

From: [Jaime Hogan](#)
To: [Matthew Lennartz](#)
Cc: [George Bramis](#); [Tim Sneesby](#)
Subject: RE: [EXTERNAL]Meeting with Matt Lennartz
Date: Friday, 11 February 2022 3:22:50 PM
Attachments: [image001.png](#)

Hi Matthew,

Thank you for your email and notice regarding the upcoming planning proposal.
Could you please send us an email as well once you have uploaded to the Planning Portal.

I note that the LEP Making Guidelines identify this proposal as a Standard proposal: *To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone.* The Standard proposal aligns with our current 'Major' planning proposal fee. I will confirm this translation internally and provide an update upon lodgement.

Thanks, and have a great weekend.

Jaime Hogan

A/Executive Manager, Urban Planning, Policy and Strategy

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WAVERLEY COUNCIL

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Waverley Council acknowledges the Bidjigal and Gadigal people who traditionally occupied the Sydney Coast and we pay our respects to Elders past, present and future.

From: Matthew Lennartz <matthewl@meriton.com.au>
Sent: Friday, 11 February 2022 2:20 PM
To: Jaime Hogan <Jaime.Hogan@waverley.nsw.gov.au>
Cc: George Bramis <George.Bramis@waverley.nsw.gov.au>
Subject: [EXTERNAL]Meeting with Matt Lennartz

You don't often get email from matthewl@meriton.com.au. [Learn why this is important](#)

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Hi Jaime,

I've had a quick chat with George this morning about Flood Street.

As per Council's advice, we are preparing a Planning Proposal that aligns with our submission on the broader LEP Review by Council (attached).

Subject to the attached submission, some phone discussions with George and our meeting on 14.12.21, we had sought a written response from Council responding to the submission and confirming the verbal advice received.

I understand that Council is very busy and given the new PP Guidelines require pre-lodgement meetings/advice, I have covered what we understood from Council to cover this requirement below.

- The proposed zoning change could not be facilitated through the broader LEP review process as it seeks a change that would create new residential land;
- Any change would require a site-specific planning proposal for 34 Flood Street;
- The PP will need to address the requirements of all state, regional and local strategic planning policies and relevant guidelines;
- The PP will need to demonstrate that the site can be reasonably developed under the proposed zoning change;
- Meriton to review Council's Planning Agreement Guidelines. We have done this and as we are not seeking an amendment to the density controls, it is not applicable.

Upon review by Meriton and our planning consultants, we did not see the requirement for any detailed technical assessments given the very minor nature of the planning proposal with all technical assessments to be undertaken in any future development application (Architectural, traffic, drainage, landscape etc).

Please note that we expect to lodge within 2 weeks so please give me a call if you need to discuss anything further. As per other recent PP's we have done in other LGA's, we will upload to the portal and wait for a response from Council on fees (we assume it would be minor).

Please call if you need to discuss and have a great weekend.

Regards

Matthew Lennartz

Executive Manager – Planning and Government



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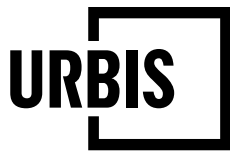
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SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

21 October 2021

General Manager
Waverley Council
55 Spring St
Bondi Junction NSW 2022

Dear Sir/Madam,

SUBMISSION TO DRAFT WAVERLEY LOCAL ENVIRONMENTAL PLAN REVIEW YESHIVA COLLEGE - 34 AND 36A FLOOD STREET, BONDI

This submission has been prepared by Urbis on behalf of The Yeshiva Foundation, owners of the above site. Specifically, this submission requests that Council rezone part of the above site as part of Waverley Council's (Council) draft Local Environmental Plan (LEP) preparation process.

In response to the draft LEP, our client requests that Council rezone 34 Flood Street and thus apply a consistent R3 medium density zone across the entire site. Our logic and rationale are outlined as follows.

1. THE SITE

Yeshiva College (The site) is located at 34 and 36A Flood Street, Bondi, situated approximately 1km east of Bondi Junction (refer to Figure 1).

The site has an area of approximately 2,180m² and is legally described as Lot 1 DP1094020 and Lot A DP340445.

The site is currently occupied by Yeshiva College, which includes a synagogue; school; a centre based childcare centre (TBC) and a community facility ("Our Big Kitchen")

Figure 1 The site (site outlined in red)

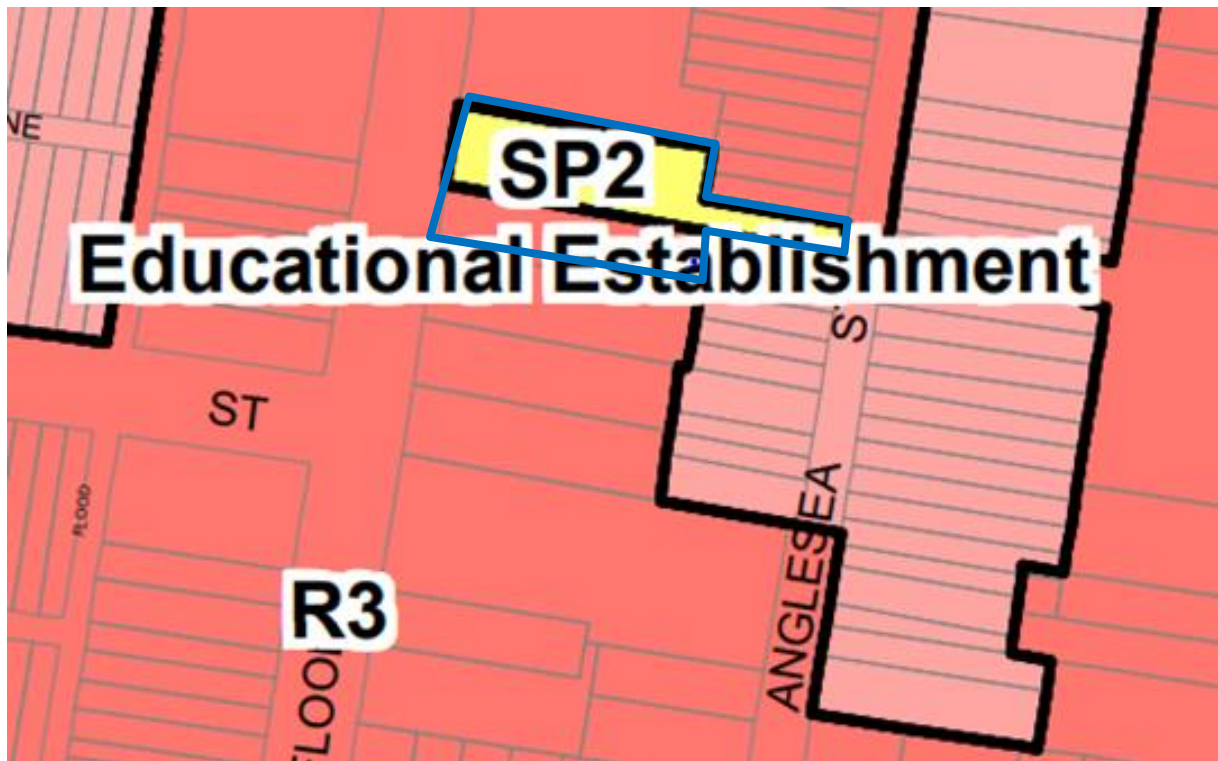


Source: Six Maps

The northern portion of the site (34 Flood Street) is zoned SP2 Education Establishment, and the southern portion of the site (36A Flood Street) is zoned R3 Medium Density Residential under the Waverley Local Environmental Plan 2012 (WLEP 2012) (refer to Figure 2).

The site is not identified as a heritage item and is not located within a heritage conservation area.

Figure 2 Zoning Map (site outlined in blue)



Source: Waverley LEP 2012

2. REZONING REQUEST AS PART OF THE LEP REVIEW

Following the endorsement of Waverley Local Strategic Planning Statement, and now in response to Council's exhibition of its Draft LEP, it is requested that 34 Flood Street is rezoned to enable a consistent R3 medium density zone (with consistent built form controls) across the site. It is considered reasonable planning response as in our opinion this appears to be a zoning anomaly.

The current split zoning is largely a function of historical circumstances and a more rational approach to land use zoning over the site could be achieved by applying a consistent underlying zone especially noting that the current built form and facilities do not necessarily align with underlying zone boundary.

Most notably, the existing synagogue (defined as a place of worship) sits within the SP2 (Educational Establishment) zone. Conversely the Yeshiva Collage (defined as an Educational Establishment) sits with the R3 zone.

Anecdotally, there is a possibility that land immediately to the north of the site (and now occupied by a relatively modern retirement village) may have originally formed part of a much larger Yeshiva College campus. We are currently undertaking research into the planning history of the site, via Council records, and Waverley Library and State Library Archives to confirm whether this is in fact the case. A supplementary submission may follow,

Irrespective of the outcomes of this research, there remain other sound planning reasons for zone rationalisation as follows:

- DPIE Practice Note PN 11-002 provides guidance on the application of standard zones, including Special Purpose Zones. The clear intent of the Note is to reduce reliance on use of Special Purpose zones across NSW. Included in the Note are the following statements that support that intent:

“land uses or sites with special characteristics that cannot be accommodated in other zones”;.... “highly unlikely to be used for a different purpose in the future, e.g cemeteries and sewage treatment plants”.....”a small minority of schools across NSW may also be considered a strategic site”.

- The site could not be regarded as a “strategic site” in the context of broader education service delivery or locational qualities.
- Under the proposed R3 Medium Density Residential zone, the existing centre-based childcare facility and community facilities are permitted with development consent.
- The R3 zone is identified as a ‘prescribed zone’ under clause 33 and Part 4 of the *State Environmental Planning Policy (Educational Establishments And Child Care Facilities) 2017* (Education SEPP).
- Clause 35(1) of the Education SEPP permits development for the purpose of a school to be developed with consent within the prescribed R3 zone. In other words, the protections afforded by the current Special Purposes zone are not lost insofar as permissibility is concerned but rather have been superseded by the Education SEPP.
- Lastly a place of public worship (i.e. the synagogue) is permitted in the R3 zone.

Given this rezoning request is considered to be minor (almost “housekeeping” in nature), we would like Council to incorporate this change into its new LEP.

3. SUMMARY

In closing, we look forward to Council’s positive review of this submission. If you have any immediate questions or queries, please do not hesitate to contact the undersigned.

Yours sincerely,



David Hoy
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