

Planning and Assessment

IRF20/335

Gateway determination report

LGA	Waverley
PPA	Waverley Council
NAME	Planning proposal to facilitate a mixed-use development comprising serviced apartments with ground floor commercial uses at 122 Bronte Road, Bondi Junction.
NUMBER	PP_2020_WAVER_001_00
LEP TO BE AMENDED	Waverley Local Environmental Plan 2012
ADDRESS	122 Bronte Road, Bondi Junction
DESCRIPTION	Lots 5-7, Section 2, in DP185
RECEIVED	20 December 2019
FILE NO.	IRF20/335
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Waverley Local Environmental Plan (LEP) 2012 for land at 122 Bronte Road, Bondi Junction to:

- rezone the site from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;
- increase the maximum building height from 15m to 18.5m (RL102.59);
- increase the maximum floor space ratio (FSR) from 2:1 to 4:1; and
- include the site on the Active Street Frontages Map.

1.2 Site description

The site at 122 Bronte Road, Bondi Junction is legally described as Lots 5-7, Section 2, DP 185. It is irregular in shape and occupies a prominent corner location. It is bounded by Birrell Street to the south, Bronte Road to the west and Adams Lane to the east.

The site comprises three adjoining lots with a combined area of approximately 657.9m². The building was formerly used as the Waverley Telephone Exchange and is a local heritage item (I246). The single storey brick building with a masonry parapet occupies the entire corner site with no landscaping. The exchange currently operates in the five-storey premises abutting the northern boundary of the site. The site is located on the southern edge of the Bondi Junction strategic centre.

A site map is provided at **Attachment D** and in **Figures 1** and **3**.



Figure 1: Aerial photograph of the subject site outlined in red (Source: Near Maps)



Figure 2: Map showing lot numbers (Source: Six Maps)

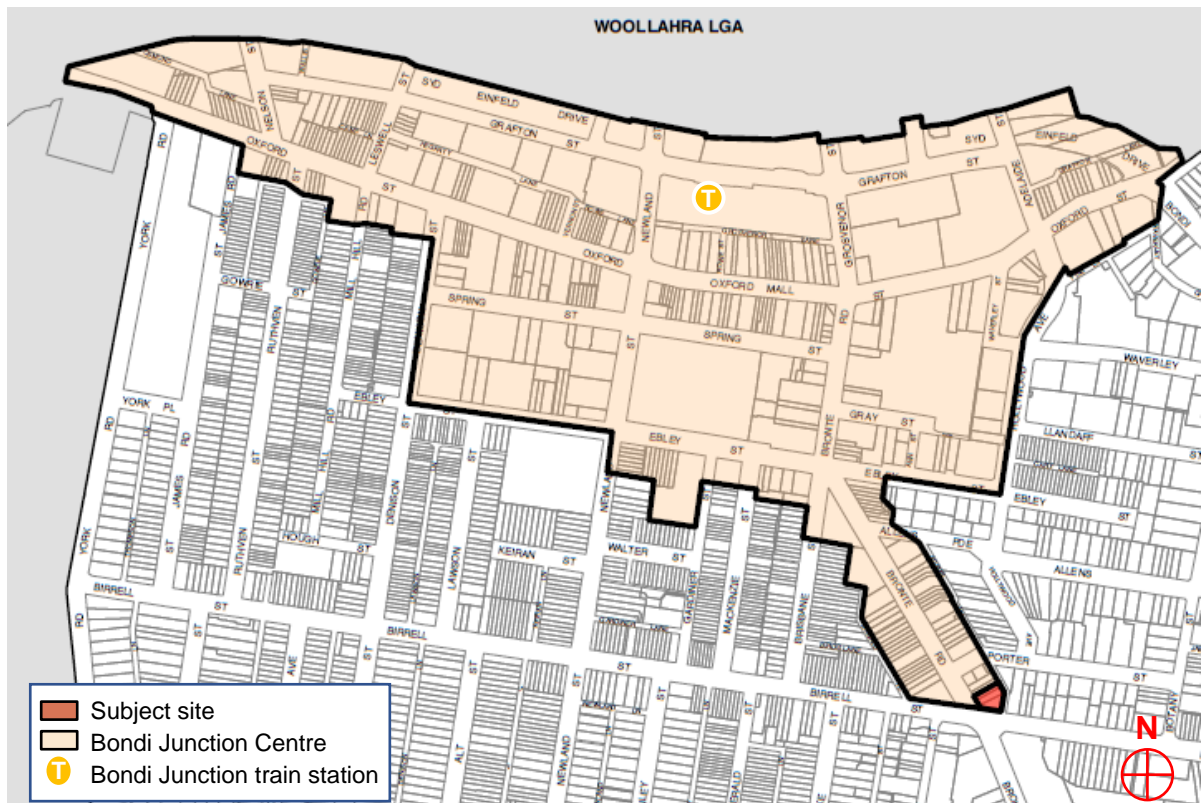




Figure 5: View of the site from the corner of Birrell Street and Adams Lane looking north-west
(Source Google Maps)

1.3 Existing planning controls

Under the existing Waverley Local Environmental Plan 2012, the site:

- is zoned SP2 Infrastructure (Telecommunications Facility) (**Figure 6**);
- has a maximum building height of 15m (**Figure 7**); and
- has a maximum FSR of 2:1 (**Figure 8**).

The site is listed as 'Waverley Telephone Exchange building' in Schedule 5 as local heritage item 246 (**Figure 9**).

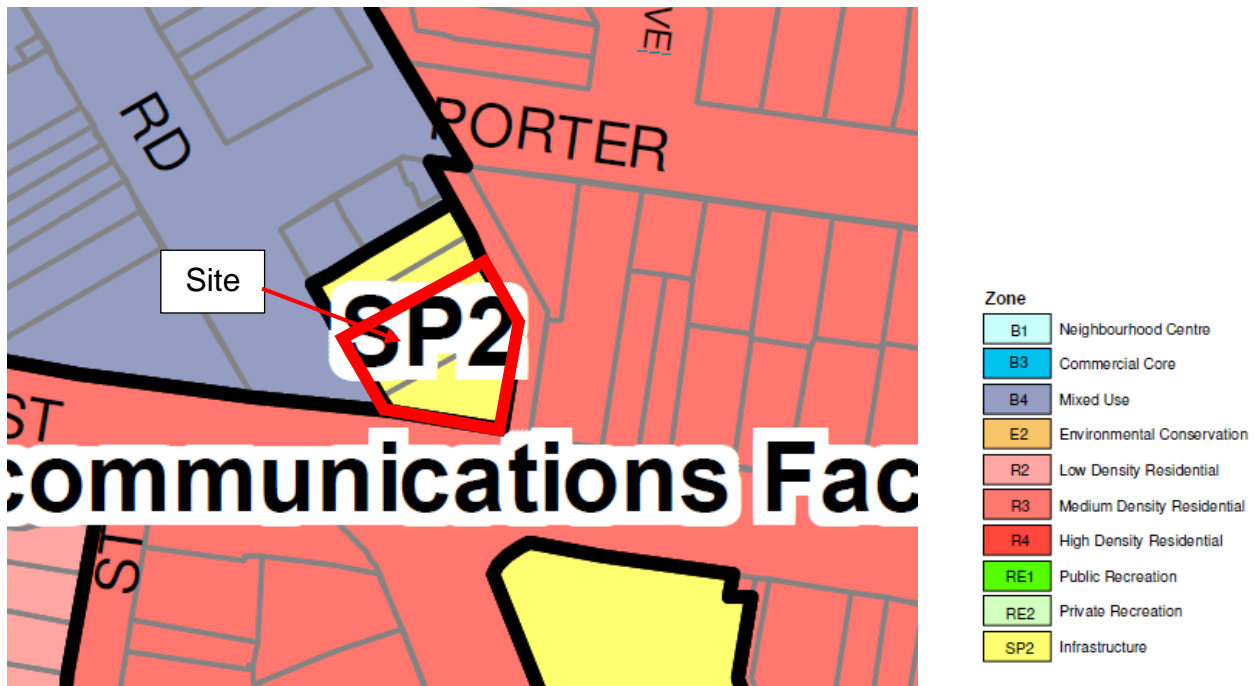


Figure 6: Waverley LEP 2012 Land Zoning Map (LZN_001)

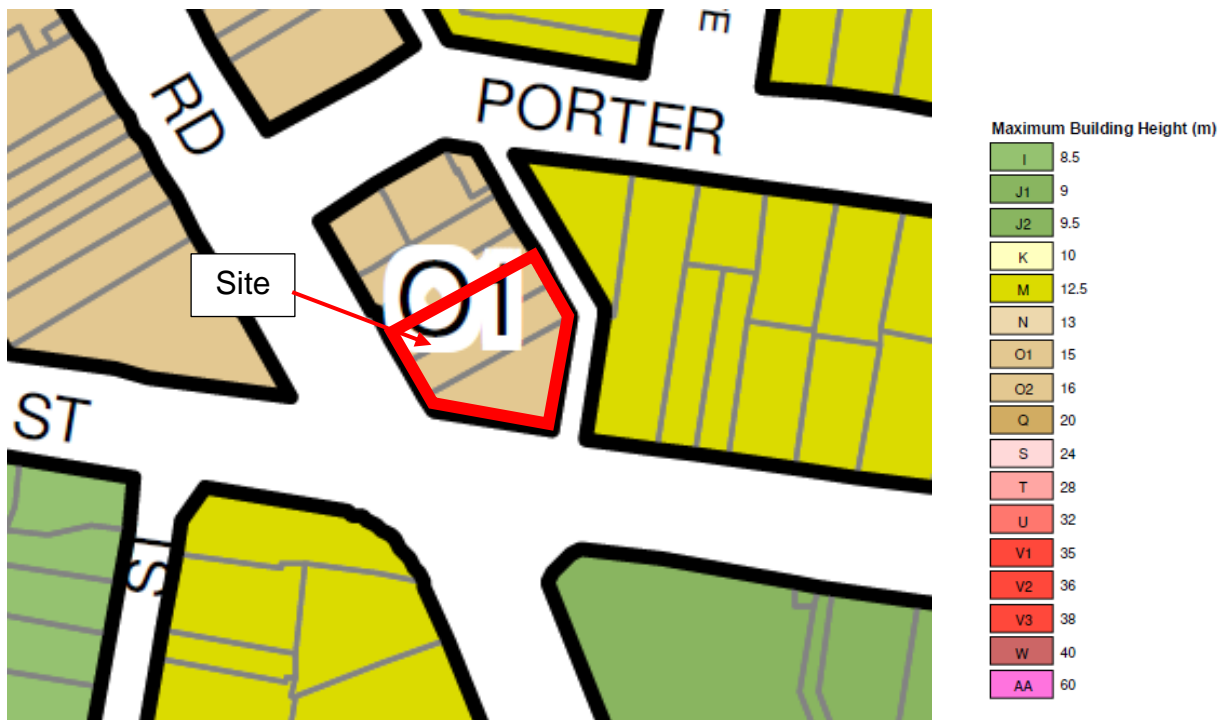


Figure 7: Waverley LEP 2012 Height of Buildings Map (HOB_001)

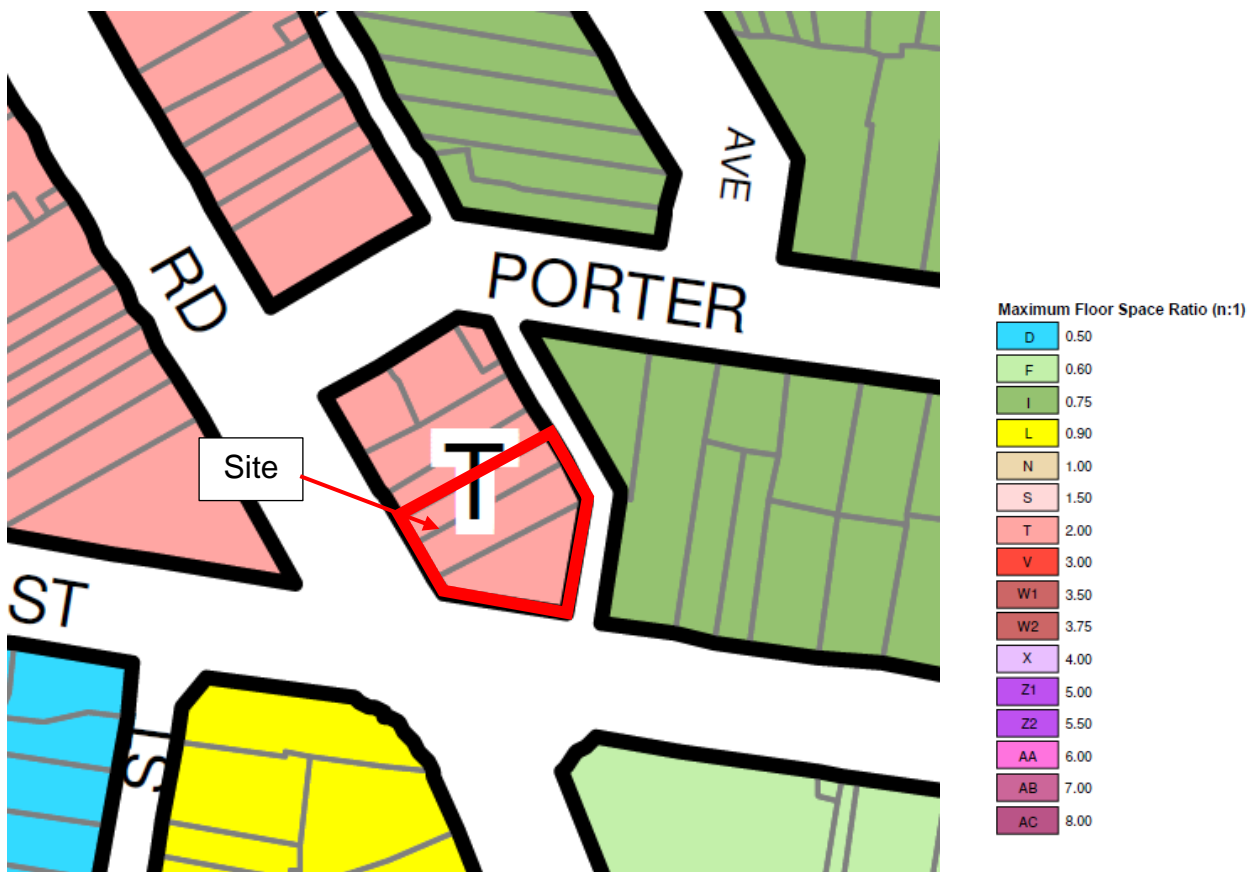


Figure 8: Waverley LEP 2012 FSR Map (FSR_001)

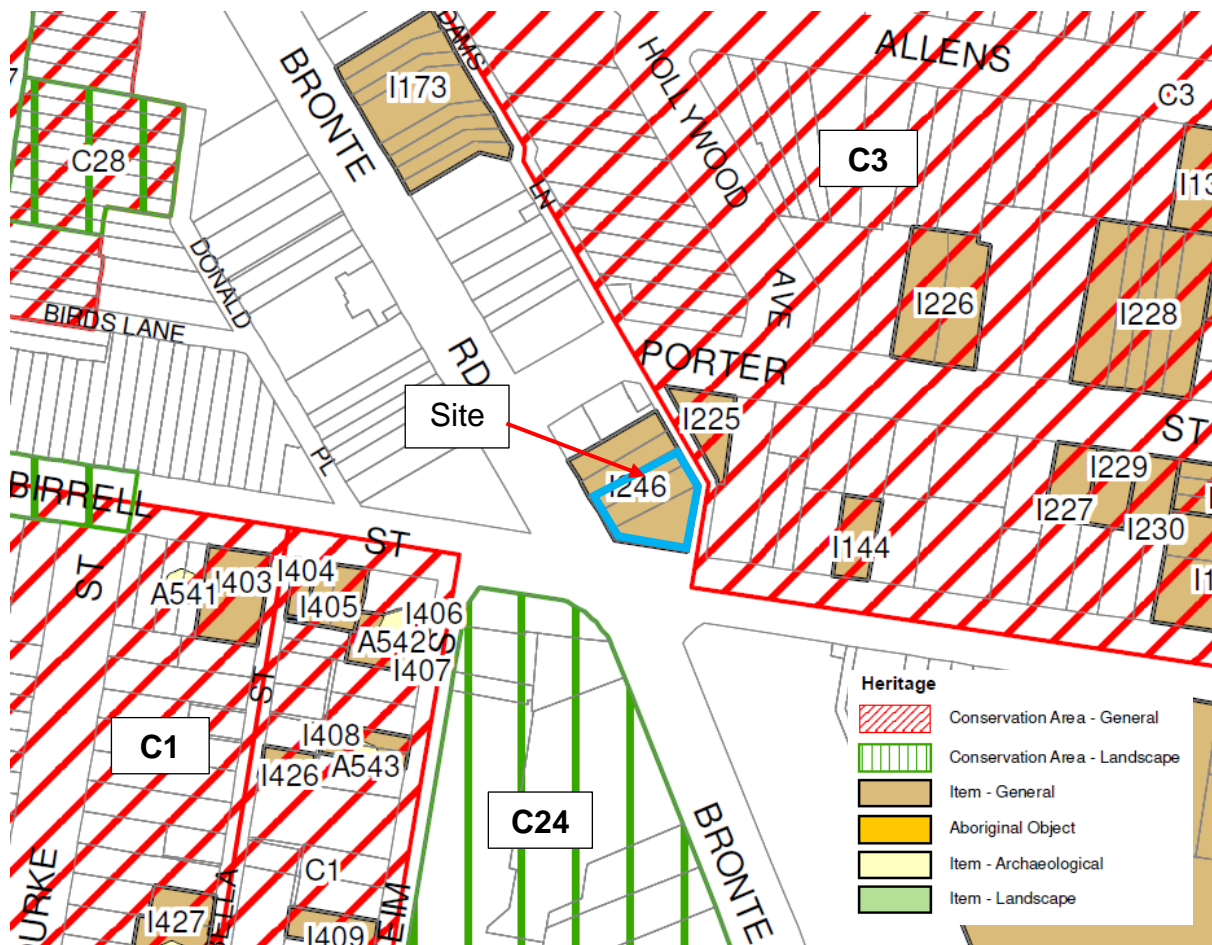


Figure 9: Waverley LEP 2012 Heritage Map (HER_001A)

1.4 Surrounding area

The subject site is adjacent to the south border of the Bronte Road B4 Mixed Use zone and forms a transition to residential development to the east and south.

The north side of the site adjoins the three-storey Waverley Telephone Exchange. Bronte Road to the north-west is characterised by predominantly two to three-storey mixed use buildings with ground floor retail and active street frontages and residential above.

To the north on the corner of Adams Lane fronting Porter Street (No. 1 Porter Street) is a heritage listed two-storey residential flat building (item 225 – see **Figure 9**). Directly to the east of the site, across Adams Lane on the corner of Birrell Street is a two-storey residential flat building (No. 184 Birrell Street). The area to the north and east is zoned R3 Medium Density Residential, characterised by a mix of one and two-storey terraces, houses and residential flat buildings of varying styles and ages. This area is part of the Botany Street Heritage Conservation Area (C3) (**Figure 9**).

To the south-east, along Birrell Street are single storey Victorian detached and semi-detached houses. An area zoned SP2 Infrastructure consisting of a car park and the Uniting Church retirement and aged care facility is located on the eastern side of Bronte Road.

The area to the south-west of the Bronte Road and Birrell Street intersection is zoned R3 Medium Density Residential and classified as the Blenheim Street/Bronte

Road Landscape Conservation Area under the LEP (C24). This part of Bronte Road contains two and three-storey residential flats of varying styles and ages. The corner site, known as 125 Bronte Road, Queens Park, was approved for development by the NSW Land and Environment Court on 20 January 2016 (**Figure 12**). This development (DA621/2014/A) is for a part three and four-storey boarding house with a maximum of 20 rooms, one manager's room and basement car parking. The Blenheim Street Conservation Area (C1), zoned R2 Low Density Residential, is to the west of this area.

Directly to the west of the site across Bronte Road is zoned B4 Mixed Use. The area beyond this is classified as the Brisbane Street Landscape Conservation Area (C28) and zoned R3 Medium Density Residential consisting of one to three-storey residential flats and mainly Victorian detached and semi-detached houses.



Figure 10: Looking north along Bronte Road with the Blenheim Street/Bronte Road Landscape Conservation Area (C24) to the left (Source: Google Maps)



Figure 11: Looking east along Birrell Street towards the subject site with the Queen's Park Conservation Area (C14) to the right (Source: Google Maps)



Figure 12: Site context - The site at 125 Bronte Road, Queens Park is approved for a part three and four-storey boarding housing with up to 20 rooms. A residential flat building at 184 Birrell Street is directly to the east of the subject site, across Adams Lane. The heritage listed 1 Porter Street is to the north of the site. (Source: Council, Near Maps, overlay by DPIE)

1.5 Background

Proponent's planning proposal (withdrawn), August 2017:

On 2 August 2017, Urbis on behalf of Rimon Field Pty Ltd submitted a planning proposal for the site to:

- rezone from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;
- increase the maximum height of buildings from 15m to 43m; and
- increase the maximum FSR from 2:1 to 7.1:1.

The proponent withdrew the application on 22 December 2017 after discussions with Council with the intent of submitting a revised proposal to reduce the height and FSR.

Proponent's planning proposal, January 2018:

On 12 January 2018, Urbis on behalf of Rimon Field Pty Ltd submitted a revised planning proposal to:

- rezone the site from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;

- increase the maximum height of buildings from 15m to 28m; and
- increase the maximum FSR from 2:1 to 5:1.

The concept was for a seven-storey building with approximately 62 serviced apartments and adaptive re-use of the existing heritage building. The proposal would result in approximately 3,288m² GFA.

On 7 August 2018, the Waverley Strategic Planning and Development Committee (SPDC) resolved not to support the proponent's planning proposal and recommended that Council proceed with a modified planning proposal to:

- rezone the site from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;
- include the site on the Active Street Frontages Map; and
- apply a minimum non-residential FSR.

Council's planning proposal, August 2018:

On 17 August 2018, the Department received a planning proposal from Council for the site to:

- rezone the site from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use; and
- apply active street frontage requirement to Bronte Road ending at Birrell Street.

First rezoning review, September 2018:

On 10 September 2018, a rezoning review was submitted by Urbis on behalf of Rimon Field Pty Ltd for the refused planning proposal to:

- rezone the site from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;
- increase the maximum FSR from 2:1 to 5:1; and
- increase the maximum building height from 15m to 28m.

Council's planning proposal was put on hold pending the recommendation from the panel on the proponent's planning proposal.

On 13 December 2018, the Sydney Eastern City Planning Panel (the Panel) considered the rezoning review from the proponent (**Attachment I**). In a unanimous decision the panel determined that the proposal demonstrated strategic merit but not site-specific merit because:

- the site was close to several conservation areas;
- the site was on a prominent corner position and the proposed height would be visually overpowering;
- it is inconsistent with the desired character of nearby areas; and
- the proposed height of 28m and an FSR of 5:1 would result in a larger building than was shown in the diagrams.

Proponent's planning proposal, February 2019 / rezoning review, May 2019:

On 15 February 2019, a new planning proposal was submitted to Council and on 16 May 2019, a rezoning review was submitted to the Department to:

- rezone the site from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;
- increase the height of buildings from 15m to 18.5m; and
- increase the FSR from 2:1 to 4:1.

On 15 October 2019, the Panel considered the rezoning review. In a unanimous decision (**Attachment J**), the Panel found the proposal had site-specific and strategic merit as:

- the proposed height of 18.5m will screen the detracting appearance of the Telstra telephone exchange;
- although taller than most buildings in the vicinity, it is on a corner, and on top of a heritage building which it retains; and
- it will not have a major impact on surrounding buildings.

Subject planning proposal, December 2019:

Following the decision of the Panel, Council accepted the role as planning proposal authority. On 20 December 2019, Council submitted the planning proposal for the site to the Department (**Attachment A**).

On 3 February 2020, Council formally advised the Department to withdraw its planning proposal submitted in August 2018 for the site (**Attachment J**).

1.6 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions because:

- the proposal is consistent with the objectives and directions of the Greater Sydney Region Plan, the Eastern City District Plan and the relevant section 9.1 Ministerial Directions;
- rezoning the site to B4 Mixed Use will facilitate development of the site, which is no longer required as a telephone exchange;
- it will enable commercial and employment generating uses on the ground level and approximately 53 serviced apartments close to existing public transport and services;
- it will provide activation along Bronte Road and Birrell Street and contribute to the vibrancy of the area;
- it will facilitate a development which would screen the adjoining Telstra telephone exchange, and would not result in unreasonable adverse impact on the surrounding area, including the nearby heritage conservation areas; and
- it will conserve and adaptively reuse the existing local heritage item.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome of the planning proposal is to amend the zoning and controls in the Waverley LEP 2012 to:

- facilitate development for residential accommodation (serviced apartments) with retail and commercial at ground floor level resulting in approximately 2,633m² GFA;
- adaptively reuse the existing heritage item as a publicly accessible building, which is no longer required as part of the Telstra telephone exchange and currently underutilised;
- facilitate a development that is consistent with the height of the existing adjoining telephone exchange which is approximately 18.8m (**Figures 13 and 14**);
- provide an active street frontage to encourage activity at ground level; and
- rezone to B4 Mixed Use:
 - to enable development in line with the directions and strategies of the Eastern City District Plan, draft Waverley Local Strategic Planning Statement and Waverley Community Strategic Plan 2018-2029; and
 - to contribute to a diverse mix of uses by providing short-term residential accommodation and employment floor space in the Bondi Junction Strategic Centre.

2.2 Explanation of provisions

The planning proposal seeks to amend the Waverley LEP 2012 to:

- rezone the land from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use;
- increase the maximum height of buildings from 15m to 18.5m;
- increase the maximum FSR from 2:1 to 4:1; and
- include the site on the Active Street Frontages Map. (Note: The proponent's Planning Justification Report does not include this element. The Council's planning proposal seeks to include the site on the Active Street Frontages Map.)

The Planning Justification Report (**Attachment F**) and the Design Report (**Attachment G**) state that the design concept is for a five-storey building, comprising of approximately 53 serviced apartments and the adaptive reuse of the existing heritage building for ground floor reception, retail and commercial uses and car parking for staff. Concept drawings of the proposal have been provided in the Design Report (**Attachment G**) and **Figures 13 to 15**.

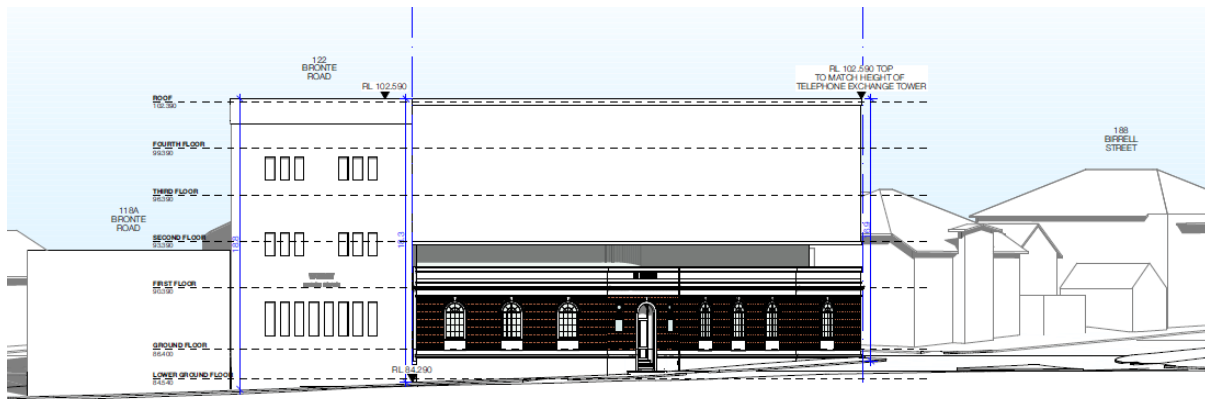


Figure 13: West elevation to Bronte Road looking north-east (Source: MHN Design Union)



Figure 14: Photomontage demonstrating a conceptual scheme as viewed from the corner of Birrell Street and Bronte Road (looking north-east) (Source: MHN Design Union)

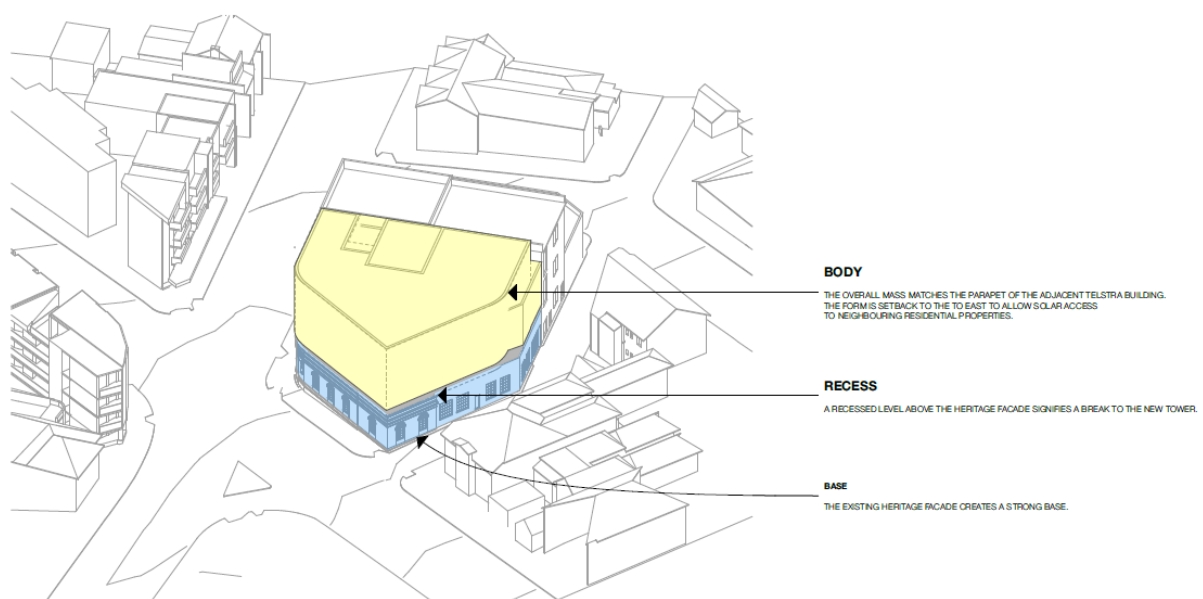


Figure 15: Birds eye view above the corner of Birrell Street and Bronte Road (looking north) (Source: MHN Design Union)

2.3 Mapping

The proposed amendments to the FSR and building height controls require amendments to the corresponding LEP maps. The proposal will also require amendment to the relevant land zoning map and active street frontages map.

The proposal includes extracts from the current relevant FSR, building height, land zoning and active street frontages maps which are adequate for the purposes of the planning proposal (**Figure 16-18**). The proposed indicative maps for FSR, building height and land zoning are included as separate attachments to the planning proposal which are acceptable.

The proposed controls in the above indicative maps for land zoning, FSR and building height do not align with the property boundaries. Council's date stamp also obscures part of the maps. A Gateway condition is recommended to require the proposed mapping to be revised to rectify the above issues prior to community consultation.

A proposed Active Street Frontages Map was not included with the planning proposal and as such this will be required as a condition of the Gateway determination. The mapping is to indicate the extent of street frontages that will be subject to Clause 6.5 *Active street frontages in the Bondi Junction Centre* of the Waverley LEP 2012.

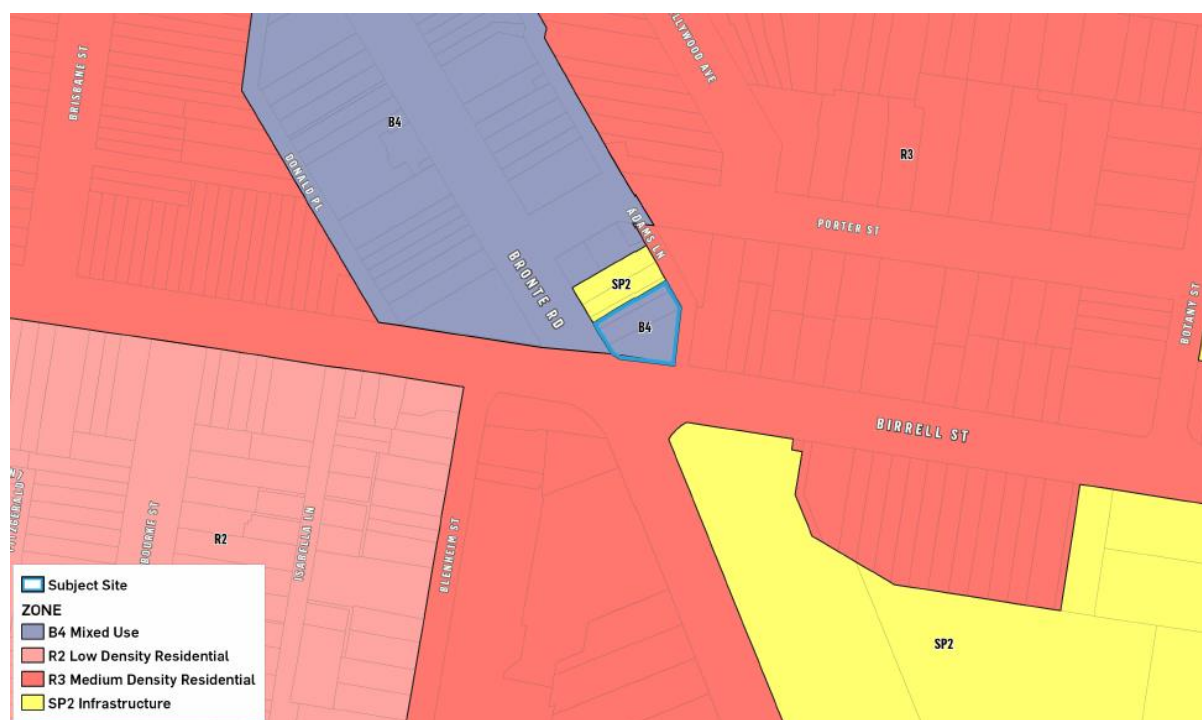


Figure 16: Proposed Waverley LEP 2012 Land Zoning Map (LZN_001)



Figure 17: Proposed Waverley LEP 2012 Height of Buildings Maps (HOB_001)



Figure 18: Proposed Waverley LEP 2012 FSR Maps (FSR_001)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. The planning proposal is the appropriate means to amend the zoning and FSR and height controls for the site to facilitate the intended outcomes.

On 15 October 2019, the Panel (**Attachment H**) considered the proposal as having strategic merit and site-specific merit as:

- the adjoining Telstra Exchange is an unattractive building which is inconsistent with the surrounding area and is unlikely to change in the near future. The proposed height of 18.5m for the new building will screen the view of the telephone exchange;
- the changes to development controls and zoning will allow development while conserving the heritage item;
- the proposal has no major impact on the surrounding buildings; and
- the indicative proposal intends to retain the ground floor for non-residential uses facilitating potential employment.

The planning proposal is considered to deliver a positive planning outcome in line with the Panel's opinion.

4. STRATEGIC ASSESSMENT

4.1 District

Eastern City District Plan

The Eastern City District Plan gives effect to the Greater Sydney Region Plan. The Eastern City District Plan encompasses the Waverley LGA. The plan identifies Bondi Junction as a strategic centre. The following planning priorities are relevant to the proposal:

Planning Priority E6 – Creating and renewing great places and local centres and respecting the District's heritage

The proposal is consistent with this priority as it seeks to conserve and adaptively reuse the site as a local heritage item. The proposal will facilitate development of the site and improve activation of the streets.

Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres

Bondi Junction is identified as a strategic centre in the plan and Action 43a is to *protect capacity for job targets and reinforce the economic role of the centre*.

The site is no longer required for Telstra's operation. The proposal is consistent with the above priority as the current SP2 Infrastructure (Telecommunications Facility) zone limits the type of development on the land while the proposed B4 Mixed Use zone permits a range of uses with the potential to increase employment.

Planning Priority E13 – Supporting growth of targeted industry sectors

Relevant to this planning proposal in this Planning Priority is the tourist and visitor economy. The Eastern City District is one of the world's premier tourism and major events destinations. The site is located in Bondi Junction and is in proximity to major destinations. The development of well-located facilities will improve opportunities to enhance the tourist and visitor economy supported by a coordinated approach to tourism activities, events and accommodation.

The above planning priority was not addressed in the submitted planning proposal and it is required that the proposal be updated prior to community consultation. It is recommended that this be addressed as a condition of the Gateway.

4.2 Local

Draft Waverley Local Strategic Planning Statement

The draft Waverley Local Strategic Planning Statement (WLSPS) has been prepared and exhibited by Council. The planning proposal is consistent with the relevant priorities and actions of the draft WLSPS as:

Planning Priority 4: Ensure the community is well serviced by crucial social infrastructure

- Action 4 provides for maintenance of SP2 Infrastructure zoned land in Waverley LEP review to continue to provide crucial social infrastructure for the area. In this instance, the subject site is surplus to the need of Telstra. The telephone exchange function will continue to be accommodated within the adjoining building to the north. It is appropriate to rezone the site to B4 to enable a range of residential and employment generating uses to be carried out.

Planning Priority 7: Waverley's unique place in the Australian contemporary cultural landscape is recognised and celebrated

- The proposal retains the existing local heritage listing of the site. Any future development application will be required to submit a Heritage Impact Statement to demonstrate how the development will conserve the significance and adaptively reuse the fabric of the heritage item.

Planning Priority 8: Connect people to inspiring and vibrant places, and provide easy access to shops, services and public transport

- The proposal seeks to activate the site by rezoning it to B4 Mixed Use with non-residential uses at the ground level adding to the vibrancy of Bondi Junction.

Planning Priority 11: Bondi Junction is a lively and engaging strategic centre with a mix of employment, entertainment and housing options

- The proposal seeks to ensure employment uses are retained in Bondi Junction by providing commercial uses on the site that are accessible by the local residents. The proposal will provide serviced apartments and broaden housing choice for the community.

Waverley Community Strategic Plan 2018-2029

The planning proposal is consistent with the following directions and strategies of the plan:

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	<p>Comments:</p> <p>The planning proposal is consistent with this strategy as the site is to be retained as a heritage item. The proposal will facilitate adaptive re-use of the item.</p>
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	<p>Comments:</p> <p>Although the site is not part of the commercial core, the rezoning of the land would help to facilitate more jobs and services for the Bondi Junction Strategic Centre area.</p>
Planning, Development and Heritage – 5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve liveability of existing neighbourhood	
5.1.2 – Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods	<p>Comments:</p> <p>The proposal will enable commercial and retail uses on the site that are accessible to the local community. The proposal will also facilitate development for serviced apartments in an established centre.</p> <p>The proposal facilitates the adaptively re-use the existing heritage building. Future development will be required to demonstrate how it conserves the heritage significance of the item.</p> <p>A detailed assessment of the design and amenity aspects of the proposal will be undertaken at the development application stage.</p>
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	
5.2.1 Value and embrace Waverley's heritage items and places of heritage significance within Waverley	

4.3 Section 9.1 Ministerial Directions

The proposal is consistent with the relevant section 9.1 Ministerial Directions as follows.

1.1 Business and Industrial Zones

The aim of this Direction is to retain the areas and locations of business and industrial zones and not reduce the total potential floor space for employment uses.

The proposal is consistent with this Direction as it will facilitate employment opportunities on a currently under-utilised site by rezoning the land to enable a range of non-residential uses in an existing strategic centre.

2.3 Heritage Conservation

This Direction requires that a planning proposal contains provisions that facilitate the conservation of heritage items in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The proposal is considered to be consistent with this Direction as:

- the planning proposal is supported by a Heritage Impact Statement (**Attachment E**), which includes an assessment of significance;

- the proposal will adaptively reuse the heritage item and will not alter the heritage conservation provisions under the Waverley LEP 2012; and
- any future development application for the site will need to address Clause 5.10 of the Waverley LEP 2012.

3.1 Residential Zones

Under this direction, a planning proposal is to encourage housing that will broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.

The proposal is consistent with this direction as:

- rezoning to B4 Mixed Use will provide development potential enabling more residential dwellings (in the form of serviced apartments in this instance) within walking distance of existing transport infrastructure, services and facilities, including the Bondi Junction Transport Interchange and Bondi Junction Centre;
- it will increase density on a site to make use of existing infrastructure and services and will not result in unreasonable impact on adjoining developments including overshadowing.

3.4 Integrating Land Use and Transport

Under this Direction, a planning proposal must consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.

The planning proposal is consistent with this direction as it will reduce private vehicle dependence by providing residential uses in an area within walking and cycling distance of jobs and services and good existing public transport. The proposal will also provide ground floor commercial uses and add to the vibrancy of the centre.

4.4 State Environmental Planning Policies

The planning proposal identifies relevant State Environmental Planning Policies (SEPPs) applicable to the site.

SEPP No 55 – Remediation of Land

The objective of this policy is to provide a state-wide approach to the remediation of contaminated land. A contamination report was not submitted with the planning proposal. The planning proposal is to rezone the land from SP2 Infrastructure (Telecommunication Facility) to B4 Mixed Use, which permits residential uses. The site was previously used as a telephone exchange involving the operation of plant and machinery, as such it is considered that a preliminary site investigation should be carried out prior to public exhibition. It is recommended that this be required as a Gateway condition.

The planning proposal is also to be updated to remove reference to the following repealed SEPPs prior to public exhibition; this will be required as a condition of the Gateway:

- SEPP No 6 – Number of Storeys in Buildings;
- SEPP No 22 – Shops and Commercial Buildings;
- SEPP No 32 – Urban Consolidation;

- SEPP (Major Development) 2005; and
- SEPP (Temporary Structures) 2007.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will adaptively reuse a locally listed heritage building that is surplus to Telstra's use, preserving its history and character for the appreciation and benefit of the local community. The Urbis Justification Report (**Attachment F**) states that the ground floor of the building will be utilised for a café or retail providing public use and additional jobs in the area.

The development is in a highly accessible area, supporting the tourist and visitor economy sector by providing accommodation close to tourism activities, events and public transport.

5.2 Environmental

The site the subject of the planning proposal is in an urbanised area and is unlikely to adversely affect any critical habitat or threatened species, populations, ecological communities or their habitats. The proposal seeks to amend controls to promote the adaptive reuse of the existing heritage building.

Heritage

The Heritage Impact Statement (HIS) by Urbis (**Attachment E**), dated 12 February 2019, supported the planning proposal and stated that the site:

- has historic significance due to its previous use as a telephone exchange;
- is void of any fabric indicating its previous use which is never likely to be reinstated;
- is underutilised;
- rezoning would support the retention of the building (in part) and encourage an appreciation of the fabric through adaptive reuse;
- development with the increase in density would partly offset the cost of remediation required to make good the heritage item including structural work;
- is not included in a conservation area as it is a different typology and style;
- future development would not impact on the existing heritage items in the vicinity and surrounding heritage conservation areas (**Figure 9**), and would not be perceived as an intrusion in the middle of a contiguous row of heritage buildings; and
- would read in the context of Bronte Road which comprises of a number of multi-storey developments and would be the same height as the adjacent Telstra building.

The Design Report submitted with the planning proposal demonstrates that the proposed FSR would allow for a recessed storey to be created above the heritage building to provide visual distinction between the old and new. The Design Report also includes floor space calculations demonstrating that the gross floor area of the conceptual scheme, including the recessed floor level, would amount to the proposed FSR of 4:1.

It is noted that Council's planning proposal requests additional modelling to be undertaken as part of the Gateway condition to verify the proposed FSR. However, as discussed above, floor space calculations of the conceptual scheme have already been provided and further modelling is not deemed necessary.

The existing heritage listing will continue to apply to the site. The future development application will be required to address Clause 5.10 of the Waverley LEP and ensure the heritage significance of the site will be considered as part of the assessment process.

Traffic and parking impact

A transport and traffic assessment was not submitted with the planning proposal. However, the Planning Justification Report (**Attachment F**) states that the site is situated within 800m of Bondi Junction train station. There are regular bus services between Bronte, Bondi Junction and North Bondi through Bronte Road.

The report also states that commercial uses are intended for the ground floor and as such there is potential for the provision of up to seven car parking spaces in the concept design.

No major issues concerning traffic and parking have been identified. The site has three street frontages with an existing vehicle entrance from Adams Lane. Further assessment of parking requirements and vehicular access would be considered at the development application stage. Any future development could be required to submit a green travel plan to demonstrate how active transport and public transport would be prompted and private vehicle usage reduced.

Overshadowing and solar access

The Planning Justification Report (**Attachment F**) shows that the proposal will have a minimal overshadowing impact on the neighbouring properties. The proposal has implication on solar access to the residential flat building at 184 Birrell Street on the opposite side of Adams Lane, where there are west-facing living room windows. The conceptual scheme has allowed for upper level setbacks which would enable approximately 2 hours of direct sunlight to the above windows on the winter solstice (**Figures 19 to 21**). Overshadowing and retention of solar access to neighbouring properties will be further addressed at the development application phase.



Figure 19: Shadow diagram (Source: MHDU Design Union)

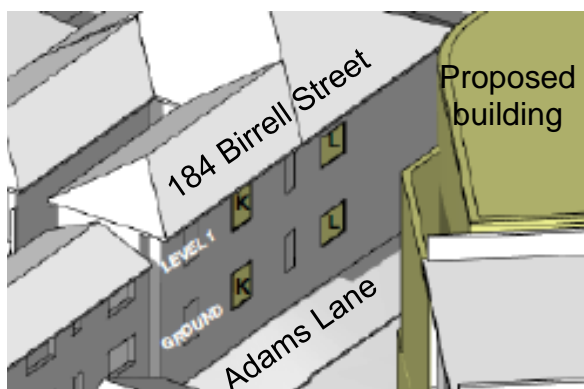


Figure 20: Solar access 10.45am

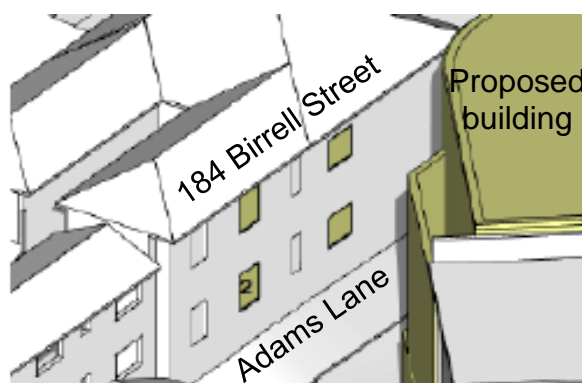


Figure 21: Solar access 1pm

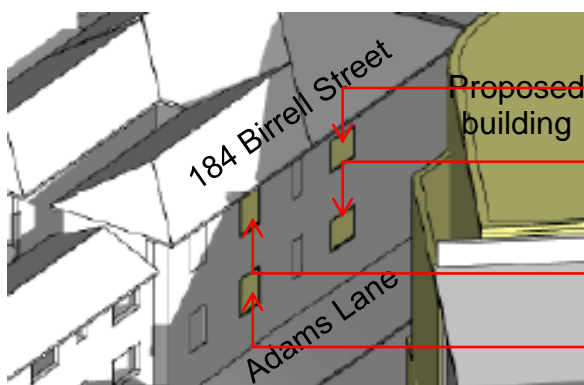


Figure 20: Solar access 3.30pm

Solar access diagrams show a minimum of two hours of sunlight during the Winter solstice to the lounge room windows in the property to the east of the subject site

Solar access diagrams show a minimum of two hours of sunlight during the Winter solstice to the kitchen windows in the property to the east of the subject site

5.3 Economic

The subject site is surplus to the needs of Telstra as a telephone exchange and is currently underutilised. The proposal will enable commercial/retail floor space to be provided on the ground floor level and is capable of generating employment and providing services to the local community.

The inclusion of active street frontage requirement as proposed by Council is supported, as it will promote activation of the public domain and contribute to the vibrancy of the centre revitalising an otherwise dormant building. A Gateway condition is recommended to require the planning proposal to be amended to include an Active Street Frontages Map.

5.4 Infrastructure

The proposal is located within 800m of Bondi Junction train station and Bondi Junction Interchange and is well serviced by public transport. No increase in public transport infrastructure is likely to be required as a result of the proposal. Additional upgrades to water and power infrastructure may be required. A Gateway condition is recommended to require consultation with Transport for NSW, Sydney Water and Ausgrid.

6. CONSULTATION

6.1 Community

The planning proposal states that public consultation will be undertaken in accordance with the Gateway determination. An exhibition period of 28 days is considered appropriate for this proposal.

6.2 Agencies

The planning proposal states that consultation with public authorities will be undertaken according to the Gateway determination requirements. It is recommended that the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW;
- NSW Heritage, Department of Premier and Cabinet (former Office of Environment and Heritage);
- Sydney Water; and
- Ausgrid.

7. TIME FRAME

The planning proposal provides an estimated project timeline of around nine months to complete the LEP. A time frame of 12 months is considered appropriate to allow for the preparation of a preliminary site contamination investigation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. The planning proposal was the subject of two separate rezoning review applications and as such Council should not be authorised to be the local plan-making authority. Council have accepted the role of Planning Proposal Authority (PPA).

9. CONCLUSION

The planning proposal to amend the Waverley LEP 2012 is supported and should proceed subject to conditions as:

- it will facilitate development of an underutilised site that is no longer required as part of the Telstra telephone exchange;
- the site is close to public transport, including the Bondi Junction transport interchange and local buses, as well as commercial and retail services within Bondi Junction;
- the proposal will provide employment opportunities and activation to the streets;
- the rezoning and changes to development controls will support the adaptive reuse of a local heritage item;
- the proposal will facilitate a future development that offers screening of the adjoining Telstra exchange building to the north and would not result in unreasonable impacts on the surrounding areas;
- it is supported by a Heritage Impact Statement (**Attachment E**) that states that future development would not impact on the surrounding heritage conservation areas and heritage items in the vicinity; and
- it is unanimously supported by the SECPP as having site-specific and strategic merit (**Attachment H**).

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters and submitted to the Department for review and endorsement prior to public exhibition:
 - (a) include a preliminary site investigation in accordance with the requirements of State Environmental Planning Policy No. 55 Remediation of Land;
 - (b) revise the proposed Zoning, Floor Space Ratio and Height of Buildings maps to ensure the proposed controls are aligned with the subject property boundaries and to remove Council's date stamps;
 - (c) include a proposed Active Street Frontages Map to show the extent of street frontages that will be subject to the application of Clause 6.5 of the Waverley Local Environmental Plan 2012;
 - (d) update the planning proposal to clearly state that active street frontage requirements form part of the proposal; this includes updating the relevant information in the 'Planning Proposal Key Details' section on page 4 of the document;
 - (e) include information in part 3.2 of the planning proposal to address Planning Priority E13 – *Supporting growth of targeted industry sectors* under the Eastern City District Plan;
 - (f) update the planning proposal to remove reference to repealed State Environmental Planning Policies (SEPPs):
 - SEPP No 6 – Number of Storeys in Buildings;
 - SEPP No 22 – Shops and Commercial Buildings;
 - SEPP No 32 – Urban Consolidation;
 - SEPP (Major Development) 2005; and
 - SEPP (Temporary Structures) 2007.
 - (g) update the project timeline in part 6 of the planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as

identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW;
- NSW Heritage, Department of Premier and Cabinet (former Office of Environment and Heritage);
- Sydney Water; and
- Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.



26 February 2020
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