

19 September 2019

**Our Ref:** P-16244

**Laura Locke**

Director - Sydney Region East  
320 Pitt Street  
SYDNEY NSW 2000

Dear Laura

#### **REZONING REVIEW - 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE**

We are writing on behalf of Parker Logan Property Pty Ltd who lodged a planning proposal with Woollahra Council on 19 June 2019 for 42-58 Old South Head Road, Vaucluse (**site**). This letter is provided in support of a Rezoning Review Application that is being made because Woollahra Council has failed to indicate its support 90 days after the planning proposal was lodged by Parker Logan Property Pty Ltd.

Please find enclosed with this letter the following documents:

- Completed Rezoning Review Application Form;
- Copy of the applicant's Request for Planning Proposal Application Form to Woollahra Council;
- Copy of Woollahra Council's receipt of the Planning Proposal dated 19 June 2019.
- Copy of the applicant's Planning Proposal Report and Appendices (10) as originally submitted to Council. This Planning Proposal Report includes the applicant's justification to the Strategic and Site Specific Merit tests referred to in "*A guide to preparing local environmental plans*";
- Copy of the correspondence received from Council;
- Table of Landowners and Notification; and
- Copy of the disclosure of reportable political donations (refer Appendix 9 to the Planning Proposal Report).

The Planning Proposal was prepared strictly in accordance with the Department's "*Guide to preparing planning proposals*" (**Guide**) and contains the information required by the Guide and Section 3.33 of the *Environmental Planning and Assessment Act*, noting that: "*The planning proposal should contain enough information to identify relevant environmental, social, economic and other site-specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination. This would include listing what additional studies the PPA considers necessary to justify the suitability of the proposed LEP amendment.*" (p.5 of Guide). Notwithstanding the above, the Planning Proposal was submitted with extensive information and supporting studies to enable a proper assessment of relevant environmental, social, economic and other considerations.

By way of background, the site is one of twenty (20) 'opportunity sites' originally identified by Woollahra Council in 2009 to meet the relatively modest housing target identified in the East Subregion Draft Subregional Strategy. The reasons given by Council for identifying the site as an opportunity site were that the proposal was consistent with the planning controls and character of development encouraged by Waverley Council on the opposite side of Old South Head Road, that the existing residential flat buildings on the land were non-conforming uses in the current zone and that the area is characterised by older building stock and the amenity will be improved by redevelopment.

Come June 2011, however, Woollahra Council had been unable to progress the 'opportunity sites'. Under pressure to finalise the implementation of the Standard Instrument LEP Program (Woollahra Council was one of the last councils in metropolitan Sydney to prepare a standard LEP), the Department of Planning wrote to Woollahra Council advising that a staged approach to the delivery of the opportunity sites through separate site-specific planning proposals would be acceptable. In July 2011 Woollahra Council resolved to *"defer consideration of the remaining opportunity sites until gazettal of the Principal LEP"*. Woollahra Council have not since actively pursued the implementation of the opportunity sites.

As the Department would be aware, a planning proposal has previously been submitted for the site which proposed a floor space ratio (FSR) of 1.1:1 and a height limit of 10.5m. The planning proposal proceeded up to the point where it was recommended by Council staff (at a reduced FSR of 1:1) for final adoption by the Council. Council, however, decided not to proceed with the planning proposal and because the plan making function had been delegated to the Council, the planning proposal stopped there. We therefore ask that if the current planning proposal is recommended to proceed to gateway, the plan making functions be retained by the Department of Planning and Environment and Industry in the interests of procedural fairness and so that the final decision properly balances local with regional and district considerations.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Yours sincerely



**Stephen Kerr**  
Executive Director