

PCU078250



Australia and New Zealand
Banking Group Limited

Date 19/9/19

DOUBLE BAY 11 KNOX ST NSW

Pay *NSW Department of Planning*

\$20,000.00

The sum of *Twenty thousand dollars only*

PARKER LOGAN PROPERTY P/L
ACN 121 055 178

Not Negotiable
Credit Department

⑈001184 ⑈012⑈281⑈4939 63429⑈

Department of Planning
Received
20 SEP 2019
Scanning Room



Rezoning Review Application Form

Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review of a request for a planning proposal prior to a Gateway determination being issued.

A **Rezoning Review** can be sought before a planning proposal has been submitted to the Department of Planning and Environment (Department) for a Gateway determination in the following circumstances:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information¹ or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Before lodging a request for review, it is recommended that you consult the Planning Circular '*Independent reviews of plan making decisions*' and '*A guide to preparing local environmental plans*', which can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process. The guide gives a step-by-step explanation of the review procedure and submission requirements.

To ensure that your request for review is accepted, you must:

- complete **all** relevant parts of this form
- submit **all** relevant information required by this form, including the **initial fee**.
- provide **one hard copy** of this form and required documentation
- provide the form and documentation in **electronic format** (e.g. CD-ROM)

Note: Requests for review will not proceed to initial assessment stage unless the correct fee is provided.

All requests **should be lodged** with the Department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A – APPLICANT AND SITE DETAILS

A1 – Applicant Details

Principal contact

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Michael

Family name

Fourie

Name of company (N/A if an individual)

Parker Logan Property

Street address

Unit/street no.

Suite 100, 203

Street name

New South Head Road

Suburb/town

Edgecliffe

State

NSW

Postcode

2027

Postal address
(or mark 'as
above')

PO Box or Bag

Suburb or town

State

Postcode

Daytime telephone

Fax

Email

mff@parkerlogan.com.au

Mobile

0407 383 664

¹ 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 3.33 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Unit/street no.	Street name	
42-58	Old South Head Road	
Suburb/town	State	Postcode
Vaucluse	NSW	2030

NAME OF THE SITE

REAL PROPERTY DESCRIPTION

Please refer to page 5 of Planning Proposal

*The **real property description** is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.*

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

Please refer to attached table of land owners

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- ☒ Yes
☐ No
☐ Some have but not all
☐ N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

R2 Low Density Residential

CURRENT LAND USE AT THE SITE

Low and medium density residential

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Rezoning Review and the Planning Proposal Authority (PPA)

Indicate below the reason for seeking a rezoning review. A review can only proceed if either of these two circumstances has occurred.

☐

The council has confirmed in writing that the request to prepare a planning proposal is not supported. Confirmation dated

☒

The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information² or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?

- ☐ Yes
☒ No

Date:

Note: If you have answered 'yes' to the above question, please note that a review can only be sought where the supporting information accompanying the request is less than two years old.

Note: If you have answered 'no' to the above question, please note that a review request accompanied by information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

Woollahra

² 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 3.33 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Jorge Alvarez

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

Amend zoning to R3 medium density residential and FSR to 1:1

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PROPOSED INSTRUMENT

Woollahra LEP 2014

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

- ☒ Yes
☐ No

INFORMATION REQUIREMENTS

A proponent may request a review by writing to the Department and providing the following:

- a completed application form;
- a copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination, including all supporting material and information that was submitted to Council (Note: A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request);
- all correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;
- all correspondence from other Government agencies, if available, about the proposed instrument;
- proponent's justification to the Strategic and Site Specific Merit tests (refer to Step 2 of the Rezoning Review process as set out in 'A guide to preparing local environmental plans'), to confirm why a review is warranted;
- disclosure of reportable political donations under section 10.4 of the Act, if relevant; and
- fee for lodging a rezoning review.

INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for rezoning review.

PART C – PAYMENT, DISCLOSURE AND SIGNATURES

C1 – Application Fees

You are required to pay a fee on lodgement of your request. The relevant fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

Please note that a further fee payment shall be required if a Planning Panel or the Secretary of the Department of Planning and Environment is appointed as an alternate planning proposal authority. Further details can be found within 'A guide to preparing local environmental plans' and the Planning Circular 'Independent reviews of plan making decisions'

Payment methods:

- Cheque / bank order

C2 – Donation and Gift Disclosure

Section 10.4 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of *reportable political donations* or gifts when lodging or commenting on a *relevant planning application*. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

- ☐ Yes
☒ No

How and when do you make a disclosure?

The disclosure to the Minister of a *reportable political donation* or gift under section 10.4 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or

- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.


What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 10.4(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website: www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure

C3 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)



Name(s)

Michael Fourie

In what capacity are you signing

Applicant

Date

19/09/2019



**Planning &
Environment**

20.09.2019

Rezoning Review

**Parker Logan Property PL c/o CityPlan
Suite 100, 203 New South Head Road
EDGECLIFFE NSW 2027**

Attention: Michael Fourie

Receipt

**This is your official Receipt relating to fees received in regards to the below mentioned project.
Should you require further information concerning your application, please contact officer below.**

Payment Details : **Cheque No. 1184 received on 20.09.2019**

Description	Amount
42-58 Old South Head Road, Vaucluse NSW 2030	
Rezoning Review Fee	\$20,000.00
Total	\$20,000.00

David Jamsek

Electronic Documents Support Officer
Information Management Spatial
Email: David.Jamsek@planning.nsw.gov.au
Telephone: 02 9274 6269



City Plan Strategy & Development P/L
ABN 58 133 501 774

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.

Suite 6.02, 120 Sussex St, Sydney NSW 2000
P +61 2 8270 3500

CITYPLAN.COM.AU

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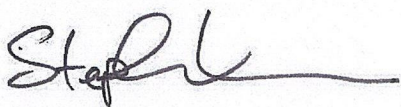
By way of background, the site is one of twenty (20) 'opportunity sites' originally identified by Woollahra Council in 2009 to meet the relatively modest housing target identified in the East Subregion Draft Subregional Strategy. The reasons given by Council for identifying the site as an opportunity 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



Planning Proposal

42-58 Old South Head Road, Vaucluse, NSW, 2030

Submitted to Woollahra Council
On Behalf of Parker Logan Property

JUNE 2019