

9 June 2020

Randwick Local Planning Panel
C/Ms Therese Mann (CEO)
40 Frances Street
RANDWICK NSW

Dear Sir/Madam,

RANDWICK COUNCIL REPORT – RANDWICK LOCAL PLANNING PANEL

We have undertaken a review of the Council report on our Planning Proposal (PP) at Little Bay Cove that you are considering at your meeting on 10th June 2020. We feel that the report and associated recommendation has disregarded the relevant considerations at this stage in the process and clear evidence that has been provided in the extensive documentation supporting the application.

At this stage, the Council only needs to consider if there is sufficient strategic planning merit and that any site-specific issues are capable of being addressed with a pathway for assessment outlined.

The strategic planning merit is clearly documented in the original and supplementary information submitted with the PP. It's also verified by Council's own strategic plans that identifies the adjoining Government site operated by Land and Housing Corporation (LAHC) of the same scale, size and location for major housing supply under the exact same planning circumstances.

On all site-specific matters we have support from respective agencies or have a pathway outlined for additional assessment to be conducted. This is the purpose of the Gateway system which will allow the proponent to work through the identified issues.

The Council, for reasons unknown, dismisses this and establishes a view to the contrary. While we understand they may find it easier given the current political and community environment to just say no, we feel that they have taken an unreasonable and incorrect approach in drafting the report.

The following is particular concern with the report:

- Disregards the process and intent of the planning system which under the Departments' Guideline - *'Guide to Preparing a Planning Proposal'* requires the PP to ***"demonstrate the strategic merit" with "enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process"*** and to identify the ***"scope for investigating any key issues"*** so that ***"The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination."*** Interestingly the report spells this out and Council then dismisses the process as ***"Council officers do not consider that this is an acceptable approach"***. **This is not the choice of the Council officers.**
- Disregards the clear and undeniable strategic planning merit as outlined in the initial Planning Proposal documents, Supplementary Planning Statement and associated documents.
- Disregards the consistency with the LSPS and Housing Strategy (Vision 2040) as outlined in the submission dated 29 October 2019 (**Attachment A**). It should also be noted that Mr Kerry Kyriacou advised at a meeting on the 24th February 2020 with the Council CEO and our Managing Director of Meriton that the LSPS/Strategy had been amended following our submission to acknowledge

the proposal and “if we didn’t think it had something, it would have been reported for refusal a long time ago”. The assessment report has not taken this approach.

- Disregards that the site-specific measures can be addressed with additional information at the Gateway stage which is clearly outlined in their assessment – built form design, built heritage, indigenous heritage, environmental protection, traffic and transport and so on. Based on our initial review of all these matters, there is either sufficient existing information and/or additional information can be provided to address all issues as expected by the planning proposal process and procedures.
- Adopts an unfair and unreasonable treatment of this site when the adjoining site of the same size, scale, characteristics has been identified under the same strategic planning policies and processes for substantial future growth. If the PP site is flawed to the extent outlined in the report, how can it be possible that the adjoining site of the same characteristics can be identified for major housing growth under the exact same set of planning considerations and principles.
- Disregards the position of TfNSW who support the proposal proceeding through the gateway process, yet continues to use traffic as a major reason that the proposal cannot be supported. TfNSW as the preeminent transport authority must take precedence and they clearly outline the scope for further assessment post-gateway.
- Either intentionally or unintentionally generates a perception of disregard for Aboriginal Heritage Issues by stating that Meriton has disregarded the additional Ochre Site. The 2012 Ochre site currently sits under a council approved and constructed road, while our revised scheme removes the road and preserves the site in a landscaped ensures the built form and road layout does not directly impact the Miocene and Ochre deposits (refer **Attachment B**).
- Raises issues that have never been raised with the proponent over the past 12 months including the need for playing fields, comments from the Education department, accessibility etc.
- Concludes that the offer to enter into a voluntary planning agreement is insufficient. However the Council denied attempts by Meriton to discuss the offer.
- Miscalculates the number of permitted dwellings remaining on the site. The table below summarises the Built and Remaining development on the site. Council estimate that there is only a total of 450 dwellings permitted across the site of which 226 have been built, meaning 224 would be remaining. However only 181 dwellings have been built (based on strata plan and the 2 existing dwellings) and the remaining allows for over 400 dwellings to be built under the existing approval. Based on Council’s assumption the average dwelling size on the remainder of the site would be 228m² which is just under the average size of the single dwellings. If Council got such a simple calculation incorrect, how can we expect that other assumptions are not correct.

Built	Lots	GFA	No. of dwgs	Avg size of dwgs
Units	5, 11	17,520	179	98
Dwellings	20,21	535	2	268
	Sub-total	18,055	181	100
Remaining	Lots	GFA	No. of dwgs	Avg size of dwgs
Townhouse*	2,3,4,10	19,700	131	150
Units	6,7,8,9	24,712	247	100
Dwellings	12 to 32	6,578	28	235
	Sub-total	50,990	406	125
	TOTAL	69,045	587	118

In conclusion, the report has been drafted in a “throw the book at it” style as we have lodged a Pre-gateway Review of the Planning Proposal. The report disregards the appropriate considerations at this stage in the process where strategic planning merit can be justified, key issues of traffic and design have a pathway forward, and all other issues are resolvable with the further assessment or information as outlined in the report. It treats us differently to the adjoining site and disregards available evidence and opportunities for this proposal to proceed in line with statutory and non-statutory planning considerations.

Accordingly, we look to you as planning experts to recognise the correct process/procedure and alter the recommendation to the Council that they support the PP to proceed through the gateway process. We look forward to the PP proceeding through the planning process where the further information can be provided and formalised public exhibition can occur. Like at the K2K project, the level of community objection was completely inverted via independent public engagement conducted by the Council.

We look forward to presenting this position tomorrow and please feel free to contact me directly should you require anything further.

Yours sincerely
MERITON GROUP



Mr Matthew Lennartz
Executive Manager – Planning and Government

CC – Department of Planning, Industry and Environment.