

**Submission Type**

I am making a personal submission

[REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]

Name withheld

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[REDACTED]

**Suburb/ Town**

Rose Bay

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No

I agree to the Privacy statement

**submission**

I am a local resident living on Liverpool St very close to the development and I am concerned about the additional traffic impact on Old South Head Rd, which is already highly congested in peak hours for cars and buses delaying journeys as well as on Albemarle Avenue where there is already high traffic due to the school. I also do not think another supermarket is required in the area as there are sufficient local options in Rose Bay and options for online delivery. The construction period would also prove noisy and disruptive for local residents. Apartment developments nearby on Newcastle St have been in construction for more than two years and causing additional traffic and pedestrian issues.

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[REDACTED]  
[REDACTED]

Rose Bay

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**submission**

I am opposed to this planning proposal for a number of reasons:

change to permit use of 30 Albemarle avenue Rose Bay 2029 as a retail premises,  
The site is in a local residential street that is near the corner of Old South Head Road where there are traffic lights.

There is a large primary school on Albermale Avenue and in the morning and after noon there is so much traffic on the road that cars back up to the school and it takes a long time to move from albermale avenue into old south head road and visa versa. Locating an additional retail area to add to the existing one will increase the amount of traffic even further to the detriment of locals.

There are lots of children who walk towards old south head road from the school. This will increase the amount of risk to children with increased traffic.

The amount of space for parking on Albermale avenue and old south head road and liverpool street is already extremely limited. This will make it significantly worse.

I a, also against a development for a supermarket particularly one made larger by adding the site at 30 albermale ave to the footprint for a supermaket.

Putting in underground parking will never be enough to allow for customers and there will be lost more traffic turning into and out of the building from albermale avenue at that corner.

There is already a Woolworths metro only 4-5 blocks away and an IGA in dover road only 4 minutes away and a Coles in North Rose Bay. There is also another large Woolworths in Double Bay, not more than about 5 minutes away by car and Coles, Woolworths and Aldi on Bondi Junction.

The addition of another coles or woolworths supermarekt will impact on the other local shops which already have to compete with the existing supermakets. This will only contribute further to the already dominant share of market by the large supermakets at the expense of the existing smaller supermarket and shops such as the fish shop, butcher baker, etc.

There is a large pharmacy which provides a local service to the community. Although it provides parking on its site, it also places significant demand for street parking.

The school also places additional demand for street parking on both Dover Road as well as Liverpool street, Albemarle avenue, faraday avenue and Newcastle street already.

Adding apartments on top of the proposed retail venture will increase even more the demand for parking.

There is a new development recently to be completed on the corner of beaumont street and old south head road that will offer new retail space already but for smaller retail or office space options.

I am opposed to the change in Zoning to 30 Albermale Avenue and the expansion of gross retail floor space which particuarly for a supermaket owned by the current duopoly players as it is unnecessary and because of the increase in traffic on old south head road and albermale avenue,

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**Suburb/ Town**

Rose Bay

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**submission**

I would like a commitment that Woolies will regularly compelled to maintain all the public facing greenery proposed. le residents should not allow greenery to die. Also there should be maintained public toilets at Woolies expense.

As a local resident I am full supportive otherwise

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**Suburb/ Town**

Rose bay

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No

I agree to the Privacy statement

**submission**

Need public toilets and baby change

**Submission Type**

I am making a personal submission

[REDACTED]

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[REDACTED]

I have made a reportable political donation

No

I agree to the Privacy statement

**submission**

Agree with supermarket. But there has to be a really good baby room

**Submission Type**

I am making a personal submission

[Redacted]  
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Name withheld

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[Redacted]

**Suburb/ Town**

Rose Bay

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No

I agree to the Privacy statement

**submission**

Objection to the planning proposal  
PP-2022-731

I wish that my personnel's details will kept confidential.

I am the owner of a unit situated immediately to the north of the proposed development. My building is at 494-496 Old South Head Rd Rose Bay and my unit situated on the third floor at the south west corner of the building. I bought my unit to a great extent due to its solar access and privacy, as my balcony and the windows of my lounge room kitchen and bedroom have a view to the south (where the new development supposed to be) and have uninterrupted solar access and offer great privacy as there are not any adjacent building nearby. My windows and balcony can be seen in one of the documents of the exhibition, document number 7 (amendment to Woollahra environment plan) page 28 figure 8 the windows and part balcony are seen above the Caltex sign and it clear they are providing ample light and privacy. The development to the south of my property and close to my apartment will block the solar access to the unit, impact greatly on privacy, affect the well being and quality of life of the residents and reduce the value of the property. For these reason I object to the rezoning of the property at 30 Albemarle Ave and the develop of multistory building on this property and also the building of multistory building on the adjacent property at 488-492 Old South Head Rd Rose Bay to such a height that it will interfere with solar access and privacy to my unit. I also object to the proposal to have Woolworth supermarket there as it result in noise, extra traffic and difficulty of finding parking places to those visitors to my property.

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[REDACTED]  
[REDACTED]

**Suburb/ Town**

Rose bay

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No

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**submission**

I'd like to make an objection to the build plans.

The large format supermarket will result in unacceptable traffic impacts upon the local street network.

There will also be Adverse Visual Impact upon the streetscape character of Albemarle Avenue

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I am making a personal submission

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[REDACTED]

[REDACTED]

**Suburb/ Town**

2029

**I have made a reportable political donation**

No

I agree to the Privacy statement

**submission**

Planning proposal PP-2022-731 to amend Woollahra Local Environmental Plan 2014

I strongly object to the above proposal as the development is out of scale with the neighbourhood

It will create unacceptable traffic in Albemarle Avenue along with unacceptable levels of noise and pollution in a zoned residential street

The Proposal is out of scale for the area and will have a negative impact upon the streetscape character of Albemarle Avenue

The impact of increases car and truck traffic around a primary school is unacceptable

If the Proposal is approved it should include restrictions on Heavy vehicles and delivery trucks. These vehicles should be prevented from entering Albemarle Ave - a zoned residential street from Newcastle Street 7pm-7am every day

Thank you

[REDACTED]



**Submission Type**

I am making a personal submission

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 [REDACTED]  
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 [REDACTED]  
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[REDACTED]  
 [REDACTED]

**Suburb/ Town**

Rose Bay

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No

 I agree to the Privacy statement**submission**

I live directly across the road from 30 Albemarle Ave and the Impact is huge for what is proposed for the Woolworths and rezoning of this land.

I will never be able to safely reverse out of my driveway again thanks to the planned driveway across from my home. I have literally no idea due to zero communication how this 4 storey building will affect the light into my home. The planned "communal" space across the road will bring in kids/drunks/dumps of garbage and unacceptable noise 24/7 and like any community space no one will be responsible for this.

I have literally no understanding how a 14.5m tall building (with a further 3 storeys underground) can be considered appropriate in a residential street where the maximum height is currently 2 storeys above ground. My understanding is there is not a single house/apartment/school on the street of Albemarle which has underground parking. We are effectively talking about 7 storeys of building on a street which has a maximum of 2 storeys.

Albemarle avenue is already packed to the brim throughout the working days. The parking availability is already at full capacity and the traffic is non-stop Monday-Friday. Old South Head Road is congested 7am - 10pm every day and this addition will create a irreversible nightmare for the residents of Rose Bay/Vaucluse and Watsons Bay.

It is without a doubt unreasonable to think a car park will assist this, the impact on residents will be life changing in the negative.

If you intend to support the proposed development you may as well rezone the entire avenue to High Density so as we can all move elsewhere and feel safe due to the irreparable damage this will do. I do not feel safe with what is proposed in any which way with no one assuring me otherwise.

I have had foot soldiers from Woolworths at my door with no answers to any concerns I have brought up other than hot air suggesting it could be convenient for me to buy groceries across the road.

It is simply unbelievable to me that we are this far into the process without council/NSW planning /government caring less about the words of those who live in the area who have expressed there is zero need for this in the area and how irresponsible it is to consider building this on a residential street in an already highly congested area.

I am yet to even touch on the visual impact on the street. The streetscape will be irreversibly changed once this is built. Our beautiful street will be no longer with the huge eyesore.

The lights from the signs/trucks/building/ and general traffic entering and exiting the property which no matter how many different ways I can have had explained to me will be minimal – will absolutely be the exact opposite. I absolutely know Woolworths with their advertising machines will have 24/7 lit signs and not to mention the general lighting from such a building of this size and this will affect my home greatly being directly across the road. The noise pollution from the Delivery trucks and general traffic coming and going at all hours to and from the property directly across the road from my home will change my life forever. I have been given literally no answer to that concern from anyone from Woolworths/Council other than looking at me with sympathy (an acknowledgment of the proposal being so crushing for someone in my position) and provided me with absolutely nothing constructive to put my fears at rest and neither have my direct neighbours all of which are all directly impacted. The Area simply does not require another supermarket of this size – something which has been mentioned time and time again by residents throughout the East for which apparently it is meant for.

My home, like the movie is my Castle. I absolutely love living on Albemarle Avenue with my family. This has crushed my family and our potential future life in Rose Bay.

I look forward to common sense prevailing in future decisions on this proposed rezoning with a consideration for those affected being the entire area of Rose Bay/Vaucluse/Watsons Bay and not looking at the financial gain of Woolworths only.

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**Suburb/ Town**

Rose Bay

**I have made a reportable political donation**

No

I agree to the Privacy statement

**submission**

To whom it may concern,

I am writing with an objection to the Woolworths DA for a number of reasons.

Firstly, I object to the unnecessary rezoning of a residential property, namely 30 Albemarle Avenue, Rose Bay. It doesn't suit the street-scape and an oversized large format retail complex (namely a woolworths) isn't justified for the area.

Secondly, the area isn't zoned for a warehouse/distribution centre. The council and government will be aware that many residents in the street have objected to heavy vehicles using Albemarle Ave as a thoroughfare.

We have a school in the street and many children walk past the old Caltex site unaccompanied by parents. The movement of trucks and many vehicles collecting, creates a pedestrian hazard (especially for children) as well as increased traffic congestion in an area that "chokes" three times a day.

The traffic survey/assessments are out of date and not reliable for the current DA. There have been changes to the traffic lights, pedestrian crossings as well as the usage.

Further, we have a significant amount of development in the area, more apartments being built as well as Bunnings and harris farm in the area bringing more traffic to the vicinity. An independent traffic survey will show the congestion in the area which will be further impacted when the old Caltex site opens for use, one day.

In the area, there are more than sufficient outlets to purchase groceries - Harris Farm, IGA, Woolworths (existing) in Rose Bay, COles in north rose bay, Woolworths in Double Bay, many options in Bondi as well as Bondi Junction.

Albemarle Avenue has a lovely small community feel - the constant movement of heavy vehicles will disturb the peace and enjoyment of residents - especially the after hours and early morning deliveries which will be exceptionally loud to residents.

Woolworths has a questionable history with it's applications to council and government providing false information which has landed them in Land and Environment Court - including the mosman development site.

I request the council to:

1. Reject the DA and Any associated applications for re-zoning 30 Albemarle Avenue
2. Ensure any DA to the existing Calex/Woolies click-and-Collect site restricts deliveries and trading to 7am to 8pm so as to minimise the noise and congestion given the close proximity to a residential area
3. An independent traffic survey must be undertaken to assess current traffic conditions and must be undertaken during all peak periods, including drop off and pick up times for Rose Bay Public School and general peak hour times
4. The hours for deliveries and for trading should be restricted to 7am to 8pm so as to minimise the noise and congestion given the close proximity to a residential area
5. Separately and in addition to the submission, council please address the existing congestion issue for Albemarle ave.
6. Separately and in addition to the submission, council to consider restricting heavy vehicles from using Albemarle ave as a thoroughfare.

Kind regards,

**Submission Type**

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[Redacted]  
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[Redacted]  
[Redacted]

**Suburb/ Town**

Rose Bay

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**submission**

Hello,

I object to the rezoning and development of 30 Albemarle Ave and Woollworths redevelopment on Old South Head Rd.

1. An increased intensity of height, bulk and scale would result in a significantly adverse visual impact upon the streetscape character of Albemarle Avenue and commercial enterprise encroaching on residential areas
  2. The large format supermarket will result in unacceptable traffic impacts upon the local street network and create unsafe pedestrian and traffic conditions. There is a school which generates significant traffic at drop off and pick up which results in a queue of traffic along the whole stretch of Albemarle Ave. More traffic will be a significant issue with residents and school parents. The safety of kids crossing the loading dock is a great concern.
  3. There are already enough supermarkets within the area and one of this scale is not neededd.
  4. Delivery trucks within a residential street with a primary school is not appropriate for this area.
- Please consider rejecting this application



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[Redacted]  
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[Redacted]

**Suburb/ Town**

Rose Bay

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**submission**

To Whom It May Concern,

My partner and I have been residents at [Redacted], situated directly opposite the [Redacted], adjacent to the [Redacted].

Over the past two decades, and particularly in the last 3-5 years, there has been a notable increase in redevelopment along Newcastle Street, including developments such as The Benson at 33 Newcastle Street, The Rochester at 30-32 Newcastle Street, Calista at 38-40 Newcastle Street, and The Stellar at 58-60 Newcastle Street. Additionally, residential developments have expanded along Old South Head Road at intersections with Wilberforce Ave and Dover Road, extending towards Vaucluse.

While we recognise the need for increased residential density in the Rose Bay and Rose Bay North areas, this surge in development has led to traffic congestion issues along New & Old South Heads Road during peak hours. The presence of numerous private schools in the area, accommodating "out-of-catchment" students requiring drop off and pick up, exacerbates traffic congestion during school terms, rendering it unbearable and unsustainable.

Intersections such as Newcastle Street and New South Head Road, Dover Road with both New & Old South Heads Road, and Albemarle Ave and Old South Head Road experience severe congestion between the hours of 7:30am-8:30am and 3:00pm-4:00pm on weekdays during school terms. A photograph taken on Albemarle Ave at 3:37pm on May 13, 2020, illustrates this issue.

The proposed construction of a large Woolworths supermarket at the end of Albemarle Avenue will undoubtedly increase traffic from delivery trucks and customers in an area already struggling with traffic congestion.

Contrary to Woolworths' observation, we do not believe Rose Bay is underserved by supermarkets, as there are already several options available, including Woolworths Metro on New South Head Road in Rose Bay, Supermart and Parisi on Dover Road, Harris Farm on Dover/Old South Head Road, as well as Coles in Rose Bay North, Woolworths in Double Bay, and numerous other options in Bondi Junction.

We have no objections if Woolworths chooses to develop their proposed apartments at the end of Albemarle Avenue; however, the addition of a large format supermarket is unnecessary and will result in unacceptable traffic impacts, jeopardising the safety of pedestrians, especially children and parents of Rose Bay Public School.

Thank you.

[Redacted]

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I am making a personal submission

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[Redacted]  
[Redacted]

**Suburb/ Town**

Rose Bay

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**submission**

To whom it may concern,

I am writing with an objection to the Woolworths application and Re zoning for a number of reasons.

Do you realise that the traffic report is not to be relied upon? - it's outdated and not accurate, nor current.

Does the area require another full-blown supermarket as there is one in double bay, two metros in double bay as well as coles, IGA and harris farm?

The submission doesn't take into account drop off and pick up times at rose bay public school, where by the street comes to a standstill old south head rd and Newcastle street, along albemarle ave.

Why is there a need to re-zone 30 albemarle when the area is fully saturated with supermarkets and apartments and parking is at a premium?

In summary,

- \* I object to the Re-zoning of 30 albemarle avenue
- \* I object to any traffic report submitted to date by Woolworths
- \* I object to the further saturation of supermarket/grocery store and associated heavy vehicle traffic
- \* I object to further traffic caused by a new and unnecessary development in an already congested street.

Regards,

[Redacted]  
[Redacted]  
[Redacted]

**Submission Type**

I am making a personal submission

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[Redacted]  
[Redacted]

**Suburb/ Town**

Rose Bay

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I agree to the Privacy statement

**submission**

I am making a submission against Planning Proposal PP-2022-731 as a resident -owner at [Redacted]  
My home is [Redacted] number 30 Albemarle which has been acquired for this development and is seeking re -zoning from residential to commercial. Thus we are directly and negatively impacted by this proposal on the following basic grounds.

- An increased intensity of height, bulk and scale would result in a significantly adverse visual impact upon the streetscape character of Albemarle Avenue.
- The large format supermarket will result in unacceptable traffic impacts upon the local street network and create unsafe pedestrian and traffic conditions.
- Site-specific development control plan (DCP) must be prepared prior to the gazettal any planning proposal and must be exhibited for a minimum period of 28 days to allow the community an opportunity to be involved in the process of finalisation of the urban character statement and key principles and built form controls for the site. The Planning Proposal and DCP should be determined concurrently to ensure that any development of 30 Albemarle Avenue is consistent with the plans prepared in support of the Planning Proposal.
- The planning proposal and any draft Voluntary Planning Agreement (VPA) should be publicly exhibited concurrently.
- Any draft Voluntary Planning Agreement (VPA) must be prepared in accordance with the Woollahra VPA Policy with particular attention made to Part 4.3 Land value capture of the Policy to ensure that any VPA captures the significant uplift in land value created through the Planning Proposal.

Thank you for taking my objections to this inappropriate development into consideration.

[Redacted]

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[Redacted]  
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[Redacted]  
[Redacted]

**Suburb/ Town**

ROSE BAY

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**submission**

To Whom It May Concern,

I write with regards to the Woolworths application regarding LEP, re-zoning and associated development works with my objections.

As a resident of [Redacted], I find it already difficult to find street parking (for my visitors), disturbed by the constant heavy vehicle usage and have a great desire to preserve our quiet neighbourly community.

I do not live in an industrial area and do not wish to have the traffic and heavy vehicle movements that come with more industrial-style builds.

I also object to the re-zoning of 30 Albemarle Avenue, Rose Bay. There is no need, no precedent and it's unnecessary to demolish a house for the purposes of a large scale shopping centre/apartments. Albemarle Avenue is already surrounded and overwhelmed by apartment developments and has more than sufficient grocery/fruit/veg/supermarket suppliers.

I seek the council to:

1. Reject the re-zoning of 30 Albemarle Avenue
2. Ask the government to consider noise restrictions and limits to hours of operation for the development on the old south head road site
3. Consider the de-valuation of the residential homes existing in the street with mix commercial site in the street
4. Consider the safety of the children and elderly residents walking in the area
5. Review the already busy and congested street and find a solution to the current problem (regardless of the application)
6. Preserve the neighbourhood and it's current aesthetic

Kind regards,

[Redacted Signature]



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[REDACTED]  
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Name withheld

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[REDACTED]  
[REDACTED]

**Suburb/ Town**

North Bondi

**I have made a reportable political donation**

No

I agree to the Privacy statement

**submission**

I object to this planning proposal for the following reasons:

1. Such a large development is an eyesore on the residential street, and out of keeping with the area.
2. Local residents will suffer from an excessive overflow of traffic in Albemarle Avenue, an already jammed thoroughfare especially at school drop off time and pickup time.

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[Redacted]

**Suburb/ Town**

Rose Bay

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**submission**

I am a resident of [Redacted] Rose Bay, and strongly object to the size of the proposal by Woolworths.

1. The proposal is seeking approval for a spot rezoning of a residential property to suit a giant corporate. This sets a dangerous precedent.
2. There is no need for a supermarket of that size in the area. There is already a Woolworths, Coles, Harris Farm and IGA within a 1km radius. A new supermarket using the existing site and planning conditions would be welcomed to the area. A 2-storey version, is completely inappropriate. Bunnings and Harris Farm all managed to fit on their land in the last few years and had to comply with the planning rules, why not Woolworths? This large format version would be far more appropriate in existing commercially zoned areas of Rose Bay (for example, Woolworths could expand their existing site at New South Head Road Rose Bay, within the current zoning rules), where residential land doesn't need to be spot rezoned.
3. The traffic congestion is already shocking, especially around school pick up times. This size and scale of this supermarket will likely draw in many more people to the area from Bondi, Dover Heights and Bellevue Hill that currently do their shopping in Bondi Junction, further exacerbating the traffic problems.

Should the proposed development be allowed to proceed, there is a need to address the impact of increased traffic congestion on Albemarle Avenue as a requirement of the approval process. The approval should include the requirement for an upgrade of the intersection at the corner of Newcastle St and New South Head Roads by installing traffic lights to allow flow through traffic passing from NSH Rd to OSH Rd to turn right (east) onto Old South Head Road). Currently Albemarle Avenue and Dover Road incur the bulk of "flow through" traffic (especially trucks) turning east onto Old South Head Road at peak times, as they are the only safe intersections with traffic lights.

The proposal by Woolworths to rezone the residential house at 30 Albemarle Ave Rose Bay to commercial should be rejected.

Sincerely

[Redacted]

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**Suburb/ Town**

ROSE BAY

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**submission**

Dear Mr Woods,

My name is [REDACTED], owner and resident of one half of the two adjoining single storey semi detached residences at [REDACTED] Rose Bay 2029 NSW. Both semis have been continuously owned by the same two families for 60+ years, so we are fully aware of the history of the mixed use zoned land and its proximity to the R2 zoned land.

Our semis were originally purchased with the knowledge that No.30 Albemarle Avenue was an unusual shaped block having a very wide 30 metre frontage, which served as a significant buffer to the mixed use zone. No. 30 has always been R2 zoned and I feel it is preposterous that Woolworths be allowed to spot rezone this land to serve it's own needs.

I vehemently oppose this planning proposal based on the following reasons:

1. The sheer scale and bulk of the proposed 4 storey development, and its significant encroachment into residential zoned land is out of character with the predominately single storey houses adjacent, and opposite the site.
2. Loss of privacy and overlooking from the two top levels of apartments to adjoining properties. The increase in building height from current R2 zone 9.5 metres to mixed use 14.5 metres is extreme and will dominate the streetscape.
3. The current traffic congestion issues will be further exacerbated by the increased traffic load, generated by the increased traffic movements of the cars and trucks entering and exiting the awkwardly located proposed driveway. The basement carpark driveway is situated only 70 metres from the traffic lighted intersection of Old South Head Road, Albemarle Avenue and Liverpool Street.
4. The safety risk to large numbers of primary school children and pedestrians, crossing the carpark and loading dock driveways at school start and finish times. Coupled with the above mentioned traffic congestion and proximity to the Old South Head Road intersection, the safety of crossing children will be compromised.
5. The Gateway Determination appears to have removed the need for a site specific DCP prior to finalising the Planning Proposal. The site specific DCP is an important consideration given the planning proposal includes No 30 Albemarle Avenue and the DCP should be prepared prior to the advertisement of the Planning Proposal so that the public has an opportunity to review the details of the proposal and offer feedback.

I hope my words and those of fellow opposing residents are acknowledged in the process of determining the Planning Proposal. We, as those directly affected by governments local and state, implore we not be forgotten in lieu of proposals deemed to have "strategic merit".

Thank you for your consideration of my concerns.

Sincerely

6 May 2024

NSW Department of Planning, Housing and Infrastructure  
Planning, Land Use Strategy and Housing

Attention: Ian Woods, Planning Officer, Agile Planning

**RE: SUBMISSION LETTER TO PLANNING PROPOSAL AT 488-492 OLD SOUTH HEAD ROAD AND 30 ALBEMARLE, AVENUE ROSE BAY (PP-2022-731)**

**1. Introduction**

This submission letter has been prepared by Paro Consulting on behalf of the Rose Bay Action Group (RBAG) in relation to the Exhibition of Planning Proposal 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (PP-2022-731) which seeks to rezone land at 30 Albemarle Avenue, Rose Bay from R2 Low Density Residential to MU1 Mixed Use to enable redevelopment of the site for a 4 storey mixed use development containing a large format Woolworths supermarket and 14 residential apartments at the land comprising 30 Albemarle Avenue and 488-492 Old South Head Road, Rose Bay. The RBAG includes a number of residents which live within Albemarle Avenue, Rose Bay.

This submission includes an independent planning review of the exhibited planning proposal, which identifies issues and provides recommendations where required. The purpose of this submission is to voice the concerns of the RBAG prior to the NSW Department of Planning, Housing and Infrastructure (Department) finalising its assessment of the planning proposal and ultimately proceeding to finalisation.

The RBAG strongly opposes the rezoning of the land 30 Albemarle Avenue, Rose Bay to accommodate a large format Woolworths Supermarket for the reasons outlined in this letter.

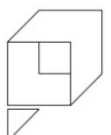
**2. Background**

It is understood that the planning proposal has substantially progressed from its initial lodgement with Woollahra Council (Council) by the proponent, to the planning proposal receiving gateway determination by the Department on 23 February 2023.

It is acknowledged that some public consultation has been undertaken and the planning proposal has been updated since the preliminary consultation undertaken by the proponent prior to the lodgement with Council.

It is however of great concern of the Rose Bay Action Group that the recommendations and advice provided by various stakeholders in the process, in particular of the residents, Council and Local Planning Panel (LPP), Sydney Eastern City Planning Panel have been either removed or appear to have not been required by the Department in particular:

- Exhibition of a VPA/Planning Agreement concurrently as the planning proposal exhibition;



- Removal of the requirement of a site-specific DCP to be made prior to finalisation of the Planning Proposal.

### 2.1. Local Planning Panel (LPP) recommendation

On the 6 July 2023 the Woollahra LPP considered the proposal. The LPP's advice to Council was that:

- The Panel generally supports the planning proposal to proceed subject to the proponent amending the planning proposal to provide greater clarity and certainty to the outcomes of the proposed LEP changes.
- The Council:
  - seek further details in relation to the open space area between 28 Albemarle and the development site, and how it will be designed and managed; and
  - liaise with the applicant to identify opportunities to further set back the building at levels three and four from the property boundary of 28 Albemarle Avenue to create an improved interface with the low-density residential zone.
- That subject to the above, the LPP notes that the planning proposal should be amended by the proponent, in the following manner:
  - insert a new Schedule 1 Additional permitted uses; and
  - insert a new Part 6 Additional local provisions.

The LPP also recommended that:

*“D. THAT the Woollahra Local Planning Panel notes that the proponent is in discussion with relevant Council staff regarding a Voluntary Planning Agreement (VPA) for the sites and that the planning proposal should be amended by the proponent to include a reference to these discussions, and that Council should consider the potential for an Affordable Housing contribution be made to Council.*

*E. THAT the Woollahra Local Planning Panel advises Council that, **should a Gateway determination be received, the planning proposal and any draft Planning Agreement should be publicly exhibited concurrently.**”*

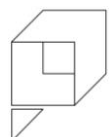
The above is important as it is evident that the advice of the Woollahra LPP is that if the planning proposal were to proceed to gateway determination then a draft Planning Agreement should be publicly exhibited concurrently.

### 2.2. Councils Environmental Planning (EPC) recommendation and Council resolution of 14 August 2023

On 14 August 2023, the Council resolved:

*“A. THAT Council refuse the planning proposal for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay for the following reasons:*

1. *traffic and traffic congestion;*
2. *congestion caused by the close proximity of the proposal to the local public school of more than 500 students and its drop off and pick up zone;*
3. *insufficient transition area between the development and the R2 residential zone and no certainty that any proposed transition zone will be maintained with appropriate vegetation and trees in future;*
4. *dominance in the streetscape and inconsistency with proximate R2 residential zone given the significant bulk and scale of the proposed development which intends to utilise the 30m frontage of the R2 residential block;*
5. *need for protection of the very limited R2 zone in the Rose Bay area;*
6. *lack of consideration for development of a proposal on a smaller footprint, being the footprint that currently exists and is zoned for that use;*
7. *lack of consideration of the surrounding area which is well serviced by supermarkets and grocery stores; and*



8. *not in the public interest as demonstrated by the petition tabled at this Council meeting, which demonstrates community concern with the size of the proposal.*

*B. THAT should the applicant submit a Rezoning Review to the Department of Planning and Environment, that the community submissions (including the petition and any late correspondence) are submitted by staff as part of the Council documentation."*

The above is important as it is evident that the elected Council is not in support of the Planning Proposal for a multitude of reasons.

**RECOMMENDATION:** The Planning Proposal does not adequately address the above matters and should therefore be rejected.

### 2.3. Sydney Eastern City Planning Panel (the Planning Panel) recommendation

On 1 November 2023, the Sydney Eastern City Planning Panel (the Planning Panel) undertook the rezoning review and recommended that the planning proposal should be submitted for a Gateway determination because it has demonstrated strategic and site-specific merit.

The Planning Panel recommended the proposal be revised to replace the reference to open space zone in the proposed Part 6 Additional local provisions so that it reads:

*"Implementation of a ground level, publicly accessible land adjacent the western boundary of 30 Albemarle Avenue providing for a 9m wide building separation zone and an 8m wide deep soil zone".*

On the 21 November 2023, Council officers wrote to the Department about the wording of the Panel's Record of Decision:

*"We have identified an error in the Record of Decision under 'key issues discussed' with Council staff where it states:*

*"Public open space – request requirement that the area is publicly accessible; acting as a landscape buffer to adjoining low density residential."*

*This is not correct and is inconsistent with the issue raised by staff. For our records, we require this error to be corrected. It should read:*

*"Public open space – request requirement that the area is not publicly accessible, acting as a landscape buffer to adjoining low density residential."*

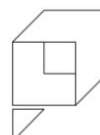
*Furthermore, and contrary to the staff requested amendment, the Panel's recommendation has retained the use of the term publicly accessible land. Accordingly, we are requesting that this issue is resolved via the Gateway determination conditions."*

The above is important as it is evident that the Council is not in support of taking on the responsibility of a pocket park, as put forward by the proponent in a VPA.

**RECOMMENDATION:** The inclusion of a pocket park as part of a VPA put forward by the proponent with the Planning Proposal is not supported. The landscaped area should serve as a necessary buffer between 28 Albemarle Avenue and the inappropriately bulky development and not as a public park.

### 3. The Site and Context

The site subject to this submission includes the land 30 Albemarle Avenue, Rose Bay. It is understood the proposed large scale format Woolworths Supermarket will occupy the property 30 Albemarle Avenue and 488-492 Old South Head Road, Rose Bay. The Rose Bay Action Group include a number of residents which live within Albemarle Avenue, Rose Bay.



## 4. Issues

The key issues identified with the planning proposal are discussed below.

### 4.1. The planning proposal and any draft Voluntary Planning Agreement (VPA) should be publicly exhibited concurrently

In the gateway determination report prepared by the Department, it is indicated that the proponent has made an indicative letter of offer to enter into a VPA with the Council which includes, in addition to the payment of Section 7.11 development contributions, the provision of a ground level publicly accessible landscaped zone along the site's north-west boundary, which would essentially function as an urban pocket park. The pocket park is to be embellished and fully maintained by the proponent with an easement benefiting public access on title.

It is however unclear how this is consistent with the Council or the Planning Panel's intention which is that no publicly accessible area is mandated for the proposal, and that the Council does not intend to own or manage any portion of the site.

The above is important as it is evident that the Council is not in support of taking on the responsibility of a pocket park as put forward by the proponent in a VPA. Nevertheless, given the significant uplift which would result if the planning proposal were to proceed to finalisation it is prudent that the terms of the planning agreement are considered concurrently to ensure that the Council is provided with public benefit to be applied for a public purpose as a result of the planning proposal.

**RECOMMENDATION:** The planning proposal and any draft Voluntary Planning Agreement (VPA) must be publicly exhibited concurrently.

#### Planning Agreement Legal Framework

Section 7.4(1) of the Environmental Planning and Assessment Act (EPA Act) stipulates:

*“(1) A planning agreement is a **voluntary agreement or other arrangement** under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer)—*

*(a) who has sought a change to an environmental planning instrument, or*

*(b) who has made, or proposes to make, a development application or application for a complying development certificate, or*

*(c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

*under which the developer is required to **dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit**, or any combination of them, to be used for or applied towards a public purpose.”*

Section 7.4(2) of the EPA Act stipulates:

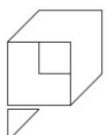
*“(2) A **public purpose** includes (without limitation) any of the following—*

*(a) the **provision of** (or the recoupment of the cost of providing) **public amenities or public services**,*

*(b) the provision of (or the recoupment of the cost of providing) affordable housing,*

*(c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*

*(d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*



(e) the monitoring of the planning impacts of development,

(f) the conservation or enhancement of the natural environment.”

Section 204(1) of the Environmental Planning and Assessment Regulation 2021 (Regulations) stipulates:

*“204 Public notice of planning agreements—the Act, s 7.5(2)*

***(1) If a planning authority proposes to enter into, amend or revoke a planning agreement, in connection with a development application or a change to a local environmental plan, notice of the planning authority’s proposal must be given as part of, and at the same time and in the same way as, the notice of—***

*(a) the development application to which the proposal relates, or*

***(b) the planning proposal for the change to the local environmental plan to which the proposal relates.***

*(2) The Planning Secretary must give notice of any other planning agreement that requires public notice under the Act, section 7.5—*

*(a) at least 28 days before the agreement is entered into, amended or revoked, and*

*(b) in the way agreed to by the planning authorities that are parties to the agreement.*

*(3) If it is not practicable for notice to be given as required under this section, the notice must be given—*

*(a) as soon as practicable, and*

*(b) in a way agreed to by the planning authorities that are parties to the agreement.”*

#### Status of VPA

At the time of writing and during the exhibition of the planning proposal a VPA has not been exhibited. This is inconsistent with Section 7.4 of the EPA Act and Section 204 of the Regulations as:

- The proponent has sought a planning proposal which seeks to amend an environmental planning instrument, being the Woollahra LEP, with a significant uplift in GFA which would result in increasing demands on local infrastructure,
- The planning authority (the Council) if proposing to enter into a planning agreement in connection with a change to a LEP, the exhibition notice of the proposal must be made part of, and at the same time as the planning proposal for the change to the LEP.

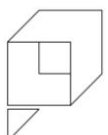
As it stands, the proponent has indicatively offered, in addition to the payment of Section 7.11 development contributions, the dedication of land to Council as a publicly accessible urban pocket park (the public benefit).

It has been indicated by the Council that it does not intend to own or manage any portion of the site and therefore the ‘public benefit’ would not appear to be for a ‘public purpose’, the public purpose is at the discretion of the Council as to what it sees an appropriate provision of (or the recoupment of the cost of providing) public amenities or public services.

The Woollahra Council Voluntary Planning Agreement Policy 2020 (Woollahra VPA Policy) stipulates:

#### ***“4.3 Land value capture***

*For the purposes of this policy, land value capture is a public financing mechanism implemented through planning agreements by which the Council captures for the community’s benefit a share of the unearned increment to developers in land value increases arising from:*





*(a) an amendment to Woollahra LEP 2014 which facilitates development, plus associated or consequential changes to Woollahra DCP 2015, or*

...

*Land value capture is distinguishable from development contribution mechanisms under section 7.11 and section 7.12 of the Act. Land value capture focusses on value sharing between the Council on behalf of the community and developers in order to provide public benefits rather than on financing the costs to the Council of addressing particular impacts of development on public facilities.*

*The Council will seek opportunities to negotiate a planning agreement which includes a land value capture component.*

*The formula for calculating a monetary contribution associated with value capture has regard to a residual land valuation process.”*

The above must be considered by the Proponent in formulating any draft VPA for the site. This method would allow the Council to capture for the community’s benefit a share of the unearned increment to developers in land value, arising as a result of the amendment to Woollahra LEP 2014 that is facilitating development.

**RECOMMENDATION:** The proponent must be required to undertake and provide independent valuations of the value of 30 Albemarle Avenue based on an R2 Low Density Residential zone and another independent valuation based on the value of the property subject of the Planning Proposal. The value of the VPA contribution must capture the significant change in value.

#### **4.2. Site-specific development control plan (DCP) must be prepared prior to the gazettal any planning proposal**

A requirement that a site-specific development control plan (DCP) is prepared prior to the gazettal any planning proposal for the site. The DCP is to include an urban character statement and provisions relating to key principles and controls to ensure the future built form delivers a high quality architectural outcome and exhibits design excellence.

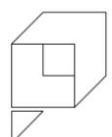
The site-specific development control plan (DCP) must also be publicly exhibited for a minimum period of 28 days to allow the community an opportunity to be involved in the process of finalisation of the urban character statement and key principles and built form controls for the site.

**RECOMMENDATION:** The Planning Proposal must not be determined until a site-specific development control plan (DCP) is determined

#### **4.3. The large format supermarket will result in unacceptable traffic impacts upon the local street network**

The large format supermarket will likely result in significant local congestion and safety concerns for the following reasons:

- Rose Bay Public School is located within 90m of the site. The proposed large format supermarket is likely to unacceptably exacerbate congestion during peak school pick up and drop off periods. The increased traffic congestion will contribute to reduced safety for children walking to school.
- The Woollahra Draft Integrated Transport Strategy (ITS) and Woollahra Integrated Transport Strategy 2014 have not identified any projects in the LGA that would support significant uplift in density with the exception of the review of the Edgecliff Commercial Centre. There are currently no areas in the LGA capable of accommodating uplift in density unless there is State investment in upgrades to infrastructure and services as a result of existing road congestion. Investment into improving congestion should be considered prior to any significant increase in traffic along Old South Head Road.



- The Woollahra Local Planning Statement stipulates:

*“Woollahra experiences severe traffic congestion on New South Head Road, Old South Head Road, Oxford Street, Ocean Street, and many other roads in our area. The draft Woollahra Integrated Transport Strategy (exhibited 2021) notes that cars account for over half of all trips. It also notes that travel times by other modes of transport from some areas are currently extremely long for the distances involved. Additionally, public car parking, particularly on-street parking supply, is at capacity. Council is unable to increase the supply of on-street parking. Furthermore, while there are no approved freight routes in Woollahra, increased truck movements associated with the development activity impact significantly on the road network and safety”.*

The proposal will further contribute to traffic congestion along Old South Head Road by the introduction of a large format supermarket along Old South Head Road, Rose Bay. The site context includes limited on-street parking given its location on Old South Head Road and 90m proximity to Rose Bay Public School. A large format supermarket will contribute to more truck freight routes along Old South Head. Albemarle Avenue is unsuitable for truck freight.

- A large format supermarket includes a larger catchment of customers and encourages a larger shop and increases the likelihood of people driving to the supermarket from a further distance and which reside outside the LGA. Therefore, increasing the size of the supermarket compounds traffic congestion and reduces the likelihood of public transport usage or people walking to the supermarket.
- There are limited speciality stores located within the immediate proximity of the proposed supermarket. This will likely result in an increase to the amount of vehicular movements and multipurpose car trips resulting in greater traffic compared to shopping to driving to other larger centres.
- Traveling by car (as either as a driver or as a passenger) accounts for half of all trips in Woollahra. Yet car travel is the least space efficient of all transport modes. In addition to traffic cars can also cause amenity and safety issues for people walking and cycling, delays for on-road public transport and parking and traffic congestion are inter-related as parking issues can lead to increased traffic congestion and impacts on traffic performance. Limited kerbside parking also has an impact on the capacity of the road network. The large format supermarket is heavily dependant on customers traveling by car and considered to result in an appropriate congestion and safety issues.

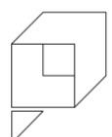
#### Referral to Transport for NSW – Clause 2.122 Traffic-generating development

Division 17 Roads and traffic *Subdivision 2 Development in or adjacent to road corridors and road reservations* Transport and Infrastructure SEPP 2021 (TI SEPP) applies to future development on the site.

The proposed development for a large-format supermarket with access via Abermarle Avenue is ‘traffic-generating development’ as stipulated in Schedule 3 of the TI SEPP, as it is of a relevant size/capacity with a connection to a classified road within 90m. The proposed large-format supermarket seeks to provide access via Abermarle Avenue that is less than 90m of Old South Head Road, a Classified Road. A future DA for a large-format supermarket will require referral (concurrence) from Transport for NSW (TfNSW) under Clause 2.122 of the TI SEPP.

The Gateway Determination Report prepared by the Department has not included consideration of Clause 2.122 of the TI SEPP.

If the Planning Proposal is allowed to proceed, there is a strong need to address the impact of anticipated increased traffic congestion and traffic volumes on Albemarle Avenue as part of the Planning Proposal which must not be deferred to DA stage. The Planning Proposal must not proceed unless consultation with TfNSW in



accordance with Clause 2.122 of the TI SEPP has been undertaken, as once the Planning Proposal is gazetted the large-format supermarket would be in effect 'locked-in' including any associated adverse traffic implications.

The Planning Proposal must include consideration of a requirement for an upgrade of the intersection at the corner of Newcastle Street and New South Head Road by installing traffic lights to allow flow through traffic passing from New South Head Road to Old South Head Road to turn right (east) onto Old South Head Road.

Albemarle Avenue and Dover Road currently incur the bulk of flow through traffic (including trucks) as it is the only safe way to turn east onto Old South Head Road during peak times due to the significant existing traffic congestion.

**RECOMMENDATION:** The Planning Proposal must not be determined without rigorous assessment of the significant traffic impacts from the proposed development. Transport for NSW must be consulted in accordance with Clause 2.122 traffic-generating development of the Transport and Infrastructure SEPP 2021.

#### 4.4. Adverse Visual Impact upon the streetscape character of Albemarle Avenue

The proposed increase in height and density will potentially result in an adverse visual impact upon the character of the site context within Albemarle Avenue for the following:

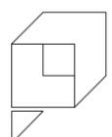
- The site is located within the B1.9 Rose Bay Precinct. An objective of the desired future character objectives of the precinct includes to encourage development at a scale which relates to the function and role of the streets they address, including larger scale development on the major streets (Old South Head Road and New South Head Road adjacent to the commercial centre) and a range of housing types on the minor streets. It is understood that the proposal includes a large scale development within a minor street, which is characterised by low density residential development and inconsistent with the desired future character for Albemarle Avenue and Rose Bay.

**RECOMMENDATION:** The Planning Proposal must not proceed as the interface between the proposed development and 28 Albemarle Avenue is unacceptable.

## 5. Recommendations

The Planning Proposal must not be supported for the site based on the following key issues:

- The planning proposal and any draft Voluntary Planning Agreement (VPA) must be publicly exhibited concurrently;
- Site-specific development control plan (DCP) must be prepared prior to the gazettal any planning proposal and must be exhibited for a minimum period of 28 days to allow the community an opportunity to be involved in the process of finalisation of the urban character statement and key principles and built form controls for the site. The planning proposal must not be determined until a site-specific development control plan (DCP) is determined;
- Any draft Voluntary Planning Agreement (VPA) must be prepared in accordance with the Woollahra VPA Policy with particular attention made to Part 4.3 Land value capture of the Policy. The proponent must be required to undertake and provide independent valuations of the value of 30 Albemarle Avenue based on an R2 Low Density Residential zone and another independent valuation based on the value of the property subject of the Planning Proposal. The value of the VPA contribution must capture the significant change in value;
- The large format supermarket will result in unacceptable traffic impacts upon the local street network and must not be determined without rigorous assessment of the significant traffic impacts from the proposed development. Transport for NSW must be consulted in accordance with Clause 2.122 traffic-generating development of the Transport and Infrastructure SEPP 2021; and



- An increased intensity of height, bulk and scale would result in a significantly adverse visual impact upon the streetscape character of Albemarle Avenue and must not proceed as the interface between the proposed development and 28 Albemarle Avenue is unacceptable.
- The inclusion of a pocket park as part of a VPA put forward by the proponent with the Planning Proposal is not supported. The landscaped area should serve as a necessary buffer between 28 Albemarle Avenue and the inappropriately bulky development and not as a public park.

## 6. Conclusion

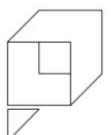
From the findings of this independent planning review the planning proposal at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay is considered to result in several unacceptable environmental impacts upon the amenity and safety of the residents in the surrounding locality. The planning proposal should be deferred by the Department to ensure that the planning proposal and any draft Voluntary Planning Agreement (VPA) is publicly exhibited concurrently.

We look forward to working with the Woollahra Council to ensure an acceptable outcome can be achieved for the residents of Rose Bay and broader community. Feel free to contact me on 0422 983 710 or at [daniel@paroconsulting.com.au](mailto:daniel@paroconsulting.com.au) should you wish to discuss the contexts of this letter or to arrange an inspection.

Kind regards,



Daniel Barber  
Director  
B.Plan (Hons) M.ProDev CPP MPIA  
Paro Consulting



**Submission Type**

I am submitting on behalf of my organisation

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
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[Redacted]

Name withheld

**Please tick this box if you do not want your name published in the list of submitters on the department's website**

[Redacted]  
[Redacted]

**Suburb/ Town**

Miranda

**I have made a reportable political donation**

No

I agree to the Privacy statement

**submission**

Please find enclosed submission.

**Submission Type**

I am making a personal submission

[Redacted]  
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Name withheld

**Please tick this box if you do not want your name published in the list of submitters on the department's website**

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**Suburb/ Town**

Rose Bay

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I agree to the Privacy statement

**submission**

It is extremely concerning that a proposal for spot rezoning a residential property at 30 Albemarle Avenue to allow for a large-scale supermarket and retail development is even under consideration. This proposed rezoning, situated close to a school in a suburban area, is fundamentally flawed and appears driven solely by the commercial interests of Woolworths, who already dominate the market share in Rose Bay. This action risks undermining the integrity of our planning system by appearing to cater disproportionately to corporate interests.

The proposal should be opposed on the grounds of several critical concerns:

1. Spot rezonings represent poor planning practice and set a precarious precedent.
2. The development conflicts with established strategic planning policies.
3. The proposed scale of the building would severely disrupt the existing visual harmony of Albemarle Avenue, negatively impacting the streetscape.
4. The anticipated increase in traffic would compromise safety and congestion in the neighbourhood, creating hazardous conditions for both pedestrians and vehicles.
5. The current retail space within the vicinity is adequate, and other appropriately zoned areas are available for such development without needing to rezone 30 Albemarle Avenue.
6. There are alternative locations better suited for this scale of development, including the site of the existing Woolworths Metro in Rose Bay.

Thank you for your consideration

**Submission Type**

I am making a personal submission

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**Please tick this box if you do not want your name published in the list of submitters on the department's website**

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Rose Bay

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No

I agree to the Privacy statement

**submission**

We object to the proposal to build a four story mixed commercial and residential building containing Woolworths on Albemarle Avenue, Rose Bay.

The planning proposal should not be supported due to the following concerns:

- Spot rezoning is fundamentally poor planning practice and is inconsistent with existing strategic practice.
- The increase in scale and height of the building will result in significant adverse visual impact upon the streetscape character of Albemarle Avenue.
- The scale of the supermarket with impact already difficult traffic conditions and create an unsafe pedestrian zone for both cars and school children.
- The area already has a Woolworths, Harris Farm, IGA, Parisis and Coles within walking distance.
- The traffic congestion this will cause on an already busy street to accomodate Rose Bay Public will create an unsafe and overly congested space.

If the proposal is not rejected, then;

1. Site-specific development control plan (DCP) must be prepared prior to the gazettal any planning proposal and must be exhibited for a minimum period of 28 days to allow the community an opportunity to be involved in the process of finalisation of the urban character statement and key principles and built form controls for the site. The Planning Proposal and DCP should be determined concurrently to ensure that any development of 30 Albemarle Avenue is consistent with the plans prepared in support of the Planning Proposal.
2. The planning proposal and any draft Voluntary Planning Agreement (VPA) should be publicly exhibited concurrently.
3. Any draft Voluntary Planning Agreement (VPA) must be prepared in accordance with the Woollahra VPA Policy with particular attention made to Part 4.3 Land value capture of the Policy to ensure that any VPA captures the significant uplift in land value created through the Planning Proposal.

Please carefully consider the concerns raised.

Thanks, [REDACTED]