



30 July 2019

Mr Michael Fourie  
Parker Logan Property Pty Ltd  
PO Box 3144  
Bellevue Hill NSW 2023

Dear Mr Fourie

**Request for a planning proposal for  
42-58 Old South Head Road, Vaucluse – Application 2**

I refer to your request for a planning proposal application (the application) for land at 42-58 Old South Head Road, Vaucluse (the site), received on 19 June 2019. In summary, the application seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) controls applying to the site in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential
- apply a floor space ratio (FSR) of 1:1 (no FSR standard currently applies).

Council staff have reviewed the application and have identified that the information provided is insufficient to appropriately assess the merit of the proposed amendments to the Woollahra LEP 2014. A detailed description of the additional information required is provided in Attachment 1 to this letter. A summary of the additional information required is provided below.

The comments provided in this letter and attachment are made by Council staff and do not represent a decision of the Council. This letter and attachment are not a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

**Information as required by the Department of Planning and Environment's  
"A guide to preparing planning proposals" dated December 2018**

**1. Site photos/photomontage**

The application must include conceptual 3D block modelling diagrams from eye / street level in a photomontage visualisation. These diagrams must indicate the **maximum** siting and massing form of the proposed controls, as well as the concept design for the site.

**2. Traffic Impact Statement**

The report provided as Appendix 7: Traffic Impact Assessment prepared by Hemanote Consultants is dated December 2016 and provides an assessment of 128 dwellings. This is not consistent with the 60 dwellings proposed in the current application. To fully address the potential traffic impact created by the increased FSR controls, an updated assessment by a qualified traffic specialist is required.

### 3. Building mass/block diagrams

The diagrams provided as Appendix 2: Massing Study prepared by Nicholas Tang Architects, dated 3 June 2019 do not sufficiently address the issues of bulk and scale.

The diagrams provide conceptual building footprints and massing which does not indicate the full extent of development achievable. Additionally, diagrams indicate an amalgamation of lots that may not eventuate, due to the fragmented ownership of the site. The actual potential development on the site may eventuate in a significantly different siting and massing of buildings.

The application must provide diagrams indicating the **maximum** siting and massing envelope of the proposed controls, as well as the resulting impacts of the potential bulk and scale of development on views, shadowing and desired future character.

### 4. Infrastructure servicing and potential funding arrangements

On 23 April 2018, Council resolved to draft a voluntary planning agreement policy and to adopt a policy statement for voluntary planning agreements (VPAs). Under this policy statement, Council will consider the negotiation, preparation, approval and implementation of VPAs in circumstances authorised by, in accordance with, and for purposes set out in the provisions of the *Environmental Planning and Assessment Act 1979* in order to secure the provision of public facilities for the public's benefit.

The application seeks changes to the current planning controls for the site. If approved, these changes will substantially increase the development potential of the site and hence its land value. With this in mind, Council would anticipate negotiating a VPA to share in this value uplift for the community's benefit. We emphasise, however, that the strategic merit of a planning proposal must be fully justified and the Council would need to support the requested changes.

The VPA will be assessed by the Director - Technical Services to consider whether it provides a significant public benefit in relation to land value increase attributable to the uplift in development potential resulting from the amended development standards. A calculation of the land value increase for the site resulting from the planning proposal must be undertaken by a qualified land valuer and provided with the application. The valuation will form the basis of a negotiation of an appropriate public benefit relating to the requested development standards.

### Other information required by Council

### 5. Apartment Design Guide

The diagrams provided as Appendix 2: Massing Study prepared by Nicholas Tang Architects, dated 3 June 2019 do not sufficiently address the issues of bulk and scale.

To address the Apartment Design Guide (ADG) Control 3F-1, as described above, the application must provide diagrams indicating the **maximum** siting and massing envelope of the proposed controls, as well as the resulting bulk and scale impacts on the amenity and desired future character of the surrounding land.

The statement provided as Appendix 5: SEPP 65 Design Statement prepared by Nicholas Tang Architects is dated 5 June 2017, and provides an assessment for an FSR of 1.1:1. This is not consistent with the FSR request of 1:1 in the current application. To fully address the potential bulk and scale impact created by the increased FSR controls, an updated assessment is required.

## **6. View Impact Assessment**

The assessment of view sharing provided as Appendix 4: View Impact Assessment prepared by Nicholas Tang Architects, dated 3 June 2019, does not sufficiently address the potential view loss from neighbouring properties. The "blue-coloured vectors" shown in Appendix 4 are insufficient and further information is required.

The diagrams provide conceptual building footprints and massing which do not indicate the full extent of development achievable. To fully address the potential view loss created by the increased FSR controls, as described above, the application must provide diagrams indicating the **maximum** siting and massing envelope of the proposed controls, as well as the resulting impacts on views.

## **7. Shadow analysis**

The diagrams provided as Appendix 3: Shadow Analysis by Nicholas Tang Architects, dated 3 June 2019, do not sufficiently address the issues of bulk and scale.

The diagrams provide shadowing for conceptual building footprints and massing which does not indicate the full extent of development achievable. To fully address the potential overshadowing created by the increased FSR controls, as described above, the application must provide diagrams indicating the **maximum** siting and massing envelope of the proposed controls, as well as the resulting impacts of overshadowing.

## **8. Site specific amendments to Chapter B3: General Development Controls of Woollahra DCP 2015**

Given the size of the site and potential for adverse amenity impacts, the applicant must provide further information identifying what other site-specific development standards and / or planning controls will require amendment to ensure a built form on the site which minimises amenity impacts such as view loss, overshadowing and desired future character.

## **9. Land owner's details and consent**

The application did not provide land owners consent for all properties subject to the application. The applicant must provide authorisation letters from all land owners. Where landowner's consent is not provided, evidence of discussions with those owners should be provided and any issues raised by landowners should be addressed.

Owners' consent has been provided for:

- 46 Old South Head Road
- 48 Old South Head Road
- 50 Old South Head Road
- 58 Old South Head Road

Owners' consent has not been provided for:

- 42 Old South Head Road
- 44 Old South Head Road
- 52 Old South Head Road
- 54 Old South Head Road

## **10. Consultation with surrounding property owners**

No information provided. We strongly encourage early discussions with neighbours to minimise potential conflicts.

## 11. 3D Digital Model

The 3D Digital Model provided has not been provided in the format required by Council. The model failed to import correctly into SketchUp. Additionally, a number of texture files are required. Refer to Checklist 2 for additional information.

### Next steps

Once all documentation described above (and in Attachment 1) is received to a standard acceptable to Council staff and the applicable fee is paid, the application will be assessed and reported to Council's Environmental Planning Committee (EPC) before being considered by Council.

If Council supports preparing a planning proposal, it will be presented to the Woollahra Local Planning Panel for advice. The panel's advice will then be reported to the EPC. If Council decides to proceed with the planning proposal, it will be submitted to the Department of Planning, Industry and Environment for a gateway determination. As the matter is of local significance, Council would also request delegation of plan-making steps under section 3.36 the *Environmental Planning and Assessment Act 1979*.

### Fees

This planning proposal request is considered to be a major planning proposal. According to Council's 2019/20 Fees and Charges the cost for stages 1 and 2 are:

#### Major planning proposal

<b>Stage 1</b>	\$40,950	All steps up to and including submission of planning proposal to Department of Planning, Industry & Environment for gateway determination if endorsed by Council. May include changes to Woollahra DCP 2015.
Up to gateway determination	(GST exempt)	
<b>Stage 2</b>	\$ 24,440	All steps up to publication of the amending LEP subject to Council support. May include changes to Woollahra DCP 2015.
Post gateway determination	(GST exempt)	

**Note:** An hourly rate of \$280.00 applies to any additional unforeseen tasks and functions. *The above fees are relevant for the 2019/20 financial year only. Any fees payable outside this period will be subject to the adopted fees and charges for the relevant financial year.*

### Disclaimer

The aim of this review is to provide a preliminary assessment of the application by Council staff. All efforts are made to identify issues of relevance and likely concern to assessment of a planning proposal. However, the comments expressed in this letter are based on the information submitted and may vary once further information is submitted and formally assessed, or as a result of issues contained in submissions by interested parties if a planning proposal is exhibited.

The comments provided in this letter and attachment are made by Council staff and do not represent a decision of the Council. This letter and attachment are not a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

Please provide a response to this letter by 30 August 2019, or we will assume that you do not wish to proceed with the application, and we will discontinue the process. If you require further information, please contact Jorge Alvarez on 9391 7073.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Bluett', written over the printed name.

Chris Bluett  
Manager Strategic Planning

## **Attachment 1: Request for a planning proposal for 42-58 Old South Head Road, Vacluse – Application 2**

---

### **Additional information required following initial review**

This advice relates to the application for a request for a planning proposal for 42-58 Old South Head Road, Vacluse, which is referred to as 'the application'. The application includes the following supporting documents:

- Planning Proposal report prepared by City Plan Services, dated June 2019
- Appendix 1: Survey Plans prepared by John R. Holt Surveyors and GeoStrata, dated 22 May 2017
- Appendix 2: Massing Study prepared by Nicholas Tang Architects, dated 3 June 2019
- Appendix 3: Shadow Analysis by Nicholas Tang Architects, dated 3 June 2019
- Appendix 4: View Impact Assessment prepared by Nicholas Tang Architects, dated 3 June 2019
- Appendix 5: SEPP 65 Design Statement prepared by Nicholas Tang Architects, dated 5 June 2017
- Appendix 6: Heritage Impact Assessment prepared by Zoltan Kovacs Architect, dated November 2016
- Appendix 7: Traffic Impact Assessment prepared by Hemanote Consultants, dated December 2016
- Appendix 8: Tree Management Statement prepared by Tree and Landscape Consultants, dated 21 December 2016
- Appendix 9: Donations and Gifts Disclosure Form prepared by Parker Logan, dated 13 June 2019

Council staff's review of the application has identified that the information provided with the request is insufficient to appropriately assess the merit of the proposed amendments to the *Woollahra LEP 2014* (Woollahra LEP 2014). A detailed description of the additional information required is provided in the itemised checklists below.

The following checklists provide an itemised list of additional information to allow a full assessment of the application.

- Checklist 1 is based on the information checklist included as Attachment 1 of the Department of Planning and Environment's "A guide to preparing planning proposals", effective December 2018.
- Checklist 2 contains other information required by Council to assess the request.

The documentation must be updated to provide sufficient information to allow Council staff to fully assess the potential impact of the request for a planning proposal.

**Checklist 1: Planning matters and issues identified in the Department of Planning and Environment’s “A guide to preparing planning proposals”**

The supporting documents for the application have been reviewed against the Department of Planning and Environment’s “A guide to preparing planning proposals” (effective from 1 December 2018), and it has been noted that a number of essential matters required for assessment are missing.

The checklist below provides a list of information required by the guidelines. Where the submitted information is deficient or is not provided, an “✖” has been indicated in the “Matter Addressed” column.

Planning Matters or Issues	Information Provided and Comment	Matter Addressed
<b>Strategic Planning Context</b>	-	-
Consistent with the relevant regional plan, district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Consistent with a relevant local council strategy that has been endorsed by the Department;	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls	N/A	N/A
Seeking to update the current planning controls if they have not been amended in the last 5 years.	N/A	N/A
<b>Site Description/Context</b>	-	-
Aerial photographs	Provided	✓
Site photos/photomontage	Not addressed. The application must include conceptual 3D block modelling diagrams from eye / street level in a photomontage visualisation. These diagrams must indicate the <b>maximum</b> siting and massing form of the proposed controls, as well as the concept design for the site.	✖



Planning Matters or Issues	Information Provided and Comment	Matter Addressed
<b>Traffic and Transport Considerations</b>	-	-
Local traffic and transport	Not addressed. The report provided as Appendix 7: Traffic Impact Assessment prepared by Hemanote Consultants is dated December 2016 and provides an assessment of 128 dwellings. This is not consistent with the 60 dwellings proposed in the current application.  To fully address the potential traffic impact created by the increased FSR controls, an updated assessment by a qualified traffic specialist is required.	✗
TMAP	Not addressed. Refer to the statement above.	✗
Public transport	Not addressed. Refer to the statement above.	✗
Cycle and pedestrian movement	Not addressed. Refer to the statement above.	✗
<b>Environmental Considerations</b>	-	-
Bushfire hazard	N/A	✓
Acid Sulphate Soil	Addressed (statement provided) in the Planning Proposal report prepared by City Plan Services, dated June 2019. Class 5 soil, detailed investigations not required at the PP stage.	✓
Noise impact	N/A. The proposed controls are unlikely to create adverse noise amenity impacts on adjoining land.	N/A
Flora and / or fauna	Addressed in Appendix 8: Tree Management Statement prepared by Tree and Landscape Consultants, dated 21 December 2016	✓
Soil stability, erosion, sediment, landslip assessment and subsidence	N/A	N/A
Water quality	N/A	N/A
Stormwater management	Addressed (statement provided) in the Planning Proposal report prepared by City Plan Services, dated June 2019. The site is not located within flood planning area, a stormwater management plan is not required at the PP stage.	✓
Flooding	Addressed (statement provided) in the Planning Proposal report prepared by City Plan Services, dated June 2019. The site is not located within flood planning area.	✓



Planning Matters or Issues	Information Provided and Comment	Matter Addressed
Land / site contamination (SEPP 55)	A contamination report is not required at the PP stage.	✓
Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	N/A	N/A
Sea level rise	N/A	N/A
<b>Urban Design Considerations</b>	-	-
Existing site plan (buildings vegetation, roads, etc)	Provided as Appendix 1: Survey Plans prepared by John R. Holt Surveyors and GeoStrata, dated 22 May 2017	✓
Building mass/block diagram study (changes in building height and FSR)	<p>Not addressed. The diagrams provided as Appendix 2: Massing Study prepared by Nicholas Tang Architects, dated 3 June 2019 do not sufficiently address the issues of bulk and scale.</p> <p>The diagrams provide conceptual building footprints and massing which does not indicate the full extent of development achievable. Additionally, diagrams indicate an amalgamation of lots that may not eventuate, due to the fragmented ownership of the site. The actual potential development on the site may eventuate in a significantly different siting and massing of buildings.</p> <p>The application must provide diagrams indicating the <b>maximum</b> siting and massing envelope of the proposed controls, as well as the resulting impacts of the potential bulk and scale of development on views, shadowing and desired future character.</p>	✗
Lighting impact	N/A. The proposed controls are unlikely to create adverse noise amenity impacts on adjoining land.	N/A
Development yield analysis (potential yield of lots, houses, employment generation)	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
<b>Economic Considerations</b>	-	-
Economic impact assessment	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Retail centres hierarchy	N/A	N/A
Employment land	N/A	N/A

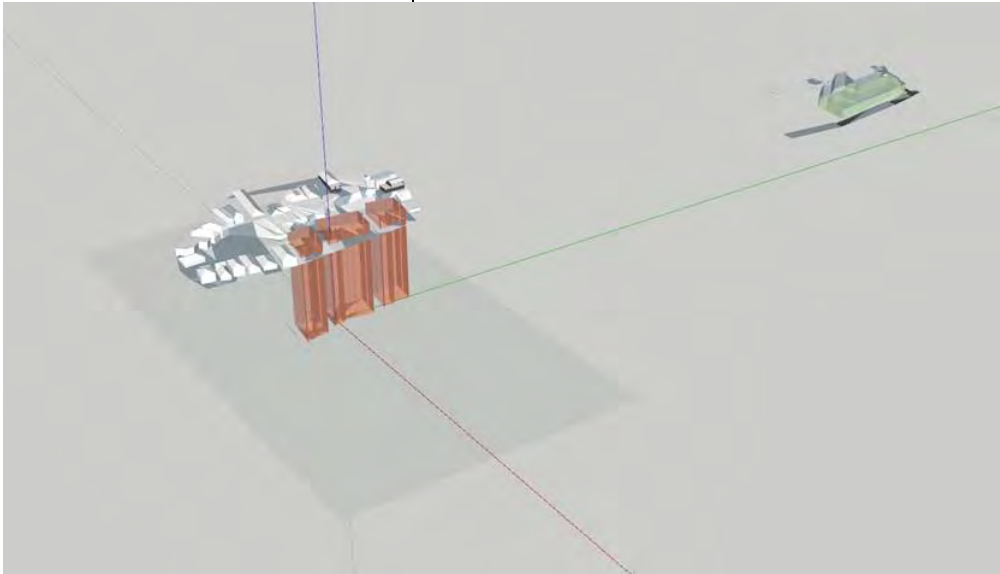
Planning Matters or Issues	Information Provided and Comment	Matter Addressed
<b>Social and Cultural Considerations</b>	-	-
Heritage impact	Addressed in Appendix 6: Heritage Impact Assessment prepared by Zoltan Kovacs Architect, dated November 2016	✓
Aboriginal archaeology	Provided. Refer to “heritage impact” comment above.	✓
Open space management	Addressed in Appendix 8: Tree Management Statement prepared by Tree and Landscape Consultants, dated 21 December 2016	✓
European archaeology	Provided. Refer to “heritage impact” comment above.	✓
Social & cultural impacts	Provided. Refer to “heritage impact” comment above.	✓
Stakeholder engagement	Addressed but not undertaken. Staff recommend that the applicant commence discussion with neighbours prior to lodging a request to prepare a planning proposal in order to address potential issues.	✓
<b>Infrastructure Considerations</b>	-	-
Infrastructure servicing and potential funding arrangements	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019.	✓

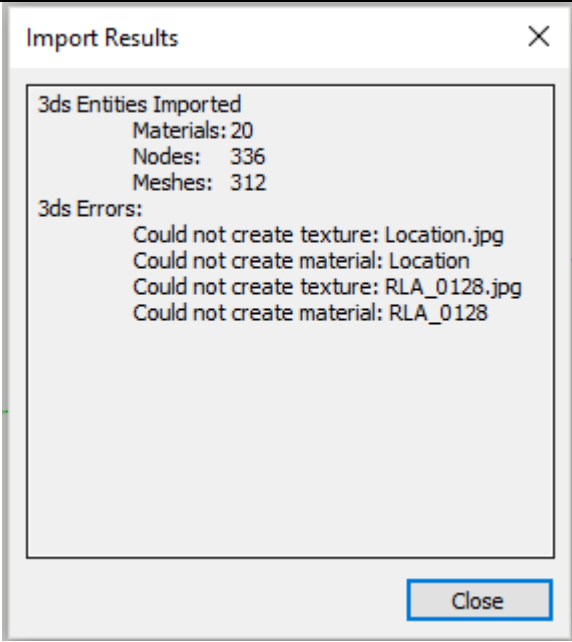
**Checklist 2: Other information required by Council to assess the application**

The checklist below provides a list of other information required by Council to assess the application. Where the submitted information is deficient or is not provided, an “✖” has been indicated in the “Matter Addressed” column.

Pre-lodgement Advice Matters	Information Provided and Comment	Matter Addressed
<b>SEPP 65 / Apartment Design Guide</b>	-	-
Address the Apartment Design Guide and in particular building separation requirements in Control 3F-1.	<p>Not addressed. The diagrams provided as Appendix 2: Massing Study prepared by Nicholas Tang Architects, dated 3 June 2019 do not sufficiently address the issues of bulk and scale.</p> <p>To address the Apartment Design Guide (ADG) Control 3F-1, as described above, the application must provide diagrams indicating the <b>maximum</b> siting and massing envelope of the proposed controls, as well as the resulting bulk and scale impacts on the amenity and desired future character of the surrounding land.</p> <p>The statement provided as Appendix 5: SEPP 65 Design Statement prepared by Nicholas Tang Architects is dated 5 June 2017, and provides an assessment for an FSR of 1.1:1. This is not consistent with the FSR request of 1:1 in the current application. To fully address the potential bulk and scale impact created by the increased FSR controls, an updated assessment is required.</p>	✖
<b>Woollahra LEP 2014</b>	-	-
Demonstrate the rationale for rezoning and suitability of the site for increased density.	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Justify the consistency of rezoning the site to R3 Medium Density Residential with the desired future character of the area established by the objectives of Woollahra LEP 2014 and associated <i>Woollahra Development Control Plan 2015</i> (Woollahra DCP 2015).	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Justify potential FSR increases.	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Examine potential for view sharing.	Not addressed. The assessment of view sharing provided as Appendix 4: View Impact Assessment prepared by Nicholas Tang Architects, dated 3 June 2019, does not sufficiently address the potential view loss from neighbouring properties. The “blue-coloured vectors” shown in Appendix 4 are insufficient and further information is required.	✖

Pre-lodgement Advice Matters	Information Provided and Comment	Matter Addressed
	The diagrams provide conceptual building footprints and massing which does not indicate the full extent of development achievable. To fully address the potential view loss created by the increased FSR controls, as described above, the application must provide diagrams indicating the <b>maximum</b> siting and massing envelope of the proposed controls, as well as the resulting impacts on views.	
Shadow analysis	<p>Not addressed. The diagrams provided as Appendix 3: Shadow Analysis by Nicholas Tang Architects, dated 3 June 2019, do not sufficiently address the issues of bulk and scale.</p> <p>The diagrams provide shadowing for conceptual building footprints and massing which does not indicate the full extent of development achievable. To fully address the potential overshadowing created by the increased FSR controls, as described above, the application must provide diagrams indicating the <b>maximum</b> siting and massing envelope of the proposed controls, as well as the resulting impacts of overshadowing.</p>	x
<b>Woollahra DCP 2015</b>	-	-
Address the manner in which the proposal will be consistent with the desired future character of the Vaucluse East Precinct as described in the Woollahra DCP 2015.	Addressed in the Planning Proposal report prepared by City Plan Services, dated June 2019	✓
Site specific amendments to Chapter B3: General Development Controls of the Woollahra DCP 2015 for building envelope controls.	Not addressed. Given the size of the site and potential for adverse amenity impacts, the applicant must provide further information identifying what other site-specific development standards and / or planning controls will require amendment to ensure a built form on the site which minimises amenity impacts such as view loss, overshadowing and desired future character.	x
<b>Other required information</b>		
Request to prepare a Planning Proposal	Application form submitted.	✓
Provide land owners' consent	<p>Not addressed. The application did not provide land owners consent for all properties subject to the application. The applicant must provide authorisation letters from all land owners.</p> <p>Where landowner's consent is not provided, evidence of discussions with those owners should be provided and any issues raised by landowners should be addressed.</p>	x

Pre-lodgement Advice Matters	Information Provided and Comment	Matter Addressed
	<p>Owners' consent has been provided for:</p> <ul style="list-style-type: none"> <li>• 46 Old South Head Road</li> <li>• 48 Old South Head Road</li> <li>• 50 Old South Head Road</li> <li>• 58 Old South Head Road</li> </ul> <p>Owners' consent has <b>not</b> been provided for:</p> <ul style="list-style-type: none"> <li>• 42 Old South Head Road</li> <li>• 44 Old South Head Road</li> <li>• 52 Old South Head Road</li> <li>• 54 Old South Head Road</li> </ul>	
Consultation with surrounding property owners	No information provided. We strongly encourage early discussions with neighbours to minimise potential conflicts.	✘
Disclosure statement (political gifts and donations)	Provided.	✓
3D digital model	<p>Not adequately addressed. The 3D Digital Model provided has not been provided in the format required by Council. The model failed to import into SketchUp correctly, refer to image below.</p>  <p>Additionally, the following texture files are required.</p>	✘

Pre-lodgement Advice Matters	Information Provided and Comment	Matter Addressed
	 <p>The screenshot shows a dialog box titled "Import Results" with a close button (X) in the top right corner. Inside the dialog, the following text is displayed:</p> <p>3ds Entities Imported Materials: 20 Nodes: 336 Meshes: 312</p> <p>3ds Errors: Could not create texture: Location.jpg Could not create material: Location Could not create texture: RLA_0128.jpg Could not create material: RLA_0128</p> <p>A "Close" button is located at the bottom right of the dialog box.</p>	