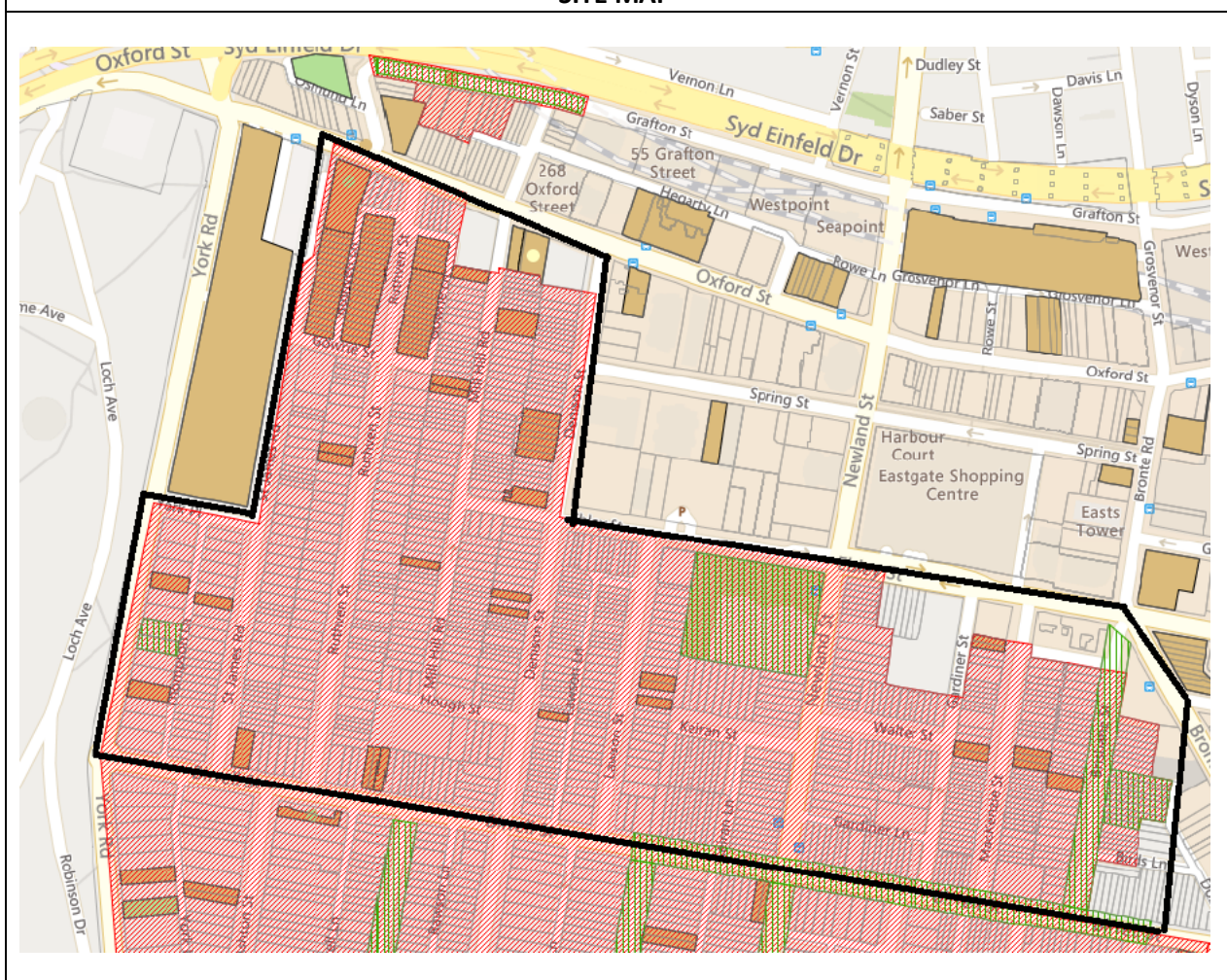




Report to the Waverley Local Planning Panel

Site address	Mill Hill, Bondi Junction
Proposal	Rezone subject area from R3 Medium Density Residential to R2 Low-Density Residential with associated changes to Maximum Building Heights and Floor Space Ratio

SITE MAP



1. Executive Summary

The Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 (WLEP) by changing the land use zoning, from Zone R3 Medium Density Residential to Zone R2 Low-Density Residential for the land zoned resident, within the Mill Hill Heritage Conservation Area. The Proposal will change the Height

and Floor Space Ratio (FSR) of the site. The Planning Proposal has been prepared in response to a resolution of the Council on 5 April 2022.

The Proposal seeks to amend the Waverley Local Environmental Plan to:

- Amend the zoning of the subject area from R3 Medium Density Residential (R3) to R2 Low-Density Residential (R2).
- Amend the floor space ratio (FSR) from 0.9:1 of the subject area to 0.55:1; and
- Amend the height of buildings development standard from 9.5 m to 8.5m.

It should be noted no changes are proposed to the Heritage Conservation Area itself, rather the defined area is being used as it relates to land use zoning in the WLEP2012.

2. Background

The Mill Hill Heritage Conservation Area (Mill Hill HCA) takes in the majority of the lots to the south of Oxford Street, east of York Road and St James Road, South of Ebley Street, west of Bronte Road and North of Birrell Street in Bondi Junction and is listed under schedule 5 part 12 (Heritage Conservation Area) in the Waverley Local Environmental Plan 2012 (WLEP). The Mill Hill HCA is currently zoned entirely R3 in the WLEP.

A Planning Proposal was prepared in response to a notice of motion adopted by the Council at its meeting on 20 July 2021. The resolution required Council officers to review the current land zoning of the Mill Hill HCA and consider whether a change to the R2 Zone from the current R3 Zone would be appropriate and whether the currently permitted commercial uses within the R3 Zone genuinely service the immediate community. The resolution follows the approval of a development application within the Mill Hill HCA at 2 Birrell Street, Bondi Junction (DA-12/2021). DA-12/2021 proposed a change of use from dwelling house to a medical centre with internal and external alterations, car parking, signage and landscape works and was approved on 23 June 2021 by the Waverley Local Planning Panel, despite many objections from the community. The resolution also required officers to investigate the appropriateness of the zoning to the character and uses of the area.

The report related to the review of the zoning for the subject area was prepared by officers in response to the council motion and reported back at the Council meeting on 5 April 2022. It was decided as per the resolution that Council:

- Proceeds with the rezoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low-Density Residential.
- Implements all necessary changes to the permitted uses in the R3 Medium Density Residential Zone in the Waverley Local Environmental Plan 2012.

Further details can be seen in the attached Council Report and Minutes.

Despite the Council already resolving to submit the Planning Proposal, a report has been prepared for the WLPP, as Ministerial Direction (Direction 9.1), requires reporting this Planning Proposal to the WLPP for advice.

3. Discussion

Rezoning from R3 Medium-Density Residential to R2 Low Density-Residential

The Planning Proposal seeks to amend the WLEP for the subject area from the R3 Zone to R2 Low-Density Residential. The R2 Zone permits various residential accommodation types, including dwelling houses, dual occupancies, multi-dwelling housing, semi-detached dwellings and detached dwellings. It should be noted that attached dwellings, which form a large portion of the subject area are not permitted within the R2 Zone.

A copy of the Planning Proposal which has been prepared is attached to this report, inclusive of the proposed mapping changes to the subject area.

Investigation of changes to R2 Zone

The second component of the Council resolution included Council officers to undertake a review of the permitted uses in the R2 Zone. An investigation has been undertaken and it has been determined that no changes to permitted uses are required. The basis for the need to undertake the investigation relates to the previously described DA for a medical centre. Investigation has found that while medical centres currently aren't permissible in the R2 Zone, they are permissible under the *Infrastructure State Environment Planning Policy* regardless of if the subject area is rezoned as R2. In addition, Council has recently undertaken a review of the WLEP in a Planning Proposal prepared as part of the implementation of Council's Strategic Planning Statement. Any broadly required changes to permissibility within the WLEP were also considered during this period and as such, no further changes are recommended to the permissible uses to the R2 zone.

The findings of the abovementioned considerations will be reported to Council separately and is not included within the scope of the attached Planning Proposal.

Conclusion

The subject Planning Proposal has been prepared in response to a resolution of Council and proposed to rezone the residential zoned areas within the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential. As required by the relevant Ministerial Direction, the Planning Proposal is being reported to the Waverley Local Planning Panel for advice, prior to being submitted to the Department of Planning and Environment.