

Planning Proposal

84 Curlewis Street Bondi Beach



Amendment to Waverley Local Environmental Plan 2012
Rezone land from R3 Medium Density Residential to B1 Neighbourhood Centre

Waverley Council
6 February 2019
Amended 26 August 2019

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Introduction

LK Planning has been engaged to prepare a planning proposal for No. 84 Curlewis Street, Bondi Beach (the site) on behalf of the owners of the property. The planning proposal seeks to rezone the site from R3 Medium Density Residential to B1 Neighbourhood Centre to accompany an existing approved mixed-use development comprising a boarding house, kiosk and neighbourhood shop (currently under construction). The planning proposal demonstrates the strategic merit of the proposal and its consistency with the local and strategic planning framework.

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The Site and Locality

The proposal applies to land at 84 Curlewis Street, Bondi Beach (Lot 1, DP 1231789), located on the corner of Curlewis Street and Glenayr Avenue, Bondi Beach. The site is rectangular and has a north-eastern boundary of 24.38m, a south-eastern boundary of 34.45m, a south-western frontage to Curlewis Street of 22.85m, and a north-western frontage to Glenayr Avenue of 32.90m, with a total site area of 841m² (refer to Figures 1 and 2).

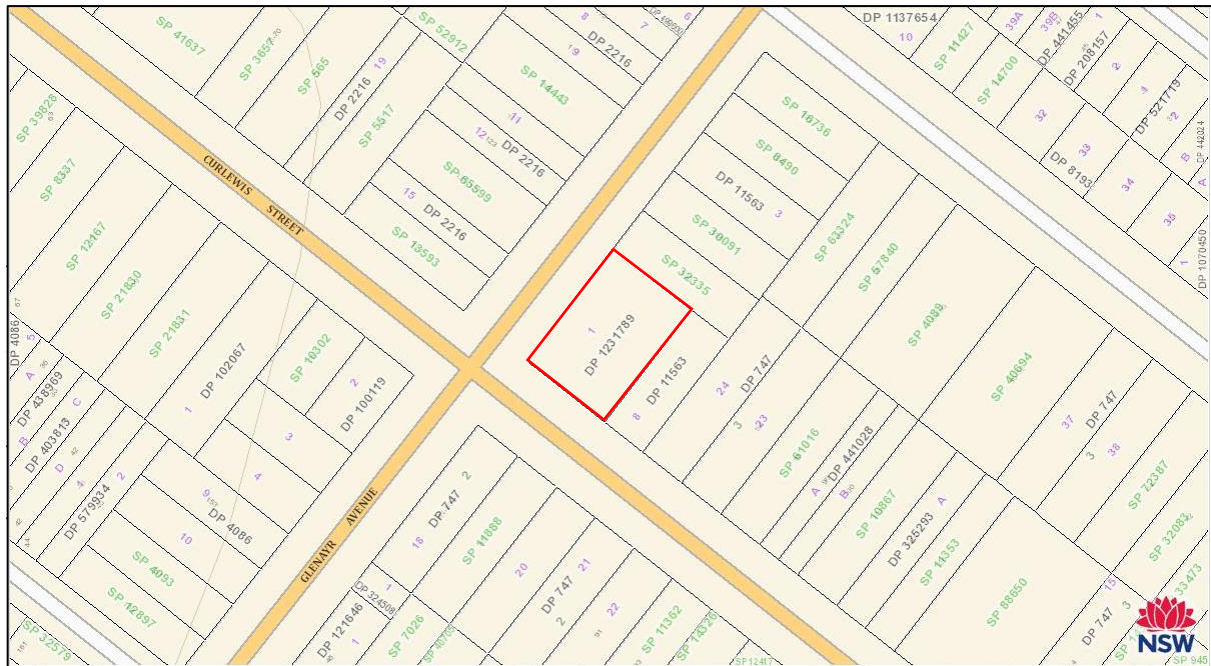


Figure 1 - Location of No. 84 Curlew Street, Bondi (Source: Six Maps, 2019)

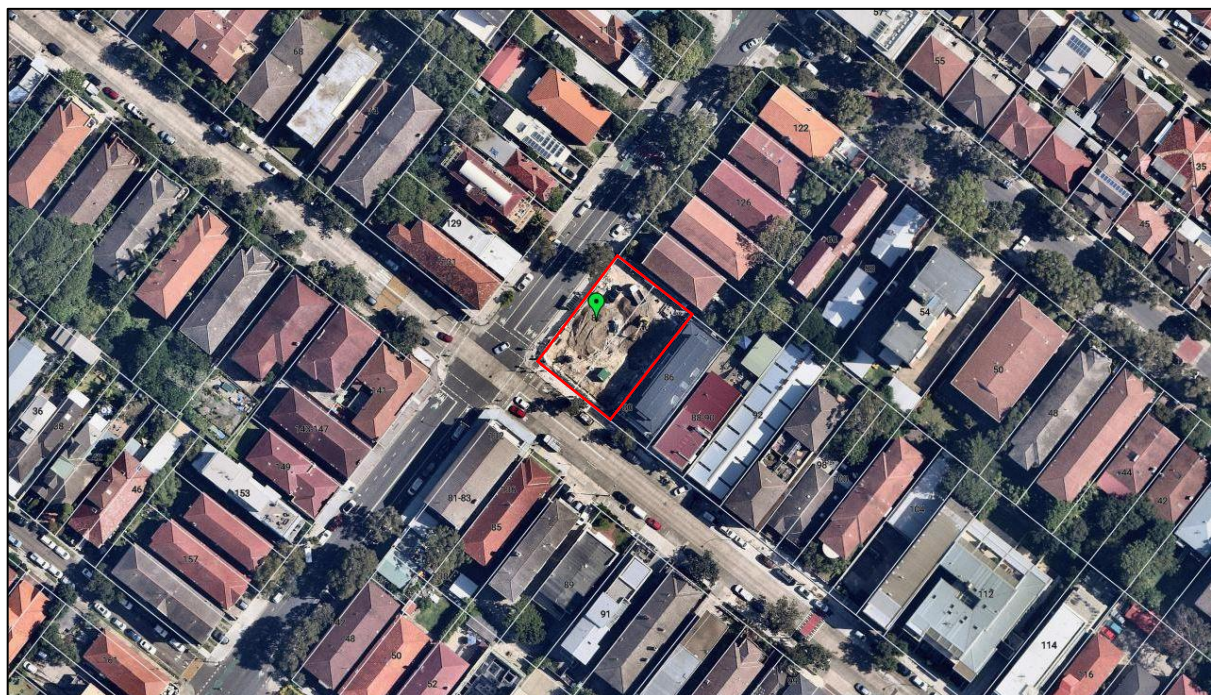


Figure 2 - Aerial photograph of No. 84 Curlewis Street, Bondi (Source: Nearmap, 2018)

Existing Planning Controls

The following Waverley Local Environmental Plan 2012 provisions and development standards apply to the site:

- Zone R3 Medium Density Residential (refer to Figure 3);
- Located within Acid Sulfate Soils - Class 5 Area;
- Maximum Floor Space Ratio - 0.9:1;
- Maximum Building Height - 12.5 metres; and
- Minimum lot size - 325 sqm.

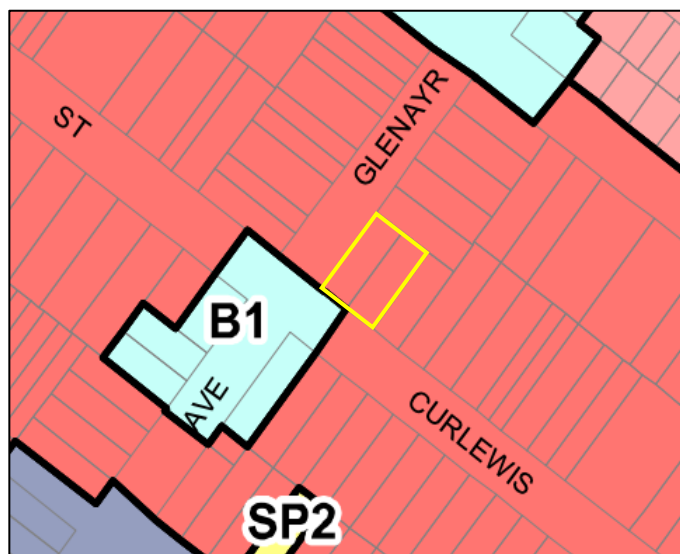


Figure 3 - Extract of WLEP2012 Zoning Map - site outlined in yellow (Source: Legislation NSW, 2019)

The site is located on the intersection of Glenayr Avenue and Curlewis Street, which sits on the zone boundary between the R3 Medium Density Residential zone and the B1 Neighbourhood Centre zone. The site sits between two areas zoned B1 Neighbourhood Centre both known as the Glenayr Avenue Neighbourhood Centre. The site also sits on the edge of the Bondi Beach Local Centre identified in the Eastern City District Plan (refer to Figure 4).

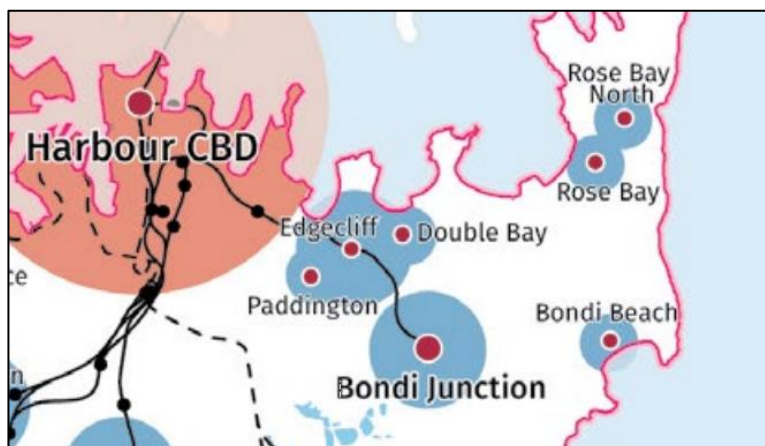


Figure 4 - Extract of Centre's Map, Eastern City District Plan (blue shading identifying 400m walking catchment)

Transport

The site is located on the 379 – Bondi Junction to North Bondi bus route which provides high frequency services throughout the day (refer to Figure 5). Bus stop #202693 is located at the site on its Glenayr Avenue frontage.

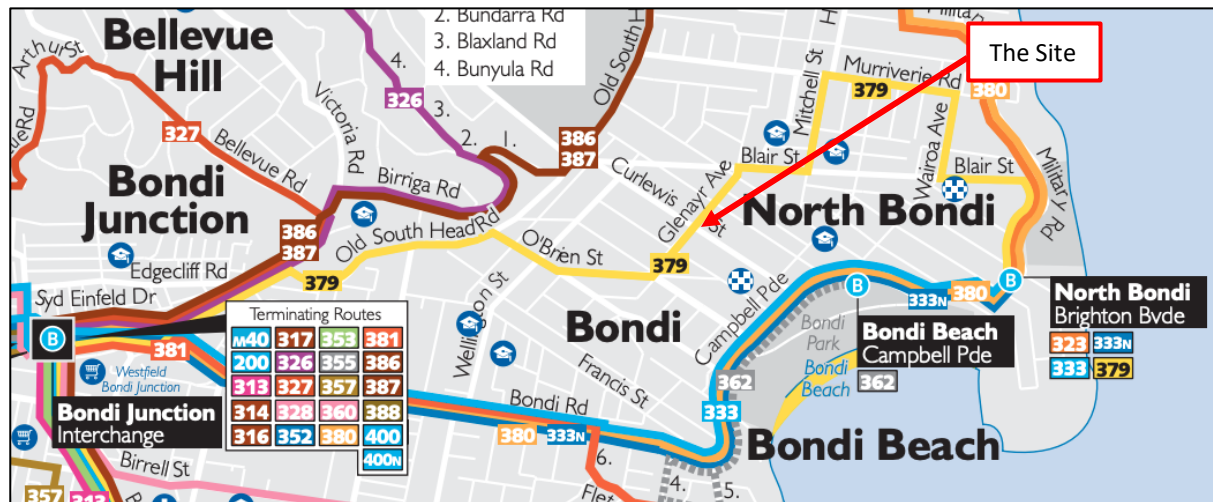


Figure 5 - Extract of Sydney Buses map for Eastern Suburbs (Source: TfNSW, 2019)

The site is located on a main bicycle route on a high-traffic street with provision of a marked on-street bicycle path (refer to Figure 6).

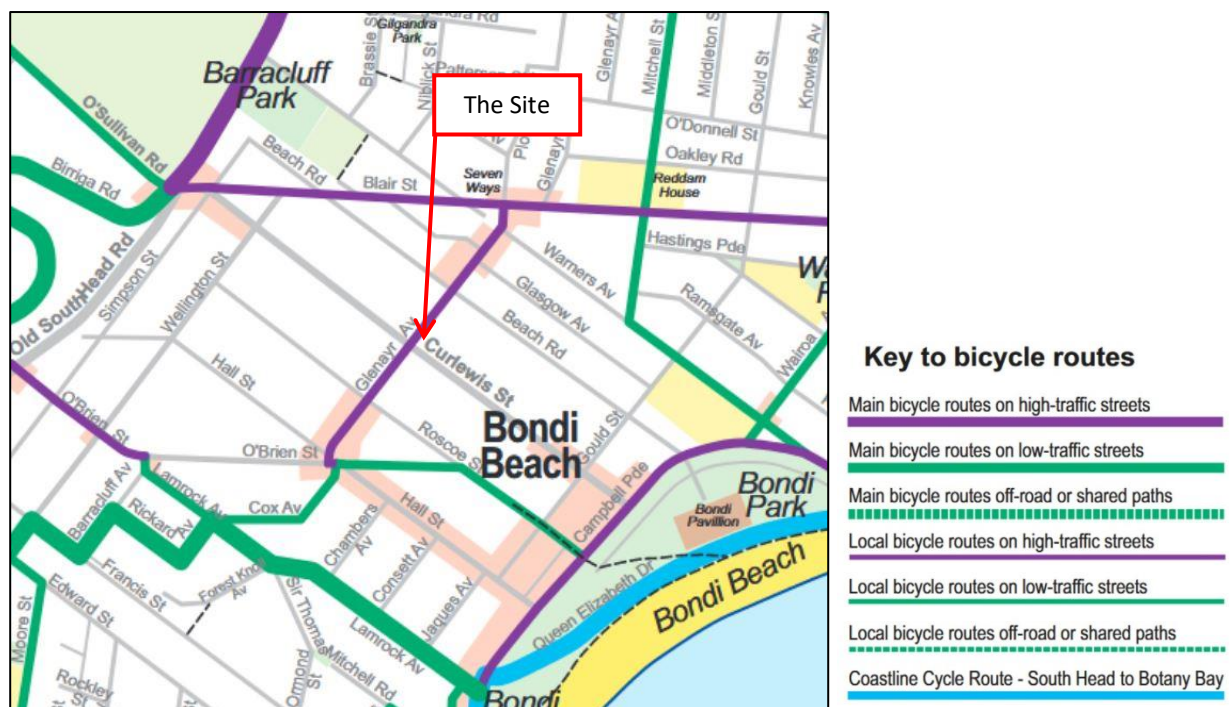


Figure 6 - Extract of 'Cycling in Waverley & Woollahra' Map

Development in the vicinity

The locality is characterised by a very diverse mix of uses including single storey dwellings, 2-3 storey walk-up flats and shop-top housing. Notably, the three other buildings on the intersection contain shop top housing/ mixed use developments. To the east of the site are a mix of commercial properties within the existing R3 Medium Density Residential zone.



Photo 1 – Shop-top housing to the west



Photo 2 – Shop-top housing to the south west



Photo 3 – Shop-top housing and RFB to the south



Photo 4 – Residential flat buildings, shop top housing and a mechanical workshop to the east (all within a R3 Medium Density Residential zone).



Photo 5 – Residential flat buildings to the north



Photo 6 – The existing site under construction

Background

Development consent

On 22 March 2017, development consent was granted under DA-334/2016 for 'Demolition of existing flat buildings and erection of a mixed-use development including 2 retail shops at ground level and boarding house accommodation'. The subject development application applied to the then two sites known as 82-84 Curlewis Street, Bondi Beach.

Subsequent amendment applications were made:

DA-334/2016/A – Approved 23 May 2018

Modification to boarding house including additional boarding room, alterations to building footprint and building height.

DA-334/2016/B – Withdrawn

Modification to amend condition 16

DA-334/2016/C – Approved 27 July 2018

Modification to amend condition 133

The approved development includes a boarding house component that contains 39 rooms (30 double and 9 single) allowing the building to accommodate up to a maximum of 68 lodgers and 1 on-site manager. Retail tenancies are on the ground floor and comprise a neighbourhood shop (76.06m²) and a kiosk (16.18m²) with a combined commercial area of 92.24m² (Refer to Figure 7). Construction commenced on the site in August 2018 and the building remains under construction.

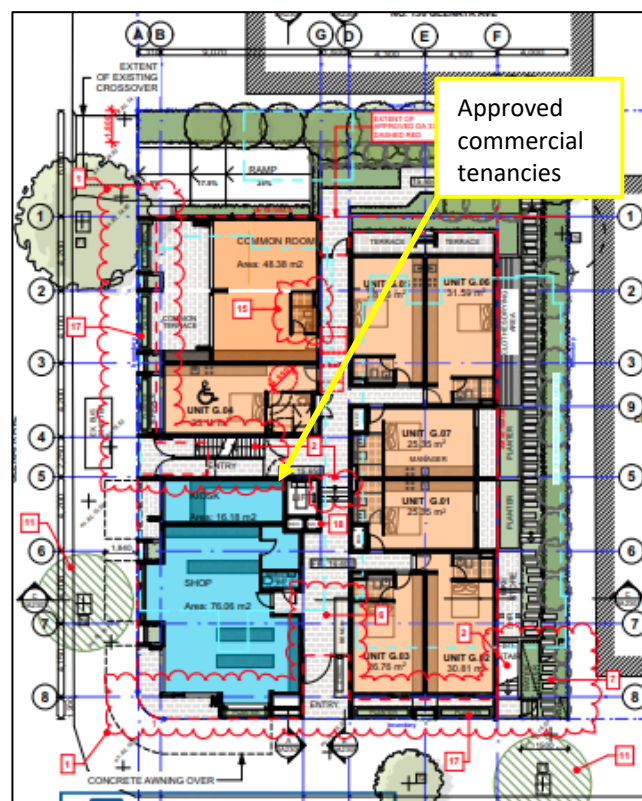


Figure 7 - Ground floor plan of approved mixed development (Source: Mark Shapiro Design)

Planning Proposal

On 15 February 2019, a planning proposal was lodged with Waverley Council seeking an amendment to Schedule 1 – ‘Additional Permitted Uses’ of *Waverley Local Environmental Plan 2012* to permit ‘commercial premises’ on the site. The objectives of the planning proposal were:

1. *To enable a range of additional commercial uses on the site that will service the local community (1.2(2)(a) of WLEP 2012);*
2. *To provide a natural transition of the commercial uses directly adjoining the subject site with due consideration for the adjoining medium density residential area; and*
3. *To provide the capacity for additional employment on a site located in an area that enjoys high amenity, access to local services and public transport.*

At the time of lodgement, seeking an additional permitted use was considered the simplest way to achieve the above objectives and was supported by Council at its meeting on 7 May 2019. The planning proposal was then forwarded to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

On 9 August 2019, following a preliminary review of the planning proposal the DPIE advised that their preference for achieving the desired objectives was to extend the B1 Neighbourhood Centre zoning to the site. Following receipt of this advice, the amended planning proposal now seeks a rezoning of the site from R3 Medium Density Residential to B1 Neighbourhood Centre.

Firstly, it is critical to note that the above objectives remain the same for the amended planning proposal and that the construction of the approved building is well progressed. The strategic merit of the planning proposal is highlighted by how clearly it gives effect to the draft Waverley Local Strategic Planning Statement, Eastern City District Plan and Greater Sydney Region Plan as well as the certainty associated with the physical construction of the building.

Although the B1 zone provides for a broader range of commercial uses than the additional permitted use originally sought, the building has been designed, assessed and approved with due consideration for potential impacts on the adjoining properties and the locality more broadly. The building design and footprint therefore act as physical constraints on the intensity and type of commercial uses that will be able to operate on the site.

Secondly, it should be separately noted that rezoning the site was not the preference of the landowner rather it has come by request of the Department of Planning, Industry and Environment (DPIE) who see greater strategic merit in rezoning the site and extending the Glenayr Avenue Neighbourhood Centre.

Part 1 – Objectives or intended outcomes

The objectives of the planning proposal include the following:

1. To enable a range of additional commercial uses on the site that will service the local community (1.2(2)(a) of WLEP 2012);
2. To provide a natural transition of the commercial uses directly adjoining the subject site with due consideration for the adjoining medium density residential area; and
3. To provide the capacity for additional employment on a site located in an area that enjoys high amenity, access to local services and public transport.

Specifically, the objective of the planning proposal is to facilitate commercial uses within the building beyond the currently approved neighbourhood shop and kiosk. The proposed uses are intended to complement and service the residential population on the site and within the immediate locality.

Part 2 – Explanation of provisions

The proposed objectives and intended outcomes will be achieved by amending the zoning under *Waverley Local Environmental Plan 2012* from R3 Medium Density Residential to the B1 Neighbourhood Centre zone. No changes to the Height of Buildings or Floor Space Ratio standards are sought.

In light of the objectives of the planning proposal and with construction of the approved development well progressed it is important to note that rezoning to B1 Neighbourhood Centre has negligible difference to the originally sought amendment to Schedule 1 – Additional Permitted Uses. In both instances ‘commercial premises’ would be permissible and both zones share the vast majority of permissible and prohibited uses. The building has been designed, assessed and approved in such a way that it satisfies the objectives of the R3 Medium Density Zone with careful consideration of the interface with the adjoining medium density neighbourhood.

The physical constraints include the provision of three (3) retail car spaces, a lack of on-site loading facilities and the orientation of the building towards the corner of Glenayr Avenue and Curlewis Street to protect the amenity of adjoining properties. These functional factors alone will limit the types of tenants attracted to lease the commercial floor space available.

In any case, the B1 Neighbourhood Centre zone is the lowest order commercial zoning with zone objectives that reinforce the small-scale nature of any proposed uses, aiming:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads.*
- *To strengthen the viability of Waverley’s existing business centres as places of vitality for investment, employment and cultural activity.*
- *To provide retail facilities and business services for the local community commensurate with the centre’s role in the local retail hierarchy.*

The above objectives would have a strong bearing on any potential future use in the longer term and would be subject to a satisfactory 4.15 Evaluation (*Environmental Planning and Assessment Act 1979*) under a development assessment process.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is not a result of an endorsed local strategic planning statement, strategic study or report.

Notwithstanding this, the planning proposal is consistent with the planning priorities and actions in the Greater Sydney Region Plan, Eastern City District Plan, Council's Community Strategic Plan 2018-2029, the draft Waverley Local Strategic Planning Statement, the Waverley Economic Development Strategy 2015-2020, the objectives of the Waverley Local Environmental Plan 2012 and Part E3 – Local Village Centres of the Waverley Development Control Plan 2012.

Consistency with the relevant local strategic planning statement, strategies, studies and reports is contained in Section B – 'Relationship to the strategic planning framework'.

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

Yes, the planning proposal is considered the best way to achieve the intended outcomes for the site. The proposed rezoning provides a natural extension of the Glenayr Avenue Neighbourhood Centre and aligns strategically with the abovementioned strategies and plans.

It is particularly unusual to seek a commercial zoning in an area with such high residential land values but the property owner is committed to delivering the best possible outcome for the locality. The B1 zoning will ensure that current and future residents within the boarding house and surrounding medium density neighbourhood, employees and those who work within and visit the Bondi Beach Local Centre and Glenayr Avenue Neighbourhood Centre have a greater range of small-scale services to meet their day-to-day needs.

In this unique instance the site has already been subject to an activated development consent with construction well progressed, so there can be a certainty regarding the scale and nature of commercial uses with the approved building footprint. More specifically, the intensity of any potential commercial use is restricted by the provision of only three retail parking spaces and the lack of on-site loading facilities with no scope for expansion at basement level.

The current zoning allowing for neighbourhood shops and kiosks provides a tightly constrained opportunity for commercial activity on the site. Whilst it is permissible under the current provisions of the LEP to provide for multiple kiosks and neighbour shops within the development, the miscellaneous provisions in the LEP restrict the size of these area to 20m² and 80m² respectively. Providing small tenancies with no opportunity or flexibility in the controls restricts the practical range of commercial services that can be provided on the site. This planning proposal seeks to remove that restriction.

Section B – Relationship to the strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

- a) *Does the proposal have strategic merit?*
- b) *Does the proposal have site-specific merit, having regard to the following?*
 - i. *The natural environment (including known significant environmental values, resources or hazards) and*
 - ii. *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
 - iii. *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Yes, further discussion relating to the proposal's strategic merit, site-specific merit and consistency with the strategic planning framework is detailed below.

Greater Sydney Region Plan

The Greater Sydney Region Plan is a 40-year vision that seeks to accommodate a growing and changing population within three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The Plan informs district and local plans as well as the assessment of planning proposals. It facilitates the alignment of infrastructure planning to support anticipated growth. The delivery and implementation of the Plan is supported by 10 directions, facilitating an integrated approach to realising its outcomes.

The planning proposal is consistent with the Greater Sydney Region Plan as it contributes to the supply of commercial floor space in a local centre. The relevant objective in the plan is Objective 22 – Investment and business activity in centres, which is discussed further below.

The plan recognises that attracting investment, business activity and jobs in local centres across Greater Sydney increases access to a wide range of jobs, goods and services close to people's homes and supports the 30-minute city. Bondi Beach is identified as a local centre and an important commercial centre that services the day-to-day needs of the local community.

The planning proposal facilitates an extension of the B1 Neighbourhood Centre zone along Glenayr Avenue to provide a broader range of commercial uses beyond the approved kiosk and neighbourhood shops for the currently under-construction mixed development. The ability to provide a broader range of commercial uses within the building supports walkable neighbourhoods with access to jobs, schools and open space and opportunities to optimise existing infrastructure¹. Additionally, the proposal will provide greater capacity and opportunities for jobs and services for the Local Centre as opposed to the approved kiosk and neighbourhood shop.

Given that the site is located within the Bondi Beach Local Centre and on a high-frequency bus route (#379 – Bondi Junction to North Bondi), the planning proposal is strategically consistent with 30-minute city vision of the District Plan. The proposal will provide greater amenity to the residents of the boarding house, assist in achieving retail employment targets for Waverley and provide the site with greater long-term commercial sustainability².

¹ Greater Sydney Region Plan, GSC 2018, p. 62

² Waverley Economic Development Strategy 2015-2020, p. 7

Eastern City District Plan

The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental considerations to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a link between regional and local planning. The District Plan also assists councils to plan for and deliver growth and change, and align their local planning strategies to place-based outcomes. It informs infrastructure agencies, the private sector and the wider community of expectations for growth and change.

The planning priorities and corresponding actions that are relevant to the planning proposal include the following:

- *Planning Priority E1: Planning for a city supported by infrastructure*

The planning proposal applies to a site within the Bondi Beach Local Centre (being within the 400m walkable catchment of Campbell Parade and Hall Street). The site directly adjoins the Glenayr Avenue Neighbourhood Centre which sits to its north and south along Glenayr Avenue.

The site is highly accessible being located within walking distance to a number of other Neighbourhood Centres and Bondi Beach and serviced by a high-frequency bus route (#379 – Bondi Junction to North Bondi – Refer to Figure 5), with a bus stop on its Glenayr Avenue frontage. Glenayr Avenue is also an identified main bicycle route (refer to Figure 6).

One of the core principles of both the GSRP and Eastern City District Plan (as informed by Future Transport 2056) is the 30-minute city promoting shorter commutes, lower car dependency and the range of environmental, social and economic benefits that this delivers. Local Centres with public transport are therefore a recognised “focal point for neighbourhoods” (District Plan 2018, p.48) and play a significant role in realising the 30-minute city vision.

The planning proposal is well supported by existing infrastructure and is unlikely to result in a significant increased demand.

The proposal is generally consistent with the objectives and actions for this priority.

- *E3. Providing services and social infrastructure to meet people’s changing needs*

The planning proposal seeks a rezoning to permit a broader range of commercial uses on the site within the approved building envelope. Areas within the approved building could be utilised for commercial purposes that provide local employment opportunities or other community benefits. The purpose of the planning priority is to protect the long-term commercial sustainability of centres and their ability to provide jobs, services and local businesses that meets the needs of the community.

As the building currently under construction contains an approved boarding house that utilised the provisions in the SEPP (Affordable Rental Housing) 2009, the ownership and tenure of the whole building is securely owned outright (i.e. the boarding rooms are not strata subdivided and cannot be in the future). Rezoning the site to B1 Neighbourhood Centre aligns with the way in which these types of properties are emerging as key-worker housing units that co-exist with opportunities for a wide range of commercial opportunities like small businesses, neighbourhood shops, post offices, pharmacies, cafes etc. It will also allow the building to react and adapt to employment opportunities in evolving industries like co-working spaces (virtually unknown a couple of years ago) and digital businesses.

The planning proposal gives effect to Action 8 as it will “deliver social infrastructure that reflects the needs of the community now and in the future”. The loss of commercial floor space is a recognised issue for all Local Government Areas, especially in centres such as Bondi Junction. The proposal provides an opportunity to increase commercial capacity in a locality that will continue to experience population growth particularly in the Hall Street Local Centre and along Campbell Parade.

The proposal is generally consistent with the objectives and actions for this priority.

- *E4. Fostering healthy, creative, culturally rich and socially connected communities*

The proposal is consistent with the following actions in the Plan which seek to encourage strong local communities through a place-based planning approach:

Action 10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:

- a. providing walkable places at a human scale with active street life*
- b. prioritising opportunities for people to walk, cycle and use public transport*
- c. co-locating schools, health, aged care, sporting and cultural facilities*
- d. promoting local access to healthy fresh food and supporting local fresh food production.*

Action 14. Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.

As previously discussed, the site is located in a highly accessible locality being walkable to numerous centres, services, parks and attractions. The proposal will facilitate a more active street life with the capacity to provide additional active street frontages and connectivity with the street.

The proposal is generally consistent with the objectives and actions for this priority.

- *E5. Providing housing supply, choice and affordability, with access to jobs, services and public transport*

Critically, of the 36,364 resident workers in Waverley, over 27,035 (74.3%) leave the area for work³, placing a significant demand on local roads and public transport.

The planning proposal aims to provide additional capacity for local jobs in a highly accessible location, taking some demand off local roads and public transport. The proposal will also provide a broader range of businesses and services capable of meeting the needs of the local community. In this regard, the site will have the capacity to service both existing residents and the demand generated by expected population growth in Bondi Beach.

The proposal is generally consistent with the objectives and actions for this priority.

³ Australian Bureau of Statistics, [Census of Population and Housing](#) 2016. Compiled and presented in economy.id by [.id](#), the population experts.

- *E6. Creating and renewing great places and local centres, and respecting the District's heritage*

The planning proposal provides an opportunity to capitalise on the high amenity and accessibility of the site. The proposal will increase diversity in the neighbourhood centre and provide essential access to day-to-day goods and services close to where people live. Local centres also play an important role in providing local employment and there will be net additional jobs created as a result of the proposal.

The following Actions are relevant to the planning proposal:

Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:

- a. prioritising a people-friendly public realm and open spaces as a central organising design principle*
- b. recognising and balancing the dual function of streets as places for people and movement*
- c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- d. integrating social infrastructure to support social connections and provide a community hub*
- e. recognising and celebrating the character of a place and its people.*

Action 21: Use place-based planning to support the role of centres as a focus for connected neighbourhoods.

A balance of business, retail, health, community and residential uses in the centre is an important factor in maintaining the amenity of Waverley's local centres. Promoting a greater diversity and capacity of commercial uses is important for the long-term commercial sustainability of the Glenayr Avenue Neighbourhood Centre. This will help achieve Council's vision for a vibrant and diverse centre that meet the needs of residents.

The proposal is generally consistent with the objectives and actions for this priority as well as the principles set out specifically for local centres.

Principles for local centres

The District Plan identifies Bondi Beach as an important local centre for Waverley. The Plan notes that councils will need to consider which centres will need to grow to provide for the required goods and services of the community. The planning proposal responds to the following place-based principles for local centres⁴ in the District Plan:

- *deliver transit-oriented development and co-locate facilities and social infrastructure*
- *protect or expand retail and/or commercial floor space*
- *protect or expand employment opportunities*

The planning proposal seeks to provide a transit-oriented development with a bus stop on a high-frequency bus route directly adjoining the site. The proposal will provide an opportunity for additional commercial uses within the approved building and expand employment opportunities for the local centre.

⁴ 'Principles for local centres', Eastern City District Plan, GSC, p. 49

As demonstrated, the planning proposal gives effect to both the Greater Sydney Region Plan and the Eastern City District Plan. The proposal provides an opportunity to increase the diversity of commercial uses (within an approved building envelope and/or subject to the existing controls) available to the local community in a location that enjoys high amenity, access to local services and public transport and promotes the 30-minute city.

4. Will the planning proposal give effect to a council’s local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes, a discussion of consistency is provided below.

Draft Waverley Local Strategic Planning Statement

The draft Waverley Local Strategic Planning Statement (draft WLSPS) sets out a 20 year plan for Waverley’s economic, social and environmental needs to 2036. The draft WLSPS identifies council’s desire for “a diverse and thriving local economy that is less reliant on tourism” with a vision of “protecting and encouraging shops and services in village centres that satisfy demand”. The planning proposal aligns strategically with council’s vision as it will give effect to the following planning priorities and actions of the draft WLSPS.

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

Action 1 – Amend Council’s LEP and DCP to retain floor space for shops and services in centres

Action 3 – Prepare a Village Centres Strategy and amend Council’s LEP and DCP where relevant

The draft WLSPS notes that there is a need to “protect floor space for shops and services to ensure that the centres remain viable and continue to serve the community with a mix of uses”. Rezoning the site to B1 Neighbourhood Centre will not only retain but grow the capacity for floor space for shops and services in the highly accessible Glenayr Neighbourhood Centre which is located within an identified business direct, village centre and on a key visitor route (refer to Figure 8).

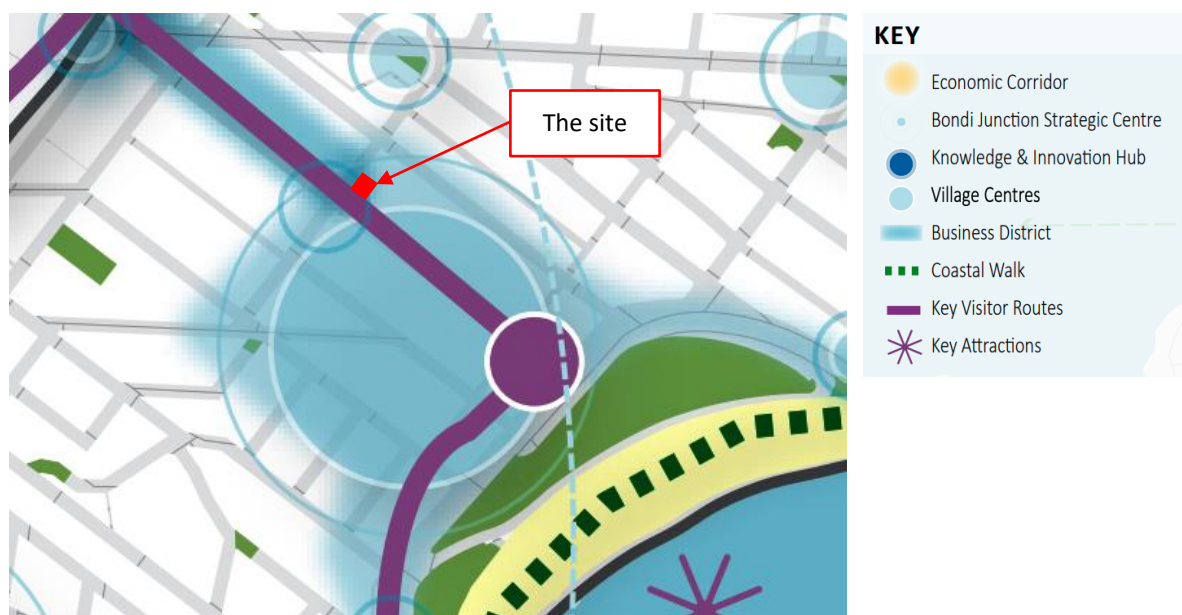


Figure 8 – Productivity Map from draft WLSPS

Planning Priority 9 – Support and grow Waverley’s local economy with a focus on wellbeing, knowledge and innovation

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 space

Action 4 - Any increase in job or residential density is to be supported by improved connectivity and services to deliver the 30-minute city

The planning proposal represents a commitment to supporting and growing Waverley’s local economy. In this regard, under the current R3 Medium Density Residential zone the site could have been developed entirely as a residential building. However, the site enjoys many favourable attributes that align with the council’s 20-year vision and the planning priorities and actions identified in the draft WLSPS. The planning proposal expands the capacity of a village centre to provide shops and services to the benefit of the local economy in a location that is supported by high connectivity and access to services.

The planning proposal is consistent with and gives effect to the draft WLSPS.

Draft Waverley Village Centres Strategy

Council are in the process of developing a Village Centres Strategy. Although not yet prepared, the preparation of a centres strategy highlights the high community value placed on thriving local centres and a desire to improve their sustainability, accessibility and public domain. The planning proposal will help to strengthen the role and quality of the Glenayr Avenue Neighbourhood Centre and provide a broader range of commercial uses available to the Waverley community.

Waverley Community Strategic Plan 2018-2029

The Waverley Community Strategic Plan 2018-2029 articulates the vision, values, aspirations and priorities of the Waverley community with reference to other local government plans, information and resourcing capabilities. It provides a direction for the future of Waverley in the next 11 years. The direction is prepared in response to community aspirations gathered through extensive community engagement and consultation with members of the community.

The planning proposal contributes to the ‘Local Economy’ theme which envisions “By 2029, Waverley will be a diverse and prosperous local economy”. The relevant goals, strategies and measures of success include:

Goal - 4.2. Ensure Bondi Junction and Waverley’s villages continue to have a diverse range of businesses, local jobs and services

Strategy - 4.2.2. Support the efforts of a range of stakeholders to increase the diversity of the local economy

The planning proposal will extend the Glenayr Neighbourhood Centre and increase the range of commercial uses available on the site, providing a greater diversity of local jobs and services. Extending the B1 Neighbourhood Centre will allow a greater proportion of the site to be used for commercial purposes which aligns with council’s vision to increase the diversity of the local economy.

The planning proposal is consistent with the Waverley Community Strategic Plan 2018-2029.

Waverley Economic Development Strategy 2015-2020

The Waverley Economic Development Strategy 2015-2020 (WEDS) envisions “A prosperous Waverley – a vibrant, sustainable and progressive economy that provides a gateway to Sydney’s east” expressing a clear mandate to enable and facilitate sustainable long-term economic growth (WEDS 2015, p7). The WEDS is categorised into the four following themes: Renew, Innovate, Collaborate and Enable.

The planning proposal primarily aligns with the Innovate theme which aims to improve competitiveness and increase diversity. Specifically, one of the outcomes identified under the ‘Innovate’ theme aims to “Grow the number of local jobs available to an increasing population”. Rezoning the site to B1 Neighbourhood Centre facilitates sustainable long-term economic growth in that it provides a greater range of uses that can be realised and will increase the number of jobs that are available.

The planning proposal is consistent with the Waverley Economic Development Strategy 2015-2020.

Waverley’s People, Movement and Places

Waverley’s People, Movement and Places strategy seeks “To increase transport choices for residents and visitors, improve accessibility to centres and across the whole LGA, and reduce car travel overall”. The planning proposal seeks to take advantage of the site’s favourable location by providing capacity for additional jobs that can be accessed by public transport, walking and cycling. The proposal will promote transport choice by placing people first and reducing car dependency.

The planning proposal is generally consistent with Waverley’s People, Movement and Places.

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

Yes. Consistency of the planning proposal with applicable SEPPs is detailed within Attachment A.

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

Yes. The consistency of the planning proposal with the Ministerial Directions is detailed within Attachment B.

Section C – Environmental, Social and Economic Impact

7. 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 site is located in an urbanised area characterised by medium density residential and commercial uses. The WLEP2012 Terrestrial Biodiversity Map identifies areas of biodiversity that have high ecological value and significance. The site has not been identified on the Terrestrial Biodiversity Map. The planning proposal is therefore unlikely to impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The proposal seeks to rezone the site to B1 Neighbourhood Centre to increase the range of permissible commercial uses within the approved mixed development (comprising a boarding house and two commercial tenancies). The environmental effects of the approved development were demonstrated through the Statement of Environmental Effects and other supporting documentation lodged under DA-334/2016 (and subsequent modifications) and assessed by Council.

Given that the proposal will enable the provision of a broader range of commercial uses within the approved built form and building footprint (and/or subject to the existing controls), it is unlikely that there will be any other environmental effects resulting from planning proposal.

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

The planning proposal seeks to rezone the site to B1 Neighbourhood Centre to increase the range of permissible commercial uses within the approved mixed development and would not result in adverse social or economic impacts.

The proposed rezoning to B1 Neighbourhood Centre is intended to enhance the amenity for residents within the boarding house and surrounding residential neighbourhood. The proposal seeks to deliver an integrated development with flexible uses that contribute to creating a village atmosphere within the Glenayr Avenue Neighbourhood Centre.

The proposed rezoning would increase the types of employment activity on the site and increase the availability of local employment opportunities to complement the other commercial activities already within the Neighbourhood Centre.

Section D – State and Commonwealth Interests

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

The existing infrastructure and utilities available for the site will cater for the proposed additional permitted use. The scale of any future proposed commercial premises results in a minor variation to the existing situation, whereby neighbourhood shops and kiosks are permitted to a certain size. The B1 Neighbourhood Centre zone will facilitate both larger commercial areas on the site as well as a broader range of employment activity by virtue of allowing business, retail and commercial uses. The additional opportunities cater for residents within the building or within a short walking distance from the site. It is anticipated that adequate infrastructure is available to cater for the site.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Given the minor scale of the planning proposal it is unlikely that State and Commonwealth public authorities will need to be consulted.

Part 4 – Mapping

The planning proposal will involve the following mapping amendment to WLEP2012:

Property	Map Reference	Action
84 Curlewis Street, Bondi Beach (identified below)	LZN_003	Rezone from R3 Medium Density Residential to B1 Neighbourhood Centre

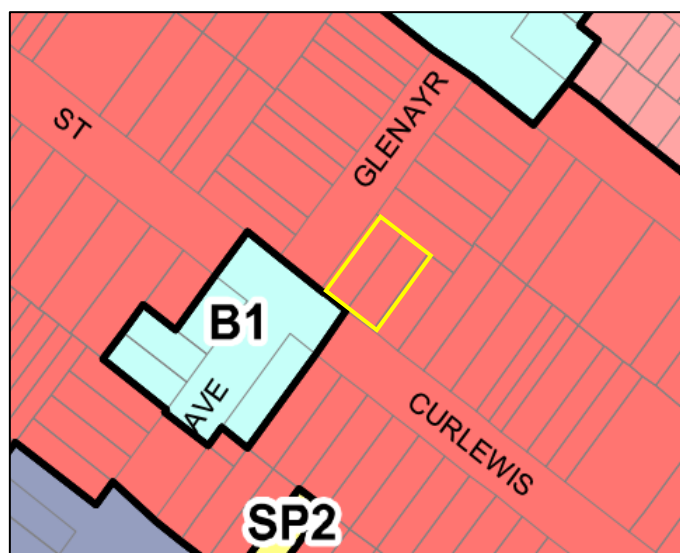


Figure 9 – Extract of WLEP2012 Zoning Map - site outlined in yellow (Source: Legislation NSW, 2019)

Part 5 – Community Consultation

It is considered appropriate that any Gateway Determination issued will require public exhibition of the Planning Proposal for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Part 6 – Project Timeline

The following indicative project timeline has been prepared in accordance with planning proposal guidelines and is prepared on the assumption that the planning proposal is supported. It is anticipated that an amended project timeline will be prepared by Council following preliminary assessment of the planning proposal.

Stage	Date
Lodgement	February 2019
Council assessment and reporting	May 2019
Forward to DPIE for assessment	June 2019
Lodgement – Amended planning proposal	August 2019
Commencement Date (Gateway Determination)	September 2019
Government agency consultation	September 2019
Commencement of public exhibition period (28 days)	October 2019
Completion of public exhibition period	October 2019
Council consideration of submissions	November 2019
Timeframe for consideration of proposal post exhibition	November 2019
Report to Council on submissions	November 2019
Planning Proposal to Parliamentary Counsel for opinion	December 2019
Date Council will make the plan (delegated)	December 2019
Date Council will forward to Department for notification	December 2019

Attachment A

Consistency with State Environmental Planning Policies

State Environmental Planning Policy / Deemed SEPPs	Consistency
SEPP No 1 – Development Standards	Not applicable
SEPP No 19 – Bushland in Urban Areas	The planning proposal will not affect the application of the SEPP.
SEPP No 21 – Caravan Parks	Not applicable
SEPP No 30 – Intensive Agriculture	The planning proposal will not affect the application of the SEPP.
SEPP No 33 – Hazardous and Offensive Development	Not applicable
SEPP No 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Not applicable
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55 – Remediation of Land	The planning proposal will not affect the application of the SEPP.
SEPP No 62 – Sustainable Aquaculture	The planning proposal will not affect the application of the SEPP.
SEPP No 64 – Advertising and Signage	The planning proposal will not affect the application of the SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development	The planning proposal will not affect the application of the SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	The planning proposal will not affect the application of the SEPP.
SEPP (Affordable Rental Housing) 2009	The planning proposal will not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Coastal Management) 2018	The planning proposal will not affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal will not affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Infrastructure) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	The planning proposal will not affect the application of the SEPP.

State Environmental Planning Policy / Deemed SEPPs	Consistency
SEPP (State Significant Precincts) 2005	There are no urban renewal precincts identified in the Waverley Local Government Area.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are no urban renewal precincts identified in the Waverley Local Government Area.
SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal will not affect the application of the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Not applicable

Attachment B

Consistency with Section 9.1 Ministerial Directions

Section 9.1 Direction		Consistency	Comment
1. Employment and resources			
1.1	Business and Industrial Zones	N/A	<p>(1) The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p> <p>The planning proposal seeks a rezoning to B1 Neighbourhood Centre which is consistent with the above objectives. The approved mixed development is consistent with the B1 Neighbourhood Zone objectives and will complement its role in servicing the local community.</p>
1.2	Rural Zones	N/A	
1.3	Mining, Petroleum Production and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Land	N/A	
2. Environment and heritage			
2.1	Environment Protection Zones	N/A	The site is not identified on the WLEP2012 Terrestrial Biodiversity Map nor is it identified as containing any other environmentally sensitive attributes by a council strategy.
2.2	Coastal Management	N/A	The site is not located within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> .
2.3	Heritage Conservation	N/A	
2.4	Recreation Vehicle Areas	N/A	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Development	YES	The planning proposal will not result in the loss of the residential component (boarding house) of the mixed development and is broadly consistent with this direction.

Section 9.1 Direction		Consistency	Comment
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	YES	<p>The site is highly accessible being located within walking distance to a number of other Neighbourhood Centres and Bondi Beach and serviced by a high-frequency bus route (#379 – Bondi Junction to North Bondi), with a bus stop on its Glenayr Avenue frontage. Glenayr Avenue is also an identified main bicycle route.</p> <p>The planning proposal seeks to take advantage of the site's favourable location by providing capacity for additional jobs that can be accessed by public transport, walking and cycling. The proposal will promote transport choice and reduce car dependency.</p>
3.5	Development Near Regulated Airports and Defence Airfields	N/A	
3.6	Shooting Ranges	N/A	
4. Hazard and Risk			
4.1	Acid Sulfate Soils	YES	<p>The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>The site has been used for residential purposes for a number of years. The existing approved land uses, being a mixed-use development comprising a boarding house, kiosk and neighbourhood shop, have been assessed through a development assessment process and deemed appropriate for this type of development.</p>
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	N/A	
4.4	Planning for Bushfire Protection	N/A	
5. Regional Planning			
5.1	Implementation of Regional Strategies	N/A	
5.2	Sydney Drinking Water Catchment	N/A	

Section 9.1 Direction		Consistency	Comment
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5-5.8	Revoked		
5.9	North West Rail Link Corridor Strategy	N/A	
5.10	Implementation of Regional Plans	YES	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> . Refer to Part 3 of the planning proposal.
6. Local Plan Making			
6.1	Approval and Referral Requirements	YES	<p>The planning proposal seeks to rezone the land B1 Neighbourhood Centre and broaden the range of commercial uses permissible within an existing approved mixed-use development. This is not expected to require any additional approval or referral requirements.</p> <p>The planning proposal is broadly consistent the direction.</p>
6.2	Reserving Land for Public Purposes	N/A	
6.3	Site Specific Provisions	YES	<p>The planning proposal does not contain any unnecessarily restrictive site-specific planning controls, rather it seeks to permit a broader range of land uses compatible with the locality without any changes to the development standards in the WLEP or building envelope controls in the DCP.</p> <p>The planning proposal is broadly consistent with the direction.</p>
7. Metropolitan Planning			
7.1	Implementation of A <i>Metropolis of Three Cities</i> (March 2018)	YES	The planning proposal is broadly consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> . Refer to Part 3 of the planning proposal.
7.2 – 7.10		N/A	