

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL FOR THE IAN STREET AND WILBERFORCE AVENUE CAR PARKS IN THE ROSE BAY CENTRE.**
Author: Brendan Metcalfe, Strategic Planner
Approvers: Anne White, Acting Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 17/8273
Reason for Report: To obtain Council's endorsement of a planning proposal for the Ian Street and Wilberforce Avenue car parks in the Rose Bay Commercial Centre for the purpose of submitting it to the Greater Sydney Commission for a gateway determination.

Recommendation:

- A. That the planning proposal for the Ian Street and Wilberforce Avenue car parks in the Rose Bay Centre as contained in **Annexure 1** of the report to the Urban Planning Committee of 13 February 2017 be submitted to the Greater Sydney Commission requesting a gateway determination.
- B. That when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.

1. Background

Woollahra Council has been investigating the future of the Wilberforce Avenue and Ian Street public car parks (the sites) in Rose Bay since 1999. The existing car parks are poorly laid out, visually unattractive and do not positively contribute to the image of the Rose Bay Commercial Centre (the Centre).

Since that time there have been a number of reports and investigations into the future of the sites which have included:

- the *Rose Bay Centre Urban Design Study* (exhibited 1999) which recognised that the centre lacks sufficient short term parking and improvements to the layout of the Wilberforce Street parking area are required.
- the *Rose Bay Centre Development Control Plan 2000* (in force from 4 August 2000 – since repealed) which identified the preferred urban design envelopes for the sites. These building envelopes were translated into the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) which came into effect on 23 May 2015 and repealed the Rose Bay Centre Development Control Plan 2000.
- the adoption of the *Woollahra Section 94 Contributions Plan 2002* which seeks to fund 100 additional parking spaces in the redevelopment of the Ian Street car park.

More recently, in 2010 the strategic importance of the Ian Street Car Park site was reinforced when staff investigated potential locations for increased residential capacity across the Woollahra Local Government Area (Woollahra LGA). These sites were known as ‘opportunity sites’. Further consideration of the proposed planning control changes for the opportunity sites was deferred in 2011.

In 2011 Council commissioned AECOM to provide information and recommendations regarding the provision of community facilities throughout the Woollahra LGA. The Woollahra Community Facilities Study (2011) found demand for a multipurpose community facility in Rose Bay of between 500m² and 750m².

In 2013 Council’s Property Assets Working Party (PAWP) which comprises Councillors and staff became responsible for managing the ongoing investigations into the future use of the car parks. The PAWP minutes are reported to Council’s Corporate and Works Committee.

In 2014 Council commissioned Hill PDA to review development options for the sites and consider the future use of both car park sites as a combined commercially viable package. The objective of the review was to optimise site-usage with community space, car parking, and activated street frontages. Supplementary commercial and residential uses were also considered to improve the commercial viability of these redevelopment options. In 2015 the PAWP further refined the options. On 18 April 2016 the Corporate and Works Committee considered a report on the outcomes of the PAWP work and recommendations on actions to progress the redevelopment of the Rose Bay car parks. After considering the report the Corporate and Works Committee recommended in part:

- F. That Council commences the Planning Proposal Process to rezone Ian Street and amend the height restrictions on Ian Street and Wilberforce Avenue sites.

Council adopted this recommendation on 26 April 2016.

On 18 July 2016 the Corporate and Works Committee considered a further report on the progress of the redevelopment of the sites. After considering the report, under its delegation the Corporate and Works Committee resolved:

- A. That the progress report on the redevelopment of the Rose Bay Car Parks be noted.
- B. That the planning proposal to facilitate the Rose Bay car park project provide for the following:
 - i. Wilberforce Avenue Car Park – maximum building height of 17.2m.
 - ii. Ian Street Car Park – maximum building height of 14.1m, FSR of 2:1 and rezoning from SP2 Infrastructure, Car Park to B2 Local Centre.

Consistent with this resolution, staff have prepared a planning proposal which is attached at **Annexure 1**. The planning proposal provides the opportunity to enhance the centre by facilitating:

- increased public car parking
- new retail and commercial space
- residential dwellings on part of the Ian Street Car Park
- public amenities
- a multi-purpose community centre.

During the preparation of this planning proposal the following supporting documents have been prepared and are provided as annexures to the planning proposal:

- *Rose Bay Car Parks Urban Design Study* (October 2016) which includes concepts for the sites, shadow modelling and urban design analysis
- *Visual Impact Assessment* (January 2017)
- *Geotechnical Assessment* (October 2016)
- *Assessment of Traffic and Parking Impact* (October 2016)

2. Description of the planning proposal

The planning proposal is to change the land use zoning, height and floor space ratio (FSR) controls in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) as follows:

- **Ian Street Car Park:**
 - rezone the land from SP2 Infrastructure (Car Park) to B2 Local Centre,
 - amend Schedule 1 to include ‘residential flat building’ as an additional permitted use on the site to facilitate a mix of residential and retail uses on the ground floor,
 - increase the maximum building height from 10.5m (3 storeys) to 14.1m (4 storeys),
 - apply an FSR of 2:1.
- **Wilberforce Avenue Car Park:**
 - increase the maximum building height from 14.1m (4 storeys) to 17.2m (five storeys).

A summary of the relevant Woollahra LEP 2014 existing and proposed controls is provided in Table 1.

	Ian Street Site		Wilberforce Avenue Site	
	Current	Proposed	Current	Proposed
Zoning	SP2 Infrastructure (Car Park)	B2 Local Centre	B2 Local Centre	B2 Local Centre
Additional uses	Nil	Residential flat building as part of a mixed use development	Nil	Nil
Height (m)	10.5 (3 storeys)	14.1 (4 storeys)	14.1 (4 storeys)	17.2 (5 storeys)
FSR	No FSR applies	2:1	2:1	2:1

Table 1: Existing and proposed planning controls

3. The sites

The sites are part of the Centre which runs east to west along New South Head Road, Rose Bay and extends into the surrounding streets of Norwich Road, Newcastle Street, Wilberforce Avenue, Dover Road and Ian Street. Located approximately 50m south east from the waters of Rose Bay, the Centre is zoned B2 Local Centre which permits a broad range of commercial uses and residential dwellings as shop top housing.

The Ian Street Car Park is located at 16-18 Dover Road and is legally described as Lots 7 and 8 in DP 976610. Located in the eastern corner of the Centre, it adjoins residential land to its north east and south east boundaries.

The Wilberforce Avenue Car Park is located between Wilberforce Avenue and Dover Road and is legally described as Lots 8, 70 and 71 Sec A in DP4244 and Lots A and B in DP 104986. The location of the Centre and the sites is shown in Figure 1.

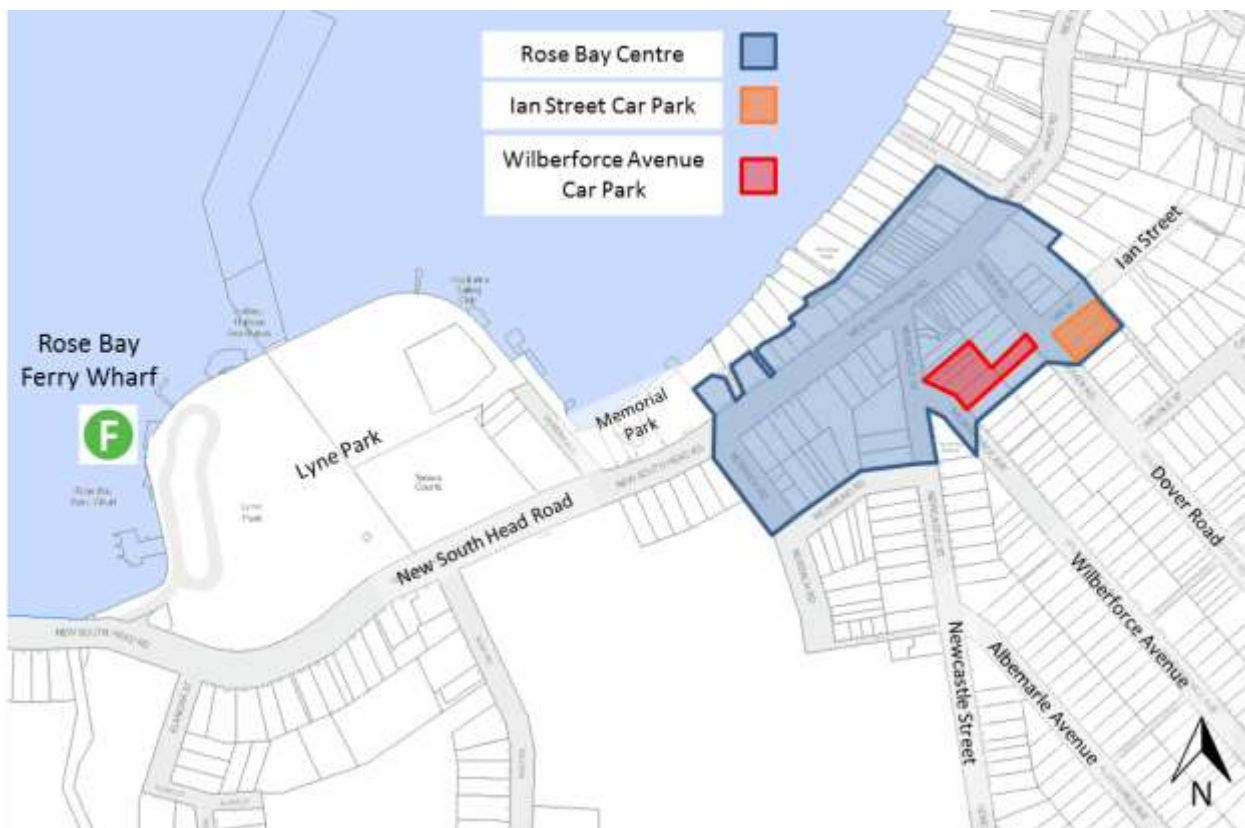


Figure 1: Local area map (refer to Figures 2 and 3 for site details)

The Ian Street Car Park is an at-grade, rectangular parking lot with capacity for 49 standard sized vehicles in two aisles. Access and egress is via Dover Road. The site is bounded by Dover Road to the west, Ian Street to the north, Ian Lane to the east and a two-storey dwelling house to the south east. Rising from west to east by approximately four metres the site contains eight mature Camphor Laurel trees around the north-west, north-east and south-east boundaries. A Jacaranda, Casuarina, Lophostemon and African Olive tree are located to the west on the Ian Street footpath adjoining the site.

The Wilberforce Avenue Car Park is a hatchet shaped at-grade car park with capacity for 95 vehicles in three aisles. The car park has three entrances, two on Wilberforce Avenue and one at Dover Road, and two exits on Wilberforce Avenue. The access to both streets creates an informal pedestrian route between the two streets through the car park. The site contains five small Pyrus trees in between the southern and middle aisles and one established Tulipwood tree in the western corner.

The characteristics of each car park are compared in Table 2.

	Ian Street	Wilberforce Avenue
Area	1,132m ²	2,360m ²
Number of parking spaces	49	95
Lot and DP numbers	Lots 7 and 8 in DP 976610	Lots 8, 70 and 71 Sec A DP4244, Lots A and B DP 104986

Table 2: Car park characteristics



Figure 2: Aerial



Figure 3: Sites map

4. Existing context

The surrounding built form varies considerably as shown in Figure 4.

Ian Street Car Park

To the north east of the Ian Street Car Park site across Ian Lane is a three/four storey residential flat building (RFB) containing four dwellings. On the opposite side of Ian Street are a four storey RFB and a one storey commercial dwelling at the corner of Dover Road. On the opposite side of Dover Road is Parisi's Food Hall which is two to three storeys, a one storey health consulting room in a dwelling house and a two storey dwelling house. Other notable nearby buildings include the Rose Bay Hotel which is three storeys and a four storey mixed use commercial and residential building which are on opposite corners of Dover Road and New South Head Road.



Figure 4: Oblique aerial of the Rose Bay Centre

Wilberforce Avenue Car Park

The Wilberforce Avenue Car Park is set between Parisi's to the south on Wilberforce Avenue and a row of two storey shops to the north on Newcastle Street. On the western side of Newcastle Street, there are two, two storey commercial buildings and a four storey mixed use building. Pannerong Reserve is to the south of the site which contains mature Camphor Laurel trees lining the footpath adjoining Wilberforce Avenue.

5. The building envelope created by the proposed changes

Council engaged Allen Jack+Cottier to prepare the Rose Bay Car Parks Urban Design Study (the UD Study). The UD Study included modelling the building envelope created by the proposed maximum building heights and development of concept buildings for each site under the proposed controls. The envelope and concept for each site are discussed below.

Ian Street Car Park site envelope

Over the Ian Street Car Park site the maximum building height is proposed to increase by 3.6m from 10.5m to 14.1m. A section comparing the two maximum building heights is provided in Figure 5.

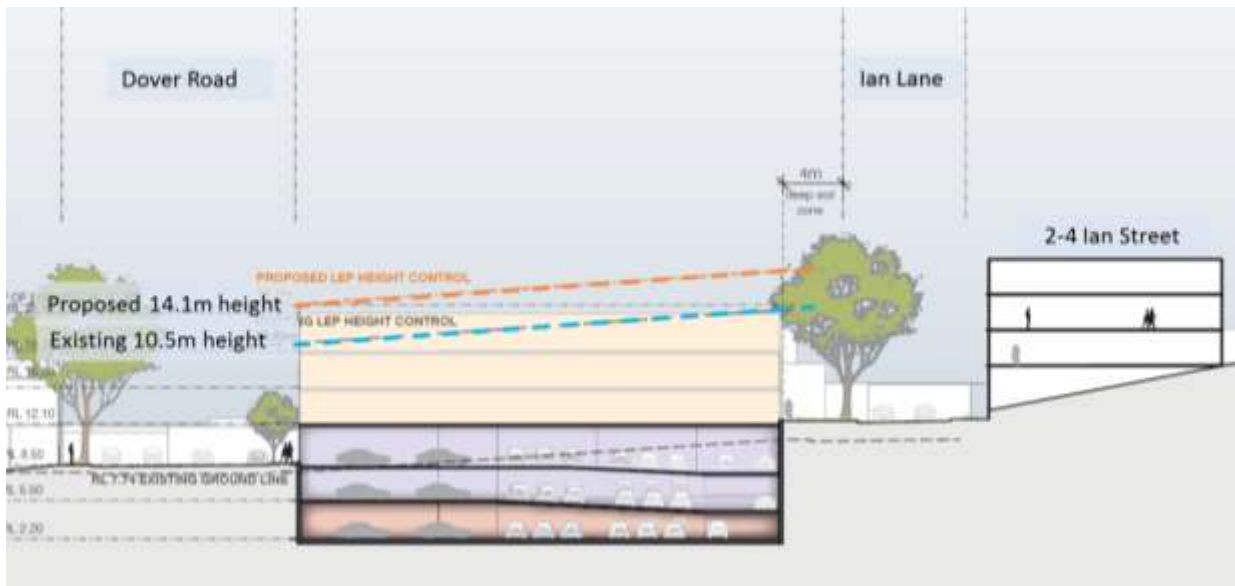


Figure 5: Section between Dover Road and Ian Lane showing the existing and proposed maximum building heights, concept for the site and surrounding existing buildings

The concept for the Ian Street Car Park site is shown in 3D in the context of existing buildings in Figure 6.

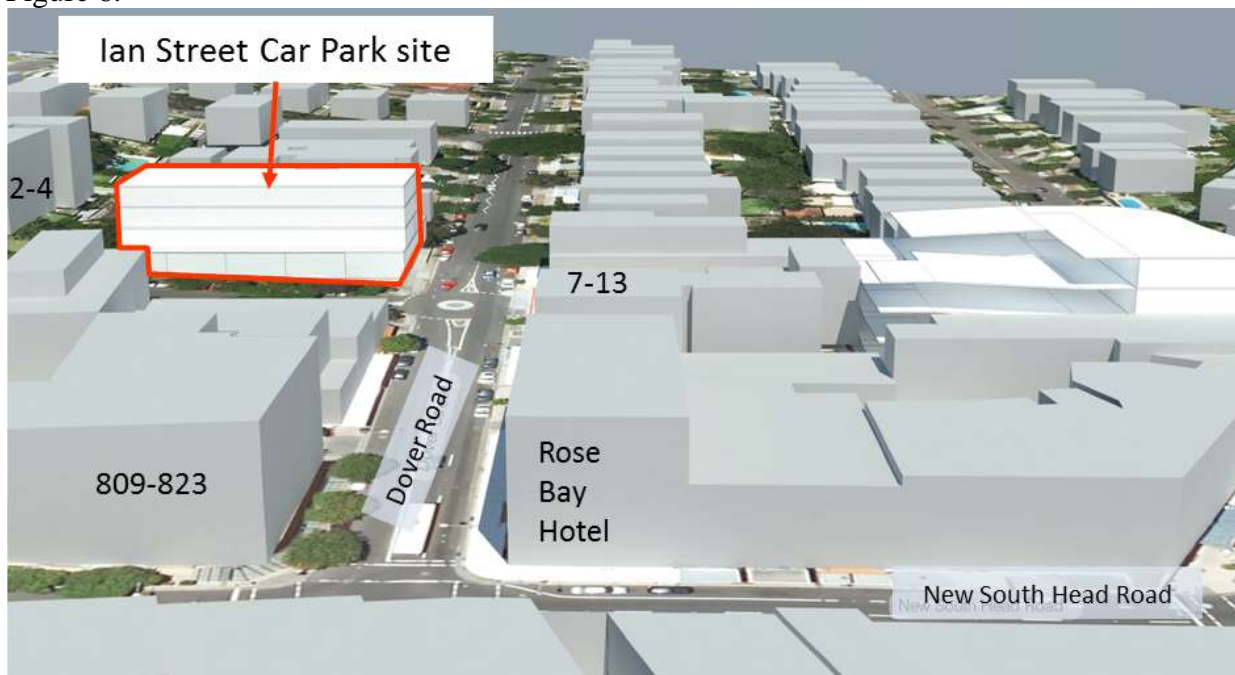


Figure 6: 3D view of the Ian Street Car Park site facing south east showing the concept for the site compared to existing buildings in the Centre

The proposed increase in building height on the Ian Street Car Park site is appropriate for its context and will maintain the village character of the Centre as it is consistent with the existing 14.1m (4 storeys) maximum building height applying to the majority of the Centre.

The building envelope will allow a building to be constructed which is of comparable scale to the apartments at 2-4 Ian Street, No.7-13 Dover Road, No.809-823 New South Head Road and the Rose Bay Hotel.

Wilberforce Avenue Car Park site envelope

Over the Wilberforce Avenue Car Park the only change is to the maximum building height. The maximum building height is proposed to be increased by 3.1m from 14.1m to 17.2m. A section comparing the two maximum building heights is provided in Figure 7.

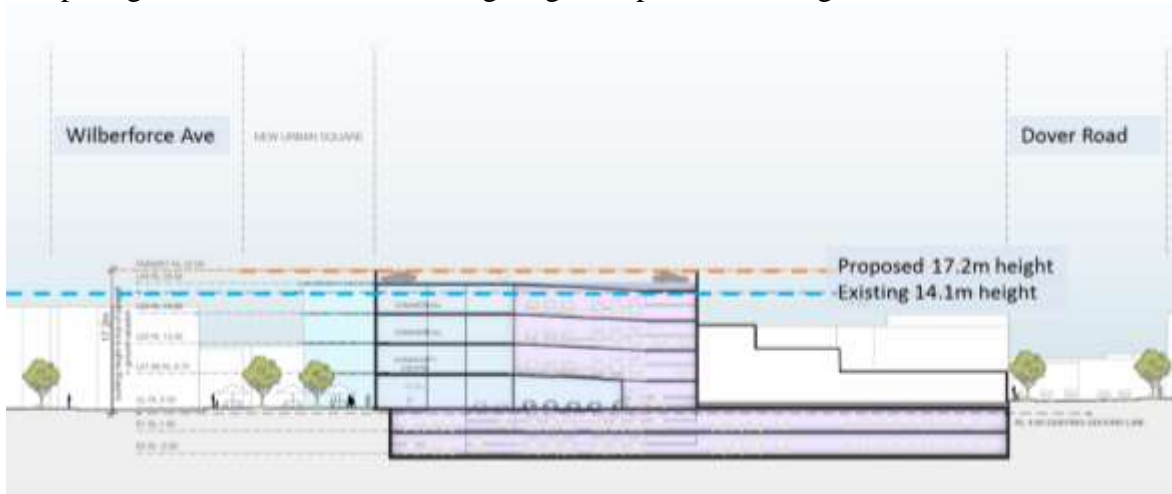


Figure 7: Section between Wilberforce Avenue and Dover Road showing the existing and proposed maximum building heights, concept for the site and surrounding existing buildings

The concept for the Wilberforce Avenue Car Park site is shown in 3D in the context of existing buildings in Figure 8



Figure 8: 3D view of 3D massing facing north showing the concept for the site compared to existing buildings in the Centre

As identified in Figures 7 and 8 above, the proposed increase in height on the Wilberforce Avenue Car Park site can accommodate a building of an acceptable scale and bulk in the site's central location in the Centre. The building envelope will allow a building to be constructed which is of comparable scale to other buildings in the centre including the apartments at 11-19 Newcastle Street and Parisi's Food Hall at 19-21 Dover Road.

In planning for the Centre, additional height may be acceptable subject to the provision of public benefits. Additional height is permitted on Nos. 682-684 to 696 New South Head Road under clause 4.4C *Exceptions to height and floor space ratio (Area 4 – Rose Bay)* of Woollahra LEP 2014. Clause 4.4C permits a maximum building height of 17.2m (5 storeys) and FSR of 2.25:1 subject to the provision of a public square and other public domain improvements. By increasing the maximum building height on the Wilberforce Avenue site, the Centre will benefit from additional car parking, a new community facility and public space.

The proposed increase in building height on the Wilberforce Avenue Car Park site is appropriate for its context and consistent with the village character of Rose Bay.

6. Preparation of the planning proposal

Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. The Department of Planning and Environment (DPE) has prepared *A guide to preparing planning proposals* (the guide) dated August 2016 to help Council meet the requirements of the Act.

We have prepared the planning proposal in accordance with section 55 of the Act and the guide.

6.1 Objectives of the planning proposal

In summary, the objectives of the planning proposal are to change the planning controls applying to the site to allow:

- Ian Street Car Park- a building up to four storeys containing a mix of commercial development, residential development and public car parking.
- Wilberforce Avenue Car Park- a building up to five storeys containing a mix of retail, community space and increased public car parking.

6.2 Strategic merit

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

- Council has been investigating the co-ordinated redevelopment of the two car park sites since 1999.
- The planning proposal will enable the redevelopment of the sites to deliver a new multipurpose community facility, the need for which was identified in 2011.
- The planning proposal will enable the redevelopment of the car parks to provide additional car parking, the need for which was identified in 1999.
- The Ian Street Car Park site was identified by staff for potential planning control changes as part of a previous study in 2010. Rezoning that site to B2 Local Centre would make the site consistent with, and formalise the site as part of the Centre.
- Providing opportunities for medium density residential development on the Ian Street site is consistent with well-established best planning practice of increasing development potential near transport nodes and shopping centres to promote sustainable and public transport oriented development.
- The planning proposal aligns with Council's *Community Strategic Plan, Woollahra 2025 – our community our place our plan*. In particular Goal 4 (Well planned neighbourhoods), Goal

5 (Liveable places) and Goal 9 (Community focused economic development) as it will allow redevelopment that contributes to these goals.

- The proposal will apply an FSR of 2:1 on the Ian Street Car Park site, providing gross floor area which may be used to provide residential dwellings in accordance with the NSW Government's documents *A Plan for Growing Sydney* (2014) and the *Draft Central District Plan* (2016).

Should additional residential dwellings be provided on the Ian Street Car Park site, it would assist Council to meet its dwelling target of an additional 300 dwellings by 2021 under the Draft Central District Plan.

- The envelopes created by the proposed maximum building height and the setbacks in Chapter D6 Rose Bay Centre of the Woollahra DCP 2015 will allow a building to be constructed on the site that can provide suitable amenity to surrounding buildings.
- The sites are well connected as they are:
 - in a centre which is serviced by five bus routes
 - in walking distance of the Rose Bay Ferry Wharf
 - serviced by buses providing direct access to services and employment in the CBD and Double Bay and via connections to Bondi Junction
 - in walking distance of recreational facilities such as parks, tennis courts, basketball courts and Sydney Harbour.

The strategic merit identified for this planning proposal is not intended to represent a view or position regarding the merits of a future development application for the site.

6.3 Site-specific merit

To determine whether the proposed planning controls are suitable for the sites, Council commissioned an urban design study, visual impact assessment and a report on traffic and parking implications. The details of these assessments are explained in full in the planning proposal attached at **Annexure 1**.

The UD Study and shadow modelling prepared by Allen Jack+Cottier (Annexure 4 of the planning proposal) demonstrate that buildings can be constructed under the proposed controls that will fit within the context of Rose Bay and that the proposed maximum building heights and FSR are suitable. The shadow modelling included in the UD Study demonstrates that solar access to nearby residential areas could be provided in accordance with Chapter D6 Rose Bay Centre of the Woollahra DCP 2015.

The View Impact Assessment prepared by Architectus (Annexure 5 of the planning proposal) demonstrates that buildings can be constructed under the proposed controls whilst providing view sharing from the private and public domain.

The Assessment of Traffic and Parking Implications prepared by Transport And Traffic Planning Associates (Annexure 7 of the planning proposal) concludes that the concepts prepared under the proposed controls will not have any adverse traffic impacts, will provide opportunity for improved pedestrian and cyclist amenity, and will have satisfactory circulation arrangements.

The potential environmental effects of the proposed planning control changes are discussed in detail in section 6.3 *Environmental, social and economic impact* of the planning proposal (**Annexure 1**) and the studies discussed above are attached in full as annexures to the planning proposal.

The site-specific merit identified for this planning proposal is not intended to represent a view or position regarding the merits of a future development application for the site.

7. Next steps

If the Urban Planning Committee supports the recommendation and it is endorsed by Council, the planning proposal will be submitted to the Greater Sydney Commission (GSC) requesting a gateway determination under section 58(2) of the Act. The GSC, or delegate, will then issue a gateway determination specifying whether the planning proposal is to proceed and, if so, in what circumstances. The gateway determination will confirm the information and consultation required before the planning proposal can be publicly exhibited.

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

The gateway determination will nominate the minimum required exhibition period. We recommend that the planning proposal is exhibited for a minimum of 28 days, should the gateway determination express a lesser period.

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 each site, which will include every landowner in the centre.
- local community groups including the Rose Bay Chamber of Commerce and the Rose 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:

- 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, urban design study, geotechnical report, traffic report and relevant Council reports).

Submissions to the exhibition will be reported to the Urban Planning Committee for Council's further consideration.

Under section 59 of the Act, if a planning proposal is of local significance only, Council can seek the delegation of the plan-making steps. This planning proposal is considered to have local significance only, and we would seek the delegation of the plan-making steps. This delegation will be to the position of General Manager, and sub-delegated to the position of Director Planning and Development, provided in Council's resolution of 26 November 2012. Delegation of a planning proposal removes duplication and streamlines the plan-making process.

8. Conclusion

The redevelopment of the public car parks in the Centre has been a long-term project for Council which will be facilitated by amending the planning controls that apply to the sites. The planning proposal (**Annexure 1**) to amend the land use zoning, maximum building height and FSR has strategic merit as it is consistent with Council's Community Plan, *A Plan for Growing Sydney*, and the *draft Central District Plan*.

The planning proposal is supported by an urban design study, view impact assessment, geotechnical report and traffic report. The planning proposal has site-specific merit as it will facilitate land uses anticipated in a local centre and provides a building envelope that will allow for view sharing, solar access to nearby residential land and suitable building massing.

The planning proposal has been prepared in accordance with the Act and the DPE's *A guide to preparing planning proposals* and should be submitted to the GSC for a gateway determination to allow public exhibition and comment.

Annexures

1. Planning proposal for Ian Street and Wilberforce Avenue car parks, Rose Bay
(circulated under separate cover) ⇨