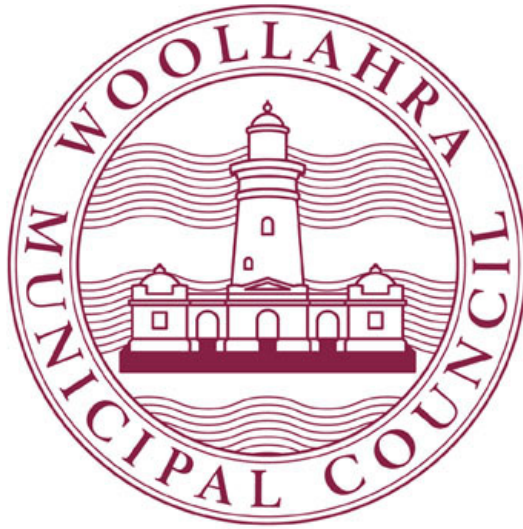




PLANNING PROPOSAL

KIAORA LANDS, DOUBLE BAY

SEPTEMBER 2010

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Part 1 – Introduction

This planning proposal is made in relation to land known as the “Kiaora Lands”.

The Kiaora Lands is a key site within the Double Bay Centre. The site is occupied by The Golden Sheaf Hotel, Woolworths supermarket, commercial premises used as an antique showroom, residential properties, Council owned public car parks and public roads.

The current planning controls that apply to the land were established to facilitate redevelopment of the whole site to achieve a very specific mixed retail, commercial and residential proposal, prepared as part of a master planning process for the site.

These site specific requirements are particularly set out in Woollahra Local Environmental Plan 1995 (Woollahra LEP 1995) clause 21E ‘Development on certain land in Double Bay’¹ (refer to **Attachment 1**), which states among other matters that—

- (3) The Council must not grant consent to a development application (other than a comprehensive development application or an application for development consent for subdivision) relating to land to which this clause applies unless there is in force a development consent for a comprehensive development application and the Council has taken that development consent into consideration.*
- (5) The Council must not grant consent to a comprehensive development application unless it is satisfied that adequate provision has been made for:
 - (a) public car parking, and*
 - (b) public toilets, and*
 - (c) community facilities, and*
 - (d) civic space.**

In 2003 consent was granted for a mixed development, consistent with the LEP controls and masterplan for the site. However, this consent has not been taken up. This is because the proposal is not economically viable due to the reliance on underground car parking². In addition, the owners of the Golden Sheaf Hotel no longer desire to be part of a comprehensive development for the site.

To facilitate redevelopment of the land for a purpose other than the previously anticipated masterplan, it is necessary to amend the existing LEP controls.

To that end, Council resolved to prepare Draft Woollahra LEP 1995 (Amendment No. 67). Council submitted a section 54 notice to the Department of Planning in relation to this Draft LEP and received written authorisation to exercise its delegation under sections 65(1) and 69(1) of the *Environmental Planning and Assessment Act 1979* (the Act), by letter dated 5 May 2009.

¹ Introduced by Woollahra Local Environmental Plan 1995 (Amendment No. 44) gazetted 27 February 2004.

² The site is affected by acid sulfate soils and flooding which severely restrain the site and make the cost of constructing underground parking prohibitive.

The Draft LEP was publicly exhibited between 15 February 2010 and 7 May 2010 (refer to **Attachment 2**). Council received 70 submissions. The Draft LEP was reported to Council on 23 August 2010 and in response to the submissions Council resolved to make changes to the exhibited plan. The amendments are as follows—

- Introduce height controls
- Reduce the floor space ratio (FSR) for part of the site from 2.5:1 to 1.1:1
- Increase the FSR for part of the site from 2.5:1 to 3:1.

The scope of alterations makes the revised Draft LEP a substantially different plan from the exhibited draft, and we have legal advice that it cannot be made without further public exhibition.

Furthermore, we have legal advice that the plan making process is to be recommenced and must be done so under the new Part 3 plan making process.

This planning proposal is provided in response to that legal advice and also Council's resolution of 23 August 2010 (refer to **Attachment 3**).

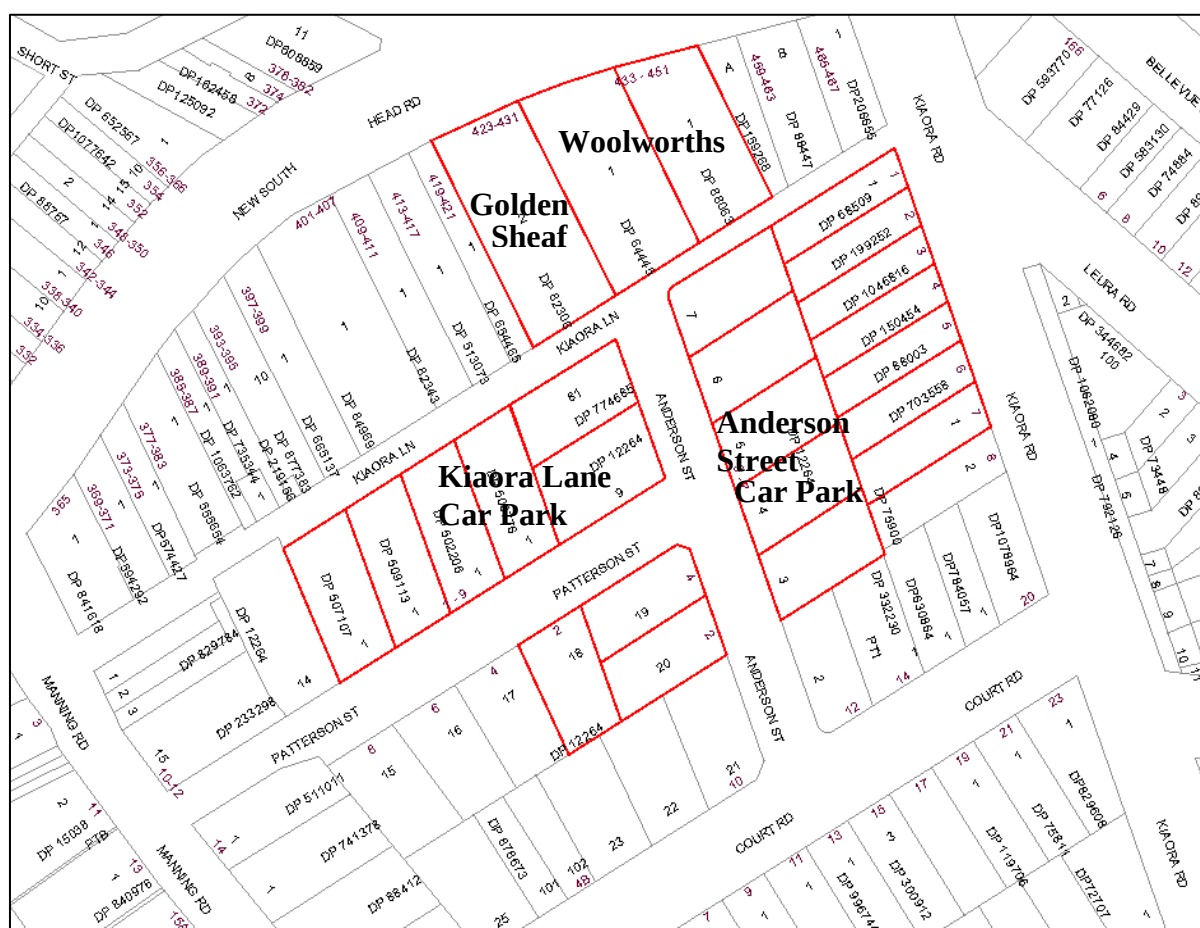
Part 2 – Site identification

The planning proposal applies to land in Double Bay. The land is listed in the table below, and identified on the Site Map on the following page.

Address	Lot	DP
423-431 New South Head Road (Golden Sheaf Hotel)	2	82306
433-451 New South Head Road (Woolworths Supermarket)	1	64445
1 Kiaora Road	1	68509
2 Kiaora Road	1	199252
3 Kiaora Road	10	1046816
4 Kiaora Road	4	150454
5 Kiaora Road	1	88003
6 Kiaora Road	6	703558
7 Kiaora Road	1	75900
2 Patterson Street	18	12264
1 Anderson Street	3	12264
2 Anderson Street	20	12264
4 Anderson Street	19	12264
Former Telecom site, corner Anderson and Kiaora Lane	6 and 7	12264
Anderson Street Public Car Park	4	12264
Anderson Street Public Car Park	5	12264
Kiaora Lane Public Car Park	81	774685
Kiaora Lane Public Car Park	9	12264
Kiaora Lane Public Car Park	1	508776
Kiaora Lane Public Car Park	1	502206
Kiaora Lane Public Car Park	1	509113
Kiaora Lane Public Car Park	1	507107
Part Kiaora Lane, part Anderson Street and part Patterson Street	N/A	N/A

However, the Golden Sheaf Hotel site is included in the planning proposal because it was part of the site specific controls introduced under Woollahra Local Environmental Plan 1995 (Amendment No. 44), and we are proposing to remove and replace the specific controls within that amendment.

CADASTRAL INFORMATION



AERIAL OF KIAORA LANDS



PHOTOS OF KIAORA LANDS



2 View to Golden Sheaf and Woolworths from New South Head Road



2 View to rear of Golden Sheaf and from Anderson Street



3 View to rear of Woolworths from Kiaora Lane



4 View to East through Kiaora Lane



5 View to West across Kiaora Lane Car Park



6 View to 7 Anderson Street



7 View to 1-7 Kiaora Road

Part 3 – Objective of planning proposal

The objectives of the planning proposal are to—

1. Delete the purpose-built planning provisions that specifically relate to the masterplan concept previously anticipated for the site.
2. Facilitate development of the Kiaora Lands (excluding the Golden Sheaf Hotel site) for—
 - mixed commercial, retail and community development on land fronting New South Head Road, and
 - a large footprint supermarket and car parking on land south of Kiaora Lane.
3. Establish clear direction on the form of future development through height and FSR controls across the site.

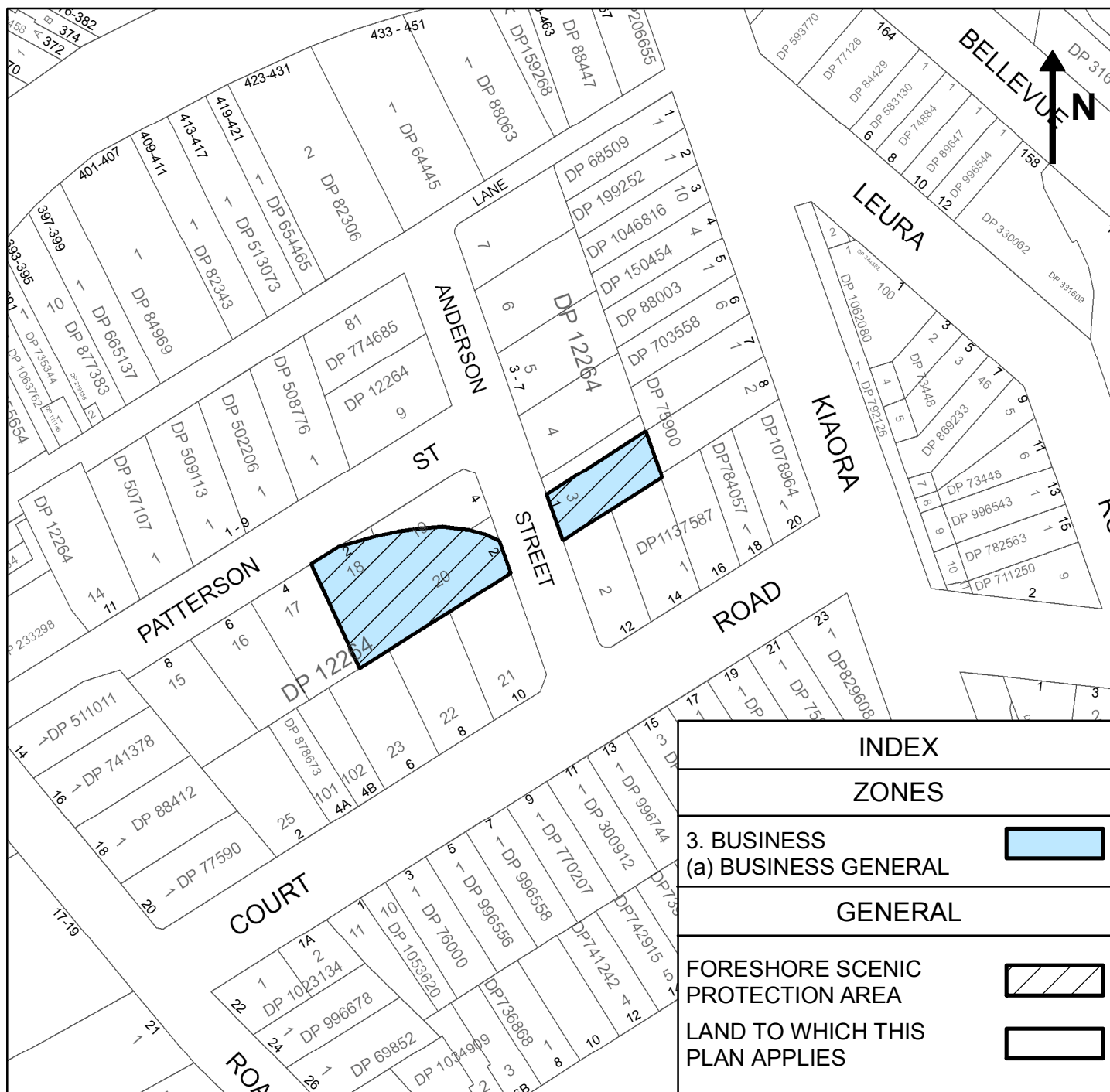
Part 4 – Explanation of provisions

The objectives of the planning proposal will be achieved by—

1. Removing the planning provisions that relate to the comprehensive development application associated with the previously anticipated masterplan concept for the site. The following clauses are to be omitted from Woollahra LEP 1995:
 - clause 21(E)—This clause requires all parcels within the Kiaora Lands to be packaged together under a comprehensive development application. The Golden Sheaf Hotel land is not going to be part of the future consolidation and redevelopment of the land. Clause 21(E) will not accommodate this approach and has the effect of sterilising redevelopment of the land.
 - clauses 20(1)(d), 20(4), 20(5) and 20(6)—Special provisions directly associated with clause 21(E), such as public car parking provisions, that are no longer relevant due to the proposed removal of clause 21E.
2. Rezoning four parcels, currently zoned part 3(a) Business General and part 2(b) Residential, to 3(a) Business General.
 - All land within the Kiaora Lands is currently zoned 3(a) General Business, except for part of Nos. 1, 2 and 4 Anderson Street and 2 Patterson Street, Double Bay that are zoned part 3(a) Business General and part 2(b) Residential.
 - These parcels are owned by Woolworths and will form part of the redevelopment site for the supermarket building footprint and car parking.
 - The proposed rezoning is shown on the **Land Use Map**.
3. Removing the gross floor area control for the site and applying a maximum FSR to the land—
 - The current controls do not set FSR standards for the land. Rather, a maximum gross floor area (GFA) of 38,000m² applies over the whole site in anticipation that all parcels within the Kiaora Lands would be packaged together as a comprehensive development application and jointly redeveloped consistent with the specific masterplan proposal.

- The proposed FSR is to be graduated across the site by applying FSR controls as follows—
 - 3:1 to the New South Head Road part of the Kiaora Lands site,
 - 2.5:1 to the Golden Sheaf Hotel, and
 - 1.1:1 to the south part of the Kiaora Lands.
 - The proposed FSR is shown on the **Density Map**.
4. Introducing a maximum building height into the LEP for the Kiaora Lands (excluding the Golden Sheaf Hotel site)—
- The height, including building envelopes, is currently set out in the Double Bay Centre Development Control Plan 2002 (Double Bay Centre DCP).
 - The maximum building height is proposed to be specified in the LEP instead of the DCP to give greater prominence and statutory certainty to the control.
 - The proposed height is to be graduated across the site by applying maximum building height controls as follows—
 - 16.5 metres for land at 433-451 New South Head Road³, and
 - 13 metres for the south part of the Kiaora Lands site.
 - The proposed height is shown on the **Height Map**.

³ Under the planning proposal, the height controls for the Golden Sheaf Hotel land at 423-431 New South Head Road are to be set out in the Double Bay Centre DCP, not the LEP



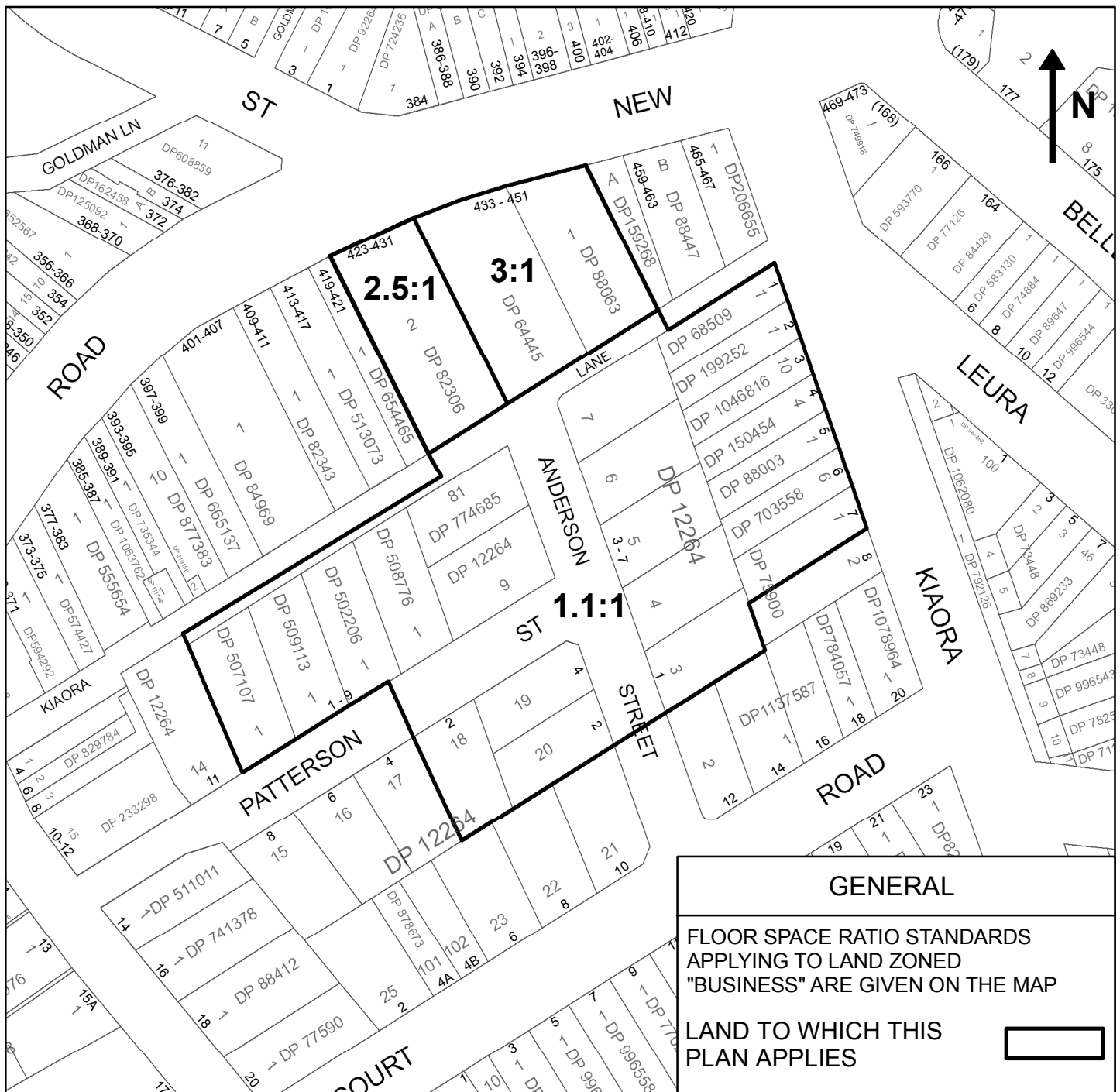
Scale 1:1,500

Locality of Double Bay

PLANNING PROPOSAL

Kiaora Lands, Double Bay - Land Use Map

DRAWN BY Jeremy Dwyer	DATE 31 August 2010	STATEMENT OF RELATIONSHIP WITH OTHER PLANS Amends Woollahra Local Environmental Plan 1995
SUPERVISING DRAFTPERSON	DATE	
PLANNING OFFICER Jacquelyne Jeffery	DATE 31 August 2010	
FILE No. CCL.1064.G.(Amendment 67)	DEPT Strategic Planning	PUBLISHED IN GOVERNMENT GAZETTE OF
		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION
		GENERAL MANAGER DATE



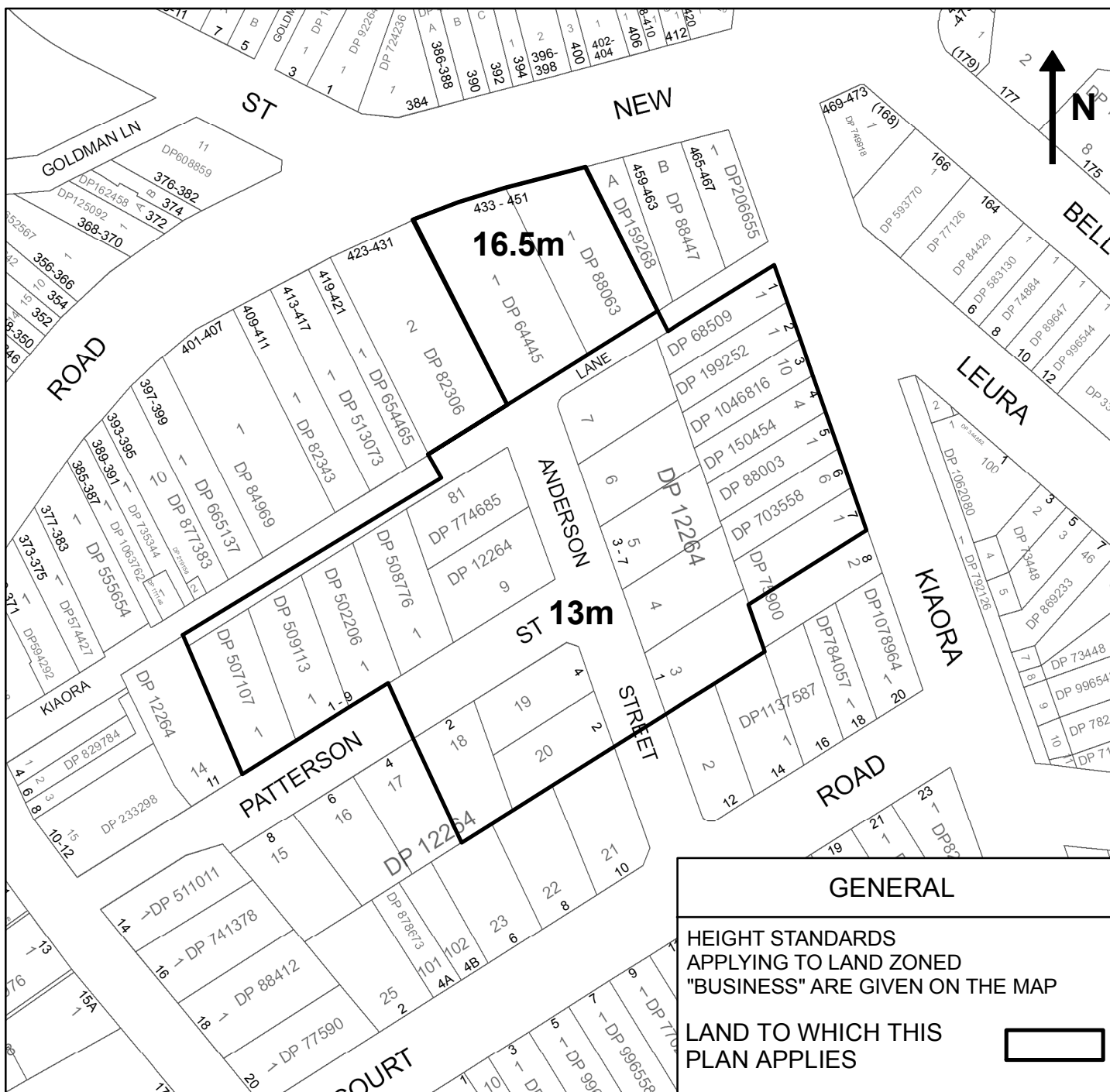
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Locality of Double Bay

PLANNING PROPSAL

Kiaora Lands, Double Bay - Density Map

DRAWN BY Jeremy Dwyer	DATE 31 August 2010	STATEMENT OF RELATIONSHIP WITH OTHER PLANS Amends Woollahra Local Environmental Plan 1995
SUPERVISING DRAFTPERSON	DATE	
PLANNING OFFICER Jacquelyne Jeffery	DATE 31 August 2010	
FILE No. CCL.1064.G.(Amendment 67)	DEPT Strategic Planning	PUBLISHED IN GOVERNMENT GAZETTE OF
		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION
		GENERAL MANAGER DATE



PLANNING PROPOSAL

Kiaora Lands, Double Bay - Height Map

DRAWN BY Jeremy Dwyer DATE 3 September 2010	STATEMENT OF RELATIONSHIP WITH OTHER PLANS Amends Woollahra Local Environmental Plan 1995
SUPERVISING DRAFTPERSON DATE	
PLANNING OFFICER Jacquelyne Jeffery DATE 3 September 2010	
FILE No. CCL.1064.G.(Amendment 67) DEPT Strategic Planning	PUBLISHED IN GOVERNMENT GAZETTE OF
	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION GENERAL MANAGER DATE

Section A – Need for the planning proposal

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

The planning proposal is a result of the ongoing efforts of Council, since 2001, to establish appropriate planning controls and facilitate redevelopment of the land.

As identified in the Introduction, Draft Woollahra LEP 1995 (Amendment No. 67) is the predecessor of this planning proposal.

For the Draft LEP, Council provided the Department of Planning with justification for the LEP amendments. This information was provided under section 54(4) of the Act and Planning Circular PS 06-005.

The justification for this planning proposal remains the same. That is, Kiaora Lands is a key site within the Double Bay Centre. Redevelopment of the Kiaora Lands will generate economic and employment opportunities that will have positive flow on effects for the whole of the Double Bay Centre. As it stands, the current controls in Woollahra LEP 1995 have the effect of sterilising redevelopment of the land for anything other than the previous masterplan concept.

Council and Woolworths have entered into a public private partnership to jointly redevelop their land⁴. The proposal is to redevelop the land for an expanded supermarket and additional public car parking south of Kiaora Lane, and a mixed commercial, retail and library building at the New South Head Road frontage.

The economic benefits for the Double Bay Centre resulting from an expanded and modern supermarket have been documented in reports by Dimasi Strategic Research (2003) and Hill PDA (2003). Both reports conclude that a modern supermarket associated with convenient parking will provide significant economic stimulus for increased business activity and private sector development across the Double Bay Centre.

In particular, the Hill PDA report highlighted the significant undersupply of food retailing in Double Bay. The report concluded that whilst a new and expanded supermarket alone would not resolve the undersupply of food retailing, it would provide a strong retail anchor which would attract other food retailers, including those in the specialty fresh food areas.

To that end, the redevelopment of the Kiaora Lands site is seen as a catalyst for increased business activity and private sector development in Double Bay. It will enhance the existing distinctive mix of small scale shops, boutiques, cafes and commercial premises that characterise the centre, and improve connections between both sides of the Double Bay Centre through the new arcade and plaza.

⁴ This proposal does not include the land occupied by the Golden Sheaf Hotel.

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

The planning proposal is the best means of achieving the objectives because—

- Statutory change to Woollahra LEP 1995 is required to remove outdated provisions and facilitate redevelopment of the land.
- Council has legal advice that it should recommence the plan making process.

Statutory change is required

Statutory changes are required to Woollahra LEP 1995 because, at a minimum, Woollahra LEP 1995 clause 21E 'Development on certain land in Double Bay' must be deleted to allow redevelopment of the land.

Clause 21E (refer to **Attachment 1**) is very prescriptive and requires all parcels within the Kiaora Lands to be packaged together under a "comprehensive development application" to produce a very specific development consistent with a previous masterplan for the Kiaora Lands.

However, environmental restrictions on the site and unresolved issues between the private land holders have meant that not all land is available to be jointly developed consistent with clause 21E.

These controls have the effect of sterilising redevelopment of the land for other development options. Removing clause 21E will allow individual parcels to be separately developed, and increases redevelopment options for the site.

Legal advice that a planning proposal is required

As stated above, Council has legal advice indicating that the scope of alterations proposed post exhibition makes the revised Draft LEP a substantially different plan from the exhibited version.

Furthermore, the plan making process is to be recommenced and must be done so under the new Part 3 plan making process.

3. Is there a net community benefit?

There is net community benefit with proceeding with the planning proposal. It is expected that redevelopment of the land will deliver economic and employment benefits to the business community, as well as provide a civic and cultural presence within the Centre through the provision of community facilities including a library, public plaza and additional public car parking.

Council has clearly expressed its commitment to reviewing the existing controls and facilitating redevelopment of the land, as evidenced by the Draft LEP. There is a clear expectation within the community, and by Council and the landowners (including both Woolworths and Council) that the controls need to be finalised to provide clear direction and planning and economic certainty.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the Draft East Subregional Strategy.

The planning proposal will give effect to the Metropolitan Strategy and Draft East Subregional Strategy by encouraging development within existing centres.

The Draft East Subregional Strategy identifies Double Bay as a “Town Centre” and the main commercial centre within the Municipality. The planning proposal reinforces this existing role and function of the Double Bay Centre and its context within the hierarchy of centres.

In particular, the planning proposal will also facilitate redevelopment of the Kiaora Lands which will improve the financial viability of the Double Bay Centre, and contribute to employment targets set out in the Draft Subregional Strategy.

5. Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

The planning proposal reflects visions and objectives identified in Woollahra Council’s Delivery Program and Operational Plan 2010-2011, including to—

- A. Maintain the diversity of the economic base and encourage new business into the area that will enhance and positively impact on community life.
- B. Encourage economic development in business and retail centres.
- C. Enhance and revitalise the village atmosphere of the shopping areas.
- D. Maintain a high quality public domain to support and promote local business.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with State environmental planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with all applicable section 117 directions (refer to **Attachment 4**).

Section C – Environmental, social and economic impact

8. 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?

The proposal does not apply to land, or is in the vicinity of land, that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

The planning proposal will not result in any detrimental environmental effects.

Council and the other land owners are aware of environmental constraints on the land, such as the acid sulfate soil and flood levels. These matters will be addressed when a development application is lodged. Various technical reports will be provided at that time, including a flood study prepared by a suitably qualified hydraulic engineer that addresses how property on and off the site will be protected during a 1 in 100 years flood event.

10. How has the planning proposal adequately addressed any social and economic effects?

Council's support for a supermarket on the Kiaora Lands site is long-standing. The redevelopment of the Kiaora Lands site is seen as a catalyst for increased business activity and private sector development in Double Bay. It will enhance the existing distinctive mix of small scale shops, boutiques, cafes and commercial premises that characterise the centre, and improve connections between both sides of the Double Bay Centre through the new arcade and plaza.

The economic benefits for the Double Bay Centre resulting from an expanded and modern supermarket have been documented in reports by Dimasi Strategic Research (2003) and Hill PDA (2003). Both reports conclude that a modern supermarket associated with convenient parking will provide significant economic stimulus for increased business activity and private sector development across the Double Bay Centre.

In particular, the Hill PDA report highlighted the significant undersupply of food retailing in Double Bay. The report concluded that whilst a new and expanded supermarket alone would not resolve the undersupply of food retailing, it would provide a strong retail anchor which would attract other food retailers, including those in the specialty fresh food areas.

We expect that positive social impacts will also be derived from the proposal, as redevelopment of the land will result in a strong civic and cultural presence in the Double Bay Centre, including a new Council library and improved public domain.

Section D – State and Commonwealth interests

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

The planning proposal will not result in any additional demand for public infrastructure. Its predecessor, the Draft LEP, was notified to public authorities under section 62 of the Act. The public authorities raised no concerns with the Draft LEP in relation to any matter, including public infrastructure.

We expect that any future development application lodged in relation to the site will be identified as a traffic generating development to be referred to the Roads and Traffic Authority (RTA), under the requirements of *State Environmental Planning Policy (Infrastructure) 2007*, Schedule 3, due to its proximity to New South Head Road which is a State road. Assessment of traffic impacts will be suitably addressed at that time, and in response to the particular development application.

12. 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. However, it would be appropriate to notify all public authorities previously consulted in relation to the Draft LEP.⁵

Part 5 – Community consultation

Consistent with part 4.5 of *A guide to preparing local environmental plans*, Council's policy, and due to significant community interest in this matter, an exhibition period of at least 28 days is intended.

We anticipate that the planning proposal will be exhibited concurrent with proposed amendments to the Double Bay Centre Development Control Plan 2002 relating to the Kiaora Lands. In addition, a concept plan of the proposed redevelopment of the site (comprising Woolworths and Council land) will be made available as supporting documentation. This will assist the community in interpreting the draft controls and understanding Council's vision for redeveloping the land.

Public notification of the exhibition will comprise:

- a weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period,
- a notice on Council's website,
- a letter to land owners in the vicinity of the site who previously received notice of the Draft LEP, and
- a letter to persons that made a submission to the Draft LEP.

During the exhibition period, the planning proposal, gateway determination and other relevant documentation (including an information brochure) will be available on Council's Customer Service Centre and on Council's website.

⁵ Eight public authorities responded to the section 62 notice, each stating either no comment or no concern with the Draft LEP.

Attachment 1

Woollahra LEP 1995, Clause 21E—current

21E. Development on certain land in Double Bay

- (1) This clause applies to land shown edged heavy black on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 44) – Site Map”.
- (2) Land beyond the boundary shown on the sheet referred to in subclause (1) may be included within the site for the purpose of development such as:
 - (a) awnings, and
 - (b) signs, and
 - (c) projecting bay elements, and
 - (d) fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, and (e) public domain improvement works, and
 - (f) underground car parking.
- (3) The Council must not grant consent to a development application (other than a comprehensive development application or an application for development consent for subdivision) relating to land to which this clause applies unless there is in force a development consent for a comprehensive development application and the Council has taken that development consent into consideration.
- (4) A comprehensive development application required by this clause is a development application that makes development proposals for the whole of the land to which this clause applies.
- (5) The Council must not grant consent to a comprehensive development application unless it is satisfied that adequate provision has been made for:
 - (a) public car parking, and
 - (b) public toilets, and
 - (c) community facilities, and
 - (d) civic space.
- (6) The Council must not grant consent to a development application, including a comprehensive development application, relating to Lot 2, DP 82306, being land known as the Golden Sheaf Hotel site, unless, in considering the application, the Council has taken into account the recommendations of a current conservation plan and any amendments to it for the Golden Sheaf Hotel that has been approved by Council.
- (7) The Council is not obliged to comply with subclause (3) or (5) if it is satisfied that the proposed development is of a minor nature.
- (8) A building or buildings is not to be erected on land to which this clause applies if the total gross floor area of all buildings on the land to which this clause applies would exceed the gross floor area indicated for the land on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 44) – Density Map”. For the purpose of this subclause, gross floor area excludes:
 - (a) fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, and
 - (b) access in the form of lifts, escalators, travelators, ramps, stairs and the like from existing ground level to basement car park levels, and

- (c) loading and unloading areas and access to those areas all of which are at or below ground level, and
 - (d) any garbage storage areas, plant rooms, mechanical ventilation, including ducting, all below ground level, and
 - (e) roof and podium plant rooms, and
 - (f) electrical substation, generating rooms, switch rooms and other structures required in connection with the substation, and
 - (g) arcades, and
 - (h) colonnades, including associated columns, and
 - (i) pedestrian areas in the form of a winter garden contiguous with arcades, and
 - (j) balconies and verandahs, and
 - (k) unenclosed swimming pools, and
 - (l) the gross floor area of the original heritage building at 423-431 New South Head Road, Double Bay, known as the Golden Sheaf Hotel as approved on 23 April 1935.
- (9) Clause 8, 10A or 10B do not apply in respect of the erection of a residential flat building on land to which this clause applies.
- (10) Clause 8, 10A or 10B do not apply in respect of development for the purpose of dwellings in conjunction with development below the ground surface for the purpose of any one or more of the following:
- (a) car parking,
 - (b) a car parking station,
 - (c) non-residential uses associated with car parking and a car parking station,
 - (d) loading and unloading facilities associated with non-residential uses, all of which is located on the land shown by heavy black broken edging on the map marked "Woollahra Local Environmental Plan 1995 (Amendment No 44) – Land Use Map" (whether or not within the same building).
- (11) Development referred to in subclause (10) is not mixed development for the purposes of this plan.
- (12) The Council must not grant consent to a development application involving works below the natural surface of the ground relating to land to which this clause applies unless it has considered the following:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soils Assessment Guidelines published by the Acid Sulfate Soils Management Advisory Committee, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (13) The provisions of State Environmental Planning Policy No 1 – Development Standards do not apply to subclause (8).

Attachment 2
Draft Woollahra LEP 1995 (Amendment 67)—
as exhibited

DRAFT

Woollahra Local Environmental Plan 1995 (Amendment No 67)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan
under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

Woollahra Local Environmental Plan 1995 (Amendment No 67)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 67)*.

2 Aims of plan

This plan aims:

- (a) to rezone certain land at Double Bay from part Zone No 3(a) (the General Business “A” Zone) and part Zone No 2 (b) (the Residential “B” Zone) to Zone No 3(a) (the General Business “A” Zone) under *Woollahra Local Environmental Plan 1995*, and
- (b) to provide a floor space ratio for buildings erected on certain land at Double Bay, and
- (c) to delete special development provisions for certain land at Double Bay.

3 Land to which plan applies

- (a) To the extent that it implements the aim referred to in clause 2(a), this plan applies to the land shown edged heavy black and coloured on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 67) – Land Use Map”, deposited in the office of Woollahra Municipal Council, and
- (b) to the extent that it implements the aims referred to in clause 2(b) and 2(c), this plan applies to the land shown edged heavy black on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 67) – Density Map, deposited in the office of Woollahra Municipal Council

DRAFT

Woollahra Local Environmental Plan 1995 (Amendment No 67)

Clause 4

4 Amendment of Woollahra Local Environmental Plan 1995

Woollahra Local Environmental Plan 1995 is amended as set out in Schedule 1.

DRAFT

Woollahra Local Environmental Plan 1995 (Amendment No 67)

Schedule 1

Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 20 Provision of public car parking on certain land in Double Bay

Omit clause 20(1)(d).

[2] Clause 20 (4)

Omit the clause.

[3] Clause 20 (5)

Omit “, (3) and (4)” and insert “and (3)”.

[4] Clause 20 (6)

Omit “, (3) and (4)” and insert “and (3)”.

[5] Clause 21E Development on certain land in Double Bay

Omit the clause.

[6] Schedule 1, definition of “density map”

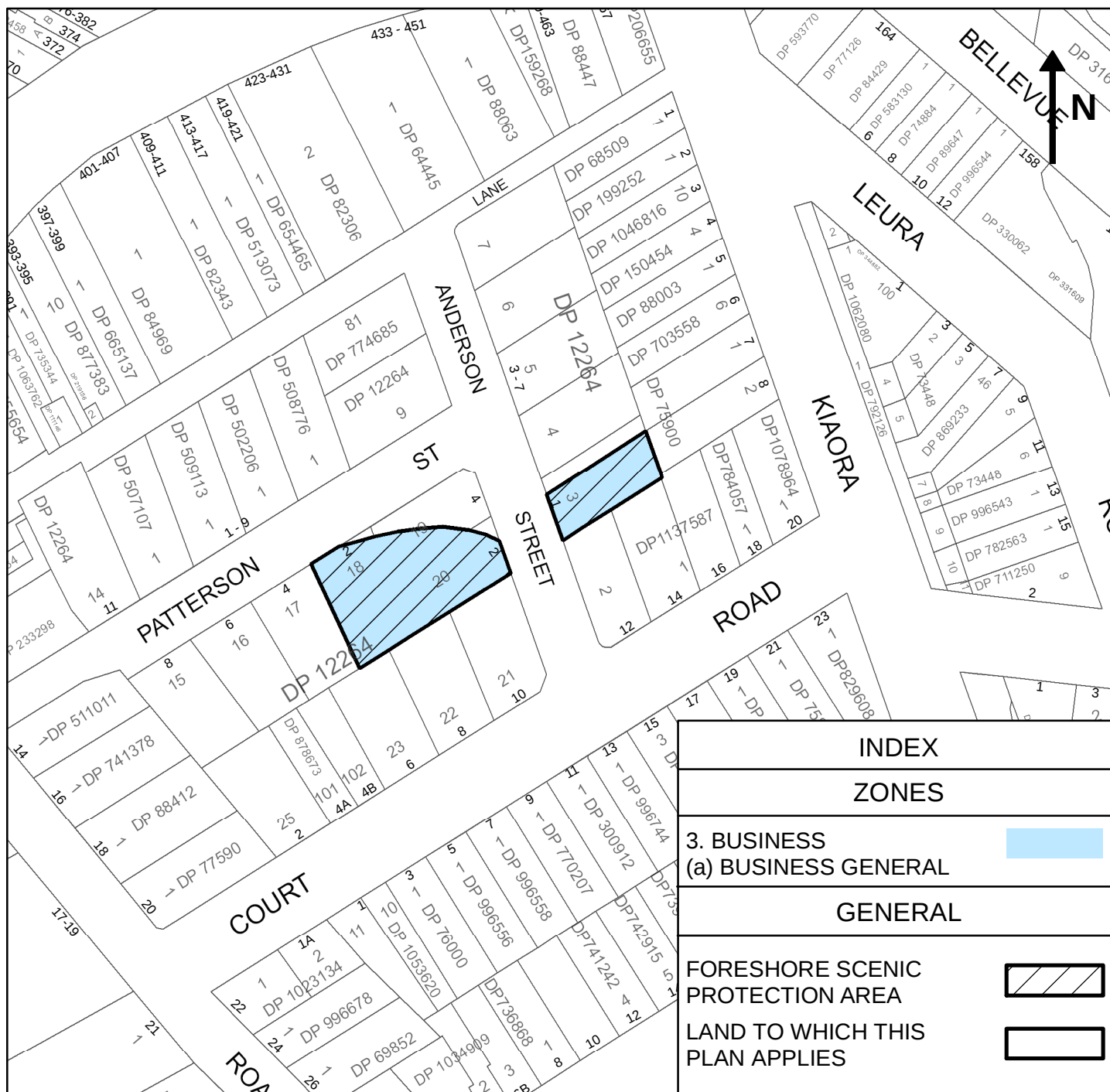
Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 67)—Density Map

[7] Schedule 1, definition of “land use map”

Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 67)—Land Use Map

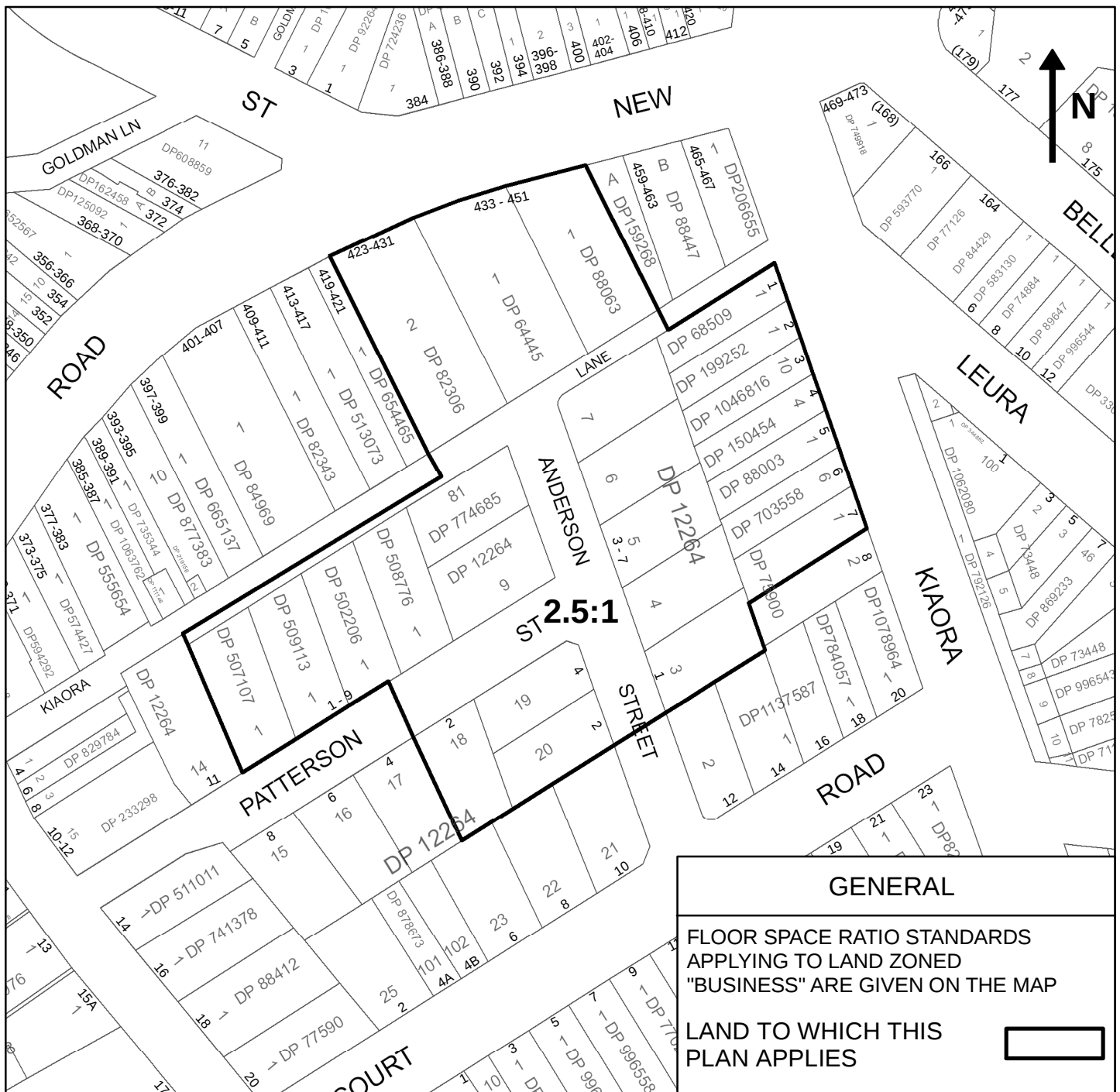


Scale 1:1,500

Locality of Double Bay

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 **WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995** **(AMENDMENT NO. 67) - Land Use Map**

DRAWN BY	Anne White	DATE	23 October 2009	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
SUPERVISING DRAFTPERSON		DATE		
PLANNING OFFICER	Chris Bluett	DATE	23 October 2009	
FILE No.	CCL.1064.G.(Amendment 67)	DEPT	Strategic Planning	PUBLISHED IN GOVERNMENT GAZETTE OF
CERTIFICATE ISSUED UNDER	S.65 E.P.A. ACT. 1979	DATE		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION
				GENERAL MANAGER DATE



Scale 1:1,500

Locality of Double Bay

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 **WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995** **(AMENDMENT NO. 67) - Density Map**

DRAWN BY Anne White	DATE 23 October 2009	STATEMENT OF RELATIONSHIP WITH OTHER PLANS Amends Woollahra Local Environmental Plan 1995
SUPERVISING DRAFTPERSON	DATE	
PLANNING OFFICER Chris Bluett	DATE 23 October 2009	
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Attachment 3

Council resolution of 23 August 2010

Draft Woollahra Local Environmental Plan 1995 (Amendment No. 67)— Kiaora Lands

- A. That the Council resolve to request the Minister for Planning to allow the Council to prepare a planning proposal for the Kiaora Lands site that is consistent with the aims of Draft Woollahra LEP 1995 (Amendment No. 67) which was publicly exhibited and which takes into account changes arising from the public exhibition so as to generally provide for:
- a. a rezoning of lands to the Business General 3(a) zone
 - b. a maximum height limit of 16.5m for the New South Head Road part of the site and maximum height limit of 13m for the south part of the site
 - c. a maximum floor space ratio of 3.0:1 for the New South Head Road part of the Kiaora Lands site, a 2.5:1 FSR for the Sheaf Hotel site and a FSR of 1.1:1 for the south part of the Kiaora lands site.
- B. That Draft Double Bay Centre Development Control Plan (Amendment No. 3), provided in Annexure 2 Part B to the report to the Strategic and Corporate Committee on 11 August 2010, as amended to make it consistent with the planning proposal referred to in item A above, be publicly exhibited in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* and concurrently with the planning proposal subject to the DCP to include controls providing for the minimum solar access to adjoining properties consistent with the Woollahra Residential DCP and a minimum 2.5m setback to Kiaora Road.
- C. That a report be prepared for the Community and Environment Committee to consider parking management solutions for parking during the construction period of any future redevelopment of the Kiaora Lands.
- D. That assessment of a development application not be finalised until after Council considers the submissions to the Draft Development Control Plan (DCP), and approves a DCP for the Kiaora Lands site.
- E. That, in response to public submissions, Woolworths be advised that a comprehensive development application lodged in respect of the Kiaora Lands site must include the following documentation:
- A traffic study and traffic management plan that includes traffic modelling of both a.m. and p.m. peak periods.
 - An economic impact study that examines the economic impact of the proposed development on the Double Bay commercial centre.
 - An arborist's report that demonstrates how the trees identified in the 'Street Trees' section of the Double Bay Centre Development Control Plan, Appendix 2 – Kiaora Lands 2010, will be retained.
 - A flood study prepared by a suitably qualified hydraulic engineer that addresses, among other things, how property on and off the site (including the public domain) will be protected during a 1 in 100 years flood event.
 - A building sustainability design report which explains how the building will achieve best practice sustainability.

Attachment 4

Compliance with section 117 directions

Planning proposal – Kiaora Lands, Double Bay Compliance with section 117 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Not inconsistent. Justification set out in Note 1 at the end of this compliance table.
1.2	Rural zones	Not applicable.
1.3	Mining, petroleum production and extractive	Not applicable.
1.4	Oyster aquaculture	Not applicable.
1.5	Rural lands	Not applicable.
2	Environment and heritage	
2.1	Environment protection zones	The planning proposal applies to land within a foreshore scenic protection area. ("land otherwise identified for environmental protection purposes in a LEP" – item 5 of Direction). The planning proposal will not reduce environmental protection standards that apply to the land.
2.2	Coastal protection	Not applicable.
2.3	Heritage conservation	The planning proposal will apply to a site that is listed as a heritage item. Woollahra LEP 1995 contains provisions to conserve heritage items. The planning proposal will not alter these provisions.
2.4	Recreation vehicle areas	The planning proposal will not allow the land to be developed for a recreation vehicle area.
3	Housing, infrastructure and urban development	
3.1	Residential zones	The planning proposal proposes to rezone land and remove onerous controls for the purpose of development, including residential uses. Four of the sites to be rezoned are currently zoned part 2(b) Residential and part 3(a) General Business. Rezoning to 3(a) General Business does not reduce provision for housing, as the 3(a) General Business zone permits housing in the form of mixed development.
3.2	Caravan parks and manufactured home estates	The planning proposal will not allow caravan parks and manufactured home estates.
3.3	Home occupations	The planning proposal will not affect the provisions of a relevant environmental planning instrument which permits home occupations to be carried out in dwelling-houses without the need for development consent.

Planning proposal – Kiaora Lands, Double Bay Compliance with section 117 directions		
Direction		Applicable/comment
3.4	Integrating land use and transport	The planning proposal applies to land that is within proximity to established transport nodes and linkages. The planning proposal is not inconsistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>
3.5	Development near licensed aerodromes	Not applicable.
4	Hazard and risk	
4.1	Acid sulfate soils	The planning proposal will not introduce provisions to regulate works in acid sulfate soils or to intensify land uses. The existing acid sulfate soils provisions in Woollahra LEP 1995 will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable.
4.3	Flood prone land	The planning proposal will not create, remove or alter a zone or a provision that affects flood prone land.
4.4	Planning for bushfire protection	Not applicable.
5	Regional planning	
5.1 5.8	Strategies 5.1-5.8	Not applicable.
6	Local plan making	
6.1	Approval and referral requirements	The planning proposal will not result in provisions requiring concurrence, consultation or referral to a Minister or public authority or the identification of development as designated development.
6.2	Reserving land for public purposes	The planning proposal will not create, alter or reduce an existing zone or reservation for public purposes.
6.3	Site specific provisions	Not applicable.

Note 1—Business and industrial zones

The planning proposal applies to a business zone. The planning proposal will not reduce the area of the Double Bay Centre. It will result in a minor increase of land zoned Business General 3(a). The planning proposal will facilitate the economic and orderly development of business zoned land.

The planning proposal introduces an FSR control in place of the existing gross floor area (GFA) control. This will not result in reduced potential floor area for employment and related public services as explained below—

- Currently Woollahra LEP 1995 sets a maximum GFA for the site (including the Golden Sheaf) of 38,000m². However, a GFA of 38,000m² cannot be realised on the site. We know this because a DA was approved under the current controls, but the applicant cannot act on the DA because of severe site constraints.
- Current development consent applying to the site provides for-
 - 13,500m² retail, commercial and library uses
 - 20,720m² residential uses
 - 3,183m² Golden Sheaf Hotel additions and alterations
 - basement parking for 725 spaces (not included in the GFA)

This consent has not been taken up because the proposed is not economically viable due to the reliance on underground car parking.

- The site is affected by acid sulfate soils and flooding which severely restrain the site and make the cost of constructing underground parking prohibitive. As a result, parking must be provided above ground.

The existing approval provides for 725 parking spaces. We estimate that approx 22,000m² of the GFA would have to be turned over to car parking, leaving 16,000m² of actual GFA available for retail, commercial, community and residential uses.

- The foreshadowed Draft LEP with an FSR 1.1:1 (over part of the site south of Kiaora Lane) and an FSR 3:1 (at the New South Head Road part of site) will yield a GFA of approx 20,000m².

This FSR regime will make the site feasible for redevelopment. Woolworths has already prepared and made publicly available a concept plan for redevelopment of the site consistent with these FSRs.

The planning proposal will not result in a decreased potential development on the site, in real terms.