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Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

**Attention: Strategic Planning Department**

**RE: REQUEST FOR REZONING REVIEW**

**PLANNING PROSPOSAL – 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 (LOT 1 DP 1176337 AND LOT 6 DP 4346)**

Dear Sir/Madam,

This letter has been prepared by Willowtree Planning Pty Ltd on behalf of Evolve Project Consulting to support a request for Rezoning Review. The subject Planning Proposal was submitted to 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. (the Site).

The proposed LEP amendments intend to facilitate the development and use of the Site as a mixed-use micro-centre offering a complementary suite of community facilities, neighbourhood shops and residential accommodation, complemented by green landscaping and enhanced public domain space.

Compared to the existing situation, a significant increase in residential accommodation offering will result, support higher densities of employment, and offer more diverse business investment and job opportunities including the potential to facilitate co-working spaces and community facilities. This would support the creation of approximately 130 new jobs on the Site. Accordingly, the proposal would promote significant economic benefits.

A summary of the key planning metrics for the concept scheme is provided below:

<b>Urban Design Report</b>	
<b>Planning Metric</b>	<b>Concept Proposal</b>
Site Area	1,736m <sup>2</sup>
Floor Space Ratio (FSR)	2.5:1
Building Height	25m
Car parking	51 spaces

The proposed amendment to WLEP2012 intends to facilitate the future development of the Site for mixed use development to enable the revitalisation and additional employment, whilst retaining the café use on the Site and also catering for delivering residential accommodation to provide more housing diversity the development

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The Planning Proposal will enable the Site and heritage building to be retained as a shop/cafe with additional ground floor neighbourhood centre uses (neighbourhood shops, markets and kiosks) to activate the street frontage as well as a public plaza benefiting from the northerly aspect. By supporting the mid-rise mixed-use development on the Site, the proposal would contribute to the realisation of these aspirations for a green city connect with the sea. Development on the Site would present the opportunity to incorporate green infrastructure and enhance green linkages through the creation of new public open spaces and an activated public domain.

The Planning Proposal has been assessed by Council, and Council has advised it will not progress the Planning Proposal request *as the proposal lacks strategic and site-specific merit*. This is documented within Council's Assessment Report (published online on 26 February 2021) to be formally determined at Council's meeting of the Strategic Planning and Development Committee on 2 March 2021.

Based on review of Council's Assessment Report, it is clear that Council has not realised the potential the Sites have in contributing to Rose Bay as a neighbourhood local centre, contributing to the protection and growth of employment floor space and creating a place of significant public benefit.

Despite Council's recent recommendation, the Planning Proposal is considered to exhibit significant strategic and site-specific merit, as confirmed through the detailed assessment carried out in the preparation of the Planning Proposal. It should also be noted that the issues raised in the Council assessment report have not been previously raised by Council as part of initial meetings nor the request for information (RFI) received 21 January 2021.

As envisaged by the Waverley Local Strategic Planning Statement (LSPS), high-rise developments will not align with the vision for the Waverley LGA, a midrise development compatible with the character of the Rose Bay area that will provide services to the existing and proposed residential development that also integrates with the variety of built form densities in the general surrounding area is considered more suitable.

The proposed development is in keeping with the emerging and desired future character and will contribute to the objectives set out in the Eastern City District Plan to deliver housing supply and affordability through the provision of a diverse housing typology and providing an improved interface with the public domain, enhancing opportunities for safe pedestrian movement, with access to services and existing public transport.

It is also noted that a number of matters relating to the site-specific merit of the proposal have never been queried by Council and identified non-compliances included in Council's Assessment Report have not been previously raised as issues during the assessment timeframe. Prior to the release of this report and announcement of Council's decision not to support the Planning Proposal, the Council's Urban Design team did not raise any formal concerns regarding the visual bulk and scale or overshadowing to the adjoining properties.

As part of the Urban Design Report and Concept Plans submitted with the Planning Proposal, a comprehensive package was prepared to demonstrate the suitable solar outcome achieved by the proposal and thereby the site-specific merit it demonstrates. Despite advising that no other site-specific urban design matters required clarification, Council's Report has now identified several new items. An opportunity to respond to these items has not been provided by Council.

Accordingly, the proposed amendments to the WLEP 2012 height of building and FSR controls identified within the Planning Proposal would facilitate the redevelopment of the Site. The proposal would provide the opportunity to more effectively relate to the public domain through revitalised active frontages at street level, providing enhanced place making through the provision of a north facing public plaza and the preservation of the Soos Bakery (Archaeological Heritage) whilst also enhancing connectivity and through site links.

Full details of the proposal are provided in the following enclosed documents:

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- Rezoning Review Application Form
- Planning Proposal, as submitted to Council:
  - Original Council Submission (3 December 2020):
    - Planning Proposal Report
    - Appendix 1 Urban Design Report
    - Appendix 2 Architectural Concept Plan
    - Appendix 3 Community Consultation Strategy
    - Appendix 4 Strategic Merit Test
    - Appendix 5 Heritage Impact Assessment
    - Appendix 6 Digital Model
  - Additional Information Response 1 (4 February 2020):
    - Appendix 1 Council email, dated 21 January 2021
    - Appendix 2 Additional Information Response (4 February 2021)
    - Appendix 3 Response to WLPP meeting (16 February 2021)
- Correspondence from Council and documentation relating to Council's decision on the Planning Proposal:
  - Council Meeting Agenda and Council Assessment Report, dated 2 March 2021 (published online 26 February 2021)
- Application fee

The enclosed documents are considered to suitably justify the amendment of WLEP2012 to include additional building height and FSR on the Site.

It is therefore recommended that the Planning Proposal is supported and that the necessary steps are pursued to enable it to proceed to Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Yours faithfully,



Chris Wilson  
Director  
Willowtree Planning