

Director City Planning Report No.

Subject: Newmarket, Young Street Randwick
Planning Proposal

Folder No:

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1. Executive Summary

Council has received a request to rezone the land known as Newmarket, with frontage to Barker, Young, Botany and Jane Streets, Randwick. The proposal is to rezone the large site of around 5ha from 2A Residential (low density residential) to mixed density residential and neighbourhood uses, while recognising the existing heritage values.

The owner of the site, William Inglis and Son Limited, is intending to relocate their thoroughbred horse auction operations to Warwick Farm, to better accommodate future needs of their business.

The proposal is to rezone the site to the existing 2D Residential Zone under Randwick LEP 1998 (Consolidated) and amend clause 35A to allow a non residential "activity strip" along Barker Street for neighbourhood business uses. The applicant has submitted a report justifying the proposal and addressing the Department of Planning's criteria for rezoning. This report considers the merits and justification for commencing the preparation of an LEP.

The proposal is supported in principle and there is sufficient information to justify proceeding with the rezoning request. If supported by Council, the next stage of the rezoning process will require technical studies to clarify the rezoning details such as FSR, height and landscaping for the 2D Residential Zone, as well as any additional zones such as other residential zones, open space and/or business zones.

An updated Planning Proposal and draft development control plan (DCP) will need to be submitted to Council following a 'Gateway Determination' and prior to public exhibition. A 'Gateway Determination' is issued by the Minister for Planning and is the first step in the rezoning process under the Act. It is recommended that Council endorse the attached Planning Proposal based on the applicant's submission, request that the Minister issue a Gateway Determination to commence the process of preparing a LEP and note that a DCP should be prepared for the site.

2. Background

The process for preparing a local environmental plan (LEP) is set out in the Act and changes came into effect in July 2009 to improve the clarity and efficiency of the rezoning process- key changes being review of proposals by the LEP Review Panel and the 'gateway determination' by the Minister for Planning. An LEP can be for the whole local government area or part of an

area or a large site (spot rezoning). The first step in creating a new LEP is the preparation of a planning proposal (PP). It is a check point before significant resources are committed to carrying out technical studies. The Council as the Relevant Planning Authority (RPA) under the Act must formally consider a PP and if adopted, submit it to the Department of Planning seeking a 'Gateway Determination' from the Minister. The purpose of a Gateway Determination is to ensure there is sufficient justification early in the rezoning process to proceed with a planning proposal. Consultation with relevant public authorities then follows and the PP is formally placed on public exhibition along any supporting studies. Following consultation with the community and public authorities, the PP may need to be updated. A draft LEP will give effect to the PP when it is finalised by Council. The Department of Planning will then consult with Council on the wording of the draft LEP. The LEP and accompanying maps are published on the NSW Legislation website once the Minister has formally made the LEP under section 59 of the Act.

The 'Gateway Determination' will stipulate whether the planning proposal should proceed, whether it needs to be resubmitted, a timeframe for its completion (usually 9 months following the date of gateway determination), the community consultation and State/Commonwealth agency requirements and whether a public hearing is needed.

This rezoning process would run alongside Council's comprehensive planning work. It will amend the current Randwick LEP and will be subsequently incorporated into the Comprehensive LEP.

In relation to the provisions in Council's LEP 1998, the 2D Residential Zone requires detailed site master planning to develop the LEP controls (FSR, height and landscaping etc), and built form outcomes in accordance with the matters listed in cl. 40A. A DCP and/or staged DA is required under this clause and in this case, a DCP is considered warranted, to be prepared in conjunction with the LEP.

3. Subject Site

The site of approximately 5ha is made up of several lots generally bounded by Barker Street to the north, Rainbow Street Public School and Paine Reserve to the south, Randwick Boys and Girls High Schools to the east and Botany Street to the west (see Map 1). The site is a significant parcel of land in one ownership within the Randwick Specialised Centre opposite the Randwick Hospitals Complex.

The subject site has been owned and operated by the Inglis family since 1918 and has an even longer history of horse stabling dating back to 1877 when the horse drawn omnibus company used the Barker Street frontage for horse stabling.

Map 1: Subject Site - Planning proposal boundary



Legend

- Boundary of subject site
- Owned by Inglis and not included
- Properties queried by the Council for detailed review

Scale: 1:4090

4. The Proposal

The applicant requests rezoning of the land from 2A Residential to 2D Residential under Council's LEP 1998 (Consolidation) to enable a range of densities for residential development and neighbourhood scale commercial and retail uses. Further investigation is required to identify the planning controls applicable (primary controls being height, FSR and landscaping).

The applicant conducted a 3 day planning and design forum from 10-12 March 2010 bringing together their team of consultants, Council and State government representatives (including the Department of Planning) as well as UNSW, Area Health Service, Randwick Precinct Committee and The Spot

Business Association and local residents. The outcomes of the Forum led to the development of the Newmarket vision and design concept which will continue to be refined as further investigations are carried out. Attendees were generally supportive of the forum outcomes.

The broad concept arising from the forum is for 800-900 dwellings on the site, with a range of studio, 1, 2, and 3 bedroom apartments and single dwellings adjacent to existing single dwellings and semis. The concept also proposes accessible and affordable housing. Indicative heights vary from 2- 3 storeys (adjoining the existing residential areas of Middle and Jane Streets) to 6-8 storeys (fronting Barker Street and Paine reserve).

An indicative floor space ratio (FSR) for the whole site has not been provided. The applicant has suggested the use of heights and building envelope controls as alternatives, however the 2D Residential Zone provisions requires FSRs. The applicant will be asked to provide the information in the next stage of this process.

These dwelling numbers and heights vary, are indicative only and are not endorsed at this stage and will need to be reviewed following outcomes of the technical studies.

4.1 Studies submitted by Applicant

The following preliminary technical studies have been submitted with the Proposal:

- Heritage Assessment Report (EJE Heritage): this is an initial review of the historical context of the site, heritage items (to be retained and conserved) and a conservation area (Struggletown) within the land owned by Inglis. The site has potential for both European and Aboriginal archaeological remains to be present. Further investigations/analysis is necessary to determine the degree of significance and management strategies. Newmarket Big Stable (c 1880) is on the State Heritage Register under the Heritage Act 1977 and the whole block on the eastern side of Young Street is a heritage item under Council's LEP 1998 (see Map 2). The other heritage items in RLEP 1998 are 22 Young Street and 90 Middle Street however these do not form part of the PP. The applicant's assessment report states that Newmarket is a place of high local significance based on a number of Heritage Council criteria including historical, aesthetic and social significance.
- Traffic and Transport Review (Cardno Eppell Olsen): Parking for 775 cars has been indicated, lower than Council's standard requirements, based on the site's proximity to the University and Hospital, high frequency public transport services and proposed measures to minimise car ownership. The provision of parking and sustainable transport measures will need to be justified by further studies.
- Infrastructure Report (Cardno Eppell Olsen): examines the infrastructure servicing of the site and concludes that gas and electricity services can be upgraded to meet demand from the

proposed development, Sydney Water is still assessing the proposal, on-site stormwater detention will be necessary and Water Sensitive Urban Design (WSUD) measures will be included in the final design as the existing stormwater network is unlikely to have capacity.

- Tree Survey/Assessment Report (Arborcraft): There are approximately 124 trees on the site, 13 of which are on the Council's Significant Tree Register.

The applicant's submission notes that these studies are preliminary only at this stage and further detailed studies will be submitted subject to the proposal being acceptable at this 'gateway' stage, to the Council and the Department of Planning/Minister. Given that the concept is broad, the specific outcomes sought for the site will need to be adequately supported through these further studies.

4.2 Further Studies

At a recent meeting with Council officers, the applicant was advised of the main issues identified through a preliminary assessment of the proposal and it was noted that additional technical studies will be required from the applicant following gateway determination and prior to exhibition of the proposal. These studies will assist in refining the concept and in preparing the draft LEP and DCP and are as follows:

- *Heritage*: A Heritage Impact Study; proposed interpretation of site's history: market gardens and horse track (particularly under the main car park), equestrian uses and omnibus transport; adaptive reuse of heritage buildings;
- *Archaeology*: Comprehensive assessment/analysis to determine significance of archaeological resources, including Aboriginal/European heritage;
- *Urban Design*: Study that provides a basis for layout, character, scale, height, subdivision, road widths, setbacks and form of new development in the context of its landscape setting. It should also consider phasing of development.
- *Built Form*: arising from the urban design work, a Built Form Control Map, showing height and FSR and landscaped area on a block by block basis, setbacks;
- *Open Space*: Plan showing the extent and location of public open space, community facilities, land to be dedicated, retention of significant trees (in context of new development); integration with Paine Reserve;
- *Traffic, Access, Movement*: assessment of traffic impacts, cumulative impacts, extension of existing road network into the site, amelioration of impacts and alternative forms of travel; shareways, access and movement to and within the site;

- *Sustainability*: comprehensive report addressing Green Travel Plan; Green Star rating, opportunities to deliver sustainable design, construction, on going management (best practice).
- *Infrastructure*: confirmation that existing facilities can be extended, and/or augmented, Water Sensitive Urban Design measures
- *Groundwater/contamination*: preliminary investigation to determine whether past activities on and off site have resulted in contamination

The key planning controls such as height, FSR and landscaped area will be incorporated into a draft LEP and other urban design controls will be incorporated into a draft DCP, which should be concurrently prepared and submitted to Council.

5. Description of surrounding area

The area subject to rezoning does not include all the land owned by Inglis: shown yellow on Map 1. The applicant has confirmed that 163 Botany, 17 Jane, 90 Middle and 22 and 24 Jane Streets all zoned 2A Residential are not included in the rezoning area.

The surrounding area has varied land uses and scale of development. Immediately north of the site is the Randwick Hospitals Campus and main vehicular entry to that site.

A Concept Plan for the Neuroscience Precinct on the Hospitals site which has its major frontage on Barker Street has been approved by the Department of Planning and is under construction (6 storeys along Barker Street and up to 12 within the site). Barker Street has a mix of commercial and residential which range from 1 to 4 storeys and within Struggletown to the west, dwellings are single and two storey weatherboard, stone or brick dwellings. To the east of the site, buildings on the Randwick Boys and Girls High Schools are 2 storeys in height.

5.1 Site Boundary Investigation

Council officers reviewed the applicant's proposed boundaries comprising land to be rezoned. The applicant has agreed to exclude the heritage listed property at 90 Middle Street however requested that the 2 other residential properties at 28 Young Street (semi with No.26) and 21 Jane Street (last cottage in street) shaded green on Map 1 remain included. If these properties are excluded it would mean that they remain in the 2A Zone. The applicant's preliminary investigations are that these properties do not contribute and removal would not impact on the Conservation area. Council's initial review indicates that these two properties are consistent with the form and scale of the Conservation area. The planning issues likely to arise with having two different zones applying to a semi has also been raised by Council officers.

In relation to 28 Young Street, Council officers contacted the owner of the semi at 26 Young Street who did not have a position on inclusion or otherwise of the other half of the semi in a rezoning, at this stage.

It was considered that further expert heritage advice should be undertaken by the applicant to determine if these sites should remain in the 2A Zone or if 2D is suitable, with clarification of the contribution or otherwise of the existing dwellings to the Conservation area. This additional advice should include a site analysis of both 26 and 28 Young Street and further consultation with the owners of 26 Young Street.

The subject site for the PP to be submitted to the Department is therefore the area outlined red in Map 1.

6. Relevant Planning Documents

Randwick LEP 1998 (Consolidation)

The site is zoned 2A Residential under Randwick Local Environmental Plan 1998 (RLEP). Schedule 2 to RLEP 1998 permits additional uses on the site to be used for commercial breeding, boarding, training, sale or care of horses. The PP further details these controls.

The Struggletown Conservation Area covers part of the subject site: the blocks of land west of Young Street to Botany Street and the Inglis land has a number of heritage items (Map 2).

Randwick DCPs

Development Control Plan: Dwelling Houses and Attached Dual Occupancies
Development Control Plan: Multi-unit Housing; and
Development Control Plan: Parking

Randwick Education and Health Specialised Centre Discussion Paper

The subject site and surrounding land including the UNSW and Randwick Hospitals Campus are identified within the Metropolitan and draft East Sub-regional Strategies as a 'Specialised Centre' of education, health and research. As part of the comprehensive LEP preparation, a discussion/precinct paper is being prepared for this Centre and will be reported to Council shortly for exhibition and consultation.

7. Summary of Key Issues

The main issues relating to the rezoning of the site that require further review and clarification are:

- Developing an appropriate **built form** in response to an urban design study. This will inform block by block FSR, height and

landscaped area built form controls as required under the 2D Zone for inclusion in the draft LEP Map;

- Considering the **housing mix and affordability** particularly for key workers and students. These may be LEP and/or DCP provisions.
- Clarifying all areas of **neighbourhood business**. These will be identified in the LEP with an 'activity strip' on the LEP Map as required in the 2D Zone and additional permissible uses under clause 35A of RLEP 1998 or a neighbourhood business zone may be warranted (e.g parts of Barker Street);
- Management of the **heritage items/spaces** and significance of the whole site. Clarification of the addresses/curtilages is required for LEP listing;
- Development of an **open space** concept plan. This should include area/s to be zoned for public open space in the draft LEP and strategies for retaining/protecting significant trees;
- **Access to the site and road layout** given the narrow street pattern to be outlined in the draft LEP (determining blocks in the built form control map) and draft DCP;
- **Potential staging of development** to be outlined in the draft DCP to assist the Council and applicant to identify public and private assets at each stage (e.g open space, roads, affordable housing);
- Consideration of **traffic impacts** and any broad measures to improve performance of the road network.

These issues can be addressed following submission of technical reports but must be addressed and reported back to Council for further consideration before public exhibition. This may also require a further gateway determination if the proposal is varied substantially e.g major changes to objectives or provisions of the planning proposal in consideration of submissions made during public exhibition.

8. LEP Pro-Forma Evaluation Criteria for Spot rezonings

In relation to spot rezonings, the DoP requirement is to consider whether or not a spot rezoning has merit and that the proposal is justified given its State and/or regional significance, dwelling and/or employment potential. The required pro forma questions in the PP note that this proposal warrants consideration as a one-off rezoning given its size and potential residential dwellings.

9. Department of Planning Criteria for Justifying planning proposals

Based on the applicant's submission, a planning proposal has been prepared by Council officers consistent with the Department of Planning's guidelines. The following Parts 1 to 4 address the questions set out in the Department of Planning's "A Guide to Preparing Planning Proposals".

Part 1: Objectives or intended outcomes of the Planning Proposal

Requirement: Provide a concise statement setting out the objectives or intended outcomes of the planning proposal as a basis for the drafting of the legal instrument (LEP).

Response. In consultation with the applicant, a revised list of objectives have been prepared and are included in the PP. These are considered suitable and address the Department's requirements and all the key issues for the rezoning. The objectives address a range of matters to ensure the orderly development of the site that respects and enhances the local area. They are consistent with the broader key directions for the Specialised Centre which are to support and strengthen the Centre to form a more intense node for employment, research and business. The objectives for the site address: variety of housing forms (including affordable and seniors housing); neighbourhood scale mixed use development; high architectural quality of development; management of heritage; open space network; pedestrian, cycle and car movements to and within the site; sustainable transport and building design; and site management (e.g contamination and infrastructure).

Part 2: Explanation of Provisions

Requirement: An explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

Response: The objectives or intended outcomes of the PP can be achieved by adopting the current 2D Residential Zone, identifying other suitable zones e.g open space and amending various clauses in Randwick LEP 1998 (Consolidation). The proposed key provisions will include:

- Zoning
- Objectives
- Definitions
- FSR
- Wall height, building height and no. of Storeys
- Heritage
- Affordable housing for key workers/students etc
- Site Specific provisions as required following technical studies, community consultation, public authority consultation and gateway determination advice.

Part 3: Justification

Requirement: To set out the case for changing the zones and/or development controls on the land affected by the proposed LEP. There are a number of specific questions that must be discussed with reasons explained.

Response: The case for changing the zones and/or development controls on the land affected by the proposed LEP is adequately justified. It is appropriate that the site be rezoned to provide a more flexible range of residential and neighbourhood scale non-residential uses to enable more efficient use of this inner city site and respond to the growth pressures of the Specialised Centre. These are set out in more detail within the PP.

Part 4: Details of Community Consultation

Requirement: This part should outline the community consultation that is to be undertaken in respect of the PP.

Response: The applicant is committed to continuing the process of consultation which commenced with the 3 day planning forum following gateway determination and has set up a web site with Forum and contact details (www.talknewmarket.com.au). Council will liaise with the applicant throughout the process. The Council will consult with all key government agencies such as DoP, Department of Environment, Climate Change and Water, Roads and Traffic Authority and Department of Transport and Infrastructure. Council proposes the full 28 day public exhibition period be undertaken.

10. Relationship to the City Plan

The relationship with the City Plan is as follows:

Outcome	4	Excellence in urban design and development
Directions	4a:	Improved design and sustainability across all development
	4b:	New and existing development is managed by a robust framework
Outcome	7:	Heritage that is protected and celebrated
Directions	7a:	Our Heritage is recognised, protected and celebrated
Outcome	8:	A strong local economy
Directions	8c:	Economic growth and development that strengthens our hospital and university precinct
Outcome	9:	Integrated and accessible Transport

- Directions*
- 9a: A network of safe and convenient walking paths and cycleways linking major land uses and recreation opportunities
 - 9b: The community is informed, educated and encouraged to use sustainable transport
 - 9d: Residential amenity is protected by appropriate traffic Management
 - 9e: Parking is managed to balance convenience against reduced car reliance.

11. Financial impact statement

Applicable fees for the preliminary assessment of the spot rezoning including a fee for heritage assessment have been paid by the applicant as per Council's Fees and Charges Policy (\$8420) and further fees will be required as the rezoning progresses.

12. Conclusion

The proposal to rezone the Newmarket Site at Barker and Young Streets Randwick from 2A Residential (low density) to 2D Residential (mixed density) Zone is acceptable in principle however further technical studies will be required prior to public exhibition so as to inform preparation of a draft LEP and draft DCP and to clarify the zones and controls. The Department of Planning's criteria for preparing planning proposals and LEP's have been addressed and there is sufficient justification for the planning proposal proceed to 'gateway determination'. Whilst the concept is preliminary only, key controls such as detailed height, FSR and landscaped area controls will need to be developed by the applicant through an urban design study and incorporated into local planning controls. The planning proposal will be reported back to Council when all the relevant studies have been completed and prior to public exhibition.

Recommendation

That Council:

1. Resolve to commence the process to prepare a local environmental plan as an amendment to Randwick LEP 1998 (Consolidation) for the Newmarket Site with frontage to Barker, Young, Jane and Botany Streets, Randwick in accordance with s.54 of the Environmental Planning and Assessment Act, 1979 (the Act) to rezone the site from 2A Residential to allow for redevelopment for mixed residential and related uses;
2. Adopt the Planning Proposal (Attachment 1) for the Newmarket Site, Randwick prepared by Randwick City Council in accordance

with s.55 of the Act;

3. Agree to forward the Planning Proposal to the Minister for Planning requesting a Gateway Determination in accordance with s.56 of the Act;
4. Note that the Planning Proposal should be reported back to Council supplemented by technical studies when completed and public authority consultations, for Council's consideration and prior to any formal public exhibition under s.57 of the Act;
5. Note that a site-specific development control plan (DCP) should be prepared for the Newmarket Site based on matters set out in clause 40A of Randwick LEP 1998 (Consolidation) (Site Specific Development Control Plans) as well as broader planning principles and strategies contained in the Specialised Centre Discussion Paper. This draft DCP should also be reported back to Council with the Planning Proposal as per Recommendation 4.

Attachment 1- Planning Proposal
Attachment 2- Submission by Applicant

UNDER SEPARATE COVER
UNDER SEPARATE COVER