

Post-Exhibition Report – PP-2022-731

The planning proposal seeks to enable redevelopment of the site for a 4 storey mixed use development containing a supermarket and 14 residential apartments at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay.

1 Introduction

The planning proposal is at the post exhibition stage, which is the last stage before an LEP may be made and finalised. The Sydney Eastern City Planning Panel (the Panel) determined at a Rezoning Review that the proposal had strategic and site merit (9 November 2023). Subsequently, a Gateway assessment was undertaken, and a Gateway Determination was issued on 23 February 2024 for the proposal to proceed, subject to conditions. Consultation with Agencies and the community required by the Gateway Determination conditions has now been completed.

The purpose of this report is to provide a summary of the key matters raised by members of the public, Woollahra Council (Council), and public agencies during the Public Exhibition of the planning proposal (**Attachment A**) for 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (the site). The report makes a recommendation to the Panel that it submit the proposal to the Department of Planning, Housing and Infrastructure (Department) for Finalisation.

Element	Description
Date of request to exhibit PP	27 March 2024
Date of panel determination on rezoning review	9 November 2023
Planning Proposal no.	PP-2022-731
LGA	Woollahra
LEP to be amended	<i>Woollahra Local Environmental Plan (LEP) 2014</i>
Address	488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay
Brief overview of the timeframe/progress of the planning proposal	<p>5 May 2022 – Planning proposal lodged with Council by Ethos Urban on behalf of Fabcot Pty Ltd (Woolworths Property Group) (Proponent).</p> <p>6 July 2023 – The Panel recommended considered and recommended the planning proposal proceed to Gateway subject to amendments.</p> <p>31 July 2023 – Proponent submitted an updated planning proposal to Council as per amendments outlined by the Panel.</p>

Element	Description
	<p>7 August 2023 – Council reported the planning proposal to Council’s Environmental Planning Committee (EPC) who recommended it not proceed to Gateway.</p> <p>14 August 2023 – Council resolved not to support the planning proposal.</p> <p>6 September 2023 – The Proponent lodged a rezoning review request (RR-2023-20) with the Department.</p> <p>9 November 2023 – The Panel determined the planning proposal should proceed to gateway, subject to amendments, and appointed itself as the Planning Proposal Authority (PPA).</p> <p>12 December 2023 – Proponent submitted updated planning proposal as per the Panel’s advice.</p> <p>23 February 2024 – Gateway Determination was issued.</p> <p>2 April 2024 – Public Exhibition commenced.</p> <p>7 May 2024 – Public Exhibition concluded.</p> <p>15 May 2024 – PPA Team sent submissions to Proponent for response.</p> <p>12 June 2024 – Proponent submitted the Response to Submissions.</p> <p>1 July 2024 – PPA Team sent a Request for Information (RFI) to Proponent requesting the FIRA be updated as per agency comments.</p> <p>8 October 2024 – Proponent provided updated FIRA.</p> <p>14 October 2024 – The PPA Team forwarded the Proponent’s Response to Submissions and updated FIRA to BCS for comment.</p> <p>7 November 2024 – BCS provided comments on the updated FIRA.</p> <p>22 November 2024 – The PPA Team met with the Department’s Chief Engineer to review the updated FIRA and BCS’s additional comments.</p> <p>6 January 2025 – The PPA Team received final comments from the Chief Engineer that concluded the updated FIRA was fit for purpose.</p> <p>29 January 2025 – The LPMA issued a Gateway Alteration.</p>
Finalisation date required by Gateway Determination	30 May 2025 (as per Gateway Alteration dated 29 January 2025)
Department contact:	Ian Woods, Planning Officer, Planning Proposal Authority Team

1.1 The Site and local context

The subject site (**Figure 1**) is comprised of two separate parcels of land at 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (site) and are legally described as Lot 1 DP 1009799 and Lot 30 DP 4567, respectively. The site has a total approximate area of 2,257m² with frontage to Old South Head Road and Albemarle Avenue.

The site is currently occupied by a single storey dwelling (30 Albemarle Avenue) and a temporary Woolworths ‘Direct to Boot’ pick up store where the former Caltex service station was once located (488-492 Old South Head Road). 30 Albemarle Avenue is zoned R2 Low Density Residential, and the 488-492 Old South Head Road portion is zoned MU1 Mixed Use under the *Woollahra LEP 2014*.

The site is located approximately 1km west of Rodney Reserve, 700m south-east of Rose Bay Beach, and 160m south-east along Albemarle Road of Rose Bay Public School (**Figure 2**). Bondi Junction is approximately 2.7km south-west of the site. The site falls within Woollahra LGA however, Old South Head Road is the boundary with Waverley Council LGA.

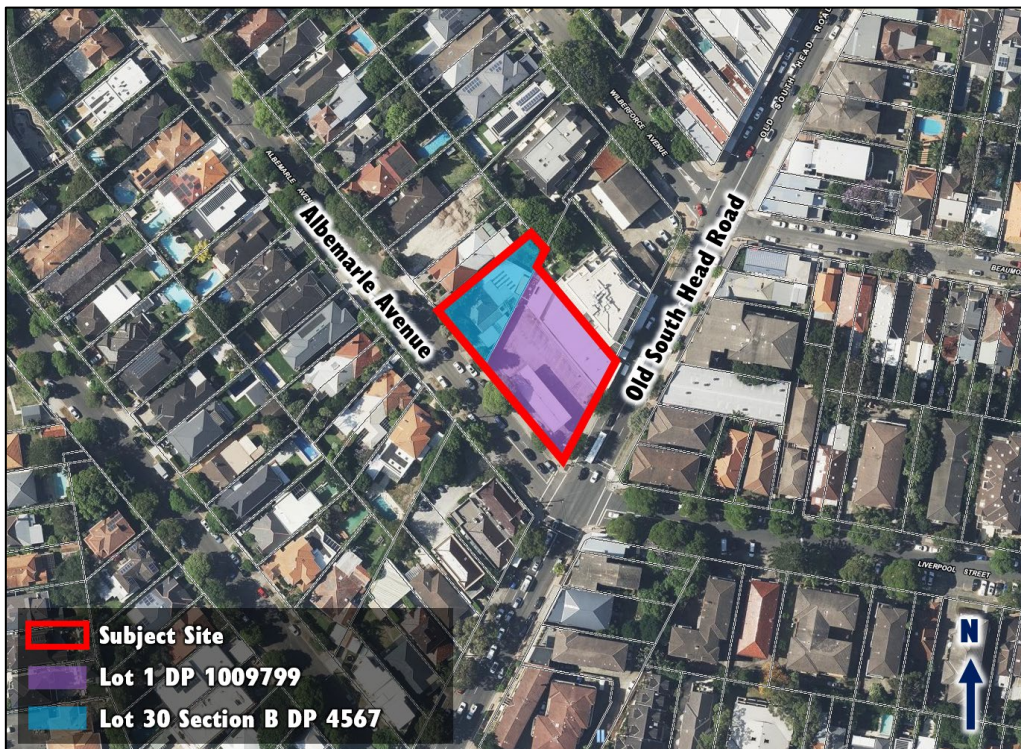


Figure 1 – Subject site (source: SIX Maps NSW 2024)



Figure 2 – Site Context (source: SIX Maps NSW 2024)

1.2 Planning Proposal

Table 1 – Overview of planning proposal

Element	Description
Site Area	2,257m ²
Site Description	Lot 1 DP 1009799 and Lot 30 DP 4567
Proposal summary	<p>The planning proposal seeks to amend the <i>Woollahra LEP 2014</i> to facilitate the redevelopment of the site into a 4-storey mixed-use development. In summary, it seeks to:</p> <ul style="list-style-type: none"> • Insert an additional permitted use to allow shop-top housing at 30 Albemarle Avenue, provided it is developed in conjunction with 488-492 Old South Head Road. • Create new local provisions to allow the following changes to maximum Gross Floor Area (GFA) and maximum Height of Building (HOB) provided 30 Albemarle Avenue and 488-492 Old South Head Road are developed together. <ul style="list-style-type: none"> ○ Allow a maximum GFA of 3,720m² at 488-492 Old South Head Road. ○ Allow a maximum GFA of 480m² at 30 Albemarle Avenue ○ Allow a maximum HOB of 14.5m at 30 Albemarle Avenue

The planning proposal (**Attachment A** and **Table 1**) seeks to amend the *Woollahra LEP 2014* per the changes in **Table 2** below. The proposed development is expected to provide 75 jobs and provide 13 additional dwellings

Table 2 – Current and proposed controls

Control	488-492 Old South Head Road		30 Albemarle Avenue	
	Current	Proposed	Current	Proposed
Zone	MU1 Mixed Use	No change	R2 Low Density Residential	No change <i>Schedule 1 Add. Perm. Use: Shop-top Housing*</i>
Maximum GFA	3,120m ²	3,720m ² *	348m ²	480m ² *
Maximum HOB	14.5m	No change	9.5m	14.5m *

* Only applies if both lots are developed together. Underlying controls remain unchanged.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

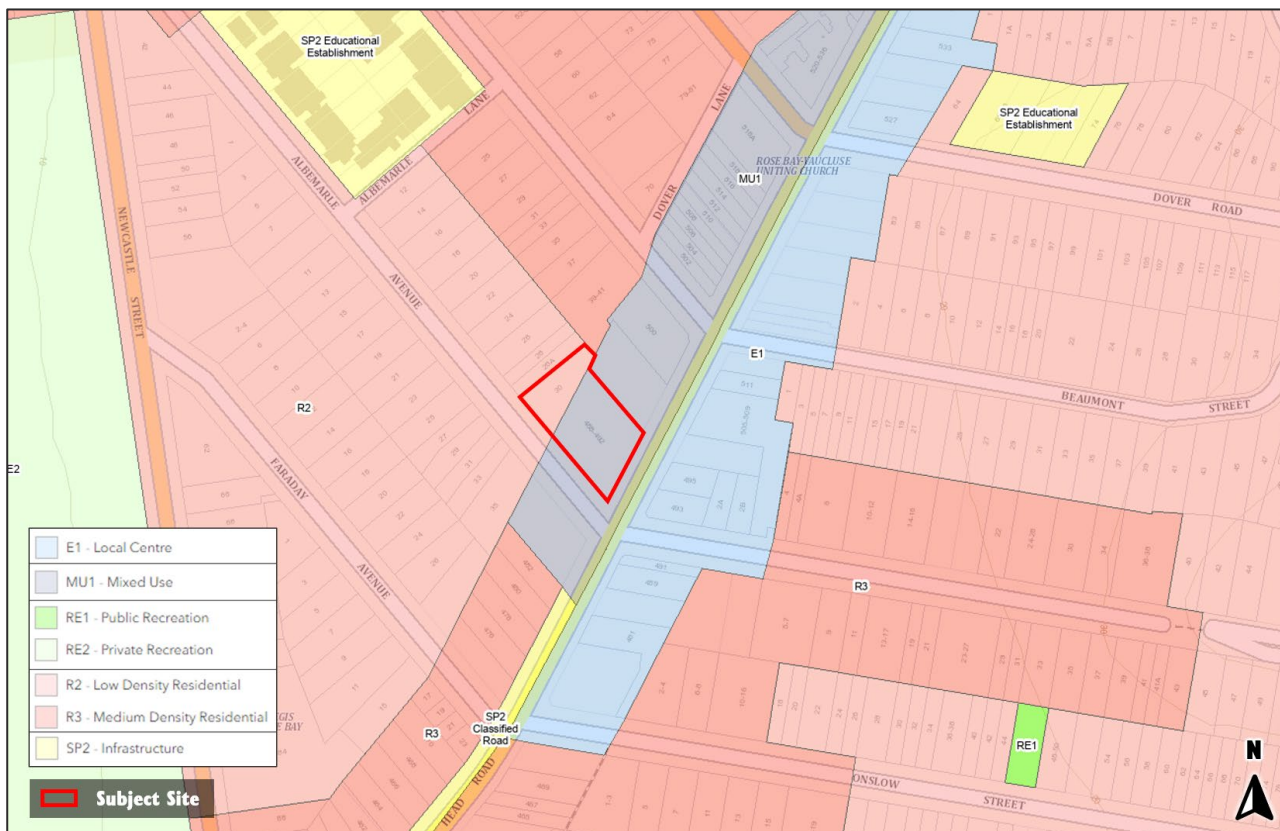


Figure 4: Zoning Context (source: NSW Planning Portal Spatial Viewer, January 2025)

1.3 Rezoning Review

On 1 November 2023, the Panel considered a Rezoning Review for this planning proposal as Council notified the Proponent it will not support the proposed amendment.

On 9 November 2023, the Panel determined to support the planning proposal as the proposal demonstrated strategic and site-specific merit and is consistent with State and Local Strategies. The Panel made the following recommendations:

- Prior to the planning proposal being submitted for Gateway Determination, the planning proposal be revised to remove the reference to open space zone, in the proposed Part 6 Additional Local Provision so that it reads – *“implementation of ground level, publicly accessible land adjacent to the western boundary of 30 Albemarle Avenue providing for a 9m wide building separation zone and an 8m wide deep soil zone.”*

The Panel’s determination and reason for its decision are provided in **Attachment B**.

The Panel appointed itself as the Planning Proposal Authority (PPA).

The planning proposal was submitted to the Department for a Gateway Determination on 12 December 2023.

1.4 Gateway Determination

The Gateway Determination issued on 23 February 2024 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to exhibition to address the matters set out below:

- a) Remove the requirement for a Site-Specific Development Control Plan
 - b) Remove proposed local provision relating to setbacks, deep soil landscaped area and a publicly accessible area (pocket park)
 - c) Update the planning proposal timeframes.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- a) The planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environmental, 2022) and must be made publicly available for a minimum of 20 working days; and
 - b) The PPA must comply with the notice requirements for public exhibition of planning proposal and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environmental, 2022).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Transport for NSW
 - Environment and Heritage Group (Department of Climate Change, Energy, the Environment and Water)
 - State Emergency Service
 - Ausgrid
 - Sydney Water
 - Waverley Council
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 20 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example. In response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be 8 months following the date of the Gateway determination.

The Gateway Determination was altered on 29 January 2025 to extend the time frame for completing the LEP to 30 May 2025 (**Attachment C1**).

All conditions of the Gateway Determination (as altered) have been met (see **Attachment D**).

2 Community Consultation

2.1 Public Exhibition

On 27 March 2024, the PPA Team advised the Panel that the proposal had been satisfactorily amended to meet the Gateway conditions for Public Exhibition to commence (**Attachment E**).

In accordance with the Gateway Determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal for 25 working days, from 2 April to 7 May 2024.

3 Submissions

3.1 Submissions during exhibition

There were 27 submissions received from individuals, community groups, Council, and government agencies during and shortly after the exhibition period, including:

- 21 public submissions, including 1 submission Rose Bay Action Group (**Attachment I**)
- 5 agency submissions (**Attachment H**)
- 1 council submission from Woollahra Council (**Attachment G**)

Waverley Council was consulted regarding the planning proposal and confirmed in writing that they did not wish to provide a submission (**Attachment G**).

Of the 21 public submissions, 18 objected to the proposal (85%), 2 supported the proposal (10%), and 1 was unclear on its position (5%). All public submissions are provided in **Attachment I**.

A table outlining the PPA Team and Proponent's response to submissions is provided in **Attachment F** and the Proponent's response to submissions is provided in **Attachment J-J3**.

3.1.1 Submissions from the community

In summary, 21 submissions were received during the Public Exhibition period from the community, including 1 from community action group and 20 from individuals. Of the community submissions, 2 supported the proposal and 1 was uncertain. The 18 submissions that objected to the proposal, raising the following issues:

- Traffic and parking (86%)
- Visual impact (62%)
- Site-specific merit (52%)
- Safety (48%)
- Pollution (24%)
- Site-specific Development Control Plan (DCP) (19%)
- Public amenities (14%)
- Voluntary Planning Agreement (VPA) (14%)
- Other issues included reduced land value (10%), construction impacts (5%), quality of life (5%), overdevelopment (5%), and strategic merit (5%).

3.1.2 Submissions from Agencies and Council

In accordance with the Gateway Determination, the following agencies were consulted:

- Transport for NSW (TfNSW)
- Biodiversity, Science and Conservation Group (BSC) of the Department of Climate Change, Energy, the Environment and Water
- NSW State Emergency Service (SES)
- Ausgrid
- Sydney Water
- Waverley Council

Submissions were received from the following agencies:

- TfNSW
- BCS
- SES
- Ausgrid
- Sydney Water

Of the 5 agency submissions received, no issues were raised that would preclude the proposal proceeding to Finalisation. Ausgrid stated they had no comments regarding the proposal at this stage. Agency submissions are provided in full in **Attachment H**.

Sydney Water noted that water and wastewater should be provided and that, if the proposed development generates trade wastewater, the Proponent must seek approval from Sydney Water before commencing business activities.

TfNSW raised no objections to the proposed changes to the *Woollahra LEP 2014*, but provided comments regarding vehicle access, traffic control signals, and various transport/traffic issues. They do not support the changes to the current traffic signals outlined in the planning proposal.

The SES raised no objections to the planning proposal but recommended performing a flood assessment and investigating additional safety measures to mitigate flood risk.

Conservation Programs, Heritage and Regulation Group (formerly Biodiversity, Conservation and Science Group)

CPHR raised several concerns centred on the proposed development's significant flood risk, given its location within a high-hazard floodway. Concerns were raised regarding the adequacy of the initial Flood Impact Risk Assessment (FIRA) and proposed mitigation measures, particularly self-activated flood barriers, and the proposal's adherence to relevant flood management policies and guidelines. The initial FIRA was deemed insufficient, lacking consideration of climate change impacts and other critical factors.

An updated FIRA was submitted and underwent an independent review by the Department's Chief Engineer. The Chief Engineer concluded that the updated FIRA adequately addressed the previously raised concerns and demonstrated compliance with the necessary flood management standards. This is discussed in further detail below.

Council Submissions

The site is located within Woollahra Local Government Area, however the boundary with Waverley Council is Old South Head Road, so both Councils were consulted. Waverley Council confirmed in writing that they did not wish to make a submission (**Attachment G**).

A submission was received from Woollahra Council, the submission is provided in full at **Attachment G**. Council's submission raised multiple concerns with the proposal, including:

- Removal of the site-specific DCP.
- Removal of the setback provisions.
- Absence of a maximum non-residential GFA.

No issues were raised in the Council, Sydney Water, Ausgrid, or TfNSW submissions that would prevent the proposal proceeding to Finalisation. The concerns raised by BCS and the SES regarding flooding have been adequately addressed by the updated FIRA (dated 4 October 2024) and the comments from the Department's Chief Engineer (**Attachment K**) and do not prevent the proposal from progressing to Finalisation.

3.1.3 Representation from Parliamentary Members

The LGA falls within the Federal electorate of the Member for Wentworth, Allegra Spender MP, and the State electorate of the Member for Vaucluse, Kellie Sloane MP. To the team's knowledge, neither MP has made any written representation regarding the proposal.

3.2 Key Issues from submissions

3.2.1 Issue No. 1 – Flooding

Conservation Programs, Heritage and Regulation (formerly BCS) Submission:

In their initial submission Conservation Programs, Heritage and Regulation (CPHR) commented that the area is a high hazard floodway where evacuation is unsafe with no flood warning system. They noted that the proposal does not appropriately consider the *Ministerial Direction 4.1 Flooding* or the *NSW Flood Risk Management Manual (2023)* and that the FIRA does not account for additional risk from the development, impacts of climate change, or the *WMA Floor Risk Management Plan 2013*.

CPHR also noted that the increased number of dwellings and proposed floor level (below recommended flood planning level) will expose more people and contents/property to floor risk and stated that the proposal does not meet the requirements of managing flood risk now and in the future. They did not support the proposal's reliance on self-activated flood barriers to mitigate the associated risk with the proposal floor level.

Further, they observed that the FIRA does not adequately consider the risks, particularly in its reliance on outdated flood modelling and the lack of consideration for climate change impacts. BCS recommended further detail be provided, including analysis of feasibility of the proposed flood gates, the rise and fall of a variety of flooding events, inundation data when gates are active, and risks associated with flood gate failure.

CPHR also highlighted that the FIRA failed to consider the potential impacts of climate change and increased flows as a result of development, and that the construction of a large building with expensive fittings and contents below existing flood planning levels does not demonstrate adequate management of flood risk.

SES Submission:

The SES recommended undertaking an adequate flood impact risk assessment (FIRA) of the site including modelling of flood/isolation times and flood impacts of climate change, infrastructure upgrades, and approved developments in the area.

Proponent Response:

The Proponent believes that the planning proposal follows the rules of *Ministerial Direction 4.1 Flooding*. They referred to their assessment, the Council's Flood Study, and the *Floodplain Risk Management Study and Plan (FRMSP)*. They noted that the FRMSP does not show the site as being at risk of flooding. They also claimed the proposed development will not significantly increase the number of residents or visitors and will not create a greater need for emergency services.

They highlighted that the proposal will not increase the risk of flood damage because it limits the maximum floor area, and most of the floor space is in no danger of flooding.

Following an RFI from the Department, the Proponent provided an updated FIRA (dated 4 October 2024) addressing the comments from BCS.

CPHR Comments on Updated FIRA:

In their follow-up submission relating to the updated FIRA, they commented that the concerns raised about flooding and emergency management, and the lack of demonstrated consistency with *Ministerial Direction 4.1 Flooding* had not been addressed.

CPHR noted that the site is affected by the 1% Annual Exceedance Probability (AEP) flood and becomes a floodway in Probable Maximum Flood (PMF) events. They commented that there is insufficient detail for a comprehensive flood risk assessment. High hazard floodwaters complicate evacuation and emergency management, potentially requiring additional government expenditure on emergency services and infrastructure.

CPHR recommended demonstrating safe, elevated access across all flood events, providing information on the duration of isolation during floods, and consulting with NSW SES for emergency management alignment.

Department Chief Engineer – Review of updated FIRA and CPHR comments:

Given the differing views on the flood risk on site, the proposal, updated FIRA and CPHR comments were provided to the Department's Chief Engineer for review. They disagreed with CPHR's concerns about its adequacy, stating that the updated FIRA is fit for purpose demonstrates compliance with *Ministerial Direction 4.1 Flooding*.

The Chief Engineer asserted that CPHR's concerns, focused on the Probable Maximum Flood (PMF) event, are not relevant (**Attachment K**). Due to the extreme nature of the PMF, the storm itself would be the primary concern, not the floodwaters. This is particularly true for emergency responders who would most likely focus their attention on recovery activities rather than addressing short-term challenges of temporary flood waters.

The Chief Engineer addressed CPHR's concerns regarding drainage, flood levels, and emergency management, concluding that the proposed development shows an overall reduction in flood impacts (overall flood level improvement of 43% in area) and that the development enhances the site's ability to manage the PMF event. Flood modelling indicates flood water continues to be conveyed down the flood ways with no change to flood hazard, indicating that the proposed development does not exacerbate flooding in the surrounding areas.

PPA Team Response:

The PPA Team acknowledges that the Proponent has taken steps to address the issues raised by SES and CPHR in regard to flooding, namely an updated FIRA including additional risk analysis consistent with the relevant legislation and guidelines. This has been independently reviewed the Department's Chief Engineer, who concluded it should be considered fit for purpose and has demonstrated that the proposal is consistent with the Ministerial Direction 4.1 Flooding. They also have noted that the specific matters of concern raised by CPHR are not considered to be relevant nor consequential to the proposal detailed in the FIRA.

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, with the PMF storm event indicating the level of shelter in place would be 90mins.

Given the above, the PPA team is satisfied that the flooding issues have been adequately addressed and do not prevent the planning proposal from progressing to Finalisation.

3.2.2 Issue No.2 – Traffic

Community Submission:

18 of 21 (86%) public submissions raised traffic and the unreliable traffic assessment as an issue.

The community raised concern that the proposal will worsen existing traffic congestions on old South Head Road and Albemarle Avenue, especially during peak hours and school pick-up and drop-off times. They also raised concern regarding the movement of heavy vehicles and associated noise, disruption, and safety issues particularly given the proximity of the school on Albemarle Avenue. Several submissions requested that heavy vehicle restrictions be put in place to mitigate disruption to residents. Additionally, they questioned the reliability of the traffic assessment in the proposal, stating it has failed to consider traffic light and pedestrian crossing changes or the altered level of usage that additional apartments, a Bunnings, and a Harris Farm have caused.

TfNSW Submission:

TfNSW raised no objections to the planning proposal, subject to the advice provided. They recommended that vehicular access was to be limited to Albemarle Avenue, as far from the intersection as possible. They commented that Council should consider "Keep Clear" signage and that a future DA include an Internal Traffic Management Plan. TfNSW did not support the proposed changes to the Old Head South Road and Albemarle Avenue traffic signals, instead suggesting that the council consider parking restrictions on Albemarle Avenue.

TfNSW also emphasised that the development should reflect state objectives and strategies, including the 30-minute city, 15-minute neighbourhoods, and cycling network development.

Proponent Response:

The Proponent noted that Council's peer review of the traffic report noted that Council was generally satisfied that the matters raised regarding traffic had been addressed. Furthermore, the Proponent noted that TfNSW were satisfied with their Transport Assessment and modelling. As TfNSW did not make comment regarding the analysis, the Proponent considered the traffic impacts acceptable and informed by detailed assessment.

PPA Team Response:

The PPA Team notes that neither Council nor TfNSW raised concern regarding the adequacy of the proposals traffic and transport study, nor raised any concern regarding traffic impacts of the development. Traffic related issues, such as on-site parking and heavy vehicle restrictions, are operational and design details best addressed during the Development Application (DA) stage when a finer grain design has been finalised. Other matters such as off street parking can be addressed and managed by Council, separately to the planning proposal process.

Given that TfNSW did not raise concern regarding the traffic impact of the proposal and did not comment on the reliability of the Traffic and Transport Study or the impact of heavy vehicle movements, the PPA Team are satisfied that traffic-related issues are adequately addressed and do not preclude the proposal from proceeding to Finalisation.

3.2.3 Issue No. 3 – Visual impact

Community Submission:

13 of 21 (62%) of public submissions raised the visual impact (incl. building character) as an issue.

The community raised concern regarding the visual impact of the development. They stated that the scale and bulk will be out of character with the area and will have a significantly adverse visual

impact on the character of the surrounding streetscape, particularly Albemarle Avenue. Rose Bay Action Group expressed concern about the negative visual impacts from the scale and bulk of the development. The scale and bulk also introduced the problem of overshadow for the adjacent lots. The community stressed the importance of maintaining public-facing greenery.

Proponent Response:

The Proponent noted that the transition to residential areas is improved through the inclusion of 30 Albemarle Avenue, a notion supported by Council's Staff Assessment. The indicative scheme provided with the planning proposal allows for generous setbacks, terracing, deep soil setbacks, and planting.

The Proponent also noted that the streetscape presented in the reference scheme was used to inform Council's site-specific DCP and is intended to align with a future DA proposal.

PPA Team Response:

The existing Woollahra LEP already permits the proposed building heights along Old South Head Road, and the site-specific DCP adopted by Council provides detailed controls for managing design, scale, and character, mitigating many of the raised concerns.

The PPA Team appreciates the community's concerns regarding the development's visual impact and character, however a DCP is a more appropriate mechanism to address visual impact issues resulting from the future development of the site.

The PPA Team is satisfied that the visual impact concerns have been sufficiently addressed and do not preclude the planning proposal from moving to Finalisation.

3.2.4 Issue No. – Site-specific DCP

Community Submissions:

4 of 21 (19%) of public submissions raised the site-specific DCP as an issue.

The community raised concern that the site-specific DCP was removed for the Gateway Determination. The community, including Rose Bay Action Group (RBAG), insist a site-specific DCP be prepared and exhibited.

Council Submissions:

Council raised concern and disagreed with the removal of the site-specific DCP from the Gateway Determination. They requested a provision be inserted into the LEP that to require a site-specific DCP before any development is carried out on site.

Following their submission, Council informed the PPA Team that a draft-site specific DCP had been publicly exhibited from 22 May to 23 June 2024 and subsequently approved by Council.

Proponent Response:

The Proponent referred to the Department's decision regarding the removal of the site-specific DCP provision and noted that the Department considered its inclusion as inappropriate. They also highlighted in their submission that a site-specific DCP provision was being progressed with Council separately to the planning proposal, with the Public Exhibition concluding on 23 June 2024.

PPA Team Response:

The 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.

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.

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 no longer required.

The issues raised by Council have been addressed by the Proponent and do not preclude the proposal from progressing to Finalisation.

The PPA Team is satisfied that this matter has been adequately addressed, and the planning proposal can proceed to Finalisation.

4 Next Steps

The Department is the LPMA for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department will prepare a Finalisation report in accordance with the *LEP Making Guideline* (DPHI, August 2023) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will organise drafting of the LEP and finalisation of maps and will consult the Panel on any draft instrument.

5 Recommendation

Based on this Post-Exhibition report, it is recommended that the Sydney Eastern City Planning Panel determine that the planning proposal should be submitted to the Department for Finalisation:

The planning proposal is considered suitable for Finalisation because:

- The proposal demonstrates strategic and site-specific merit
- The conditions of the Gateway have been met
- Agency and community consultation has occurred in accordance with the Gateway Determination
- The Post-Exhibition changes do not alter the intent of the planning proposal and provide further assessment of the flood impact of the proposed development in line with *Ministerial Direction 4.1 Flooding*. The updated FIRA was confirmed to be fit for purpose by the Department's Chief Engineer.

Attachments

Attachment A – Planning Proposal

Attachment A1 – App. A – Social and Economic Impact Assessment

Attachment A2 – App. B – Urban Design Report

Attachment A3 – App. C – Traffic and Transport Study

- Attachment A4** – App. D – Landscape Report
- Attachment A5** – App. E – Flooding Impact Assessment (March 2022)
- Attachment A6** – App. F – Consultation Outcomes Report
- Attachment A7** – App. G – Survey Plan
- Attachment A8** – App. H – Arborist Report
- Attachment A9** – App. I – Noise Impact Assessment
- Attachment A10** – App. J – Waste Management Plan
- Attachment B** – Rezoning Review Record of Decision (November 2023)
- Attachment C** – Gateway Determination (February 2024)
- Attachment C1** – Alteration of Gateway Determination (January 2025)
- Attachment D** – Assessment Against Gateway Determination
- Attachment E** – Authorisation of Exhibition (March 2024)
- Attachment F** – Summary of community submissions and responses
- Attachment G** – Council submissions
- Attachment H** – Agency submissions
- Attachment I** – Community submissions (redacted)
- Attachment J** – Proponent response to submissions (June 2024)
- Attachment J1** – App. A – Detailed Response to DCCEEW and Consistency with 4.1
- Attachment J2** – App. B – Indicative Residential Dwelling Yield Analysis
- Attachment J3** – Updated Flood Impact Risk Assessment (October 2024)
- Attachment K** – Department Chief Engineer Comments



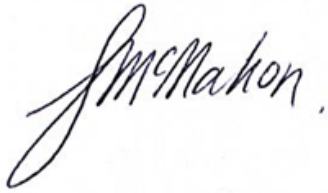
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