



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	23 June 2023
DATE OF PANEL DECISION	15 June 2023
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Greg Woodhams, Michael Nagi and Paul Pappas
APOLOGIES	None
DECLARATIONS OF INTEREST	Bayside Council's local planning members, Deputy Mayor Morrissey and Councilor Werner have a conflict of interest as at the Council meeting of 27 June 2022, they voted on the planning proposal matter.

REZONING REVIEW

RR-2023-15 – Bayside LGA – PP-2022-1337 at 152 Bunnerong Road, Eastgardens (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

PANEL CONSIDERATION AND DECISION

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

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.

REASONS FOR THE DECISION

The Panel considered the planning proposal documentation and heard extensively from Council and the Proponent during the briefing including debate on the key issues of design excellence; building heights and location; impacts on adjoining properties and setbacks; and public benefit offers.






The Panel concurred unanimously that the planning proposal had adequately demonstrated strategic merit and site-specific merit and agreed that the proposal should proceed to Gateway determination.

The Panel recommends that the Department's Gateway determination assessment further considers:

- built form impacts, including transitioning of the heights to surrounding residential development and the identification of setback distances on the proposed Height of Building Map. This could include the need to further refine the proposed locations for building height increases on the site;
- the overshadowing implications of the maximum building height envelopes and possible revisions to the proponent's solar maps; and
- the implications of the Build-to-rent housing provisions in the Housing SEPP and their application to the site.

The Panel also recommends that the Planning Proposal does not proceed to public exhibition until the principles and methodology for suitable public benefit offer arrangements have been agreed to by the proponent and Council.

Bayside Council has indicated it will accept the role of planning proposal authority (PPA) for this planning proposal. Should Council decline the PPA role, 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 it will appoint itself as the PPA.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Greg Woodhams	 Michael Nagi
 Paul Pappas	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-15 – Bayside LGA – PP-2022-1337 at 152 Bunnerong Road, Eastgardens
2	LEP TO BE AMENDED	Bayside Local Environmental Plan 2021
3	PROPOSED INSTRUMENT	<p>The planning proposal seeks to amend the Bayside Local Environmental Plan 2021 to:</p> <ul style="list-style-type: none"> • Increase the maximum FSR control from 1:1 to 1.8:1 • Increase the maximum building height from 25m to part 25m, part 34m, part 40m and part 59m • Introduce a new clause to implement consideration of the Eastgardens Development Societal Risk Results Scentre Case Technical Note (December 2021). • Map site on Design Excellence Map so Clause 6.10 of the LEP will apply.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 10:42am – 11:10am, 15 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Sue Francis, Greg Woodhams, Michael Nagi and Paul Pappas ○ Department of Planning and Environment (DPE) staff in attendance: Laura Locke, Alexander Galea, William Pruss & Lisa Kennedy ○ Key issues discussed: <ul style="list-style-type: none"> • bus interchange and entry point to shopping centre; • proposed building height and location of building envelopes; • impacts on adjoining low density residential – over shadowing and visual; • locality character and transition from low density to the south, proposed and existing development on site and high density residential to north; • industrial uses to south; • build-to-rent housing permissibility in B3 zone. • Briefing with Department of Planning and Environment (DPE): 1:38pm – 2:12pm, 15 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Sue Francis, Greg Woodhams, Michael Nagi and Paul Pappas ○ DPE staff in attendance: Laura Locke, Alexander Galea, Bailey Williams, William Pruss, Aoife Wynter, Lisa Kennedy & Mary Francis ○ Key issues discussed: <ul style="list-style-type: none"> • the material identified in the briefing package being the proposal, site location, background and identified key issues;

		<ul style="list-style-type: none"> • Proposed building heights and location and impacts on adjoining residential development - over shadowing and visual; • 4 outstanding matters from Panel briefing of 28 June 2022; • Public benefit and provision of satisfactory arrangements. <ul style="list-style-type: none"> • Briefing with Bayside Council: 2:12pm- 2:34pm, 15 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Sue Francis, Greg Woodhams, Michael Nagi and Paul Pappas ○ DPE staff in attendance: Laura Locke, Alexander Galea, Bailey Williams, William Pruss, Aoife Wynter, Lisa Kennedy & Mary Francis ○ Council representatives in attendance: Josh Ford, Ana Trifunovska, & David Smith ○ Key issues discussed: <ul style="list-style-type: none"> • 4 outstanding matters from Panel briefing of 28 June 2022; • Public benefit and agreement between council and proponent; • Proposed heights and their location – other options considered; • Build-to-rent opportunities for the site <p>Briefing with Urbis (Proponent) on behalf of Eastgardens PTY Ltd (landholder): 2:45pm – 3:35pm, 15 June 2023</p> <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Sue Francis, Greg Woodhams, Michael Nagi and Paul Pappas ○ DPE staff in attendance: Laura Locke, Alexander Galea, Bailey Williams, William Pruss, Lisa Kennedy & Mary Francis ○ Proponent representatives in attendance: Nik Wheeler, Steve Mitchell, Danny Berkovits, David Hoy & David Brennan ○ Key issues discussed: <ul style="list-style-type: none"> • 4 outstanding matters from Panel briefing of 28 June 2022; • Strategic merit test • Design Excellence Clause in LEP • Master planning including integration with residential development along northern site boundary • Public benefit offer and community contributions • Build-to-rent opportunities and risk assessment for residential development • Proposed building heights and location. Clarification of setbacks on HOB map • Review of solar access diagrams <ul style="list-style-type: none"> • Panel Determination: 3.35pm – 3:56pm, 15 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Sue Francis, Greg Woodhams, Michael Nagi and Paul Pappas ○ DPE staff in attendance: Laura Locke, Alexander Galea, Bailey Williams, William Pruss, Lisa Kennedy & Mary Francis
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