

PLANNING PROPOSAL

**Proposed non-residential floor space controls for the
Double Bay Centre**

Prepared October 2018

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Part 1 – Introduction

The planning proposal seeks to amend the *Woollahra Local Environmental Plan (LEP) 2014* by protecting the capacity to provide employment generating land uses in the Double Bay Centre by introducing the following:

- Insert a new provision setting a minimum non-residential FSR of 1.3:1. This would only apply to development in the Double Bay Centre and it does not increase or otherwise affect the application of other relevant controls such as maximum building height or FSR.
- A new objectives for the B2 Local Centre Zone to reinforce the proposed amendments and ensure consistency.

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment (EP&A) Act 1979* and the relevant NSW Department of Planning and Environment guidelines.

Part 2 – Background

In recent months, there have been several development applications for new shop-top housing developments on sites in Bay Street, Cross Street, Manning Road and Knox Street.

An example is a DA for shop top housing at 28 and 30-36 Bay Street and 2 Guilfoyle Avenue, Double Bay (DA359/2017/1). The existing four storey commercial building has retail on the ground floor with approximately 30 business and office suites above comprising more than 1800sqm.

The DA proposed a seven storey development containing three retail spaces which comprise approximately 265sqm, 39 units above and parking for 33 spaces. Other than the ground floor retail spaces, no business or office space was proposed.

On 14 June 2018 the Sydney Eastern Planning Panel refused the application.

Non-compliances with the FSR and height controls were key reasons for the Panel's decision to refuse the proposal. A full copy of the reasons for the Panel's decision is **Annexure 2 of Appendix 1**.

Notably, one of the reasons for the Panel's decision was:

The loss of commercial use of the site and the lack of any replacement will be detrimental to the Double Bay Centre.

The trend for apartments replacing the existing commercial floor space reflects the premium sale price for residential apartments in the Double Bay Centre.

If redevelopment continues to propose the deletion of non-residential floor space, it will undermine the Centre's capacity to provide employment opportunities, and potentially affect the long-term economic viability of the Centre. Furthermore, a significant reduction in non-residential floor space is inconsistent with the vision for Double Bay and the strategic planning framework as outlined in **Part 6** of this planning proposal.

Controls relating to the diversity of land uses and active street frontages are contained only in the Woollahra DCP 2015. This is largely the result of the significant restrictions of the Standard Instrument LEP at the time the Woollahra LEP 2014 was being prepared.

To-date the assessment of development has relied primarily on the DCP controls and the merit of individual proposals. This is not the best way to provide consistent planning outcomes and transparency for the community.

In response, staff have identified that the planning controls in *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) need to be strengthened to ensure floor space for employment generating uses are provided in the Double Bay Centre. Consequential changes are also recommended to the Woollahra DCP 2015 (see **Appendix 5**).

On 6 August 2018 a report was presented to the Council's Environmental Planning Committee on the proposed commercial floor space controls for the Double Bay Centre (see **Appendix 1**). On 20 August 2018 the Council resolved the following (see **Appendix 2**):

- A. *THAT Council resolve to prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing new provisions which protect the provision of commercial floor space in the Double Bay Centre.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Panels Direction – Planning Proposals issued by the Minister for Planning on 23 February 2018.*
- C. *THAT Council be provided with the advice of the Woollahra Planning Panel regarding the planning proposal.*
- D. *THAT, if the planning proposal is supported by Council, it be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.*
- E. *THAT when requesting a gateway determination for the planning proposal, the council seek delegation of the plan-making steps under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- F. *THAT Council resolve to prepare and exhibit a draft development control plan to amend Chapter – D5, Double Bay Centre of the Woollahra Development Control Plan 2015 to clarify and strengthen requirements for minimum commercial floor space.*
- G. *THAT Council adopt the following process for the consideration and review of the planning controls for the Double Bay commercial centre in relation to maximum FSRs and building heights, arising from consideration of the HillPDA economic feasibility study:*
 1. *Any proposed changes to floor space ratio, height controls, colonnades as well as other related amendments, be submitted as soon as possible to a meeting of the Environmental Planning Committee.*
 2. *Following endorsement of the planning control changes Council commence an inclusive and representative community engagement program which includes:*
 - i. *a series of community workshops at which the control changes and likely impacts will be explained and feedback sought from participants*
 - ii. *publication of relevant explanatory material on Council's website under "Our Woollahra – Your Say."*
 - iii. *an on-line survey*

- iv. *a public exhibition of proposed changes to be held at Council's customer service area and at a suitable location in Double Bay.*
 - v. *3D visualisations of indicative future development.*
 - vi. *a community impact statement which explains the likely impacts of the proposed changes.*
 - vii. *Other innovative engagement methods as may be recommended by Council's communications team.*
3. *Following completion of the community engagement program a planning proposal and associated DCP amendments be prepared and referred to the Woollahra Local Planning Panel for advice prior to submission to the Environmental Planning Committee.*

In accordance with Council's resolution from 20 August 2018, this planning proposal has been prepared to introduce a new control into the Woollahra LEP 2014 to protect the provision of employment generating uses in the Double Bay Centre. The introduction of a non-residential FSR is considered the best way to achieve this. Consistent with the amendments proposed to the Woollahra LEP 2014, a draft development control plan will be prepared to amend *Chapter – D5, Double Bay Centre of Woollahra Development Control Plan 2015* (consistent with **Appendix 5**). The proposed amendments will clarify and strengthen the requirements for minimum non-residential floor space provisions in the LEP.

On 13 September 2018 the planning proposal was reported to Woollahra's Local Planning Panel (see **Appendix 3**) and the Panel provided the following advice (see **Appendix 4**):

- A. *THAT the Woollahra Local Planning Panel advises Council that it supports the Planning Proposal in **Annexure 3** of the report to the Panel of 13 September 2018 to amend the Woollahra Local Environmental Plan 2014 by introducing a new control for the inclusion of a minimum floor space ratio requirement of 1.3:1 for commercial and other non-residential uses in the Double Bay Centre.*
- B. *The Panel supports the amendments to the Woollahra Development Control Plan 2015 to reinforce and provide greater detail regarding the requirement for commercial floor space on the ground and first levels of development in the Double Bay Centre, as contained in **Annexure 4** of the report to the Local Planning Panel of 13 September 2018, subject to the Council including a definition of non-residential uses, and the consistent use of this term.*

Part 3 – Existing controls for the Double Bay Centre

3.1 Woollahra Local Environmental Plan 2014

The Woollahra LEP 2014 contains the following relevant aims:

1.2 Aims of plan

- (c) to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,
- (d) to provide greater population densities in and around centres that are well serviced by public transport

The Commercial Centre is currently zoned B2 Local Centre under the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014). The B2 Local Centre zone encourages a wide range of land uses, including commercial, residential, health, community and tourist and visitor accommodation. In this zone, residential development above active commercial and retail ground floor uses is important in providing a mix of uses to keep the centre active and vibrant. **Figure 1** identifies the B2 zone which applies to the Double Bay Commercial Centre.

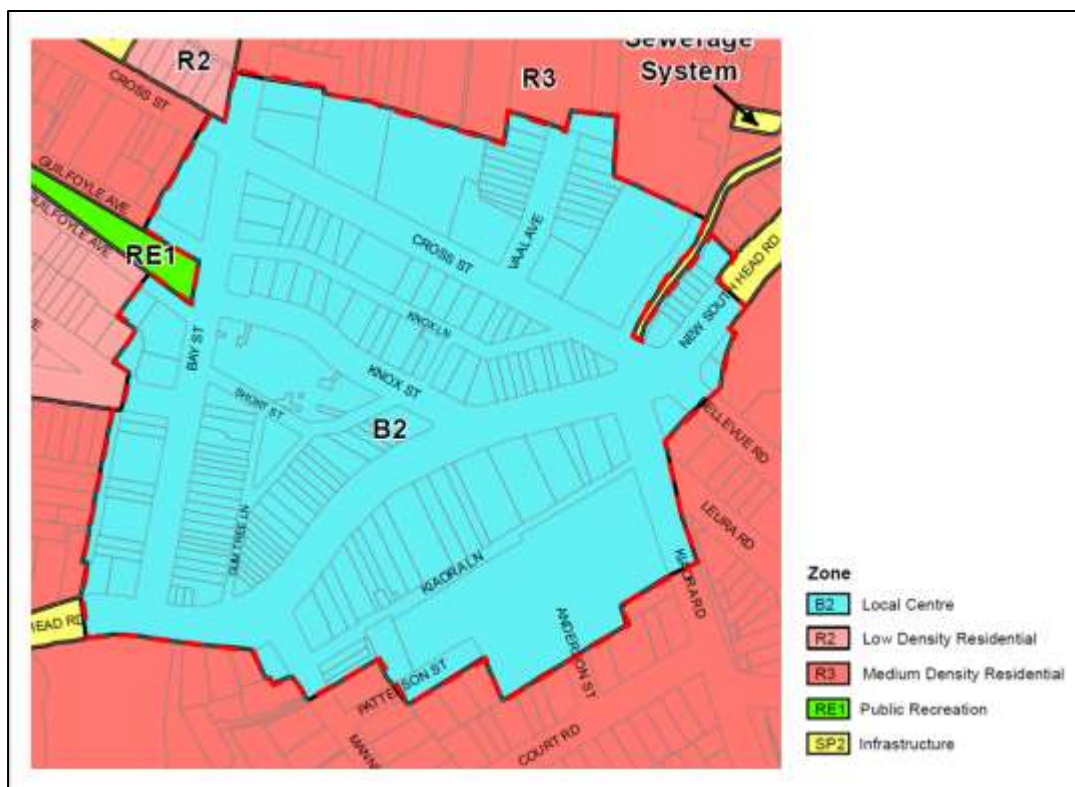


Figure 1: Extract from the Woollahra LEP 2014 Zoning Map

The current objectives of the Zone B2 Local Centre are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To attract new business and commercial opportunities.
- To provide active ground floor uses to create vibrant centres.

- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

The predominant maximum building heights are either 14.7m (4 storeys) or 18.1m (5 storeys). The maximum building height of the property on the corner of Knox Street and New South Head Road (374-382 New South Head Road) is 23.5m (6 storeys). **Figure 2** contains the maximum building heights applying to the Double Bay Commercial Centre.

The predominant FSR is 2.5:1. By virtue of clause 4.4A *Exceptions to floor space ratio (Area 1 and 1A – Double Bay)* in the Woollahra LEP 2014 on 17 corner sites an FSR of 3:1 is permitted with consent (Area 1), and on 374-382 New South Head Road an FSR of 4.5:1 is permitted with consent (Area 1A). Figure 3 contains the FSR controls applying to the Double Bay Commercial Centre.

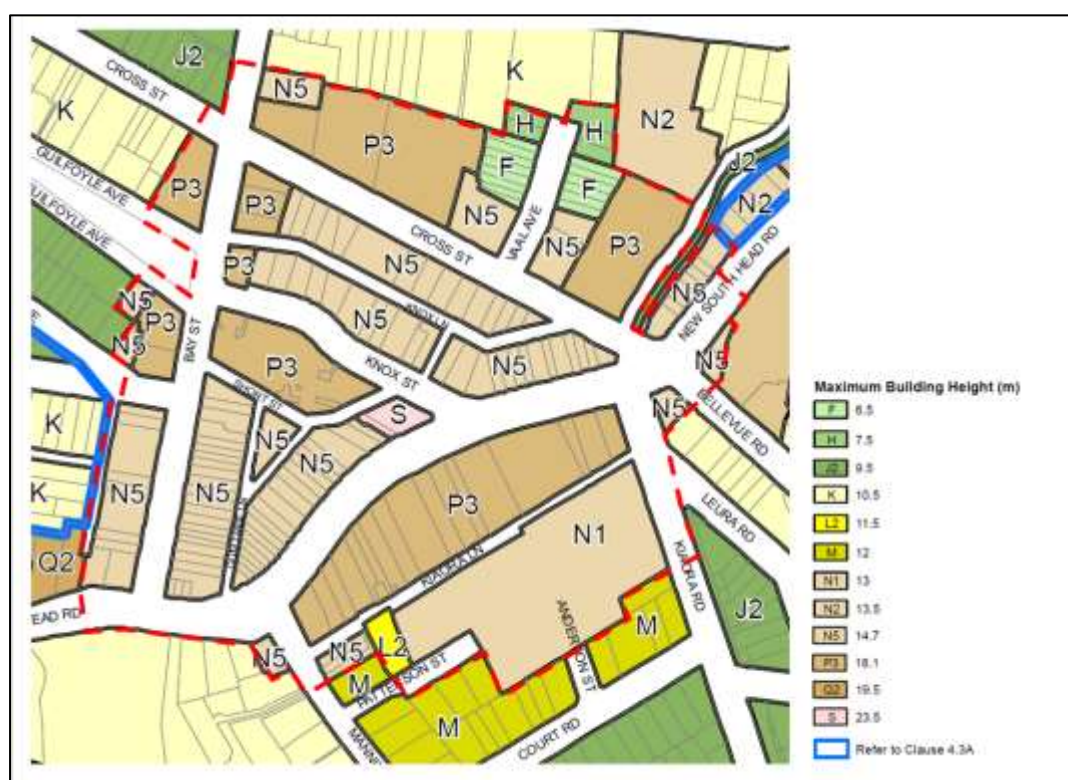


Figure 2: Extract from the Woollahra LEP 2014 Maximum Building Height (m) Map

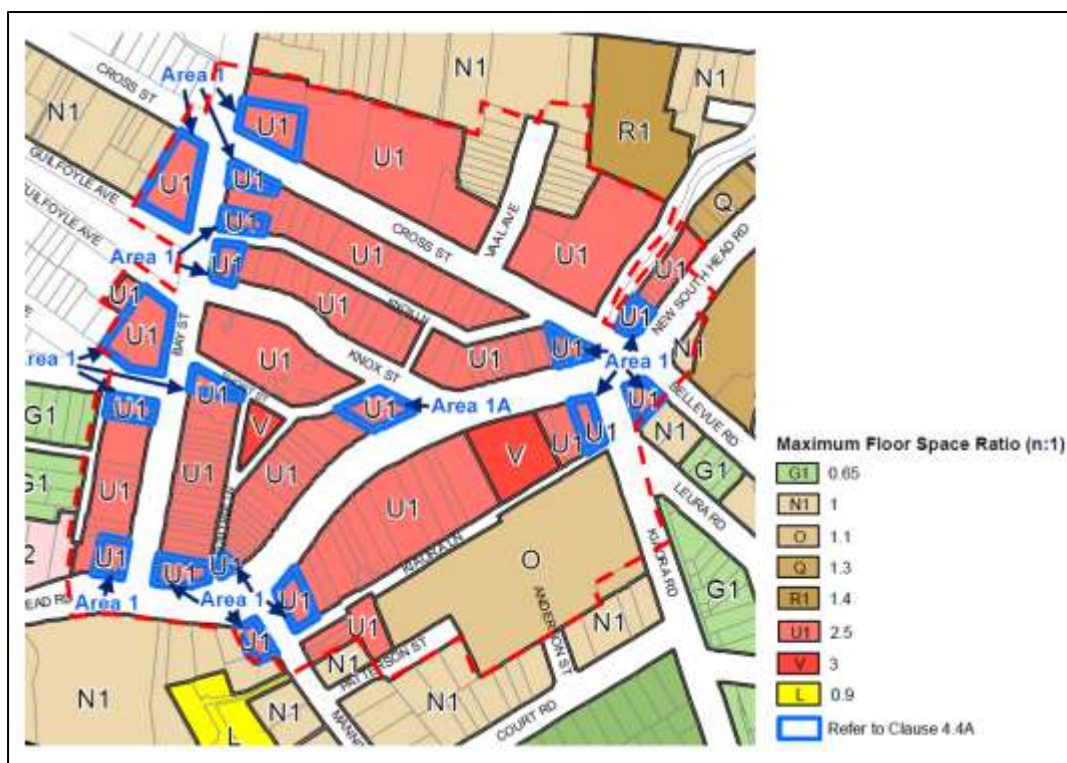


Figure 3: Extract from the Woollahra LEP 2014 Floor Space Ratio Map

3.2 Woollahra Development Control Plan 2015

Under the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015), Chapter D5 Double Bay Centre applies to the Centre. The objectives of this chapter are:

- I. To retain and enhance through block connections which allow pedestrians to move freely within the Double Bay Centre.
- II. To develop the particular qualities of different parts of the Double Bay Centre.
- III. To encourage a diverse mix of uses in the Double Bay Centre and maintain retail uses at ground level.
- IV. To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.
- V. To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre.
- VI. To preserve and enhance the diversity of uses in the Double Bay Centre.
- VII. To ensure that new development is compatible with the existing built form, and streetscape and village character.
- VIII. To encourage view sharing and individual privacy.
- IX. To ensure new development is designed to be compatible with the heritage significance of listed heritage items.

The recently emerging trend in Double Bay for development proposals for shop top housing comprising a single level of ground floor retail with residential apartments above displaces existing business and office uses located on the first floor and above.

The existing Woollahra DCP 2015 controls encourage a mix of uses in the Centre. However, to ensure consistency with the proposed amendments to the Woollahra LEP 2014, the controls should be amended to more clearly identify that this mix of uses should incorporate a combination of ground floor retail/businesses uses with non-residential uses on the first floor and then residential uses above.

Part 4 – Objectives of planning proposal

4.1 Objectives

The objective of the planning proposal is to amend Woollahra LEP 2014 by introducing a new control that will protect the provision of non-residential uses in the Double Bay Centre.

The intended effect is that the Double Bay Centre retains its capacity to provide employment opportunities.

4.2 Amendments to the Woollahra LEP 2014

The planning proposal seeks to amend the Woollahra LEP 2014 to introduce a combination of objectives and controls requiring all development in Double Bay Centre to accommodate non-residential floor space suitable for employment generating uses such as retail, business, office, health services and community uses.

At a minimum this means development should facilitate:

- Active ground floor retail and business uses such as cafes, shops, hairdressers and restaurants
- First floor non-residential uses, such as business, office, medical services and community uses. However, this should not include car parking or serviced apartments.

To achieve this the following amendments to the Woollahra LEP 2014 are proposed:

A. Minimum Non-residential FSR

Insert a new provision setting a minimum non-residential FSR of 1.3:1. This would only apply to development in the Double Bay Centre and will not increase or otherwise affect the application of the existing maximum building height or FSR provisions.

The provision should include a definition of non-residential land uses which would include permissible, employment generating land uses such as commercial premises and medical centres. It should not include car parking or serviced apartments.

B. Zone B2 Local Centre objectives

Amend the objectives for the B2 Local Centre Zone to reinforce the proposed amendments and ensure consistency.

4.3 Amendments to the Woollahra DCP 2015

Draft amendments to Chapter D5 Double Bay Centre of the Woollahra DCP 2015 accompany this planning proposal. This is necessary to ensure consistency with the proposed amendment to the Woollahra LEP 2014.

The changes to the DCP include amended controls to reinforce and provide consistency with the proposed new requirement for non-residential floor space on the ground and first levels of development in the Centre. This will ensure that Centre retains employment and that suitable goods and services are provided to meet day-to-day community needs.

4.4 Comparison of proposed amendments with LEP controls of other Sydney councils

Planning controls intended to promote a mix of residential, community and employment generating uses in centres are common across LEPs in Greater Sydney. Different approaches have been used by councils to best reflect the scale of individual centres, their context, and their desired future character. The main approaches taken are:

- FSRs that mandate land use mix,
- Height and FSR incentives to promote certain land uses,
- Active street frontage provisions,
- Centre specific local provisions for key sites and centres.

Staff reviewed the LEPs of all Greater Sydney councils. The following councils set a minimum commercial FSR (or non-residential FSR) for business zoned land in centres or key sites:

- Parramatta
- Cumberland (formerly Holroyd)
- Hornsby
- Lane Cove
- North Sydney.

Other approaches to support non-residential uses include FSR incentive clauses and FSRs to mandate a mix of specific uses on certain sites. A few councils have expressed controls as a percentage of gross floor area or minimum area rather than use FSR.

Another approach taken to maintain non-residential uses in centres is a special local clause requiring ground and first floors to be developed only for non-residential uses. This is used by the following councils:

- Blacktown
- Ku-ring-gai
- Cumberland/Holroyd
- Warringah
- Bankstown
- Campbelltown

It is considered that the proposed amendments to Woollahra LEP 2014 outlined in **Part 5** of this planning proposal are generally consistent with these existing approaches taken by other Greater Sydney councils.

Part 5 – Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

A. Minimum Non-residential FSR

To retain non-residential employment generating uses in the Double Bay Centre a new provision setting a minimum non-residential FSR of 1.3:1 is proposed. The existing FSR control (or primary FSR control) will still apply to the site.

The proposed 1.3:1 FSR will work in conjunction with the primary FSR control, and seeks to ensure that part of the development is used for non-residential uses that support the role of the centre. No amendments are proposed affecting other parts of a development such as the basement or upper levels. Consistent with the existing controls, upper floors may be developed for residential apartments or other permissible non-residential uses.

An FSR control of 1.3:1 allows sufficient area for a well-designed mixed use development to include ground floor retail and first floor non-residential land uses such as offices, businesses, community uses, or health services. It also takes into account the floor area required for back-of-house and ancillary uses including waste storage, stair and lift cores, fire safety equipment, building services, and driveways (see **Figure 4** below).

Council staff tested development scenarios on several different sites using the proposed 1.3:1 non-residential FSR. **Figure 4** below shows an indicative plan view of a mixed used building containing ground floor and first floor non-residential uses that complies with the proposed non-residential FSR of 1.3:1.

The proposed FSR control will help to ensure that commercial, community, health, and other non-residential land uses in developments are of good size and have adequate amenity and servicing. This is important to attract the diversity of uses required to maintain a healthy and vibrant level of employment, community and other activities in the centre consistent with the vision for Double Bay.

For clarity, the provision should include a definition of non-residential land uses which would include permissible, employment generating land uses such as commercial premises and medical centres. It should not include car parking or serviced apartments.

B. Zone B2 Local Centre objectives

To ensure that the desired outcomes are achieved in the Double Bay Centre, consequential amendments to the objectives of Zone B2 Local Centre are necessary to reinforce the intent of the proposed amendments and ensure consistency in their application.

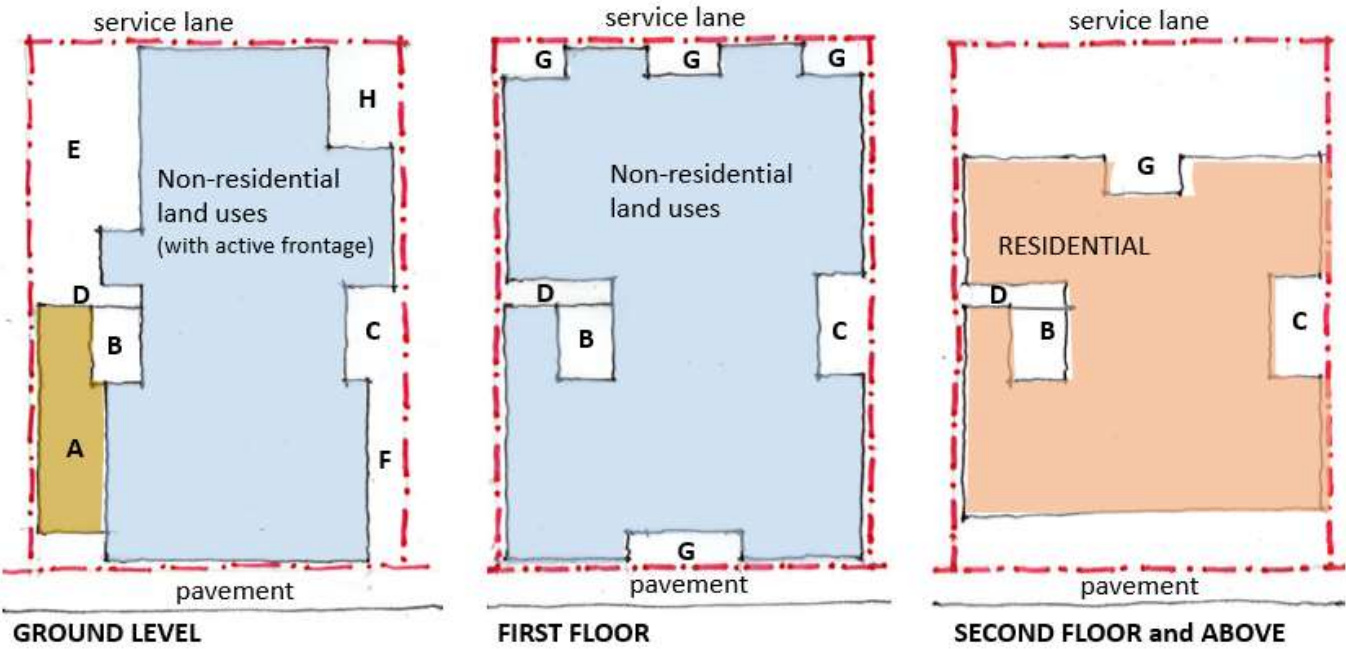
It is intended that, subject to drafting by Parliamentary Counsel, the new objective will be modelled on the following:

- To strengthen the role of the Double Bay Centre as a place of employment.

The objective must emphasise that a local centre's primary role is to provide goods and services, and the role of the Double Bay centre as a place of employment must be strengthened. Housing may be provided to activate the centre and increase the diversity

of uses, but it must not undermine the employment generating uses which are commercial, entertainment, community and health related activities.

Figure 4: Indicative plan view of a mixed used building containing ground floor and first floor non-residential uses with an approximate FSR of 1.3:1



	LEGEND
A	Lobby
B	Lifts
C	Fire Stairs
D	Service ducts
E	Garbage and loading
F	Fire escape
G	Articulation /balconies
H	Driveway to parking

Part 6 – Justification

In accordance with the Department of Planning and Environment's 'Guide to Preparing Planning Proposals' this part discusses:

- The need for the planning proposal
- Compliance with the strategic planning framework
- Environmental, social and economic impacts
- State and Commonwealth interests.

6.1 – Need for planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal forms part of Council's long running program to revitalise the Double Bay Centre. Among other documents, it draws on an economic report prepared by Hill PDA on the Double Bay Centre (2015), the Double Bay Place Plan 2014 and the Double Bay Public Domain Strategy.

This planning proposal seeks to protect the employment capacity of the Double Bay Centre. It was initiated to address a recent development trend where new housing development has been displacing existing employment generating uses in the centre. This undermines the long term viability of the centre and its continuation as the primary business centre serving the surrounding residential area.

The planning proposal will reinforce the objectives for the Zone B2 Local Centre and promote development that creates a vital and vibrant Double Bay Centre.

The planning proposal is consistent with Council's ongoing strategic plans to revitalise the Double Bay Centre.

2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The objective of this planning proposal seeks to introduce provisions that will protect the long term viability of the Double Bay Centre and retain non-residential floor space and the local employment capacity it provides. It is intended that the planning proposal will help to promote a balance of diverse land uses in the centre.

A recent trend has emerged with mixed use development containing retail and residential development only, displacing existing local businesses. This is not consistent with the business zone which applies to the centre. This trend indicates that the current Woollahra LEP 2014 provisions are not successfully reflecting or delivering the desired future outcome for the centre. Whilst this matter is identified in the Woollahra DCP 2015, it is not fully articulated across council's current suite of planning controls.

A planning proposal is the best means of ensuring the Woollahra LEP 20154 is clearly and effectively promoting outcomes that will deliver a vibrant and functional Double Bay Centre.

6.2 – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is broadly consistent with the objectives of the Greater Sydney Region Plan - *A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018).

A Metropolis of Three Cities

'A Metropolis of Three Cities' is the GSC's 40-year vision for Greater Sydney. It is the regional strategic plan that is intended to guide growth and change to meet the needs of Sydney's growing population.

The planning proposal is consistent with the objectives of the Plan.

The actions and planning principles set out in the District Plans seek to ensure that all councils implement 'A Metropolis of Three Cities'.

Woollahra is located in the Eastern City District.

Eastern City District Plan

Double Bay is identified as a "local centre" in the *Eastern City District Plan* (2018). Promoting business and a range of diverse uses in local centres is an important action in the Plan.

The planning priorities and corresponding actions that are relevant to the planning proposal include the following:

- *Planning Priority E1: Planning for a city supported by infrastructure*

The planning proposal applies to the existing Double Bay Centre and seeks to retain its capacity to provide employment generating land uses. No uplift is proposed.

The centre is serviced by several modes of public transport and has existing walking linkages to surrounding residential areas.

It is unlikely that the proposal will directly impact on the provision of public infrastructure or significantly increase demand.

The proposal is generally consistent with the objectives and actions for this priority.

- *Planning Priority E3: Providing services and social infrastructure to meet people's changing needs*

The planning proposal seeks to retain floor space for non-residential uses that provide local employment opportunities or other community benefits. This has been identified as a priority to protect the long-term viability of the centre and its ability to provide jobs, services and local businesses that meet the needs of the community.

Action 8 of the Plan is to "Deliver social infrastructure that reflects the needs of the community now and in the future".

The flexibility of high quality floor space for employment generating uses will help to protect future opportunities for not only commercial uses but also other non-residential uses important to the role of local centres as community hubs.

This is particularly important in light of the future needs of an aging population and the demand generated by projected housing growth in and around the centre.

The proposal is generally consistent with the objectives and actions for this priority.

- *Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities*

The planning proposal seeks to retain the employment capacity in the Double Bay Centre. This is part of Council's ongoing efforts to revitalise Double Bay and foster a vibrant, active centre.

The proposal is consistent with the following actions in the Plan which seek to foster strong local communities through a place-based planning approach:

Action 10: *Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:*

- providing walkable places at a human scale with active street life*
- prioritising opportunities for people to walk, cycle and use public transport*
- co-locating schools, health, aged care, sporting and cultural facilities*
- promoting local access to healthy fresh food and supporting local fresh food production.*

Action 13: *Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including:*

- arts enterprises and facilities, and creative industries*
- interim and temporary uses*
- appropriate development of the night-time economy.*

Action 14: *Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.*

A balance of business, retail, community and residential uses in the centre is an important factor in maintaining Double Bay's high level of liveability. The market for residential development in the centre is high and this threatens to displace the existing mix of uses in the centre.

Protecting non-residential floor space in the centre is important to protect the future vitality and viability of Double Bay.

The proposal is generally consistent with the objectives and actions for this priority.

- *Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport*

The planning proposal will help ensure that the Double Bay Centre has capacity to provide local employment opportunities, businesses and services that meet community needs, and leisure activities. This will continue to support the needs of existing residents and the demand generated by future housing growth in the Woollahra Municipality.

The proposal is generally consistent with the objectives for this priority.

- *Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage*

The Eastern City District Plan recognises the important role that local centres play in delivering a 30-minute city, local employment opportunities and for providing the community with essential access to day-to-day goods and services close to homes. It is noted in the Plan that across Greater Sydney nearly 18% of jobs are located in local centres (p.48).

Double Bay is identified as a local centre in the Plan.

The plan identifies the need to protect or expand retail and/or commercial floor space and to ensure that competing uses such as housing do not compromise the "centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time" (p49).

The objective of this proposal is to protect the long term viability of the Double Bay Centre by facilitating mixed use developments which contain non-residential floor space and the local employment capacity it provides.

It is intended that the planning proposal will restore the desired balance of diverse land uses in the centre. Currently, the existing controls are not successfully promoting outcomes that will deliver a vibrant and functional centre with a recent trend of housing displacing existing local businesses.

The proposal is consistent with the following actions in the Plan which seek to foster strong local communities through a place-based planning approach:

Action 18: *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

- prioritising a people-friendly public realm and open spaces as a central organising design principle*
- recognising and balancing the dual function of streets as places for people and movement*
- providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- integrating social infrastructure to support social connections and provide a community hub*
- recognising and celebrating the character of a place and its people.*

Action 21: *Use place-based planning to support the role of centres as a focus for connected neighbourhoods.*

Action 22: *Use flexible and innovative approaches to revitalise high streets in decline.*

A healthy balance of business, retail, health, community and residential uses in the centre is an important factor in maintaining Double Bay's high level of liveability.

Protecting non-residential floor space in the centre is important to protect the future capacity and viability of Double Bay. This will help achieve Council's vision for a vibrant centre that meet the needs of residents and provides a place that people want to visit and live.

The proposal is generally consistent with the objectives and actions for this priority as well as the principles set out specifically for local centres.

- *Planning priority E10 Delivering integrated land use and transport planning and a 30-minute city*

Double Bay is one of the largest business centres in the Woollahra Municipality and provides employment for over 2000 people. Retaining employment generating uses in the Double Bay Centre is a key priority for Council.

The centre has excellent connections to the Sydney CBD and services local residents of the surrounding densely developed area. It is well serviced by several modes of public transport, including bus, train (Edgecliff Station), and ferry.

The planning proposal seeks to protect non-residential floor space in the centre and facilitate a healthy balance of diverse land uses in the Double Bay Centre. This is consistent with the following actions in the Plan which seek to deliver a 30 minute city and improve access to local jobs and services:

Action 33: *Integrate land use and transport plans to deliver the 30-minute city.*

Action 35: *Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.*

The proposal is generally consistent with the objectives and actions for this priority.

- *Planning Priority E13: Supporting growth of targeted industry sectors*

Double Bay has long had a strong boutique and café culture which draws visitors and tourists. Protecting non-residential floor space for these uses is important so that the centre retains the capacity to accommodate businesses that cater to the visitor economy.

The proposal is consistent with the following actions in the Plan which seek to strengthen industry opportunities related to the visitor economy and adaption to changing technologies:

Action 54: *Consider the following issues when preparing plans for tourism and visitation:*

- encouraging the development of a range of well-designed and located facilities*
- enhancing the amenity, vibrancy and safety of centres, places and precincts*
- supporting the development of places for artistic and cultural activities*
- improving public facilities and access*
- protecting heritage and biodiversity to enhance cultural and eco-tourism*
- supporting appropriate growth of the night-time economy*
- developing industry skills critical to growing the visitor economy*
- incorporating transport planning to serve the transport access needs of tourists*

Action 55: *Provide a regulatory environment that enables economic opportunities created by changing technologies*

Action 56: *Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.*

Action 57: *Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation*

The proposal is generally consistent with the objectives and actions for this priority.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The planning proposal is broadly consistent with the *Woollahra Community Strategic Plan 2030* and the *Double Bay Place Plan 2014*.

Woollahra Community Strategic Plan 2030

The *Woollahra Community Strategic Plan 2030* identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The community vision is that:

Woollahra will continue be a great place to live, work and visit where places and spaces are safe, clean and well-maintained.

Our community will offer a unique mix of urban villages with a good range of shops, services and facilities.

We will make the most of the natural beauty, leafy streetscapes, open spaces, views and proximity to the water and the city.

We will be a harmonious, engaged and connected community that looks out for each other. (p. 6)

Council has been committed to revitalising its centres, particularly Double Bay, to deliver vibrant villages that provide local access to a range of shops and facilities. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces:

4.5 Enhance the form and function of the local business centres.

Protecting non-residential floor space is an important part of protecting the capacity of the centre to meet community needs, maintain vibrancy, and provide local employment now and into the future.

The planning proposal is consistent with the *Woollahra Community Strategic Plan 2030*.

Double Bay Place Plan 2014

The *Double Bay Place Plan 2014* sets out a series of strategies, priorities and actions to achieve the vision of Double Bay as Sydney's stylish bayside village.

Key priorities include strengthening and developing the capacity of businesses in Double Bay and maintaining the high quality service, retail, health, employment and leisure offerings.

The Plan acknowledges that an important part of making Double Bay a great place for people is ensuring that there is a suitable level of activity throughout the day and evening.

A reduction in non-residential floor space undermines the vision for Double Bay as Sydney's stylish bayside village and Woollahra's premier shopping and community precinct. This loss in floor space threatens the Centre's long-term viability and its capacity to provide:

- Local, district and broader employment opportunities,
- High-quality businesses and activities that attract people to the centre,
- Daytime foot traffic to support businesses such as retail uses,
- Products and services for the needs of residents.

The planning proposal will help to protect the employment capacity and business economy in Double Bay. This is important to deliver Council's vision for the centre and create a great place for our community to work, visit and live.

The planning proposal is consistent with the *Double Bay Place Plan 2014*.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is broadly consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies.

A detailed compliance table is in **Schedule 1**.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with the applicable section 9.1 Ministerial Directions.

A detailed compliance table is in **Schedule 2**.

6.3 – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal seeks to retain non-residential floor space in the Double Bay Centre. The centre is located in a previously developed part of Eastern Sydney.

The proposal will not adversely impact on critical habitat, threatened species, populations or ecological communities or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The planning proposal will not reduce provision in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra Municipality or affect the application SREPs for the Sydney Harbour Catchment Area.

Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal seeks to protect non-residential floor space and the employment generating capacity it provides, in the Double Bay Centre. This proposal forms part of

Council's long running strategic program to revitalise Double Bay. Among other documents it draws on an economic report prepared by Hill PDA on the Double Bay Centre (2015), the Double Bay Place Plan 2014 and the Double Bay Public Domain Strategy.

It seeks to address the social and economic effects of new housing development displacing existing employment generating uses in the centre. This undermines the long term viability of the centre and its role as the primary business centre serving the surrounding residential area.

The planning proposal will reinforce the objectives for the Zone B2 Local Centre and promote development that creates a vital and vibrant Double Bay Centre.

6.4 – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal applies to the existing Double Bay Centre and seeks to retain the Centres employment generating land uses. No uplift is proposed.

It is unlikely that the proposal will directly impact on the provision of public infrastructure or significantly increase demand.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be conducted in accordance with the conditions of the Gateway Determination.

Part 7 – Mapping

The planning proposal applies to land in Double Bay zoned B2 Local Centre under the *Woollahra LEP 2014*. **Figure 5** identifies the B2 zone which applies to the Double Bay Commercial Centre. No mapping changes are proposed.

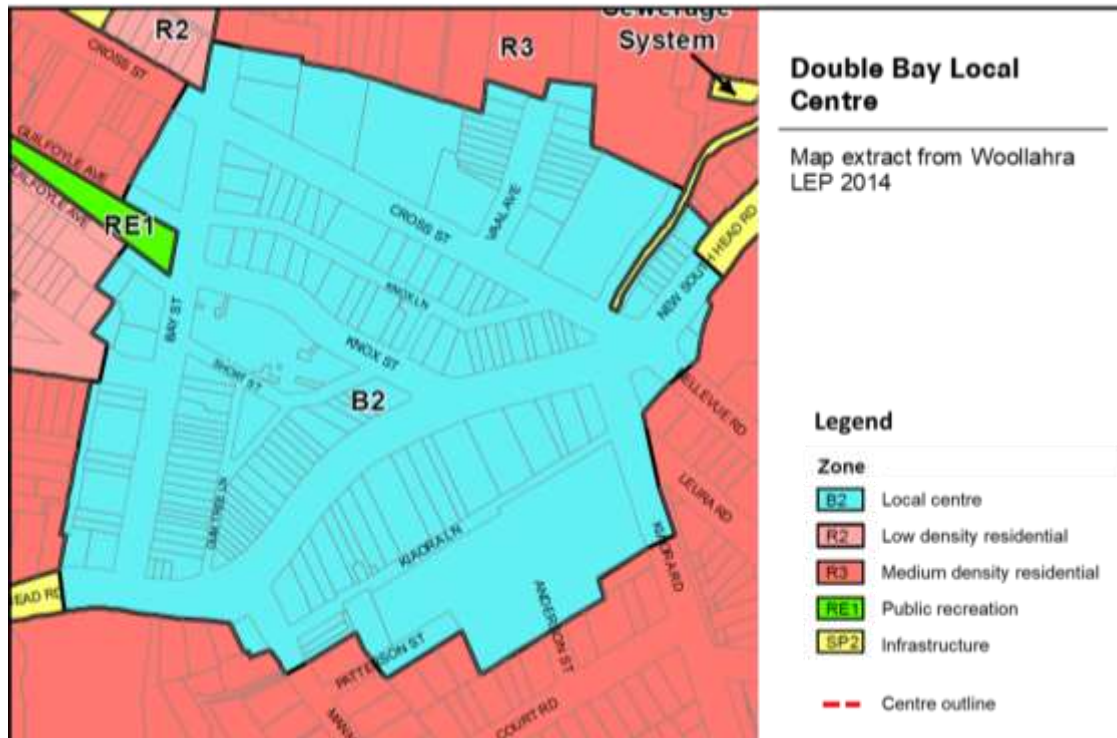


Figure 5: Extract from the Woollahra LEP 2014 Zoning Map

Part 8 – Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and the Gateway Determination.

The Act requires a minimum public exhibition period of 28 days unless otherwise specified in the Gateway Determination. This is consistent with Council's standard practice for the exhibition of a planning proposal of this type.

Additionally, a draft DCP to amend Chapter D5 of the Woollahra DCP 2015 will be placed on public exhibition concurrently with the exhibition of the planning proposal. Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- A letter to the land owners in the Double Bay Centre.
- A letter to land owners in the vicinity of the Double Bay Centre.
- Local community and business groups such as the Double Bay Residents' Association and the Sydney East Business Chamber.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- The planning proposal, in the form approved by the Gateway Determination.
- A copy of the Gateway Determination.
- Information relied upon by the planning proposal, such as relevant Council and consultant reports, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and a copy of the Woollahra LEP 2014.
- A Draft DCP amending Chapter D5 Double Bay Centre of Woollahra DCP 2015.

Part 9 – Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	6 August 2018
Council resolution to prepare planning proposal	20 August 2018
Woollahra Local Planning Panel provides advice to Council	13 September 2018
Council resolution to proceed	29 October 2018
Gateway determination	December 2018
Completion of technical assessment	As required
Government agency consultation	February to March 2019
Public exhibition period	February to March 2019
Submissions assessment	April 2019
Council assessment of planning proposal post exhibition	May 2019
Council decision to make the LEP amendment	June 2019
Council to liaise with Parliamentary Counsel to prepare LEP amendment	July 2019
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	July 2019
Notification of the approved LEP	August 2019

Schedules

Schedule 1

Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable. Exceptions to development standards are considered under Clause 4.6 of Woollahra LEP 2014.
SEPP No 19 – Bushland in Urban Areas	The planning proposal will not affect the application of the SEPP.
SEPP No 21 – Caravan Parks	Not applicable. The proposal will not affect caravan park developments.
SEPP No 30 – Intensive Agriculture	The planning proposal will not affect the application of the SEPP.
SEPP No 33 – Hazardous and Offensive Development	Not applicable. The planning proposal will not affect the application of the SEPP.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Not applicable. The proposal does not include a canal estate.
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55 – Remediation of Land	<p>The planning proposal will not affect the application of the SEPP for the purpose of promoting the remediation of contaminated land and reducing the risk of harm to human health or any other aspect of the environment.</p> <p>The planning proposal is consistent with the SEPP.</p>
SEPP No 62 – Sustainable Aquaculture	The planning proposal will not affect the application of the SEPP.
SEPP No 64 – Advertising and Signage	The planning proposal will not affect the application of the SEPP.

State environmental planning policy	Comment on consistency
SEPP No 65 – Design Quality of Residential Apartment Development	The planning proposal will not affect the application of the SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	The planning proposal will not affect the application of the SEPP.
SEPP (Affordable Rental Housing) 2009	The planning proposal will not change the land uses permissible in the zone and will not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Coastal Management) 2018	The planning proposal will not affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal will not affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal will not change the land uses permissible in the zone and will not affect the application of the SEPP.
SEPP (Infrastructure)	The planning proposal will not affect the application of the SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	The planning proposal will not affect the application of the SEPP.
SEPP (State Significant Precincts) 2005	There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable

State environmental planning policy	Comment on consistency
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in Woollahra Municipality which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal will not affect the application of the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP (Sydney Harbour Catchment) 2005	<p>The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The sites are not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p> <p>The planning proposal is generally consistent with the SREP.</p>

Schedule 2

Compliance with section 9.1 directions

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1	Business and industrial zones	<p>The planning proposal seeks to protect the employment capacity of the Double Bay Centre. This is consistent with the objectives of this direction which are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres. <p>Double Bay is one of the largest business centres in the Woollahra Municipality and provides employment for over 2000 people. Employment generating land uses are a key priority for Council.</p> <p>The centre has excellent connections to the Sydney CBD and services local residents of the surrounding densely developed area. It is well serviced by several modes of public transport, including bus, train (Edgecliff Station), and ferry.</p> <p>Protecting the provision of non-residential floor space in the centre will help to maintain a healthy balance of diverse land uses in the Double Bay Centre. This is important for the long term viability of the centre.</p> <p>The planning proposal is consistent with the Direction.</p>
1.2-1.5	Directions 1.2-1.5	Not applicable.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
2	Environment and heritage	
2.1	Environment protection zones	The planning proposal will not reduce provision in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra Municipality or affect the application SREPs for the Sydney Harbour Catchment Area. The planning proposal is broadly consistent with the direction
2.2	Coastal protection	The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	The planning proposal will not reduce provision in Woollahra LEP 2014 for heritage conservation in the Woollahra Municipality or the Sydney Harbour Catchment Area. The planning proposal is broadly consistent with the direction
2.4	Recreation vehicle areas	Not applicable.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3	Housing, infrastructure and urban development	
3.1	Residential zones	The planning proposal does not apply to residential zoned land and while shop top housing is permitted in the zone it is not considered to be a dominant use. The dominant non-residential uses of the Double Bay Centre are commercial, community, tourist and medical services. The planning proposal will reinforce the hierarchy of centres in the Municipality and preserve local employment and provisions of services that serve the needs of residents. Appropriate housing will continue to be permissible as part of mixed use buildings. The proposal is not inconsistent with the Direction.
3.2	Caravan parks and manufactured home estates	Not applicable.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Home occupations	The planning proposal will not alter existing provisions that permit home occupations to be carried out in dwelling houses without the need for development consent. The planning proposal is consistent with the direction.
3.4	Integrating land use and transport	<p>The proposal is broadly consistent with the aims, and objectives and principles of:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>These policies promote locating business uses in highly accessible centres.</p> <p>Double Bay provides an important role in the Municipality in providing the local community with local jobs, goods and services easily accessible to the surrounding areas.</p> <p>The centre is serviced by several modes of public transport and has existing walking linkages to surrounding residential areas.</p> <p>The planning proposal seeks to ensure that non-residential uses remain in the centre and continue to provide local employment opportunities.</p> <p>The proposal is consistent with the Direction.</p>
3.5	Development near licensed aerodromes	Not applicable.
3.6	Shooting ranges	Not applicable.
4	Hazard and risk	
4.1	Acid sulfate soils	The planning proposal will not intensify land uses on land affected by acid sulfate soils or affect the application of controls that ensure that significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils are avoided. The planning proposal is consistent with the direction.
4.2	Mine subsidence and unstable land	Not applicable.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
4.3	Flood prone land	The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.
4.4	Planning for bushfire protection	The planning proposal will not rezone bushfire prone land or affect the application of controls that ensure that development on bushfire prone land will not result in risk to life or damage to property The planning proposal is consistent with the direction.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> . Refer to Part 6 of the planning proposal and direction 7.1 of this table.
6	Local plan making	
6.1	Approval and referral requirements	The planning proposal seeks to retain employment generating land uses in the Double Bay Centre. This is not expected to require any additional approval or referral requirements. The planning proposal is broadly consistent the direction.
6.2	Reserving land for public purposes	The planning proposal does not proposal to reserve land for public purposes. The planning proposal is broadly consistent with the direction.
6.3	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls or relate to a particular development. The planning proposal is broadly consistent with the direction.
7	Metropolitan Planning	

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	<p>The planning proposal is broadly consistent with the objectives of the Greater Sydney Regional Plan: <i>A Metropolis of Three Cities</i>.</p> <p>Refer to Part 6 of the planning proposal and direction 5.10 of this table.</p>
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

Supplementary material

- Appendix 1 –** Report to the Environmental Planning Committee of 6 August 2018
- Appendix 2 –** Council resolution of 20 August 2018
- Appendix 3 –** Report to the Woollahra Local Planning Panel meeting of 13 September 2018 (annexures removed)
- Appendix 4 –** Advice from the Woollahra Local Planning Panel meeting of 13 September 2018
- Appendix 5 –** Draft amendments to Chapter D5 Double Bay Centre of Woollahra DCP 2015