strict reading of the ADG would require full habitable-room setbacks to this shared boundary, as the primary residential facades are facing it. This would require 6m up to level 4, 8m for Levels 5-8 and 12m for Levels 9 and above, effectively deleting the upper levels from the indicative design and potentially the entirety of Building B/C.

With Council's agreement, it may be appropriate to reduce these setbacks under the expectation that a public road be delivered around the perimeter of the Car Park in future, as such a road would be required to retain access to existing retail tenancies even if the Car Park is redeveloped. In this case, we expect the required building separation could be reduced by half the expected future road reserve width. However, the Planning Proposal still needs to be able to demonstrate how, in applying the sought FSR and HOB increases, it can still comply with the required ADG and/or DCP setbacks.

Given that the proposal is for a mixed-use building, and the main retail frontage for the subject site is along Slade Road and Council's carpark. We consider that a nil frontage is appropriate to respond to the proposed and existing mixed use character of the area. As mentioned previously, the boundary to the car park site is a public boundary with a predominant active frontage facing the car park site and nil setbacks required by the controls.

It should also be noted that Section 5.3 of the RDCP also states that for development on sites with rear access lane, development facing the lane should be built to the boundary.

Regarding the comment in relation to the width of the future laneway connection to the south we note that the LEP shows a connection only – there are no set dimensions, and it is inappropriate to scale from an LEP map to arrive at a dimension. Laneways are traditionally 6m wide and this width has been adopted for the PP.

We also note that the connection is totally on private land. It is not appropriate or reasonable to effectively gift half of the connection setback to an existing site to the west. The ADG is specific in stating that an existing development is not to require increased separation for an adjacent development that does not comply with current separation requirements. Instead, 50% of the required separation only is to be provided.

Once a new connection is formed it will have the character of a public edge and therefore reinforcement of the street wall scale should occur. The indicative scheme shows a setback provision from the 5th level which increases the separation to 6m as measured from our site boundary which is compliant with the ADG.

We are concerned that the AJC report seeks to apply the ADG separation as rules, ignoring contextual relationships and opportunities to create positive and interesting spaces with design solutions to deal with issues. It is also noted that the section on separation is about privacy primarily and there are completely different sections that deal with side setback conditions and these do relate to context and grain. No dimensions are given there as the final setbacks should be dictated by the character of the area and the location of the site.

If separation distances are applied as suggested by AJC the result will be ziggurat form or 'wedding cake' appearance that delivers in our opinion a very poor built form outcome that cannot achieve design excellence.

The future laneway is identified as a local road in the LEP Land Reservation map, meaning the land will be purchased by Council to become a public local road. Its width has been confirmed by Council staff as 6.2m.

To establishing an envelope for the purposes of proving an increased FSR, our recommendation is that the building setback from this boundary should be based on habitable separation distances measured from the centreline of the future local road.

We also note that the lack of separation provided at this point is causing overshadowing of neighbouring habitable rooms beyond what the ADG considers acceptable, and greater-than-ADG setbacks are likely to be required along this boundary. This is discussed further below

Refer to the Initial Peer Review for commentary on this point. An indicative design in the context of a PP does not create any need for stricter compliance with the ADG at DA stage, however compliance with key numeric controls that affect achievable yield is important to avoid mismatched FSR controls.

AJ&C's initial review did not intend to recommend ziggurat forms, the setback scale listed is repeated from the ADG. Generally a single upper-level setback should be assumed, the extent of which will be established by the upper levels. This setback would then be carried down through mid-levels to the street wall height, with the setback therefore exceeding ADG minimums on the intermediate storeys.

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<p>The acceptability of this solution and the expected width of this road reserve width should be confirmed with Council. It should be noted that even a development compliant with the existing statutory framework may reduce the solar access available for future residential development on the Council Car Park, should the car park site be considered for redevelopment in the future. In Table A we have shown the impact of a future 12m road reserve along the perimeter of the Car Park, an estimate based on the width of Sarsfield Circuit to the east. This would reduce required setbacks along the proponent's shared western boundary by 6m, requiring 0-6m depending on the floor. However, it could equally match the 0.3-0.8m future local road shown within the proponent's southern boundary, in which case setbacks would only be reduced by 3m to be within a 3-9m range.</p> <p>We recommend all residential levels be required to have at least some setback from the Car Park.</p> <p><u>Cross Ventilation:</u> The proponent states that 50 out of 83 units are cross-ventilated, calculating to 60.2% of the total unit count across both buildings. However, this figure includes 2 x units on the 10th storey (Level 9) of Building B/C which are not relevant to a tally of 'the first nine storeys'. It also shows two units in Building A (Level 1 and Level 4) relying on mid-building indentations that not typically classified as providing cross-ventilation. With these units removed the figure is 56.8%.</p> <p>AJ+C calculates the cross-ventilation of the indicative concept design on the basis below:</p> <p>A. Building-by-Building</p> <ul style="list-style-type: none"> Building A - 25 of 52 units, 48.1% Building B/C - 21 of 29 units, 72.4% <p>B. Stage-by-Stage</p> <ul style="list-style-type: none"> Stage 1 ('Built Forms A & B') - 38 of 70 units, 54.3% Stage 2 ('Built Form C') - 8 of 11 units, 72.7% <p>C. Whole-of-site (first nine storeys only)</p> <ul style="list-style-type: none"> 46 of 81 units, 56.8% <p>Note that two units shown in Stage 1 use a building core for access that will not be delivered until Stage 2.</p> <p>While it is not critical that detailed compliance with the ADG be provided at Planning Proposal stage, the design decisions that have caused the non-compliance with cross-ventilation objectives have resulted in increased building bulk and inferior presentation to public streets. We therefore recommend the indicative design, and corresponding yield, be updated to meet minimum compliance with the ADG cross-ventilation target.</p>	<p>We note that the units from level 9 have been included in the calculations and agree that according to the ADG the units of the first 9 storeys are to be included for calculation purposes. We have now further amended the unit layouts such that 50 out of 83 units are cross ventilated resulting in 60% compliance as seen on pg 32.</p>	<p>The amended scheme does not appear to comply with ADG cross-ventilation requirements.</p> <p>The units on the 10th storey have been removed from cross-ventilation and total apartment numbers, a row of unventilated units previously counted as cross-ventilated have been removed and 3 new through-units have been added to the upper level of the Eastern Building A through the expansion of its footprint, all of which has improved the percentage of cross-ventilation units. The urban design response lists 50 out of 83 units = 60% cross-ventilated.</p> <p>However, the revised design has created additional issues which means the scheme still does not comply with cross-ventilation requirements:</p> <ol style="list-style-type: none"> New ground-floor units have been added that are identified as "residential part of SOHO". These would still be counted as units by the ADG, but have not been included in calculations. Their inclusion worsens the cross-ventilation non-compliance. Adding the 3x ground-floor SOHO units: 51 out of 86 units = 59% Two stacked rows of 2-storey 3-bedroom units are now shown in a relatively low-value location at the centre of the eastern floorplate. This is not considered a realistic outcome, as upper level 3-bedroom units in a residential flat building are typically single storey and placed on the highest value positions of the envelope. In this case, the use of these units may have been proposed to artificially reduce the number of units to meet ADG targets without reducing the building envelope. For the purposes of an indicative design in a PP, typical outcomes should be assumed unless there is a clear site-specific argument for an alternative. <p>Changing the 6x two-storey 3-bed units on Levels 1 to 4 to more typical 12x single storey units worsens the cross-ventilation non-compliance: 51 out of 92 = 55%</p> <p>Note that these calculations use a whole-of-site measurement approach. Refer to AJ+C's initial review for commentary on building-by-building versus whole-of-site compliance, with Bayside Council encouraged to apply a consistent approach to other applications made in the LGA. The initial review found the eastern Building A at a significantly non-compliant 48% cross-ventilation when measured individually.</p>
<p><u>Communal Open Spaces:</u> No area information has been provided, but total communal open spaces appear to be less than the ADG's recommendation of 25% of site area, without the provision of an alternative strategy. Not all core locations are able to provide access to the communal open spaces on Building B/C, and the proposed staging means many apartments would be delivered without access to any communal open spaces.</p>	<p>Based on high level calculations of the amended concept layouts as seen on pages 28-31, the total area of communal open space (COS) is approximately 732 sqm which constitutes approximately 17% of the site area. However, the majority of Building B and C are commercial uses which do not require communal open space and the proposal includes a considerable area of publicly accessible space which provides recreational opportunities.</p> <p>The main residential building – building A, has communal space provided on its roof as does Building B and C, associated with the apartment levels. The balance of landscaped area and private versus communal space area at the roof level can easily be adjusted as part of a DA but we consider application of the ADG (without consideration of the actual extent of residential on the site versus commercial) and ignoring the publicly accessible ground level space is not an appropriate methodology.</p>	

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	<p>A more appropriate approach would be to determine the site area of Building A and then apply the percentage to that area rather than using the entire site. Detailed design and calculations will be subject to detailed design and the DA stage. This is a town centre mixed use site and therefore COS provision is often balanced against the location and the provision of public space instead.</p> <p>It should also be noted that in the indicative layouts the residential units have been provided with generous private open spaces and as per the ADG 3D-1, where developments are unable to achieve the design criteria, they should provide large balconies or increased private open space for apartments.</p>	
<p>Solar Access: To Neighbours:</p> <p>The proposal notes the main impact is to the southern adjoining property at 22-40 Sarsfield Circuit. The ADG protects neighbouring developments to a 20% 'reduction' in solar amenity: "where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%".</p> <p>This guideline is imprecise and can be interpreted in several ways. It is also frequently impractical to meet this objective where neighbouring buildings pre-date the ADG or have very few total units.</p> <p>In the case of a Planning Proposal to spot rezone a single site, we believe the hurdle should be that the increased HOB allowance proposed will not have a significantly greater effect than the likeliest 'Business-As-Usual' development using existing controls, unless the strategic benefit of the (usually wide) rezoning justifies the negative impact on certain properties.</p> <p>In the case of this Planning Proposal, which has not provided a compelling strategic merit argument, we expect the former hurdle is most appropriate. However, more information is required to fully analyse the impact on the southern property, and whether it is justifiable under the conditions outlined above.</p> <p>The analysis should identify the number of total units at 22-40 Sarsfield Circuit and estimate their existing level of solar amenity, locating living rooms and primary open spaces. Existing sun-eye views (that is, before the proponent's development) should be provided. The proposed development should be shown transparent, making each level clear, to understand the additional impact of the storeys proposed that are in excess of existing HOB limits.</p> <p>The report identifies the solar impact on 22-40 Sarsfield Circuit as largely being a result of the existing non-compliance with separation distance from the shared property boundary. The report states that "if the site were to be redeveloped and were to provide the required ADG separation, it would be able to receive 2hrs of sunlight to the majority of the facade facing the subject site."</p> <p>The neighbouring development is substantially in alignment with current ADG separation requirements, as typical practice would measure their separation burden from the centreline of the future Local Road rather than the shared property boundary. Based on the proponent's description, it may be that the overshadowing becomes acceptable if the setback is increased to the ADG minimum from that future road's centreline.</p> <p>The western face of 22-40 Sarsfield Circuit appears to have two units facing the Car Park on each level, rather than the single unit identified in the Planning Proposal, which means the overshadowing impact has been understated in the proposal.</p> <p>The Car Park Site is shown significantly overshadowed due to the zero setback and increased building height on the northwest corner, impacting its viability as a future development site. ADG compliant setbacks at 187 Slade will reduce this overshadowing as well.</p>	<p>Council has suggested various outcomes for the car park site and it is therefore unreasonable to restrict the scheme given that there is no confirmation of what design solution might occur. There are no overshadowing controls that apply to car parks and the site orientation will mean that any development on this site will have some shadow impact on the car park if built to the height of the current controls.</p> <p>Sun-eye diagrams with reduced opacity of the proposal are provided at pg 33 with sufficient translucency that 22-20 Sarsfield Circuit is visible. We also note that the apartment development is to the south of the site and therefore overshadowing is unavoidable.</p>	<p>ADG solar access analysis of the revised massing and unit layout has not been provided.</p> <p>The proponent has provided updated sun eye views that illustrate the envelopes in the urban design report result in significantly worse solar impact on the southern neighbour than would be expected under current controls.</p> <p>The reference scheme provided to show impacts that might be expected under existing planning controls has not been appropriately designed to be regarded as complying and so understates the impact. The sun eye views show that a relatively minor upper-level setback to its top floor would maintain solar access to an additional floor of units on the neighbouring property. This minor envelope reduction is likely to be required by ADG and DCP controls, and is expected to be able to be sustained while still meeting the sites existing FSR allowance.</p> <p>To reduce the indicative/reference scheme to an equivalent impact, however, will require much larger setbacks due to the proposed height increase on this site. Given the envelopes are already maximised, this is expected to result in further pressure to replace the 'lost' FSR elsewhere through increased height and bulk compared to what is currently shown.</p>

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<p>Summary of Recommendations: Setbacks should be increased throughout to meet ADG and DCP minimums, including treating the Council Car Park as a standard shared property boundary rather than publicly-accessible space as currently shown.</p> <p>The Height-of-Buildings Map should be aligned with the proposed envelope, or the three small upper levels removed.</p> <p>Any FSR increase should include a maximum residential FSR, separate to the maximum non-residential FSR.</p> <p>All building uses should be provided with a street address, meaning residential and hotel lobbies should be reoriented to public streets.</p> <p>The southern through-site link should be redesigned as a Local Road, per the LEP Land Reservation Map. This will require reducing the basement and increasing ADG-imposed setbacks.</p> <p>Additional documentation is required to show that the proposed rezoning of 187 Slade will have no additional impact on the residential properties 22-40 Sarsfield Circuit when compared with the likely impact under existing LEP controls.</p>	<p>The project team have considered the comments by AJC and in the spirit of trying to move forward on the PP some additional options have been tested that work with or close to the current FSR proposed in the PP (which is necessary to justify redevelopment of the current hotel site).</p> <p>These options test some of the philosophies expounded by AJC. If Council's preference is for a building envelope that is consistent with one of these other approaches then the applicant would be amenable to Council adopting those envelopes instead.</p> <p>These options are –</p> <ul style="list-style-type: none"> A. Greater height and massing on the car park western edge of the site as two forms B. A tower scheme with lower podium C. The current planning proposal with upper level form rationalised and greater articulation shown in the envelopes to address the building length issue and provide more certainty for Council (although the design guidelines proposed would have delivered this outcome). 	<p>The updated documentation provided still does not provide sufficient confidence that the residential envelopes proposed can meet the key numeric ADG controls that influence yield. We recommend the envelopes and corresponding FSR be reduced until they satisfy numeric compliance with those ADG controls that can have major yield implications.</p> <p>The ADG variations currently shown in the planning proposal are resulting in a higher hypothetical development yield at the cost of poorer urban design outcomes.</p> <p>As noted in the initial peer review, if the indicative design better complied with ADG controls it would result in greatly improved urban design outcomes - benefiting resident and neighbouring amenity as well as street quality. To meet cross-ventilation requirements the building forms would need to be broken up, and to maintain neighbouring amenity and satisfy building separation the overall envelope would need to be reduced in all directions.</p>