

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
Council Submission			
Woollahra Council (Council)	<p>Site-specific DCP</p> <p>Council disagrees with the removal of the site-specific Development Control Plan (DCP) and request a provision in the <i>Woollahra Local Environmental Plan (LEP) 2014</i> requiring a site-specific DCP be in place before development is carried out.</p>	<p>The Department of Housing, Planning and Infrastructure (Department) deemed such a provision unnecessary and noted that it is being progressed with Council separately. The Department determined provisions regarding site-specific DCP, setback, and deep soil controls were not appropriate to insert into the <i>Woollahra LEP 2014</i>.</p>	<p>The Planning Proposal Authority (PPA) Team notes that the Local Plan Making Authority (LPMA) required the removal of the provisions regarding a site-specific DCP, setbacks, and deep soil controls prior to exhibition as it would be a duplication of LEP controls.</p> <p>Following Council's submissions during Public Exhibition, Council has adopted a site-specific DCP with its implementation contingent upon the approval of planning proposal. The site-specific DCP includes controls that address the concerns outlined by Council in their submission.</p> <p>Given the Council has an approved site specific DCP for the site, the PPA team does not support the inclusion of a site-specific DCP clause, it is not longer required.</p> <p>The issues raised by Council have been addressed by the Proponent and do not preclude the proposal from progressing to Finalisation.</p>
	<p>Setback Provisions</p>	<p>We do not recommend amendments to the planning proposal. Site-specific setbacks are addressed in the site-</p>	<p>The PPA Team acknowledges Council's concerns regarding the removal of setback provisions from the planning</p>

Summary of Submissions

PP-2022-731



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	<p>Council raised concerns about the removal of the setback provisions in the planning proposal and noted its important of retaining them in the Woollahra LEP 2014. They argued that these setbacks, ranging from 9m to 13.5m, were crucial for maintaining adequate building separation, addressing privacy concerns, and providing certainty to the development outcome.</p> <p>They expressed concern that without these provisions, the development may only be required to adhere to the minimum 2m side setback of the R2 zoning, leading to potential privacy issues and an unsuitable transition to the lower-scale residential area.</p>	<p>specific DCP (on exhibition until 23 June 2024). Including such provisions in the Woollahra LEP 2014 would be duplication. The Department did not include setbacks in the Gateway Determination.</p>	<p>proposal. These provisions have been incorporated into the approved site-specific DCP dated May 2024, which is given weight during the assessment of development applications.</p> <p>The PPA team is of the view that any further inclusion of requirements covered within this DCP would create a duplication of controls. The DCP is the appropriate mechanism to address setback issues.</p> <p>Further setback issues, including potential privacy impacts, would be considered, and addressed as part of any future development application.</p> <p>The issues raised by Council regarding development setbacks do not preclude the proposal from progressing to Finalisation.</p>
	<p>Maximum Non-residential GFA</p> <p>Council expressed concern about the absence of a limit on commercial Gross Floor Area (GFA) in the planning proposal. They proposed a maximum non-residential GFA of 2,400m² across the site to ensure the planning intent was met and to prevent potential overdevelopment.</p>	<p>A non-residential (GFA) limit is inconsistent with the intent and objectives of the MU1 Mixed Use zone. This was not raised as an issue by the Panel or the Department.</p>	<p>Council's approved site-specific DCP (May 2024) outlines controls that limit non-residential use of the proposed development's GFA to 2,400m². The site-specific DCP will provide a framework for addressing detailed design considerations, including GFA, at the Development Application stage.</p>

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
	Council argued that the current proposal could allow for a supermarket larger than 3,120m ² , with traffic impacts that had not been sufficiently tested. They were also concerned that the proposal did not guarantee the indicated 14 dwellings, and that changing the ratio of non-residential to residential uses could significantly alter the development's nature and impact.		<p>The PPA team is of the opinion that the Council's concerns around the use of GFA of any future development is addressed within their adopted DCP and can be considered as part of any future DA.</p> <p>The PPA team is satisfied that the issues raised by Council regarding GFA have been addressed and do not prevent the proposal from progressing to Finalisation.</p>
Agency Submissions			
Ausgrid	<p>No comment</p> <p>Ausgrid has no comment to make regarding this planning proposal at this point in time. They will review any future DA submissions associated with this planning proposal.</p> <p>Raised no objections to proposal proceeding to finalisation.</p>	We note Ausgrid's comments.	The PPA notes that Ausgrid raised no objections preventing the planning proposal from progressing to Finalisation.
Biodiversity, Conservation and Science Group (BCS) (formerly Office of Environment and Heritage)	<p>Consistency with Ministerial Direction and other relevant guidelines</p> <p>The planning proposal is not consistent with <i>Ministerial Direction 4.1 Flooding</i> and <i>NSW Flood Risk Management Manual (2023)</i> and does not adequately consider flood risk.</p> <p><u><i>Comments on updated FIRA (dated 7 November 2024)</i></u></p>	<p>The planning proposal is consistent with <i>Ministerial Direction 4.1 Flooding</i> (as shown in provided assessment), the Council's Flood Study and Council's Floodplain Risk Management Study and Plan (FRMSP).</p> <p><u><i>Updated FIRA (dated 7 November 2024)</i></u></p>	On 1 July 2024, the PPA Team issued a Request for Information (RFI) to the Proponent to provide an updated FIRA and further justify inconsistencies with <i>Ministerial Direction 4.1 Flooding</i> and <i>NSW Flood Risk Management Manual (2023)</i> .

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
	<p>The previous submission has not been adequately addressed. The site is in a 1% AEP flood zone. A Flood Impact Risk Assessment (FIRA) is required to assess flood impacts and safety risks. The current FIRA lacked the required detail to perform a comprehensive flood risk assessment. This does not meet the requirement of <i>Ministerial Direction 4.1 Flooding</i> due to its inconsistency with the flood prone land policy, the principles of the <i>NSW Flood Risk Management Manual (2023)</i>, and the <i>Land Use Planning Guideline 2021</i>.</p>	<p>An updated FIRA was provided that includes tables that respond to each part of <i>Ministerial Direction 4.1 Flooding</i> and to each principle of the <i>NSW Floodplain Risk Management Manual (2023)</i>.</p>	<p>The Proponent provided an updated FIRA (dated 4 October 2024) which the PPA Team forwarded to BCS who submitted additional comments on 7 November 2024 (Attachment H).</p> <p>In response to BCS's second submission, the PPA Team forwarded the Proponent's updated FIRA and BCS's comments to the Department's Chief Engineer for review.</p> <p>The advice received (Attachment K) concluded that the FIRA provides specific information about specific compliance with the Direction and there are no errors or misleading information identified in the FIRA with respect to consistency with the Direction. The Chief Engineer is of the opinion that the FIRA is fit for purpose and has demonstrated that the proposal is consistent with the Directions.</p> <p>Based on this advice, the PPA Team has satisfied that the updated FIRA addresses BCS's comments regarding the <i>Ministerial Direction 4.1 Flooding</i> and <i>NSW Flood Risk Management Manual (2023)</i>. These matters do not preclude the proposal from progressing to Finalisation.</p>

Summary of Submissions

PP-2022-731



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	<p>High Hazard Floodway</p> <p>The site is a high hazard floodway and subject to significant flood depths. Flood risk is not adequately considered by the FIRA and fails to account for climate change or <i>WMA Floor Risk Management Plan 2013</i>.</p> <p><u><i>Comments on Updated FIRA (7 November 2024)</i></u></p> <p>The site becomes a floodway during a PMF event, posing a significant flood risk. Development in this area can worsen flooding upstream and impact surrounding properties and infrastructure. The proposal needs to consider compatibility with rare flood events and address the increased flood depth on Albemarle Avenue, which exacerbates the existing high hazard classification (H5) of public roads. Flood depths increase by up to 0.2m, further increasing risk. This impacts public safety and emergency management, particularly for vulnerable populations.</p>	<p>The planning proposal and the FIRA satisfy the requirements of <i>Ministerial Direction 4.1 Flooding</i> and of Council's adopted flood study and floodplain risk management study and plan (FRMSP) and which does not indicate the site is flood affected or show flooding on site.</p> <p>Residential accommodation is permitted under current zoning. Proposed rezoning does not result in significant increase in residents or visitors, and therefore does not increase reliance on emergency services.</p> <p>BCS's comments regarding flooding is based on the FRMSP comment "very high flow in nearby channel". This does not state it is flood affected.</p> <p><u><i>Updated FIRA (7 November 2024)</i></u></p> <p>The updated FIRA includes greater detail regarding flood risk, a review of climate change impacts. The FIRA also outlines that while the proposal development may increase depths in certain areas during a PMF event, other areas experience a decrease in depth.</p>	<p>As noted above, the updated FIRA was referred to the Chief Engineer for review.</p> <p>The Chief Engineer advised that the flood modelling indicates that the flood water in the PMF is continued to be conveyed down the flood ways, with no change to the flood hazard. He also concluded that the minor increase (200mm) would not significantly impact public safety or emergency management during a major flood event.</p> <p>Further, modelling within the FIRA indicates that the planning proposal results in an overall reduction in flood impacts. There are areas where flood levels have increased and there are areas where flood levels have decreased due to the development.</p> <p>The PPA team supports the Chief Engineers conclusions that the FIRA has adequately addressed the flood risk on site. The issues raised by BCS regarding the floodway hazards has been addressed and do not prevent the proposal's progression to Finalisation.</p>

Summary of Submissions

PP-2022-731



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	<p>Reliance on Self-activated Barriers</p> <p>The proposed floor is below recommended flood planning levels and relies on self-activated flood barriers, which BCS does not support.</p>	<p>The provided indicative reference scheme is to validate the proposal. Detailed flood mitigation measures and operational aspects will be resolved as part of a future DA.</p> <p><u>Updated FIRA (7 November 2024)</u></p> <p>The updated FIRA no longer includes a self-rising flood barrier and notes that a Flood Emergency Response Plan (FERP) can be prepared prior to Construction Certification phase.</p>	<p>The PPA Team notes that, while the specific development design and operation of flood mitigation measures are matters for a future DA stage, the planning proposal must demonstrate that flood risk can be adequately mitigate and managed.</p> <p>The Chief Engineer’s review of the updated FIRA concluded that it was fit for purpose and adequately addresses the flood issues relevant to the planning making process.</p> <p>The PPA Team notes that the concerns raised by BCS reading the use of self-activated barriers can be addressed as part of a future DA stage and do not prevent the proposal proceeding to Finalisation.</p>
	<p>Increase of Residents in Flood Area</p> <p>The planning proposal fails to minimise risk to property and people. Evacuation is not viable. No flood warning systems are in place. Services areas and parking are below recommended flood planning levels. Proposed increase in dwellings on site exposes more people to flood hazards.</p> <p><u>Comments on Updated FIRA (7 November 2024)</u></p>	<p>The analysis in Appendix B compares current/future zoning and concludes that the proposal does not increase dwelling density.</p> <p>While the proposal will introduce a new form of accommodation to 30 Albemarle Avenue, the 480m² maximum GFA prevents significant increase in density. Additionally, all proposed dwellings at above ground. We note there is no</p>	<p>As noted above, the Chief Engineer’s has critically reviewed the updated FIRA and has concluded that adequately addresses the flood risk associated with the proposed potential future development of the site.</p> <p>Notably, the Chief Engineer is of the view that the proposal will not increase risk to residents on site. The PMF event at the site is a short duration (90 minute)</p>

Summary of Submissions

PP-2022-731



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	<p>The site faces extreme flood risk, making evacuation and emergency response difficult and potentially requiring increased government spending. Safe, elevated access is crucial, and a “Shelter in Place” strategy is not supported. Consultation with the NSW SES is needed to ensure adequate emergency management.</p>	<p>proposed density increase for 488-492 Old South Head Road.</p> <p>Proposal does not increase the risk of loss due to flood as it limits maximum GFA on both portions of the site and notes that most floor space will not be at risk to flooding.</p> <p><u>Updated FIRA (7 November 2024)</u></p> <p>The updated FIRA notes that with the introduction of on-site refuge, the proposed future development has the potential to reduce floor risk by changing the Flood Emergency Response Category (FERC) from a Low Flood Island to a High Flood Island.</p> <p>The proposal does not propose a significant increase in residential accommodation and does not seek to change the zoning of the site.</p>	<p>storm. The FIRA proposes a solution whereas persons can shelter in place in a modern, well-engineered structure that has anticipated and been designed to withstand the PMF event. This is a suitable approach to the PMF risks as its likely the safest option.</p> <p>The Department has recently finalised its Shelter in Place strategy that acknowledges that evacuation may not always be possible, particularly in high-density areas or during flash flooding events with limited warning times. In such cases, the guideline supports incorporating suitable refuge facilities within developments to mitigate potential risks. The policy supports shelter in place for scenarios similar to those that may be experience on site.</p> <p>Given the Chief Engineer’s comments and the Department’s Shelter in place policy, the PPA Team is satisfied that issue raised regarding increase risk to residents has been suitably addressed and do not prevent the proposal from progressing to Finalisation.</p>

Summary of Submissions

PP-2022-731



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	<p>Further Analyses Required</p> <p>BCS suggests further detail including analyses of:</p> <ul style="list-style-type: none"> • Floodwater rise and fall for various scenarios (durations and events), • Inundation duration and/or isolation when gates are active, and • Risks associated with flood gate failure <p><u>Comments on Updated FIRA (7 November 2024)</u></p> <p>BCS provide the following recommendations:</p> <ul style="list-style-type: none"> • Update proposal to consider development’s compatibility with rare flood flows. • Update FIRA to address adverse impacts to emergency management arrangement of existing community. • Demonstrate that safe, elevated access can be maintained across the full range of flood events and request further information on isolation duration during these events. 	<p>Mitigation measures and operational aspects regarding flood risk will be resolved as part of a future DA.</p> <p><u>Updated FIRA (7 November 2024)</u></p> <p>The updated FIRA removed references to a flood gate. It notes that specific design details and mitigation measures can be resolved at a future DA stage though hard measures and soft measures such as a FERP.</p>	<p>The PPA Team is satisfied that the proponent has adequately addressed the issues/recommendations presented by BCS and they do not prevent the proposal from moving forward to Finalisation.</p>
<p>NSW State Emergency Services (SES)</p>	<p>Further Assessment and Advice</p> <p>SES recommended:</p>	<p>The planning proposal is consistent with <i>Ministerial Direction 4.1 Flooding</i> (which</p>	<p>The PPA Team note that SES has made a number of recommendations for</p>

Summary of Submissions

PP-2022-731



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	<ul style="list-style-type: none"> Undertaking a flood impact and risk assessment for the site. Include isolation and flood times for nearby roads. Climate change, infrastructure upgrades, and approved developments should be considered. Seeking advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) regarding impact on flood behaviour on adjacent and downstream areas. <p>Ground and Basement Access</p> <ul style="list-style-type: none"> We recommend ground floor businesses and retail floors be above 1% AEP flood levels and basement access above PMF. <p>Stormwater Management</p> <ul style="list-style-type: none"> Investigating and pursuing options for improving stormwater management to reduce flood risk where possible. <p>Flash Flood Safety Measures</p> <ul style="list-style-type: none"> Considering implementing safety measures to reduce potential risks of flash flooding. <p>Communication of Risks</p>	<p>does not require a FIRA to be consistent) and the Council Floodplain Study and Plan and modelling adopted by Council which does not indicate the site is within a floodway.</p> <p>We note that the proposal was submitted before the Flood Risk Management Manual (2023) and associated guidelines, which require a FIRA, were released.</p> <p>We note the SES's comments regarding supermarket floor level and flood gates. These are part of an indicative reference scheme only and will be addressed at a future DA stage.</p> <p><u>Updated FIRA (7 November 2024)</u></p> <p>Due to the potential for isolation. The updated FIRA states that the future development will enable on-site refuge. The update FIRA also includes discussions on climate change.</p> <p>Modelling demonstrates that the proposed development is not expected to significantly adversely impact flood behaviour in adjacent properties.</p>	<p>further work to be undertaken. Some relevant to the plan making processes, and some more relevant for consideration as part of any future DA.</p> <p>The updated FIRA elaborates further on flood impact and risk and addresses the potential decrease in flood risk on and adjoining the site.</p> <p>The Chief Engineer has noted that the updated FIRA is fit for purposes and was satisfied that it addresses the flooding issues relevant to this stage of the plan making process.</p> <p>The PPA Team notes that specific design aspects of future development on site, such as building access, stormwater management and on-site flood safety measures, are matters for consideration at DA stage.</p> <p>The PPA team is satisfied that in its updated form, the FIRA and proposal has considered and addressed the issues raised by SES. These issues do not prevent the proposal from proceeding to Finalisation stage.</p>

Summary of Submissions

PP-2022-731



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	<ul style="list-style-type: none"> Communicating flood/tsunami risk to potential future site users. 		
Sydney Water	<p>No objections</p> <p>Preliminary assessment indicates that water and wastewater servicing should be available for the proposed development, but adjustments may be required. Further consultation and approvals may be needed at DA stage.</p> <p>No objections to proposal proceeding to finalisation.</p>	Noted. Detailed water and wastewater servicing will be resolved at future DA stage.	The PPA Team notes that no objections were raised by Sydney Water regarding the proposal proceeding to Finalisation.
Transport for NSW (TfNSW)	<p>No objections.</p> <p>TfNSW raise no objections to the planning proposal subject to advice below.</p> <ul style="list-style-type: none"> Vehicular access/egress for site is only on Albemarle Avenue, as far from intersection as possible. Council should consider “Keep Clear” signage. Future DA to include internal Traffic Management Plan. TfNSW do not support proposed change to traffic signals at Old Head South Rd and Albemarle Ave. Council should consider parking restrictions on Albemarle Avenue. 	<p>Access will be on Albemarle Avenue at optimal distance from intersection.</p> <p>A future DA for the site will include a Traffic Management Plan to management and mitigate traffic matters (pedestrian safety, queues, sight lines, etc.).</p> <p>On-street parking will be resolved at a future DA stage and not a matter for planning proposal stage.</p>	<p>Fine grain detail design elements, such as driveway location, will be considered and address as part of any future DA stage.</p> <p>Street signage and parking restrictions are issues to be resolved by Council.</p> <p>It is also acknowledged by the PPA Team that the planning proposal does not suggest traffic signal changes as part of the proposal. This is a matter for a future DA stage and does not prevent the proposal from progressing to Finalisation.</p> <p>The issues raised by TfNSW have been adequately addressed and do not prevent</p>

Summary of Submissions

PP-2022-731



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	<ul style="list-style-type: none"> Development should reflect state objectives and strategies (30-minute city, 15-min neighbourhoods, cycling networks). 		
Community Submission			
<p>Traffic 18 of 21 (86%)</p>	<p>Congestion Concern is raised that the significant increase in supermarket traffic will worsen the existing congestion on Albemarle Avenue, Old South Head Road, and Liverpool Street. The proximity to a large primary school is highlighted as pick-up and drop-off times will exacerbate this issue.</p> <p>Heavy Vehicle Movements The constant heavy vehicle movements from delivery trucks, especially after hours and early morning deliveries, will disturb the peace and enjoyment of residents on Albemarle Avenue. Restrictions on heavy vehicles and delivery trucks during certain hours are suggested.</p> <p>Unreliable Traffic Assessment The reliability of the traffic report is questioned, considering it outdated and inaccurate. An independent traffic survey is suggested to assess the current congestion.</p>	<p>Council’s assessment report (June 2023) based on a peer review of the traffic report acknowledges that Council is “generally satisfied” the matters have been “adequately addressed”.</p> <p>TfNSW are satisfied accuracy of the Transport Assessment, which includes intersection movements and SIDRA performance analysis. Therefore, traffic impacts are considered acceptable and have been informed by detailed assessment.</p>	<p>TfNSW raised no issue regarding potential traffic issues on site, particularly as they relate to congestion impacts or the reliability of the Traffic and Transport Study.</p> <p>Any operational aspect of the development will be considered and detailed as part of any future DA stage. It is also noted that TfNSW raised no concern regarding the heavy vehicle movements.</p> <p>The concept design provided in the proposal is indicative only. Onsite parking is a design detail that can be resolved at a future DA stage. We also acknowledge that street-parking is a Council matter and that TfNSW recommend that Council consider parking restriction on Albemarle Avenue.</p> <p>Issues regarding traffic have been adequately addressed by the Proponent</p>

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
	<p>The traffic situation is expected to worsen when the old Caltex site opens and due to significant development in the area, including more apartments, Bunnings, and Harris Farm.</p> <p>Parking</p> <p>The planning proposal will worsen the already extremely limited parking. The proposed underground carpark will not be able to accommodate for customers residents of the proposed development. It will place significant demand on street parking that is already at capacity from local shops and the school.</p>		and do not prevent the planning proposal from proceeding to Finalisation.
<p>Visual Impact 13 of 21 (62%)</p> <p><i>Includes visual impact, character, greenery, scale, bulk, solar access, privacy and height.</i></p>	<p>Streetscape</p> <p>The planning proposal will significantly alter the local streetscape due to increased building heights and density. This will have an adverse visual impact, with the large supermarket seen as a disruption to the residential street’s visual harmony and character.</p> <p>Out of Scale</p> <p>The construction of a four-story mixed-use building, including a large supermarket, is viewed as an intrusion into residential land and out of scale with the neighbourhood. Both visually and in character, the proposal</p>	<p>The inclusion of 30 Albemarle Avenue allows for an improved transition between local centre and residential zones compared to if it was not included. Council’s Staff Assessment reinforced this.</p> <p>The indicative scheme allowed generous setbacks and the ability to terrace building height with greenery. Landscape setbacks and deep soil creates opportunity for further planting. Inclusion of 30 Albemarle Avenue also enables the driveway to be positioned to retain an existing mature street tree on the street.</p>	<p>The portion of the site that fronts Old South Head already permits the heights described in the planning proposal under the Woollahra LEP. These controls are similar to those of the adjacent lots along Old South Head Road.</p> <p>Woollahra Council has approved the adoption of a site specific DCP, subject to the gazette of this LEP amendment. Council’s site-specific DCP includes detailed controls that specifically address matters raised by the community, including visual impact,</p>

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
	<p>is expected to negatively impact the local area.</p> <p>Overshadow</p> <p>The proposal also risks overshadowing the adjacent properties due to the scale and bulk. It was also proposed that the proposed public-facing greenery be maintained by Woolworths.</p>	<p>The presented streetscape is part of a reference scheme that is intended to be consistent with a future DA proposal. It has informed the Council's site-specific DCP.</p>	<p>character, scale, bulk, privacy, and height. In the PPA Team's view, the site-specific DCP provides an appropriate framework for addressing these matters.</p> <p>Issues relating to visual impact have been sufficiently addressed and do not preclude the planning proposal from progressing to Finalisation.</p>
<p>Site-specific merit 11 of 21 (52%)</p>	<p>Supermarket Oversupply</p> <p>Concern is raised regarding the proposed planning's introduction of an additional supermarket in an area that already has several options. The planning proposal will result in an unnecessary increase in competition among local businesses, potentially threatening the survival of smaller, independent stores. The planning proposal will result in an oversupply of supermarkets within a 1km radius.</p>	<p>The proposal details significant supermarket demand in Rose Bay South. The Economic Impact Assessment (EIA) details a retail shortfall and undersupply of supermarket floorspace which the proposal responds to. Council Staff's Assessment Report supports this.</p> <p>Given the undersupply, the proposed supermarket will not impact existing supermarkets and will improve choice, range, and price competition.</p>	<p>The Panel determined in their recommendation as part of the rezoning review that the proposal has site-specific merit, specifically regarding the identified undersupply of supermarket space in the area.</p> <p>As part of the Gateway Assessment, the LPMA determines the planning proposal has site-specific merit. The proposed development is capable of achieving adequate urban design outcomes and would contribute to the regeneration of Rose Bay South centre. The development aligns with the desired four-storey character of the area and provides for a better transition between the R2 Low Density Residential and MU1 Mixed-Use zones.</p>

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
			<p>Notwithstanding the above, the EIA provided with the proposal outlines a shortage of supermarket floorspace give the population of Rose Bay South.</p> <p>The PPA Team believe the concerns raised regarding site-specific merit have been adequately addressed by the proponent’s response and the Panel’s recommendation. This issue does not prevent progression to Finalisation.</p>
<p>Safety 10 of 21 (48%)</p>	<p>Increased Traffic close to School</p> <p>Safety concerns are raised regarding the addition of a supermarket in an already traffic-congested area near a school. The increased traffic, particularly heavy vehicle traffic, will pose a risk to pedestrians and children walking to and from school.</p>	<p>Safety and vehicle movements of the indicative scheme has been assessed and accepted by TfNSW and Council.</p> <p>The inclusion of 30 Albemarle Avenue allows for a superior position for the driveway in terms of intersection safety. Operation and design aspect will be resolved at a future DA stage.</p>	<p>The PPA Team acknowledges that while TfNSW’s raised no issues relating to safety, they provided several suggestions that could be incorporated as part of a future DA to improve safety of the development. TfNSW’s suggestion of placing the driveway furthest from the intersection is in line with the Proponent’s indicative scheme. It should also be noted that TfNSW’s suggestions to add safety signage and parking restrictions for Albemarle Avenue are matters for Council to consider.</p> <p>The issues raised regarding safety have been adequately addressed by the Proponent. This does not prevent the</p>

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
			proposal from proceeding to Finalisation.
Pollution 5 of 21 (24%)	Noise and Light Concern is raised about the potential pollution due to the proposed Woolworths development. The planning proposal will result in light pollution from the building and signs as well as noise pollution from the constant movement of heavy delivery vehicles especially after hours and early morning deliveries. Litter The proposal will also result in litter due to the planned communal space and the addition of a large supermarket.	The provided indicative scheme includes acoustic and visual barriers. These are detailed design and operational aspects that can be addressed at a future DA stage.	The PPA Team notes that these issues can be adequately managed through the DA process, including specific development consent conditions to address any potential impacts from the construction process and operation of the supermarket. The issues raised by the community regarding pollution do not prevent progression of the proposal to Finalisation.
Site-specific Development Control Plan (DCP) 4 of 21 (19%)	Site-specific DCP Removal Concern is raised that the requirement for site-specific DCP was removed for Gateway Determination. Individuals and Rose Bay Action Group (RBAG) insist a site-specific DCP be prepared and exhibited.	Council have prepared a site-specific DCP which is on Public Exhibition until 23 June 2024. We will work with Council to ensure appropriate outcomes. We note that the Department provisions for setbacks, deep soil controls, and a site-specific DCP inappropriate for the <i>Woollahra LEP 2014</i> .	The PPA Team note that the site-specific DCP and its contents are being managed by Council and the Proponent and is beyond the scope of this planning proposal. The Gateway determination required the removal of provisions to avoid duplication of controls. As Council has approved a site-specific DCP, the PPA Team does not recommend its

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
			<p>reintroduction into the planning proposal.</p> <p>The PPA Team consider this matter adequately addressed and does not prevent progression to Finalisation.</p>
<p>Public Amenities 3 of 21 (14%)</p>	<p><u>Toilets/Change Rooms</u> The community raised concern about the available amenities of the proposed development. They note that public toilets and baby change rooms maintained by Woolworths must be included.</p>	<p>Toilets/change rooms are detailed design issues that can be adequately addressed at a future DA stage.</p> <p>The DA will seek to provide open space the meets community expectations, provides benefit to site users, and meets objectives of the DCP.</p>	<p>The provision of public amenities on site as part of any future development can be more appropriately addressed at a future DA stage during which a detailed design can be completed by the Proponent.</p> <p>Issue relating to public amenities have been adequately addressed and do not prevent the planning proposal from proceeding to Finalisation.</p>
<p>Voluntary Planning Agreement (VPA) 3 of 21 (14%)</p>	<p><u>Adherence to VPA Policy</u> The community and Rose Bay Action Group (RBAG) raised concern about a potential VPA's adherence to Woollahra's VPA Policy. They insist that any VPA associated with the proposal adheres to Woollahra's VPA policy, captures the uplift in land value, be exhibited concurrently with the planning proposal, and adequately capture the uplift in land value via an independent valuation of 30 Albemarle Avenue.</p> <p><u>Pocket Park</u></p>	<p>A VPA is not referenced in the Gateway Determination or requested in Council's submission. Council is currently considering a VPA letter of offer which is being resolved separately to the planning proposal.</p> <p>The "publicly accessible land" is intended to act as a separation zone and landscape buffer to the adjoining property.</p>	<p>Any potential VPA is a matter to be managed separately by Council and can progress independently of this planning proposal.</p> <p>The issues relating to the VPA, its contents and consistency with relevant policies do not prevent the proposal from progressing to Finalisation.</p>

Summary of Submissions

PP-2022-731



Submission Name	Issues Raised	Proponent Response	PPA Team Response
	<p>Additionally, RBAG oppose the pocket park's inclusion in the VPA as Council has indicated it will not own or manage it and would therefore not be for 'public purpose' or 'public benefit'. The suggested a pocket park should serve as a buffer between 28 Albemarle Avenue and the site.</p>		
<p>Strategic merit 1 of 21 (5%)</p>	<p>Spot Rezoning and Strategic Merit Concern is raised regarding the strategic merit of the planning proposal as it is inconsistent with established strategic planning policies and existing strategic practice. The community comments that spot rezoning is poor planning practice.</p>	<p>The rezoning review is a result of the EPC and Council refusal of the planning proposal, despite the recommendation of Council Strategic Staff for approval.</p> <p>The Sydney Eastern City Planning Panel reviewed the proposal and established it had strategic merit and is consistent with relevant strategic policies.</p>	<p>The PPA Team acknowledges that the Panel determined, as part of the rezoning review, that the proposal has strategic merit and is consistent with the relevant strategies and policies.</p> <p>During its Gateway Assessment, the LPMA determined the proposal had strategic merit, aligning with the Regional, District, and Local strategic plans.</p> <p>Issues relating to strategic merit have been addressed appropriately and do not preclude the proposal from progressing to Finalisation.</p>