



Planning Proposal

122 Bronte Road, Bondi Junction

Report Information

Council versions:

No.	Author	Date	Version
1	Waverley Council	18/12/2019	Submission for Gateway determination

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PLANNING PROPOSAL KEY DETAILS

Council Reference	PP-1/2019	
LEP to be amended	Waverley Local Environmental Plan 2012	
LEP amended in the last five years?	No	
LEP	Current	Proposed
Zone	SP2 Telecommunications	B4 Mixed Use
Additional Permitted Use	Nil	Nil
FSR	2:1	4:1
Height	15m	18.5m
Heritage	Yes	Yes
Additional Site Specific Provision	Nil	Nil
Active Street Frontage	Nil	Nil
Minimum Non-Residential FSR	Nil	Nil
Aim of the proposal	To enable the redevelopment of the subject site.	
Council Recommendation	Strategic Planning and Development Committee Meeting - 7 August 2018	
Consideration	Comments	
Does the proposal have strategic merit?	Yes	Council supports the redevelopment of the site to increase the available floorspace in the centre to be used for jobs and services.
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	Partially	The proposal is generally in line with the objectives and directions of the Region Plan and the Planning Priorities and Actions of the District Plan.
Consistent with a relevant local council strategy that has been endorsed by the Department; or	No	See discussion points below.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	Partially	The Planning Proposal recognises that the site is no longer used for Telecommunications Infrastructure.
Does the proposal have site specific merit?	Yes	The Sydney Eastern City Planning Panel determined that as the 18.5m height limit matches that of the adjacent Telstra building, that the proposal has site specific merit.
With regards to the natural environment (including known significant environmental values, resources or hazards); and	NA	
With regards to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	Yes	The proposed zoning is compatible with the surrounding area.
With regards to the services and infrastructure that are or will be available to meet the demands arising from the proposal; and	Yes	There will be minimal additional traffic generated as a result of this Planning Proposal.
Any proposed financial arrangements for infrastructure provision.	No	No VPA has been offered or entered into.
Has Council prepared the planning proposal?	Yes	Council has prepared this Planning Proposal which is based upon the submission made by Urbis on behalf of Rimon Field to prepare a planning proposal.
Has Council prepared a planning proposal relevant to the site?	Yes	Council lodged a Planning Proposal to the Department of Planning & Environment on 13 August 2018 which has not yet been considered.
Does Council support the planning proposal? What are the reasons?	This Planning Proposal has not been reported to Council, as this proposal is a result of the Rezoning Review process.	

Waverley Local Planning Panel Recommendation		
Consideration	Comments	
Does the WLPP support the planning proposal? What are the reasons?	This Planning Proposal has not been reported to the Waverley Local Planning Panel. The WLPP previously supported Council in preparing a planning proposal for the site to maintain the existing FSR and Height, but to change the zoning, and to add the site to the Active Street Frontages map. The WLPP found the previous Planning Proposal submitted by the proponent (5:1, 28m) to have strategic merit, but not site specific merit.	
Strategic Framework		
Document	Relevant Directions, Planning Priorities, Actions, Goals, Strategies	Consistent
Region Plan	<ul style="list-style-type: none">- Eastern Harbour City Vision- 30 Minute City- A city of great places- Jobs and skills for the city	Yes Yes Yes Yes
District Plan	<p>PPE11: Growing investment, business opportunities and jobs in strategic centres</p> <ul style="list-style-type: none">- Action 38. Provide access to jobs, goods and services in centres by conserving and interpreting heritage significance- Action 45. Encourage opportunities for new smart work hubs.- Action 46. Strengthen Bondi Junction through approaches that:<ul style="list-style-type: none">o protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centreo expand the centre’s function and type of land uses, and knowledge-intensive jobs <p>PPE13: Supported growth of targeted industry sectors</p> <ul style="list-style-type: none">- Action 55. Provide a regulatory environment that enables economic opportunities created by changing technologies- Action 57. Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation	<p>Yes through reuse, no through overdevelopment</p> <p>No – serviced apartments do not provide jobs No – but a minimum non-residential FSR will be applied as part of a separate PP</p> <p>Yes</p> <p>Yes</p>
Local Strategic Planning Statement	<p>PP8: Connect people to inspiring and vibrant places, and provide easy access to shops, services and public transport</p> <ul style="list-style-type: none">- Action 3. Prepare a Village Centres Strategy and amend Council’s LEP and DCP where relevant	Yes - The site is located close to Bondi Junction Strategic Centre.
	<p>PP9: Support and grow Waverley’s local economy with a focus on wellbeing, knowledge and innovation.</p> <ul style="list-style-type: none">- Action 1. Retain shops and services in Bondi Junction and Village Centres- Action 3. Review planning controls to encourage co-working and shared office style employment floorspace	Partially - the B4 Mixed Use zone could permit employment generating floorspace and services, however the zone could also permit residential development and serviced apartments (quasi-residential) and not employment generating land. Council is currently preparing the Minimum Non-Residential FSR Planning Proposal which will apply to the site, as well as the Village Centres Strategy. Both of these documents are taking a strategic and holistic view of the Bondi Junction Strategic Centre.
	<p>PP10: Manage visitation sustainably to protect local amenity and enhance Waverley’s natural and built environment</p>	Potentially – Council is currently preparing the Minimum Non-Residential FSR Planning Proposal which is holistically looking at these

	<ul style="list-style-type: none"> - Action 3. Review development controls to balance competing demands for boutique accommodation and employment generating floorspace 	<p>competing demands across the Bondi Junction Strategic Centre.</p> <p>This Planning Proposal should not contravene <i>the Growing Commercial Floorspace in Bondi Junction Planning Proposal</i>.</p>
	<p>PP11: Facilitate Bondi Junction as a lively and engaging strategic centre with a mix of employment, entertainment and housing options</p> <ul style="list-style-type: none"> - Map: The site is identified on the Bondi Junction Strategic Centre Map to require a minimum non-residential FSR applied - Action 5. Maintain the existing employment floorspace in Bondi Junction - Action 6. Grow employment floor space in Bondi Junction - Action 14. Review development controls for Bondi Junction with regards to streetscape amenity, built form, heritage significance and visual amenity 	<p>Partially – the Planning Proposal does not provide any certainty for shops, services, employment floorspace to be generated.</p> <p><i>The Growing Commercial Floorspace in Bondi Junction Planning Proposal</i> would also apply to this site once the site is a B4 Mixed Use zone.</p> <p>In addition, Council’s previous Planning Proposal for the site sought to extend the Active Frontages map to include this site to ensure that there are active uses on the ground floor of this site. Council will seek to have this included in the Post-Gateway process.</p>

EXECUTIVE SUMMARY

On 18 February 2019, Council received a request to prepare a planning proposal for the site at 122 Bronte Road, Bondi Junction.

The proposal was submitted by Urbis on behalf of Rimon Field, and seeks to amend the *Waverley Local Environmental Plan 2012* (WLEP2012) to rezone the site to B4 Mixed Use; increase the building height to 18.5m and introduce a floor space ratio of 4:1.

The Proposal was submitted as a Rezoning Review, and on 15 October 2019, the Sydney Eastern Planning Panel recommended that the proposal should be submitted for a Gateway determination. Council has accepted the role of Planning Proposal Authority (PPA), and accordingly submits this Planning Proposal as prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in accordance with the requirements set out in the Department's "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals".

In addition to this Planning Proposal, the following supporting documents have been prepared by the Proponent:

- Attachment 1 - Rezoning Review Record of Decision
- Attachment 2 - Planning Justification Report 2019
- Attachment 3 - Design Report
- Attachment 4 - Heritage Impact Statement
- Attachment 5 - Proposed Mapping

INTRODUCTION

History of the Proposal

Table 1 - Timeline of the proposal	
Date	Occurrence
11 April 2017	The proponents met with Council officers. During this meeting the benefits of the adaptive re-use of the heritage item, and the provision of an activated street frontage were discussed and encouraged. Accordingly the rezoning to a B4 Mixed Use zone was considered appropriate to achieve these outcomes. Council officers however expressed concerns relating to the proposed increase in building height and FSR tabled at that meeting given the context of the area and the potential for significant impacts upon the character of the streetscape.
5 June 2017	The proponents met with Department of Planning & Environment officers.
2 August 2017	The proponent (Urbis on behalf of Rimon Field Pty Ltd) submitted a planning proposal to Council to amend the WLEP2012 in relation to 122 Bronte Road, Bondi Junction. The proposal aimed to enable the redevelopment of the subject site for the purposes of a mixed use development comprising ground level retail and serviced accommodation on the upper floors. To achieve this outcome, the following changes to the WLEP2012 were proposed: <ul style="list-style-type: none"> • Change the land use zone from SP2 Infrastructure to B4 Mixed Use; • Increase the height of buildings standard from 15m to 43m; and • Increase the floor space ratio standard from 2:1 to 7.1:1. The planning proposal included the adaptive reuse of heritage item I246.
4 September 2017	Council officers sent a preliminary request for additional information to the proponent regarding minor missing information (site area) and incorrect photomontage images used in the submitted planning report.
11 October 2017	Council officers met with the proponent to discuss the preliminary assessment of the proposal with advice that the proposal would not be supported at an officer level.
8 November 2017	Council officers met with the proponent to discuss a revised proposal with advice that a reduced height and floor space ratio may be a more appropriate proposal, however any proposal would continue to be subject to a complete assessment process.
22 December 2017	The application was withdrawn by the proponents.
12 January 2018	The proponent (Urbis on behalf of Rimon Field Pty Ltd) submitted a new planning proposal (the same proposal as submitted to the Rezoning Review) with reduced development standards to amend the WLEP2012 in relation to 122 Bronte Road, Bondi Junction. The following changes to the WLEP2012 were proposed: <ul style="list-style-type: none"> • Change the land use zone from SP2 Infrastructure to B4 Mixed Use; • Increase the height of buildings standard from 15m to 28m; and • Increase the floor space ratio standard from 2:1 to 4:1. The planning proposal included the adaptive reuse of heritage item I246.
25 July 2018	The proponent's Planning Proposal was not supported by Council officers or the Waverley Local Planning Panel (the Panel). The Panel supported the position of Council officers to not support the proponent's proposal, and to proceed with a modified planning proposal. The Panel's full advice is provided in Attachment 1.
7 August 2018	The proposal was reported to Council. Council adopted the recommendations of staff and the Panel to not support the proponent's proposal, and to proceed with a modified planning proposal. The minutes from the Strategic Planning and Development Committee are included in Attachment 2.
13 December 2018	The Rezoning Review was seen by the Sydney Eastern Planning Panel, with the determination that the proposed instrument should not be submitted for a Gateway determination because the proposal has demonstrated strategic merit but not site specific merit.
15 February 2019	A new Planning Proposal (1/2019) was submitted to Waverley Council with the following changes proposed to the WLEP2012: <ul style="list-style-type: none"> • Change the land use zone from SP2 Infrastructure to B4 Mixed Use; • Increase the height of buildings standard from 15m to 18.5m; and • Increase the floor space ratio standard from 2:1 to 4:1. The planning proposal included the adaptive reuse of heritage item I246.
16 May 2019	A new Rezoning Review was submitted to the Department of Planning, Industry and Environment.
15 October 2019	The Sydney Eastern City Planning Panel recommended that the proposal be submitted for a Gateway determination.
20 December 2019	This Planning Proposal submitted for Gateway determination.

Affected Land

The subject site is a significant corner site located on the edge of the Bondi Junction Strategic Centre at the corner of Birrell Street and Bronte Road, and comprises Lots 5-7 Section 2 DP185 with a total site area of approximately 657.9m². The site forms part of the Waverley Telephone Exchange operated by Telstra, which will continue to function solely in the adjacent site at Lots 3-4 Section 2 DP185. The remaining exchange has a five-storey street wall presence, and is a utilitarian red brick building that is grossly out of character with the remainder of the streetscape (refer to Figure 3).



Figure 1 – Site of the Planning Proposal, 122 Bronte Road Bondi Junction



Figure 2 – Aerial photograph of the site of the planning proposal, 122 Bronte Road Bondi Junction (2016).

Existing Development on the site

The existing building on the site is a single storey corner building being the previous Waverley Post Office building. The building constitutes the listing for locally significant heritage item I246 (refer to Figures 4 – 6). The building has significance due to its fabric and contribution to the streetscape given the prominent location of the site, the building is a key landmark for the area.

The site was purchased in 1882 for the construction of the Waverley Post Office, which opened in 1887. The post office was moved in 1914, and the building was adapted to house the area's first telephone exchange. The building underwent major alterations in 1926 when the exchange was converted from manual to automatic. Given further technological advances in telecommunications, the site is no longer required for the purposes of a telephone exchange as the operations will be consolidated into the adjoining building at Lots 3-4 Section 2 DP185.



Figure 3 – Subject site showing both Waverley Telephone Exchange Buildings



Figure 4 – Waverley Telephone Exchange, 1926

(Image from Heritage Impact Statement – Sourced National Archives of Australia Image Number C4076, HN5666 Part A)



*Figure 5 – Waverley Telephone Exchange, 1926 Showing the former entrance on the corner that has since been converted into a window.
(Image from Heritage Impact Statement – Sourced National Archives of Australia Image Number C4076, HN5666 Part B)*



*Figure 6 – Waverley Telephone Exchange, 1946
(Image from Heritage Impact Statement – Sourced Waverley Library 000/000594)*

Current Planning Controls

The *Waverley Local Environmental Plan 2012* (WLEP2012) applies to the subject site (see Figures 7-11). The current development standards pertaining to the site are:

- Zone - SP2 Infrastructure (Telecommunications)
- Maximum height of 15m
- Floor space ratio of 2:1

The site also consists of Heritage Item I246 comprising the former Waverley Post Office.

The aims of the WLEP2012 are as follows:

- (a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
- (b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,*
- (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,*
- (d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,*
- (e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,*
- (f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,*
- (g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.*

As specified in *Clause 5.10 Heritage Conservation* and *Schedule 5 Environmental Heritage* of the WLEP2012, development consent is required for any demolition or alteration to an item of environmental heritage and also for erecting a building on land on which a heritage item is located or that is within a heritage conservation area. Figure 10 indicates the location of heritage items and conservation areas in relation to the subject site.

Clause 6.5 Active Street Frontages in the Bondi Junction Centre of the WLEP2012 requires that development consent for identified sites in the Bondi Junction Centre zoned B3 Commercial Core or B4 Mixed Use must not be granted for a building unless the building has an active street frontage, particularly for the purposes of business or retail premises, along the ground floor.

The current provisions of the WLEP2012 and *Waverley Development Control Plan 2012* (WDCP2012) permit the adaptive reuse of the heritage item with a range of uses that could provide an active street frontage and strengthen and reinforce the existing corner condition of the site that terminates the Bronte Road high street section of Bondi Junction. The current controls permit a suitably scaled development that is consistent with the surrounding context, adjacent heritage conservation area, and is able to be sympathetic to the heritage item.

Clause 5.10.10 Conservation Incentives of the WLEP2012 states:

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*

- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

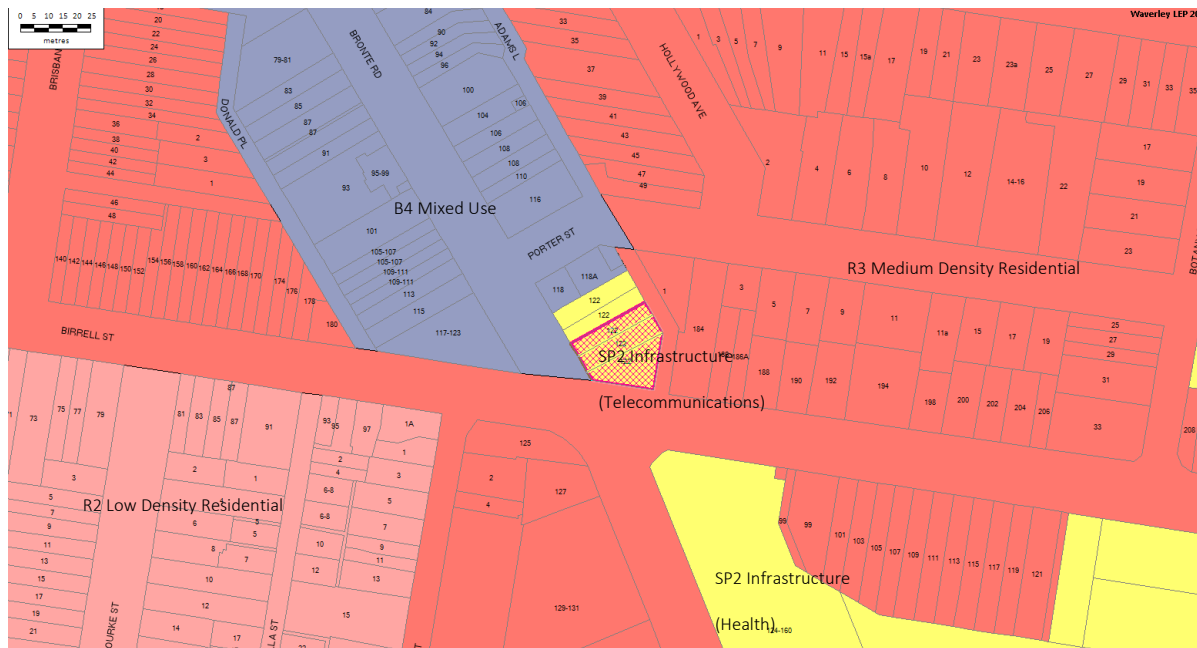


Figure 7 – Excerpt from Zoning Map WLEP2012

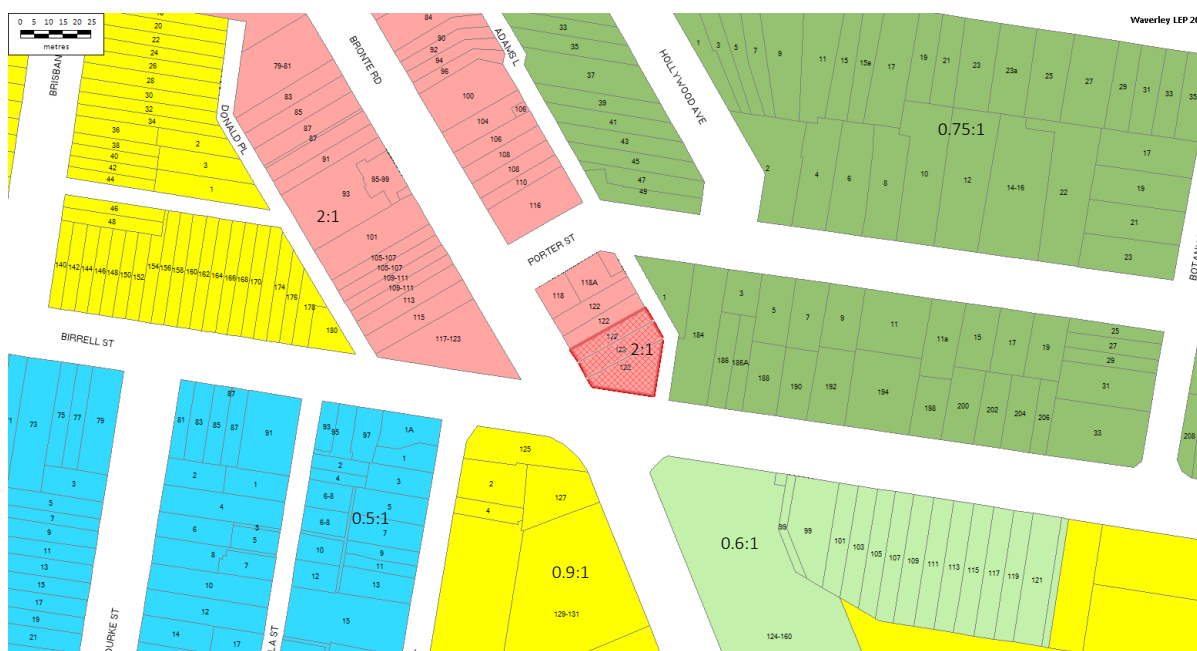


Figure 8 – Excerpt from FSR Map WLEP2012



Figure 9 – Excerpt from Height of Buildings Map WLEP2012



Figure 10 – Excerpt from Heritage Map WLEP2012



Figure 11 – Excerpt from Active Street Frontages WLEP2012

Surrounding Context

The irregular angle of the intersection of Bronte Road and Birrell Street provides the subject site with a large frontage that captures a large proportion of the view of traffic heading east along Birrell Street, and heading north along Bronte Road.

Given the corner location of the site, the site must consider the character of three ‘contexts’ or ‘streetscapes.’ These are:

1. Bronte Road – Mixed Use High Street;
2. Birrell Street – Residential Street; and
3. Intersection of Bronte Road and Birrell Street.

Character of Bronte Road – Mixed Use High Street

The building is the terminus of the Bronte Road high street and is part of the transition from residential development towards the Bondi Junction commercial centre. The existing street wall along Bronte Road is 2-3 storeys, with the ground floor featuring predominantly retail and active street frontages.

Character of Birrell Street – Residential Street

The site also significantly contributes to the mixed character of Birrell Street, which comprises 2-3 storey residential flat buildings; 1-2 storey detached, semi-detached, and attached dwellings; the single storey retail premises at 125 Bronte Road; and the War Memorial Hospital site.

Character of the Intersection of Bronte Road and Birrell Street

The existing well-detailed curved façade of the heritage Post Office responds to the prominent corner location and currently provides a recognisable landmark for the centre.

The four corners of the intersection at Birrell Street and Bronte Road have differing spatial qualities, and differing development potential. These are discussed further below.

Built Form and Active Street Frontage

The current and approved built form surrounding the intersection comprises three storey street walls to Bronte Road and Birrell Street that increase to four storeys to 'mark the corner,' creating a distinct and recognisable key entrance to Bondi Junction Strategic Centre. The existing five storey red brick Telephone Exchange building sets a precedent that does not contribute to this condition of 'marking the corner' sites as it provides a five storey equivalent street wall setback a significant distance from the intersection. Whilst this built form exists now, it is not compliant with the controls in the WLEP2012 or the WDCP2012.

The War Memorial Hospital Site at the south east corner does not provide the same built form as the other corners due to the nature of the site comprising a heritage item and significant trees to the intersection. The height of the trees and the heritage fencing create a recognisable and distinct character, contributing uniquely to the corner condition as a key entrance to Bondi Junction Strategic Centre.

As the north west and north east corners both mark the beginning of the Bronte Road high-street, the provision of an active street frontage that engages with pedestrians, passengers of public transport and private vehicles is vital to the context of the area. The provision of an active frontage on this corner would restore the site as a publicly accessible building. A retail or commercial use at the ground floor of the subject site would encourage this activity at ground level, as would sensitive modifications to the heritage fabric to return openings to their previous locations and uses. This is permissible under the existing development standards for the site.

Botany Street Heritage Conservation Area

Immediately adjacent to the site to the east is the Botany Street Heritage Conservation Area (refer to Figure 10). The Statement of Significance as outlined in the inventory sheet for the area is:

Statement of Significance

The urban form of the Botany Street Heritage Conservation Area is the result of late 19th and early 20th Century subdivision of remaining open lands to the eastern periphery of Bondi Junction. The building streetscape is diverse and although buildings are not consistent to adjoining developments, they form a cohesive streetscape combining a variety of styles, materials and distribution of buildings along the street.

The range and compatible residential types from 1890's to 1940's records the consolidation of open lands about Bondi Junction following the establishment of regular tram services. The conservation area includes representative examples of varied styles from Victorian filigree through the Inter War Art Deco. The area retains notable streetscapes, characterised by the width of road easements and the quality of residential groupings.

Surrounding Development

A number of sites in the surrounding area have recently been developed or have approvals for development as outlined in Table 1.

Table 1 – Recently Approved Development					
Site	Status	FSR	Height	Streetwall (storeys)	DA Number
125 Bronte Road	DA Approved	1.58:1	12.5m	4 to Birrell St Cnr Bronte Road 3 to Birrell Street	DA-621/2014
110-116 Bronte Road	DA Approved	2.44:1	20.5m	4 (part 5) Bronte Road	DA-419/2015 DA-512/2016



Figure 12 – Nearby Recently Approved Development subject of LEC Appeals (DA-512/2016 and DA-621/2014)

As documented in Table 1, recently approved developments in the area have not significantly varied the existing LEP controls, and have provided a relatively consistent 4 storey street wall to Bronte Road. The development applications for 125 Bronte Road, and 110-116 Bronte Road were both the subject of Land & Environment Court (LEC) appeals. The determinations for both appeals saw the LEC ensure compatibility with the current street character as well as the desired future street character as set by the WLEP2012 and the WDCP 2012.

The outcome of the appeal for 125 Bronte Road was to permit a four-storey street wall to the corner of Birrell Street and Bronte Road to mark the corner, and a three-storey street wall to Birrell Street. The original Development Application was for a part 4 part 5 storey development, which was contested by the Council as being too tall and creating amenity impacts via overshadowing to the residences to the south. Amended plans were submitted with a part 3 part 4 storey development. The appeal 'Dryve Clean Pty Ltd v Waverley Council - [2016] NSWLEC 1013' determined by Acting Commissioner Maston found that:

The agreed position paper provides in part 4 responses to all of the prior contentions raised by the council including the height issue. In particular it concludes that the amended proposal is compatible with the character of the local area and complies with clause 30 A of SEPP (ARH) and that the clause 4.6 request was well founded. The council's manager, development assessment, considered that the amended plans responded to all the council's contentions

including ... the WLEP height control. I am satisfied, in accordance with clause 29 (4) of SEPP (ARH), that notwithstanding the non-compliance with the WLEP height of buildings standard, the proposed development is acceptable in this case.

The appeal for 110-116 Bronte Road was to permit a four-storey street wall to Bronte Road, with a fifth storey set back. The appeal for this site, 'Bureau SRH Pty Ltd v Waverley Council (No.2) - [2017] NSWLEC 1383' was determined on 16 June 2017 by Commissioner O'Neill. The reasons provided by C. O'Neill are outlined below:

- *An exceedance of the height of buildings development standard is not justifiable on the basis of the form and height of the nearby Waverley telephone exchange building; as a gradation in the scale of development along Bronte Road would be an inappropriate response to the distinct and unique form of this public building. If the Council considers such an approach is warranted, it would be appropriately addressed as part of a strategic planning exercise and reflected in development standards for the properties on the north-eastern side of Bronte Road.*
- *The proposal is not consistent with the desired future urban form of Bronte Road, which is for 4 storeys. The 2.5m setback of the uppermost fifth level of the proposal does not achieve the desired four storeys along Bronte Road.*
- *I do not accept the applicant's experts' evidence that this is a prominent corner site that warrants a non-compliance with the height of buildings development standard. This is not a significant corner site on Bronte Road. A desire for more prominent, higher buildings on corner sites is not reflected in the development standards in LEP 2012.*

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement and Intended Outcomes

The submitted proposal seeks to amend the WLEP2012 to allow the adaptive reuse of the site. The proposal seeks to do this by changing the land use of the site to mixed use, and increasing the development standards applicable to the site.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Draft Development Standards

This Planning Proposal seeks to amend the WLEP as follows:

- Amend the Land Zoning Map to change the subject site from SP2 Infrastructure (Telecommunications) to B4 Mixed Use.
- Amend the Maximum Permissible Building Height Map to change the subject site from 15m to 18.5m
- Amend the Maximum Permissible Floor Space Ratio Map to change the subject site from 2:1 to 4:1

PART 3 – JUSTIFICATION

3.1 Section A – Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

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

The proposal is not the outcome of any strategic study or report.

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

The planning proposal aims to enable the adaptive reuse and redevelopment of part of the former Waverley Telephone Exchange at 122 Bronte Road. This can be achieved through the current development standards and would result in a development that is appropriately aligned with the context. However the proposed height and FSR have been supported by the Sydney East Planning Panel to proceed to Gateway. Although the height increases by only 3.5 metres (i.e. 1 storey) the FSR doubles to 4:1. There is likely to be an inconsistency between the proposed height and FSR as the 4:1 FSR elsewhere in the B4 zone is represented by a 32m height. Council supports a condition of Gateway for detailed modelling to ensure there is consistency between these development standards.

The change in zoning from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use is supported and is consistent with the surrounding context. The zone permits a range of uses and development types that would achieve the strategic objectives within *A Metropolis of Three Cities*, the *Eastern City District Plan* and the WLEP2012.

Separately to this Planning Proposal, Council has submitted the *Protecting and Growing Commercial Floorspace in Bondi Junction Strategic Centre Planning Proposal*, which seeks to apply a minimum non-residential FSR to all land in Bondi Junction that is zoned B4 Mixed Use.

3.2 Section B – Relationship to strategic planning framework.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

A Metropolis of Three Cities

A *Metropolis of Three Cities – the Greater Sydney Region Plan* (Region Plan) prepared by the Greater Sydney Commission is a high level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three ‘Cities’ of which Waverley falls into the ‘Eastern Harbour City.’ Each city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region.

Bondi Junction is identified on the Region Plan as a ‘Strategic Centre.’ The proposed amendments to the WLEP2012 to rezone the site to B4 Mixed Use is in line with the Region Plan as it aims to retain and promote commercial uses within centres.

Eastern City District Plan

The *Eastern City District Plan*, also prepared by the Greater Sydney Commission, provides actions and strategies to implement the Aims and Objectives of the Region Plan. The District Plan is applicable to the proposal.

The Plan identifies Bondi Junction as a ‘Strategic Centre.’ The actions for specific to this proposal are outlined in Table 3.

Table 3 – Relevant Actions	
Relevant Item	Response
<i>Planning Priority E6. Creating and renewing great places and local centres, and respecting the District’s heritage.</i>	
<i>Objective 13. Environmental Heritage is identified, conserved and enhanced.</i>	
Action 20. Identify, conserve and enhance environmental heritage by: <ul style="list-style-type: none"> a. Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place. b. Applying adaptive re-use and interpreting heritage to foster distinctive local places. c. By managing and monitoring the cumulative impact of development on the heritage values and character of places. 	The proposal to adaptively reuse the current heritage item on site is in line with Planning Priority E6, Objective 13, and Action 20.
<i>Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres</i>	
<i>Objective 22: Investment and business activity in centres.</i>	
Action 43. Review the current planning controls and create capacity to achieve the job targets for each of the District’s strategic centres.	The proposal to rezone the site to B4 Mixed Use supports Action 43 for Bondi Junction by providing land that can be used to provide jobs. Currently the site is zoned SP2 Infrastructure (Telecommunications), which limits the types of development that can be carried out on the site currently to Telecommunications facilities. The B4 zone permits a range of uses, including

	many types of commercial developments which increases the potential for employment numbers.
46. Strengthen Bondi Junction through approaches that: a. protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre	The proposal to rezone the site to B4 Mixed Use supports Action 46.a for Bondi Junction by providing land that can be used to provide jobs, and contribute to a diverse mix of uses.

The *Guide to Preparing Planning Proposals* outlines two merit tests that the proposal should be assessed against. The proposal is consistent the Strategic Merit Test and the Site Specific Merit Test outlined in Tables 4 and 5 below.

Table 4 - Strategic Merit Test	
a) Does the proposal have strategic merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	The proposed change of zone to B4 Mixed Use is supported as having strategic merit, as it is consistent with both the Region and District Plan prepared by the State Government.
Consistent with a relevant local council strategy that has been endorsed by the Department; or	There are no local strategies that have been endorsed by the Department that apply to the site.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	The proposal also responds to a change in circumstances in that advancements in telecommunications technology have allowed the exchange to operate on consolidated premises at 118 Bronte Road. Accordingly the site is no longer required by Telstra as a telephone exchange, and the repurposing of the site through a rezoning and adaptive reuse would provide benefit for the community and area. It is noted however that the redevelopment of the site could be achieved through the existing standards for the site, and a retail or commercial use would be a fitting use to adaptively repurpose the site and create an active frontage.

Table 5 - Site-specific Merit Test

b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant environmental values, resources or hazards); and	The site is located at the fringe of the Bondi Junction Strategic Centre, and is not affected by any environmental hazards, and does not offer any significant natural environmental value or resource. The proposed height and FSR have been recommended by the Sydney East Planning Panel as having site-specific merit.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The proposed change of zone to B4 Mixed Use is appropriate for the site as it is well located with easy access to existing services and infrastructure such as retail, employment and education centres; the Bondi Junction Transport Interchange; and many key tourist attractions including parklands, the Eastern beaches, Moore Park Entertainment Quarter, and Sydney Harbour.
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	The proposal has regard to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal. The proposed B4 Mixed Use zone is in keeping with other properties along the remainder of Bronte Road to the north. The proposed zone permits uses that are in keeping with the mixed business and residential nature of the surrounding area. The site is well located within walking distance to the Bondi Junction Transport Interchange and many bus routes along Bronte Road.
Any proposed financial arrangements for infrastructure provision.	The proposal offers no financial arrangements for infrastructure provision. There are no arrangements for additional infrastructure provision in place from Council or any other government agency for the immediate area.

3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Draft Waverley Local Strategic Planning Statement

The Draft Waverley Local Strategic Planning Statement (WLSPS) has been prepared by Council. This Proposal is consistent with the Planning Priorities and Actions from the WLSPS as outlined in Table 7.

Table 7 – Applicable Directions and Strategies from the Waverley Local Strategic Planning Statement

Relevant Planning Priorities and Actions from the Draft Waverley Local Strategic Planning Statement		Is the proposal consistent with the Planning Priority or Action?
Liveability		
A City of Great Places		
PP7	Recognise and celebrate Waverley's unique place in the Australian contemporary cultural landscape	The Proposal maintains the heritage listing on the site, and will ensure that any future development will be required to submit a Heritage Impact Statement to demonstrate how the development will adaptively reuse the fabric of the Heritage Item.
PP8	Connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport	The proposed Mixed Use zone seeks to activate the site, and provide additional non-residential uses, which will add to the vibrancy of Bondi Junction.
Productivity		
A Well-Connected City		
PP11	Facilitate Bondi Junction as a lively and engaging strategic centre with a mix of employment, entertainment and housing options	The proposed Mixed Use zone seeks to provide additional non-residential uses on the site, including employment and visitation. To ensure that the site is not used for residential development, Council has also submitted to DPIE the <i>Protecting and Growing Commercial Floorspace in Bondi Junction Strategic Centre</i> , which seeks to apply a minimum non-residential FSR to all B4 Mixed Use zones within Bondi Junction. This will ensure employment uses are retained in Bondi Junction.

Waverley Local Environmental Plan 2012

As discussed previously, two key aims of the WLEP2012 that the proposal is subject to are:

- (a) *to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,*
- (b) *to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.*

The submitted proposal is consistent with these aims as the increase in height and FSR generally allows a transition in scale to the surrounding area.

Waverley Community Strategic Plan 2018-2029

Waverley Council has prepared the *Waverley Community Strategic Plan 2018-2029*, which was on public exhibition from 25 April 2018 to 24 May 2018. Table 7 below outlines the strategies relevant to the proposal. As identified in Table 8, the rezoning of the land to B4 Mixed Use is in keeping with the directions and strategies of the *Waverley Community Strategic Plan 2018-2029*, as well as the provision of an active street frontage, and the adaptive reuse of the heritage item.

Table 8 – Applicable Directions and Strategies from the Waverley Community Strategic Plan		
Relevant Directions and Strategies from the Waverley Strategic Plan		Is the proposal consistent with the Direction or Strategy?
Arts and Culture		
1.2 Preserve and interpret the unique cultural heritage of Waverley		
1.2.1	Maintain the unique cultural value and heritage significance of key landmarks	Partially. Any redevelopment of existing heritage items risks diminishing extant heritage and its setting, particularly in the context of facadism and tower. However, the site is not being delisted
Local Economy		
4.2 Ensure Bondi Junction and Waverley’s Villages continue to have a diverse range of businesses, local jobs and services		
4.2.1	Enhance the commercial core of Bondi Junction to increase employment	Whilst the site is not part of the commercial core, the rezoning of the site would facilitate the opportunity to provide more jobs for the Bondi Junction Strategic Centre area.
Planning, Development and Heritage		
5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve liveability of existing neighbourhoods		
5.1.2	Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods	Any proposed development will have to demonstrate how it maintains the heritage character of the Heritage Item on the site.
5.1.3	Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of neighbours or the wider community	
5.2 Value and embrace Waverley’s heritage items and places		
5.2.1	Protect, respect and conserve items and places of heritage significance within Waverley	Any proposed development will have to demonstrate how it maintains the heritage character of the Heritage Item on the site.

3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal does not contain provisions that contradict or would hinder the application of these SEPPs:

- SEPP No 1—Development Standards

- 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 33—Hazardous and Offensive Development
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Apartment Development
- SEPP No 70—Affordable Housing (Revised Schemes)
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Major Development) 2005
- SEPP (Infrastructure) 2007
- SEPP (Temporary Structures) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009

The following State Environmental Planning Policies (SEPPs) may be relevant to a future development assessment, however they do not apply to the proposal to change the WLEP2012.

- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (State and Regional Development) 2011
- SEPP (Affordable Rental Housing) 2009
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP 55 Remediation of Land

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

Table 9 documents Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.117 Directions as available on the DPE website.

Table 9 –Relevant Ministerial Directions	
Ministerial Directions	Comment
1.1 Business and Industrial Zones (1) Objectives <i>(a) Encourage employment growth in suitable locations</i> <i>(b) Protect employment land in business and industrial zones, and</i> <i>(c) Support the viability of identified centres</i>	The proposal encourages employment growth in an existing Strategic Centre through the rezoning of the land.
2.3 Heritage Conservation (1) Objectives <i>(a) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i> (4) A planning proposal must contain provisions that facilitate the conservation of: <i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the</i>	The proposal involves the adaptive reuse of a heritage building. The building is currently utilised as part of the Waverley Telephone Exchange. This requires the building to be closed to the public, and results in an inactive façade.

<p><i>item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p>The rezoning of the land to B4 Mixed Use will permit a greater range of uses. Council has separately submitted a Planning Proposal to DPIE seeking that a minimum non-residential FSR be applied to all land in Bondi Junction zoned B4 Mixed Use. This will ensure that a non-residential use is provided, and preferably at the ground floor level, which will open the building to the public, and mark the beginning of the transition to the Bondi Junction centre along Bronte Road.</p> <p>No known Aboriginal heritage has been ascribed to, or identified on, the site.</p>
<p>3.1 Residential Development</p> <p>(1) <i>The objectives of this direction are:</i></p> <p>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></p> <p>(4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>(b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p>(d) <i>be of good design.</i></p> <p>(5) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p>(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p>	<p>The planning proposal seeks to rezone the land to B4 Mixed Use. This land use permits residential development.</p> <p>The proposed development standards for the site will not inhibit the provision of a mixed use development with a residential component, however to be consistent with Council's Strategic Land Use documents, increases in residential uses within Bondi Junction are not favoured, as additional employment floorspace is required.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></p>	<p>The proposed change of zone is likely to provide improved access to jobs and services by walking, cycling and public transport due to the proximity to Bondi Junction Transport Interchange.</p> <p>The proposal may reduce travel demand through</p>

<p>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p>(d) <i>supporting the efficient and viable operation of public transport services, and</i></p> <p>(e) <i>providing for the efficient movement of freight.</i></p> <p>(4) <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>limited provision of car parking and its proximity to the Bondi Junction Centre.</p> <p>The proposed zone is for an urban purpose and is located within a Strategic Centre.</p>
<p>6.1 Approval and Referral Requirements</p> <p>(1) <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	<p>The proposal seeks a change to the zoning of the site which will encourage an efficient assessment of any submitted development application.</p>
<p>6.3 Site Specific Provisions</p> <p>(1) <i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p> <p>(4) <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <p>(a) <i>allow that land use to be carried out in the zone the land is situated on, or</i></p> <p>(b) <i>rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i></p> <p>(c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></p> <p>(5) <i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p>	<p>The proposal seeks to amend the WLEP2012 to facilitate the redevelopment of the site. A mixed use zone is proposed which will provide a range of uses, including retail or commercial.</p> <p>No site specific provisions are proposed.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>(1) <i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i></p> <p>(4) <i>Planning proposals shall be consistent with:</i></p> <p>(a) <i>the NSW Government's A Plan for Growing Sydney published in December 2014.</i></p>	<p>The proposal is strategically consistent with the planning principles; directions; and priorities for the strategic centre of Bondi Junction in the Region Plan, which replaces A Plan for Growing Sydney, as well as the District Plan.</p>

3.3 Section C – Environmental, social and economic impact

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

The proposal involves the repurposing and adaptive reuse of an existing heritage building in the Strategic Centre of Bondi Junction. The proposal is not likely to adversely affect any critical habitat or threatened species.

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

No major issues in terms of traffic and parking have been identified. The site has three frontages, and has an existing vehicle entrance from Adams Lane.

Given the availability of public transport at the Bondi Junction Interchange, the buses along Bronte Road, and the proximity to essential services and attractions, it is not anticipated that the uses permitted by the zone would generate significant traffic volumes. Various uses will have differing impacts upon the traffic of the area, as well as different parking requirements in accordance with the WDCP2012. For example residential apartment development requires a higher rate of parking provision than office development.

Further detail of any parking or vehicle access provisions would likely be undertaken in consultation with Council through a subsequent development application process. Any future development application would be required to submit a green travel plan to demonstrate how the development will reduce private vehicle usage and promote active and public modes of transport.

3.3.3 Has the planning proposal adequately addressed any social and economic effects?

The adaptive reuse of the heritage item will provide social benefit to the community, through the reactivation of the street corner with an active frontage and new retail or commercial premises. As noted previously, however, the adaptive reuse of the item can be achieved under the existing development standards for the site.

Due to recent development approvals in the Bondi Junction Strategic Centre, a significant number of developments have redeveloped existing commercial premises into residential premises. The new developments do not replace the commercial premises, resulting in a net loss of commercial floor space. This causes a significant barrier to Waverley being able to meet the employment targets set forth by the Greater Sydney Commission in the *Eastern City District Plan*.

Waverley Council has submitted a separate Planning Proposal, *Protecting and Growing Commercial Floorspace in Bondi Junction Strategic Centre*, that seeks to amend the WLEP2012 to apply a Minimum Non-Residential FSR across the B4 Mixed Use Zone in the Bondi Junction Strategic Centre. A proposed Minimum Non-Residential FSR provision will ensure the provision of commercial floor space in the B4 Mixed Use Zone within the Bondi Junction Strategic Centre.

Whilst this measure will seek to ensure a certain proportion of the floor space will be utilised for non-residential purposes, as part of the Gateway exhibition and post-Gateway processes, Council may seek that the site also be identified on the Active Street Frontages Map to ensure that the ground floor level will provide uses that will promote ground floor activity such as retail or commercial uses. Council also requests that detailed modelling of the discrepancy between the FSR and height development

standards be conditioned upon Gateway to ensure that the controls are consistent with each other, practical and can be achieved.

No investigations into social and economic effects have been undertaken.

3.3.4 Is there adequate public infrastructure for the planning proposal?

The proposal is well located near a range of services and is well serviced via public transport, being a short walk from the Bondi Junction Transport Interchange. As such no increases in public transport infrastructure are likely to be required due to the proposal. Additional upgrades with regards to water and power may be required.

3.3.5 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

PART 4 – MAPPING

Attachment 5 provides the proposed WLEP Maps.

PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a newspaper advertisement, hard copy display in the Council's Library and Customer Service Centre, a display on the Council's web-site and written notification to landowners. The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to the WLEP will be completed by June 2019.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Tasks	Timeframe
Gateway Determination	February 2020
Public Authority Consultation	March/April 2020
Community Consultation	March/April 2020
Post Exhibition Review	May 2020
Update Planning Proposal / Report to Council	June 2020
DPE review of final Planning Proposal	June/July 2020
Parliamentary Counsel drafting of LEP	August 2020
DPE to finalise LEP	September 2020