

MEMO



To Bayside Local Planning Panel cc Director City Futures

From David Smith, Manager Strategic Planning

Date 9/12/2024 File No 24/361301

Re: Proponent Request to Amend Planning Proposal 204 Rocky Point Road, Kogarah

On 10/12/2024 the Bayside Local Planning Panel (BLPP) will receive a report titled **Planning Proposal Request - 204 Rocky Point Road, Kogarah**. The report presently recommends that *the Planning Proposal Request for 204 Rocky Point Road, Kogarah, should not be supported and should not be submitted to the Department of Planning, Housing and Infrastructure for a Gateway determination.*

The recommendation was driven by the following key issues:

- Council considers that the building height plane enables a level of compromise between the rights of adjacent residents to amenity and the rights of the site owners to develop their land. Removing the building height plane without introducing a new planning mechanism to facilitate such a compromise would not be in the public interest.
- In order to avoid unacceptable impacts to solar access for adjoining residents the proposal's concept building form had been brought closer to the street frontages, creating a tall and bulky building. Advice from Council's urban design team had raised concerns that this would create a poor design outcome, especially without a design excellence provision applying to the development. Consequently, Council considered that the proposal would not satisfy the design related objectives and priorities of the Eastern City District Plan, Bayside LSPS and Community Strategic Plan (CSP).

A copy of the final report was provided to the proponent prior to the meeting for their information and upon review, the proponent has requested that changes be made to the Planning Proposal (PP) to address Council's concerns. Specifically, they are proposing to additionally amend the *Bayside Local Environmental Plan 2021* to apply **Clause 6.10 Design excellence** to the site. By applying the Design Excellence clause, development on the site will need to address relevant heads of consideration including:

(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—

(e) how the development addresses the following matters—

(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) *bulk, massing and modulation of buildings,*

(vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

(xii) *excellence and integration of landscape design.*

This amendment would substantially address Council's concerns as stated in the report.

Specifically, **Clause 6.10 Design excellence:**

- provides an alternative mechanism for creating a compromise between the needs neighbouring residents and the height of buildings developed on this site; and
- requires that development on this site will need to demonstrate a high level of design quality, therefore addressing the design quality objectives and priorities of the strategic planning framework.

By ensuring consideration of design quality and providing a replacement mechanism to consider the impacts of the building on adjacent residents, the PP would satisfy the Planning Priorities previously identified as inconsistent in the report and the proposal would demonstrate both strategic merit and site-specific merit. Therefore subject to the proposed amendment, the planning officers recommendation to the BLPP would change to be in favour of supporting this PP being forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

The amended recommendation is proposed to be:

The Bayside Local Planning Panel recommend to the City Planning and Environment Committee and Council that pursuant to s3.34 of the Environmental Planning and Assessment Act 1979, the Planning Proposal Request for 204 Rocky Point Road, Kogarah,

1. Be amended to apply *Bayside Local Environmental Plan 2021* **Clause 6.10 Design excellence** to the subject site; and
2. Subject to the above amendment, the PP should be supported and should be submitted to the Department of Planning, Housing and Infrastructure for a Gateway determination.

Yours sincerely,



David Smith
Manager Strategic Planning