

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

105 Wellington St, Bondi (Bondi Tennis Centre), Planning Proposal submitted by Urbis Pty. Ltd. (PP-5/2013)

Report dated 5th November 2013 from the Director, Planning and Environmental Services assessing the Planning Proposal submitted by Urbis Pty. Ltd. for 105 Wellington St, Bondi. The proposal seeks to amend Waverley Local Environmental Plan 2012 to rezone the land from Private Recreation (RE2) to Medium Density Residential (R3).

Recommendation: That Council:

1. Advise the applicant that it does not support the Planning Proposal relating to 105 Wellington St Bondi, to amend the controls in Waverley Local Environmental Plan 2012 to rezone the land from Private Recreation (RE2) to Medium Density Residential (R3) for the following reasons:
 - (a). The tennis courts form an integral part of the local open space network, the demise of which would impact on the recreational needs of the community;
 - (b). The loss of this recreational facility would leave an unacceptable gap in the provision of recreational opportunities for the local community and deny the local community reasonable access to local open space;
 - (c). Retaining the tennis courts and providing this much needed recreational opportunity is in accordance with Council's Community Strategic Plan, Waverley Together 3 and Recreational Needs Study and the Government's Metropolitan and Subregional Strategies;
 - (d). The proposal is inconsistent with the following directions and strategies in Council's Community Strategic Plan - Waverley Together 3, Our Community's Strategic Plan for 2013 - 2025, namely:
 - *"Strategy L5a - Ensure planning controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected."* (p.26 of Waverley Together 3)
 - *Direction C7 - "Health and quality of life are improved through a range of recreation and leisure opportunities."* (p.23 of Waverley Together 3)
 - *"Strategy C7a - Retain, protect and improve the quality, flexibility and useability of parks, reserves and other green spaces to meet recreational needs, whilst considering and ameliorating any negative environmental impacts."*
 - *Strategy C7b - Plan and prioritise recreation and leisure needs based on regional as well as local facilities using appropriate data trends.*
 - *Strategy C7c - Provide and support a broad range of facilities and activities to improve the physical and mental health of the community members."* (p.23 of Waverley Together 3)
 - (e). The Planning Proposal is inconsistent with objectives and actions in the Metropolitan Plan for Sydney to 2036 namely:
 - *"Objective H1: To ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making"* (pg 200).

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- *"Action H1.1: ...social infrastructure and services are adequate, appropriate and accessible" (pg 200)*
 - *"Action H2.1: Plan and coordinate the effective and timely provision of social infrastructure and services" (pg 203).*
 - *"Action H2.3: Local government to undertake open space planning processes in accordance with updated Recreation and Open Space Planning Guidelines for Local Government, to deliver parks, playing fields and public spaces that suit new multiple uses." (pg 204)*
- (f). The Planning Proposal is inconsistent with the key directions and actions in the Draft East Subregional Strategy namely:
- *Key Direction - Ensure equitable access to parks and public places for all residents in the subregion.*
 - *Key Direction - Ensure open space areas and facilities are managed sustainably to cater for residents and visitors to the subregion.*
 - *Action F2 - Provide a diverse mix of parks and public places*
 - *Action F2.1 - Improve the quality of local open space*
 - *Action F2.1.1 - Councils should continue to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and particularly residential growth is being located.*
 - *Action F2.2.3 - Councils to continue to improve recreational facilities for a range of age groups and interests.*
- (g). The Planning Proposal is inconsistent with objectives in the Draft Metropolitan Strategy for Sydney (released March 2013) namely:
- *Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities*
 - *Objective 9 - Deliver accessible and adaptable recreation and open spaces.*
- (h). The Planning Proposal is partially inconsistent with Section 117 Ministerial Direction 7.1 as it will lead to a development that cannot satisfy requirement 5(b) namely:
5. A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:
 - (a) is of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.
2. Advise the local precinct committee and people who registered their interest in the Planning Proposal of Council's decision.

Purpose of Report

The purpose of this report is to firstly inform Council of the receipt of a Planning Proposal prepared by Urbis on behalf of Sports Properties Pty Ltd. The proposal seeks to amend

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Waverley Local Environmental Plan (LEP) 2012 in relation to 105 Wellington Street, Bondi (Bondi Tennis Centre) to rezone the land from Private Recreation (RE2) to Medium Density Residential (R3).

Second, to consider the applicants proposal and assess it against the criteria in the Department of Planning and Infrastructure's (DoPI) "Guide to Preparing a Planning Proposal".

Third, to seek Council's refusal of the proposal so the applicant can be advised accordingly.

Fourth, to discuss an alternate course of action which would require submission of a revised planning proposal containing a detailed voluntary planning agreement. Note that the action is not recommended for further investigation.

Background

Council is in receipt of a Planning Proposal (rezoning application) to rezone the land at 105 Wellington St, Bondi from Private Recreation (RE2) to Medium Density Residential (R3) (see Attachment 1 for an extract of Waverley LEP 2012). The planning proposal has been prepared in the form of a Gateway Determination and is the first step in preparing an amending draft LEP. The proposal requires endorsement from Council prior to submission to the Department of Planning and Infrastructure (DoPI) for consideration at the "gateway". Should the DoPI also endorse the planning proposal, the formal draft LEP process will then commence.

The planning proposal has been submitted on behalf of Sports Properties Pty Ltd with the intention of redeveloping the site with three storey residential flat buildings and underground parking (located under the proposed buildings).

The planning proposal has been assessed against a number of Council strategic planning documents including Waverley Together 3 (Council's Community Strategic Plan 2013 - 2025) and the Recreation Needs Study 2008 and also the State Government's Metropolitan Strategy and East Subregion Draft Subregional Strategy. Of particular interest is the 2008 Waverley Recreation Needs Study which brought together a body of work including:

- an analysis of relevant state and local plans;
- an examination of demographic material;
- the consideration of recent and current Council initiatives;
- supply of open space and other recreational facilities and services;
- the consideration of surrounding regional facilities;
- demand for open space and other recreational facilities and services; and
- consultation with the community, young people, special interest groups, combined precincts, sporting clubs, staff and Councillors.

The Recreation Needs Study identifies 105 Wellington Street as contributing to Waverley's open space supply and recreation provision. A change in zoning from Private Recreation (RE2) to Medium Density Residential (R3) would result in the reduction of open space and in recreation provision.

The Site

The site is located on the eastern side of Wellington St between Hall St and O'Brien St with an area of 4,044m² and is developed with six synthetic grass tennis courts in good condition with clubhouse facilities. The courts are still in operation and appear to be well used. The rear portion and southern boundary of the site is traversed by an underground stormwater drainage line under the control of Sydney Water and in the ownership of the Minister of Public Works.

The site is positioned at a lower level than Hall St and is overlooked by one and two storey dwelling development in Hall St directly adjoining the courts. Development to the southeast and southwest consists of predominantly three storey residential flat buildings and development to the west and northwest consists of one and two storey dwellings. Vehicular access is currently not provided to the tennis courts.

The site is currently zoned Private Recreation (RE2). Land immediately adjoining to the northeast, southeast and southwest is zoned Medium Density Residential (R3). The height limit permits 12.5m high buildings with an FSR of 0.9:1. Land to the northwest on the opposite side of Wellington St permits 9.5m high buildings with an FSR of 0.6:1.

The courts are located in what is essentially a very dense residential area with numerous 2 and 3 storey residential flat buildings. A number of recent developments have developed with an outlook over the tennis courts to take advantage of the openness of the courts. A number of developments have also been constructed in close proximity to the property boundary with the courts which would result in minimum building separation should the proposed development proceed.

The surrounding streets are heavily parked with narrow carriageways and contain constant traffic movements. Hall St offers a single trafficable lane with one way traffic movement.



Figure 1: Aerial photo of 105 Wellington Street, Bondi



Figure 2: Photo of 105 Wellington Street, Bondi as viewed from Wellington Street

History of the Site

The site has been a tennis club for many years. A 1943 aerial photo shows tennis courts on the site. It is not known when the Hakoah Tennis Club first started to use the site but *The Hebrew Standard of Australasia* was reporting as early as 1945 that the Club was using the tennis courts at No.105 Wellington Street.

A more detailed history of the site was researched by Council's Heritage advisor and can be found at Attachment 2.

Planning History of the Site

Under Waverley LEP 1985 the land was zoned part 6(b) Open Space Recreation Private and part 5(a) Special Uses Water Sewerage & Drainage.

Under Waverley LEP 1996 the land was zoned 6(a) Open Space - Recreation Existing and part 5(a) Special Uses Water Sewerage & Drainage.

2007 Development Application for the Site

In 2007, a development application was lodged for the demolition of the tennis courts and construction of a 3 storey fitness centre/gymnasium/swimming pool over basement carparking. The application raised considerable concern in the community relating to its size, intensity of activity, increases in visitor numbers, traffic impact, existing narrow road network, limited availability of street parking, impact on local amenity, hours of operation, scarcity of open space, overshadowing of adjoining developments, loss of views and privacy, loss of tennis courts and loss of open space and was eventually withdrawn by the applicant.

2010 Assessment of Previous Planning Proposal

In 2010 Council Officers assessed a planning proposal to rezone the site from Open Space 6(a) to Residential 2(c1). The concept plans accompanying the proposal contained a community centre fronting Wellington Street and medium density residential development to the rear of the site. Carparking was proposed below ground level.

A report titled "Planning Proposal, 105 Wellington Street Bondi (A10/0203)" and dated 8 June 2010 from the Director, Planning and Environmental Services assessing the Planning Proposal for 105 Wellington Street Bondi, seeking to rezone the Maccabi Tennis Courts from

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Open Space 6(a) to Residential 2(c1) was debated at Council's 17 August 2010 Council meeting. The recommendation of this report was:

1. The recommendation contained in Clause F-1007.5 – Proposal to rezone 105 Wellington Street, Bondi (Maccabi Tennis Courts) (A10/0203) of the Minutes of the Finance, Ethics & Strategic Planning Committee meeting held on 6 July 2010 not be adopted.
2. The matter be deferred to allow:
 - a) Council officers to assess the further submission for the proposal by the applicant dated 9 August 2010 addressing issues raised in the report and other reasons, and if appropriate, to prepare a supplementary report for Council consideration.
 - b) Council officers to investigate who owns the site and whether the applicant has the owner's consent to lodge the application to rezone the land.
 - c) Council officers to obtain an estimate of the value of the land under its current zoning.
 - d) Meetings to be organised between Council planners and the applicant prior to any community consultation in order to consider what opportunities are available to plan for a Community Centre on the site, and to prepare a master plan of a variety of options proposed for the site, including options that are permitted under the current zoning, and all such options for the site to be considered by Council.
 - e) Subject to (d) above, the preferred options for the site to be presented to Council with a view of then seeking the community's opinion through an appropriate community consultation process.
 - f) Subject to (d) and (e) above, Council to consider a report on the results of the community consultation as part of the new draft comprehensive LEP.
 - g) Council to notify those property owners and residents who were notified about the previous development application for the site in writing providing information of the decision taken at tonight's meeting.
 - h) Council to invite the operator of the tennis courts to a meeting with Council officers to clarify the financial viability of the tennis facilities.
3. Council notes that this is a privately owned site and that the owner may reasonably pursue redevelopment of the site in accordance with Waverley's Local Environmental Plan and Development Control Plan, and State planning instruments.

A subsequent report titled "Planning Proposal, 105 Wellington Street Bondi (A10/0203)" and dated 10 October 2010 from the Director, Planning and Environmental Services assessing the Planning Proposal for 105 Wellington Street Bondi, seeking to rezone the Maccabi Tennis Courts from Open Space 6(a) to Residential 2(c1) was debated at Council's November 2010 Council meeting. Council resolved that:

1. Attachments 4 and 5 to the report dated 11 October 2010 from the Director, Planning and Environmental Services be treated as confidential in accordance with section 11(3) of the Local Government Act 1993, as they relate to matters specified in section 10A(2) of the Local Government Act 1993.
2. Council advise the applicant that it does not support the rezoning of 105 Wellington Street Bondi for the following reasons:
 - a) The tennis courts (open space) form an integral part of the local open space network, the demise of which would impact on the recreational needs of the community.

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- b) The loss of this recreational facility (open space) would leave an unacceptable gap in the provision of recreational opportunities for the local community and deny the local community reasonable access to local open space.
 - c) Retaining the tennis courts (open space) and providing this much needed recreational opportunity is in accordance with Council's Strategic Plan, Social Plan and Recreational Needs Study and the Government's Metropolitan and Subregional Strategies.
 - d) Development of the scale proposed would impact on the amenity of the local community in terms of traffic generation, noise, hours of operation and parking.
3. Council appeals to FREE not to take the matter to the Minister and to abide by the decision of the local consent authority.
4. In the event that FREE does appeal to the Minister Council will use the best of its endeavours to oppose the appeal including but not limited to obtaining legal and town planning advice.
5. Council pledges its support to FREE to find an alternative location for a new community centre, or potential for co-location, and undertakes to formally present to FREE at least one alternative location by the February 2011 Council meeting. In the meantime, Council and the applicant continue to investigate options for the establishment of a community centre for FREE including, but not limited to, Council leasing a site at a peppercorn rent to FREE to build a community centre at their own cost, and giving consideration to the possibility of selling 105 Wellington Street as an operational tennis centre as a source of funding.
6. Council will assist FREE in facilitating appropriate fund raising to finance the development of a new community centre.

The Subject Planning Proposal for 105 Wellington St, Bondi (Bondi Tennis Centre)

On 11th June 2013 Urbis submitted a Planning Proposal on behalf of Sports Properties Pty Ltd. The proposal seeks to amend Waverley LEP 2012 in relation to 105 Wellington Street, Bondi by rezoning the land from Private Recreation (RE2) to Medium Density Residential (R3).

List of Land Uses Permitted on the Site with Development Consent.

The current zoning (RE2 Private Recreation) permits the following uses with development consent:

- registered clubs
- roads
- kiosks
- childcare centres
- community facilities
- information and education facilities
- respite day care centres
- environmental facilities
- recreation areas
- recreation facilities (indoor)
- recreation facilities (outdoor)

The proposal seeks to rezone the site to (R3 Medium Density). The proposed zoning would permit the following uses with development consent:

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- home industry
- roads
- residential accommodation (all types except shop top housing and home occupation (sex services))
- bed and breakfast accommodation
- kiosks
- markets
- neighbourhood shops
- childcare centres
- community facilities
- information and education facilities
- places of public worship
- respite day care centres
- environmental facilities
- recreation areas
- recreation facilities (indoor)
- exhibition homes / villages

Scale of Proposed Development

The applicant has provided concept plans for a possible future development on the site were it to be rezoned. The concept involves a series of three storey residential flat buildings accommodating 40 - 45 apartments and associated underground parking. Calculations provided by the applicant estimate an FSR of 0.9:1 and height under the 12.5m limit.

The scale (i.e. height and FSR) of the development would be consistent with the scale of development permissible in a Medium Density Residential (R3) zone.

It should be noted that should a rezoning application be successful, the applicant is not obligated to submit a development application to match the concept plans.

Economic Sustainability

The applicant claims that *"while the Maccabi Tennis club does continue to operate from the site we understand that it does so at a financial loss. The continued use of the site by the Club is considered to be unsustainable in the medium to long term."* (p.3 of planning proposal). The applicant has not stated that usage of the courts is in decline nor is there any anecdotal evidence to suggest this. Regardless, the economic viability of the site is not considered to be the key issue for consideration in regard to this planning proposal due to the number of variables which could impact either positively or negatively on the site.

Community engagement

It should be noted that community consultation is not a statutory requirement at this stage in the Planning Proposal process. Should the matter proceed to rezoning stage, the draft amending LEP will be advertised in accordance with Statutory and Council requirements.

Never the less, due to the history of proposals for the site and the level of community interest a mayoral minute titled "Planning Proposal for 105 Wellington Street, Bondi (PP-5/2013) was debated at Council's 18 June 2013 meeting. Council resolved that:

1. In view of the previous refusal to rezone this specific site, Council notify residents abutting or adjoining the Wellington Street Tennis Courts and the Bondi West Precinct Committee that a Planning Proposal has been submitted to rezone the site from its current zoning of RE2 Private Recreation to R3 Medium Density residential. The notification letter should also outline the planning proposal process.

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2. Council Officers prepare a report on the Planning Proposal so that it can be considered by Council as soon as practicable. If Council decides to proceed with the proposal it will then be forwarded to the Department of Planning's Gateway determination process. That process will then involve a statutory requirement for community consultation and will include a minimum period for public exhibition.
3. Because of the previous concerns about traffic generation in particular it is felt that an immediate notification of neighbours is important rather than waiting for the broader consultation that may occur as part of a future gateway determination process.

As a result of the mayoral minute, residents within a 100m radius of the site and the Bondi West Precinct Committee were notified on 25th June 2013 (via mail) that a planning proposal had been submitted. See Attachment 3 for a copy of the letter. The information contained in the letter and a copy of the planning proposal as submitted was also uploaded to Council's website at http://www.waverley.nsw.gov.au/building/current_projects/wellington. A hard copy was made available at Council's Customer Service Centre. The website offered interested people to email council to register and be informed of the proposal's progress. To date 6 people have registered their interest. One person has submitted their opposition to the rezoning.

Council officers attended the West Bondi Precinct Committee meeting on 24th July 2013 where they presented a summary of the submitted planning proposal and the process for assessment.

Subsequently, the following motion was carried at the Bondi (west) precinct meeting held on 24 July 2013:

Rezoning of 105 Wellington Street, Bondi

Motion 1

I move that Bondi Precinct register with the council its strong opposition:

- a) To the rezoning of 105 Wellington Street, Bondi Beach from RE2 (Private recreational Space) to R3 Residential;
- b) To any redevelopment of that property which would impact on the amenity of the local community in terms of traffic generation, noise, hours of operation and parking, over and above that which currently exists.

Motion 2

If appropriate, the Bondi Precinct refers to Waverley Council, and where necessary to the Waverley Traffic Committee, a study is conducted for and with the advice of Waverley officers and Waverley Traffic Committee of the actual current trips and parking requirements generated by the current tennis courts.

On behalf of the applicant Urban Concepts carried out their own separate community engagement. This entailed distribution of two community newsletters and an invite to a community consultation session. The communication material was distributed to residents and businesses within streets bounded by Simpson Street, Curfew Street, Glenayr Avenue and Cox Avenue. Communication material was also sent to Bondi and Districts Chamber of Commerce, Bondi Bescue, Bondi Precinct Committee, Tennis Australia, local state and federal members of parliament, state government agencies, utility providers, local emergency services providers and immediately adjoining local government areas.

On behalf of the applicant a website was developed by Urban Concepts. Adjoining landowners and businesses were visited for a "meet and greet session" on 1st or 2nd July 2013. Urban Concepts addressed the Bondi Precinct Committee meeting on 12 August 2013. A community consultation session was held on 13th August 2013.

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Referrals

Internal referrals were sought from Council's -

- Recreation Planner
- Urban designer
- Heritage Architect
- Technical Services
- Strategic Tree Planning Officer

An external referral was sought from Sydney Water.

Many of the issues raised via referrals could be resolved as part of a future development application. Where relevant, aspects of each referral have been quoted in the answers to the Key Questions below.

DoPI Key Questions for Planning Proposals

The proposal requires endorsement from Council prior to submission to the Department of Planning and Infrastructure (DoPI) for consideration at the "gateway". Should Council not support the Planning Proposal, as recommended, the applicant will be advised accordingly and he will have the option to seek a review of the Council's decision by the DoPI.

The guide to preparing Planning Proposals issued by the DoPI requires consideration of a number of key questions. Below is an assessment of the proposal in relation to those questions.

1. Is the Planning Proposal a result of any strategic study or report?

The applicant states that the planning proposal is not the direct result of a strategic study or report.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The applicant believes that the Planning Proposal method is the most appropriate and efficient method to enable development applications to be submitted for residential development on the site and that other methods will not achieve the intended result that is sought. Another method identified is awaiting a further review of WLEP 2012. The applicant also notes that residential development is prohibited under the current zoning and as such a development application could not be lodged without rezoning the site.

It is considered that a planning proposal, if it were to be supported is the most efficient means of achieving the intended outcomes.

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The applicant has provided statements that the proposal is consistent with the Metropolitan Plan for Sydney 2036 (Metro Plan) because the proposal provides opportunities to achieve:

- Metropolitan Strategy housing targets,
- the efficient utilisation of existing / new infrastructure,
- the concentration of housing density in and around corridors and centres, particularly railway stations and
- the creation of vibrant mixed use centres that accommodate both working and living.

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Council Officers consider that the Planning Proposal is inconsistent with objectives and actions in the Metropolitan Plan for Sydney to 2036 pertaining to retaining open/recreation space, specifically with the points regarding liveability, social infrastructure, and healthy accessible places being the most relevant:

- *"Liveability describes how a community lives, works, plays and moves about the city. It is determined by the range of a city's qualities, including tangibles such as the quality of the natural and built environments, affordability, access to social infrastructure and accessibility of transport options". (pg. 199 Metro plan)*
- *"Objective H1: To ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making" (pg 200).*
- *"social infrastructure and services are adequate, appropriate and accessible" (part of Action H1.1 pg 200)*
- *Action H2.1: "Plan and coordinate the effective and timely provision of social infrastructure and services" (pg 203). "Social infrastructure and services should be located where people can easily access them and be well designed and adaptable to changing needs. Population changes will increase demand for health services (particularly as the population ages), educational services and open space (particularly with higher densities). These challenges may also be addressed by improving the quality and management of existing facilities." (p.203)*
- *Action H2.3: Local government to undertake open space planning processes in accordance with updated Recreation and Open Space Planning Guidelines for Local Government, to deliver parks, playing fields and public spaces that suit new multiple uses (pg 204)*

The Planning Proposal is inconsistent with the key directions and actions in the Draft East Subregional Strategy namely:

- *Key Direction - "Ensure equitable access to parks and public places for all residents in the subregion".*
- *Key Direction - "Ensure open space areas and facilities are managed sustainably to cater for residents and visitors to the subregion".*
- *Action F2 - "Provide a diverse mix of parks and public places"*
- *Action F2.1 - "Improve the quality of local open space"*
- *Action F2.1.1 - "Councils should continue to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and particularly residential growth is being located".*
- *Action F2.2.3 - "Councils to continue to improve recreational facilities for a range of age groups and interests".*

Additionally, the applicant has provided statements that the proposal is consistent with the following key messages in the Draft Metropolitan Strategy for Sydney (released March 2013):

- *Key Message: More housing is needed to meet demand*
- *Key Message: New housing with good access to public transport, facilities and services*
- *Key Message: The provision of more diverse housing.*

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The applicant states that the proposal is consistent with the objectives of the draft Metro Strategy because the proposal:

- *"Will deliver new and more diverse housing within the short term and as such will contribute to achieving the targets of the draft Strategy."*
- *Responds to a recognised need (and market demand) for housing in this locality.*
- *Will provide new homes in close proximity to existing infrastructure and services."* (p.30 of Planning Proposal)

Council Officers consider that the Planning Proposal is inconsistent with objectives in the Draft Metropolitan Strategy for Sydney namely:

- *"Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities: Residents in socially inclusive communities have access to economic, social, cultural and recreational opportunities. Urban planning can influence social inclusion by removing barriers to the many benefits that a large city like Sydney offers. This supports a number of NSW 2021 goals: build liveable centres (Goal 20); increase opportunities for seniors in NSW to fully participate in community life (Goal 25); ... and enhance cultural, creative, sporting and recreation opportunities (Goal 27)."* (p.34 of Draft Metro Strategy)
- *"Objective 9 - Deliver accessible and adaptable recreation and open spaces: Sydney enjoys wonderful open spaces, beaches and waterways with good public access. By providing better access, we can get more benefit from them and encourage people to be more active, help them feel part of their community and have a positive influence on their health. This supports the NSW 2021 Goal 27: enhance cultural, creative, sporting and recreation opportunities."* (p.36 of Draft Metro Strategy)

It is important to note that Council has made a submission to the Draft Metropolitan Strategy 2031 to include the following point;

[point 26.] *"The strategy should recognise that privately owned recreation facilities such as bowling clubs and tennis courts etc. have a role to play in providing recreation opportunities to the community and should be protected and prevented from redeveloping."*

Reason being;

..., due to rising land values, private recreation facilities are coming under increasing pressure to cease operation and redevelop for residential purposes. The draft strategy should recognise that privately owned facilities such as bowling clubs and tennis courts etc. have a role to play in providing recreation opportunities to the community and should be protected and prevented from redeveloping.

Council's strategic planning direction is not reliant upon this Planning Proposal to achieve the specified housing and employment targets in the Draft East Region Draft Subregional Strategy.

The applicant's proposal will however reduce recreation services and this should not be done without broader consideration of all recreational needs in the local government area.

4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plans?

Waverley Together 3. Our community's strategic plan for 2013-25

The Waverley Together 3 Community Strategic Plan 2013-25 sets the strategic direction and overarching strategies for the future of the Local Government Area.

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The applicant has stated that the proposal responds positively to the directions of Waverley's Community Strategic Plan and will contribute to achieving the specified outcomes since the proposal will directly contribute to Direction C3 of the Plan "*Housing options are available to enable long term residents and those with a connection to the community to remain in Waverley*" by facilitating the development of a range of dwelling types within an area that is in close proximity to existing facilities and services.

Council Officers consider that the proposal is inconsistent with the following directions and strategies, namely:

- *"Strategy L5a - Ensure planning controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected."* (p.26 of Waverley Together 3)
- *Direction C7 - "Health and quality of life are improved through a range of recreation and leisure opportunities."* (p.23 of Waverley Together 3)

The strategies to achieve direction C7 are as follows:

- *"Retain, protect and improve the quality, flexibility and useability of parks, reserves and other green spaces to meet recreational needs, whilst considering and ameliorating any negative environmental impacts."*
- *Plan and prioritise recreation and leisure needs based on regional as well as local facilities using appropriate data trends."*
- *Provide and support a broad range of facilities and activities to improve the physical and mental health of the community members."* (p.23 of Waverley Together 3)

Any loss of recreation space would be inconsistent with Waverley's local objectives in regards to creating a sustainable community.

Waverley Local Environment Plan 2012 (LEP)

The Community Strategic Plan informs the direction of Council's LEP. The LEP has zoned the site Private Recreation (RE2) with the following objectives:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

As discussed in Question 9 below Waverley has an undersupply of facilities for many forms of outdoor recreation. Rezoning of the site will result in less land being enabled for use as private open space or for recreational purposes.

5. Is the Planning Proposal consistent with applicable SEPPs?

The applicant has provided statements that the proposal is consistent with all applicable SEPPs and for the most part this is accepted. In relation to compliance with SEPP 65, the applicant states that "the development concept has been designed to facilitate future detailed building design in accordance with SEPP 65 and the accompanying Residential Flat Design Code". It is considered that compliance with SEPP 65 can be resolved at the development application stage.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (Sec. 117 Directions)?

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The applicant has provided statements that the proposal is consistent with the majority of the Section 117 Directions and for the most part this is accepted. However, the proposal is considered to be partially inconsistent with Section 117 Ministerial Direction 7.1 as it will lead to a development that cannot satisfy requirement 5(b) namely:

- (5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

As stated above under question 3, the proposal undermines policies, outcomes and actions of the current and draft metropolitan plan.

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?

It is not considered that any Critical Habitat or Threatened Species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal.

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

The applicant has stated that the site is free of major constraints and that there are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development.

Nevertheless increased traffic has been identified as an environmental impact that may be generated by the proposal and details are provided below:

- **Increased traffic**

The applicant's proposal concludes that the proposed concept design *"is supportable on traffic grounds and would operate satisfactorily"* (p.7 Traffix - Traffic Statement).

A referral to Council's Technical Services team states that *"traffic counts should be done in Wellington Street and adjacent streets over a 7 day period whilst the tennis courts are in operation to assess pre and post development conditions"*. It also states that Technical Services *"is of the opinion that traffic movements generated by the proposed concept plans would not have significant impact on the street and nearby intersections"*. It is considered that any shortfalls in road infrastructure could be resolved as part of a future development application which would be required to be accompanied by a full traffic and parking report.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The applicant has provided statements (p.34 of Planning Proposal) that the key issues in weighing the social and economic impacts of the proposal are considered to be:

- residential amenity;
- impact on availability of recreational facilities; and

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- traffic

Residential Amenity

It is considered that residential amenity issues relating to building separation, landscaping and acoustic privacy cannot be considered by an assessment of the concept plan. Nevertheless, it is generally accepted that matters relating to residential amenity can be resolved as part of a future development application.

Heritage

The matter was referred to Council's Heritage Advisor for comment. Based on the Planning Proposal as described there is little effect on items of European Heritage.

Economics

No evidence has been provided to prove that a change from tennis courts to residential buildings will boost the economic vitality of surrounding local shops.

Availability of recreational facilities

The applicant *"commissioned a community facilities needs assessment to assess the availability of community and recreational facilities within the LGA, particularly tennis courts. This investigation identified that:*

- *There is a good supply of community and recreational facilities within the Waverley LGA with the exception of indoor swimming pools and libraries.*
- *In purely quantitative terms, there is a recognised shortage of tennis facilities within the LGA. The rezoning of the site will result in a further reduction in the availability of tennis facilities within Waverley.*
- *Tennis facilities are available within the neighbouring LGAs of Randwick and Woollahra.*
- *The need to provide new public tennis facilities within the Waverley LGA is recognised by Council and sites have been identified for the future provision of these facilities as follows:*
 - o *Hugh Bamford Reserve and Rodney Reserve have been identified as potential sites for future tennis facilities.*
 - o *Opportunities to upgrade the existing multi-purpose court at Waverley Park are currently being investigated.*

The applicant stated that while the general shortage of tennis facilities within the LGA is acknowledged, the site is considered to be neither appropriately located, nor of a suitable quality to assist in meeting the LGA requirement for such facilities. Consideration has been given to addressing the resultant loss of the tennis courts from the site should it be redeveloped for housing purposes. In this regard, the applicant offers to enter into a voluntary planning agreement with Council. This could involve a contribution to the development of the facilities identified above." (p.34 of Planning Proposal)

It is considered that the applicant has not adequately addressed the social effects of the loss of recreational space. The reasons and background for this consideration have been prepared by Council's recreation planner and are outlined below. Also refer to discussion below (under heading "Alternative Approach") regarding the option of entering into a voluntary planning agreement.

Waverley Council's Recreation Needs Study 2008

The 2008 Recreation Needs Study found that Waverley has an under-supply of facilities for many forms of outdoor recreation, which can result in potential consequences such as:

- the limited supply of facilities may become over-used and crowded.

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- Waverley residents may seek recreational opportunities outside of the LGA. This is likely to be difficult for the less mobile members of the community.
- people adapt to their surroundings. There is concern that in the absence of suitable physical recreational opportunities, young people, in particular, may engage in antisocial activities.

The re-zoning proposal for 105 Wellington St, Bondi Beach will result in the removal of the existing recreational facility, reducing the range and volume of activities available to the community. The recreation and leisure needs of Waverley LGA are bound to increase, due to an increase in the population numbers and density in both local and neighbouring communities. Aside from removal of the existing tennis courts and small gym within the club house, there are a number of uses that will no longer be permissible on the site as a result of the proposed rezoning, in particular *recreation facilities (outdoor)* and *registered clubs*. The LEP defines these uses as:

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Registered club means a club that holds a club licence under the Liquor Act 2007.

Demographics of Waverley LGA.

Refer to Attachment 4: Waverley Population Density

The Waverley LGA has an area of 924 hectares and a current resident population of 69,264 leading to high density living of 74.93 persons per hectare, making Waverley one of the most densely populated LGA's in Australia. The Bondi Beach region specifically (where the site is located) has a density of 91.10 persons per hectare.

The subject site is located in an area which has a large proportion of high density dwellings (flats, units, and apartments) with limited open space.

(Source: Waverley Community Profile <http://profile.id.com.au>)

Supply of Recreation Facilities

Refer to Attachment 5: Recreation Zones (within the 2011 LEP)

The key issues resulting from Council's review of previous research and analysis of current materials found that limited recreation-space in the LGA is a significant constraint on addressing the gaps in recreation services, facilities, practice and programs.

Under the Waverley LEP 2012 there are two zones which contribute to Recreation Space

RE1 Public Recreation

Which is intended for a wide range of public recreation areas and activities including local and regional open space. This involves land in public ownership and a limited range of compatible commercial uses related to recreational activities.

RE2 Private Recreation

Which provides a wide range of recreational activities on land that is privately owned. Other uses however are substantially limited.

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There are 6 sites within Waverley LGA zoned RE2 including:

- 105 Wellington St Tennis Courts
- Waverley Bowling Club
- Diamond Bay Bowling Club
- Bondi Bowling Club
- 57 Mitchell, 86 & 90 Warners Ave Tennis Courts
- Bronte Bowling Club

The limited number of open space and recreational facilities (Zone RE1 and RE2) across the LGA are fairly diverse in size, appearance and function. The supply is spread across the LGA serving the different neighbourhoods.

The larger open spaces act as local, regional and sometimes national/global hubs (such as Bondi Beach and Park) for recreational activities. The smaller open spaces act as important local amenity areas as they are located within a walkable distance.

Based on the Waverley Council's 2008 Recreation Needs Study assessment of 110.36 hectares of open space supply, open space in the LGA is currently provided at a rate of 1.74 hectares per 1,000 people. 2.38 hectares of open space per 1,000 people is a commonly referenced benchmark in open space planning, however the NSW Department of Planning's *Recreation and Open Space Guidelines* acknowledges that the standard may be unrealistic in more densely populated urban areas. The local catchment for these neighbourhood amenities can be calculated by looking at the walkable access of the site. Waverley Council identifies a 300m radius from all open spaces, typically a 10 minute walk, as an acceptable distance. This standard is not currently reached across the LGA. [Refer Attachment 6: *Open Space and Walkable Catchment*]

Surrounding regional Tennis facilities

There is a reliance on regional facilities to meet demand for some active recreational/sports activities identified in the Recreation Needs Study. While there are a number of tennis facilities in surrounding regions, this provision does not meet available benchmarks for the population.

The Table below indicates the provision of tennis courts to population across Waverley and surrounding LGA's.

	No. Of Tennis Courts	2012 Population	Court: Population Ratio
Waverley Council	11	69,264	1:6297
Randwick Council	39	139,260	1:3571
Woollahra Council	27	56,962	1:2109
Total for Eastern Suburbs	77	265,486	1:3448

Table from Tennis NSW, Population as per ABS statistics for June 30, 2012

The number of tennis courts provided relative to the population for Waverley LGA is at a rate of 1 court per 6,297 people. This is including 2 Tennis Courts at Kesser Torah College, with limited hours of operation for student and private coaching to between 8.00am and 6.30pm Monday to Friday and 10am to 3pm Sunday, and no activity on Saturday.

Due to existing low number of courts, the loss of the Wellington St courts would see a significant change in the provision of tennis opportunities to the Waverley Community. Within Waverley Council, the court ratio would be one tennis court per **13,852** people.

The submission highlights that there are tennis facilities within neighbouring LGA's. While tennis courts are comparably better provided in the neighbouring Randwick and Woollahra

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Council areas, provision remains low. With 77 courts available across the Randwick, Woollahra and Waverley LGAs, and a combined population of 265,486, the rate of provision regionally is 1 court per 3,448 people.

By way of comparison, the rate of provision in the Sydney Metropolitan Area is 1 court per 2,829 people. Available benchmarks of 1 court per 1,500 (identified by Tennis NSW) or 1 court per 1,800 people (identified by NSW Department of Planning and Infrastructure) are not met across the region.

Refer Attachment 7 for Tennis Facilities in Eastern Suburbs

Demand for Tennis

There is a high demand and a limited supply of tennis facilities in the Waverley LGA. The Waverley Recreation Needs Study 2008 ranked tennis as the tenth most popular sport or physical activity in the community survey and indicated that tennis was also the organised sport most respondents wanted to play in the future (14%). Waverley LGA also has a higher level of recreation participation in tennis than broader NSW (11.6% compared to 8.8%). The study revealed that participants were concerned that demand for tennis was not being adequately catered for and they fear the loss of the six courts on Wellington St if redeveloped. Both Community survey respondents and focus group respondents, as part of the study's consultation, suggested priorities around tennis court provision.

Research indicates that tennis is one of the most popular sports throughout the world. Furthermore, a large majority of people who play tennis maintain it throughout life. Tennis can provide an ideal sport for improving physical activity levels of the general population (Br J Sports Med 2007;41:760–768).

Community Facilities Needs Assessment

The Planning Proposal has considered and addressed the loss of the existing tennis courts, which is considered to be the most significant issue. As part of the proposal, a Community Facilities Needs Assessment was undertaken to assess the availability of community and recreational facilities within the LGA, particularly tennis courts. The planning proposal identified several concluding remarks from the Community Facilities Needs Assessment, which have been addressed below:

- *There is a good supply of community and recreational facilities within the Waverley LGA with the exception of indoor swimming pools and libraries.*

Waverley Council has a limited supply of recreation facilities across the LGA. Neither the 1000 people per 2.38 hectares of open space or 300m walking distance to open and recreation space standards are achieved. In addition, it is recognised (both by Council and the Urbis Community Facilities Needs Assessment) that tennis courts are in under supply in the community.

- *In purely quantitative terms, there is a recognised shortage of tennis facilities within the LGA. The rezoning of the site will result in a further reduction in the availability of tennis facilities within Waverley.*

The loss of the 6 courts at 105 Wellington St will leave Waverley LGA with only 1 court per 13,852 people (including the courts at Kesser Torah College with limited availability to community). This provision would result in the highest population to tennis court ratio across the State, and in likelihood (according to Tennis NSW and Tennis Australia) across all of Australia.

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- *Tennis facilities are available within the neighbouring LGAs of Randwick and Woollahra.*

While Tennis facilities are available in neighbouring LGAs, they are also under the recommended provision ratio and provide residents of Eastern Suburbs with a shortage of supply across a broader region.

In addition, it would be against Waverley Council's values to encourage residents to travel for recreation that could be provided within the LGA. Waverley Council's vision is a place where traffic congestion is reduced and land use and transportation is integrated to provide accessibility without relying on excessive mobility.

The NSW Government Sydney Metropolitan Strategy also states that liveability is enhanced by reducing congestion, noise, urban sprawl, and pollution whilst improving access to open space, recreation and community interaction.

- *The need to provide new public tennis facilities within the Waverley LGA is recognised by Council and sites have been identified for the future provision of these facilities as follows:*

- Hugh Bamford Reserve and Rodney Reserve have been identified as potential sites for future tennis facilities.

- Opportunities to upgrade the existing multi-purpose court at Waverley Park are also currently being investigated.

Waverley Council has recognised that there is a need for new public tennis facilities, in addition to the current provision. This existing need to increase facilities is on top of the current offerings including the 6 courts at 105 Wellington St, Bondi Beach.

While Hugh Bamford Reserve and Rodney Reserve were initially investigated, these sites were both deemed unsuitable for tennis courts and have not been considered potential sites.

The potential for tennis facilities at Waverley Park is currently being investigated, however this would be to a maximum of 4 courts. The investigation is to create additional facilities in addition to the current provision. If these facilities went ahead, they would not replace the 6 tennis courts that are proposed to be lost with the rezoning, and increase the existing demand for tennis facilities in the LGA.

The comments within the planning proposal neglected to reference the obvious demand for tennis courts that was recognised and reported in the Urbis Community Facilities Needs Assessment. The following is extracted from this report;

Drawing on the findings of the document review, community profile, community facilities audit and stakeholder interviews, the following assesses the provision of facilities in the Waverley LGA. Consideration is given to tennis courts in particular, as well as a range of other recreation and community facilities.

7.1 TENNIS COURTS

Including the subject site, there are eleven tennis courts available in the Waverley LGA, and 68 in neighbouring LGAs, totalling 79 across the region.

Assessment of local provision

Research indicates that there is demand for tennis courts in the local area. Stakeholders and local providers report that tennis is popular amongst the Waverley population and draws a broad range of demographic groups. Further contributing to demand, there is a higher

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proportion of apartment dwellings in the LGA, meaning open space is required to perform a backyard function. Reflecting this demand, existing courts in the LGA are reportedly well used. Although usage fluctuates during the day, the providers interviewed in this study indicated they operate at or near capacity at peak periods and some reported plans to expand to cater to demand.

Council reports (i.e. Recreation Need Study 2008, Waverley Park Plan of Management) and input from stakeholders and local providers indicate that tennis courts are undersupplied in the LGA. The number of tennis courts provided relative to the population of the LGA is low based on available benchmarks, at a rate of 1 court per 5,771 people. By way of comparison, the rate of provision in the Sydney Metropolitan Area is 1 court per 2,829 people. Neither meet available benchmarks of 1 court per 1,500 (identified by Tennis NSW) or 1 court per 1,800 people (identified by NSW Department of Planning and Infrastructure).

It is noted that Waverley Council and local providers are aware of the low provision of tennis courts locally and there are a number of activities underway that will help to address this. These include the recent opening of the privately owned Bondi Tennis on Warners Avenue and investigations into courts at Waverley Park (a Council initiative).

Assessment of regional provision

Waverley LGA's small size, close proximity to Randwick and Woollahra LGAs, good public transport and moderate level of car ownership, suggests residents have a reasonable degree of mobility in travelling outside the LGA to meet their needs. Consideration of the regional picture is also significant in the context of Tennis NSW's focus on the provision of medium and sub-regional sized facilities. Facilities of over 8 courts are reported to be most successful.

Tennis courts are comparably better provided in the neighbouring LGAs of Randwick and Woollahra, though provision remains below benchmarks. With 79 courts available across the Randwick, Woollahra and Waverley LGAs, and a combined population of 244,634, the rate of provision regionally is 1 court per 3,096 people.

Note - Different tennis court numbers and population figures have been used within the Community Needs Assessment Report, however the results are similar.

10. Is there adequate public infrastructure for the Planning Proposal?

If the site were to be redeveloped as medium density residential it is considered likely that aspects of the existing public infrastructure would be adequate. However, without further investigation it is unknown if additional infrastructure would be required to service:

- electricity demands. Shortfalls in electricity supply could potentially be met with a new substation (usually addressed as part of a development application);
- increased demands on public transport. Mechanisms to address possible shortfalls in public transport supply have not been included in the planning proposal;
- traffic congestion. Refer to discussion in Question 8 above regarding increased traffic. It is considered that any shortfalls in road infrastructure could be resolved as part of a future development application; and
- the recreational needs of future residents. The planning proposal includes an offer to "enter into a Voluntary Planning Agreement with Council for use for planned capital works spending. It states that these contributions could be used by Council for a

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range of public purposes one of which may include the development of tennis facilities as identified in the Waverley Recreation Needs Study 2008." (p.22). A VPA is however unlikely to fulfil Council's undersupply of public recreation.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The proposal was referred to Sydney Water for comment due to the presence of a stormwater easement running through the site. Their issues related to building exclusion zones in the vicinity of their stormwater pipe. It appears that Concept Drawing SK10 proposes buildings and roof eave within the exclusion zone of Sydney Water's storm water channel. Revisions to the proposal could be incorporated into a future development application.

The views of other State and Commonwealth public authorities have not been sought at this point in time.

Summary of assessment of the planning proposal

Although the subject site is privately owned, the recreational needs study which was prepared in May 2008, acknowledges that local and state governments are not the only providers of recreational facilities and services. The study notes that private organisations also provide these services. In addition to direct provision of facilities, Councils also enable other members of the community to play their part in providing for recreation through, among other things, their local planning activities.

The site forms an integral part of the local open space and recreation network in the LGA. It is located in one of the most densely populated areas in Australia. Protection of recreational facilities is therefore of serious concern and this is highlighted in a number of Council's strategic planning documents. There is a dearth of local open space in this part of the LGA and the loss of this facility would leave an unacceptable gap in the provision of recreational opportunities for the local community. Access to other local open space facilities would be beyond reasonable walking distance which is also exacerbated by the topography of the locality.

Alternative approach

It is acknowledged that *"the applicant proposes to enter into a Voluntary Planning Agreement (VPA) with Council in accordance with Council's Voluntary Planning Agreements policy 2007 to contribute for Council to use for planned capital works spending. These contributions could be used by Council for a range of public purposes one of which may include the development of tennis facilities as identified in the Waverley Council Recreation Study 2008"* (p.22 of planning proposal).

Council Officers have not at this stage been able to identify any potential opportunities to provide alternative recreational facilities in Waverley that will not result in an overall net loss of recreational facilities in the community.

If Council wanted to further consider the rezoning, Council could commence negotiations with the applicant to enter into a voluntary planning agreement (VPA), in accordance with Council's Interim Voluntary Planning Agreement Policy 2013. If a VPA satisfactory to Council's needs were to be negotiated, the applicant would be required to submit a revised Planning Proposal containing the detail of the VPA. The proposal would then be re-assessed and reported to Council.

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Some of the risks to this approach are that:

- until an agreement is reached it is unknown whether the loss of recreational services (currently provided at 105 Wellington Street, Bondi) would be greater than any gain in monetary contributions, and
- there is little precedent for this type of VPA.

It is likely there are other risks which won't become obvious until negotiations begin.

At this stage it is recommended that Council not pursue this option.

Conclusion

This report assesses the applicant's Planning Proposal which has been submitted. The assessment identifies numerous reasons why the Planning Proposal should not be supported and it has been recommended accordingly.

Analysis

- **Financial**

The applicant has paid appropriate fees for the assessment of this Planning Proposal in accordance with Council's fees and charges.

- **Delivery Program/Operational Plan**

This has been addressed in the report

- **Consultation**

This has been addressed in the report

Should the matter proceed to rezoning stage, the draft amending LEP will be advertised in accordance with Statutory and Council requirements.

Timeframe

Should Council accept the recommendation not to support the Planning Proposal, the applicant will be notified and the matter will not progress any further. However, if the applicant chooses to pursue the matter and request a "Pre Gateway" review by the Director General and that request is successful, then the matter could take up to 12 months to resolve following a further round of public consultation on this proposal.

Recommendation: That Council:

1. Advise the applicant that it does not support the Planning Proposal relating to 105 Wellington St Bondi, to amend the controls in Waverley Local Environmental Plan 2012 to rezone the land from Private Recreation (RE2) to Medium Density Residential (R3) for the following reasons:

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- (a). The tennis courts form an integral part of the local open space network, the demise of which would impact on the recreational needs of the community;
- (b). The loss of this recreational facility would leave an unacceptable gap in the provision of recreational opportunities for the local community and deny the local community reasonable access to local open space;
- (c). Retaining the tennis courts and providing this much needed recreational opportunity is in accordance with Council's Community Strategic Plan, Waverley Together 3 and Recreational Needs Study and the Government's Metropolitan and Subregional Strategies;
- (d). The proposal is inconsistent with the following directions and strategies in Council's Community Strategic Plan - Waverley Together 3, Our Community's Strategic Plan for 2013 - 2025, namely:
- *"Strategy L5a - Ensure planning controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected."* (p.26 of Waverley Together 3)
 - *Direction C7 - "Health and quality of life are improved through a range of recreation and leisure opportunities."* (p.23 of Waverley Together 3)
 - *"Strategy C7a - Retain, protect and improve the quality, flexibility and useability of parks, reserves and other green spaces to meet recreational needs, whilst considering and ameliorating any negative environmental impacts."*
 - *Strategy C7b - Plan and prioritise recreation and leisure needs based on regional as well as local facilities using appropriate data trends.*
 - *Strategy C7c - Provide and support a broad range of facilities and activities to improve the physical and mental health of the community members."* (p.23 of Waverley Together 3)
- (e). The Planning Proposal is inconsistent with objectives and actions in the Metropolitan Plan for Sydney to 2036 namely:
- *"Objective H1: To ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making"* (pg 200).
 - *"Action H1.1: ...social infrastructure and services are adequate, appropriate and accessible"* (pg 200)
 - *"Action H2.1: Plan and coordinate the effective and timely provision of social infrastructure and services"* (pg 203).
 - *"Action H2.3: Local government to undertake open space planning processes in accordance with updated Recreation and Open Space Planning Guidelines for Local Government, to deliver parks, playing fields and public spaces that suit new multiple uses."* (pg 204)
- (f). The Planning Proposal is inconsistent with the key directions and actions in the Draft East Subregional Strategy namely:
- *Key Direction - Ensure equitable access to parks and public places for all residents in the subregion.*
 - *Key Direction - Ensure open space areas and facilities are managed sustainably to cater for residents and visitors to the subregion.*

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- *Action F2 - Provide a diverse mix of parks and public places*
 - *Action F2.1 - Improve the quality of local open space*
 - *Action F2.1.1 - Councils should continue to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and particularly residential growth is being located.*
 - *Action F2.2.3 - Councils to continue to improve recreational facilities for a range of age groups and interests.*
- (g). The Planning Proposal is inconsistent with objectives in the Draft Metropolitan Strategy for Sydney (released March 2013) namely:
- *Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities*
 - *Objective 9 - Deliver accessible and adaptable recreation and open spaces.*
- (h). The Planning Proposal is partially inconsistent with Section 117 Ministerial Direction 7.1 as it will lead to a development that cannot satisfy requirement 5(b) namely:
- (5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:
- (a) is of minor significance, and
 - (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.
2. Advise the local precinct committee and people who registered their interest in the Planning Proposal of Council's decision.

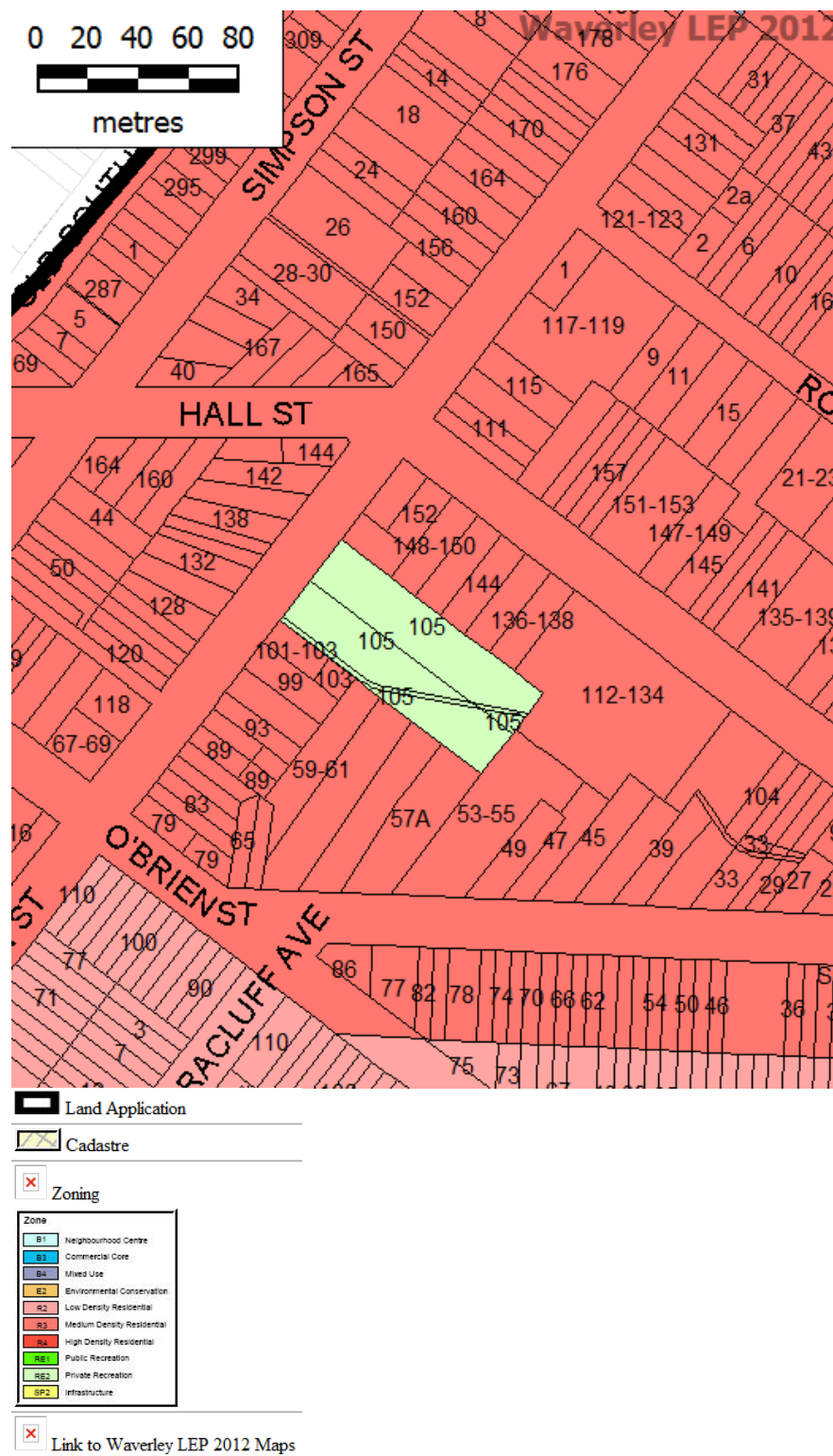
Peter Monks
Director, Planning and Environmental Services

Author: Valerie Giammarco, Co-ordinator - Urban Design & Heritage

Attachments

Attachment 1 - Extract of Waverley LEP 2012 – zoning map
Attachment 2 - Brief history of the site prepared by Council's Heritage Specialist
Attachment 3: Copy of letter distributed to residents and businesses within 100 m of the site
Attachment 4: Waverley Population Density
Attachment 5: Recreation Zones in Waverley LGA
Attachment 6: Open Space and Walkable Catchment
Attachment 7: Tennis Facilities in the Eastern Suburbs

ATTACHMENT 1: Extract of Waverley LEP 2012 – zoning map



ATTACHMENT 2: Brief history of the site prepared by Council's Heritage Advisor.

The subject site was within the 200 acre grant by Acting Governor Col. William Paterson to William Roberts on 22 December 1809 (during the time that Governor Bligh was deposed). The grant was cancelled by Governor Macquarie and then re-granted on 1 January 1810. It may be that the grant was made for services rendered in connection with the making of the original South Head Road, but this has not been proved. The grant was the first made within the present Waverley local government area.

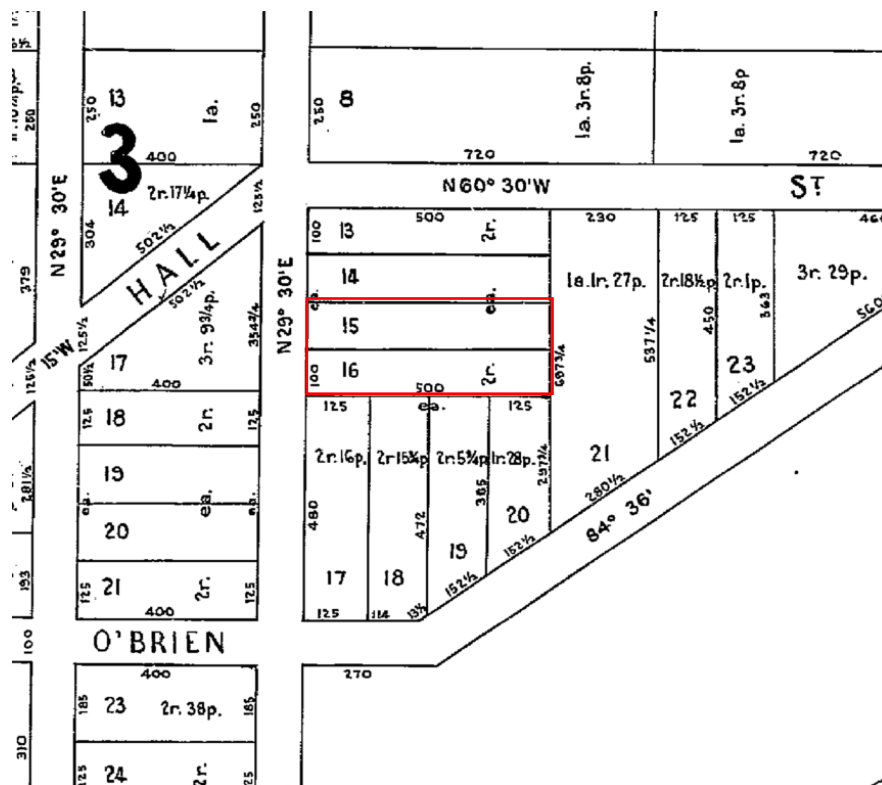
Roberts did not live on the grant and the land. The land remained in the family for three generations until it was sold in 1851 by Roberts namesake grandson, William Roberts to Edward Smith Hall as trustee for his daughter, Georgina, who was married to Francis O'Brien.

In 1852 O'Brien decided to subdivide the land however it appears that O'Brien did not have much success with selling allotments in the subdivision. Further subdivisions of the Bondi Estate followed.

The allotments of the subject site appear to have been created in the subdivision of the Bondi Estate (Plan by F.H.Reuss jun.) in January 1879. The subject site is comprised of Lots 15 and 16, Section 4, Deposited Plan 411. The subdivided land was put up for sale on 28 May 1881.

Waverley Library Local Studies collection of subdivision plans. Annotations by author.

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Extract of Deposited Plan 411. Lots 15 and 16 of Section 4 form No. 105 Wellington Street.

It is not known if the land which comprises the present day No. 5 Wellington Street was sold in the auction of 1881, however it is known that the land was purchased by Thomas Dickson and George Phillips in 1909 and quickly resold to Henry Crabb who purchased the land on the 17 March 1909. *Sands Sydney Directory* of 1920 lists Harry Crabb as the occupant of a house named *Bridport* at No. 105 Wellington Street.

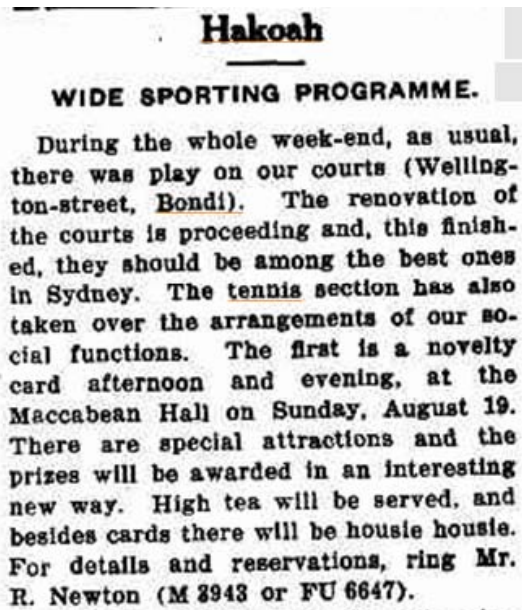
The property was purchased by Richard James Colvin, an engineer, on the 5 July 1923. Colvin occupied *Bridport* for some time as *Sands Sydney Directory* shows J. Colvin as the resident in 1932.

No. 105 Wellington Street was leased from 1948, including to Richard Newton and Myer Rosenblum from March 1952 to March 1962. Newton appears to have been a keen tennis player winning the men's championships of the 1945 NSW Jewish tennis championship (*The Hebrew Standard of Australasia* 17 May 1945).

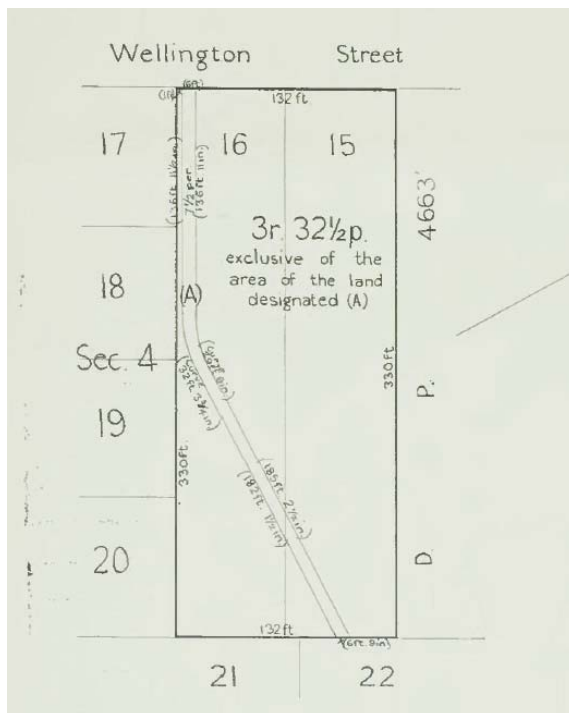
It is not known when the Hakoah Tennis Club first started to use the site but *The Hebrew Standard of Australasia* was reporting as early as 1945 that the Club was using the tennis courts at No. 105 Wellington Street. (See newspaper excerpt below.)

The Hakoah Tennis Club Limited finally purchased No. 5 Wellington Street on the 5 March 1962.

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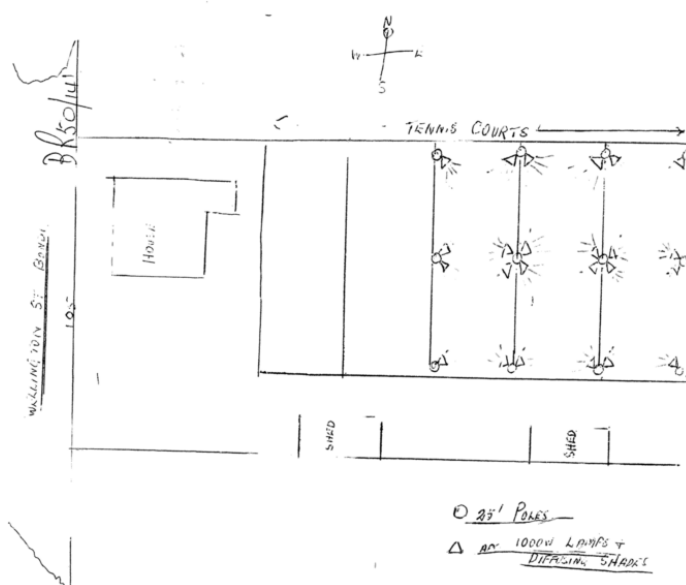
The Hebrew Standard of Australasia, 9 August 1945



Certificate of Title Vo. 8359 Fol. 97, Hakoah Tennis Club named as the owner. There is a note on document dated 10 June 1971 stating that the Sydney Maccabi Tennis Club Limited should be the registered owner.



Aerial photograph 1943 showing the Hakoah Tennis Club courts. The building at the front of the allotments has been demolished.
SIX Maps



Application made in 1950 for lights to be added to some of the courts for night time tennis
Waverley Council Building Register 50/141

This use is part of the story of Jewish sporting endeavours in Sydney. In the 1800's sport was organised for a small group of Jews living in Australia. By 1912 there were 6 sporting organisations in Sydney. 1925 saw the beginning of the annual sporting carnivals. The first

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was held in Sydney between New South Wales and Victoria in 4 sports for men: cricket, athletics, swimming and tennis.

The Australian Jewish community was transformed in the 1930s and 1940s by the arrival of approximately 8,000 Jewish refugees from Nazi Germany Austria and Czechoslovakia and, slightly later, by approximately 35,000 East European survivors of the Holocaust. As a result, the Australian Jewish community grew markedly and developed a flourishing range of communal institutions.

The following table illustrates the growth in the Jewish population of the Waverley local government area and the subsequent need for communal sporting facilities.

Year	'Hebrews' in Census data	% of total for LGA
1921	1093	3
1933	2135	3.8
1947	3139	4.2
1954	5059	7.5
1961	6397	9.8

Potential heritage significance

Initial research has revealed that the Wellington Street tennis courts have potential heritage significance because:

- the original nineteenth century allotments remain largely extant and demonstrate one of the earliest subdivisions of the Bondi beach area;
- they illustrate historical sporting activity in the area;
- they have long historical association with the Jewish community and Jewish sporting organisation; and,
- they illustrate the history of the Jewish community in the Waverley local government area.

Information sources

The Centenary of the Municipality of Waverley 1859-1959, B.T. Dowd
Subdivision plans.

Hebrew Standard (from Trove), 1 August 1940, 7 & 28 June 1945, 9 October 1947.

SIX Maps

Australian Bureau of Statistics

Jewish Australia website, <http://www.jewishaustralia.com/?Page=communityhistory>

Maccabi Australia website, <http://www.maccabi.com.au/Page/192/About-Us/Our-History.cfm>

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

ATTACHMENT 3: Copy of letter distributed to residents and businesses within 100 m of the site



Our Ref: PP-5/2013
20th June 2013

Name
Street
Suburb

Dear

NOTIFICATION OF RECIEPT OF A PLANNING PROPOSAL FOR 105 WELLINGTON STREET, BONDI

Council has received a planning proposal for the existing tennis courts located at 105 Wellington Street, Bondi (see Figure 1 for attached map), and we wanted to make sure you were aware of it.

The planning proposal intends to rezone 105 Wellington Street, Bondi from RE2 Private Recreation to R3 Medium Density Residential. The applicant states that the reason for the proposal is to enable the development of residential apartments on the site. You may refer to Appendix A for a list of the existing and proposed uses permitted on the site under the Waverley Local Environment Plan 2012 with development consent.

Council Officers will report to Council on the merits of the proposal in the coming months. If Council decides to progress the proposal to the public consultation phase, it would then be forwarded to the Department of Planning and Infrastructure for gateway determination. This means that with approval from the Department, we would place the proposal on public exhibition and invite community feedback.

If the Council decides not to support the planning proposal, the applicant has the option to request the Department of Planning and Infrastructure to review the decision. The review would be informed by advice from the Joint Regional Planning Panel (JRPP) on whether it would recommend to the Minister that the planning proposal be submitted for a determination under Section 56 of the Environmental Planning and Assessment Act (gateway determination) to go to public exhibition.

Should the planning proposal go to public notification, then all residents within the area would be formally invited to comment on the proposal. It is anticipated that should this occur, it would be towards the end of 2013. After public notification, firstly Council and then the Department of Planning and Infrastructure must consider the public submissions and then determine whether the planning proposal should be finalised or not.

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

We will keep you informed of the progress of this application, including notification when it will be considered by Council.

For your information please note that a previous rezoning application was considered by Council in November 2010 for rezoning the same site from Open Space 6(a) to Residential 2(c1) under the Waverley LEP 1996. The Council refused that application for the following reasons:

- a) The tennis courts (open space) form an integral part of the local open space network, the demise of which would impact on the recreational needs of the community.
- b) The loss of this recreational facility (open space) would leave an unacceptable gap in the provision of recreational opportunities for the local community and deny the local community reasonable access to local open space.
- c) Retaining the tennis courts (open space) and providing this much needed recreational opportunity is in accordance with Council's Strategic Plan, Social Plan and Recreational Needs Study and the Government's Metropolitan and Subregional Strategies.
- d) Development of the scale proposed would impact on the amenity of the local community in terms of traffic generation, noise, hours of operation and parking.

This is an information letter to advise you of the receipt of the planning proposal and the process by which it will be considered. There is no need to make any submission on the planning proposal at this stage. That opportunity will come should the proposal proceed to the gateway phase.

In the meantime, you may direct any enquiries to Valerie Giammarco, Strategic Town Planning, on 9369 8072 or via email at valerieg@waverley.nsw.gov.au, or visit www.waverley.nsw.gov.au/building_and_development/wellington

Yours faithfully

Peter Monks
Director Planning and Environmental Services
Waverley Council



Figure 1: Context map showing 105 Wellington Street, Bondi with red outline.

REPORT TO FINANCE, ETHICS & STRATEGIC PLANNING COMMITTEE

Appendix A: List of Land Uses Permitted on the Site with Development Consent for each zone.

The current zoning (RE2 Private Recreation) permits the following uses with development consent:

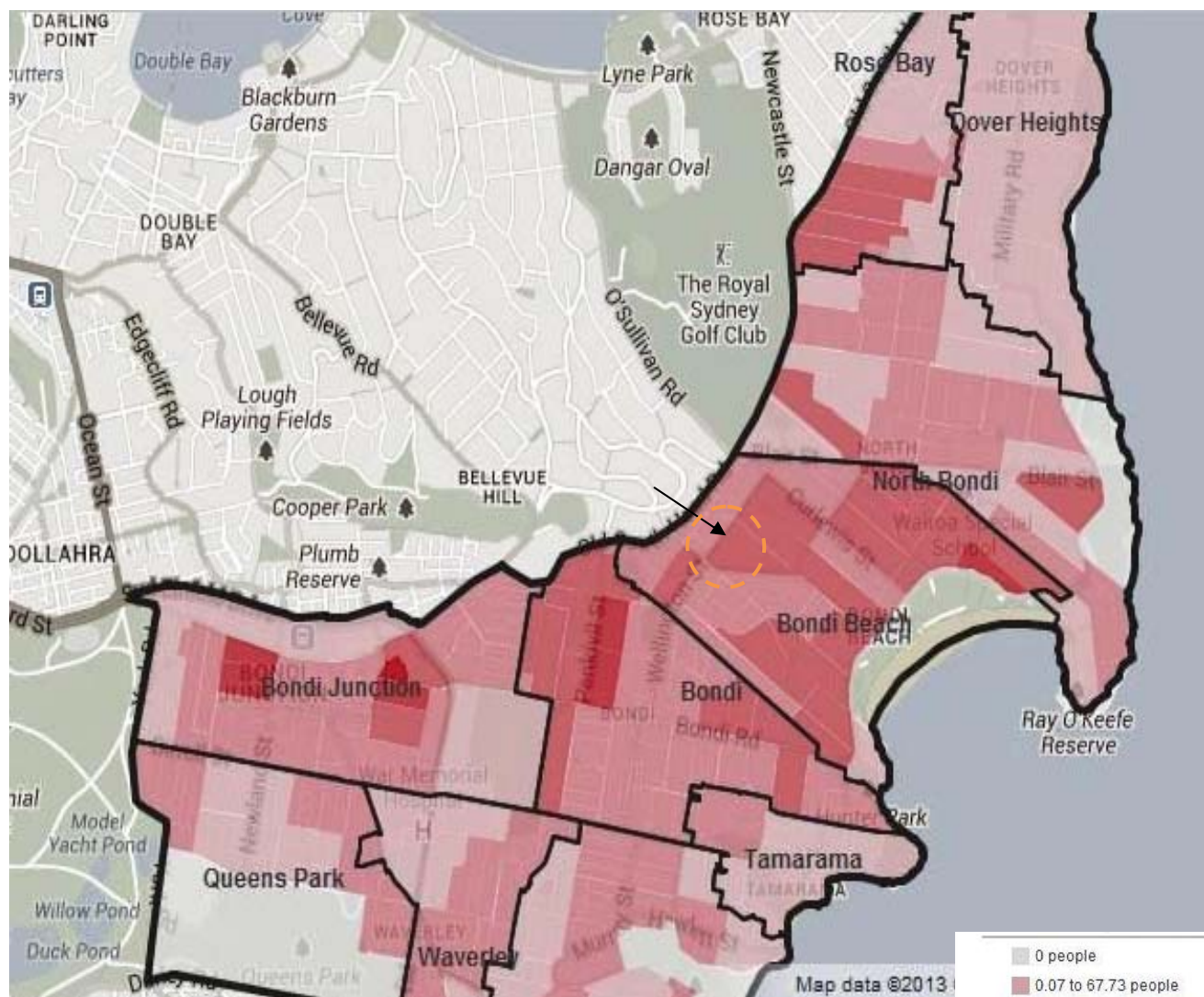
- registered clubs
- roads
- kiosks
- childcare centres
- community facilities
- information and education facilities
- respite day care centres
- environmental facilities
- recreation areas
- recreation facilities (indoor)
- recreation facilities (outdoor)

The zoning proposed by the applicant (R3 Medium Density) is more wide ranging. It would permit the following uses with development consent:

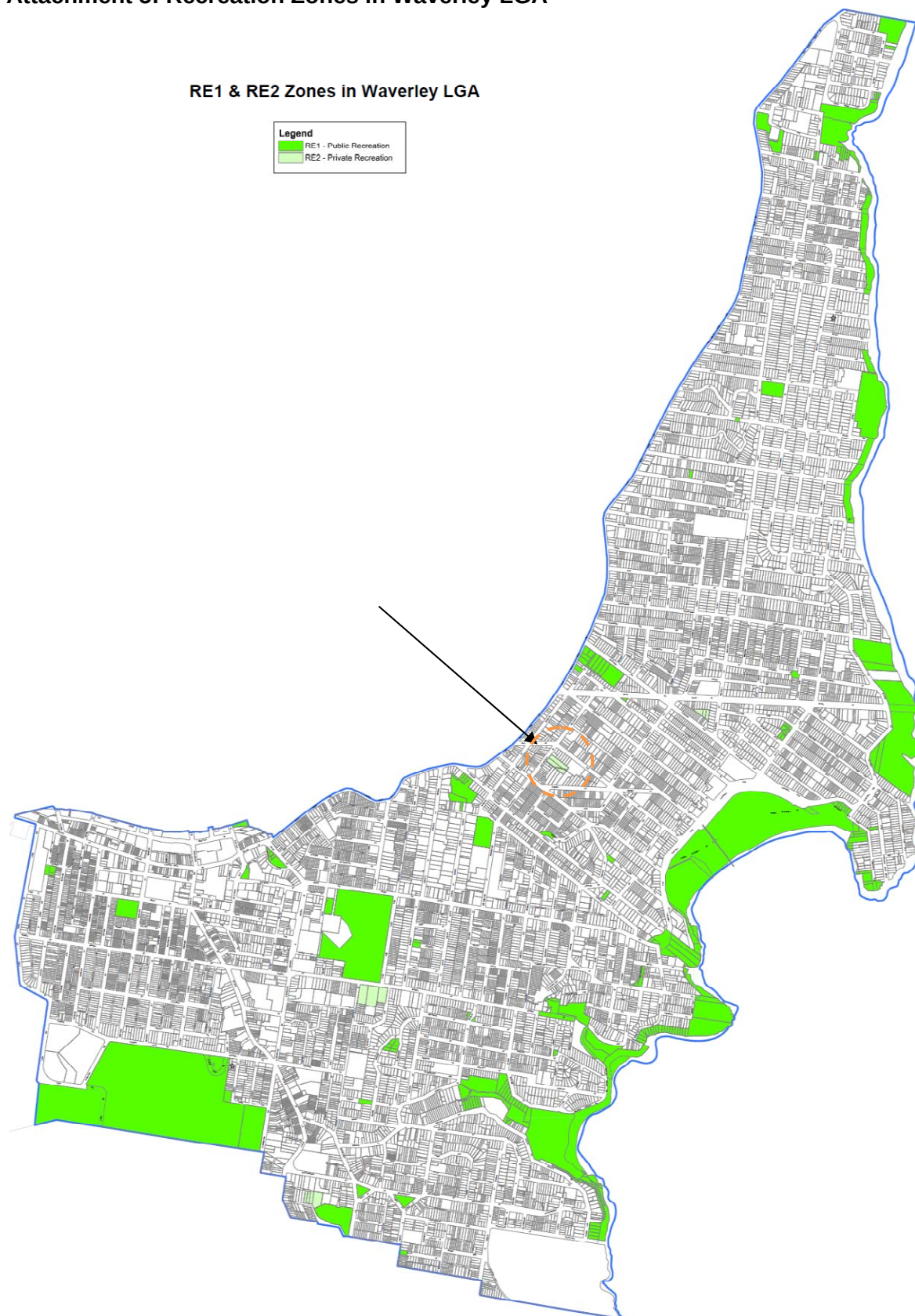
- home industry
- roads
- residential accommodation (all types except shop top housing and home occupation (sex services))
- bed and breakfast accommodation
- kiosks
- markets
- neighbourhood shops
- childcare centres
- community facilities
- information and education facilities
- places of public worship
- respite day care centres
- environmental facilities
- recreation areas
- recreation facilities (indoor)
- exhibition homes / villages

ATTACHMENT 4: Waverley Population Density

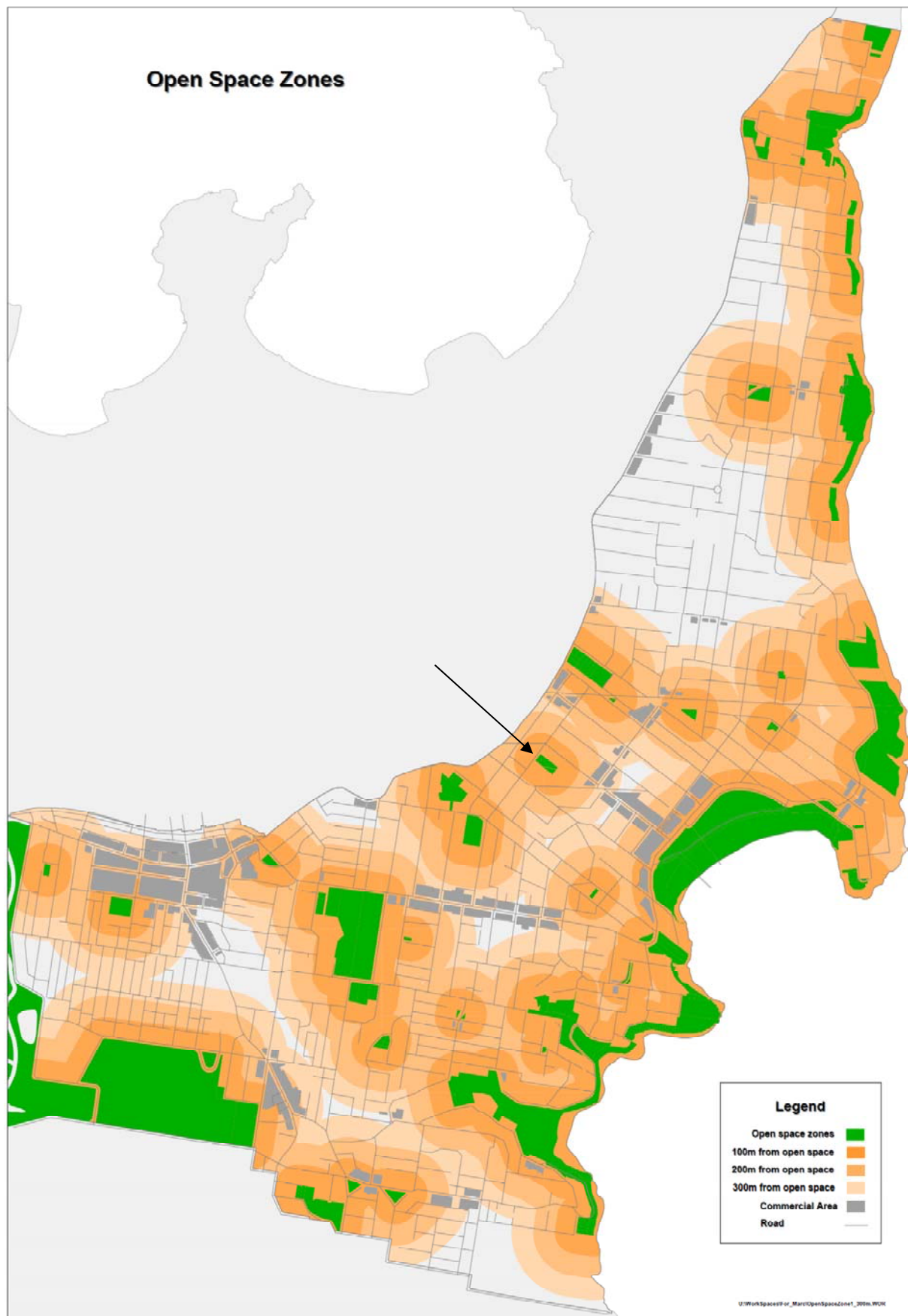
The map below shows population density in the suburb of Bondi Beach, with higher population densities in Statistical Areas 1 (SA1) indicated in darker shades. The geographical area (formerly known as collection district) in which the tennis courts on Wellington St are located (1134024) indicate a population density of 113.66 (452 people, 3.98 hectares) which is above the Waverley LGA average. (Source: Waverley Community Profile <http://profile.id.com.au>)



Attachment 5: Recreation Zones in Waverley LGA



ATTACHMENT 6: Open Space and Walkable Catchment



REPORT TO COUNCIL

ATTACHMENT 7: Tennis Facilities in the Eastern Suburbs

Council Area	Club/Courts	Address	Suburb	Court no	Surface
Randwick City Council	Eastern Suburbs Tennis Association	Bunnerong Road	Matraville	12	Synthetic Grass
Randwick City Council	Coogee Tennis	Dolphin Street	Coogee	5	Synthetic Grass
Randwick City Council	Eastcourts	1 Court Avenue	Kingsford	8	Synthetic Clay
Randwick City Council	Snape Park Tennis Centre	Snape Park Tennis Centre	Maroubra	6	Synthetic Grass
Randwick City Council	Latham Park Tennis Centre	3 Henning Ave	Coogee	6	Synthetic Grass
Randwick City Council	Baker Park	Baker Park	Coogee	2	Synthetic Grass
Waverley Council	Kesser Torah College Courts*	Blake Street	Dover Heights	2	Synthetic Grass
Waverley Council	Bondi Tennis Centre	1 Warners Ave	Bondi	3	Synthetic Clay
Waverley Council	Wellington St Tennis Centre	Wellington St	Bondi	6	Synthetic Grass
Woollahra Council	White City Tennis Club**	30 Alma Street	Paddington	7	Synthetic Grass
Woollahra Council	Palms Tennis Centre	Trumper Park, Quarry Street	Paddington	6	Synthetic Grass
Woollahra Council	Lyne Park Tennis Centre	New South Head Road	Rose Bay	6	Synthetic Grass
Woollahra Council	Cooper Park Tennis Courts	1 Bunna Place	Woollahra	8	Synthetic Grass

*Centres have restricted public access for social play and recreation

** White City does have an additional 7 Natural Grass courts however these are only available in summer months (day light hours) and have limited public access due to competition use and maintenance.

*** In addition there are tennis Facilities at Royal Sydney Golf Club, however these courts are restricted to the use of Club members and their guests.