

29 January 2015

Our Ref: F13/233, 15/5517
Contact: Jacky Wilkes 9562 1683



Mr Lee Mulvey
Director Metropolitan Delivery (CBD)
Department of Planning and Environment
lee.mulvey@planning.nsw.gov.au

Dear Lee,

Re: Planning Proposal – two storey residential development in the R2 and R3 zones

I wish to advise you that Council has decided not to proceed with the making of the draft LEP for the above proposal, in accordance with its delegated powers under Section 59(2)(b) of the *Environmental Planning and Assessment Act 1979*.

The basis for this decision is that the planning proposal no longer delivers its original outcome intended by Council to simplify the process and controls for low and medium density residential development.

The planning proposal was first submitted to the Department of Planning and Environment on 13 September 2013 following Council's resolution requiring an amendment to the Rockdale LEP Height of Buildings maps. The planning proposal intended to allow two storey development in low and medium density residential zones without requiring a Clause 4.6 variation. The effect of the planning proposal was to amend the "8.5 metre" notation on the Height of Building Map to enable a "two storey" height control for any residential building in the R2 and R3 zone".

Following consultation with Departmental staff, it was identified that the proposed map amendment, which is Council's preferred approach to achieve the intended outcome of the planning proposal, would not be supported. As a result, the planning proposal was revised to include an exception clause which allows two storey residential development irrespective of the maximum height shown under the Height of Buildings maps. A gateway determination to proceed the planning proposal and the authorisation to exercise delegation were subsequently issued by the Department on 13 June 2014. The planning proposal was placed on public exhibition from 16 October to 30 October 2014 in accordance with the gateway determination.

Whilst the planning proposal in its current form would help minimise the need for a Clause 4.6 variation for two storey residential development, the draft amendment is not achieving the aims of the Council to simplify the planning controls. Particularly, having both the "8.5 metre" notation on the Height of Buildings maps and the exception clause in the LEP written instrument creates confusion for applicants trying to ascertain the maximum height standard applicable to a development.

If you have any questions on this planning proposal, please contact Jacky Wilkes, Council's Coordinator Urban Strategy, on 9562 1683.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Kerr', followed by a long horizontal flourish.

Stephen Kerr
Director City Planning and Development