



Hon Tony Kelly MLC  
Minister for Planning  
Minister for Infrastructure  
Minister for Lands  
Deputy Leader of the Government in the Legislative Council  
Leader of the House in the Legislative Council

Ms G Kibble AO  
Chair,  
Planning Assessment Commission  
GPO Box 3415  
SYDNEY NSW 2001

11/01814

Dear Ms Kibble,

I am writing to you concerning a request from Rabbi Y. Ulman and Ruvien Morrison, representing Friends of Refugees of Eastern Europe (FREE Chabad Ludavitch), the landowner of 105 Wellington Street, Bondi. The request is that I appoint another Relevant Planning Authority (RPA) to facilitate the preparation of a local environmental plan for this land.

The request involves amending the zoning controls in *Waverley Local Environmental Plan 1996* (WLEP 1996) that currently apply to land at 105 Wellington Street, Bondi. A copy of the request is attached to this letter.

I am informed that Waverley Council has considered this planning proposal and has resolved not to support the rezoning of the land from 6(a) Open Space Zone to 2(c)(1) Medium Density Residential Zone, that applies to adjoining land, under WLEP 1996. The changes sought are to facilitate the future redevelopment of the site for a community centre and a medium density residential flat building. A copy of Council's advice is also attached to this letter.

The Department of Planning has completed a preliminary assessment of the request made by FREE Chabad Ludavitch. The Department considers that there may be merit in proceeding with the planning proposal, given that the basis of Council's refusal focuses on the loss of open space and community recreational facilities that is located on land that is currently in private ownership.

It is my view that a comprehensive consideration of the request is appropriate in this instance by seeking the advice of the Planning Assessment Commission. The advice that I am seeking pursuant to section 23D(1)(b) of the *Environmental Planning and Assessment Act 1979* is:

- whether the PAC supports a change to WLEP 1996 in relation to land at 105 Wellington Street, Bondi to amend zoning controls applying to the land; and
- if the PAC supports such an amendment, that it recommends that an amendment be made, subject to any requirements of a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

I will also be writing to inform Waverley Council of my decision to seek the above advice from the Planning Assessment Commission. Should you have any further enquiries about this matter, I have arranged for Mr Tom Gellibrand, Deputy Director General, at the Department of Planning, to assist you. He can be contacted on telephone number (02) 9228 6500.

Yours sincerely,

18 MAR 2011

Tony Kelly MLC  
Minister for Planning