
Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 6 August 2018 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **PROPOSED COMMERCIAL FLOOR SPACE CONTROLS FOR DOUBLE BAY CENTRE**
Author: Kelly McKellar, Strategic Planner
Approvers: Anne White, Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/111423
Reason for Report: To recommend amendments to the Woollahra LEP 2014 and Woollahra DCP 2015 in response to recent development proposals seeking to reduce the amount of commercial floor space in the Double Bay Centre.
To obtain a Council resolution to prepare and exhibit a planning proposal to amend the Woollahra LEP 2015.
To obtain a Council resolution to prepare and exhibit a draft development control plan to amend Chapter D5 Double Bay Centre of the Woollahra Development Control Plan 2015.

Note: Late correspondence was tabled by Katherine O'Regan, Chair Sydney East Business Chamber, Malcolm Young, Double Bay Residents Assoc, & Anthony Tregoning.

Motion moved by Councillor Jarvis
Seconded by Councillor Shapiro

- 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.

Amendment moved by Councillor Silcocks
Seconded by Councillor Elsing

- A. THAT Council not proceed with a separate planning proposal to amend the 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 staff recommendation to protect the provision of commercial floor space in the Double Bay Centre be put before the same public forum and community consultation process as the building envelope review for the centre.
- C. THAT Council enforces the importance in maintaining and not losing any commercial use in the Double Bay Centre in its review of and recommendations and submissions concerning new Development Applications.

The Amendment was put and lost
The Motion was put and carried

(Jarvis/Shapiro)

157/18 Resolved:

- 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.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Jarvis
Councillor Marano
Councillor Maxwell
Councillor McEwin
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Wynne

Against the Motion

Councillor Cullen
Councillor Elsing
Councillor Price
Councillor Regan
Councillor Silcocks

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