



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Waverley Local Environmental Plan (Bondi Junction Centre) (Amendment No. 1) 2010

Report requesting the making of amending local environmental plan under section 70 and section 73A.

Background:

Waverley Council resolved on **17 August 2010**, to amend **Waverley Local Environmental Plan (Bondi Junction Centre) 2010** and to request that the Minister for Planning make the plan under section 70 and section 73A of the *Environmental Planning and Assessment Act 1979*.

The draft amending plan is attached.

The land to which this amendment applies is **Nos. 118 and 118A Bronte Road, Bondi Junction** (see **attached Locality Map**).

Why there is a need for the amendment:

No. 118 and 118A Bronte Road, Bondi Junction currently includes a two-storey building comprising a car repair station/retail uses at ground level and commercial uses above.

On 3 February 2010 a Development Application (DA) was approved for the stratum subdivision of the existing building into two lots. The DA was approved under consideration of the objectives of the 3(a5) Business zoning under the Waverley and Woollahra Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre which applied to the site at the time of approval. The objectives of the 3(a5) Business zoning is to provide for commercial uses (other than shops), light industrial uses and residential development mixed with those uses.

On 7 May 2010, Waverley Local Environmental Plan (Bondi Junction Centre) 2010 was gazetted. The Plan replaces the controls within the Waverley and Woollahra Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre. Under the new LEP the land use map incorrectly zones the subject site SP2 Special Uses. The SP2 zone limits uses on the site to Telecommunications Facilities. This is an obvious mapping error given the existing commercial uses on the site and recent approved subdivision of the site.

A Section 149 certificate has recently been requested for the site and given the recent stratum subdivision it is considered necessary to correct this error as soon as possible to not further restrict development on the site.

What the amendment does:

The amendment corrects a mapping error to identify Nos. 118 and 118A Bronte Road, Bondi Junction as B4 – Mixed Use.

Why the amending plan is suitable to be made in accordance with section 73A:

Section 73A(2) expressly provides that “an amendment of an instrument include a reference to the amendment or replacement of a map adopted by an instrument”. Accordingly it follows that the zoning map can be amended under Section 73A. The minor amendment only corrects a mapping error and will not impact upon adjoining properties.

The council requests that the Minister agree to make draft **Waverley Local Environmental Plan (Bondi Junction Centre) (Amendment No. 1) 2010**



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Signed: Date:

Name: **George Bramis**
Position: **Divisional Manager Strategic
Land Use Planning**

On behalf of: **Waverley Council**

Part B. Department of Planning use only

Date of referral to LEP Review Panel: (Insert date)

Department position:

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 73A (see advice tagged 'A').

Parliamentary Counsel opinion:

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'B').

Recommendation:

It is recommended that the Minister:

- (a) under sections 70(1)(a) and (8) and section 73A of the *Environmental Planning and Assessment Act 1979* maketagged 'B')
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name:

Position:
for Director-General