

DATE OF DECISION	17 June 2021
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, John Brockhoff, Christie Hamilton, Brendan Roberts
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Roberta Ryan declared a conflict of interest and did not participate. Roberta chaired the Community Consultative Committee for Port Botany/NSW Ports for the last 13 years and has close contact with the community activists in the area.</p> <p>Danny Said declared a conflict of interest and did not participate. Danny voted on the Proposal when it came to Council.</p> <p>Murray Matson declared a conflict of interest and did not participate. Murray has debated on the application in his role at Council.</p> <p>The Chair informed the Panel that on the 1 June 2021 he had a conversation with former Premier Bob Carr who advised that he had met with Matthew Lennartz and Harry Triguboff to express his concerns and advised the Chair that those concerns conveyed to them were around primarily bulk and scale, transport and local amenity.</p>

REZONING REVIEW

2020ECI007 – Randwick – RR_2020_RANDW_001_00 at 1406-1408 Anzac Parade, Little Bay (Little Bay Cove) (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 90 days after the Proponent submitted a request to prepare a Planning Proposal or took too long to submit the Proposal after indicating its support

The Panel notes the review request was submitted by the Proponent to the Department on the basis that Council failed to indicate its support within 90 days, and the department accepted this on 25 June 2020 to ensure that threshold had passed. The Panel also notes on 23 June 2020 Council formally resolved to not support the Planning Proposal.

PANEL CONSIDERATION AND DECISION

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

On the 3rd of June 2021 the Panel deliberated on that day, after hearing from the Proponent and the Council and came to a unanimous in principle decision as follows:

1. That the Panel is not satisfied that the proposed rezoning meets the requirements of either strategic or site specific merit and that the Panel does not recommend it proceed to gateway.
2. That the finalisation of the reasons and public release of the decision of the Panel be deferred until after the 17th of June at which time the Panel will discuss and conclude its detailed reasoning for coming to this in principle decision.

Based on this review, the Panel determined 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.

While the Panel's decision to recommend the proposed instrument not proceed to Gateway was made on 3rd June 2021, because of the complexity of the matter the Panel adjourned to write up its detailed reasons and reconvened on 17th June to finalize the drafting of its reasons.

REASONS FOR THE DECISION

Overview

The scale and bulk of development anticipated under the Planning Proposal is not in proportion to the current (nor committed) level of accessibility, centres hierarchy and amenity of the surrounding area. As a result, the Proposal would have unmitigated significant impacts on transport and amenity.

The Proposal is not considered to offer better planning outcomes for the site, and it does not facilitate better opportunities for future redevelopment of adjacent sites because the integrated planning necessary to reveal these opportunities is not able to be done in the absence of commitments to major infrastructure, the future use of major sites and collaboration of multiple agencies to integrated precinct masterplanning.

There is no strategic context for the proposed scale and pattern of residential development

The scale of growth proposed is comparable to the core of a strategic centre. However, this is not the current or planned setting of the site. Strategic centres are characterised by high levels of district connectivity including mass transit/public transport. They relate to a node of activity and offer high amenity and access to a diversity of jobs and services.

There is no commitment to a strategic centre near the site under the District Plan, nor to the delivery of sufficient transport infrastructure and the integrated land use planning necessary to demonstrate how the site would function as part of one. There is no commitment to the planning of links among adjoining sites with the potential for redevelopment, nor with potential key nodes for services and employment.

Typically, an integrated infrastructure and land use masterplan founded on a structure plan for the Eastern City District would be evidence of such a commitment. The drivers for a review of the District Plan along these lines do not exist. There is no commitment to a new mass transit node in the South East Strategic Transport Strategy (SESTS), nor redevelopment of the Land and Housing Corporation (LAHC) Bilga Estate or gaol sites. There is no commitment to identify, resolve and fund supporting infrastructure and the activities of the multiple agencies / stakeholders necessary to deliver an integrated masterplan for any future strategic centre.

It is noted that the potential for future rapid bus or other public transport is considered by the SESTS along the Anzac Parade Corridor. The SESTS identifies a scale and typology of housing at transit nodes along any future route. The proposed housing is significantly greater in scale and bulk than that anticipated in the SESTS. In any case, sympathetic master planning would be required to ensure high amenity outcomes at these nodes consistent with the objectives of the District Plan, SESTS and local strategic plans.

Additional hotel and commercial uses are not in context

The Proposal for hotel and other potential commercial uses are inconsistent with the centre structure set out in the District Plan and would generate activity and trips more suited to an accessible centre. Opportunities for large medical facilities and hotel accommodation are suited to planned and strategic centres in the Eastern District including Randwick Health and Education.

The Proposal is not aligned with planning and transport strategy

Eastern District Plan

The District Plan does not locate a major strategic centre in the vicinity of the subject site over the timeframe of the plan to 2056. Potential nodes along future transport investigation corridors are not described in advance of commitments to integrated transport and land use planning.

The District Plan is guided by Planning Priority E1 which promotes *Planning for a city supported by infrastructure*. Implicit in this priority is the need for a 'Place Infrastructure Compact' incorporating a structure plan or framework - to ensure infrastructure is sequenced with renewal. Such a framework is needed to identify, plan, fund and deliver place-based priorities. The collaborations (see Priority E2) needed to plan and integrate land development opportunities with infrastructure capacity improvements are not in place for this part of the district where the site is located. Commitments to place-based planning for mass transit, social infrastructure [E3], diverse and affordable housing [E5] and design intent [E6/E16] are not in place in the southern portion of the Anzac Parade corridor. As a result, substantial increases in residential growth without strategic plan revision and investment commitment would not be consistent with Priority E10 *Delivering integrated Land Use and transport planning and a 30 Minute City*.

In contrast, integrated planning and infrastructure investment is proceeding where there is capacity in centres in the northern part of District (eg Randwick Health and Education Precinct / K2K). This is consistent with Priority E11 *Growing investment, business opportunities and jobs in strategic centres* and the principles for Greater Sydney's centres.

South East Strategic Transport Strategy (SESTS)

The preferred scenario incorporates a mass transit (metro) link potentially along the Anzac Parade spine by 2056. It is subject to business cases and investment decisions (by various agencies) and there is no commitment to its delivery. Metro investment would be co-dependant on a commitment to redevelop government owned land. Corrective Services (Long Bay sites) have no commitment to move or redevelop before 2040. LAHC also have no commitment with respect to their estate to the north of the site.

There is also no commitment to the delivery of rapid bus services along the Anzac Parade spine to La Perouse. Should a commitment be made to implement more rapid bus services in advance of coordinated government land redevelopment, it would not represent the significant change required for accessibility. Potential bus access improvements would support the scale and density of development permissible on the site under current planning controls. It is also noted that pedestrian accessibility between the site and existing bus stops on Anzac Parade make public transport not a viable option for much of the site.

Housing Strategy

The generation of sufficient amounts and types of housing to meet strategic goals for Randwick LGA (+4,300 dwgs by 2026) would be addressed over time and across many sites in line with the adopted Housing Strategy. The role of the subject site is accounted for in the Housing Strategy under its existing zoning and controls.

LSPS

The subject site is identified in the LSPS as a major housing growth site (0-10yrs) under its existing planning and approval regime). The LSPS recognises strategic centres at Maroubra Junction / Eastgardens and the Randwick (Health and Education) Collaboration Area. The LSPS notes the nearest local centre in the Prince Henry precinct and the scale of development generally transitions away from this node.

The LSPS recognises a heritage conservation area over the site and broader Little Bay precinct. The Planning Proposal does not reduce the aboriginal and other heritage values represented.

The central drainage line, adjacent golf course and coastal landscape are identified as green space with objectives for enhancement of their landscape, biodiversity, vegetation/canopy, and recreation values. The Proposal does not directly impact on the mapped spaces, however impacts associated with a greater volume of pedestrian access from the site over adjacent coastal green space is not managed in the Proposal. The coastal green space is not available for active recreation of the residents of the site.

The existing planning regime is consistent with the strategic intent of the LSPS. The Planning Proposal does not respond in terms of the scale of housing growth nor management of access over coastal green space.

LEP

Randwick LEP (Cl 1.2) aims to ensure the conservation of the environmental heritage, aesthetic, and coastal character of Randwick. The R1 General Residential Zone, the permissible uses and supporting development standards are appropriate for the anticipated scale and nature of development on the site. The increases in density and height in the Planning Proposal are not consistent with the General Residential zone objectives and similarly the additional uses in the R1 zone cannot be justified. The additional uses and increases in intensity of development would be an aberration in the R1 zone.

Implications of the proposal in relation to the district and locality

The impacts of the Proposal would include additional population relatively remote from major centres (jobs and services) accessible by mass transit. This would lead to additional travel and parking demand that has not been accounted for by broader precinct transport and accessibility planning. The local impacts on traffic would be substantial.

The recent public investment in infrastructure for the LGA in the last decade demonstrates the Government's commitment to higher level planning commitments to achieve district and metropolitan planning objectives. The Council's planning initiatives in the current review of controls to increase densities in certain areas is aligned to this public investment. The Planning Proposal would place additional demand on local and community infrastructure and services that has not been factored into the State's or Council's strategic planning. Furthermore, the necessary transport infrastructure (rail, intersection treatments, bus provisions) required must have regard to other major sites in the Bays Precinct and southern part of the local government area.

SITE SPECIFIC MERIT

Having failed the strategic merit test, which also overlaps with site specific issues, it is not necessary for the Panel to determine the site specific merit, nonetheless, the following comments are made on the matters identified in the Planning Circular (PS 18-012):



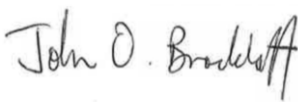


- i) *the natural environment (including known significant environmental values, resources, or hazards:*
The Planning Proposal recognises the continued conservation of the Geoheritage and Ochre Site contained largely in the E2 zone, or with a Voluntary Conservation Agreement and the Proponent also supports the heritage listing. With respect to the natural resources of the beach and coastal surrounds the Panel is not persuaded that the intensity of development proposed, including an increase in height is appropriate for the site. The Planning Proposal seeks a blanket increase in FSR from 0.5:1 to 2:1 of all the R1 zoned land (this includes land for roads, footpaths, and parks). As such which would equate to approximately double the 2:1 FSR sought for the developable lots on the site. For a site of some 12 hectares the Planning Proposal does not seek to differentiate the more sensitive coastal zone and provide appropriate densities and heights. It is recognized the alternative master plan for the site indicates for the eastern part of the site a 34 to 46 m height and the western part 31 to 60 m height limit but this was not carried through in the draft instrument. The Panel does not consider a broad approach to height, FSR and additional land uses is appropriate for this significant and unique site and as such the Planning Proposal does not demonstrate site specific merit.
- ii) *the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the Proposal:*
While it is recognized the broader surrounding area will continue to undergo change at the same time this site must be considered in the broader context having regard to the necessary infrastructure required and connectivity. The land uses, built form and interface in the immediate vicinity must also be carefully considered and the Panel is not satisfied the Planning Proposal would provide the appropriate fit. Furthermore, the additional uses sought of a medical centre and hotel are not consistent with the zone objectives, in particular, to meet day to day needs of residents. It is noted that health consulting rooms and serviced apartments are already permissible with consent in the R1 zone.
- iii) *the services and infrastructure that are or will be available to meet the demands arising from the Proposal and any proposed financial arrangements for the infrastructure provision:*
Once again, the need to meet these criteria overlaps with the strategic merit test and the Planning Proposal does not provide certainty or satisfactorily address these matters.

The Proposal does not have site specific merit. The height, bulk, distribution of buildings and the intrusion into view corridors to the coast from the surrounding areas would have significant implications for the amenity of the site, its environs and the surrounding area. Furthermore, the management of traffic and access of residents (and visitors) through and beyond the site including the golf course / Little Bay is not acceptable noting the absence of satisfactory arrangements (with adjacent land managers) which align with the environmental outcomes sought in the District Plan and local strategy.

The broader context of the site must be considered and this includes: adjacent recent development of the former Prince Henry site; developed land at the western end of the site, the established public housing on LAHC land to the north; and the future of other large land holdings.

While there is an opportunity for alternative distributions of development density and built form on certain parts of the site, the Panel considers that the bulk, scale and form of development in the Planning Proposal for the site is substantially out of context in the absence of a strategic and collaborative reappraisal of the entire precinct. this must have regard to the site in its broader context.

The Planning Proposal as submitted to Council, and therefore the subject of this review, does not warrant progressing to Gateway. The issues identified and those outstanding must be firmly addressed in any future planning proposal put forward.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 John Brockhoff	 Christie Hamilton
 Brendan Roberts	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020ECI007 – Randwick – RR_2020_RANDW_001_00 at 1406-1408 Anzac Parade, Little Bay (Little Bay Cove)
2	LEP TO BE AMENDED	Randwick Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	The Proposal seeks to amend Randwick Local Environmental Plan 2012 (RLEP 2012) to introduce the following controls at 1406-1408 Anzac Parade, Little Bay: Include ‘hotel or motel accommodation’ and ‘medical centres’ as additional permitted uses on the site; Apply a maximum floor space ratio (FSR) of 2:1 to the R1 General Residential zone; and Apply maximum building heights of 9m to 60m to the R1 General Residential zone.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: 13 May 2021 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, John Brockhoff, Christie Hamilton, Brendan Roberts Department of Planning, Industry and Environment (DPIE) representatives in attendance: Laura Locke, Simon Ip Proponent representatives in attendance: Matthew Lennartz, Simon Parsons, David Hoy

		<ul style="list-style-type: none"> ○ NSW Heritage representatives in attendance: Emma Dortins, Stuart Read ○ Local MP in attendance: Michael Daly ● Briefing with Department of Planning, Industry and Environment (DPIE), Council, Proponent and Council: 29 April 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Jan Murrell, John Brockhoff, Brendan Roberts, Christie Hamilton ○ DPIE staff in attendance: Laura Locke, Simon Ip ○ Council representatives in attendance: Stella Agagiotis, Kerry Kyriacou, Timothy Walsh ○ Proponent representatives in attendance: Matthew Lennartz, Walter Gordon, Simon Parsons, David Hoy, Ken Hollyoak, Albert Chan, Vlad Vishney ○ NSW Heritage representatives in attendance: Emma Dortins ● Briefing with Department of Planning, Industry and Environment (DPIE): 3 June 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Jan Murrell, John Brockhoff, Brendan Roberts, Christie Hamilton ○ DPIE staff in attendance: Laura Locke, Simon Ip ○ Council representatives in attendance: Stella Agagiotis, Kerry Kyriacou, Natasha Ridler ○ Proponent representatives in attendance: Matthew Lennartz, Simon Parsons, David Hoy, Jessica Ford, Ken Hollyoak ○ NSW Heritage representatives in attendance: Emma Dortins, Stuart Read
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