

Council Ref:  
Your Ref:

SC3341  
PP\_2017\_WOOLL\_006\_01

19 July 2018

Carolyn McNally  
Secretary  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Amanda Harvey, Director, Sydney Region East

Dear Ms McNally

**Request not to proceed with the planning proposal for  
42-58 Old South Head Road, Vacluse**

I refer to the planning proposal seeking to amend *Woollahra Local Environmental Plan 2014*, in the following manner:

- amend the zoning of the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control of the site from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1:1 to the site (no FSR control currently applies).

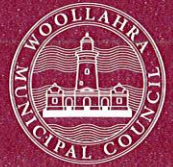
A Gateway Determination was issued for the planning proposal on 21 September 2017. An alteration of the Gateway Determination was issued on 12 June 2018 which extended the timeframe for completing the LEP to 21 November 2018.

The planning proposal was exhibited in accordance with the *Environmental Planning and Assessment Act 1979* (the Act), *Environmental Planning and Assessment Regulation 2000* and the conditions set out in the Gateway Determination. Community consultation was undertaken from Wednesday 18 October to Friday 17 November 2017.

Council received a total of 23 submissions, 21 of which were objections to the planning proposal, the remaining 2 were responses from public authorities. A report on the outcome of the community consultation was considered by the Urban Planning Committee (UPC) on 12 February 2018. Three items of late correspondence were tabled at the meeting.

On 26 February 2018, Council considered the recommendation of the UPC and resolved to defer the matter to allow a detailed assessment of the potential view impact of the planning proposal from neighbouring properties. A supplementary report on the potential view impact was considered by the Environmental Planning Committee (EPC) on 2 July 2018. Seven items of late correspondence were tabled at the meeting.

Woollahra  
Municipal  
Council



ABN 32 218 483 245

Redleaf Council Chambers  
536 New South Head Road  
Double Bay NSW 2028

Correspondence to  
General Manager  
PO Box 61  
Double Bay NSW 1360  
DX 3607 Double Bay  
records@woollahra.nsw.gov.au  
www.woollahra.nsw.gov.au

Telephone: 61 2 9391 7000  
Facsimile: 61 2 9391 7044

On 16 July 2018 Council considered the recommendation of the EPC and resolved:

- A. *THAT Council note the Visual Sharing Assessment prepared by Richard Lamb and Associates, at Annexure 2 of the report to the Environmental Planning Committee of 02 July 2018 and numerous submissions of residents.*
- B. *THAT Council resolve to take no further action in relation to the planning proposal for 42-58 Old South Head Road, Vaocluse for the following reasons:*
- i. *The proposal will result in significant impacts on adjoining and neighbouring properties including:*
    - *Bulk and scale.*
    - *Overshadowing.*
  - ii. *The proposal fails to achieve view sharing in accordance with the Tenacity Principles set out in the Land and Environment Court judgement for Tenacity Consulting v Warrigah Council.*
  - iii. *The proposal will result in severe view loss from properties at 21, 23 and 29B Captain Pipers Road, Vaocluse.*
  - iv. *The proposal will make a wholly negative impact on the streetscape and local neighbourhood character.*
  - v. *The future desired character of this precinct does not envisage the intensity of development represented by the proposal.*
  - vi. *The provision of essential infrastructure in the precinct including sewage, parking, traffic and roads, public transport and schools is currently insufficient to deal with the increased residential population which will result from the proposal.*
  - vii. *The proposal will result in the overdevelopment of the amalgamated site and the precinct as a whole.*
  - viii. *The proposal is not in the public interest and will undermine the applicable LEP and DCP, zoning and controls, adopted by Council and endorsed by the community as recently as 2014-2015.*
  - ix. *The zoning to R3 represents a significant departure from the predominant and defined R2 zoning east of Fernleigh Avenue extending through Rose Bay, Vaocluse and into Watsons Bay.*
- C. *THAT in accordance with section 3.35(4) of the Environmental Planning and Assessment Act 1979, the Council request the Minister or the Greater Sydney Commission to determine that the matter not proceed.*

In light of Council's decision we formally request that the Greater Sydney Commission or its delegate determine that the matter not proceed in accordance with section 3.35(4) of the Act.

If you require further information please contact Jorge Alvarez on 9391 7073.

Yours sincerely



Chris Bluett  
Manager Strategic Planning