



Council Ref: SC5672 / 21/208789

18 October 2021

Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Mr Betts

**Planning proposal - 252-254 New South Head Road, Double Bay  
Request for Gateway determination**

I am writing in relation to rezoning review RR-2021-69, supported by the Sydney Eastern City Planning Panel on 22 July 2021 as it demonstrated strategic and site specific merit.

It is noted that the Panel's decision requires the preparation of additional documentation which should be exhibited concurrently with the planning proposal. These are:

1. Further site testing to ensure the proposed FSR can be contained in the proposed height limit whilst satisfying the other built form and amenity outcomes, deep soil planting and tree canopy that would be required.
2. A site specific development control plan (DCP) to address car parking, residential unit mix, deep soil area and building envelopes which is informed by the site testing.

On 6 September 2021, Council staff confirmed with the *Department of Planning, Industry and Environment* that Council had resolved to undertake the role as Planning Proposal Authority (PPA). Council is required to submit the planning proposal within 42 days of accepting the role of PPA.

Accordingly, a planning proposal has been prepared by Council staff for 252-254 New South Head Road, Double Bay which I submit to you requesting a Gateway determination.

It is noted that on 24 September 2021, and consistent with the Panels decision, Council staff sent a letter to the Applicant requesting further site testing and a site specific DCP be prepared. However, on 6 October 2021, Council received a letter from the Applicant stating that their interpretation of the Panel's Decision was that:

*... the additional site testing and site-specific DCP that were referenced in the Panel's Decision, are matters to be considered by the Department in granting a Gateway determination in relation to the planning proposal and, if considered appropriate by the Department, made the subject of conditions of any Gateway determination.*

Copies of both of these letters are included in the documentation which supports the planning proposal.

We request that the Department considers the advice of the Panel in their assessment and that if a Gateway determination is issued, a site specific DCP (prepared by the applicant in collaboration with Council staff) is required prior to placing the planning proposal on public exhibition.

In this regard, Council is concerned about the ability of the proposed FSR to be contained within the proposed height controls, while satisfying the other built form and amenity outcomes, such as required setbacks, deep soil area and controls for protection of existing trees; provision of new large trees; fair view sharing and ensuring high quality residential amenity consistent with *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* and the Apartment Design Guide. To ensure appropriate community consultation, Council staff are of the opinion that these matters should be comprehensively addressed prior to public exhibition.

Once the Departments regional team has had the opportunity to review the information we have submitted, Council staff would appreciate the opportunity to meet to discuss next steps. In particular, if the Department is minded to issue a Gateway determination to enable this planning proposal to be placed on public exhibition, we would like to discuss the most efficient and effective way to facilitate the supplementary documentation (and site testing) as required by the Panel so that it can be placed on exhibition concurrently with the planning proposal.

Should you require further information please contact Peter Failes, Senior Strategic Planner / Urban Designer on (02) 9391 7171 or [peter.failes@woollahra.nsw.gov.au](mailto:peter.failes@woollahra.nsw.gov.au)

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Anne White', with a stylized, cursive script.

Anne White  
Manager – Strategic Planning