

24 June 2020

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Bayside Council
Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway,
Rockdale NSW

Via electronic submission

Dear Council,

DRAFT BAYSIDE LOCAL ENVIRONMENTAL PLAN 2020 - 26 TUPIA STREET LANDOWNER OBJECTION

On behalf of the landowner of 26 Tupia Street, we object to the proposed controls. The land is deferred from the current LEP and is still under the Botany 1995 LEP. It is a large and unique landholding in single ownership. The landowner has in recent years held two pre-lodgement meetings with the planners of Bayside for a Planning Proposal to bring the land into the current LEP, so they are aware of the landowners intentions.

Underpinning key outcomes in the Draft Plan is a study undertaken by SJB for large landholdings that are zoned R3/R4 in relation to deletion of bonus provisions Clause 4.3(2A) and Clause 4.4B (which facilitate development of large landholdings). The Department required that Council consult with affected landowners and the outcome is eight similar landholdings being exempted from deletion of bonus clauses under the Draft LEP, however the landowner of 26 Tupia St was never consulted and Council planers response is that as the land is deferred, it did not quality as it is not R3/R4. 26 Tupia St is zoned Residential 2(b) which is considered to be an R3 equivalent zone (as described on Page 8 of the PP – and Council propose the site to be R3) and the landholding is 8,000sqm, and Council is aware of and had been actively engaged by the landowner to redevelop the site.

Their exclusion from this study was morally not right, and the underpinning assumptions for the landholding are not given fair comparison to other similar landholdings that will continue to access these provisions. By not having access to the bonus provisions the site will have a 10m height, rather than 22m. It will have a 0.85:1 FSR rather than 1:1 FSR and it will no longer be allowed residential flat buildings. All the exempted sites will retain these provisions and 26 Tupia St will not. This is a significant downzoning that will have manifest consequences for the owner.

Council has been provided design studies, indicative plans and suite of supporting environmental studies that support a different outcome. Our submission requested being added to the exemption list and application of height of 15m and FSR of 1.35:1. Council's response to the submission at Page 1025 does not address this detailed information and has not applied a site specific merit assessment.

Similar to the events that led to the sites deferral of the 2013 LEP, the site is again at risk of not being property considered. It is the landowners preference the site remain deferred rather than have the proposed controls under the Draft PP. A site specific Planning Proposal will be lodged by the landowner instead in the coming months, which will be a more appropriate way to deal with the deferral.

Thank you.



Chris McGillick
Principal, Planning