

# Planning Proposal



## Double Bay Centre Heritage Study



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Division/Department:	Planning and Place/Strategic Planning
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**Acknowledgement of Country**

*We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.*

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## Supporting documents (circulated separately)

- *Double Bay Centre Heritage Review of Character Buildings, Lucas Stapleton Johnston and Partners Pty Ltd (LSJ) (14 October 2022)*



# 1. Introduction

## 1.1. Summary

This planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), at Schedule 5 (Environmental heritage) and the Heritage Map, to include four new local heritage items.

These four properties are currently identified as character buildings in the *Woollahra Development Control Plan 2015*. A study by Lucas Stapleton Johnston & Partners Pty Ltd (LSJ) of twenty-two properties titled the *Double Bay Centre Heritage Review Character Buildings Heritage Study* (October 2022) found that four meet the threshold for local heritage significance and should be listed as local heritage items.

## 1.2. Background

On 26 April 2021 Council considered a Notice of Motion (NOM 16.5) regarding the potential heritage significance of properties located in the Double Bay centre. At this meeting, it was resolved:

*THAT Council:*

- A. *Notes the following properties in the Double Bay Centre are identified as character buildings in Chapter D5 Double Bay: Section 5.6.3.8 Heritage items and character buildings of the Woollahra DCP 2015 and that those buildings have a positive contribution to the streetscape and architectural character of the area:*
- *37 Bay Street*
  - *35 Bay Street*
  - *29-33 Bay Street*
  - *9 Bay Street*
  - *11 Bay Street*
  - *13 Bay Street*
  - *15 Bay Street*
  - *21-25 Knox Street.*
- B. *Notes the following additional character buildings which are considered to positively contribute to the streetscape and architectural character of the Double Bay Centre:*
- *39-43 Bay Street and 17-19 Bay Street: the existing terraces on the eastern side of Bay Street between Short Street and New South Head Road*
  - *28 Bay Street: Royal Oak Hotel*
  - *12 Bay Street: the existing two storey terrace.*
- C. *Requests staff to undertake, as a matter of urgency, a report to investigate the potential heritage significance of the buildings identified in paragraphs A and B above in order to identify whether these sites warrant listing as:*
- (a) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and/or*
  - (b) an item on the State Heritage Register under the Heritage Act 1977 and/or;*
  - (c) part of a heritage conservation area in the WLEP.*

In the background to the Notice of Motion it was noted that:

*It has become apparent through discussions with staff that many significant buildings in the Double Bay Centre do not currently enjoy heritage protection under the WLEP and that those items may have cultural and architectural heritage significance to the communities residing in the municipality. A proper identification and assessment of such buildings needs to be undertaken to address the current position as a matter of urgency, given current development in the area and the review of the planning controls for the area that is currently underway.*

In response to the Notice of Motion, Council engaged Lucas Stapleton Johnston and Partners Pty Ltd (LSJ) to undertake a heritage significance assessment for the buildings identified in the notice of motion. In addition to those buildings identified, Council noted that there were other buildings that could be considered to be “character buildings”, being 45A Bay Street and 475-479 New South Head Road. These buildings were also assessed for their heritage significance as part of the review.

The *Double Bay Centre Heritage Review of Character Buildings* (circulated separately) included an assessment of the historical context, historical associations and physical evidence of each of the subject properties, and a subsequent assessment of significance for those sites identified as having potential for heritage listing.

Arising from this assessment, the following recommendations were provided by LSJ:

- *No. 21-25 Knox Street should be listed as a local heritage item.*
- *Cooper’s Corner, No. 475-479 New South Head Road should be listed as a local heritage item.*
- *The Royal Oak Hotel, No. 28 Bay Street should be listed as a local heritage item.*
- *No. 45A Bay Street should be listed as a local heritage item.*

The planning proposal was forwarded to the Woollahra Local Planning Panel for advice on 13 December 2022. The following advice was provided to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the following sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Environmental Plan 2014:*
  - i. *Former InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
  - ii. *Cooper’s Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
  - iii. *Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
  - iv. *Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922).*  
*Woollahra Municipal Council Woollahra Local Planning Panel (Electronic Meeting) Minutes 13 December 2022 Page 6*
- B. *That the Woollahra Local Planning Panel provides advice to Council staff to proceed with the nomination to the State Heritage Register of Gaden House at 2A Cooper Street (24 Bay Street) Double Bay (Lots 11 and 12 in DP 4606) with appropriate exemptions.*
- C. *That the Woollahra Local Planning panel provides advice to Council staff to carefully consider the potential impact of the Double Bay Planning and Urban Design Strategy on the heritage conservation and use of these buildings.*

It is noted that the Woollahra LPP provided the following reasons for its decision:

*The Panel considered the submissions received, and considered the Double Bay Heritage Study to be a thorough and comprehensively researched report, and Council should be congratulated on the proposal. Noting that the Panel has recommended that the name of “Twenty one” be changed to “shopping building and arcade”.*

In accordance with the advice of the Woollahra Local Planning Panel, the title of the proposed heritage item at 21-25 Knox Street has been updated to “Shopping building and arcade”, and the legal description of the proposed heritage item at the Royal Hotel has been updated to limit the proposed listing to the allotment legally identified as Lot 1 in DP 60445.

The planning proposal was then submitted to the Woollahra Environmental Planning Committee for consideration and recommendation to Council, at the Committee meeting of 6 March 2023. As the voting on the matter was 3 votes for and 3 votes against for both the Motion and a proposed Amendment, in accordance with Council’s Policies and Procedures, both the Motion and the Amendment were referred to Council on 27 March 2023 for consideration.

At the 27 March 2023 Council Meeting it was resolved that:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list four sites in the Double Bay Commercial Centre as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra Local Environmental Plan 2014.*
- B. *THAT Council endorse the planning proposal as contained at **Attachment 2** of the report to the Environmental Planning Committee to list the following four sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014 and resolve to forward this to the Department of Planning and Environment with a request for Gateway Determination to allow public exhibition:*
  - i. Former InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
  - ii. Cooper’s Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
  - iii. Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
  - iv. Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922)*
- 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.*
- D. *THAT Council endorse a nomination to the State Heritage Register of Gaden House at 24 Bay Street Double Bay (2A Cooper Street) (Lots 11 and 12 in DP 4606).*
- E. *THAT separately, Council staff investigate a heritage conservation area on the eastern side of Bay Street, in Double Bay and report back to the relevant Committee of Council with the outcomes of that investigation.*

Note that, as per part E of Council’s resolution, the investigation into the possibility of a Heritage Conservation Area on the eastern side of Bay Street, Double Bay, has been undertaken separately to this planning proposal. Only those sites listed in part B of the resolution are the subject of this planning proposal.

On 25 July 2023, Council received Gateway determination for the planning proposal from the Department of Planning and Environment. Public exhibition is being undertaken in accordance with this determination.

### 1.3. Description of this planning proposal

The objective of the planning proposal is to amend Woollahra LEP 2014 to list the properties identified in Table 1 below as local heritage items in Schedule 5 Environmental heritage, Part 1 Heritage items. Heritage listing of these sites will ensure recognition of their significance, as well as provide statutory protection through ensuring that any future development proposals are assessed against the heritage provisions of the Woollahra LEP 2014.

Table 1: Subject sites to which the planning proposal applies

	Item	Address	Lot/DP
1	Shopping building and arcade	21-25 Knox Street, Double Bay	Lot 1 DP 208922
2	Cooper's Corner	475-479 New South Head Road, Double Bay	Lot 1 DP 13051
3	Royal Oak Hotel	28 Bay Street, Double Bay	Lot 1 DP 60445
4	Former In Shoppe building	45A Bay Street, Double Bay	Lot 1 DP 208325

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the document prepared by the Department of Planning, Industry and Environment titled *Local Environmental Plan Making Guideline* (September 2022).

### 1.4. Assessment of Heritage Significance

A heritage significance assessment was carried out for the Double Bay Commercial Centre by LSJ Heritage Planning & Architecture (LSJ) titled "*Double Bay Centre Review of Character Buildings*" which is separately circulated to this planning proposal.

This assessment reviewed the subject sites in accordance with the document title *Assessing heritage significance*, published by the NSW Heritage Office in 2001 and *Investigating heritage significance*, published by the Heritage NSW in 2021. There are seven criteria used in the process of assessing heritage significance:

**Criterion (a) – Historical significance**

*An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).*

**Criterion (b) – Associative significance**

*An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).*

**Criterion (c) – Aesthetic/technical significance**

*An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).*

**Criterion (d) – Social significance**

*An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

**Criterion (e) – Research potential**

*An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).*

**Criterion (f) – Rarity**

*An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural (or the cultural or natural history of the local area).*

**Criterion (g) – Representative**

*An item is important in demonstrating the principal characteristics of NSW's*

- *cultural or natural places; or*
- *cultural or natural environments. (or a class of the local area's cultural or natural places; or cultural or natural environments.)*

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

The assessment by LSJ concluded that the following sites fulfil the heritage significance criteria at a **local** level:

- *Shopping building and arcade, 21-25 Knox Street [Lot 1 DP 208922]*
- *Cooper's Corner, 475-479 New South Head Road, [Lot 1 DP 13051]*
- *Royal Oak Hotel, 28 Bay Street [Lot 1 DP 60445]*
- *Former In Shoppe building, 45A Bay Street [Lot 1 DP 208325]*

Accordingly, the recommendation of the LSJ report is that these properties be included in Part 1 of Schedule 5 of the Woollahra Local Environmental Plan 2014 and on the Heritage maps.

The inventory sheets for the sites prepared by LSJ, including assessment against all heritage criteria, are included in the information package for this planning proposal. (Separately circulated titled "*Double Bay Centre Review of Character Buildings*")

## **1.5. Statements of heritage significance**

Statements of significance have been prepared for each of the sites that are the subject of this planning proposal, as follows:

### **1.5.1. Shopping building and arcade, 21-25 Knox Street, Double Bay**

*The shopping building and arcade at Nos. 21-25 Knox Street, as a post-war shopping arcade is significant for demonstrating in its built fabric the rapid change from residential to commercial uses that occurred in the locality in the mid 20th century, and forms part of the historical development of the Double Bay Centre and the post-war aspirations of the local council to develop Knox Street and Double Bay into a commercial centre.*

*The place is of aesthetic significance as a largely intact shopping arcade in the Moderne style, designed by noted Sydney architect Douglas Forsyth-Evans. The place also has some social significance for its associations with Café 21, who have occupied the building since 1959 and as a contributing factor in the establishment of the “cosmopolitan” character of the Double Bay Centre in the late 20th century.*

*(LSJ, Double Bay Centre Heritage Review of Character Buildings, p. A123)*

### **1.5.2. Cooper’s Corner, 475-479 New South Head Road, Double Bay**

*No. 475-479 New South Head Road is of significance as a landmark commercial/residential building, designed in the Arts & Crafts style by noted architect Edwin R. Orchard and is a rare example of Orchard’s commercial work. Sited on a prominent corner, the place benefits from broadscale views from the south and west and the unusual form of the building has been designed with its prominent corner location in mind. The building is representative of Orchard’s work as one of the lead proponents of Arts & Crafts style architecture and the place has landmark qualities due to its siting, form, scale and architectural detailing.*

*No. 475-479 New South Head Road is also of significance for demonstrating in its built fabric the change from residential to commercial uses that occurred in the locality in the early to mid 20th century, and forms part of the historical development of the Double Bay Centre and is rare as a surviving historic building within the principal commercial street of New South Head Road within the Centre.*

*(LSJ, Double Bay Centre Heritage Review of Character Buildings, p. A112)*

### **1.5.3. The Royal Oak Hotel, 28 Bay Street, Double Bay**

*The Royal Oak Hotel, No. 28 Bay Street, is of significance as surviving evidence of the historical development of the Double Bay Village Reserve, established by the government in 1834s and as being one of the oldest surviving commercial buildings located within the Double Bay Centre (originally constructed c.1869), and the oldest surviving commercial building located on Bay Street, making the place rare within the local context. The place is also of historical significance and rarity on a local level for being in continuous operation as the Royal Oak Hotel since 1869.*

*The hotel has significant historical associations with noted architectural firm Prevost, Synott & Ruwald, who rebuilt the hotel in 1924 for then owners Tooth & Co., an historically significant brewer/hotelier company of the 19th and 20th centuries in NSW.*

*Designed in the Inter-war Georgian Revival style, the hotel is a representative example of the work of Prevost, Synott & Ruwald. The building has some aesthetic significance for its surviving upper-level external features including its overall form, Marseille tile roof, arcaded balconies (now enclosed), blind arched recesses with classical swags, and classically inspired balustrades. The hotel makes a strong contribution to the historic character of Bay Street and a charming transition between the residential and commercial precincts on the western side of the Double Bay Centre.*

*(LSJ, Double Bay Centre Heritage Review of Character Buildings, p. A60)*

#### **1.5.4. Former In Shoppe building, 45A Bay Street, Double Bay**

*No. 45a Bay Street is of significance as a representative example of the work of noted architect Neville Gruzman (1925-2005), who was a central figure in the distinctive architectural identity of Sydney of the mid 20th century and had a significant influence on the architecture and planning of Double Bay in the mid to late 20th century. Exhibiting many of the characteristics found in Gruzman's work the reliance on horizontality, stepped forms, and a contrast between heavy masonry forms and lightweight bands of glazing, No. 45a Bay Street makes a strong contribution to the commercial identity of Bay Street and the Double Bay Centre.*

*No. 45A Bay Street is considered rare as being one of a group of buildings all designed by the one architect of note, Neville Gruzman, located within one commercial precinct. No. 45A Bay Street, Gaden House, No. 24 Bay Street (2A Cooper Street), No. 11 Bay Street, the former Double Bay Steak House, 15 Knox Street; and the former Vardi Restaurant, 29 Knox Street are a rare group of buildings that demonstrate Gruzman's dedication to the redevelopment of the Double Bay Centre and his attempts to introduce a Post-war Modernist architectural language to the locality.*

*The building is of significance as forming part of the historical development of the Double Bay Centre, in particular, the post war development of the area and the aspirations of the local council to develop Double Bay into a commercial centre and Neville Gruzman's influence on the redevelopment scheme of the 1970s. No. 45A Bay Street was designed specifically to reinforce the new architectural language and built form being introduced along Bay Street in the late 20th century as part of the redevelopment of the Double Bay Centre.*

*(LSJ, Double Bay Centre Heritage Review of Character Buildings, p. A104-5)*

## **2. Existing sites and surrounding context**

### **2.1. Shopping building and arcade, 21-25 Knox Street**

The shopping building and arcade is located at 21-25 Knox Street, Double Bay, on the northern side of Knox Street between Bay Street and Goldman Lane. The site is legally described as Lot 1 in DP 208922. The site is irregular in shape, with a frontage of approximately 11.26m to Knox Street and a rear frontage of approximately 17.11m to Knox Lane and a depth between 23.65m on the western side to 25.05m on the eastern side boundary.

Existing development on the site comprises a part two storey and part three storey commercial building of rendered masonry construction accommodating shops and offices, with double fronted curved glass façade and arcade. Development on adjoining sites consists of a single storey commercial building at 27-29 Knox Street to the west of the site, and a three storey interwar functionalist building of rendered masonry construction to the east of the site at 17-19 Knox Street.

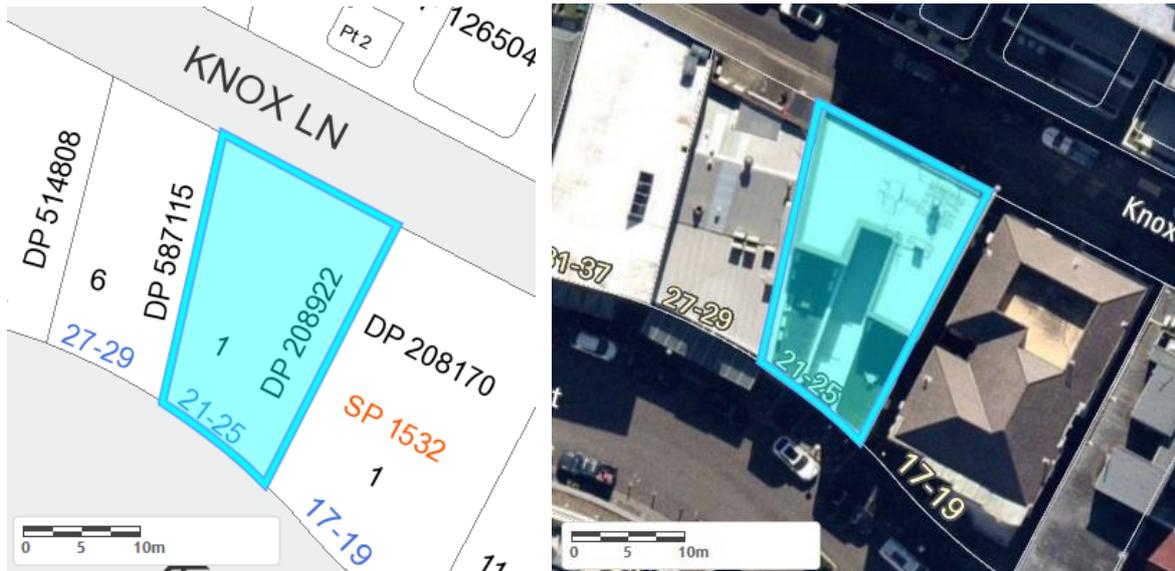


Figure 1: Cadastral map (L) and Aerial Photo (R) of the subject site, shown highlighted in blue. (Source: Woollahra Maps)



Figure 2: Current site photo, January 2022 (Source: LSJ, 2022)

## 2.2. Cooper's Corner, 475-479 New South Head Road

“Cooper’s Corner” is located at 475-479 New South Head Road, Double Bay, on the corner of Bellevue Road. The site is legally identified as Lot 1 in DP 13051. The site is irregular in shape, 221.3m<sup>2</sup> in area with a curved frontage of approximately 44.655m extending from New South Head Road through to Bellevue Road, a northeastern side boundary of 12.19m, and an irregular rear (eastern) boundary of 16.435m.

Existing development on the site consists of a curved, three-storey mixed use commercial and residential flat building of masonry construction featuring dark face brick and render in the Arts & Crafts Style with tiled roof and distinctive chequerboard gable. At the southeast of the main building is a two storey postwar addition of brick construction with crenelated parapet and aluminium windows, constructed c.1959-61.

Existing development on the adjoining property to the rear (east) consists of a post-war residential flat building, “Colebrook” of at least 15 storeys. Existing development to the north of the site consists of an Interwar era four storey mixed use commercial and residential building of rendered masonry construction.

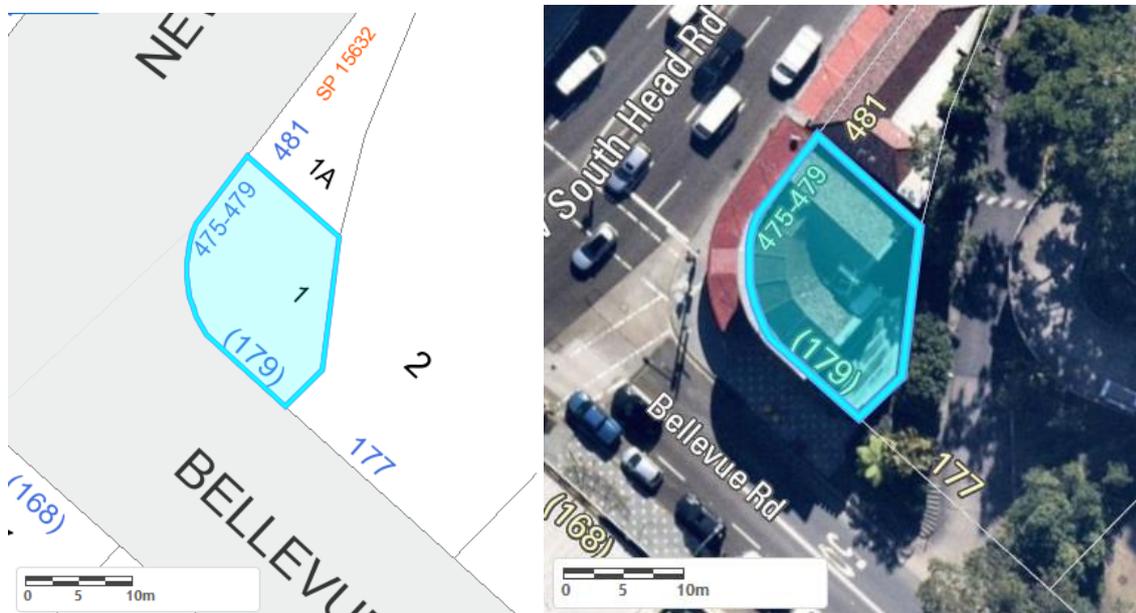


Figure 3: Cadastral map (L) and Aerial Photo (R) of the subject site, shown highlighted in blue.  
(Source: Woollahra Maps)



Figure 4: Current site photo, January 2022 (Source: LSJ, 2022)

### 2.3. Royal Oak Hotel, 28 Bay Street

The Royal Oak Hotel is located at 28 Bay Street, Double Bay, on the corner of South Avenue. The site comprises two allotments, legally identified as Lot 1 DP570584 and Lot 1 DP 60445. The allotments are irregular in shape and total approximately 774.23m<sup>2</sup> in area, with a western frontage of 17.64m to Bay Street, an irregular southern frontage of 43.85m to Cooper Street, an irregular northern boundary of 43.81m and an eastern boundary of 25.39m.

Existing development on the site consists of a two storey commercial hotel building of rendered masonry construction with a hipped Marseilles tile roof. Existing development on adjoining sites consists of a four-storey commercial building at 30-36 Bay Street known as Pallas House to the north of the site, and a 1.5 storey residential cottage of masonry and tile construction at 3 South Avenue to the west of the site.

Following the advice of the Woollahra Local Planning Panel, the proposed heritage listing for the site has been amended to refer only to the allotment legally identified as Lot 1 in DP 60445, as shown in blue in Figures 5 and 6 below.

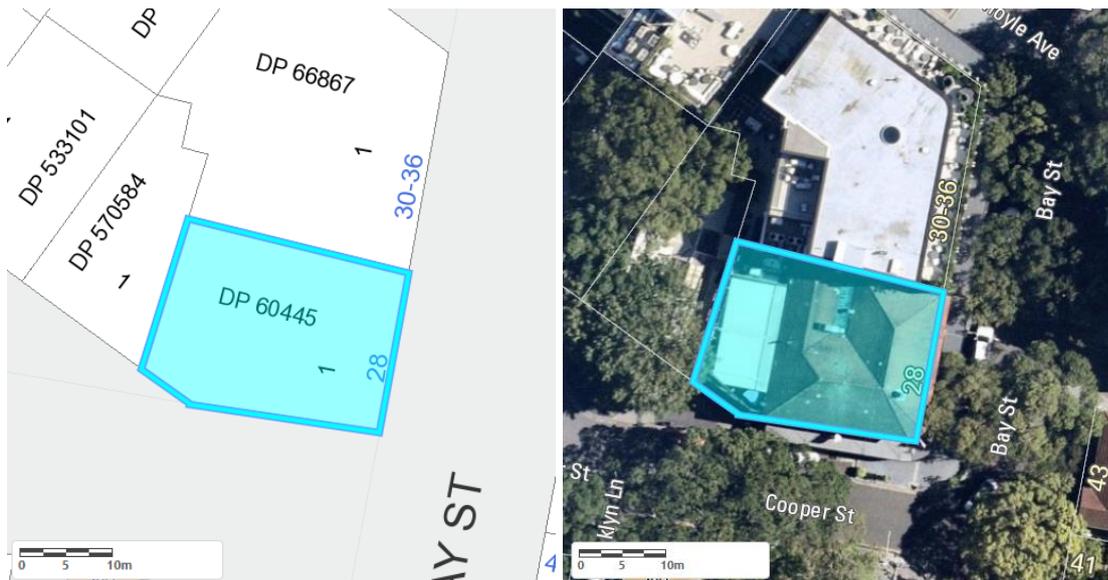


Figure 5: Cadastral map (L) and Aerial Photo (R) of the subject sites, shown highlighted in blue. (Source: Woollahra Maps)



Figure 6: Current site photo, January 2022 (Source: LSJ, 2022)

#### 2.4. Former In Shoppe building, 45A Bay Street

The building formerly known as the InShoppe building is located at 45A Bay Street, Double Bay. It is located on the corner of Knox Street and is alternatively known as 43 Knox Street. The site is legally identified as Lot 1 DP 208325. The allotment is mostly regular in shape with a splay corner to Bay and Knox Street and a slightly oblique rear boundary to Knox Lane and is approximately 381.01m<sup>2</sup> in area, with an eastern frontage of approximately 21.69m to Bay Street, a southern frontage of approximately 12.34m to Knox Street with a splay corner of approximately 3.12m. The site has a rear frontage to Knox Lane of approximately 16.51m and an eastern boundary of approximately 25.8m.

Existing development on the site consists of a four storey mixed use commercial building with basement, of rendered masonry construction with vertically proportioned glazing. Existing development on the neighbouring site to the east at 41 Knox Street comprising a four storey commercial building accommodating the Savoy Hotel and ground floor level shops.



Figure 7: Cadastral map (L) and Aerial Photo (R) of the subject sites, shown highlighted in red. (Source: Woollahra Maps)



Figure 8: Current site photo, January 2022 (Source: LSJ, 2022)

### 3. Existing planning controls

All sites are subject to the existing planning controls of the Woollahra LEP 2014. The current zone and key development standards that apply to the land under the Woollahra LEP 2014 are summarised in Table 2, as follows:

Table 2: Summary of current development controls

	<b>Zone</b>	<b>Maximum building height (m)</b>	<b>Floor space ratio</b>
21-25 Knox Street Double Bay	B2	14.7m	2.5:1
475-479 New South Head Road, Double Bay	B2	14.7m	1:1
28 Bay Street, Double Bay, and	B2	18.1m	2.5:1
45a Bay Street, Double Bay	B2	18.1	2.5:1

The objectives of the B2 Local Centre zone in the Woollahra LEP 2014 are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To attract new business and commercial opportunities.*
- *To provide active ground floor uses to create vibrant centres.*
- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

### 4. Objectives of planning proposal

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of four (4) sites in Double Bay and provide these with statutory heritage protection.

The inclusion of these sites as local heritage items will mean any future development proposals either on the subject sites, or on any land within the vicinity, will need to consider the provisions of Clause 5.10 (5) of Woollahra LEP 2014. This will provide a statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of these items.

## 5. Explanation of provisions

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

- Insert a listing for each site in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map to identify four additional heritage items at their relevant addresses.

## 6. Justification

The planning proposal has strategic merit. The key reason for amending the Woollahra LEP 2014 is that the heritage listing of these sites will ensure their significance is recognised and their ongoing conservation is implemented

These matters are further discussed below in part 6.1 to 6.3.

### 6.1. Need for planning proposal

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

Yes. The planning proposal is the result of the recommendations found in the heritage study titled “*Double Bay Centre Review of Character Buildings*” prepared by Lucas Stapleton Johnston & Partners Pty Ltd. The report concluded that four of the sites within the scope of the assessment meet the criteria for listing as local heritage items.

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

Yes. The objective of the planning proposal is to recognise the heritage significance of the four sites as local heritage items and provide them with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of the sites.

Other options, such as adding site-specific objectives and controls to Woollahra DCP 2015, or including heritage conservation conditions to a potential development consent, will not provide the same level of heritage protection and recognition.

### 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 planning priorities and 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 13: Environmental heritage is identified. Conserved and enhanced.

## **Eastern City District Plan**

The planning proposal is generally consistent with the planning priorities and actions of the *Eastern City District Plan*, particularly *Planning Priority E6 – Creating and renewing great places and local centres and respecting the District’s heritage* and Action 20 by:

- Identifying, conserving and enhancing the environmental heritage of the local area through:
  - engaging with the community early to understand heritage values
  - enhancing opportunities for adaptive reuse and the interpretation of heritage to foster distinctive local places
  - managing and monitoring the cumulative impact of development on the heritage values and character of places

Heritage listing of these four sites will provide ongoing protection and recognition of the heritage significance of these items.

### **4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

Yes. The planning proposal is consistent with the Council’s Community Strategic Plan titled *Woollahra 2030 – our community, our place, our plan*. The planning proposal accords with *Goal 4: Well planned neighbourhoods* under the theme Social strategies, specifically *4.2 Conserving our rich and diverse heritage*.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement 2020*. In particular, the planning proposal is consistent with Planning Priority 5 under the theme Liveability, specifically *Planning Priority 5 Conserving our rich and diverse heritage* and Action 28:

*28. Continue to proactively conserve and monitor heritage in the Municipality including:*

- *reviewing and updating provisions in Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015*
- *sustainably managing visitation to our heritage conservation areas and destinations • promoting a high standard of urban design in both the public and private domain that respects and communicates with heritage and our heritage conservation areas*
- *supporting implementation of legislation for Aboriginal Heritage.*

### **5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

Yes. The planning proposal is not inconsistent with any other relevant State or regional study or strategy.

**6. 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**).

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

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

**6.3. 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 because 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.

**9. 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. Protection of the items will be required when development is proposed, or if there is development proposed in its vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

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

Yes. The heritage assessments measured five properties against the criteria for ‘cultural significance’ as defined in the *Australia ICOMOS Burra Charter*, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The assessment found that these four sites meet a number of heritage criteria at a local level. While the planning proposal does not have any direct economic effect, it has social impact for the local community that appreciates and enjoys local heritage in the Woollahra LGA.

**6.4. Infrastructure (Local, State and Commonwealth)**

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

Yes. The planning proposal involves the local heritage listing of four sites and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, all properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the sites are suitable for the proposal of a local heritage listing in a business zone.

## 6.5. State and Commonwealth Interests

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

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

- Heritage NSW
- The National Trust of Australia (NSW).

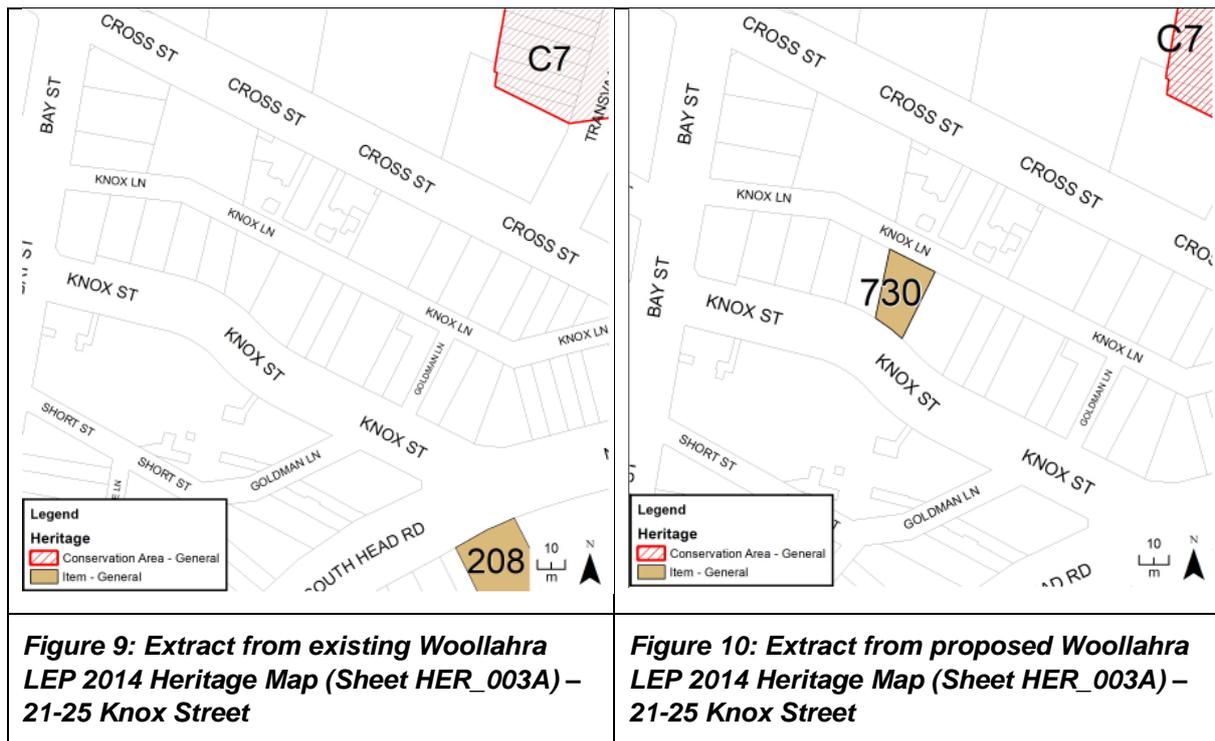
Further consultation will take place with any other authorities identified by the Gateway Determination.

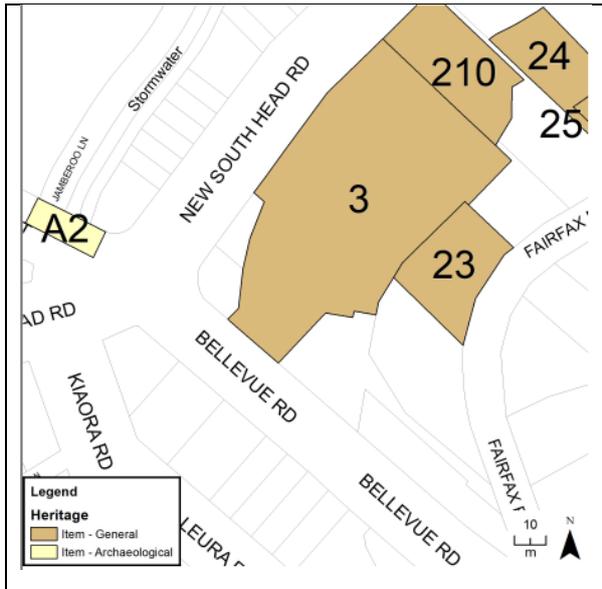
## 7. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) by applying an “Item-General” classification to the following sites:

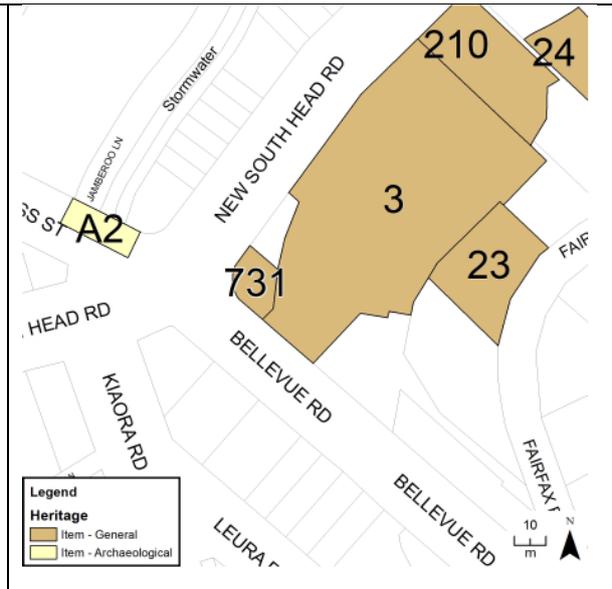
Item	Address	Lot/DP
<i>Shopping building and arcade</i>	21-25 Knox Street, Double Bay	Lot 1 DP 208922
<i>Cooper’s Corner</i>	475-479 New South Head Road, Double Bay	Lot 1 DP 13051
<i>Royal Oak Hotel</i>	28 Bay Street, Double Bay	Lot 1 DP 60445
<i>Former In Shoppe building</i>	45A Bay Street, Double Bay	Lot 1 DP 208325

An extract of the existing and proposed heritage maps are shown in Figures 9 to 16. It should be noted that the heritage item numbers as shown are indicative only and will be subject to confirmation at the finalisation stage.





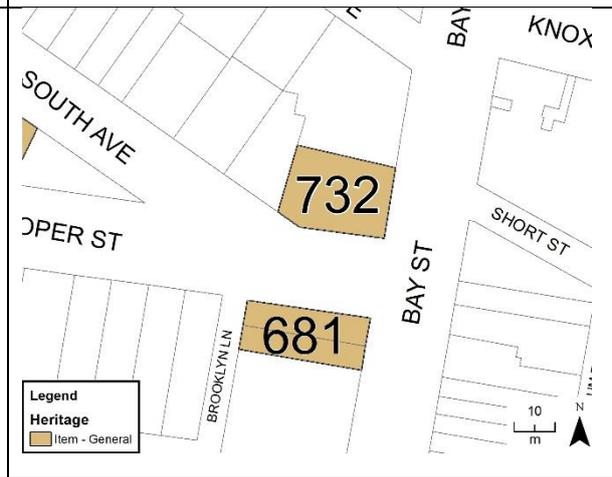
**Figure 11: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) – 475-479 New South Head Road**



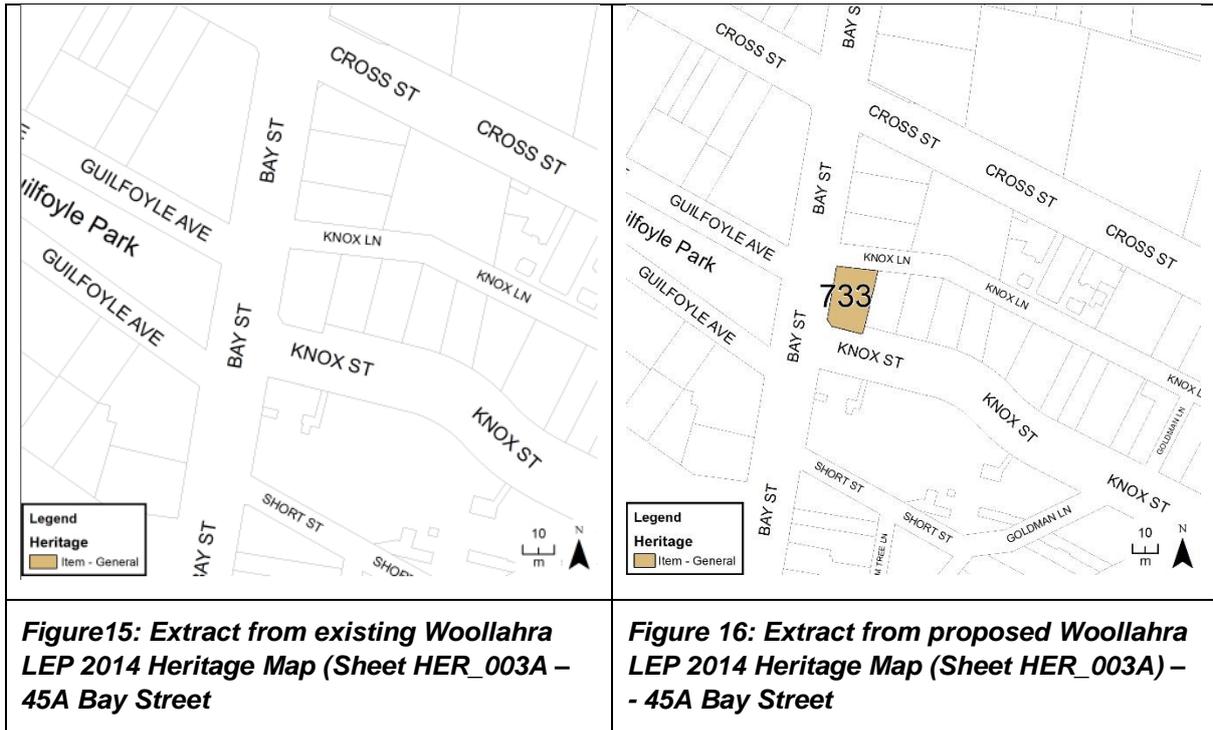
**Figure 12: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) – 475-479 New South Head Road**



**Figure 13: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) – 28 Bay Street**



**Figure 14: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) – 28 Bay Street**



**Figure 15: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003A – 45A Bay Street**

**Figure 16: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) – 45A Bay Street**

## 8. Community consultation

The owners of the properties the focus of the study were notified about the *Double Bay Heritage Study* during the assessment phase and were requested to provide access to their premises. Following the finalisation of the *Draft Double Bay Heritage Study*, the document was circulated to the owners of the affected properties for their information prior to the referral of the planning proposal to the Woollahra Local Planning Panel. At the time of writing, the owners of three of these properties – 45A Bay Street, 28 Bay Street and 21-25 Knox Street – have advised that they will be seeking heritage advice regarding their buildings. Any such advice will be considered during the exhibition stage of the planning proposal.

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the *Local Environmental Plan Making Guideline* dated 2021 and any conditions of the Gateway Determination.

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 a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of each site, which will include every landowner in the Centre.
- notice to local community, resident and business groups such as the Double Bay 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:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).
- Woollahra LEP 2014.
- Section 9.1 Directions.

## 9. Project timeline

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

*Note: The Project timeline has been updated to reflect the date of the Gateway determination.*

Plan-making step	Estimated completion
Woollahra Local Planning Meeting	13 December 2022
Environmental Planning Committee recommends proceeding	February 2023
Council resolution to proceed	March 2023
Gateway determination	July 2023
Completion of technical assessment	Not required
Government agency consultation	August – September 2023
Public exhibition period	August – September 2023
Submissions assessment	September 2023
Council assessment of planning proposal post exhibition	September - October 2023
Council decision to make the LEP amendment	October 2023
Council to liaise with Parliamentary Counsel to prepare LEP amendment	November 2023
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	November 2023
Notification of the approved LEP	December 2023

## Schedules

### Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
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 (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 (Housing) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
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 (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.

State environmental planning policy	Comment on consistency
SEPP (Precincts – Regional) 2021	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Resilience and Hazards) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Resources and Energy) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Transport and Infrastructure) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>

## Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Planning systems</b>	
1.1	Implementation of Regional Plans	Applicable and consistent. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental Heritage is identified, conserved and enhanced.  The heritage listing of these four (4) properties will provide ongoing protection of the heritage significance of these items.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council land.
1.3	Approval and referral requirements	Applicable and consistent. The planning proposal seeks to heritage list four (4) properties in the Woollahra Local Government Area. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
1.4	Site specific provisions	Applicable and consistent. The planning proposal does not contain any unnecessarily restrictive site specific planning controls.
<b>1</b>	<b>Planning systems – place based</b>	
1.5 – 1.20	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
<b>2</b>	<b>Design and place</b>	
<b>3</b>	<b>Biodiversity and conservation</b>	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not affect the significance of places with environmental heritage. The proposed Heritage listing of four (4) properties in the Woollahra LGA will provide ongoing protection and recognition of the heritage significance of these properties.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. This direction does not apply to the Woollahra LGA.
3.5	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.
3.6	Strategic Conservation Planning	Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
<b>4</b>	<b>Resilience and hazards</b>	
4.1	Flooding	Applicable and consistent. Each of the four sites are located on flood liable land. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.
4.2	Coastal management	Not applicable. The planning proposal will not affect land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal will not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
<b>5</b>	<b>Transport and infrastructure</b>	

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
5.1	Integrating land use and transport	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> <li>• <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</li> <li>• <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</li> </ul>
5.2	Reserving land for public purposes	Applicable and consistent. The planning proposal does not amend reservations of land for public purposes.
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>6</b>	<b>Housing</b>	
6.1	Residential zones	Not applicable. The direction does not apply where sites are zoned for residential development.
6.2	Caravan parks and manufactured home estates	The planning proposal will not affect any caravan parks or manufactured housing estates.
<b>7</b>	<b>Industry and employment</b>	
7.1	Business and industrial zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. This direction does not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
<b>8</b>	<b>Resources and energy</b>	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
<b>9</b>	<b>Primary production</b>	

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

<b>Direction</b>		<b>Applicable/comment</b>
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.