

Mr Brendan Metcalfe  
Acting Director, Eastern and South Districts  
Greater Sydney, Place and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

20 July 2020

**Ref No:** RZ/4/2019

Dear Mr Metcalfe

### **Request for a rezoning review – Little Bay Cove – RR\_2020\_RANDW\_001\_00**

I am writing in response to your letter, dated 25 June 2020, that a rezoning review request has been made by Karimbla Construction Services Pty Ltd (Meriton) for the site at 1406-1408 Anzac Parade, Little Bay (Little Bay Cove).

I note your invitation for Council to comment on the proposal, provide a response detailing why the original request to Council was not progressed and confirm whether the proposal which has been submitted for a rezoning review is the same proposal that was considered by Council.

This contents of this letter detail Meriton's agreement for Council to not progress the proposal within 90 days, a comparison of the documentation submitted with the rezoning review, and an outline of the reasons why the planning proposal was not supported by Council.

#### **Agreement to identify and resolve issues with the planning proposal**

A timeline of the progress of this planning proposal is detailed at Attachment 1. As per the attached timeline, the planning proposal prepared by Urbis Pty Ltd on behalf of Meriton for the site was lodged on 4 September 2019. On 25 November 2019, Council staff met with Meriton to discuss preliminary issues identified by the Randwick Design Excellence panel on the planning proposal.

On 27 November 2019, Council received an email from Matthew Lennartz, of the proponent, which confirms that he would like to work with Council on the proposal's issues and discuss the merits of a revised scheme, rather than Council assess the original planning proposal within 90 days (Attachment 2).

Based on this commitment from Meriton, Council staff worked in good faith to provide feedback on the original planning proposal and identify issues to be addressed in any revised scheme. A revised scheme was provided informally to Council in December 2019 and feedback was provided to the proponent in January 2020, for their consideration.

On 20 March 2020, the proponent submitted an alternative masterplan, supplementary planning statement and additional supplementary technical statements to Council for the site. The intention of the alternate masterplan was to support the planning proposal lodged on 4 September 2019 and to provide indicative approaches as to how the intended outcomes of the Planning Proposal could

be achieved. The Alternative Masterplan illustrates an alternative design response for the site and is not an amendment to the Planning Proposal submitted 4 September 2019.

We disagree with the assertion that Council failed to assess the planning proposal within 90 days. The proponent submitted a request for rezoning review on 27 April 2020, only 38 days after the alternative scheme was submitted to Council. At the time the rezoning review application was submitted, Council staff were in the process of assessing the alternative masterplan, as per the approach that had been agreed with the proponent.

### **Consistency of documentation**

Council officers have reviewed the documentation submitted with the rezoning review request.

It is noted that the letters sent from DPIE to the Planning Panel, the Proponent and to Council states the planning proposal is seeking to introduce maximum building heights of 9m to 60m. This directly contradicts the proponent's rezoning review application form which states proposed building heights as 8.5m to 73m.

In addition, the Supplementary Planning Statement prepared by Urbis for Meriton dated March 2020 states "*It is intended that this masterplan will sit supplementary to the initial masterplan prepared by SJB Architects and represents an alternative approach to facilitating the intended outcomes of the Planning Proposal.*" To present the rezoning review proposal as seeking heights of up to 60m would be inconsistent with the planning proposal submitted to Council.

The documentation submitted with the rezoning review request contains both the original scheme and the alternative scheme, and is broadly consistent with the documentation submitted to Council. However, the rezoning review application includes four significant pieces of documentation that were not submitted to Council. These are:

1. Proposed Height of Building LEP map for the alternative scheme, prepared by PTW (June 2020)
2. Shadow analysis for the alternative scheme, prepared by PTW (June 2020)
3. Strategic Positioning Statement, prepared by SG Haddad Advisory (April 2020)
4. Supplemental Economic Benefits, prepared by Urbis

In addition, the attachments to the letter dated 7 July 2020 from Meriton to Brett Whitworth contain additional information not included in the planning proposal submitted to Council. These are:

1. Attachment A – letter by Extent Heritage Advisors dated March 2020
2. Attachment B – amendments to LEP Height of Buildings Map by PTW dated June 2020

### **Reasons the planning proposal was not supported**

The planning proposal, comprising both the original scheme and the alternative scheme, was referred to the Design Excellence Panel (DEP) and Randwick Local Planning Panel (RLPP) for their consideration and advice. The DEP stated that "*the proposal needs significant reworking as the scale, bulk and height of the proposed built form exceeds what would be acceptable on this site*" and their full comments are located at Attachment 3.

The RLPP recommended that Council not support the planning proposal, for the reasons outlined in Attachment 4. The recommendations of the DEP and the RLPP were incorporated into the Council report dated 23 June 2020 (Attachment 5).

On 23 June 2020, Council resolved not to support the planning proposal, for the reasons outlined in the resolution at Attachment 6. A summary of the key reasons for not supporting the proposal proceeding to Gateway is contained below.

### Strategic Merit Test

The proposal is inconsistent with the Eastern City District Plan and the Local Strategic Planning Statement (LSPS) and there are no changed circumstances which warrant changes to the existing planning controls for the site.

Council's objectives for housing are set out in its Housing Strategy and LSPS. The LSPS and Housing Strategy provides for a balanced approach to growth across the LGA, aligned with committed and planned infrastructure for the LGA. It sets a housing target of an additional 4,300 new dwellings by 2026 and identifies housing growth opportunities for the medium to long term to meet projected population growth, without any increased density in Little Bay Cove above the current approvals.

Regarding any long term housing growth opportunities, the LSPS clearly states "*any changes to planning controls on large sites will require a State Government commitment to improved transport infrastructure in the form of City Serving or City Shaping Infrastructure*". The existing planning strategies clearly envisage a planned approach to increased housing density following transport infrastructure improvements.

This Planning Proposal seeks to increase dwelling density supported by increased bus services, prior to any decisions being made about the long term transport improvements in the area. There has been no state government commitment to City Shaping or City Serving transport infrastructure to service this site. This proposal fails to meet the Strategic Merit Test.

### Site-Specific Merit Test

The Planning Proposal fails to meet a number of matters of the site-specific merit test, as outlined in the Council report.

In particular, the significant impacts on surrounding state heritage items are not resolved and additional information is required. The submission from the Heritage Council of NSW stated that:

- not enough adequate information has been provided to gauge impacts of the proposal on the State Heritage Register (SHR) nominated 'Little Bay Geological site' and on adjacent SHR items;
- proposal presented risks to the heritage significance of this site and the adjacent SHR items Prince Henry Site and Long Bay Correctional Centre;
- the scale, density and proximity of the proposed development is considered excessive and like to have adverse impacts on the state heritage values and inherent site character; and
- a considerably upgraded assessment focused on the wider impacts of the proposal on adjacent SHR heritage items is required.

In addition, this Planning Proposal would result in densities and scales that are incompatible with the surrounding development. For example, the recent residential flat building development on Galaup Street is 5 storeys, and will be situated directly across the road from 16-18 storey development.

The proposed density and scale is incompatible with the scenic coastal character of the area and the natural environment. Furthermore, it does not align with the desired future character of the area and the natural environment, as identified in the draft Local Character Statement for the area.

While the alternative masterplan has significantly reduced the visual impact from Little Bay Beach, an assessment from other key vistas has not been provided. In comparison, the proposal as originally submitted will be clearly visible from multiple locations in the area, including from Little Bay Beach and Malabar Headland National Park and from the public space areas at McCartney Oval to the south.

The proposed density and scale of the planning proposal is inconsistent with the site's location, being 15km from the City. By comparison, Maroubra Junction, which is a transport and services hub located 10km from the city has a maximum building height of 34m. To locate heights of up to 73m

### Transport Infrastructure

A 'City Shaping Corridor' Mass transit/train link to south east is identified for future investigation from the CBD to Malabar via Randwick and Maroubra Junction/Eastgardens. The mass transit is identified as a 10-20 year investigation and The TfNSW submission confirmed that there is currently no commitment to the infrastructure. In addition, there is no certainty regarding its route or stop locations.

The transport analysis used to justify the proposal is based on unrealistic assumptions, including car travel traffic generation rates that are unrealistic and significantly lower than the rates surveyed on the existing site. The Planning Proposal will worsen existing traffic congestion in the road network and will require intersection upgrades to mitigate its traffic impact. The Planning Proposal does not consider who pays for the intersection upgrades, including the physical constraints, potential land acquisition and the legal arrangements that may be necessary.

In addition, the proposed yield, an additional 1909 dwellings, cannot solely rely on buses for public transportation but rather requires a comprehensive, integrated mass transportation solution. The Transport for NSW submission confirms that there is no NSW Government commitment to provide additional mass-transit/rail infrastructure that would provide immediate support to the proposal. Future residents in the area would need to rely on existing transport infrastructure.

The range of employment destinations in strategic centres which could be reached by public transport from the subject site within 30 minutes is limited to Eastgardens-Maroubra Junction. The Eastgardens-Maroubra Junction Strategic Centre is currently a population-serving centre, in its infancy as a strategic centre with only 8,000-9,000 employment growth predicted to 2036.

The infrastructure and services required to meet the needs of this planning proposal has not been adequately considered by the applicant. The infrastructure upgrades and additions have not been agreed to by relevant government authorities. In addition, the infrastructure required has not been costed, meaning there is no way to know whether the financial contribution provided as part of a Voluntary Planning Agreement would be sufficient.

Thank you for providing Council the opportunity to provide comment on the request for rezoning review. If you require further information, please contact Alan Bright, Manager Strategic Planning on 9093 6895 or [alan.bright@randwick.nsw.gov.au](mailto:alan.bright@randwick.nsw.gov.au).

Sincerely,



**Kerry Kyriacou**  
Director City Planning