

**PLANNING PROPOSAL AUTHORITY  
RECORD OF DECISION PUBLIC MEETING, POST  
EXHIBITION AND FINALISATION**  
STRATEGIC PLANNING PANEL OF THE  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday, 18 March 2025
<b>DATE OF PANEL DECISION</b>	Tuesday, 11 March 2025
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Stephen Murray, Sue Francis, Mary-Lou Jarvis and Toni Zeltzer
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by Public Teleconference on 11 March 2025, opened at 10:31am and closed at 11:35am. Papers circulated electronically on 4 March 2025.

**PLANNING PROPOSAL**

PP-2022-731 – Woollahra LGA – 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (as described in Schedule 1).

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the material listed at item 4, and the material presented at the briefing listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made.

The Panel's decision was 4:1 in favour, with Mary-Lou Jarvis considering the proposal should not be made.

**REASONS FOR THE DECISION**

The Panel considered the Department of Planning, Housing and Infrastructure's (Department) Post-Exhibition Report, 4 March 2025 and met with the Department, Ethos Urban (Proponents Planning Consultant), Fabcot Pty Ltd (Proponent & Landholder) and members of the community in a public meeting. The Panel heard extensive debate on the various aspects of the Post-Exhibition Report especially in relation to flood impacts, traffic issues, zoning and visual impacts.

The Panel majority noted the report of Council staff to the Local Planning Panel (LPP) recommending the Planning Proposal go to gateway and that report was supported by an independent traffic consultant assessment and that the LPP adopted the above advice. The Panel majority took these matters into account and recommended that it proceed to Gateway.

The Panel concurred with the Department's Post Exhibition Report that the planning proposal demonstrated strategic and site-specific merit, the conditions of the Gateway had been met, agency and community consultation had occurred in accordance with the Gateway Determination requirements and submissions raised had been adequately addressed by the Department and the proponent (Fabcot & Ethos Urban). Consequently, the proposal warranted support.

In dissenting, Mary-Lou Jarvis was not persuaded to change her decision of November 1 2023 and remains of

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the view that the proposal lacks strategic and site specific merit with the additional reason that the scale of the proposal is not suitable in a “Flood Planning Area” and ‘high hazard floodway”.



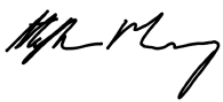


Adding to the detailed reasons in her 2023 decision, she finds the traffic review of McLaren Traffic Engineering (MTE) dated December 12 2024, the submissions of local residents, and Woollahra Councillors Parmegiani and Witt most persuasive.

In her view, the deficiency of the proponent’s traffic report is confirmed by the evidence of Mr Mark Skurnik, another local resident, that when the Mixed Use site was used as a petrol station, traffic entered and exited Old South Head Road. She finds the proponent’s traffic report misleading suggesting there will be less traffic movements to and from the site given that TfNSW requires *“All vehicular access / egress for the site to be from Albermarle Avenue with no vehicular access / egress for the site to be permitted from / to Old South Head Road”*.

This means ALL traffic movements would now occur into a local residential street. The additional traffic impact of the proposal onto a local road in a R2 zone is unacceptable into an already congested street (evidenced by photos on pages 4, 5& 6 of the MTE review).

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included flood impacts, traffic issues, zoning consideration and visual impacts. The Panel considers that the concerns raised by the community have been adequately addressed in the Department’s Post-Exhibition Report, supporting reports and expert advice.

PANEL MEMBERS	
 Carl Scully	 Sue Francis
 Stephen Murray	 Toni Zeltzer
 Mary-Lou Jarvis	

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SCHEDULE 1		
1	<b>PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS</b>	PP-2022-731 – Woollahra LGA – 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay
2	<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan (LEP) 2014
3	<b>PROPOSED INSTRUMENT</b>	<p>The exhibited planning proposal seeks to amend Woollahra (LEP) 2014 to:</p> <ul style="list-style-type: none"> <li>• Insert a new clause in Schedule 1 Additional permitted uses to permit retail premises at 30 Albemarle Avenue, provided it is as part of a shop top housing development at 488-492 Old South Head Road.</li> <li>• Create a new local provisions clause that applies only if 488-492 Old South Head Road and 30 Albemarle Avenue are developed together that: <ul style="list-style-type: none"> <li>○ Allows a maximum Gross Floor Area (or “GFA”) of 3,720m<sup>2</sup> on 488-492 Old South Head Road and 480m<sup>2</sup> on 30 Albemarle Avenue.</li> <li>○ Permits a maximum Height of Building of 14.5m at 30 Albemarle Avenue.</li> </ul> </li> </ul>
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Department of Planning, Housing and Infrastructure Post-Exhibition Report, 4 March 2025</li> <li>• Previous decisions made by the Strategic Planning Panel of the Sydney Eastern City Planning Panel and previous reports prepared by the Department; Council Minutes and Council Officer Reports.</li> <li>• Written submissions including emails during and after public exhibition: 21 submissions</li> <li>• Total number of unique submissions received by way of objection: 18 submissions</li> <li>• Verbal submissions at the Panel’s public meeting 10:31am – 11:35am, 4 March 2025: <ul style="list-style-type: none"> <li>○ Registered speakers: Mark Skurnik on behalf Rose Bay Action Group, Craig McLaren, Albert Waks, Frank Femia, Councillor Julian Parmegiani and Councillor Merrill Witt</li> <li>○ On behalf of the proponent: Daniel Howard, Josh Milston</li> </ul> </li> </ul>
5	<b>SITE INSPECTIONS AND BRIEFINGS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• <b>Panel Briefing with Department of Planning, Housing &amp; Infrastructure (DPHI):</b> 10:31am – 11:35am, 4 March 2025 <ul style="list-style-type: none"> <li>○ Panel members: Carl Scully (Chair), Stephen Murray, Sue Francis, Mary-Lou Jarvis and Toni Zeltzer</li> <li>○ DPHI staff: Louise McMahon, Doug Cunningham, Emma Hitchens, Angela Bowden, Adam Williams and Taylah Fenning</li> <li>○ Key Issues Discussed: <ul style="list-style-type: none"> <li>• Submissions received during exhibition</li> <li>• Flood impacts</li> <li>• Shelter in place policy</li> <li>• Traffic rates, impacts and reviews</li> <li>• Built form outcomes</li> </ul> </li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• <b>Panel Determination:</b> 11:35am – 11:53am, 4 March 2025<ul style="list-style-type: none"><li>○ Panel members: Carl Scully (Chair), Stephen Murray, Sue Francis, Mary-Lou Jarvis and Toni Zeltzer</li><li>○ DPHI staff: Louise McMahon, Doug Cunningham, Emma Hitchens, Angela Bowden, Adam Williams and Taylah Fenning</li></ul></li></ul>
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