



Council Ref: DA 140/2022/1:Mr V Aleidzans:ahu
Planning & Place Division

26 May 2022

Mark Skurnik
25 Albemarle Avenue
ROSE BAY NSW 2029

Dear Sir

Acknowledgement of Submission/Objection

Application No: DA 140/2022/1

Property: 488-492 Old South Head Road ROSE BAY 2029

Applicant: Fabcot Pty Ltd

Proposal: Change of use to a temporary Woolworths neighbourhood supermarket which utilises the existing service station building on the site; including direct to boot and delivery pick up areas; parking; signage and remediation works

Thank you for your letter of 19 May 2022 which has been referred to Mr V Aleidzans, our Assessment Officer who will be processing the application.

The following information is provided to explain how we will consider your submission and how a decision on the application will be made.

What happens to my submission?

- ☐ We review and consider your submission. Mr V Aleidzans may contact you to discuss your submission and/or make arrangements to inspect your property.
- ☐ Your submission will be considered in the context of the applicable planning controls and guidelines that apply to the site.
- ☐ We will also consider the applicant's objectives to develop the land in the context of the applicable planning controls and guidelines.
- ☐ If your submission argues that the amenity of your property will be affected by the proposed development we will examine the amenity issues to determine the impacts of the proposed development on your property.
- ☐ Mr V Aleidzans will prepare a report which includes a summary and assessment of your submission and a recommendation to approve (with or without special conditions), or to refuse the development application.

What happens if the applicant amends their application?

- Clause 55 of the *Environmental Planning and Assessment Regulation* 2000 allows a development application to be amended or varied before a decision is made on that application.
- If a development application is amended, we will re-notify the application to those persons who made written submission and who, in the opinion of Council, would be detrimentally affected by the amendments to the application.
- We will not re-notify an amended application if, in Council's opinion, the amendment will improve the amenity, or have a neutral impact on the amenity of those persons who made written submission to the original proposal.

How will the application be determined?

Development applications at Woollahra are determined at one of five levels:

1. Staff Delegation (Team Leader)
2. Staff Delegation (subject to consideration by the Application Review Panel)
3. Application Assessment Panel (Panel of 3 senior staff)
4. Local Planning Panel (4 panel members)
5. Sydney Eastern City Planning Panel (5 panel members)

The level which an application is determined will depend on the nature and cost of the development.

The table below indicates at which level of delegation applications will be determined:

Level of Determination	Type of Development	Cost of Development
Sydney Eastern City Planning Panel (SECPP)	- General development over \$30 million - Council related development over \$5 million - Crown development over \$5 million - Private infrastructure and community facilities over \$5 million - Eco-tourist facilities over \$5 million - Particular designated development - Coastal subdivision (more than 100 lots) - Development subject to delays in determination (Capital investment value between \$10-\$30 million and not determined within 120 days, and subject to a written request to the Council that the matter be dealt with by the SECPP)	> \$30M
Local Planning Panel (LPP)	- Conflict of interest Development for which the applicant or land owner is: a) the council b) a councillor c) a member of council staff who is principally involved in the exercise of council's functions under the <i>Environmental Planning and Assessment act 1979</i> d) a member of Parliament e) a relative of a person referred to in (a) to (d) but not development for the following purposes: a) internal alterations and additions to retail premises or office premises b) advertising signage c) maintenance of a heritage item d) minor building structures projecting from the building façade over public land - Contentious development Development that: a) is the subject of 10 or more unique submissions by way of objection - Departure from development standards b) Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% - Sensitive development a) Designated development b) Development to which <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment</i> applies c) Development involving the demolition of a heritage item d) Development for the purposes of new licences premises, that will require one of the following liquor licenses:	NA

	(i) a club licence under the <i>Registered Clubs Act 1976</i> (ii) a hotel (general bar) licence under the <i>Liquor Act 2007</i> (iii) an on-premises licence for public entertainment venues under the <i>Liquor Act 2007</i> e) Development for the purpose of sex premises and restricted premises f) Development for the which the developer has offered to enter into a planning agreement	
Application Assessment Panel (AAP)	• Any type of development not listed above • Determine applications for a marina • Determine applications for a child care centre • Determine applications for a boarding house • Determine applications of a school (except for minor internal alterations which do not increase student numbers) • Determine development applications for a licensed hotel (pub) or club, or a development application which increases the hours of operation or patron numbers or the licensed floor area of a licensed club (pub) or club • Determine applications which involve the demolition of a contributory item • Determine applications for review of a determination under Division 8.2 of the EPA Act where staff determined the original application or where the AAP determined the original application • Determine development applications where the estimated cost of works is between \$2M and \$30M • Determine development applications for a licensed restaurant, small bar and packaged liquor sales • Determine development and related applications the subject of a Court appeal where the application would otherwise be determined by the AAP • Determine development applications, which in the opinion of the General Manager, Director of Planning and Place or Manager Development Control, is in the public interest to do so • Determine modification applications under s4.55 (1A) and s4.55 (2) of the Act which seek to modify and/or delete any conditions of consent which were previously imposed by the AAP	\$2M-<\$5M
Application Review Panel (ARP)	• Any type of development not listed above • Determine planning applications with a cost of works between \$500K and up to \$2M	\$500K-<\$2M
Delegated	• Refuse or reject an application not listed above • Determine all planning applications, which are not required to be determined by the SECPP, LPP and APP or reviewed by the ARP • Any type of development not listed above less than \$500K	<\$500K

If the application is to be determined by the AAP, SECPP or LPP, we will advise you in writing of the meeting date, time and location. You are welcome to attend and you will be given an opportunity to present your concerns before a decision is made.

Will my submission be confidential?

- ☐ No.
- ☐ All submissions will be placed on the application file and may be accessed by Council Officers and consultants to Council or members of the public.

Can I speak about my submission?

- ☐ If the development application is considered by our Application Assessment Panel you will be given the opportunity to speak at the relevant meeting.
- ☐ At the meeting you, or your representative, will have the opportunity to speak for 4 minutes. The applicant will be given the same opportunity.

- ☐ If there are a number of people with the same issues we ask that you, or your representative, appoint one person to speak about these issues.
- ☐ If the application is to be determined under delegated authority your objection will be assessed and reviewed as described earlier. However, there will be no opportunity to speak.

What if I am dissatisfied with the decision?

- ☐ The planning laws in NSW do not provide for third party appeals so you cannot appeal to the Land and Environment Court on the merit of the decision.
- ☐ You have a right to challenge our decision on a point of law (a procedural/legal failure) in the Land & Environment Court. However, if your case fails we may seek costs.
- ☐ We advise that you should obtain your own legal advice on these issues if you want to challenge our decision in the Land and Environment Court.

What if the applicant is dissatisfied with the decision?

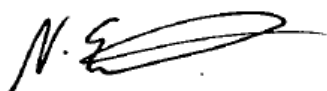
- ☐ The applicant may request that we review the decision on merit and can rely upon amended plans. You will be notified if we receive a request for a review of our determination.
- ☐ If we grant consent to the application the applicant may apply to have the consent modified. If we receive an application to modify the development consent and it is considered that you may be detrimentally affected by the modification you will be notified.
- ☐ The applicant may appeal to the Land & Environment Court.

What if I have other questions?

Please contact Mr V Aleidzans on 9391-7159 between 8:30am and 11:00am Monday to Friday.

I trust that this information is of assistance to you. We value your contribution to this process and assure you that your submission will be properly considered.

Yours sincerely



Nick Economou

Manager – Development Control

Guide for neighbours adjoining building works

Building works are commonplace and can at times be a bit disruptive for neighbours. Typically this is only a temporary and normal consequence of building activities.

Good communication between owners and builders and neighbours affected by building work can help minimise concerns and avoid disputes. Often issues can be easily resolved with a friendly chat.

Where this is not the case, it can be difficult for neighbours to know who they should contact. To assist neighbours Council has prepared 'A guide to resolving complaints about building works' brochure which can be found on Council's website www.woollahra.nsw.gov.au. Alternatively, you can contact Council's Customer Services Centre on 9391 7000 to obtain a copy of the brochure.