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Attention: Patrick Connor

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 Patrick,

Reference is made in relation to Planning Proposal PP-03/2020, that was lodged with Waverley Council on 11 November 2020 for a 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.

Following review of Council's additional information request, dated 21 January 2021, the matters raised have been taken into consideration and are addressed accordingly in the response matrix attached to this letter. It is considered that this information now provides Council with all necessary particulars related to the proposed amendment to WLEP, so that the assessment can be finalised by Waverley Council.

We look forward to Council's feedback on this information and progressing the assessment of this Planning Proposal further.

Yours Faithfully,

Andrew Cowan
Director
Willowtree Planning Pty Ltd
ACN 146 035 707

Planning Proposal – PP-03/2020

Amendment to WLEP2012 to increase building height and FSR
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay

Table 1: Response Matrix	
Council Additional Information Request	Response
Affordable Housing	
<i>A commitment to provide at least 10% affordable housing contribution as outlined in the Waverley Council Affordable Housing Contribution Scheme</i>	<p>A draft VPA Offer is to be prepared to ensure the proposal provides significant public benefit through the allocation of affordable housing in accordance with the Waverley Local Housing Strategy 2020 at a rate of 10%.</p> <p>The Developer will allocate 10% of the residential component of any development of the Site for affordable housing. It is envisaged that this would be dedicated to Council and managed by a registered community housing provider (or alternate arrangement to be agreed upon in due course). The choice of which residential dwellings will be dedicated will be at the discretion of the Developer but must equate to not less than 10% of the residential floor space.</p> <p>We are not in agreeance with Council's preference to implement an additional local provision clause in WLEP to require affordable housing and we believe that the VPA is the best option to ensure that there is additional public benefit in addressing the securement of Build to Rent (BTR) live-work dwellings and allocation of affordable dwellings.</p>
Green Space	
<i>Clarification on what the 35% of the site area used for green space outlined in the Urban Design Report will include and how this is to be achieved. A commitment to providing this.</i>	<p>The 35% of the Site area is envisaged to be made up a variety forms of landscaping treatments including deep soil planting, open landscaped areas in the communal areas and plaza, roof top garden, planter boxes, green walls. The intent of the of the future landscaping is to provide for the urban greening of the Site and be a positive contribution to the urban tree canopy, providing positive outcomes for microclimate, biodiversity and habitat in response to the Waverley LSPS.</p> <p>The final details and calculation of the green space will be committed to in the form of the Site-Specific Development Control Plan (DCP) for the Site required under Clause 6.11 of WLEP as follows:</p> <p>Development requiring the preparation of a development control plan</p> <p>(1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.</p>

	<p>(2) This clause applies to the following land in Rose Bay—</p> <p>a. 439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)</p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.</p> <p>(4) The development control plan must provide for the following—</p> <p>a. Urban greening of the Site to a minimum of 35% of the site area to include deep soil planting, open landscaped areas in the communal areas and plaza, roof top garden, planter boxes, green walls</p>
Sustainability Measures	
<p><i>Clarification on how 35% of the site area will be used for solar power and water harvesting. A commitment to providing this.</i></p> <p>.</p>	<p>Water harvesting will occur via the green roof areas as detailed within the Urban Design Report (Roberts Day), these areas alone are expected to account for over 500m² alone and will flow into a bio-cleaning tank to provide both drinking water and irrigation for the Site.</p> <p>Photo-voltaic (PV) solar panels are included in the design estimated at an area of of 125m² being located on the rooftop adjoining the green roof. Photovoltaic cells generate energy sustainably which will be inputted back into the future development.</p> <p>The combined achievable total of the water harvesting, and PV panels is over 35% and will be committed as part of the Site Specific DCP required under Clause 6.11 of WLEP as follows:</p> <p>Development requiring the preparation of a development control plan</p> <p>(1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.</p> <p>(2) This clause applies to the following land in Rose Bay—</p> <p>a. 439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)</p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.</p> <p>(4) The development control plan must provide for the following—</p> <p>a. Solar power and water harvesting across the Site at a minimum rate of</p>

	35% of the Site area.
Land Use	
<i>The uses that the Urban Design Report scheme illustrate are currently prohibited in the R3 zone, noting that shop-top housing is listed as a prohibited use. Therefore, further clarification is sought over how these uses would be provided, or if there is a proposed zone change.</i>	<p>A range of land uses are being considered for inclusion on the Site to create a new micro scale local centre which provides live-work opportunities, active street frontages incorporating potential late night uses and employment opportunities whilst remaining sensitive to the existing surrounding residential uses and heritage items of local significance.</p> <p>Accordingly, neighbourhood shops and most forms of residential accommodation are permitted with consent on the Site. Although, cafes are not expressly permitted, the retention of the existing café/bakery use will be proposed and further detailed in any future Development Application</p> <p>The proposal is not proposing Shop Top Housing as defined and it not seeking to amend the zoning of the Site or seeking additional permitted uses. Rather the proposal is seeking to development the Site as a mixed use development which will provide for a residential flat building, community facilities, work spaces/home offices and neighbourhood shops on the ground and first level.</p>
Unit Occupancy	
<i>Please clarify if the units above the bakery are occupied or vacant.</i>	It is understood that the units above the bakery at 443 Old South Head Road are currently occupied.
DA Refence in Urban Design Report	
<i>A copy of the consent and approved plans for the approved Development Application the Urban Design Report references and the DA file number.</i>	The urban design report refers to a previous scheme which was presented to Council's Design Review Panel in 2014 with a compliant building envelope. This reference was purely to demonstrate that the proposed uplift in built form will have minimal impact on adjoining properties in terms of solar access.

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