

Waverley LEP 2012 Amendment 2 - Bondi Junction & Housekeeping

Proposal Title :	Waverley LEP 2012 Amendment 2 - Bondi Junction & Housekeeping		
Proposal Summary :	This planning proposal firstly, implements the Council adopted outcomes of the Bondi Junction Urban Design Review 2012, and secondly, makes a number of housekeeping amendments to planning provisions to improve the operation of Waverley Local Environmental Plan 2012.		
PP Number :	PP_2013_WAVER_003_00	Dop File No :	13/09163

Proposal Details

Date Planning Proposal Received :	28-May-2013	LGA covered :	Waverley
Region :	Sydney Region East	RPA :	Waverley Council
State Electorate :	VAUCLUSE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	332-384 Oxford Street		
Suburb :	Bondi Junction	City :	Sydney
Land Parcel :	SP62841, Lots 112 & 113 DP, Lot 114 DP75977, Lot 1 DP711730, Lot 116 DP 976386, Lots 1,2,3,4,5,6,7 DP39086, Lot 4 DP508369, Lot 1 DP163647, Lot 10 DP1128739, Lot 12 DP717346		
Street :	87-119 Oxford Street		
Suburb :	Bondi Junction	City :	Sydney
Land Parcel :	Lot 1 DP975587, Lot 9 DP656476, Lot A DP312346, Lot 11 DP145, Lot A DP401739, Lot 1 DP575911, Lot A DP448076, Lots 1 & 2 DP581271		
Street :	35-43, 55, 59-75 Grafton Street		
Suburb :	Bondi Junction	City :	Sydney
Land Parcel :	Lot 2 DP1073910, lot 2 DP1073908, DP1073913		
Street :	16-42 Spring Street		
Suburb :	Bondi Junction	City :	Sydney
Land Parcel :	Lots 3 & 4 DP975587, SP31260, Lot B DP401739, SP854450, SP32186, Lot 12 DP747297, Lots 3,4,5,6 DP14097		
Street :	36-42 Bronte Road		
Suburb :	Bondi Junction	City :	Sydney
Land Parcel :	Lot A DP161158, Lot 1 DP621398, lots 1,2,3 DP226425		
Street :	13-17 Gray Street		
Suburb :	Bondi Junction	City :	Sydney
Land Parcel :	SP37389		

Waverley LEP 2012 Amendment 2 - Bondi Junction & Housekeeping

Street :	80-94 Ebley Street				
Suburb :	Bondi Junction	City :	Sydney	Postcode :	2022
Land Parcel :	Lot 1 DP735713, Lot 10 DP792327, Lot 1 DP730423				
Street :	1 Newland Street				
Suburb :	Bondi Junction	City :	Sydney	Postcode :	2022
Land Parcel :	Lot 1 DP776871				
Street :	118-120 Ramsgate Avenue				
Suburb :	North Bondi	City :	Sydney	Postcode :	2026
Land Parcel :	Lots 1 & 2 DP786				
Street :	91 Ebley St				
Suburb :	Bondi Junction	City :	Sydney	Postcode :	2022
Land Parcel :	Lot 91 DP1117372				
Street :	36A Flood Street				
Suburb :	Bondi	City :	Sydney	Postcode :	2026
Land Parcel :	Lot A DP340445				
Street :	Rear 362 Birrell St				
Suburb :	Tamarama	City :	Sydney	Postcode :	2026
Land Parcel :	Lot 2 DP1163353				
Street :	180 Campbell Parade				
Suburb :	Bondi Beach	City :	Sydney	Postcode :	2026
Land Parcel :	Lot 1 DP806099				
Street :	23 Brown Street				
Suburb :	Bronte	City :	Sydney	Postcode :	2024
Land Parcel :	Lot B DP371579				

DoP Planning Officer Contact Details

Contact Name : **Wayne Williamson**
Contact Number : **0292286111**
Contact Email : **wayne.williamson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Alex Sarno**
Contact Number : **0293698000**
Contact Email : **AlexSa@waverley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	49	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The planning proposal covers the same site as Waverley LEP 2012 Amendment No.3 - 344 - 354 Oxford Street, Bondi Junction [PP_2013_WAVER_002_00]. SJB Planning was advised of this, however, the landowners would prefer for their proposal to be dealt with as a separate matter to this housekeeping proposal. However, in order to avoid confusion and reduce resources, Council should be requested or at least encouraged to combine these planning proposals. At a minimum, Council should ensure both proposals are exhibited together.**

Council has not formally accepted plan making delegation by nominating the officer who will be granted the proposed delegation. Council was strongly encouraged to accept plan making delegation in writing on 4 April 2013. Council advised that it will put the delegation report on Councils July 2013 meeting agenda.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposed LEP would implement; the outcomes of the Bondi Junction Design Review (BJUDR); site specific planning provision amendments for greater development outcomes; and amendments to improve the Waverley Local Environmental Plan (WLEP) 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposal seeks to make site specific, operational and mapping amendments, as follows:

A. Bondi Junction

1. Amend Land Zoning Map from B3 Commercial Core to B4 Mixed Use of sites west of Newland Street and the block east of Bronte Road, west of Ann Street, north of Ebley Street and south of Gray Street.

2. Amend the WLEP 2012 with the inclusion of an additional local provision in Part 6 - Additional Local Provisions (6.7 Solar access to public spaces in Bondi Junction).

B. Site Specific Amendments

1. North Bondi RSL Sub Branch Club Site (118-120 Ramsgate Avenue North Bondi)
Amend WLEP 2012 Schedule 1 Additional Permitted Uses to allow "Registered Clubs (North Bondi Returned Services Club only)" in addition to uses permitted under the B1 Neighbourhood Centre zone.

2. 91 Ebley Street, Bondi Junction

Amend WLEP 2012 Land Zoning Map from B4 Mixed Use to R3 Medium Density Residential and amend WLEP 2012 Schedule 1 Additional Permitted Uses to allow "Office premises" in addition to uses permitted under the R3 Medium Density Residential zone.

3. 36A Flood Street, Bondi

Amend the WLEP 2012 Land Zoning Map from R3 Medium Density Residential to SP2 Infrastructure - Educational Establishment.

4. Rear 362 Birrell Street, Tamarama

Amend WLEP 2012 Land Zoning Map from R2 Low Density Residential to RE1 Public Recreation.

5. Bondi Beach Conservation Area - 180 Campbell Parade

Amend WLEP 2012 Heritage Map to include 180 Campbell Parade into the Bondi Beach Conservation Area - General, labelled "C2" on Heritage Map.

6. 23 Brown Street, Bronte

Amend WLEP 2012 Heritage Map to delete 23 Brown Street, Bronte (Item I282) from Heritage Map and amend Schedule 5 Environmental Heritage by deleting Item I282 from the schedule.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 4—Development Without Consent and Miscellaneous

Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 22—Shops and Commercial Premises
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP No 60—Exempt and Complying Development
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Temporary Structures and Places of Public Entertainment) 2007
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

The following section 117 Direction inconsistency has been identified.

Direction 1.1 - Business and Industrial Zones

The planning proposal is considered to be inconsistent with s.117 Direction 1.1 as it potentially reduces the floor space area for employment uses by rezoning the sites West of Newland Street from B3 Commercial Core to B4 Mixed Use.

While there is a theoretical loss of commercial floorspace resulting from the boundary change between the B3 Commercial Core zone and B4 Mixed Use zone, the planning proposal is justifiably inconsistent with this direction for the following reasons:

- The proposal will facilitate mixed use development, including commercial development, to occur sooner rather than later. Commercial development has stagnated in the Bondi Junction centre in recent years as developers show little interest in constructing purely commercial buildings. However, interest has been expressed for mixed use developments as evidenced by the receipt of a separate planning proposal for 344-354 Oxford St.
- Employment lands are still being protected. This planning proposal does not reduce the overall amount of land zoned for business purposes. However it does alter the boundary between the B3 Commercial Core zone and B4 Mixed Use zone in Bondi Junction. While residential development will be permissible, it will encourage mixed use development and the theoretical loss of commercial floorspace will not impact on Council's ability to meet or exceed its employment targets.
- The proposed zone boundary changes in this planning proposal are a result of an Urban Design Review conducted by City Plan Pty Ltd on behalf of Council and funded by the Department.
- The zoning change west of Newland Street to allow residential and mixed use development while maintaining a commercial mix in the area, will result in a theoretical loss of approximately 64,318sqm commercial floor area. This equates to a theoretical loss of approximately 2,572 jobs (assuming an area requirement of 25sqm per job). Conversely, the rezoning will result in a theoretical gain of approximately 64,318sqm residential floor area, which results in a theoretical gain of approximately 800 new dwellings.
- The Urban Design Review also proposes that Council consider substituting the theoretical loss of commercial floor area by increasing the Floor Space Ratio (FSR) of

the Commercial Core between Oxford Street and Gray Street (Westfield's site). The option for greater development exists on the Westfield site south of Oxford St for an FSR increase from 8:1 to 10:1 to enable additional commercial floor area. This amendment would result in the provision of approximately 37,916sqm (approximately 1516 jobs) commercial Gross Floor Area for A-grade office space.

• Considering the projected generation of jobs by Bondi Junction is 9,282, the potential adjustment to this projection is considered moderate and will remain well above the job target of 2,400 jobs set by the draft Metropolitan Strategy for Sydney 2031.

The planning proposal is considered to be justifiably inconsistent with s.117 Direction 1.1, because it is supported by a study conducted by City Plan Pty Ltd on behalf of Council and funded by the Department, which gives consideration to the Metropolitan Plan for Sydney 2036 and East Region Draft Subregional Strategy.

The proposal is considered to be consistent with all other s.117 directions.

It is recommended that the Director General's delegate agrees that the inconsistencies are justified for the above reasons.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council advise that community consultation will be in accordance with the Gateway determination. The proposal is considered to be of a significant nature and a suggested public consultation period of no more than 28 days is proposed.

Project Timeline

The planning proposal contains an estimated project timeline for completion of 5 months. The overall timeframe for the completion of the amending LEP should be no greater than 9 months.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Waverley LEP 2012 was notified in October 2012.**

Assessment Criteria

Need for planning proposal :

The need for this planning proposal arose from a number of different sources including:

1. results of strategic studies,
2. the result of ongoing discussions with land owners who made detailed submissions during the exhibition of the Waverley comprehensive, and,
3. policy or operational matters which have been identified but could not be dealt with during consideration of the comprehensive plan.

The proposed Bondi Junction rezoning is informed by an Urban Design Review commissioned jointly by Council and the Department of Planning and Infrastructure (DP&I) and funding by the LEP Acceleration Fund (LEPAF) to address concerns about the planning environment in Bondi Junction.

The other amendments are either minor zoning and land use amendments or operational amendments relating to the clarification of heritage listings to improve the operation of the comprehensive plan and did not require strategic studies.

Consistency with strategic planning framework :

Draft East Sub-Regional Strategy:

The proposed LEP will contribute to meeting residential dwelling targets as established by the Draft East Sub-Regional Strategy. Council analysis of dwelling provision in the LGA indicates that a total of 2,728 dwellings can be provided in response to a target of 2,200 dwellings.

Draft Metropolitan Plan for Sydney 2036:

The proposal is consistent with directions in the draft plan calling for additional residential development located in areas with good access to strategic centres and transport, a focus on enhancing major retail, office and services, and retain appropriate land for commercial core.

Waverley Together 2 (Community Strategic Plan for 2010 - 20221:

The planning proposal will allow for mixed use development on various sites in Bondi Junction. This will increase the quantity of high density apartment stock in the municipality for people who choose to live in close proximity to the services and public transport available in the Bondi Junction Centre.

Environmental social economic impacts :

Environmental Impact

The lands subject to this planning proposal do not include any land which contains critical habitat or threatened species populations or ecological communities or their habitats.

Social and Economic Impacts

The Bondi Junction Urban Design Review was supported by shadow studies and yield analysis. The study states that the effect of the modifications is improved amenity without significant net loss of commercial or residential potential in the centre. Key issues that are being addressed by the planning proposal are overshadowing of Clemenston Park and other open spaces and the lack of flexibility that flows from the B3 Commercial Core zone.

A review of Council records indicated that since the commencement of the current planning controls in 2010 applying to Bondi Junction, eight development applications involving major residential or mixed use development have either been approved or are under consideration. These applications include 564 new dwellings in either the B4 Mixed Use zone or R4 High Density Residential zone. Conversely, no applications have been considered for commercial development within the same period. This rezoning responds to this demand and will facilitate further mixed use development in the centre, such as that proposed by Waverley LEP 2012 Amendment No 3 - 344-354 Oxford Street, Bondi Junction.

Amendments relating to the inclusion of Registered Clubs in Schedule 1 in relation to North Bondi RSL club and 36A Flood Street will give the operators/ owners of those sites certainty that the community supports those uses and encourages their continued

operation.

Amendments relating to 91 Ebley St are consistent with the planning provisions for other nearby properties in Ebley St and will confirm future possible commercial office uses for this site.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_WLEP2012 No2_Housekeeping.pdf	Proposal	Yes
Letter to DoPI Requesting GWD_WLEP2012_No2.pdf	Proposal Covering Letter	Yes
Project Timeline.pdf	Proposal	Yes
Checklist_WLEP2012_No2.pdf	Proposal	Yes
Attach A_Map.pdf	Map	Yes
Attach B_Map.pdf	Map	Yes
Attach C_Map.pdf	Map	Yes
Attach D_Map.pdf	Map	Yes
Attach E_Map.pdf	Map	Yes
Attach F_Map.pdf	Map	Yes
Attach G_Map.pdf	Map	Yes
Attach H - Proposed Amendment to Schedule 1.pdf	Proposal	Yes
Attach I - Sec 117, SEPP, REP Compliance Table.pdf	Proposal	Yes
Attach J - 117 Directions Compliance.pdf	Proposal	Yes
Attach K - Bondi Junction Urban Design Report_Title Page.pdf	Study	Yes

Waverley LEP 2012 Amendment 2 - Bondi Junction & Housekeeping

Attach K - Bondi Junction Urban Design Report_Part 1.pdf	Study	Yes
Attach K - Bondi Junction Urban Design Report_Part 2.pdf	Study	Yes
Attach K - Bondi Junction Urban Design Report_Part 3.pdf	Study	Yes
Attach K - Bondi Junction Urban Design Report_Part 4.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 2.1 Environment Protection Zones
 2.2 Coastal Protection
 2.3 Heritage Conservation
 2.4 Recreation Vehicle Areas
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported;**
- 2. That the planning proposal be exhibited for a period of 28 days;**
- 3. Consult with Transport for NSW and Roads and Maritime Services. This can occur concurrently with public exhibition of the planning proposal;**
- 4. A public hearing is not required;**
- 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**
- 6. The inconsistency with the s.117 directions 1.1 Business and Industrial Zones is justifiably inconsistent.**
- 7. Council should revise discussion of s.117 Directions in planning proposal to use "justifiably inconsistent" rather than "not inconsistent".**

Supporting Reasons : **The proposal is consistent with the directions in the Metropolitan Plan 2036; provides certainty for land owners and developers West of Newland Street, Bondi Junction; is consistent with existing uses; and is supported by good access to transport and other services.**

It is preferred that this planning proposal be combined with planning proposal Waverley LEP 2012 Amendment No.3 - 344-354 Oxford Street, Bondi Junction [PP_2013_WAVER_002_00]. Council should be requested or at least encouraged to combine these planning proposals. At a minimum, Council should ensure both proposals are exhibited together.

Signature:



Printed Name:

TIM ARCHER

Date:

7 / 6 / 13