

Planning Proposal



Double Bay Bowling Club 18 Kiaora Road, Double Bay



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Division/Department:	Planning and Development/Strategic Planning
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Table of Contents

1.	Introduction	5
1.1.	Background	5
1.2.	Description of this planning proposal	7
2.	Existing site and surrounding context.....	8
2.1.	The site	8
2.2.	Restrictive covenant over the site	11
2.3.	Existing context	12
2.4.	Proximity to services, transport and recreation facilities.....	14
3.	Existing planning controls.....	15
4.	Objectives of planning proposal	17
5.	Explanation of provisions.....	20
6.	Justification	22
6.1.	Need for planning proposal.....	25
6.2.	Relationship to strategic planning framework	27
6.3.	Environmental, social and economic impact	30
6.4.	State and Commonwealth interests	31
7.	Mapping	32
8.	Community consultation.....	43
9.	Project timeline.....	43
	Schedules.....	44
	Schedule 1 – Consistency with State Environmental Planning Policies	44
	Schedule 2 – Compliance with Section 9.1 Directions.....	50
	Supplementary material	55

1. Introduction

1.1. Background

On [24 August 2020](#), Woollahra 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.

In accordance with Council's resolution, staff prepared this planning proposal. It was reported to the Woollahra Local Planning Panel (WLPP) meeting of [19 November 2020](#) for advice.

The WLPP provided the following [advice](#) to Council:

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.*

On [30 November 2020](#), Council's EPC considered a report on the advice of the WLPP. On [14 December 2020](#), Council resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 19 November 2020 for the planning proposal for the Double Bay Bowling Club at 18 Kiaora Road, Double Bay (Lot 101 DP 614016).*
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee on 30 November 2020, which seeks the following amendments to Woollahra LEP 2014:*
 - Rezone the site from Zone R3 Medium Density Residential to Zone RE2 Private Recreation*
 - Increase the minimum lot size for subdivision from 700m² to 8,800m²**be forwarded to the Department of Planning, Industry and Environment requesting a gateway determination to allow public exhibition.*
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*

As owner of the land, the Double Bay Bowling Club was notified of, and invited to attend the Woollahra Local Planning Panel on 19 November 2020 and Council's Environmental Planning Committee (EPC) on 30 November 2020 where reports on the proposed planning proposal were considered. The owner did not make written or verbal representations to the Panel or EPC. The owner was notified of Council's decision of 14 December 2020 to proceed with the planning proposal.

Subsequent to the Council decision of 14 December 2020, the Department of Planning, Industry and Environment (DPIE) provided advice that the mapping layer of Woollahra LEP 2014 is incorrect for 18 Kiaora Road, Double Bay (Lot 101 DP 614016) along the southern boundary adjoining 20 Kiaora Road (SP 18478). To rectify this, the cadastre (base map layer) of Woollahra LEP 2014 is to be updated as part of the planning proposal.

1.2. Description of this planning proposal

This planning proposal relates to land known as the Double Bay Bowling Club, including the bowling greens and clubhouse, located at 18 Kiaora Road, Double Bay, and described as Lot 101 in DP 614016 (the site). (Figure 1)

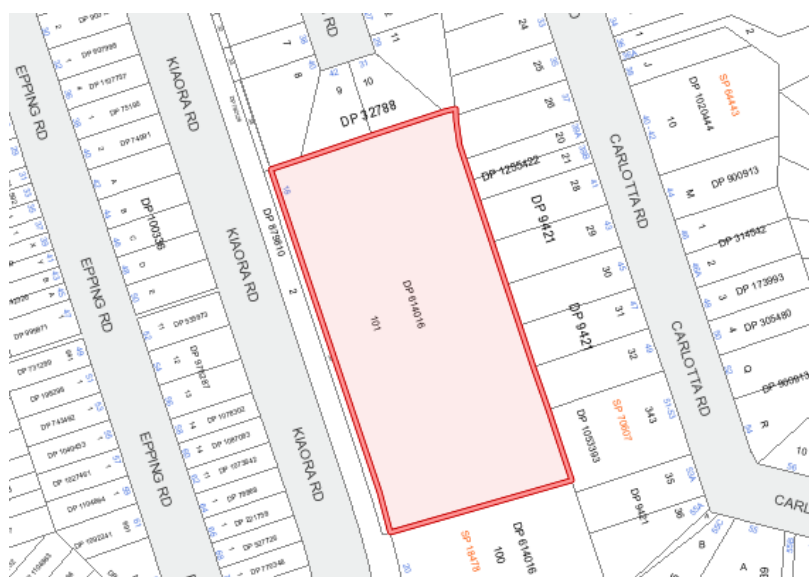


Figure 1: Cadastre map identifying the site (in red) (Source: Woollahra Council GIS Maps)

The objective of the planning proposal is to ensure that the site is retained for private recreational uses consistent with Council's resolution. The planning proposal seeks to achieve this by amending *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to:

- rezone the site from Zone R3 Medium Density Residential to Zone RE2 Private Recreation so that the zone is consistent with the current use and the future intended use of the site, and
- increase the minimum lot size from 700m² to 8800m² 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.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

This planning proposal includes:

1. Existing site and surrounding context
2. Existing planning controls
3. Objective of the planning proposal
4. Explanation of provisions
5. Justification
6. Mapping
7. Community consultation
8. Project timeline

2. Existing site and surrounding context

2.1. 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 (Figure 2).

The site is used as a lawn bowling club and includes 3 lawn bowling greens and a single storey clubhouse (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 (Figure 4).

The site is flat and generally rectangular in shape. The site area is approximately 8,860m². The westward boundary is parallel to Kiaora Road and is approximately 120m. The northward boundary is approximately 68m, the easterly boundary is approximately 136m and the southern-most boundary is approximately 66m.

Immediately adjacent to the site is an open storm water channel (approximately 7m wide) that runs between the boundary of the site and Kiaora Road. The site is accessed by a single lane bridge over the channel (Figures 5 - 7).

The site is owned by the Double Bay Bowling Club (Club). The Club holds regular in-house bowling competitions. The greens and the clubhouse, which is a licensed premises, are also available for private functions.



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



Figure 3: Double Bay Bowling Club, taken from the north-west corner looking south-east across the site

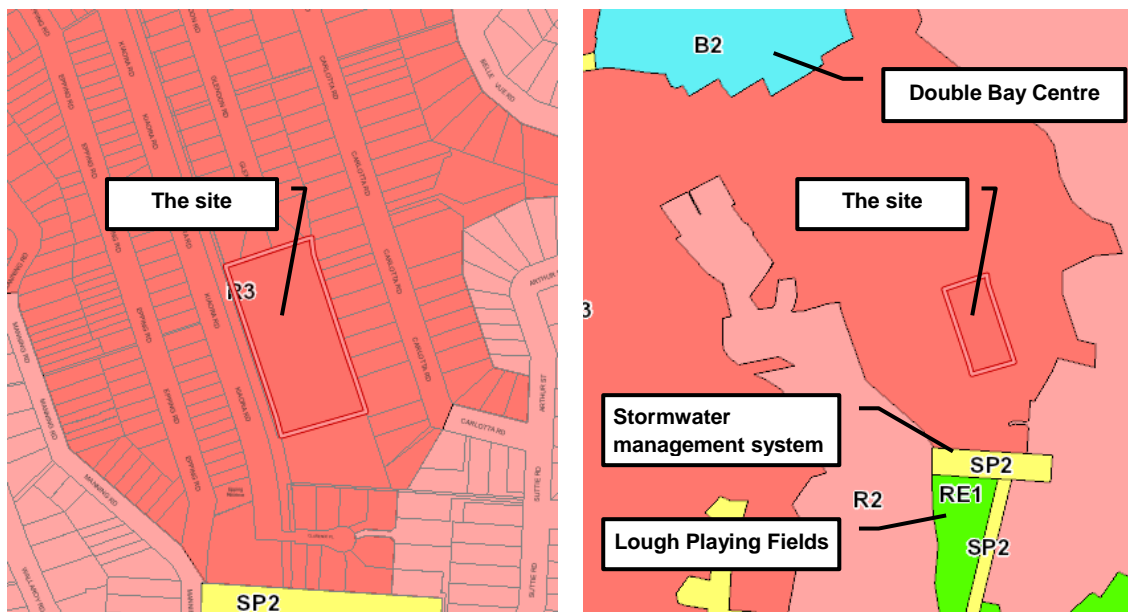


Figure 4: Extract of Woollahra LEP 2014 zoning map showing site zoned as R3 Medium Density Residential within the immediate context (map on left) and wider context to the Double Bay Centre (map on right)



Figure 5: Single lane bridge provides access from Kiaora Road to the site across the open storm water channel



*Figure 6: View from access bridge to the open storm water channel.
The channel is located between the western boundary of the site and Kiaora Road
(Source: Google Street View, Oct 2019)*



Figure 7: View from Kiaora Road looking east. The access bridge and wall of the storm water channel are in the foreground, with the site in the background (Source: Google Street View, Oct 2019)

2.2. Restrictive covenant over the site

The site was previously owned by Woollahra Council and was sold to the Club in 1948, along with adjoining land at 20 Kiaora Road (formerly Lot 100 DP 614016) and 42 Glendon Road (Lot 9 DP 32788) (Figure 8). The sale included a restrictive covenant whereby the land could only be used for recreational purposes in connection with a bowling club, except with the written consent of Council.

Land at 20 Kiaora Road (now SP 18478) was redeveloped for 12 townhouses in the 1980s. Council released the restrictive covenant for this lot in 1981 subject to the Club making a monetary contribution to Council for open space. Land at 42 Glendon Road (Lot 9 DP 32788) has recently been redeveloped for a dual occupancy.

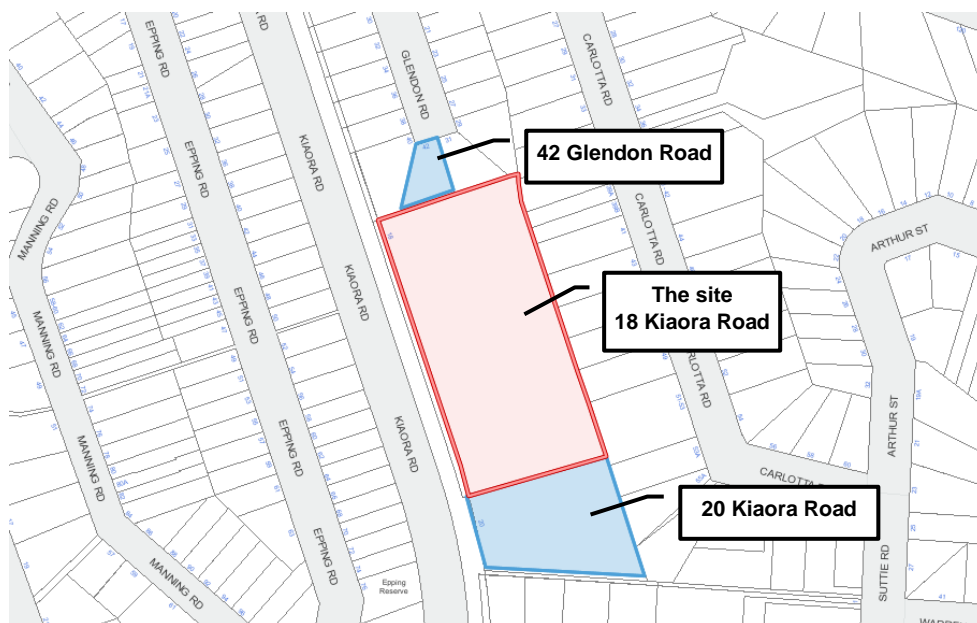


Figure 8: Cadastral map of the site at 18 Kiaora Road and adjoining land at 20 Kiaora Road and 42 Glendon Road shown (Source: Council GIS Maps)

2.3. Existing context

The site is set within an established residential area located at the base of the Double Bay valley. The area contains a mix of older and contemporary housing. Although the immediate surrounding area is zoned R3 Medium Density Residential, the building stock is predominantly dwelling houses.

To the west and north of the site around Epping Road, Forest Road and Glendon Road, the historic subdivision pattern is small single lots (generally ranging from 180m² to 420m²) and the dominant building form is one to two storey dwelling houses and semi-detached dwellings. (Figures 9 – 12)

There are some residential flat buildings (RFBs) up to three storeys on larger lots closer to the Double Bay Centre, particularly along Court Road. (Figure 13)

Immediately east of the site, the topography rises significantly to Carlotta Road. The residential development on these elevated sites predominately comprise larger dwelling houses and some RFBs on lots generally over 600m². These have district views over the site to the west and north-west. (Figure 14)



*Figure 9: Dwelling houses at 18-22 Epping Road, with rear lane to Kiaora Road
(Source: Google Street View, Oct 2019)*



*Figure 10: Dwelling houses at 66 - 70 Epping Road
(Source: Google Street View, Oct 2019)*



Figure 11: Dwelling houses at 53- 55 Epping Road (Source: Google Street View, Oct 2019)

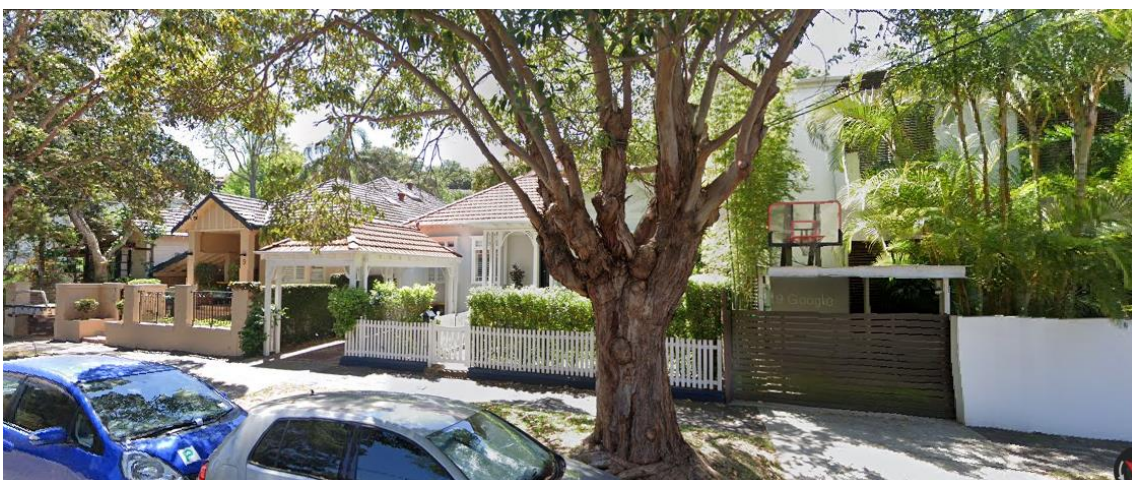


Figure 12: Dwelling houses at 9 – 13 Glendon Road (Source: Google Street View, Oct 2019)



*Figure 13: Residential flat buildings cnr Kiaora Road and Court Road
(Source: Google Street View, Oct 2019)*



Figure 14: Looking east above the site, is the residential development on Carlotta Road

2.4. Proximity to services, transport and recreation facilities

The site is located within 500m of the Double Bay Centre, and is accessible to buses, retail, commercial and community facilities located in the centre.

The site is also within 300m of the Lough Playing Fields (zoned RE1 Public Recreation) located on Manning Road which caters for sports including netball, softball, cricket and training for rugby and soccer.

3. Existing planning controls

The site is subject to planning controls within the Woollahra LEP 2014 relating to land zoning, building height, lot size, floor space ratio, and local provisions. These are as follows:

Double Bay Bowling Club (Lot 101 DP 614016)					
Land Use Zone	Maximum building height	Minimum lot size	Maximum Floor space ratio	Acid sulfate soils	Flood Planning Area
R3 Medium Density Residential	9.5m	700m ²	0.65:1	Class 3 and Class 5	Located within a Flood Planning Area

Table 1: Double Bay Bowling Club existing planning controls in Woollahra LEP 2014

The site is zoned R3 Medium Density Residential in the Woollahra LEP 2014, the zone objectives and permitted uses are:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

2 Permitted without consent

Roads

3 Permitted without consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Group homes; Home occupations (sex services); Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shops; Tank-based aquaculture

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

Land use terms as defined in the Woollahra LEP 2014 Dictionary

In the R3 Medium Density Residential Zone “recreation areas” are a permitted use. However, a lawn bowling club is not a “recreation area” as defined in Woollahra LEP 2014:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Under Woollahra LEP 2014 a lawn bowling club falls under the land use term “recreation facility (outdoor)”, which is defined as:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

In Woollahra LEP 2014 “recreation facilities (outdoor)” are permitted with consent only in Zone RE1 Public Recreation and Zone RE2 Private Recreation.

4. Objectives of planning proposal

The objective of the planning proposal is to ensure that land at 18 Kiaora Road, Double Bay, (Lot 101 DP 614016) is retained for private recreational uses. The planning proposal seeks to achieve this by amending Woollahra LEP 2014 to:

- rezone the site from Zone R3 Medium Density Residential to Zone RE2 Private Recreation. The RE2 Zone objectives and permitted uses are consistent with the current use and the future intended use of the site (see extract of the land use table below)
- increase the minimum lot size from 700m² to 8800m². The total area of the site is approximately 8860m², increasing the minimum lot size to 8800m² 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.

The planning proposal also seeks to make an administrative change to Woollahra LEP 2014 by updating the cadastre layer of the LEP maps so that the location of the southern boundary of Lot 101 DP 614016 is adjusted to reflect the location of the boundary as per the deposited plan. The deposited plan defines the boundaries of a parcel of land and creates the legal identity of the land.

4.1. Woollahra LEP 2014 land use table for the RE2 Private Recreation Zone

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2 Permitted without consent

Nil

3 Permitted without consent

Aquaculture; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads

4 Prohibited

Any development not specified in item 2 or 3

The Department of Planning Practice Note PN 11-002 *Preparing LEPs using the Standard Instrument: standard zones* also provides the following advice about the RE2 Private Recreation:

This zone is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted e.g. to registered members only. Private recreation may include racecourses, golf clubs, bowling clubs, rifle ranges, speedways, tennis complexes and other sporting or recreational facilities which may be on significant parcels of privately owned land, or on land leased from councils or State authorities.

Rezoning land at 18 Kiaora Road, Double Bay, is consistent with the intended application of the RE2 Private Recreation Zone for uses such as “bowling clubs”, and the proposed increase in the minimum lot size is consistent with the intention of retaining “significant parcels” of privately owned land for private recreation and open space purposes.

Should the rezoning proceed, residential development will not be permitted on the land under the RE2 Private Recreation Zone and the land will be retained for private recreational purposes which is consistent with the restrictive covenant that applies to the land.

4.2. Woollahra LEP 2014 cadastre amendment

The southern boundary of 18 Kiaora Road is incorrectly shown on the Woollahra LEP 2014 maps. The Woollahra LEP 2014 map sheets need to be amended so that the property boundary reflects the deposited plan.

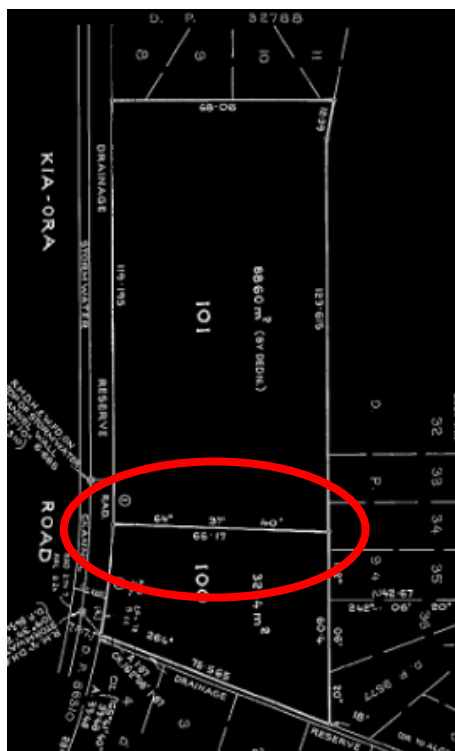


Figure 15a: Extract of the deposited plan for Lot 101 DP 614016 identifying the southern boundary that adjoins 20 Kiaora Road (SP 18478)

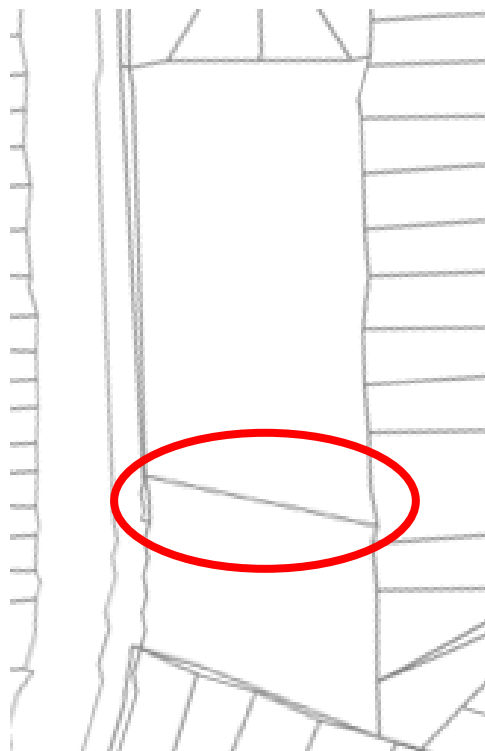
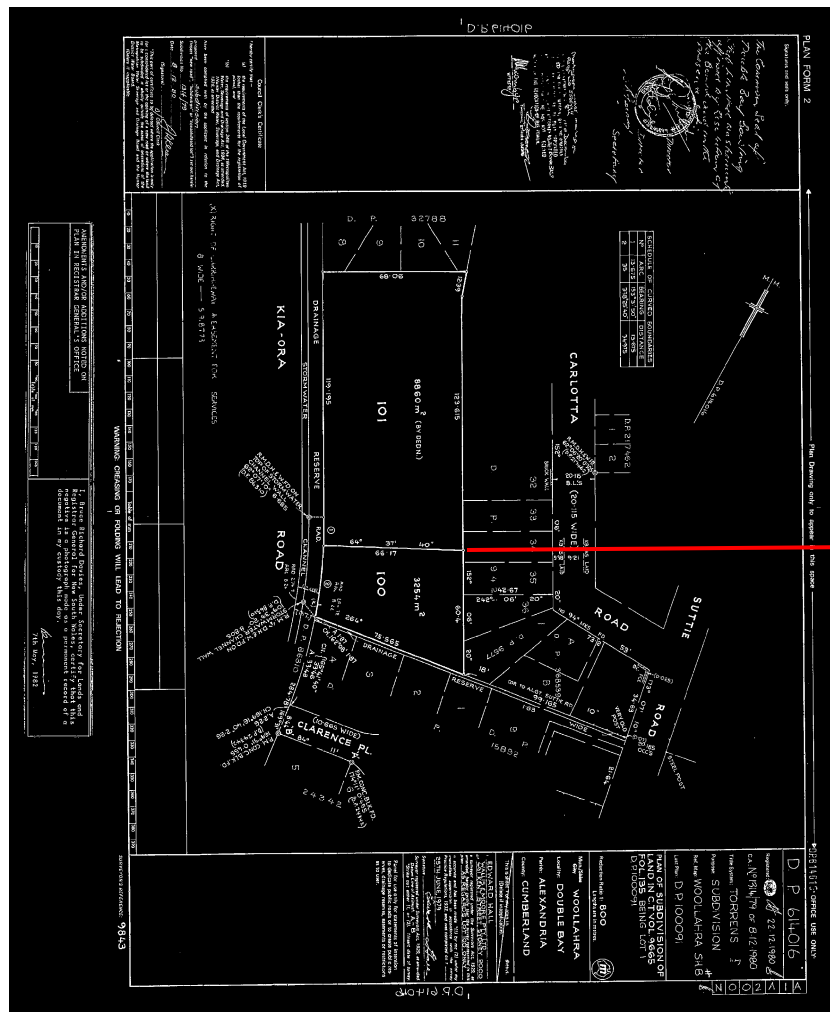
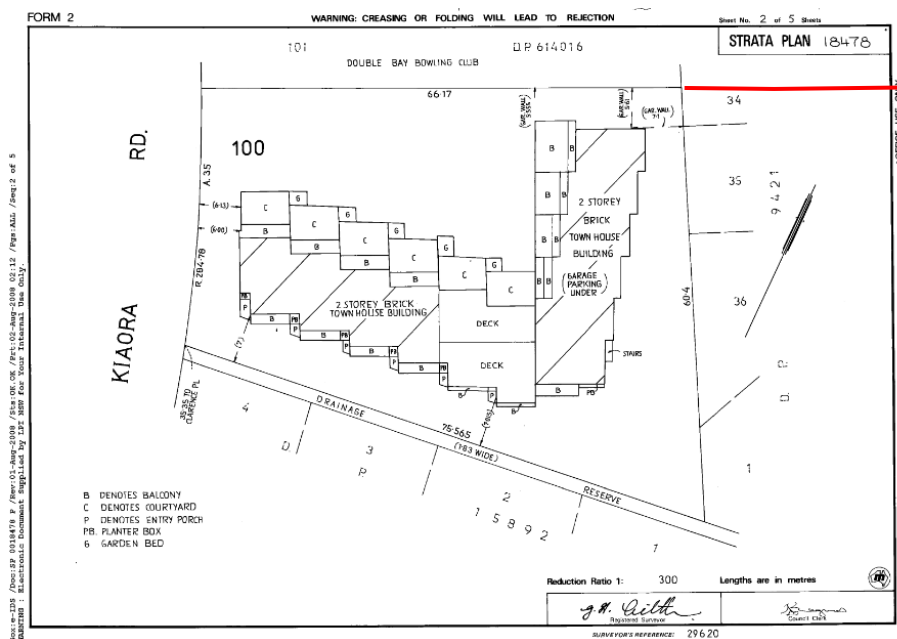


Figure 15b: Extract of Woollahra LEP 2014 Land Application Map (Sheet LAP_001) identifying the southern boundary that adjoins 20 Kiaora Road



Southern
boundary of 18
Kiaora Road

Figure 16: Copy of the deposited plan for Lot 101 DP 614016 (18 Kiaora Road)



Northern
boundary of 20
Kiaora Road

Figure 17: Copy of the deposited plan for SP 18478 (20 Kiaora Road)

5. 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 8800m².

The planning proposal also seeks to amend the cadastre layer of the Woollahra LEP 2014 by updating the boundary between Lot 101 DP 614016 (18 Kiaora Road) and SP 18478 (20 Kiaora Road) so that the location of the boundary reflects the deposited plan. This is an administrative change to the base mapping layer of Woollahra LEP 2014 and will require amendment to the LEP maps as listed in Table 3 below.

(Also refer to Section 7 Mapping)

18 Kiaora Road, Double Bay (Lot 101 DP 614016)		
Woollahra LEP 2014 control/clause	Current	Proposed
Zoning	R3 Medium Density Residential	RE2 Private Recreation
Minimum Lot Size (m²)	700m ²	8800m ²

Table 2: Summary of proposed zone and minimum lot size changes to Woollahra LEP 2014

LEP maps		
The following LEP maps are to be amended to update the cadastre showing the lot boundary between Lot 101 DP 614016 and SP 18478		
Map types		Map sheets (identification numbers)
Land Application Map	LAP_001	8500_COM_LAP_001_030_20141205
Land Zoning Map	LZN_003	8500_COM_LZN_003_010_20141205
Lot Size Map	LSZ_003	8500_COM_LSZ_003_010_20141205
Height of Buildings Map	HOB_003	8500_COM_HOB_003_010_20170922
Floor Space Ratio Map	FSR_003	8500_COM_FSR_003_010_20170922

LEP maps		
The following LEP maps are to be amended to update the cadastre showing the lot boundary between Lot 101 DP 614016 and SP 18478		
Map types		Map sheets (identification numbers)
Land Reservation Acquisition Map	LRA_003	8500_COM_LRA_003_010_20141205
Acid Sulfate Soils Map	ASS_003	8500_COM_ASS_003_010_20141205
Flood Planning Map	FLD_003	8500_COM_FLD_003_010_20141205

Table 3: List of Woollahra LEP 2014 maps to be amended to update the cadastre

6. Justification

The planning proposal has strategic and site specific merit and 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.
- To facilitate ongoing opportunities for sport and recreation and recognise the value of open space and recreation areas particularly in a density populated area.
- To recognise the importance of private recreation clubs in providing social opportunities for the community and promoting healthy lifestyles.

These are discussed below.

- **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. The existing R3 Medium Density Residential Zone does not represent the current and ongoing recreational use of the land. Rezoning the land to apply the RE2 Private Recreation zone most suitably reflects the current and intended future use of the site.

A restrictive covenant also applies to the site. The covenant 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, therefore residential uses will not occur on the site regardless of the R3 Medium Density Residential Zone.

The restrictive covenant is a covenant imposed by Council and the provisions of Woollahra LEP 2014 clause 1.9A apply:

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed

Under subclause 1.9(2) the restrictive covenant imposed by Council continues to apply.

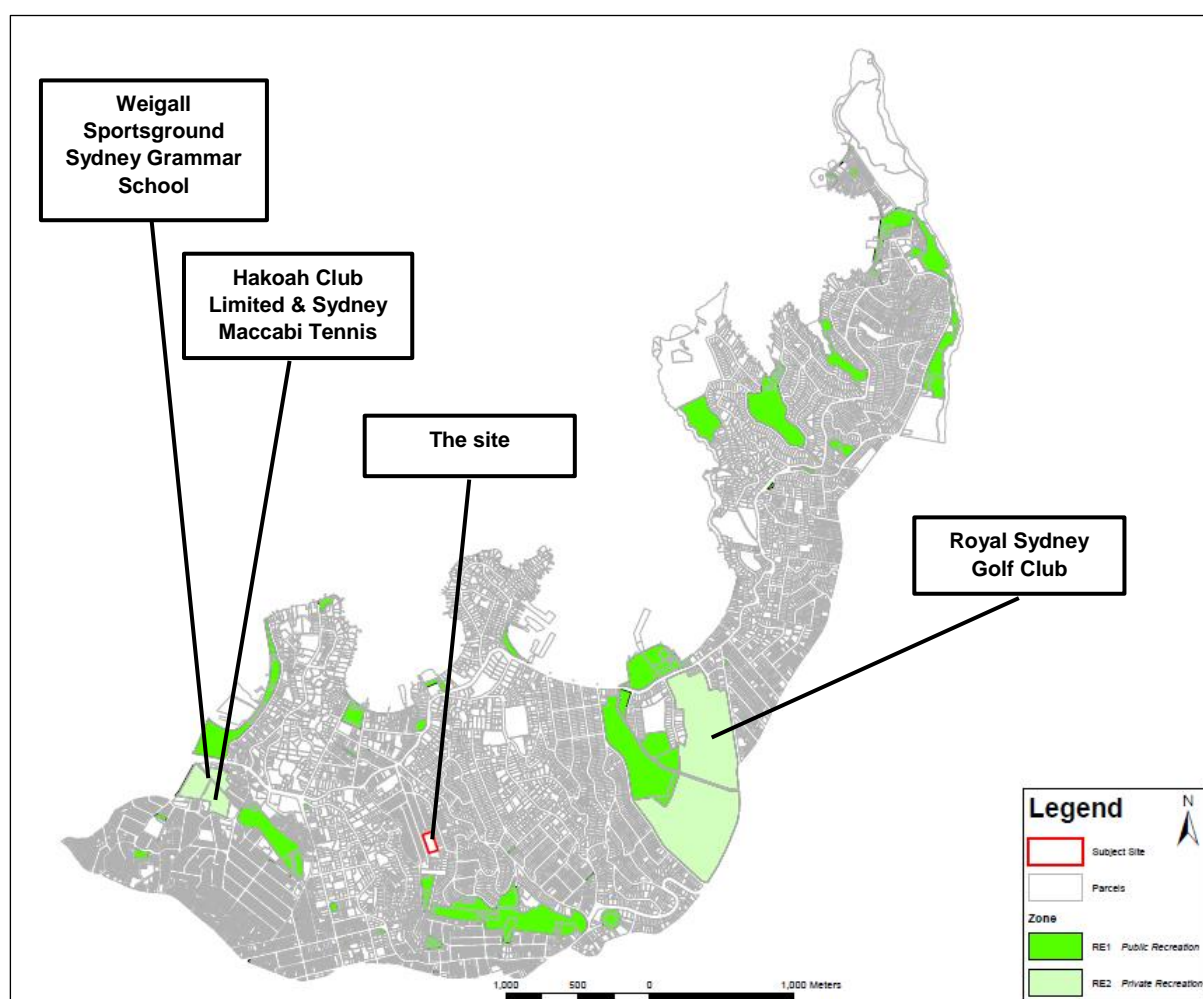
Applying a zone that accurately reflects the current and future intended use of the site, and for which the current use is a permissible use, provides greater certainty to the land owner and the community about the type of development intended for the land and contributes to a more efficient planning framework.

- **To facilitate ongoing opportunities for sport and recreation and recognise the value of open space and recreation areas particularly in a densely populated area.**

In 2019 the estimated resident population of the Woollahra Municipality was 59,387 and the population density was 48.47 persons/ha (compared to a population density of 4.29 persons/ha for the Greater Sydney) with almost 80% of residents living in medium or high density dwellings (id. Woollahra Community Profile). Woollahra's high population density means access to open space, sport and recreation opportunities outside of the home is of critical importance to the community's health and wellbeing.

Though Woollahra's population growth is relatively modest, population growth occurring within the subregion including directly adjoining LGAs (which are also densely populated) is likely to increase demand for access to facilities in Woollahra.

Across the LGA, land zoned RE1 Public Recreation or RE2 Private Recreation is approximately 14.65% of all zoned land. This includes approximately 1.128km² (9.25%) of land zoned RE1 and 0.659km² (5.4%) of land zoned RE2 (of which 0.57km² or 4.7% is Royal Sydney Golf Club land). The location and distribution of the recreation zoned land across the LGA is shown in Figure 17, with other existing RE2 zoned land identified. Figure 18 shows the recreation zoned land (all RE1 zoned land) located within approximately 800m of the bowling club site.

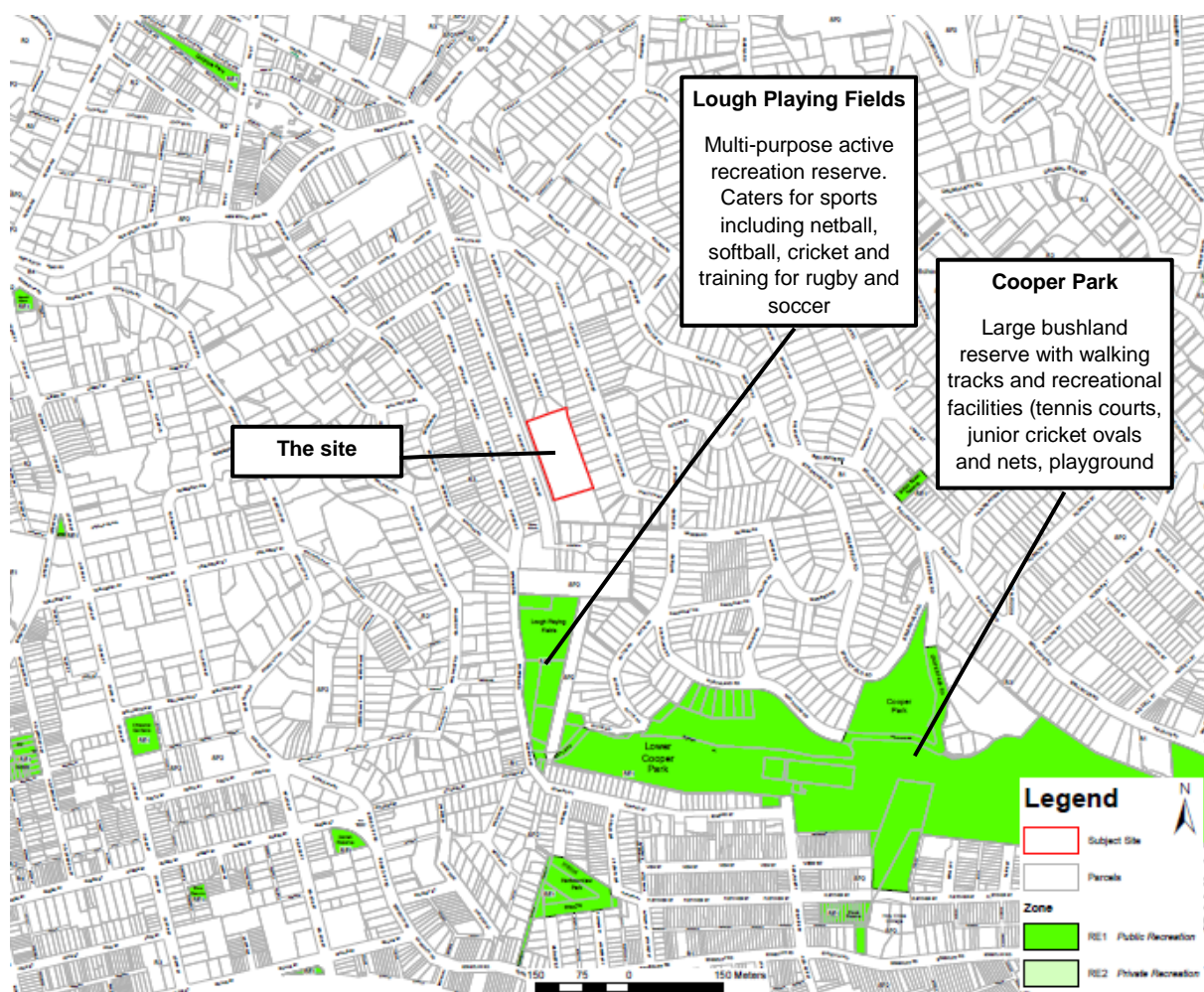


*Figure 18: Subject site and land zoned RE1 Public Recreation and RE2 Private Recreation in Woollahra LEP 2014, with RE2 zoned land specifically identified.
(Source: Woollahra Council GIS Maps)*

Given the availability and cost of land in the Woollahra LGA there are limited opportunities for Council or private recreation providers to acquire additional land that is suitable for sport and recreational uses. Therefore it is important that existing suitable land is protected.

Rezoning the bowling club land at 18 Kiaora Road, Double Bay, to RE2 Private Recreation will contribute to this. Increasing the minimum lot size to 8800m² will also seek to ensure that the site is retained as a single consolidated lot and not subdivided into smaller lots which could compromise the ongoing and future use of the site for private recreation and open space purposes.

Council is committed to conserving and enhancing open space and recreational opportunities. And the recent coronavirus restrictions have further highlighted the value of open space and recreation areas for the community, particularly in a densely populated area such as the Woollahra Municipality.



*Figure 19: Subject site and land zoned RE1 Public Recreation located within approximately 800m of the subject site.
(Source: Woollahra Council GIS Maps)*

- **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. The *Woollahra Community Capacity Survey 2017* (page 38) identified that 73% of residents had been involved in at least one organised club/group in the past 12 months, with sport/recreation groups being the most frequently mentioned type of group. Significantly 31% of residents identified that they were “regularly” involved with a sporting/recreation group.

Sport and recreation plays a key role in the Woollahra community and contributes to the well-being, social connectedness and overall quality of life. It is important that residents have access to a diverse range of recreation and sporting facilities that create opportunities for physical and social activities for all ages, cultures and abilities.

The proposed rezoning of the land to RE2 Private Recreation will help ensure there are ongoing opportunities for recreation facilities in the Municipality.

- The planning proposal also updates the cadastre on the Woollahra LEP 2014 maps to ensure that the base mapping layer is accurate and consistent with the lot boundaries identified in the deposited plans for Lot 101 DP 614016 (18 Kioara Road) and SP 18478 (20 Kioara Road).
- 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).
- The planning proposal is consistent with the objectives of *A Metropolis of Three Cities* and the initiatives of the *Eastern City District Plan*.
- The planning proposal is consistent with the Standard Instrument.
- The planning proposal is consistent with applicable *State Environmental Planning Policies*, except for SEPP No 70 – Affordable Housing (Revised Schemes), SEPP (Affordable Rental Housing), and 2009 SEPP (Housing for Seniors or People with a Disability) 2004. However, the inconsistencies are acceptable and of minor significance (refer to Schedule 1).
- The planning proposal is consistent with the vision and planning priorities of the *Woollahra Local Strategic Planning Statement* and is consistent with Council’s community strategic plan titled *Woollahra 2030 – Our community, our place, our plan* (Woollahra 2030).

6.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is the result of a Council resolution to rezone the site in order to preserve the land for private recreational use (see Section 1 of this report).

However, the planning proposal is consistent with Council’s vision as expressed in the *Woollahra Local Strategic Planning Statement*:

- We have safe and convenient access to a range of active transport choices, **recreation and sport facilities**, arts, social and cultural activities, deliveries, connectivity, health services and education. (page 18)

- Factors that contribute to the amenity of a neighbourhood include access to green open space, water and air quality, safety, accessibility, pleasant streetscapes, local villages and **opportunities for recreation and social interaction**. (page 34)
- We support a balanced economy including boutique retail, visitation, well-regulated night-time entertainment, dining and other **recreational opportunities**. (page 50)
- The public and **private land** available for national parks, open space, water and foreshore access and **recreational purposes** is limited. Council is committed to maintaining this land, which is highly valued and well-used by our community. (page 58)

The planning proposal is consistent with Planning Priority 2:

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

In particular Action 16:

Work with our community, neighbouring councils and government agencies to deliver community spaces and services, arts and cultural spaces and experiences, high quality public places and recreational facilities through infrastructure strategies and related plans.

(Also see Section 6.2.4 below)

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

Yes. The planning proposal is the best means of achieving the intended outcome for the site - which is to retain the land for recreational purposes. The key reasons are:

- The site is used for the purpose of a lawn bowling club. This use is not a permitted use in the R3 Medium Density Residential zone. Under the Woollahra LEP 2014 a lawn bowling facility falls under the land use term “recreation facility (outdoor)”, which is defined in the LEP Dictionary as:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

In Woollahra LEP 2014 “recreation facilities (outdoor)” are permitted with consent in Zone RE2 Private Recreation. This is the most suitable zone having regard to the current and intended use of the land.

- The site is subject to a restrictive covenant requiring use of the land 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 existing R3 Medium Density Residential zone does not represent the recreational use of land and the current use of the land as a bowling club is not a permitted use in the R3 Zone. Applying the RE2 Private Recreation zone to the site is the most effective way

to reflect the current and future intended use of the site for recreational purposes, resolve the issue of the permissibility of uses on the site, and create certainty to the land owner and the community about Council's expectations for the land. Increasing the minimum lot size to 8800m² prevents subdivision of the site into smaller lots which would compromise use of the site for private recreation and open space purposes consistent with the RE2 Zone.

Other options for achieving the objective and outcomes are limited and do not effectively meet the objective of the planning proposal, these are:

- **Option 1:** To list the site in Woollahra LEP 2014 Schedule 1 Additional permitted uses, and identify "development for recreation facility (outdoor)" as an additional use permitted with development consent. This option retains a residential zoning on the site, which is not reflective of the current and intended future use of the site and the restrictive covenant that applies to the site. This option also establishes a site specific provision which is not consistent with section 9.1 local planning directions, 6.3 Site specific provisions.
- **Option 2:** Do nothing i.e. retain the current R3 Medium Density Residential Zone and use the restrictive covenant as the main instrument to require recreational uses on the site. Retaining the R3 zone for the site creates a false expectation about the nature of development that can occur given the restrictive covenant, the provisions of Woollahra LEP 2014 clause 1.9A(2) regarding covenants imposed by a Council, and Council's resolution to preserve the site for recreational purposes. This option does not establish certainty to the land owner and the community about the type of development intended for the land and does not contribute to an efficient planning framework.

Proposed amendments to the base mapping layer of the Woollahra LEP 2014 maps are an administrative change to ensure the cadastre in the LEP is accurate and consistent with the legal property boundaries as identified in deposited plans. The Department has advised that in this instance, a planning proposal is the only way that this correction can be made.

6.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities*, particularly Objective 7:

Objective 7 Communities are healthy, resilient and socially connected

"Active and socially connected people are healthier and better able to adapt to change. Strong social networks help communities respond to the challenges of urban life, such as housing affordability and access to work and education. They give people access to knowledge, resources and opportunities. Great places are shaped by healthy and connected communities that share values and trust, and can develop resilience"

By providing for the ongoing use of the site for recreation purposes, the planning proposal will facilitate opportunities that support "active and socially connected people" consistent with Objective 7.

Eastern City District Plan

The planning proposal is consistent with the actions of the *Eastern City District Plan*. In particular by providing for the ongoing use of the site for recreation purposes, the planning proposal will facilitate opportunities that:

- provide for “social infrastructure that reflects the needs of the community now and in the future” consistent with Planning Priority E3, Action 8
- support “fostering healthy... and socially connected communities” consistent with Planning Priority E4, Action 15
- “maximise the use of existing open space” consistent with Planning Priority E18. Action 67.

Direction: A city for people

Objective 5: Benefits of growth realised by collaboration of governments, community and business.

- Planning Priority E3 - Providing services and social infrastructure to meet people's changing needs
“Growth increases demand on existing services and infrastructure, including sport and recreation facilities that are, in some cases, at or nearing capacity.”
 - Action 8 Deliver social infrastructure that reflects the needs of the community now and in the future.
- Planning Priority E4 - Fostering healthy, creative, culturally rich and socially connected communities
“Many educational and community facilities, social enterprises, community initiatives, clubs and sporting organisations and facilities connect people with one another. These social connectors help foster healthy, culturally rich and networked communities that share values and trust and can develop resilience to shocks and stress.”
 - Action 15 Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.

This planning proposal contributes to the liveability of the Woollahra LGA consistent with this *Direction: A city for people*, by facilitating the continued use of the land for recreational purposes which promotes healthy, active lifestyles and social connectedness.

Direction: A city in its landscape

Objective 31: Public open space is accessible, protected and enhanced

- Planning Priority E18 Delivering high quality open space
“As the District grows, providing open space areas for recreation, sport and social activity, as well as establishing physical links that support social networks and create a sense of community, will become increasingly important.”
“Active open space is in high demand across the District, with limited opportunity to provide additional capacity alongside growth. Utilisation rates are high, with some sporting clubs unable to access fields as needed and providers such as local councils, finding it difficult to fund upkeep and maintenance. A trend towards greater participation in sport by women and people aged over 35 is beginning to appear, as well as a trend towards indoor sports, and sports requiring less space such as futsal, changing patterns of demand for sports fields and facilities.”
 - Action 67 Maximise the use of existing open space and protect, enhance and expand public open space by:
 - a. providing opportunities to expand a network of diverse, accessible, high

quality open spaces that respond to the needs and values of communities as populations grow.

Although this planning proposal relates to private recreational uses, it is consistent with Planning Priority E18 and Objective 31 as the planning proposal contributes to the delivery of open space by providing opportunities for recreation, sport and social activities, and will benefit the community. It is also relevant to note that the community does not necessarily readily distinguish between private and public recreational uses. For example, tennis facilities may be located on private land but leased out and available to the public on a membership or fee basis. In this way, this planning proposal will contribute to open space opportunities for the community.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the *Woollahra Local Strategic Planning Statement* and Council's Community Strategic Plan, *Woollahra 2030*.

Woollahra Local Strategic Planning Statement:

The planning proposal is consistent with Planning Priority 2:

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

In particular Action 16:

Work with our community, neighbouring councils and government agencies to deliver community spaces and services, arts and cultural spaces and experiences, high quality public places and recreational facilities through infrastructure strategies and related plans.

Woollahra 2030 –our community, our place, our plan

The planning proposal is also consistent with the following themes and goals.

Theme: Community wellbeing

Goal 1: A connected, harmonious and engaged community for all ages and abilities - Woollahra will be a community where people care for each other, have a sense of belonging and can contribute meaningfully to their local community and neighbourhood through participation in community life:

- Strategy 1.3 Provide places and spaces for people to connect and interact

Theme: Quality places and spaces

Goal 5: Liveable places -

Woollahra will be a community with accessible, integrated and well maintained public places and open spaces. We will have clean and well maintained infrastructure and community facilities. It will be a safe and attractive place with high quality public and private facilities and amenities.

- Strategy 5.1 Enhance local community, cultural and recreation facilities to become more attractive, integrated, and accessible

By providing for the ongoing use of the site for recreation purposes, the planning proposal will facilitate opportunities to “provide places and spaces for people to connect and interact” and “enhance local community, cultural and recreation facilities to become more attractive, integrated, and accessible” consistent with Woollahra 2030.

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

Yes. 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**).

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

No. The planning proposal is consistent with all 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**).

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. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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

No. There are no likely environmental effects that would arise as a result of the planning proposal.

The site is located within a flood planning area, and is identified as containing Class 3 and 5 acid sulfate soils. It is currently used as a lawn bowling club. Rezoning the site to RE2 Private Recreation is not likely to result in environmental harm. Any future development on the site consistent with the RE2 Private Recreation Zone will require a DA, and any potential environmental impacts will be suitably assessed and managed through the DA process and conditions of consent.

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

For the reasons identified in the justification (Section 6 of this report), the planning proposal will have positive social and economic effects. In particular:

- The planning proposal will have positive social impacts for the community by providing opportunities for recreation facilities within the Municipality. Recreation clubs provide social opportunities for the community and promote healthy lifestyles.
- To planning proposal will have positive economic effects for the community by ensuring that land suitable for recreational uses is identified and retained. This is important as there are limited opportunities for Council or private recreation providers to acquire land within the Municipality that is suitable for sport and recreational uses because of the cost of land and supply of suitably sized lots.
- The current land owner, the Double Bay Bowling Club, may form the opinion that the planning proposal will have a negative economic impact on the Club because the rezoning will mean that the land cannot be redeveloped for housing under Zone R3

Medium Density Residential, and the change to the minimum lot size will mean that the site cannot be subdivided. However, development on the land is limited by the restrictive covenant that applies to the site. The covenant requires use of the site for recreational purposes in connection with a bowling club, except with the written consent of Council, and Council has resolved that the site is to be preserved for recreational purposes.

6.4. State and Commonwealth interests

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

Yes. The site is connected to water, sewer, electricity and telephone services, and the site is in proximity to regular and frequent public transport services.

Immediately adjacent to the site is an open storm water channel and the site is accessed from Kiaora Road by a single lane bridge over the channel.

There is no significant infrastructure demand that will result from the planning proposal as the rezoning seeks to apply a zone that is consistent with the current use of the site as a bowling club.

Notwithstanding, we will consult with public utility and service providers during the public exhibition, including Sydney Water regarding the site access.

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

This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

- Sydney Water
- Office of Sport
- Transport for NSW, Roads and Maritime Services

Any other authorities identified by the Greater Sydney Commission and Department of Planning, Industry and the Environment will be consulted during the public exhibition of the planning proposal.

7. Mapping

7.1. Zone and Lot Size Maps

The planning proposal seeks to amend the following Woollahra LEP 2014 maps:

- Land Zoning Map (Sheet LZN_003)
- Lot Size Map (Sheet LSZ_003)

An extract of the existing and proposed maps are shown in Figures 20 – 23.

7.2. Woollahra LEP 2014 cadastre amendment

The planning proposal also seeks to amend the following Woollahra LEP 2014 maps to update the cadastre layer of the LEP by adjusting the location of the property boundary between Lot 101 DP 614016 (18 Kioara Road) and SP 18478 (20 Kiaora Road):

- Land Application Map (Sheet LAP_001)
- Land Zoning Map (Sheet LZN_003)
- Lot Size Map (Sheet LSZ_003)
- Height of Buildings Map (Sheet HOB_003)
- Floor Space Ratio Map (Sheet FSR_003)
- Land Reservation Acquisition Map (Sheet LRA_003)
- Acid Sulfate Soils Map (Sheet ASS_003)
- Flood Planning Map (Sheet FLD_003)

An extract of the existing and proposed maps are shown in Figures 24 – 47.

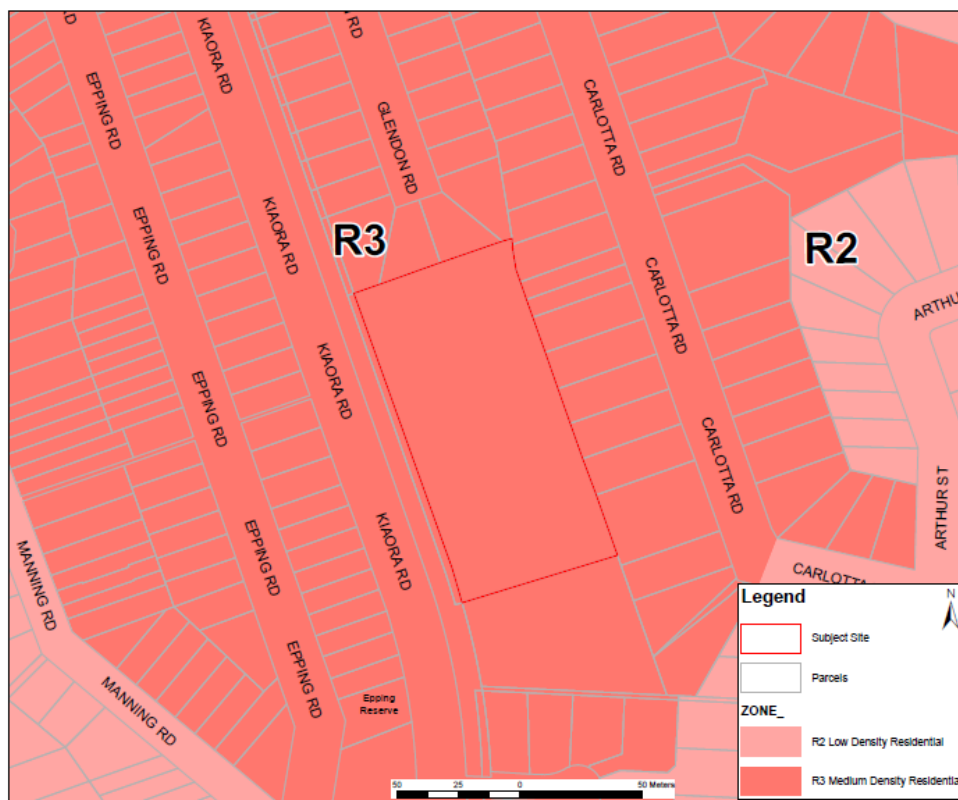


Figure 20: Extract of current Woollahra LEP 2014 Land Zoning Map (Sheet LZN_003) with subject site identified

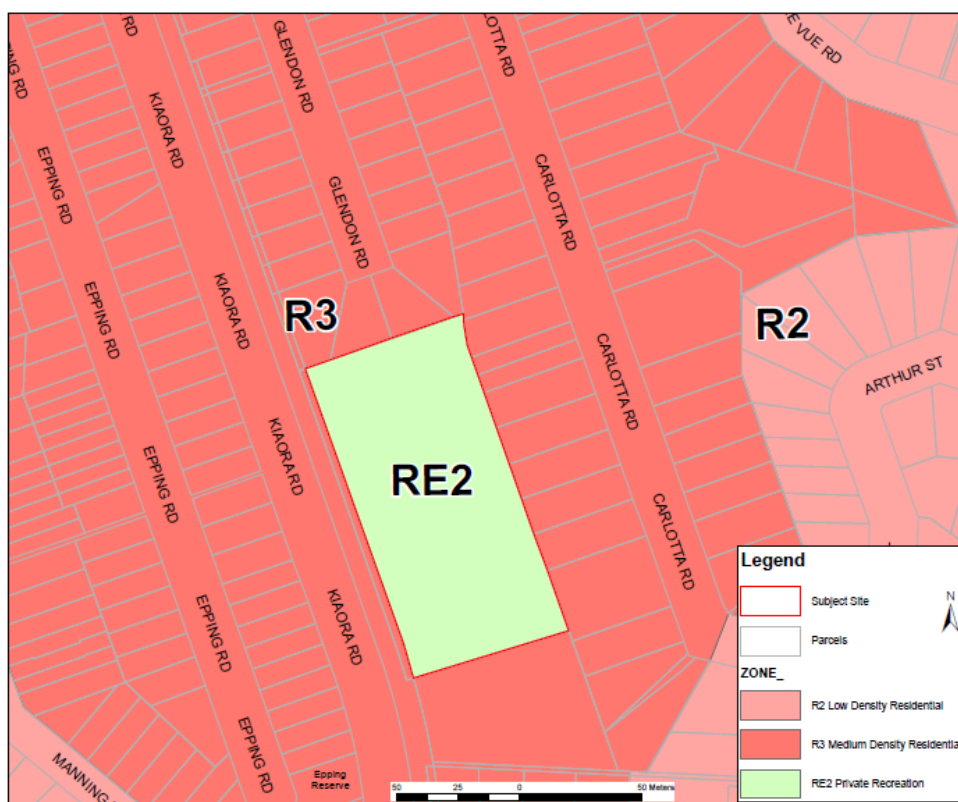


Figure 21: Extract of proposed Woollahra LEP 2014 Land Zoning Map (Sheet LZN_003) with subject site identified

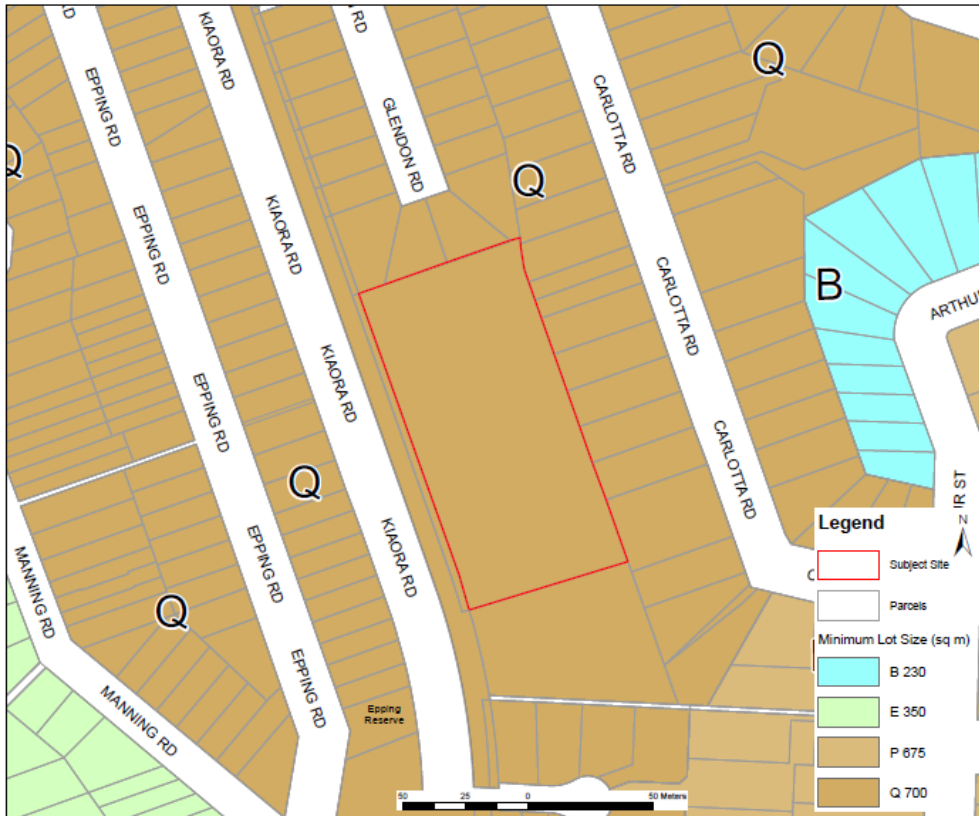


Figure 22: Extract of current Woollahra LEP 2014 Lot Size Map (Sheet LSZ_003) with subject site identified

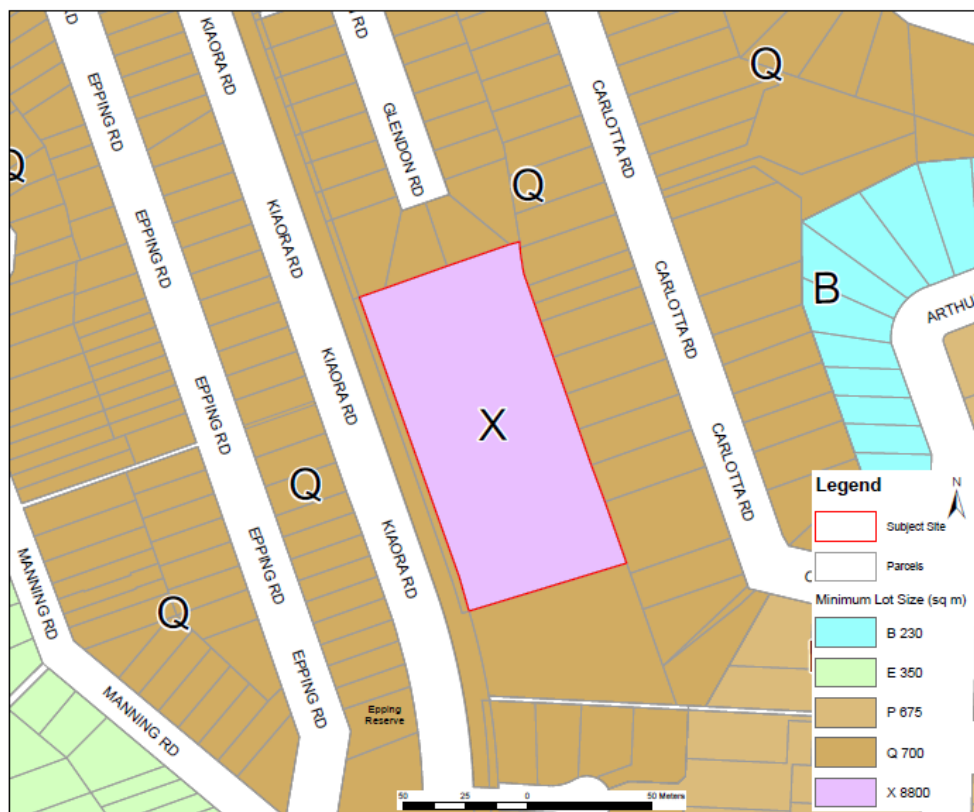


Figure 23: Extract of proposed Woollahra LEP 2014 Lot Size Map (Sheet LSZ_003) with subject site identified

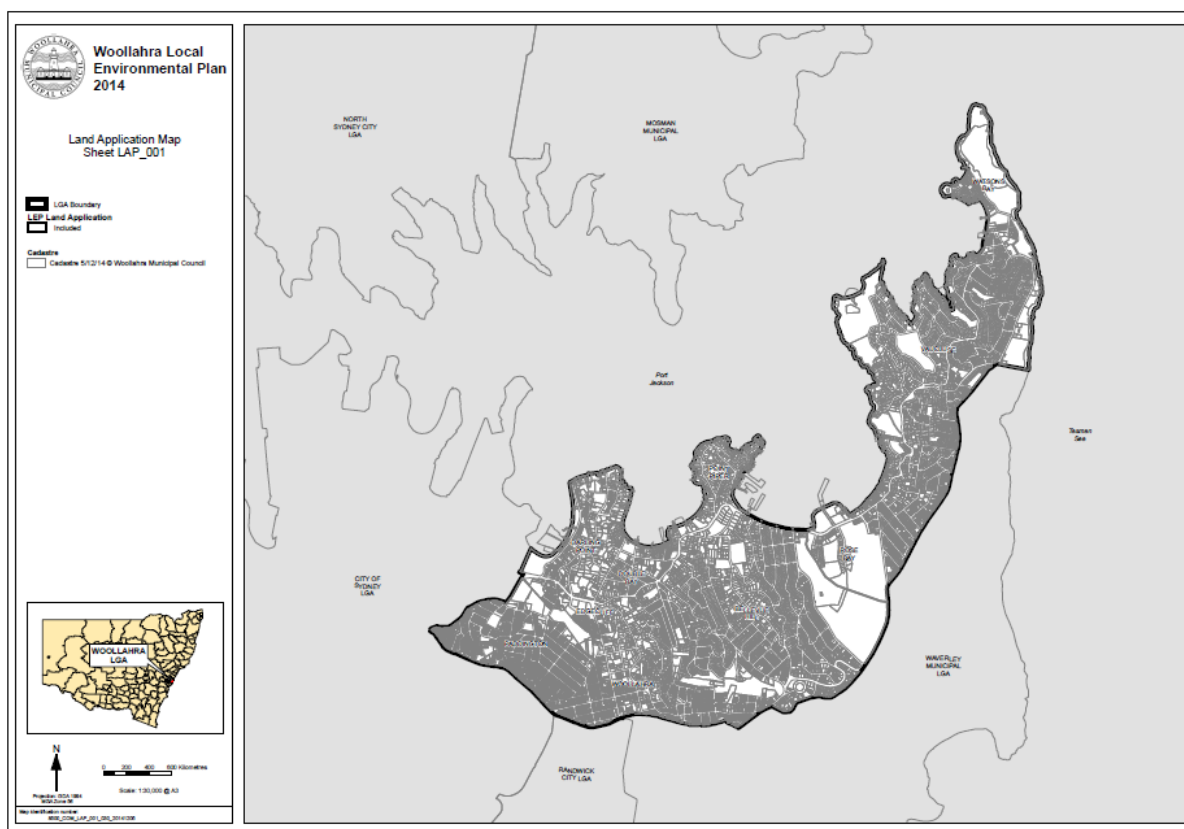


Figure 24: Woollahra LEP 2014 Land Application Map (Sheet LAP_001)



Figure 25: Extract of current Woollahra LEP Land Application Map (Sheet LAP_001) with incorrect boundary

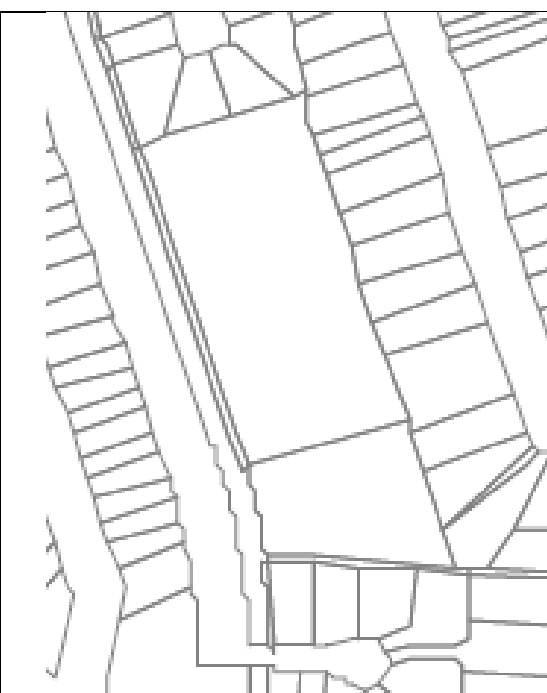


Figure 26: Extract of proposed Woollahra LEP Land Application Map (Sheet LAP_001) with boundary rectified

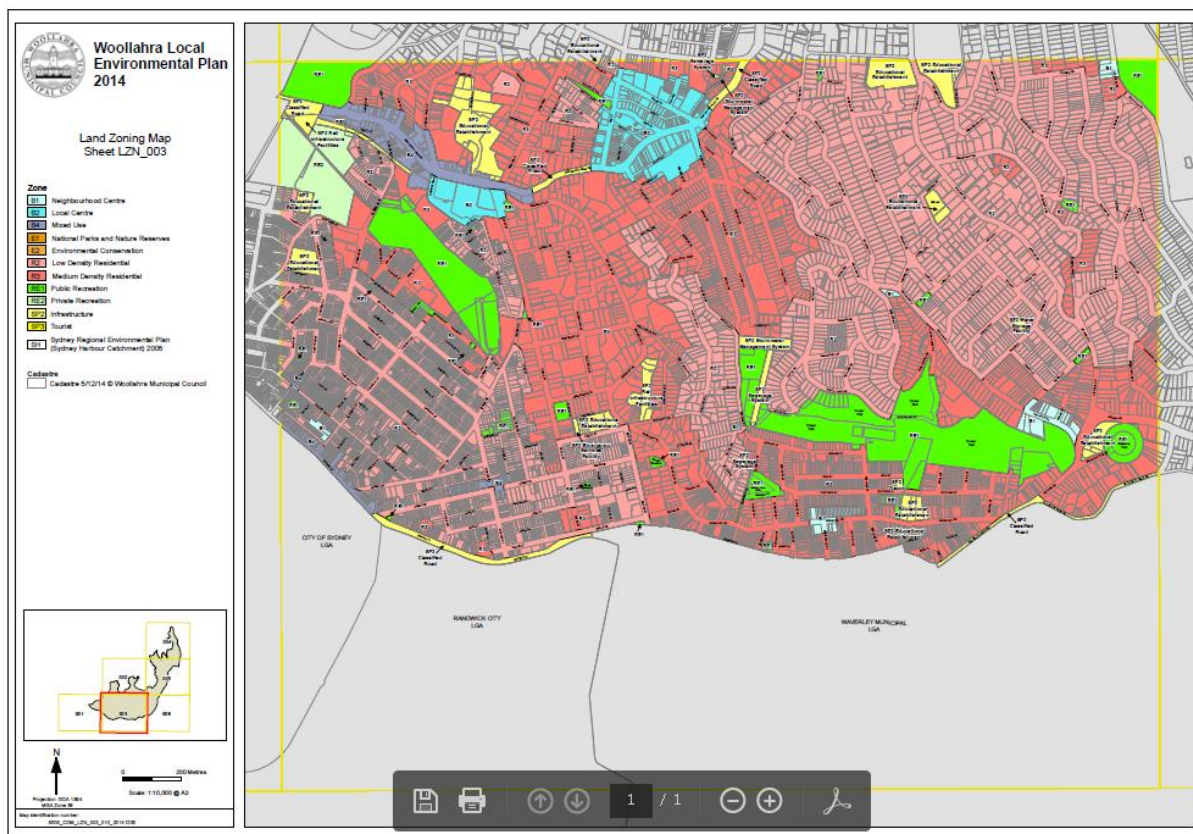


Figure 27: Woollahra LEP 2014 Land Zoning Map (Sheet LZN_003)

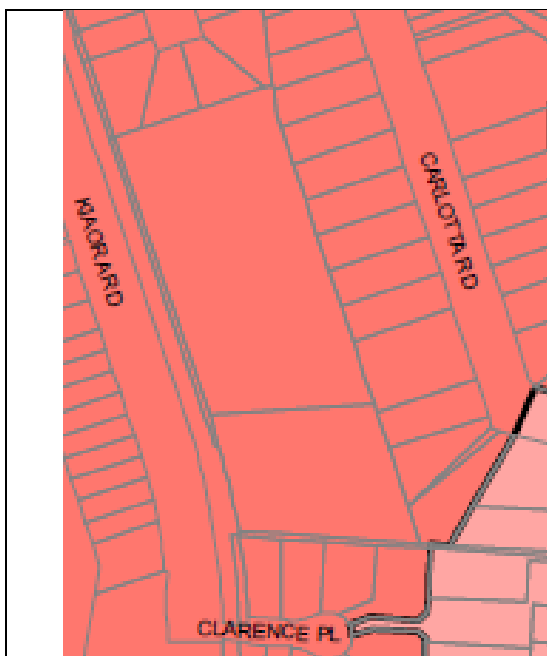


Figure 28: Extract of current Woollahra LEP Land Zoning Map (Sheet LZN_003) with incorrect boundary



Figure 29: Extract of proposed Woollahra LEP Land Zoning Map (Sheet LZN_003) with boundary rectified

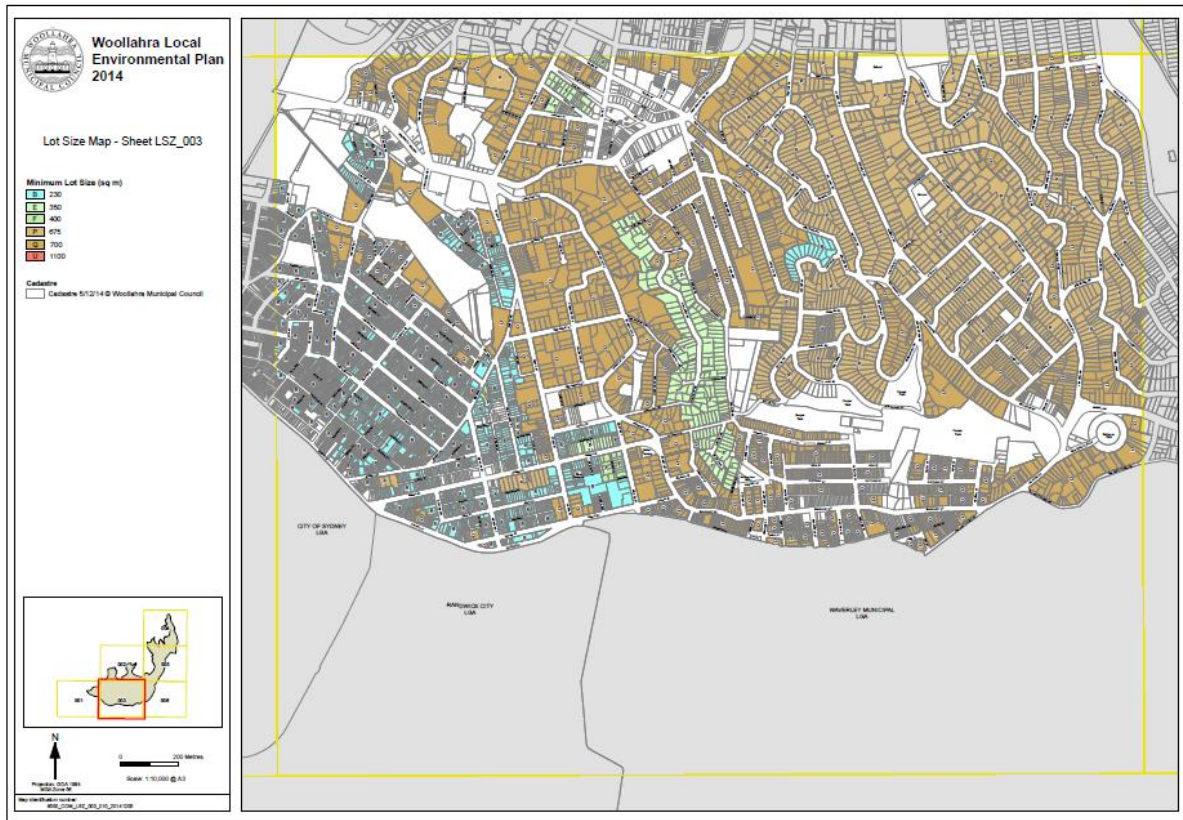


Figure 30: Woollahra LEP 2014 Lot Size Map (Sheet LSZ_003)

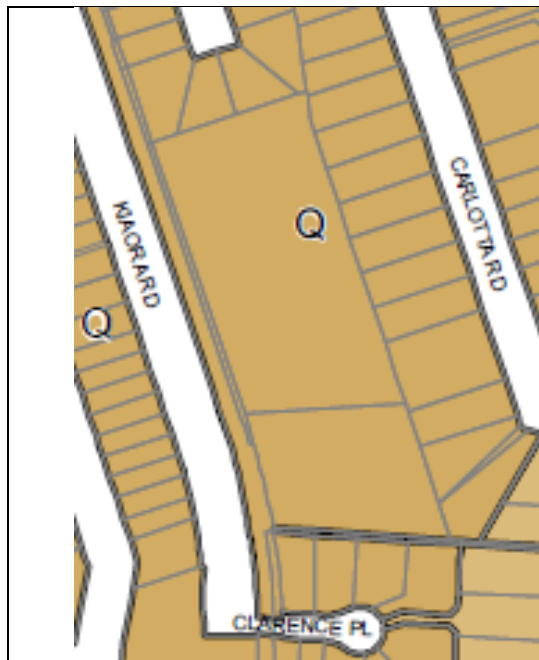


Figure 31: Extract of current Woollahra LEP Lot Size Map (Sheet LZN_003) with incorrect boundary

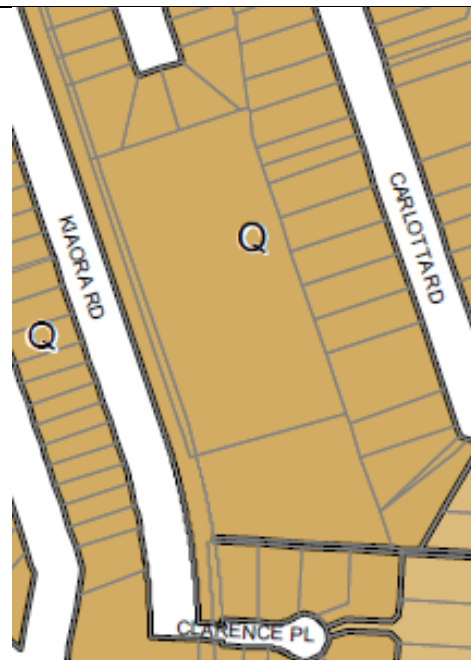


Figure 32: Extract of proposed Woollahra LEP Lot Size Map (Sheet LZN_003) with boundary rectified

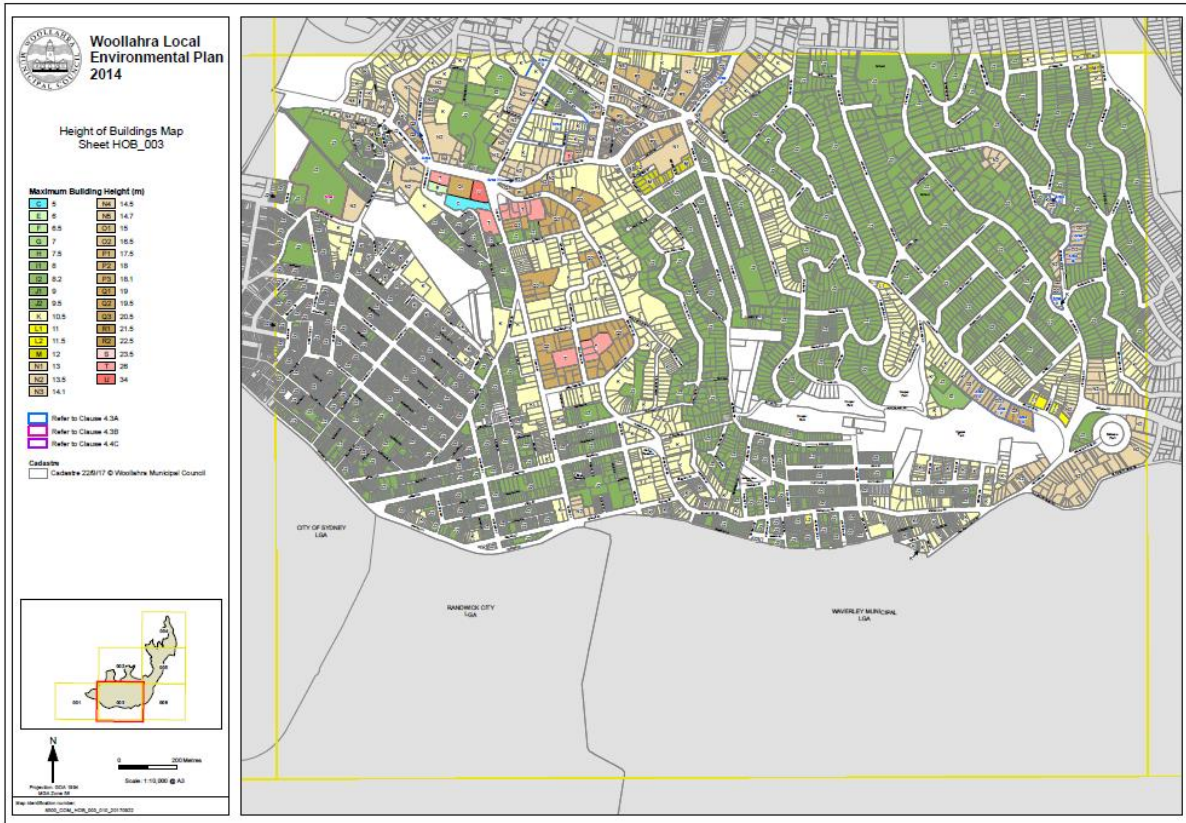


Figure 33: Woollahra LEP 2014 Height of Buildings Map (Sheet HOB_003)



Figure 34: Extract of current Woollahra LEP Height of Buildings Map (Sheet HOB_003) with incorrect boundary

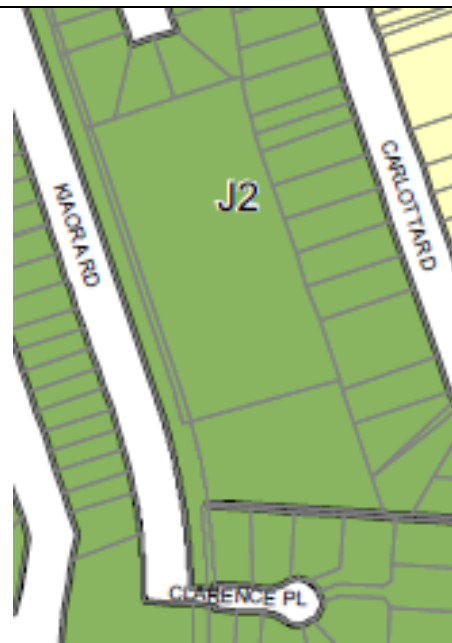


Figure 35: Extract of proposed Woollahra LEP Height of Buildings Map (Sheet HOB_003) with boundary rectified

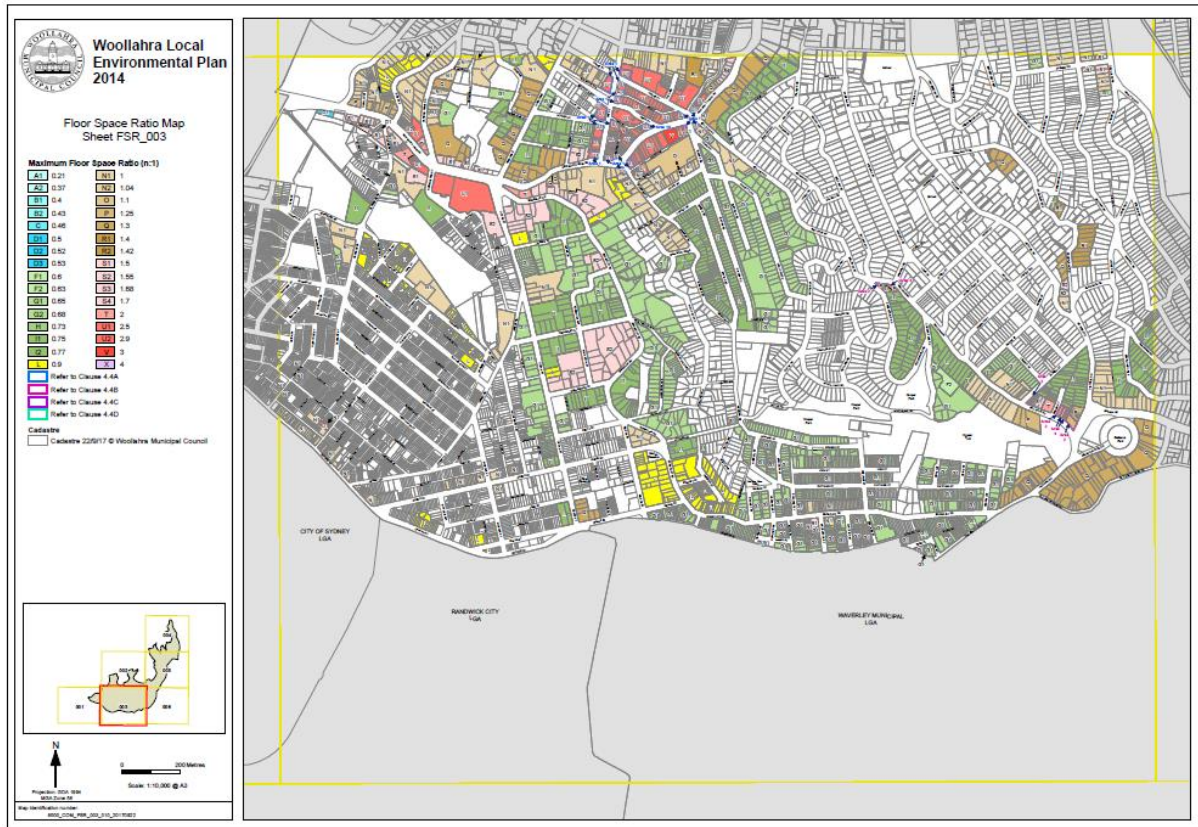


Figure 36: Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_003)



Figure 37: Extract of current Woollahra LEP Floor Space Ratio Map (Sheet FSR_003) with incorrect boundary

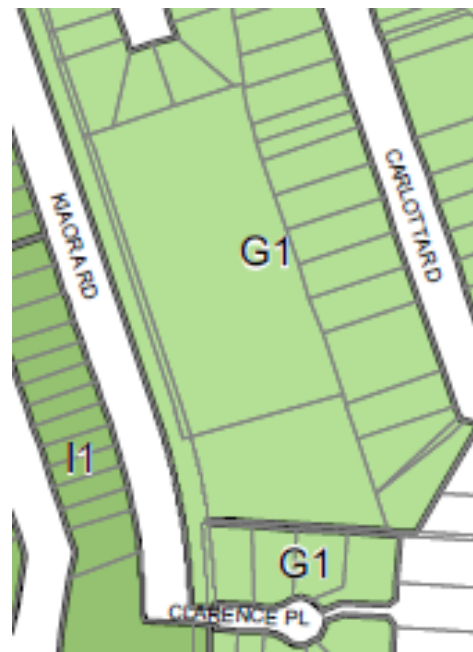


Figure 38: Extract of proposed Woollahra LEP Floor Space Ratio Map (Sheet FSR_003) with boundary rectified



Figure 39: Woollahra LEP 2014 Land Reservation Acquisition Map (Sheet LRA_003)

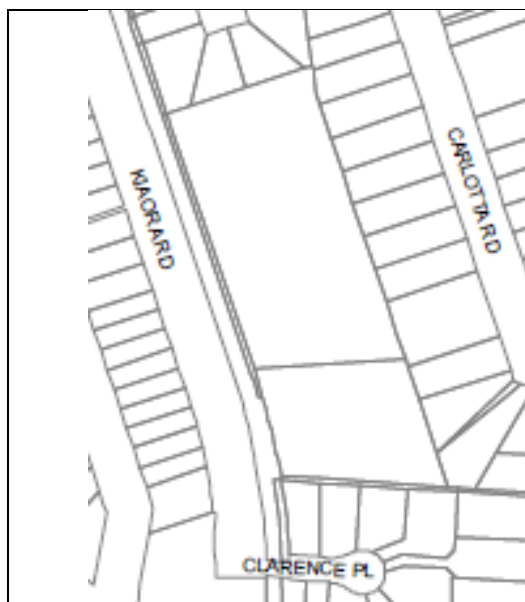


Figure 40: Extract of current Woollahra LEP Land Reservation Acquisition Map (Sheet LRA_003) with incorrect boundary



Figure 41: Extract of proposed Woollahra LEP Land Reservation Acquisition Map (Sheet LRA_003) with boundary rectified

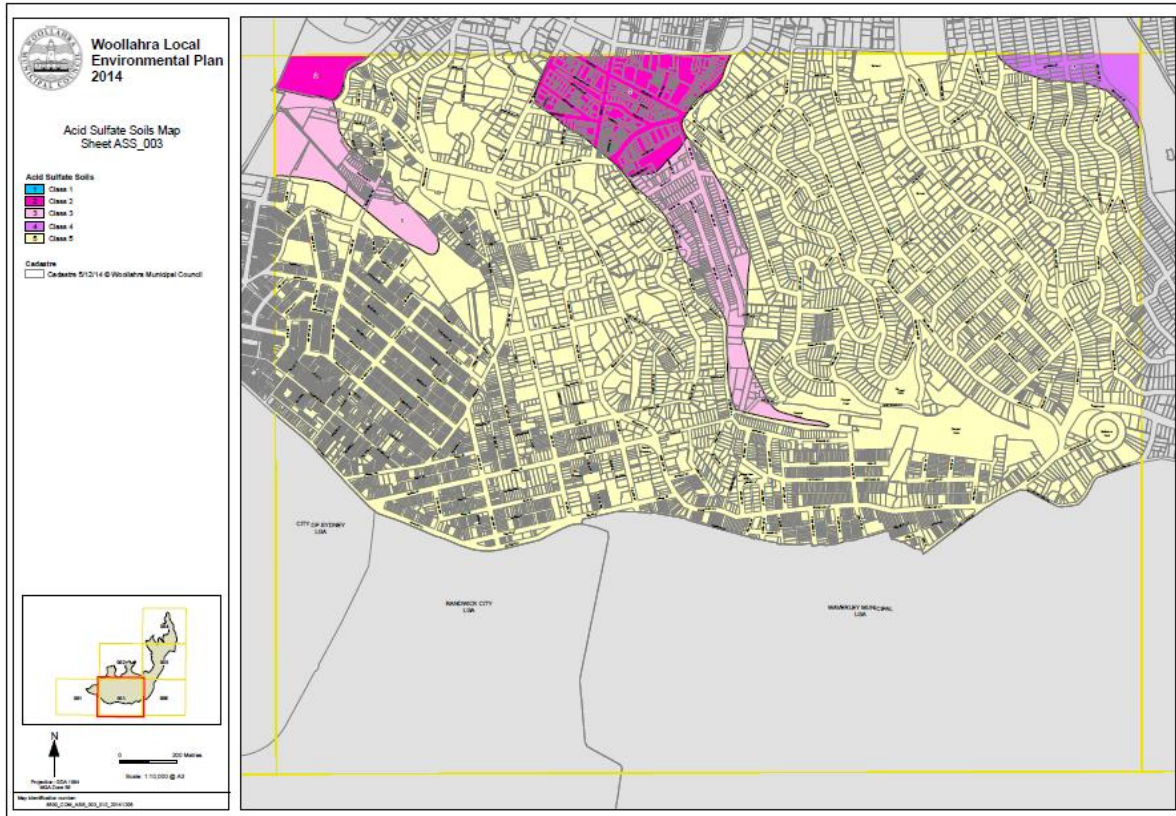


Figure 42: Woollahra LEP 2014 Acid Sulfate Soils Map (Sheet ASS_003)

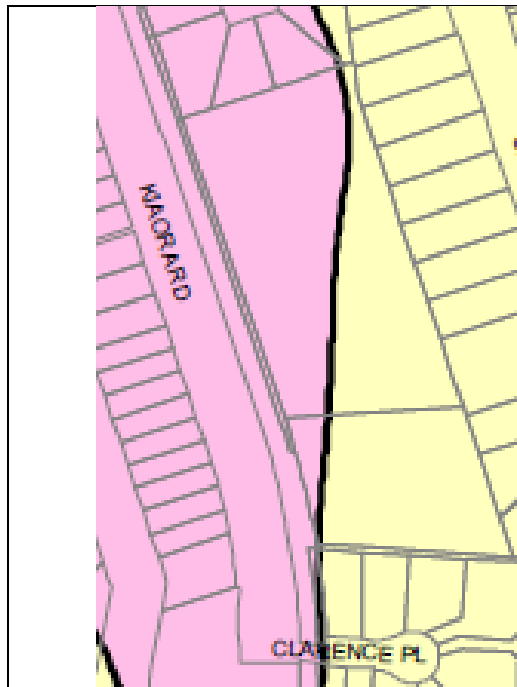


Figure 43: Extract of current Woollahra LEP Acid Sulfate Soils Map (Sheet ASS_003) with incorrect boundary

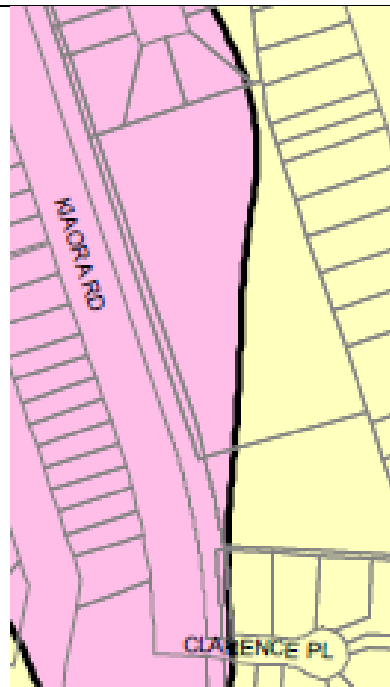


Figure 44: Extract of proposed Woollahra LEP Acid Sulfate Soils Map (Sheet ASS_003) with boundary rectified

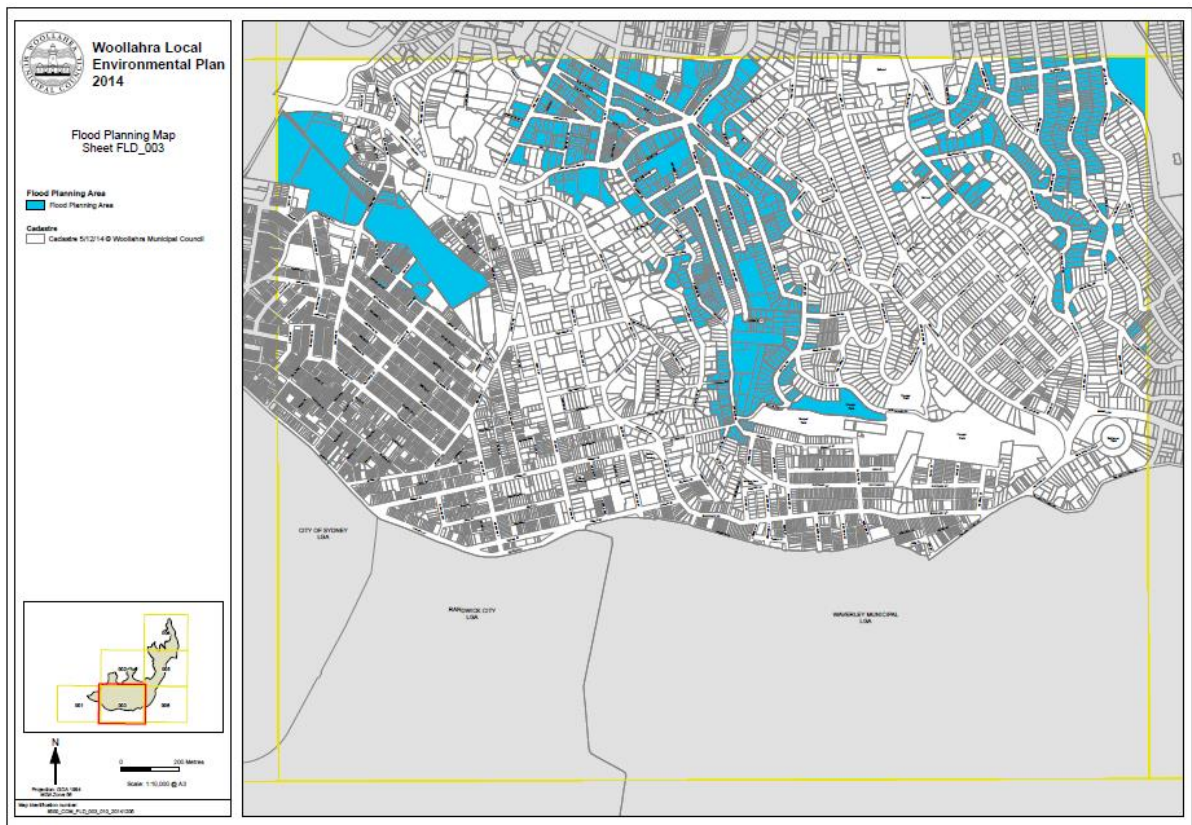


Figure 45: Woollahra LEP 2014 Flood Planning Map (Sheet FLD_003)

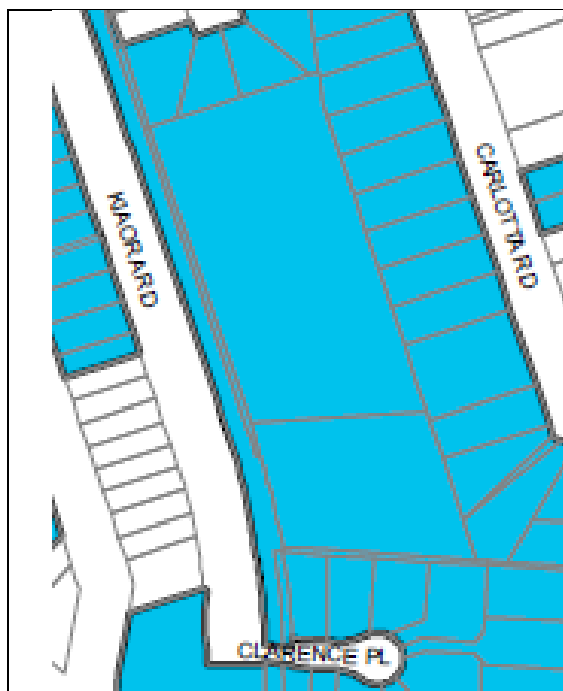


Figure 46: Extract of current Woollahra LEP Flood Planning Map (Sheet FLD_003) with incorrect boundary

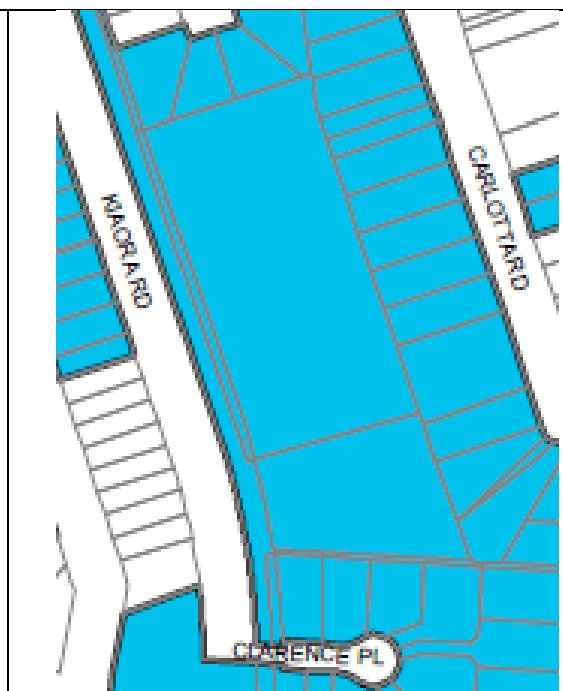


Figure 47: Extract of proposed Woollahra LEP Flood Planning Map (Sheet FLD_003) with boundary rectified

8. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000* and the *Woollahra Community Participation Plan*.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- Weekly notice in the local newspaper (the *Wentworth Courier*) for the duration of the exhibition period (when available)
- Notice on Council's website
- Letter to the land owner and land owners in the vicinity of the site
- Letter to local community groups such as the Double Bay Residents Association and the Vaucluse Residents' Association.

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

- Planning proposal, in the form approved by the gateway determination
- Gateway determination
- Information relied upon by the planning proposal (such as relevant Council reports).

9. Project timeline

If 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
Council Notice of Motion and resolution to prepare planning proposal	24 August 2020
Woollahra Local Planning Panel (WLPP) provides advice	19 November 2020
Advice of WLPP to Environmental Planning Committee (EPC). EPC recommends proceeding	30 November 2020
Council resolution to proceed	14 December 2020
Gateway determination	February 2021
Completion of technical assessment	None anticipated
Government agency consultation	March 2021
Public exhibition period (min 28 days)	March 2021
Submissions assessment	April 2021
EPC consider assessment of planning proposal post exhibition	May 2021
Council decision to make the LEP amendment	June 2021
Council to liaise with Parliamentary Counsel to prepare LEP amendment	July 2021
Forwarding of LEP amendment to Department of Planning, Industry and Environment for notification	July 2021
Notification of the approved LEP	August 2021

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

The planning proposal is consistent with applicable State Environmental Planning Policies, except for *SEPP No 70 – Affordable Housing (Revised Schemes)*, *SEPP (Affordable Rental Housing)*, and *2009 SEPP (Housing for Seniors or People with a Disability) 2004*. However, the inconsistencies are acceptable and of minor significance for the reasons set out in the table below.

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. <ul style="list-style-type: none"> The planning proposal applies to land that was originally a Metropolitan Water Sewerage and Drainage Board holding. Lawn bowling greens were built on the land and in 1948 and the site has been used as a lawn bowling club for over 75 years.

State environmental planning policy	Comment on consistency
	<ul style="list-style-type: none"> • The land is suitable in its current state for the existing use on the land (a lawn bowling club). • The planning proposal is an administrative change to ensure the land use zone that applies to the land reflects the long-running use of the site for a bowling club. No change of use for the land is proposed and there is a restrictive covenant applying to the land which requires that the land can only be used for recreational purposes. • Adjoining land at 42 Glendon Road, Double Bay, which also formed part of the original land holding associated with the bowling club has been recently developed for residential uses. In 2016 subsurface investigations and soil sampling was undertaken to support the DA. The sampling identified that fill material at the site is likely to be classified as General Solid Waste (non-putrescible). The DA and Council's assessment report found that there was no likelihood of contamination on the site. • It is Council's intention that the land will continue to be used for recreational purposes consistent with the restrictive covenant that applies to the land. Notwithstanding, the land is suitable (or can made suitable after remediation) for the other uses permitted in the RE2 Private Recreation zone. Any future change of use will require a DA and contamination risks will be considered at that stage consistent <i>State Environmental Planning Policy No. 55—Remediation of Land</i> and the <i>Managing Land Contamination: Planning Guidelines</i>.
SEPP No 64 – Advertising and Signage	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>

State environmental planning policy	Comment on consistency
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable Inconsistent to the extent that the planning proposal seeks to reduce land zoned for residential uses. However, the inconsistency is of minor significance because Woollahra LEP 2014 does not include a reference to an affordable rental housing contribution scheme or seek to levy affordable housing contributions under SEPP 70 in relation to any land in the LGA.
SEPP (Aboriginal Land) 2019	Not applicable.
SEPP (Activation Precincts) 2020	Not applicable.
SEPP (Affordable Rental Housing) 2009	Applicable Inconsistent to the extent that the planning proposal seeks to reduce land zoned for residential uses. However, the inconsistency is of minor significance because a restrictive covenant applies to the site which requires use of the site for recreational purposes in connection with a bowling club, except with the written consent of Council. Clause 9 of the SEPP addresses suspension of covenants, agreements and instruments. Subclause 2 is relevant: <i>“(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Policy or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</i> <i>2) This clause does not apply—</i> <i>(a) to a covenant imposed by the Council or that the Council requires to be imposed”</i>

State environmental planning policy	Comment on consistency
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Inconsistent to the extent that the planning proposal seeks to reduce land zoned for residential uses. However, the inconsistency is of minor significance because the SEPP still applies as the land is used for the purposes of an existing registered club and clauses 4(1)(b) and 23 apply.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable

State environmental planning policy	Comment on consistency
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
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 the Woollahra Municipality which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable

State environmental planning policy	Comment on consistency
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
SREP (Sydney Harbour Catchment) 2005	<p>Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <ul style="list-style-type: none"> 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. The site is not in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.

Schedule 2 – Compliance with Section 9.1 Directions

The planning proposal is consistent with all applicable 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 for the reasons set out in the table below.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Not applicable. The planning proposal does not apply to land within an existing or proposed business or industrial zone.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal management	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Not applicable. The planning proposal does not apply to land items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.

**Planning proposal –
Compliance with section 9.1 directions**

Direction		Applicable/comment
2.6	Remediation of contaminated land	<p>Applicable and consistent.</p> <ul style="list-style-type: none"> The planning proposal applies to land that was originally a Metropolitan Water Sewerage and Drainage Board holding. Lawn bowling greens were built on the land and in 1948 and the site has been used as a lawn bowling club for over 75 years. The land is suitable in its current state for the existing use on the land (a lawn bowling club). The planning proposal is an administrative change to ensure that the land use zone that applies to the land reflects the long-running use of the site for a bowling club. No change of use for the land is proposed and a restrictive covenant applies to the land which requires that the land can only be used for recreational purposes. Adjoining land at 42 Glendon Road, Double Bay, which also formed part of the original land holding associated with the bowling club has been recently developed for residential uses. In 2016 subsurface investigations and soil sampling was undertaken to support the DA. The sampling identified that fill material at the site is likely to be classified as General Solid Waste (non-putrescible). The DA and Council's assessment report found that there was no likelihood of contamination on the site. It is Council's intention that the land will continue to be used for recreational purposes consistent with the restrictive covenant that applies to the land. Notwithstanding, the land is suitable (or can made suitable after remediation) for the other uses permitted in the RE2 Private Recreation zone. Any future change of use will require a DA and contamination risks will be considered at that stage consistent with this Direction and <i>State Environmental Planning Policy No. 55—Remediation of Land</i> and the <i>Managing Land Contamination: Planning Guidelines</i>.
3	Housing, infrastructure and urban development	
3.1	Residential zones	<p>Applicable.</p> <p>The planning proposal affects land with an existing residential zone. It seeks to rezone the land from R3 Medium Density Residential to RE2 Private Recreation and increase the minimum lot size from 700m² to 8800m².</p>

**Planning proposal –
Compliance with section 9.1 directions**

Direction		Applicable/comment
		<p>The planning proposal is inconsistent with this direction but according to part (6)(d) of this direction, this inconsistency is acceptable as it is of minor significance because:</p> <ul style="list-style-type: none"> • The proposal relates to one site only • The site is currently operating as a lawn bowling club, and has been for over 75 years. • The planning proposal is an administrative change to ensure the land use zone that applies to the land reflects the long-running use of the site for a bowling club. The R3 zoning on this site is an anomaly as the current R3 Zone does not represent the nature of development that can occur on the land. • Development on the site is limited by the restrictive covenant that requires the use of the site for recreational purposes in connection with a bowling club, except with the written consent of Council. This covenant applies under clause 1.9A(2) of Woollahra LEP 2014. • Council has resolved that the site is to be preserved for recreational purposes. • Residential uses on the site will not occur regardless of the R3 Medium Density Residential zone because of the restrictive covenant. • Rezoning the site to RE2 Private Recreation zone is appropriate as it reflects the current use and future intended use of the land.
3.2	Caravan parks and manufactured home estates	<p>Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.</p>
3.3	Home occupations	<p>Not applicable. The planning proposal does not affect home occupations in dwelling houses.</p>
3.4	Integrating land use and transport	<p>Applicable. The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) as:</p> <ul style="list-style-type: none"> • The site is located near the Double Bay Centre which is accessible by public transport and walking.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
		<ul style="list-style-type: none"> The site is located in proximity to bus routes offering frequent public transport connections within the Woollahra LGA and beyond.
3.5	Development near regulated airports and defence airfields	<p>Applicable and consistent.</p> <ul style="list-style-type: none"> The planning proposal applies to land identified on the Airport 'Obstacle Limitation Surface' Map as being in the "Outer horizontal surface 156 AHD". The maximum building height permitted on the site is 9.5m and will not impact on the effective and safe operation of the airport.
3.6	Shooting ranges	<p>Not applicable.</p> <p>The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.</p>
3.7	Reduction in non-hosted short term rental accommodation period	<p>Not applicable.</p> <p>The planning proposal does not apply to land in the Byron Shire Council.</p>
4	Hazard and risk	
4.1	Acid sulfate soils	<p>Applicable and consistent.</p> <ul style="list-style-type: none"> The planning proposal applies to land identified as part Class 3 and part Class 5 on Council's Acid Sulfate Soils Planning Map. Existing acid sulfate soils provisions will not be altered by the planning proposal. Any future works on the land will be undertaken consistent with LEP clause 6.1 Acid sulfate soils.
4.2	Mine subsidence and unstable land	<p>Not applicable.</p> <p>The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.</p>
4.3	Flood prone land	<p>Applicable and consistent.</p> <ul style="list-style-type: none"> The planning proposal applies to land that located within a Flood Planning Area. Existing flood planning area provisions will not be altered by the planning proposal, and any development on the land will be undertaken consistent with LEP clause 6.3 Flood planning.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable and consistent. <ul style="list-style-type: none"> The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i>, particularly Objective 7 Communities are healthy, resilient and socially connected. Rezoning the site to RE2 Private Recreation and increasing the minimum lot size will support the ongoing use of the site for private recreation purposes and facilitate an “active and socially connected people” consistent with Objective 7. (Also refer to Section 6.2 of this report and direction 7.1 of this table.)
5.11	Development of Aboriginal Land Council land	Not applicable. The planning proposal does not apply to land which <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> currently applies.
6	Local plan making	
6.1	Approval and referral requirements	Applicable and consistent. The planning proposal does not include provisions that establish concurrence, consultation or referral requirements, or identify development as designated development.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not include site specific provisions to allow a particular development proposal to be carried out on the site.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
7	Metropolitan Planning	
7.1	Implementation of A <i>Plan for Growing Sydney</i>	<p>Applicable.</p> <p>The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i>, particularly:</p> <ul style="list-style-type: none"> • Action 8 Deliver social infrastructure that reflects the needs of the community now and in the future. • Action 15 Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places. • Action 67 Maximise the use of existing open space and protect, enhance and expand public open space by: a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow. <p>(Also refer to Section 6.2 of this report and direction 5.10 of this table.)</p>
7.2 – 7.13	Strategies 7.2 – 7.13	<p>Not applicable.</p> <p>These strategies do not apply to the Woollahra LGA.</p>

Supplementary material (separately attached)

1. Woollahra Local Planning Panel report 19 November 2020
2. Environmental Planning Committee report 30 November 2020
3. Council resolution 14 December 2020