



PLANNING PROPOSAL

122 Bronte Road, Bondi Junction

Planning Proposal Information

Council versions:

No.	Author	Date	Version
1	Waverley Council	27 July 2018	Report to Strategic Planning and Development Committee
2	Waverley Council	10 August 2018	Send Planning Proposal to Department of Planning & Environment

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INTRODUCTION

Affected Land

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

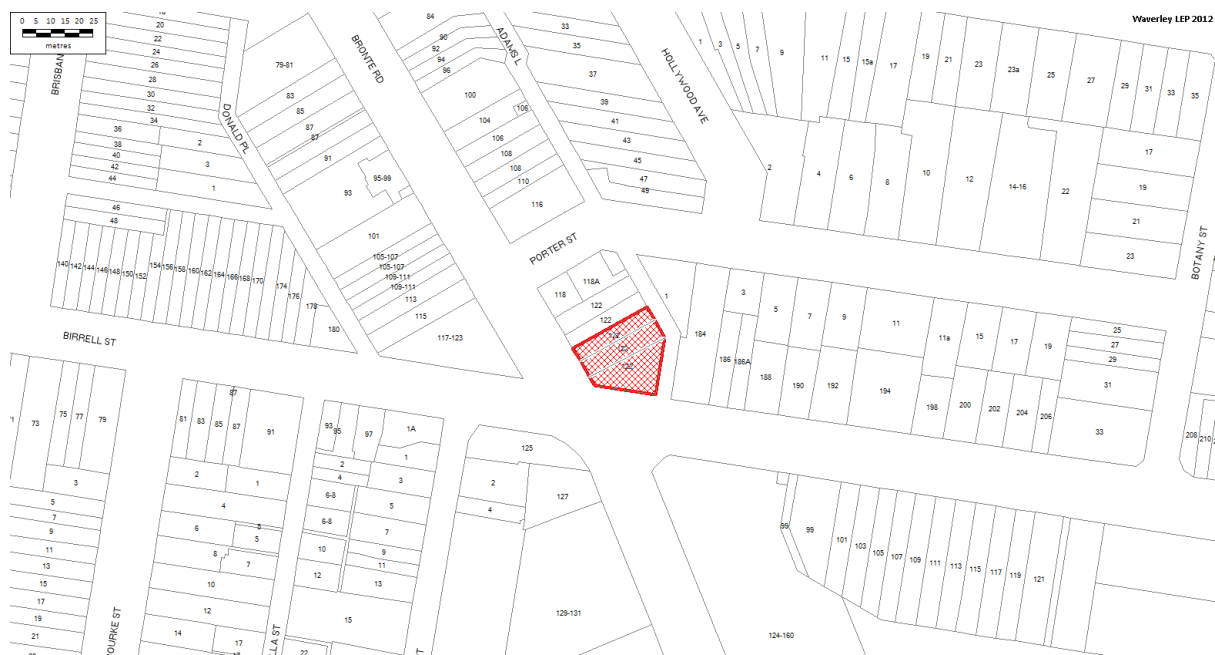


Figure 1 – Site of the Planning Proposal, 122 Bronte Road Bondi Junction



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

Existing Development on the site

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

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



Figure 3 – Subject site showing both Waverley Telephone Exchange Buildings



Figure 4 – Waverley Telephone Exchange, 1926

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



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



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

Current Planning Controls

The *Waverley Local Environmental Plan 2012* (WLEP2012) applies to the subject site (see Figures 7-11).

The current development standards pertaining to the site are:

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

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

The aims of the WLEP2012 are as follows:

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

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

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

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

Clause 5.10.10 Conservation Incentives of the WLEP2012 states:

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

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

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

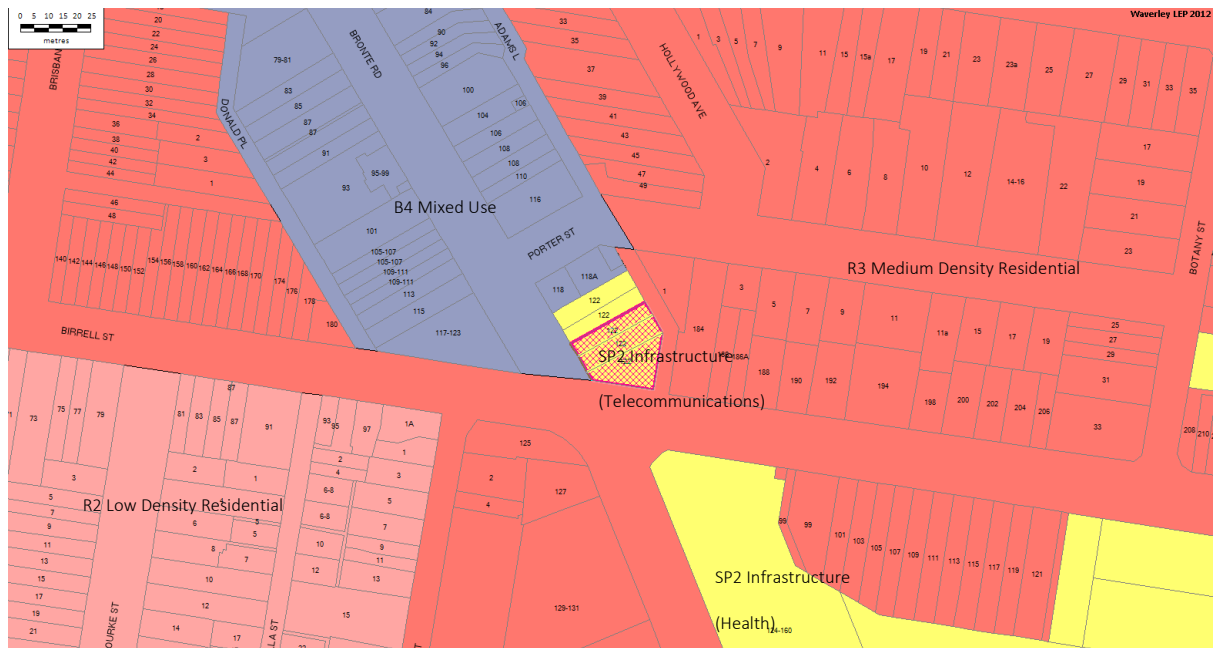


Figure 7 – Excerpt from Zoning Map WLEP2012

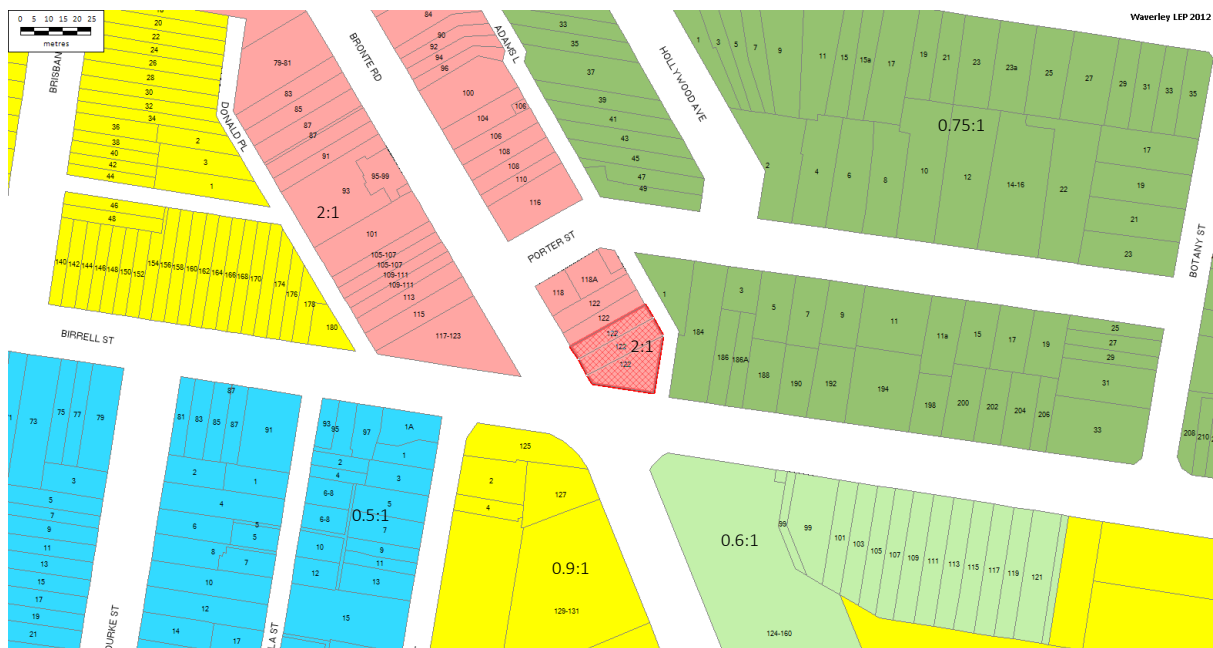


Figure 8 – Excerpt from FSR Map WLEP2012



Figure 9 – Excerpt from Height of Buildings Map WLEP2012



Figure 10 – Excerpt from Heritage Map WLEP2012

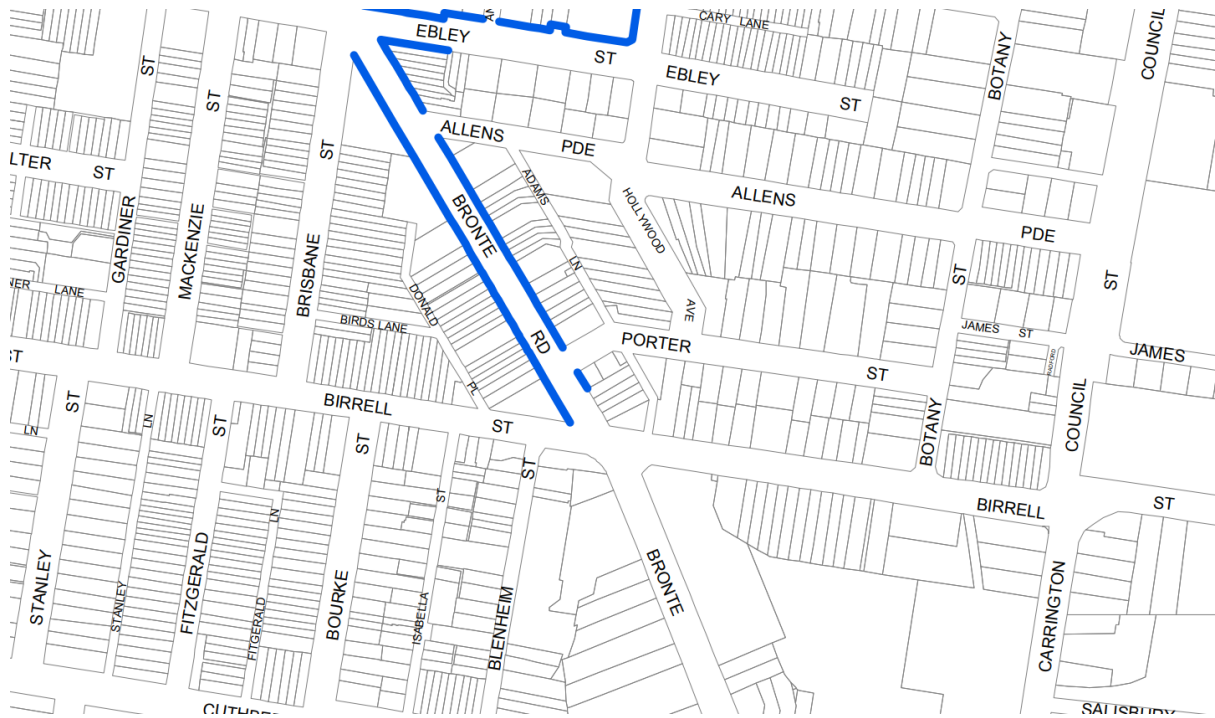


Figure 11 – Excerpt from Active Street Frontages WLEP2012

Surrounding Context

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

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

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

Character of Bronte Road – Mixed Use High Street

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

Character of Birrell Street – Residential Street

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

Character of the Intersection of Bronte Road and Birrell Street

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

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

Built Form and Active Street Frontage

The current and approved built form surrounding the intersection comprises three storey street walls to Bronte Road and Birrell Street that increase to four storeys to 'mark the corner,' creating a distinct and recognisable key entrance to Bondi Junction Strategic Centre. The existing five storey red brick Telephone Exchange building sets a precedent that does not contribute to this condition of 'marking the corner' sites as it provides a five storey equivalent street wall setback a significant distance from the intersection. Whilst this built form exists now, it is not compliant with the controls in the WLEP2012 or the WDCP2012. Should the site be redeveloped in the future, any proposed development would be required to comply with the three to four storey street wall precedent set along Bronte Road. That there is a non-compliant building currently on the site does not set appropriate precedent to alter the future character of the area.

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

Accordingly an appropriate built form for the subject site would be a four storey building to create a taller built form to emphasise the intersection, whilst being compatible with the character of the area. This is permissible under the existing development standards for the site.

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

Botany Street Heritage Conservation Area

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

Statement of Significance

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

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

Surrounding Development

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

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



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

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

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

The agreed position paper provides in part 4 responses to all of the prior contentions raised by the council including the height issue. In particular it concludes that the amended proposal is compatible with the character of the local area and complies with clause 30 A of SEPP (ARH)

and that the clause 4.6 request was well founded. The council's manager, development assessment, considered that the amended plans responded to all the council's contentions including ... the WLEP height control. I am satisfied, in accordance with clause 29 (4) of SEPP (ARH), that notwithstanding the non-compliance with the WLEP height of buildings standard, the proposed development is acceptable in this case.

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

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

The determination crucially does not support the notion that the existing Telstra Exchange building can be used as a precedent to inform the built form of surrounding development.

The two LEC cases provide evidence that the current controls are appropriate for the area, and are delivering the desired character for the area that is being upheld in LEC determinations, with relatively minor Clause 4.6 justifications.

Background to this Planning Proposal

This planning proposal was instigated by the submission to Council of a planning proposal by a proponent.

The proponent, Urbis on behalf of Rimon Field Pty Ltd, met with Council officers on 11 April 2017. During this meeting the benefits of the adaptive re-use of the heritage item, and the provision of an activated street frontage were discussed and encouraged. Accordingly the rezoning to a B4 Mixed Use zone was considered appropriate to achieve these outcomes as the site is no longer utilized for Telecommunications purposes. Council officers however expressed concerns relating to the proposed increase in building height and FSR tabled at that meeting given the context of the area and the potential for significant impacts upon the character of the streetscape.

Subsequently the proponent met with Department of Planning & Environment officers on 5 June 2017. On 2 August 2017, the proponent (Urbis on behalf of Rimon Field Pty Ltd) submitted a planning proposal to amend the WLEP2012 in relation to 122 Bronte Road, Bondi Junction.

The proposal aimed to enable the redevelopment of the subject site for the purposes of a mixed use development comprising ground level retail and serviced accommodation on the upper floors. To achieve this outcome, the following changes to the WLEP2012 were proposed:

- Change the land use zone from SP2 Infrastructure to B4 Mixed Use;
- Increase the height of buildings standard from 15m to 43m; and
- Increase the floor space ratio standard from 2:1 to 7.1:1.

The planning proposal included the adaptive reuse of heritage item I246 comprising the previous Waverley Post Office at the corner of Birrell Street and Bronte Road.

Council officers sent a preliminary request for additional information to the proponent on 4 September 2017 regarding minor missing information (site area) and incorrect photomontage images used in the submitted planning report.

Council officers met with the proponent on 11 October 2017 to discuss the preliminary assessment of the proposal with advice that the proposal would not be supported at an officer level.

Council officers met with the proponent on 8 November 2017 to discuss a revised proposal with advice that a reduced height and floor space ratio may be a more appropriate proposal, however any proposal would continue to be subject to a complete assessment process. Subsequently the application was withdrawn by the proponents on 22 December 2017.

On 12 January 2018, the proponent (Urbis on behalf of Rimon Field Pty Ltd) submitted a new planning proposal with reduced development standards to amend the WLEP2012 in relation to 122 Bronte Road, Bondi Junction. The new planning proposal proposed the following changes to the WLEP2012:

- Rezone the site from SP2 Infrastructure (Telecommunications) to B4 Mixed Use.
- Increase the maximum permissible height from 15m to 28m.
- Increase the maximum permissible floor space ratio from 2:1 to 5:1.

The proponent's Planning Proposal was not supported by Council officers or the Waverley Local Planning Panel (the Panel). The Panel supported the position of Council officers to proceed with a modified planning proposal. The Panel's full advice is included in Appendix 2.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement

The submitted proposal seeks to amend the WLEP2012 as follows:

- To rezone the site from SP2 Infrastructure (Telecommunications) to B4 Mixed Use.
- To extend the Active Street Frontages Map to apply to the length of Bronte Road ending at Birrell Street.

1.2 Intended Outcomes

The objectives or intended outcomes of the proposed amendments to the WLEP are:

- To enable the adaptive reuse of the site.
- To ensure efficient assessment of any Development Application.

PART 2 – EXPLANATION OF PROVISIONS

2.1 Draft Development Standards

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

- Amend the Land Zoning Map to change the subject site from SP2 Infrastructure (Telecommunications) to B4 Mixed Use.
- Amend the Active Street Frontages Map to apply to the length of Bronte Road ending at Birrell Street.

PART 3 – JUSTIFICATION

3.1 Section A – Need for the planning proposal

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

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

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

The proposal does aim to implement an outcome of the *Bondi Junction Commercial Centre Review*, prepared by Waverley Council, by encouraging commercial floor space in the Bondi Junction Strategic Centre. This is sought to be achieved through the application of a Minimum Non-Residential FSR for the site. This requirement will require further testing, which Waverley Council is currently undertaking as part of a separate Planning Proposal, and will apply across Bondi Junction Strategic Centre. This minimum will ensure that commercial floor space is provided across each site within Bondi Junction to provide opportunities for jobs and services.

The support of a Minimum Non-Residential FSR for the site is sought for the Gateway Determination.

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

Zoning

The planning proposal aims to enable the adaptive reuse and redevelopment of part of the former Waverley Telephone Exchange at 122 Bronte Road. This can be achieved through the current development standards and would result in a development that is appropriately aligned with the context. However amending the WLEP2012 will facilitate the more efficient assessment of a development on the site, and provide certainty to an outcome. The proposal will also ensure that the ground floor would have an active street frontage, as well as floor space for employment uses.

The change in zoning from SP2 Infrastructure (Telecommunications Facility) to B4 Mixed Use is supported and is consistent with the surrounding context. The zone permits a range of uses and development types that would achieve the strategic objectives within *A Metropolis of Three Cities*, the *Eastern City District Plan* and the WLEP2012. See Appendix 1.

Active Street Frontages

Given the prominent and previous public nature of the site, it is recommended that any redevelopment of the site provide a commercial or public use at the ground floor level, at the very least, and with this an active street frontage. Clause 6.5 of the WLEP2012, Active Street Frontages in the Bondi Junction Centre states that:

- (1) *The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core and Zone B4 Mixed Use in the Bondi Junction Centre.*
- (2) *This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.*

For the site to be required to provide an active street frontage, the site must be included in the WLEP2012 *Active Street Frontages Map*. It is recommended that the map be amended to include the Bronte Road frontage of the site. See Appendix 1.

3.2 Section B – Relationship to strategic planning framework.

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

A Metropolis of Three Cities

A Metropolis of Three Cities – the Greater Sydney Region Plan (Region Plan) prepared by the Greater Sydney Commission is a high level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three ‘Cities’ of which Waverley falls into the ‘Eastern Harbour City.’ Each

city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region.

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

Eastern City District Plan

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

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

Table 3 – Relevant Actions	
Relevant Item	Response
<i>Planning Priority E6. Creating and renewing great places and local centres, and respecting the District’s heritage.</i>	
<i>Objective 13. Environmental Heritage is identified, conserved and enhanced.</i>	
<p><i>Action 20. Identify, conserve and enhance environmental heritage by:</i></p> <ul style="list-style-type: none"> <i>a. Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.</i> <i>b. Applying adaptive re-use and interpreting heritage to foster distinctive local places.</i> <i>c. By managing and monitoring the cumulative impact of development on the heritage values and character of places.</i> 	<p>The proposal to adaptively reuse the current heritage item on site is in line with Planning Priority E6, Objective 13, and Action 20. Whilst there has been no community engagement undertaken for this development, the revised proposal is recommended to only rezone the site, and create no additional height or FSR than is currently permitted.</p>
<i>Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres</i>	
<i>Objective 22: Investment and business activity in centres.</i>	
<p><i>Action 43. Review the current planning controls and create capacity to achieve the job targets for each of the District’s strategic centres.</i></p>	<p>The proposal to rezone the site to B4 Mixed Use supports Action 43 for Bondi Junction by providing land that can be used to provide jobs. Currently the site is zoned SP2 Infrastructure (Telecommunications), which limits the types of development that can be carried out on the site currently to Telecommunications facilities. The B4 zone permits a range of uses, including many types of commercial developments which increases the potential for employment numbers.</p>
<p><i>46. Strengthen Bondi Junction through approaches that:</i></p> <ul style="list-style-type: none"> <i>a. protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre</i> 	<p>The proposal to rezone the site to B4 Mixed Use supports Action 46.a for Bondi Junction by providing land that can be used to provide jobs, and contribute to a diverse mix of uses.</p>

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

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

Table 5 - Site-specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant environmental values, resources or hazards); and	The site is located at the fringe of the Bondi Junction Strategic Centre, and is not affected by any environmental hazards, and does not offer any significant natural environmental value or resource.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The proposed change of zone to B4 Mixed Use is appropriate for the site as it is well located with easy access to existing services and infrastructure such as retail, employment and education centres; the Bondi Junction Transport Interchange; and many key tourist attractions including parklands, the Eastern beaches, Moore Park Entertainment Quarter, and Sydney Harbour.
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	The proposal has regard to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal. The proposed B4 Mixed Use zone is in keeping with other properties along the remainder of Bronte Road to the north. The proposed zone permits uses that are in keeping with the mixed business and residential nature of the surrounding area. The site is well located within walking distance to the Bondi Junction Transport Interchange and many bus routes along Bronte Road.
Any proposed financial arrangements for infrastructure provision.	The proposal offers no financial arrangements for infrastructure provision. There are no arrangements for additional infrastructure provision in place from Council or any other government agency for the immediate area.

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

Waverley Local Environmental Plan 2012

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

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

The submitted proposal is not consistent with these aims as the significant increase in height and FSR disregard the built heritage of the area, and the transition of the built form to protect the amenity of the surrounding residential areas.

Waverley Community Strategic Plan 2018-2029

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

Table 7 – Applicable Directions and Strategies from the Waverley Community Strategic Plan		
Relevant Directions and Strategies from the Waverley Strategic Plan		Is the proposal consistent with the Direction or Strategy?
Arts and Culture		
1.2 Preserve and interpret the unique cultural heritage of Waverley		
1.2.1	Maintain the unique cultural value and heritage significance of key landmarks	Yes. Given the prominence of the site on two major routes through the Bondi Junction area, the heritage of the site should be retained through appropriate redevelopment of the site. Maintaining the existing development standards for height and FSR aligns with this strategy.
Local Economy		
4.2 Ensure Bondi Junction and Waverley’s Villages continue to have a diverse range of businesses, local jobs and services		
4.2.1	Enhance the commercial core of Bondi Junction to increase employment	Whilst the site is not part of the commercial core, the rezoning of the site and the requirement for an active street frontage would facilitate the opportunity to provide more jobs for the Bondi Junction Strategic Centre area.
Planning, Development and Heritage		
5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve liveability of existing neighbourhoods		
5.1.2	Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods	The proposal maintains the existing height and FSR maintains the existing amenity of the area, and will not adversely impact upon the neighbours or wider community.
5.1.3	Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of neighbours or the wider community	
5.2 Value and embrace Waverley’s heritage items and places		
5.2.1	Protect, respect and conserve items and places of heritage significance within Waverley	Through the retention of the existing development standards, the heritage significance and character of the area is more likely to be conserved and respected.

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

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

- SEPP No 1—Development Standards
- SEPP No 6—Number of Storeys in a Building
- SEPP No 22—Shops and Commercial Premises
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Apartment Development
- SEPP No 70—Affordable Housing (Revised Schemes)
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Major Development) 2005
- SEPP (Infrastructure) 2007
- SEPP (Temporary Structures) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009

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

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

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

Table 8 documents Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.117 Directions as available on the DPE website.

Table 8 –Relevant Ministerial Directions	
Ministerial Directions	Comment
1.1 Business and Industrial Zones (1) Objectives (a) Encourage employment growth in suitable locations (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified centres	The proposal encourages employment growth in an existing Strategic Centre through the rezoning of the land.
2.3 Heritage Conservation (1) Objectives	The proposal involves the adaptive reuse of a heritage building.

<p>(a) <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p>(4) <i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p>(a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p>The building is currently utilised as part of the Waverley Telephone Exchange. This requires the building to be closed to the public, and results in an inactive façade.</p> <p>The rezoning of the land to B4 Mixed Use in conjunction with the requirement of an active street frontage through the provision of retail or commercial premises at ground level, will open the building to the public, and mark the beginning of the transition to the Bondi Junction centre along Bronte Road.</p> <p>No known Aboriginal heritage has been ascribed to, or identified on, the site.</p>
<p>3.1 Residential Development</p> <p>(1) <i>The objectives of this direction are:</i></p> <p>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></p> <p>(4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>(b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p>(d) <i>be of good design.</i></p> <p>(5) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p>(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p>	<p>The planning proposal seeks to rezone the land to B4 Mixed Use. This land use permits residential development.</p> <p>The proposed development standards for the site will not inhibit the provision of a mixed use development with a residential component.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></p>	<p>The proposed change of zone is likely to provide improved access to jobs and services by walking, cycling and public transport due to the proximity to Bondi Junction Transport Interchange.</p> <p>The proposal may reduce</p>

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

3.3 Section C – Environmental, social and economic impact

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

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

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

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

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

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

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

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

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

Waverley Council is preparing a separate Planning Proposal that seeks to amend the WLEP2012 to apply a Minimum Non-Residential FSR across the B4 Mixed Use Zone in the Bondi Junction Strategic Centre. A proposed Minimum Non-Residential FSR provision will ensure the provision of commercial floor space in the B4 Mixed Use Zone within the Bondi Junction Strategic Centre.

No investigations into social and economic effects have been undertaken.

3.3.4 Is there adequate public infrastructure for the planning proposal?

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

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

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

PART 4 – MAPPING

The planning proposal seeks to amend the WLEP2012:

- Land Zone Map
- Active Street Frontages Map

See draft maps in Appendix 1.

PART 5 – COMMUNITY CONSULTATION

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

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

PART 6 – PROJECT TIMELINE

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

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

Tasks	Timeframe
Gateway Determination	September 2018
Public Authority Consultation	September 2018 – October 2018
Community Consultation	September 2018 – October 2018
Post Exhibition Review	October 2018 – November 2018
Update Planning Proposal / Report to Council	December 2018 – February 2019
DPE review of final Planning Proposal	February 2019 – April 2019
Parliamentary Counsel drafting of LEP	February 2019 – April 2019
DPE to finalise LEP	May 2019

APPENDIX 1 – DRAFT MAPPING

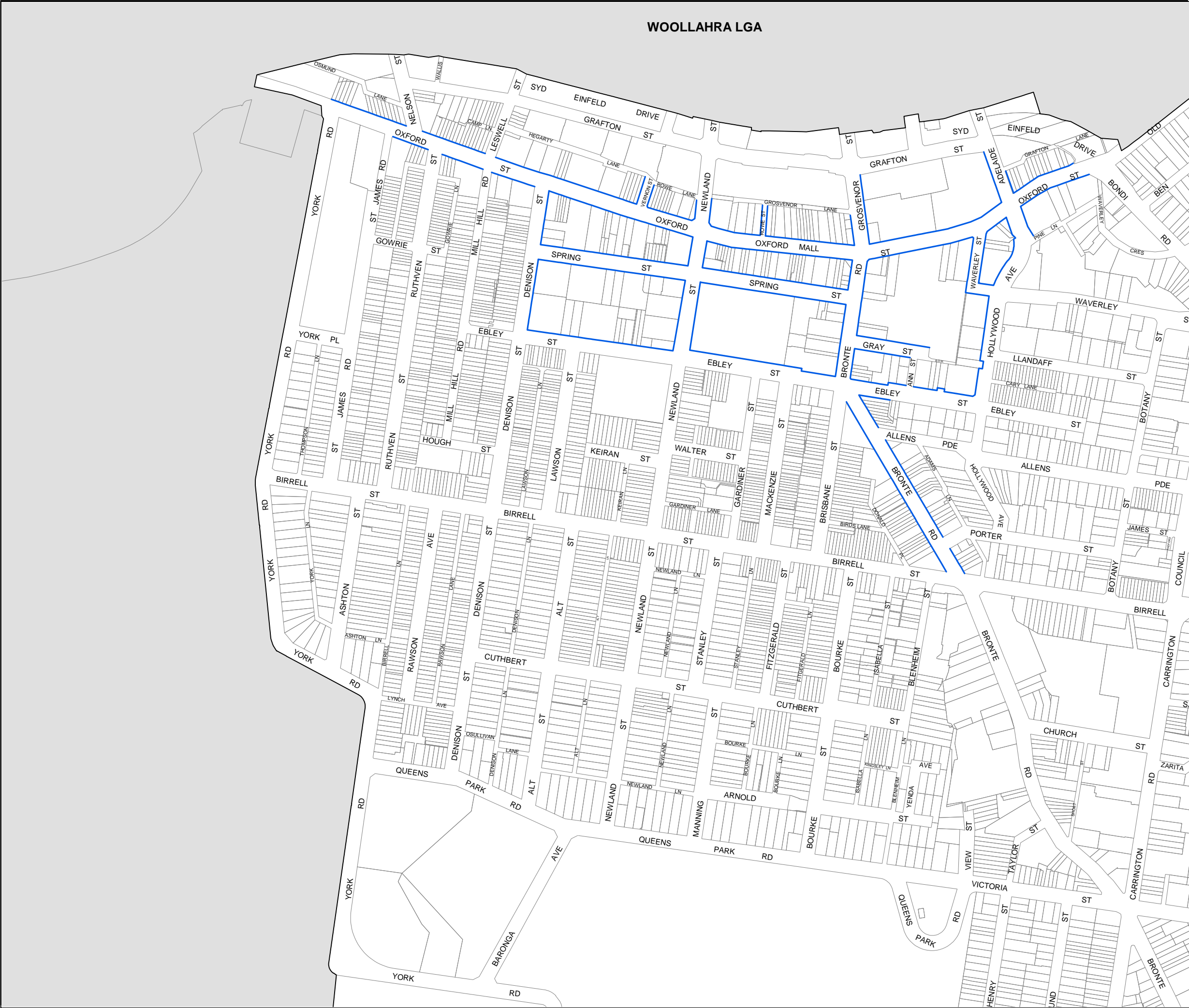
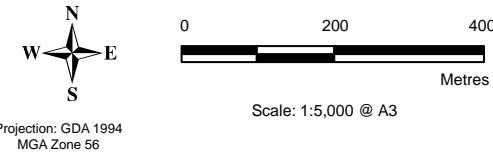
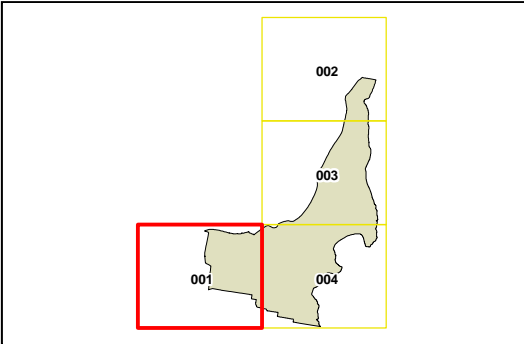


Waverley Local
Environmental
Plan 2012

Active Street Frontages Map -
Sheet ASF_001

Active Street Frontage
Refer to clause 6.5

Cadastre
Cadastre 30/07/2018 © Waverley Council





Waverley Local Environmental Plan 2012

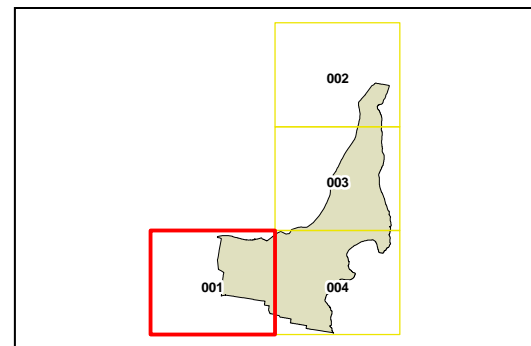
Land Zoning Map - Sheet LZN_001

Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure

Cadastre

Cadastre 17/05/2018 © Waverley Council



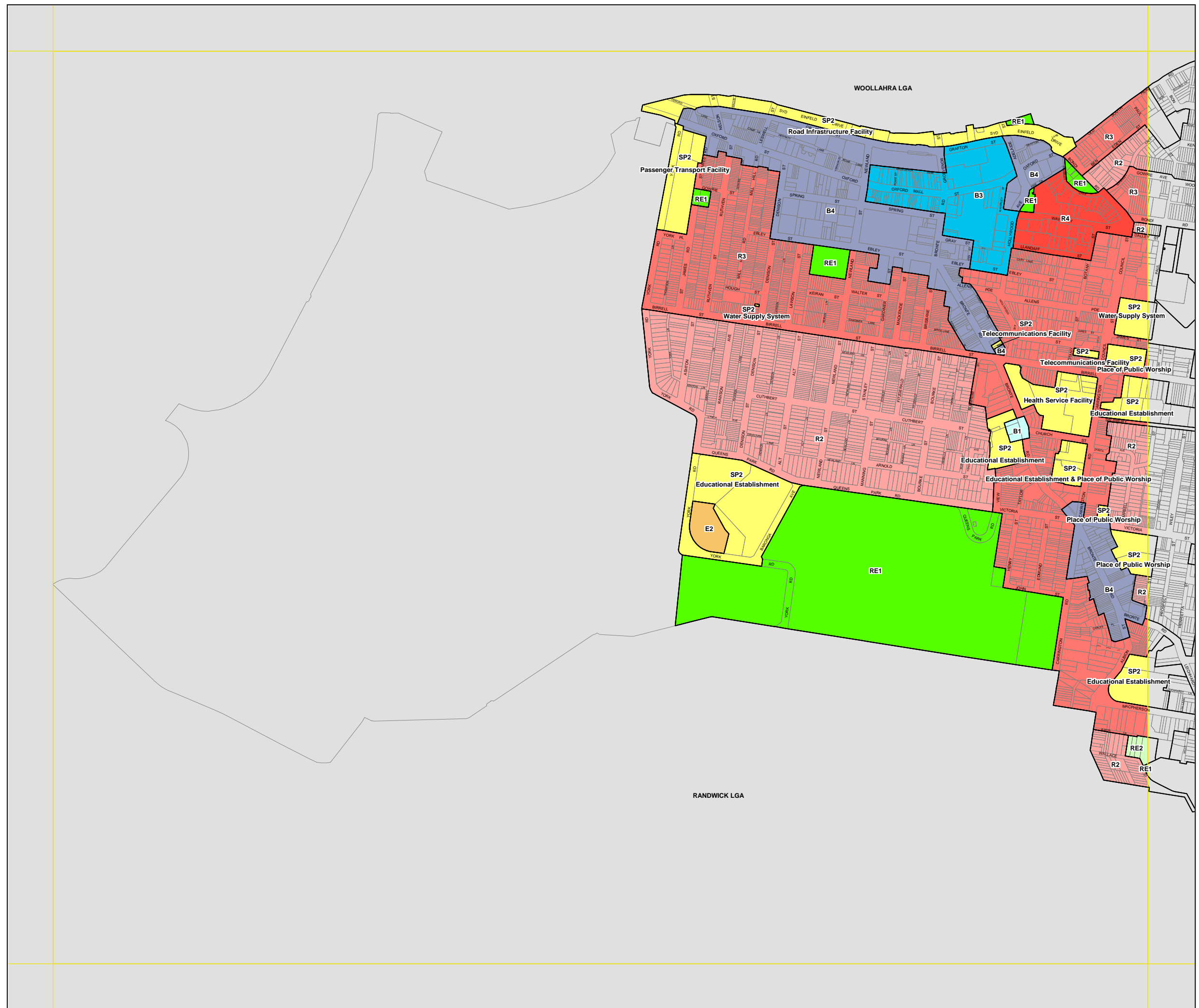
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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map Identification Number:

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APPENDIX 2 – WAVERLEY LOCAL PLANNING PANEL ADVICE

Extract from Minutes of the Waverley Development Assessment Panel Meeting – 25 July 2018

Planning Proposal

122 Bronte Road, BONDI JUNCTION – Site rezoning (P1/2018)

RECOMMENDATION:

The Waverley local planning panel recommends to the Council as follows:

1. The Panel notes the submission of a planning proposal to amend the Waverley Local Environmental Plan 2012 (WLEP2012) lodged by Urbis on behalf of Rimon Field Pty Ltd on 12 January 2018 with regard to 122 Bronte Road, BONDI JUNCTION.
2. The Panel recommends that Council support a planning proposal to amend the WLEP2012 in respect of 122 Bronte Road, Bondi Junction being submitted to the Greater Sydney Commission for a Gateway Determination to proceed to formal public exhibition that proposes the following:
 - a. The WLEP2012 is amended to change the zoning of the site to B4 Mixed Use.
 - b. The WLEP2012 Active Street Frontages Map is amended to apply to the Bronte Road frontage of the site.
 - c. The WLEP2012 is amended to apply a minimum non-residential FSR to the site, subject to further testing.
3. The Panel recommends that the Planning Proposal be placed on public exhibition in accordance with any conditions of the Gateway Determination should that be approved by the Department of Planning and Environment.
4. The Panel notes that the Council intends to accept the role of the Relevant Planning Authority from the Department of Planning and Environment, if offered, to exercise the delegations issued by the Minister under Section 3.36 of the Environmental Planning and Assessment Act 1979 in relation to the making of the amendment.
5. The Panel does not support the proponent's Planning Proposal to increase the height standard to 28m, nor the proposal to increase the FSR to 5:1. The panel is of the opinion that the existing WLEP 2012 height standard of 15m and FSR of 2:1 are appropriate to the site as a B4 mixed use zone.
6. In addition the Panel is of the opinion that the Council should develop a site specific DCP.
7. The Panel supports the Planning proposal to extend the WLEP 2012 Active Street Frontages Map to apply to the Bronte Road frontage of the site.
8. The Panel supports that a minimum non-residential FSR be applied to the site to ensure a commercial floor space outcome is achieved and encouraged on the site.

For the Decision: Stein, Morrish, Robinson and Stapleton

Against the Decision: Nil.

T Sneesby (on behalf of council) addressed the meeting.

APPENDIX 3 – COUNCIL RESOLUTION DATED 7 AUGUST 2018

PD/5.8/18.08 Planning Proposal - 122 Bronte Road, Bondi Junction

This item was also considered in urgent business.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Lewis

That Council:

1. Notes the submission of a planning proposal to amend the Waverley Local Environmental Plan 2012 (WLEP2012) lodged by Urbis on behalf of Rimon Field Pty Ltd on 12 January 2018.
2. Does not support the request to amend the WLEP2012 to:
 - (a) Increase the maximum permissible height from 15 m to 28 m.
 - (b) Increase the maximum permissible floor space ratio from 2:1 to 5:1.

PD/6.1/18.08 Planning Proposal - 122 Bronte Road, Bondi Junction - Urgent Matters

Council resolved to deal with this matter as an item of urgent business.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Lewis

That Council:

1. Supports the planning proposal set out in Attachment 1 of Item PD/5.8/18.08 to amend the WLEP2012 in respect of 122 Bronte Road, Bondi Junction, being submitted to the Department of Planning and Environment for a Gateway Determination to proceed to formal public exhibition, that proposes the following:
 - (a) The WLEP2012 is amended to change the zoning of the site from SP2 Infrastructure (Telecommunications) to B4 Mixed Use.
 - (b) The WLEP2012 Active Street Frontages Map is amended to apply to the Bronte Road frontage of the site.
2. Notes that a minimum non-residential floor space ratio is anticipated to be applied to the site in the future as part of a separate planning proposal process.
3. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination, should that be approved by the Department of Planning and Environment.
4. Accepts the role of the Relevant Planning Authority from the Department of Planning and Environment, if offered, to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.