



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	26 September 2023
DATE OF DECISION	15 September 2023
PANEL MEMBERS	Carl Scully (Chair), Glennis James, Stephen O'Connor, Joe Awada & Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	Sue Francis declared a conflict of interest as her consulting company undertakes work for the Land and Housing Corporation.

REZONING REVIEW

RR-2023-19 – 776 & 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot – PP-2023-1805
(As described in Schedule 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspection listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous

REASONS FOR THE DECISION

Strategic Merit

The Panel agreed that the planning proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan, 2018; Eastern City District Plan, 2018; the Bayside Local Strategic Planning Statement, 2020 (LSPS) and the Bayside Local Housing Strategy, 2021 (LHS).
- It seeks to deliver housing supply including affordable and social housing which is a priority issue for Sydney for all levels of Government.

Site Specific Merit

The Panel agreed that the proposal had Site Specific Merit, in that :

- The proposal for mixed private and subsidised housing is appropriate for this site given its proximity to public transport, open space, and commercial and retail facilities.
- The transition to the R2 Low Density Residential zone to the west and the Mascot Memorial Park to the south is an appropriate way to deal with the built form.

Panel recommendations

The Panel recommends that prior to the Planning Proposal Authority (PPA) submitting the planning proposal for a Gateway determination, the planning proposal is to be revised to address the following:

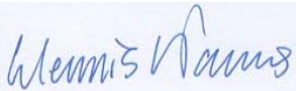
- The E1 Local Centre zone is to be removed and replaced by a R4 High Density Residential zone over the entire site;
- The references to the proposed amendment to include residential flat buildings to be permitted with consent as an additional permitted use is to be removed; and
- The revised planning proposal is to include a proposed LEP provision for a site specific Development Control Plan (DCP).

Bayside Council has been given the opportunity to accept the role of PPA for this planning proposal. Should Council decline the role of PPA, then in accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

Should Bayside Council accept the role of PPA, then notwithstanding this acceptance the Panel recommends that the Panel be appointed as the PPA for the planning proposal. This recommendation is based on the request by the Minister for Housing to the Minister for Planning that Bayside Council not act as the PPA, given the significant delays that have occurred so far by Council in progressing the planning proposal.

Should Bayside Council remain as the PPA and fail to require the above revisions to the planning proposal, then the Panel recommends that the above changes be conditioned on any Gateway determination issued.

Should the Panel be appointed the PPA for this planning proposal, the Panel will request that a revised planning proposal including supporting documents, is to be submitted to the Panel within four weeks from the Panel's PPA appointment date. The Panel may then reconvene to further consider the planning proposal following the receipt of the revised planning proposal, to assess and determine whether the planning proposal has met the Panel's recommendations and is suitable for submitting to a Gateway determination.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 Stephen O'Connor	 Joe Awada
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-19 – Bayside LGA – PP-2023-1805 – at 776 & 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot
2	LEP TO BE AMENDED	Bayside Local Environmental Plan (LEP) 2021
3	PROPOSED INSTRUMENT	The proposal seeks to: • Increase the permissible height of buildings from 14m to 28m • Include residential flat building as an additional permitted in the zone • Remove the requirement for active street frontages on Botany Road.
4	MATERIAL CONSIDERED BY THE PANEL	• Rezoning review request documentation • Briefing report from Department of Planning and Environment, 7 September 2023
5	SITE INSPECTION AND BRIEFINGS BY THE PANEL	• Site inspection with Department of Planning and Environment (DPE): 10:30am – 10:55am, 15 September 2023 ○ Panel members in attendance: Carl Scully (Chair), Stephen O'Connor, Joe Awada & Michael Nagi ○ DPE staff in attendance: Laura Locke, Lisa Kennedy & Adam Williams ○ Key issues discussed: existing & proposed development; character and built form of locality; proposed built form and overshadowing effects on Mascot Memorial Park, retention of established trees along Coward Street; ongoing use of Ambulance site. • Briefing with Department of Planning and Environment (DPE): 1:00pm – 1:32pm, 15 September 2023 ○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Joe Awada & Michael Nagi ○ DPE staff in attendance: Amanda Harvey, Laura Locke, Bailey Williams, Amy van den Nieuwenhof, Jeremy Martin, Aoife Wynter, Lisa Kennedy, Adam Williams & Taylah Fenning ○ Key issues discussed: • Planning proposal overview, locality, proposed changes, strategic and site merit issues – urban design, setbacks to Park, traffic heritage • Master planning for the locality and nearby planning proposal which was not supported by Council • Planning Proposal Authority (PPA) – DPE has written to Council seeking their confirmation on whether they wish to be the PPA. Council to respond by 20 September 2023 • Economic reports – proposing 100% residential but retaining economic provisions with the Local Centre zone. • Briefing with Bayside Council: 1.42pm - 2:08pm, 15 September 2023 ○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Joe Awada & Michael Nagi ○ DPE staff in attendance: Amanda Harvey, Laura Locke, Bailey Williams, Amy van den Nieuwenhof, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning

		○ Council representatives in attendance: David Smith, Christopher Lazaro & Ana Trifunovska ○ Key issues discussed: ● Master Planning – history, at project planning stage, preparing project plan – due end year, completion Masterplan by end 2023/24 financial year ● nearby planning proposal not supported by Council – more intensive development compared to this site, withdrawn by proponent ● retention of commercial zone or rezone to residential and remove active street frontage clause ● site specific height issues – transition across site ● Briefing with PFD Planning (Proponent): 2:08pm – 2.37pm, 15 September 2023 ○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Joe Awada & Michael Nagi ○ DPE staff in attendance: Amanda Harvey, Laura Locke, Bailey Williams, Amy van den Nieuwenhof, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning ○ Proponent representatives in attendance: Michael File, Jonathan Knapp, Peter Brackenreg, Patrick Koe & Fouad Habbouche ○ Key issues discussed: ● Planning proposal overview, locality, proposed changes, ● No proposed future use of the Ambulance site ● Height transition across the site ● Overshadowing on adjoining Mascot Memorial Park ● Site Specific DCP ● Affordable and social housing – tenure ● rezone to residential rather than retaining commercial zone and remove active street frontage clause ● traffic – access off Botany Road & carparking ● Panel Discussion: 2.37pm – 3.07pm, 15 September 2023 ○ Panel members in attendance: Carl Scully (Chair), Glennis James, Stephen O'Connor, Joe Awada & Michael Nagi ○ DPE staff in attendance: Amanda Harvey, Laura Locke, Bailey Williams, Amy van den Nieuwenhof, Jeremy Martin, Lisa Kennedy, Adam Williams & Taylah Fenning
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