

Item No: D2
Subject: **PLANNING PROPOSAL - DOUBLE BAY BOWLING CLUB AT 18 KIAORA ROAD, DOUBLE BAY**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/207594
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal for land known as the Double Bay Bowling Club at 18 Kiaora Road, Double Bay.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal (at Annexure 1) for the Double Bay Bowling Club at 18 Kiaora Road, Double Bay (Lot 101 DP 614016) which seeks the following amendments to Woollahra Local Environmental Plan 2014:

- i. Rezone the site from Zone R3 Medium Density Residential to Zone RE2 Private Recreation, and
- ii. Increase the minimum lot size from 700m² to 8,800m².

1. Reason for report to the Woollahra Local Planning Panel:

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on a planning proposal to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) for land known as the Double Bay Bowling Club, at 18 Kiaora Road, Double Bay (Lot 101 DP 614016).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) the correction of an obvious error in a local environmental plan*
 - b) matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items (a), (b) or (c), above.

2. Background:

On 24 August 2020 Council resolved:

THAT:

- A. *Council prepare a planning proposal which sets out amendments to the Woollahra Local Environmental Plan 2014 in respect of the land described as Lot 101 in DP 614016, being the land including the bowling greens and clubhouse known as the Double Bay Bowling Club, 18 Kiaora Rd Double Bay to enable this land to be rezoned from R3 Medium Density Residential to RE2 Private Recreation in order to preserve this land for private recreational use.*
- B. *The planning proposal be forwarded to the Woollahra Local Planning Panel for advice.*
- C. *The advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- D. *Council expedites the planning proposal for rezoning.*

The following information accompanied the notice of motion on the agenda for that meeting:

Background

In 1940, Council purchased a parcel of land (which later became Lots 100 and 101 in DP 614016) from the Metropolitan Water, Sewerage and Drainage Board (Sydney Water). This purchase was based on Council's understanding that the land would be used only for recreational purposes.

In 1942, Council leased this land (together with a proximate parcel of land comprising Lot 9 in DP 32788, which it had also purchased from a private individual) to the Double Bay Bowling Club Limited.

In 1948 Council sold the whole of the lands to the Club, subject to the understanding that the grounds be used for recreational purposes.

In 1975 the whole of the lands comprising the Club site were rezoned by Interim Development Order No.15 to Open Space Recreation (Private) 6(b).

In 1980 Interim Development Order No.15 was altered to allow part of the Club site (being Lot 100 in DP 614016) to be developed by the Club into a residential flat building to raise funds for the Club. The zoning of the remaining Club site was unchanged.

In 1988 the remaining club site including Lot 101 in DP 614016 was rezoned to Residential 2(b) under Local Environmental Plan No.27. It is now zoned Residential R3 Medium Density Residential.

This Notice of Motion seeks to preserve this land for private recreational use. The rezoning of Lot 101 in DP 614016 to RE2 Private Recreation has significant strategic merit, given the community's desire for open recreational space in an increasingly densified area of the municipality and to preserve that land for recreational use.

The land in question has been in active use as a bowling green and clubhouse since the 1940s.

3. The site:

The site, known as the Double Bay Bowling Club, is located at 18 Kiaora Road, Double Bay, and is identified as Lot 101 in DP 614016 (see Figure 1). The site is flat and generally rectangular in shape with a site area of approximately 8860m² (see Figure 2).

The site is used as a lawn bowling club and includes 3 lawn bowling greens and a single storey clubhouse (see Figure 3). Although the site has been used as a bowling club for over 75 years the site is zoned R3 Medium Density Residential under Woollahra LEP 2014 (see Figure 4).

The site is owned by the Double Bay Bowling Club (Club) which has been operating on the site since 1942. The Club holds regular in-house bowling competitions. The greens can also be hired out for corporate barefoot bowls and the clubhouse, which is a licensed premises, can be hired out for functions.



Figure 2: Cadastre map identifying the site (in red) (Source: Woollahra Council GIS Maps)



Figure 2: 2018 aerial photograph indicating the site (in red) in its immediate context. (Source: Woollahra Council GIS Maps)



Figure 3: Double Bay Bowling Club including clubhouse and greens, looking south-east across the site



Figure 3: Extract of Woollahra LEP zoning map showing the site zoned as R3 Medium Density Residential

4. Consultation with the land owner:

The Double Bay Bowling Club was notified of this meeting of the Woollahra LPP and that a planning proposal has been prepared. Notification took place on 12 November 2020, which is the date that this report to the Woollahra LPP was published and made publicly available on Council's website.

The Double Bay Bowling Club will be notified when the advice of the Woollahra LPP is provided to Council.

5. Planning proposal:

Consistent with Council's resolution of 24 August 2020, a planning proposal has been prepared to amend Woollahra LEP 2014 (see **Annexure 1**). The planning proposal seeks to amend Woollahra LEP 2014 by:

- rezoning the site from Zone R3 Medium Density Residential to Zone RE2 Private Recreation, and
- increasing the minimum lot size for subdivision from 700m² to 8,800m².

5.1. Planning proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the formerly named NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

5.2. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to ensure that the site is retained for private recreational uses.

Rezoning the site to Zone RE2 Private Recreation will apply a zone that is consistent with the current use and the future intended use of the site.

Increasing the minimum lot size to 8,800m² will ensure that the site is retained as a single consolidated lot and not subdivided into smaller lots which would compromise the ongoing and future use of the site for private recreation and open space purposes.

5.3. Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014 in relation to the site (Lot 101 DP 614016):

- Amend the Land Zoning Map (Sheet LZN_003) to apply Zone RE2 Private Recreation
- Amend the Lot Size Map (Sheet LSZ_003) to apply a minimum lot size of 8,800m².

5.4. Relationship to strategic planning framework

The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018), (refer to Section 6.2 of the planning proposal).

The planning proposal is consistent with Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. Notably, the planning proposal meets the following:

- “Community wellbeing”, Goal 1 (A connected, harmonious and engaged community for all ages and abilities):
 - Strategy 1.3 Provide places and spaces for people to connect and interact.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement* (February 2020). In particular, the planning proposal is consistent with Planning Priority 2 under the theme of Infrastructure and collaboration:

- Planning Priority 2: Planning for a community supported by infrastructure that fosters health, creativity, cultural activities and social connections.

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable *State environmental planning policies* (refer to Schedule 1 of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions, except for direction 3.1 Residential Zones. According to part (6)(d) of this direction, this inconsistency is acceptable as it is of minor significance (refer to Schedule 2 of the planning proposal).

5.5. Strategic merit

The planning proposal has strategic and site specific merit. The key reasons to amend the Woollahra LEP 2014 are:

- **To ensure that the zoning of the site accurately reflects the current and future recreational use of the site.**

The site has been used as a lawn bowling club for over 75 years and it is Council’s intention that the site continues to be used for recreational purposes.

A restrictive covenant applies to the site which requires the use of the site to be for recreational purposes in connection with a bowling club, except with the written consent of Council. Council has resolved that the site is to be preserved for recreational purposes, therefore residential uses will not occur on the site regardless of the R3 Medium Density Residential Zone.

The existing R3 Medium Density Residential Zone does not represent the recreational use of land. Rezoning the site to RE2 Private Recreation is appropriate as it reflects the current use and future intended use of the land.

- **To facilitate ongoing opportunities for sport and recreation.**

Council is committed to conserving and enhancing open space in the Municipality, and there are limited opportunities for Council or private recreation providers to acquire additional land that is suitable for sport and recreational uses. The recent coronavirus restrictions have further highlighted the value of open space and recreation areas for the community, particularly in densely populated areas such as the Woollahra Municipality.

It is important that existing recreational land is protected. Increasing the minimum lot size to 8,800m² seeks to ensure that the site is retained as a single consolidated lot and not subdivided into smaller lots which would compromise the ongoing and future use of the site for private recreation and open space purposes.

- **To recognise the importance of private recreation clubs in providing social opportunities for the community and promoting healthy lifestyles.**

Recreation clubs are an important part of the social fabric and Council needs to ensure there are opportunities for recreation facilities in the Municipality.

6. Conclusion:

This report seeks the advice of the Woollahra LPP on a planning proposal to:

- Rezone land known as Double Bay Bowling Club, at 18 Kiaora Road, Double Bay, from R3 Medium Density Residential to RE2 Private Recreation, and
- Increase the minimum lot size that applies to the site from 700m² to 8,800m².

The planning proposal has strategic and site specific merit, in particular:

- Rezoning the land to the RE2 Private Recreation Zone is appropriate as it reflects the current use and future intended use of the land. The site has been operating as a lawn bowling club for over 75 years. Development on the site is limited by the restrictive covenant that requires use of the site for recreational purposes in connection with a bowling club, except with the written consent of Council. Council has resolved that the site is to be preserved for recreational purposes. The current R3 Medium Density Residential Zone does not reflect the current and future intended use of the land.
- Council is committed to conserving and enhancing open space in the Municipality and it is important that existing suitable land is protected. The planning proposal will facilitate ongoing opportunities for sport and recreation, and recognises the importance of private recreation clubs in providing social opportunities for the community and promoting healthy lifestyles.

We recommend that the Woollahra LPP advise Council to proceed with the planning proposal at **Annexure 1** for the Double Bay Bowling Club, at 18 Kiaora Road, Double Bay.

Annexures

1. Planning Proposal - Double Bay Bowling Club, 18 Kiaora Rd, Double Bay - November 2020 [!\[\]\(564903337f30b845a5f6979939a95fe6_img.jpg\)](#) 