

Our ref: A11/0171

2 May 2011



Director General
Department of Planning and Infrastructure
23-33 Bridge Street
Sydney NSW 2000

WAVERLEY LOCAL ENVIRONMENTAL PLAN (BONDI JUNCTION CENTRE) 2010 - PLANNING PROPOSAL

Dear Mr. Haddad,

On 19 April 2011, Waverley Council (Council) resolved to adopt and forward the attached Planning Proposal to permit Dual Occupancy Development within the R3 – Medium Density Residential Zone within the Waverley Local Environmental Plan (Bondi Junction Centre) 2010 to the Department of Planning (DoP) for gateway determination.

The subject Planning Proposal has been prepared under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) in accordance with the requirements set out in the DoP's "A guide to preparing local environmental plans" and "A guide to preparing Planning proposals" released in 2009.

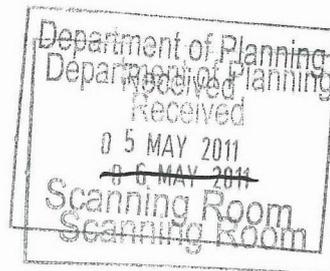
Please find the following documents included within this submission:

- Planning Proposal;
- Council Report; and
- Adopted Council Minutes.

Should you have any questions or require additional information please do not hesitate to contact Renee Tourle, Principal Strategic Planner on (02) 9369 8159.

Yours Sincerely

George Bramis
Divisional Manager, Strategic and Land Use Planning





WAVERLEY COUNCIL

PLANNING PROPSAL

WAVERLEY LOCAL ENVIRONMENTAL PLAN (BONDI JUNCTION CENTRE) 2010

MAY 2011

PLANNING PROPOSAL

Part 1 – Objectives/ Intended Outcomes

To enable dual occupancy development to be permitted with consent within the R3 Medium Density Residential zone in the Waverley Local Environmental Plan (Bondi Junction Centre) 2010 (WLEP (BJC) 2010).

Part 2 – Explanation of Provisions

Amendment of Item 3 – Permitted with consent under the R3 Medium Density Residential zone within the Land Use Table of the Waverley Local Environmental Plan (Bondi Junction Centre) 2010, in accordance with the proposed land use table shown in Attachment 1.

Part 3 – Justification

A. Need for the planning proposal

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

Council is currently in the process of preparing the draft Comprehensive Waverley Local Environmental Plan 2011 (WLEP 2011) in line with the Department of Planning's Standard Instrument template.

The Preparation of the draft Plan was undertaken to address the varied land use related actions that are noted in the Council's Strategic Plan and Management Plan as well as satisfying the DoP's requirements as set out in the Metropolitan Plan and East Sub-Region Draft Sub-Regional Strategy.

The draft Plan was adopted by Council in December 2010 under Sections 64 of the *Environment Planning and Assessment Act 1979* to submit the Draft LEP to the DoP for approval to exhibit the plan.

The draft Plan has been adopted permitting dual occupancy development within the R3 – Medium Density Residential zone with development consent.

Bondi Junction has been identified as a major centre within the Metropolitan Plan, and as a result is an area where higher development is encouraged, as reflected in the WLEP (BJC) 2010. Given dwelling houses, mutli dwelling housing and residential flat buildings are permitted within the zone it is inconsistent not to permit dual occupancy development.

Since gazettal of the WLEP (BJC) 2010, several inquiries have been received regarding dual occupancy development under the R3 zone. Prohibiting this use is contradictory to Council and State planning strategies.

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

While considered only a minor amendment, it is not considered applicable under section 73A of the EP&A Act.

While the draft WLEP 2011 has been adopted with the use permissible, and is currently awaiting a section 65 certificate to allow exhibition of the draft Plan, given the use is currently prohibited, exhibition permitting the use would not be an adequate consideration in the assessment of an application and would require gazettal of the plan which is not expected until at least March 2012.

As enquiries are being received, the redevelopment currently occurring in the area and the relatively uncontentious nature of the proposal (given the adopted opinion of Council), it is not considered appropriate to await gazettal of the Comprehensive LEP and a planning proposal could be undertaken concurrently with the Draft WLEP 2011.

3. Is there a net community benefit?

Given the minor nature of the amendment there is considered no community impact however, the proposal will broaden the range of housing types, make greater use of existing infrastructure and not alter the character of existing residential uses. As a consequence there is a net community benefit.

B. Relationship to strategic planning framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub regional strategy.

Bondi Junction is identified as a major centre within the Metropolitan Plan. One of the Metropolitan Plan 2036 key strategic directions is to provide housing for Sydney's population.

Key objectives include:

- D1 – To ensure an adequate supply of land and sites for residential development;
- D2 – To produce housing that suits our expected future needs; and
- D3 – To improve housing affordability.

The east subregion strategy highlights the high proportion of group and lone person households and an under representation of family households which has implications for the types of dwellings that are in demand. Waverley LGA is required to provide an extra 2,200 dwellings by 2031. The area however contains a significant number of heritage items and conservation areas, including the surrounding residential area of the Bondi Junction Commercial centre. Permitting dual occupancy development in the R3 zone is a key way of increasing density while maintaining the residential character and amenity of the area.

2. Is the planning proposal consistent with the local councils Community Strategic Plan or other Local Strategic Plan?

Council have been working on the Waverley Planning Review which entails the preparation of the comprehensive LEP and associated DCP. The comprehensive LEP was prepared in accordance with Councils overarching strategic documents, including Waverley Together 2 (our community Strategic Plan for 2010 – 2022). The comprehensive LEP proposes to permit dual occupancy development with the R3 Medium Density Residential zone which includes land within the WLEP (BJC) 2010.

The draft comprehensive LEP was adopted by Council on 7 December 2010 and has been forwarded to the DoP to permit exhibition. This amendment is consistent with the aims and objectives of the draft plan.

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

No State Environmental Planning Policies are applicable.

4. Is the planning proposal consistent with the applicable Ministerial directions (s. 117 directions)

1. Employment and Resources – N/A
2. Environment and Heritage – N/A
3. Housing, Infrastructure and Urban Development – The proposal is consistent with the objectives to:
 - broadens the choice of housing types;
 - make more efficient use of infrastructure;
 - be of good design and
 - not reduce the permissible residential density of any land
4. Hazard and Risk – N/A
5. Regional Planning – The proposal is fully compliant with the East Subregion Draft Subregional Strategy.
6. Local Plan Making – N/A
7. Metropolitan Planning - Planning proposals shall be consistent with the NSW Government's Metropolitan Strategy

C. Environmental, social and economic impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitat will be adversely effected as a result of the proposal?

The WLEP (BJC) 2010 does not include any areas of critical habitat or threatened species, populations or ecological communities to which this proposal will effect.

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

No environmental effects are likely as a result of this proposal and therefore no management has been proposed.

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

Given there are no social or economic effects of the proposal envisaged no further information is provided.

D. State and Commonwealth interests

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

No additional infrastructure is considered necessary for the proposal.

Part 4 – Community Consultation

The proposal is considered low impact given the proposal to permit dual occupancy dwellings is consistent with the existing uses in the area and the strategic framework, presents no issues with regard to infrastructure servicing, is not a principal LEP and does not reclassify public land. On this basis the following consultation is proposed:

- Report to Council advising of the public exhibition of the planning proposal;
- Exhibition for 14 days;
- Notification in Wentworth courier (local paper);
- Notification on Councils website;
- Material available at library and customer service offices during public exhibition; and
- Report back to Council following exhibition outlining any submissions received.

Notification will:

- Give a brief description of the objectives and intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection;

- The planning proposal, in the form approved for community consultation by the Director General of Planning; and
- The gateway determination.

Attachment 1 – Proposed Land Use Table

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To restrict further commercial development within established residential areas.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; **Dual occupancy development**; Dwelling houses; Educational establishments; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Semi – detached dwellings; Shop top housing; Seniors housing.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

Waverley Local Environmental Plan (Bondi Junction Centre) 2010 – Planning Proposal (A11/0171)

Report dated 20 March 2011 from the Director, Planning and Environmental Services about the preparation of a planning proposal to undertake a housekeeping amendment to the Waverley Local Environmental Plan (Bondi Junction Centre) 2010 to permit dual occupancy development in the R3 – Medium Density Residential zone.

Recommendation: That Council:

1. receive and note this report;
 2. adopt the attached Planning Proposal to permit Dual Occupancy Development within the R3 – Medium Density Residential Zone within the Waverley Local Environmental Plan (Bondi Junction Centre) 2010; and
 3. forward the planning proposal to the Minister for Planning for Gateway Determination.
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Purpose of Report

The purpose of this report is to:

1. inform Council of the preparation of a Planning Proposal prepared by Council staff seeking a housekeeping amendment to Waverley Local Environmental Plan (Bondi Junction Centre) 2010 (WLEP (BJC) 2010) to permit Dual Occupancy Development within the R3 Medium Density Residential zone; and
2. to seek Council's adoption of the planning proposal to allow the proposal to be forwarded to the Minister for Planning for assessment under the Gateway Determination.

Background / Introduction

On the 7th May 2010, WLEP (BJC) 2010 was published in the Government Gazette and became effective on that date.

The LEP was prepared in line with the Department of Planning's (DoP) Standard Instrument Template. The template provides mandatory and optional clauses including permissible uses within the land use table.

The WLEP (BJC) 2010 has two (2) residential zones, namely R3 – Medium Density Residential zone and R4 – High Density Residential.

R3 Medium Density Residential Zone

The objectives of the R3 Medium Density Residential Zone are to:

- Provide for the housing needs of the community within a medium density residential environment;
- To provide a variety of housing types within a medium density residential environment;

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

- To enable other land uses that provide facilities or services to meet the day to day needs of residents; and
- To restrict further commercial development within established residential areas.

Mandatory uses permitted within the zone include:

- Attached dwellings;
- Boarding houses;
- Child care centres;
- Community facilities
- Group homes;
- Multi dwelling housing;
- Neighbourhood shops;
- Places of public worship; and
- Seniors housing.

Optional uses included by Council as permissible with consent are:

- Bed and breakfast accommodation;
- Dwelling houses;
- Educational establishments;
- Home based child care;
- Home businesses;
- Home industries;
- Hostels;
- Residential flat buildings
- Roads;
- Semi detached dwellings; and
- Shop top housing.

Dual occupancy development is an optional use which was inadvertently omitted from the permissible land uses. This is the only residential use that is currently not permissible within the zone. Furthermore, dual occupancy development is permissible within the R3 zone within the draft Comprehensive WLEP 2011 which was adopted by Council in December 2010.

Given the uncertain timeframes of the draft Comprehensive LEP 2011 and the relatively minor nature of the amendment it is considered appropriate to undertake an amendment to the WLEP (BJC) 2010 rather than await the gazettal of the draft Comprehensive WLEP 2011.

Process for making an amending an LEP

The process for making an amending LEP under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) has recently changed under the NSW Planning Reforms.

The first step in creating a new LEP is preparing a planning proposal (see attachment 1). The planning proposal explains the intended effect of the proposed LEP and the justification for making it.

The planning proposal must be approved by Council before it can be forwarded to the Minister for Planning for consideration under gateway determination.

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

Next Steps

Once the planning proposal has been received under gateway, a determination will be given which will indicate whether the planning proposal should proceed with or without variation, the level of consultation required and the timeframes in which the stages of the LEP are to be completed.

Analysis

- **Financial NIL**
- **Delivery Program/Operational Plan** Assessment of this Planning Proposal is in accordance with Council's Operational Plan. See the body of the previous report for numerous references to Council's other Corporate documents including strategic plans, social plans, recreation needs study, plans of management.
- **Consultation** This report was prepared in conjunction with the Divisional Manager Strategic and Land Use Planning.

The extent of external consultation will be determined through the gateway determination.

Timeframe

Once adopted by Council, the planning proposal will be forwarded to the Minister for Planning for consideration under gateway determination. Advice will then be received on whether the planning proposal should proceed and the associated timeframes.

A report will be prepared for Council once a determination has been received.

Recommendation: That Council:

1. receive and note this report;
2. adopt the attached Planning Proposal to permit Dual Occupancy Development within the R3 – Medium Density Residential Zone within the Waverley Local Environmental Plan (Bondi Junction Centre) 2010; and
3. forward the planning proposal to the Minister for Planning for Gateway Determination.

Peter Brennan
Director, Planning and Environmental Services

Author: Renee Tourle, Principal Strategic Planner

Attachment 1 – Planning Proposal

F-1104.7

Waverley Local Environmental Plan (Bondi Junction Centre) 2010 – Planning Proposal (A11/0171)

Report dated 20 March 2011 from the Director, Planning and Environmental Services about the preparation of a planning proposal to undertake a housekeeping amendment to the Waverley Local Environmental Plan (Bondi Junction Centre) 2010 to permit dual occupancy development in the R3 – Medium Density Residential zone.

MOTION / RECOMMENDATION (Main / Betts)

That Council:

1. Receive and note this report.
2. Adopt the Planning Proposal to permit Dual Occupancy Development within the R3 – Medium Density Residential Zone within the Waverley Local Environmental Plan (Bondi Junction Centre) 2010.
3. Forward the Planning Proposal to the Minister for Planning for Gateway Determination.

F-1104.8

Small Grants Program 2010-2011 (Round 2) (A10/0389 and A10/0389-02)

Cr Betts declared a significant non-pecuniary interest in this item and informed the meeting that she is on the board of Waverley Action for Youth Services (WAYS) and will be relinquishing the chair and leaving the meeting for the consideration of the WAYS and Tamarama Rock Surfers grants.

Cr Betts relinquished the chair and was not present at or in sight of the meeting while these matters were debated and voted on.

Cr Guttman-Jones was elected to chair the meeting for the debate and vote on the WAYS and Tamarama Rock Surfers grants.

Report dated 5 April from the Director, Recreation Customer and Community Services about the Small Grants Program (Round 2) 2010-2011.

MOTION / RECOMMENDATION (Clayton / Kay)

That Council provide financial assistance under the Small Grants Program (Round 2) 2010-2011 to the groups and activities proposed in this report.

This is a Minute Extract from the Waverley Council Meeting held on 19 April 2011

1104.13.3

Finance, Ethics & Strategic Planning Committee Meeting – 5 April 2011

MOTION / DECISION (Betts / Clayton)

That the Minutes of the Finance, Ethics & Strategic Planning Committee Meeting of 5 April 2011 be received and that such Minutes be confirmed as a true record of the proceedings of that Meeting and that the decisions contained in Clauses F-1104.1 to F-1104.6 be received and noted and the recommendations contained in Clauses F-1104.7 to F-1104.9 be adopted.