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Emma Rogerson  
Waverley Council  
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**Attention: Emma Rogerson – Strategic Planner**

**RE: PLANNING PROPOSAL – AMENDMENT TO WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012  
TO INCREASE HEIGHT AND FSR TO FACILITATE A MIXED-USE DEVELOPMENT**

**PROPERTY AT: 439-441 & 443-445 OLD SOUTH HEAD ROAD & 1 THE AVENUE, ROSE BAY**

Dear Emma,

Reference is made to Planning Proposal PP-03/2020, that was lodged with Waverley Council on 11 November 2020 for an amendment to the Waverley Local Environmental Plan 2012(WLEP2012) to increase the building height and FSR to facilitate a mixed-use development at the identified Subject Site – 439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay.

As you are aware, the Planning Proposal was presented at the Waverley Local Planning Panel (WLPP) Meeting held on the 16<sup>th</sup> February 2021. A key issue raised by the Panel members was in relation to the retention of the R3 Medium Density zoning of the Site and the proposed ground and first floor level uses including 'commercial premises.'

As discussed in the meeting, the design concept for the Site envisages a part 5 and 6 storey building which follows the natural topography of the land. It is envisaged that the future ground and first floors would include a mix of uses aimed at activating the space such as neighbourhood shops, community facilities, a childcare centre, art galleries, markets and kiosk type uses.

The proposal also seeks to retain the existing heritage listed *Soos Bakery and Café*. Any future development application will rely on existing use rights under Section 4.66 of the *Environmental Planning and Assessment Act 1979* to retain the 'commercial premises' use being a food and beverage premises. This will facilitate a further beneficial use for those residing not only in the future development for this Site but the nearby adjoining Rose Bay residential precinct.

The vision for the Site is to create a new micro scale local centre which provides live-work opportunities, active street frontages incorporating potential late night uses such as food markets whilst remaining sensitive to the existing surrounding residential uses and heritage items of local significance. The proposal aligns with the objectives of the R3 zone in providing facilities and services to meet the day to day needs of the residents. The proposal does not envisage a large commercial centre with a variety of commercial premises typical to that of a B4 Mixed Use zoning.

The Site is not intended to be nor suitable for a B4 Mixed Use zone and we see no strategic merit in proposing such a zone. Such a rezoning proposal would see the Site being an isolated Site surrounded by R3 Medium Density zoning and would result in a large mixed use commercial centre being developed on the Site which is certainly not the vision intended. Rather the proposal is seeking to develop the Site as a mixed-use local centre development which will provide for a residential flat building to include affordable housing, community facilities, workspaces, possible childcare centre and neighbourhood shops on the ground and first level.

**Planning Proposal – PP-03/2020**

439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay

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The primary intent of the proposal is to facilitate a more holistic approach to the development of this Site and the proposal provides an opportunity to deliver a modest and sympathetic outcome with greater public benefit which would not be realised if the existing planning controls were to be retained.

We look forward to Council's feedback and the Panels advice in progressing the assessment of this Planning Proposal further.

Yours Faithfully,



Chris Wilson  
Managing Director  
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