

Exhibition of Planning Proposal 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (PP-2022-731)

The planning proposal seeks to enable redevelopment of the site for a 4 storey mixed use development containing a supermarket and 14 residential apartments.

Site description

The site comprises two separate parcels of land and is located at 488-492 Old South Head Road (Lot 1 DP 1009799) and 30 Albemarle Avenue, Rose Bay (Lot 30 Section B DP 4567). The site currently contains a former Caltex service station (decommissioned) and a single storey dwelling house at 30 Albemarle Avenue. The site is currently zoned part MU1 Mixed Use (488-492 Old South Head Road) and part R2 Low Density Residential (30 Albemarle Avenue) under the *Woollahra Local Environmental Plan (LEP) 2014*.



Figure 1 - Subject site (Source: SIX Maps NSW 2024)

Fact sheet

What the planning proposal will do

The planning proposal seeks to amend the Woollahra LEP 2014 to enable redevelopment of the site for a 4-storey mixed use development containing a supermarket and 14 residential apartments.

In summary, it seeks to:

- Insert a new clause in Schedule 1 Additional permitted uses to permit retail premises at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road.
- Create a new local provisions clause that applies only if 488-492 Old South Head Road and 30 Albemarle Avenue are developed together that:
 - Allows a maximum Gross Floor Area (or “GFA”) of 3,720m² on 488-492 Old South Head Road and 480m² on 30 Albemarle Avenue.
 - Permits a maximum Height of Building of 14.5m at 30 Albemarle Avenue.

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is an LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the *Environmental Planning and Assessment Act 1979*.

What are the Council’s, the Sydney Eastern City Planning Panel and the Departments role in the process?

The Council’s role for this planning proposal

On 5 May 2022, the planning proposal was originally lodged with Woollahra Council. On 14 August 2023, Council resolved not to support the planning proposal.

The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the Sydney Eastern City Planning Panel (Panel) supporting the proposal progression for Gateway

Fact sheet

determination in November 2023 and appointing itself as the PPA. Council is now considered a key stakeholder and will be consulted as part of the public exhibition.

Sydney Eastern City Planning Panel's role for this proposal

The Panel acts as the independent body in rezoning reviews within the Woollahra Local Government Area (LGA). Given Council did not support the progression of the planning proposal, the Panel was requested by the Proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority and is therefore responsible for preparing the package of planning proposal documents for public exhibition and running the public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 12 December 2023, the updated planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 23 February 2024 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/ppr/under-exhibition/planning-proposal-pp-2022-731-amend-woollahra-local-environmental-plan-2014.

How to make submissions

Submissions on the planning proposal should be made to the Department through the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/ppr/under-exhibition/planning-proposal-pp-2022-731-amend-woollahra-local-environmental-plan-2014.

Your submission must be lodged **by 5pm on Tuesday, 7 May 2024** and must include:

- if the submission relates to the planning proposal
- a statement on whether you support or object to the proposal; and
- the reasons why you support or object to the proposal.

Persons lodging submissions must declare reportable political donations (including donations of \$1000 or more) made in the previous two years.

Your personal information is protected under the *Privacy and Personal Information Act 1998*.

Fact sheet

We may publish any personal information you have included in your submissions on a proposal. Do not include any personal information in your submission that you do not want published. If you do not want your name and address to be made public, please ensure you tick the relevant box and clearly state this on the front page of your submission. Making a submission is entirely voluntary and you are under no obligation to provide us with any of your personal information, except as otherwise required by law.

Who should I direct my Planning Proposal inquiries to?

For questions relating to the planning proposal, please contact Douglas Cunningham on (02) 9274 6357.

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review the Sydney Eastern City Planning Panel is the Planning Proposal Authority and the Department will be the Local Plan-Making Authority.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.