



APPLICATION FOR A PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 to change the land use zone from Zone SP2 Educational Establishment to Zone R3 Medium Density Residential and introduce a minimum lot size of 325m² at No. 34 Flood Street, Bondi

34 Flood Street, BONDI
Lot 1 in DP 1094020

Prepared for: Karimbla Properties (No.10) Pty Limited

REF: M220012

Date: 23 November 2022





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Acknowledgement of Country: *Planning Ingenuity acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We recognise First Nations peoples' unique cultural and spiritual relationships to place and their rich contribution to society.*





1. Introduction

This application is submitted on behalf of Karimbla Properties (No.10) Pty Limited. The purpose of the application is to initiate a Planning Proposal process to amend *Waverley Local Environmental Plan 2012* (WLEP 2012) to change the land use zone that applies to No.34 Flood Street, Bondi. It is proposed to change the land use zone from Zone SP2 Educational Establishment to Zone R3 Medium Density Residential. This planning proposal also seeks to introduce a minimum lot size of 325m² to the subject site per the Lot Size Sheet Map and apply Clause 4.1 Minimum subdivision lot size. No other changes are sought to the LEP provisions.

The current zoning of the land is an anomaly as the use of the site is not an educational establishment. This means that the zoning is contrary to the guidelines and directions in Planning Practice Note PN10-001 and Planning Practice Note PN11-002. If the current zone is not rectified, existing use rights provisions do not facilitate feasible alterations or significant new work to the existing Synagogue building nor do they facilitate other forms of compatible development which would enhance the feasibility of improving the Synagogue. The current zoning does not facilitate the most desirable future use of the site within the context of the streetscape and neighbourhood character and within the setting of surrounding medium density residential development.

The current planning provisions for No.34 Flood Street do not provide a feasible incentive for substantial redevelopment. The land use controls to WLEP 2012 only permit an educational establishment with consent. No uses are permitted without consent. The provisions for existing use rights that may apply to the site only permit minor alterations for the purposes of an educational establishment. The building would require more than minor alterations in order to be used as an educational establishment that would meet contemporary standards.

The building at No.34 has no feasible future development potential as an educational establishment under the current land use zoning and planning provisions.

While there are no immediate intentions to redevelop the site, the broader LEP review process initiated a review of the site and clarified the anomaly. Representations were made to Council to address this matter as part of the LEP review by Council, however, Council advised a separate site-specific Planning Proposal was necessary.

Accordingly, this application for a planning proposal has been prepared in accordance with Division 3.5 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (September 2022) (DPIE Guideline). It explains the intended effect of the proposed amendment to WLEP 2012 and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed LEP amendment has strategic and site specific merit. It is aligned with the relevant matters for consideration set out in Waverley Council's Local Strategic Planning Statement. Planning Practice Note PN10-001 provides guidance for the application of Zone SP2 with standard instrument Local Environmental Plans (LEPs). Planning Practice Note PN11-002 provides guidance on the application of zones for Standard Instrument LEPs. The existing zoning does not meet the guidelines and principles set out in PN10-001 and PN11-002. If the current LEP review correctly applies the guidance of these Practice Notes, the site clearly must be zoned R3.

The proposed zoning change is consistent with the local and neighbourhood character and does not prevent the future use of the site for a wide range of land use opportunities including contemporary multi-use facilities for education, public worship and community purposes. By contrast the current zoning prevents the feasible replacement of buildings that are reaching the end of their useful life and precludes any significant enhancement, alteration or reconstruction under



existing use rights provisions. In addition to this change in zoning, it is noted that this planning proposal will seek to apply a minimum lot size of 325m² to the subject site, consistent with the surrounding R3 zoned land.

An initial submission and pre-lodgement meeting was discussed with Waverley Council's Strategic Planning staff on 14 December 2021. Feedback from the pre-lodgement meeting was supportive of the preparation and lodgement of this application noting that particular reference is to be made to the Key Themes and Planning Priorities, Strategic Merit Tests and the public benefits identified in Council's Local Strategic Planning Statement. No specialist studies were identified by Council as necessary to support the application. In accordance with the DPIE Guideline a copy of Council's Pre-lodgement Advice is included in Annexure A.

This report is divided into sections including a locality and site analysis, discussion of future development schemes, the existing planning provisions, the proposed amendments, justification for the proposal and project timeline. This planning proposal application demonstrates with evidence that there will be positive outcomes from the proposed change to the land use zone and that change is aligned with the guidance and instruction applicable to all Standard Instrument LEPs as contained in PN10-001 and PN11-002.





2. Locality and Site Analysis

2.1 REGIONAL CONTEXT

The Waverley Local Government Area (LGA) and the metropolitan Sydney coastal areas are the traditional lands of the Bidjigal and Gadigal people. Indigenous people were dispossessed of this land with European occupation over 200 years ago. The ongoing connection to Country and the protection and recognition of items, places and cultural interpretation can continue to be valued and protected. There are no items, places or cultural connections of significance to Indigenous people that are specific to the site the subject of this application for a Planning Proposal.

Bondi is an iconic place within the Waverley LGA. It includes the world-famous Bondi beach and foreshore, the regionally significant Bondi Junction strategic centre and a variety of housing with well-connected road and rail infrastructure linked to the Sydney CBD (refer Figure 1).

Key planning and infrastructure issues at a Regional Scale include:

- Protecting and improving the scenic, recreation and cultural assets of the locality that are important to the greater metropolitan area
- Providing employment, housing and recreation for the second highest population density in the Sydney metropolitan area
- Upgrading infrastructure standards and capacity
- Promoting housing diversity and improve housing affordability
- Creating opportunities for more active transport
- Encouraging “village” hubs surrounded by “leafy” suburbs and streetscapes with local character



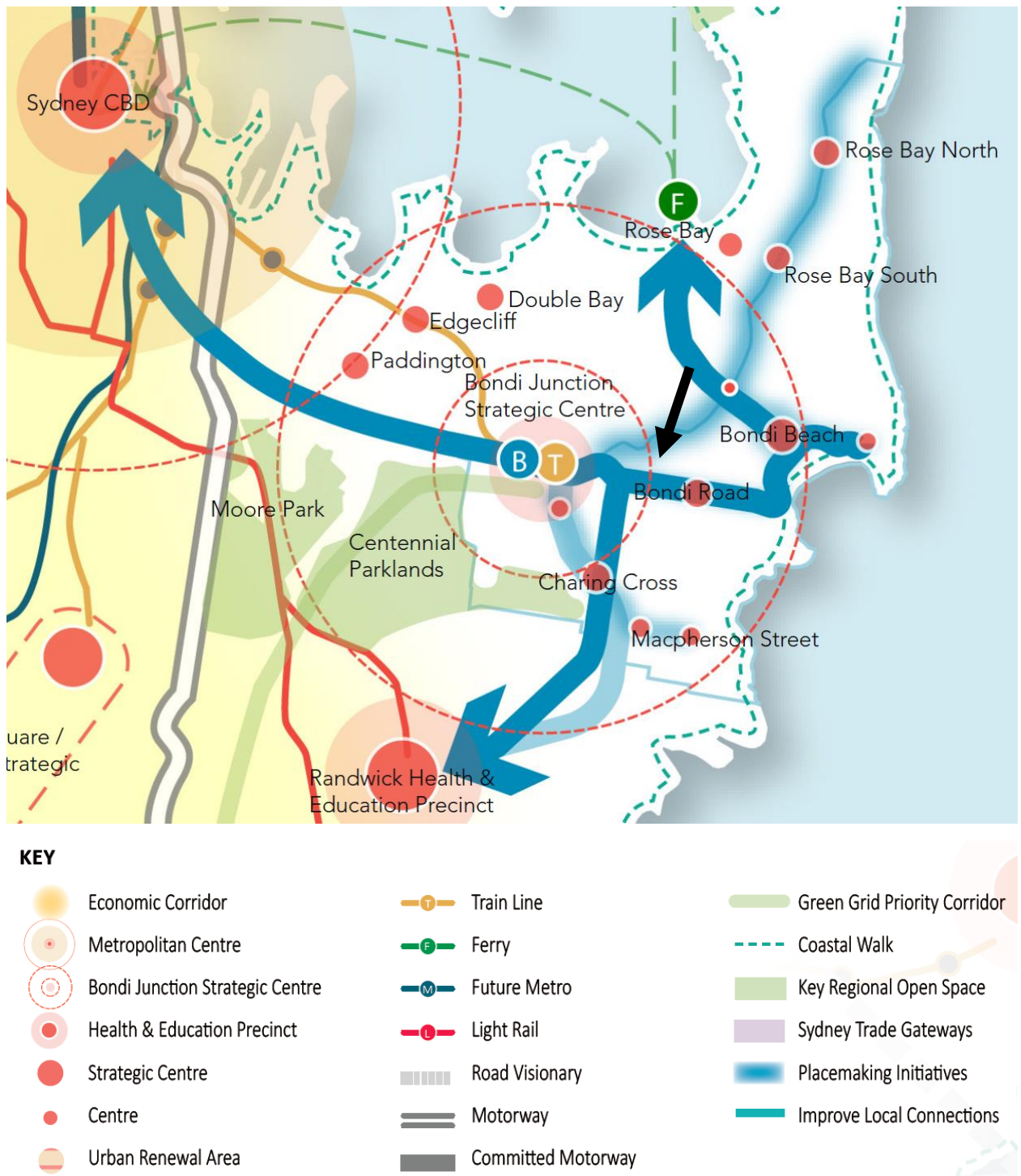


Figure 1 Bondi regional context (Source: Waverley LSPS) (subject site approximate location indicated by black arrow)

2.2 THE SITE

The address of the subject site is No. 34 Flood Street, Bondi. It is located on the eastern side of Flood Street and extends through to Anglesea Street. The site is legally identified as Lot 1 in DP 1094020. The total area of the site is 1,327m². The site is shown in the aerial photo in Figure 2.



Figure 2 Aerial photo of site (outlined yellow) (Source: www.maps.six.nsw.gov.au)

The site has its primary frontage to Flood Street. The frontage is 18m. The secondary frontage to Anglesea Street is 7m.

The site contains a Synagogue with pedestrian access direct to Flood Street. There is a not-for-profit community kitchen at the rear of the Synagogue accessed via a shared driveway and path located on the adjoining property to the north.

The eastern portion of the site contains a two storey detached dwelling with frontage and vehicle access to Anglesea Street.

The site has been used and developed in conjunction with the adjoining land to the south (No.36 Flood Street) which is under the same ownership as described in Section 2.3. This development history means the buildings and land uses at No 34 Flood Street are connected with the buildings and uses of adjoining sites.

The site is connected to all essential services.

No.34 Flood Street does not have an independent vehicle crossing to Flood Street. The vehicle access is shared with the adjoining Seniors Housing development to the north (as shown in Figure 3).

The road shoulder fronting No.34 has time restricted parking coinciding with the drop off and pick up times of the adjoining college.

The street frontage to No.34 Flood Street is concrete paved with planter beds also functioning as bollards (see Figure 4). High concrete and block stone walls define the front boundary. The entry to the Synagogue is via steps as shown in Figure 5. Originally established in 1956 the Synagogue building was used for worship, events and as a learning centre. Since its commencement the Synagogue has included outreach services for education and observance, refugee support programs and future leadership training.

The Synagogue has a single storey façade to Flood Street and is three storeys at the rear (see Figure 6). The rear of the Synagogue is used as a community kitchen known as “Our Big Kitchen” (<https://www.obk.org.au/>). The kitchen is a registered charity working with ‘food rescue’ organisations such as SecondBite and Foodbank to prepare and distribute meals to charities, shelters/refuges and individual households in need. Our Big Kitchen accepts group and individual volunteer assistance, provides catering for functions and conducts school programs.

There is a separate two storey building with frontage to Anglesea Street suitable for residential use.



Figure 3 North west corner of No.34 Flood Street showing the entry to the Synagogue building and the vehicle access shared with the northern neighbouring site.



Figure 4 Front footpath, planter bollards and front fence to No.36 (foreground) and No.34 looking north along Flood Street



Figure 5 Entry to Synagogue from Flood Street





Figure 6 Northern façade of the Synagogue building at No 34 Flood Street on the right of the photo. Community kitchen at rear.



Figure 7 Entry to community kitchen to right of photo



Figure 8 Community kitchen and outdoor space at rear of Synagogue building

2.3 SURROUNDING DEVELOPMENT

No.34 Flood Street has a long history of development and use in conjunction with the adjoining properties to the north and south. As a result, the multi storey Seniors Housing development to the north of No.34 shares a vehicle access with No.34 as shown in Figures 3, 6 and 7. There are multiple basement access points extending from the shared driveway and pedestrian pathway access to the rear of No.34 from Flood Street along this common driveway. The adjoining Seniors Housing development extends through to Anglesea Street. Photos of the neighbouring Seniors Housing development known as 'Lifestyle Manor' are included in Figures 9 to 12.



Figure 9 Adjoining Seniors Housing development 'Lifestyle Manor' as viewed from Flood Street



Figure 10 Centre of Seniors Housing development 'Lifestyle Manor' as viewed from the vehicle access shared with the site



Figure 11 Adjoining Seniors Housing "Lifestyle Manor" looking north along Flood Street frontage



Figure 12 Adjoining Seniors Housing 'Lifestyle Manor' as viewed from Anglesea Street looking south

The Yeshiva College is located at No.36 Flood Street and adjoins the southern side of the site (see Figure 13). The college entry is via Flood Street as shown in Figures 13 and 14. The college has a two storey façade to Flood Street and is two and three storeys at the rear. An outdoor play space ancillary to the college is located at the rear of the site. The college shares vehicle access with the adjoining residential apartments to the south as shown in Figure 15.



Figure 13 View of the Synagogue and College from Flood Street looking south east



Figure 14 Entry to Yeshiva College from Flood Street



Figure 15 Vehicle access to Yashiva College shared with adjoining neighbour to the south as viewed from Flood Street

The streetscape of Flood Street is notable for its mature canopy trees and diversity of housing forms, building age and architectural styles. Photos of the streetscape are included in Table 1 and the location of each photo is referenced in Figure 16. The road connects two high volume traffic routes being Old South Head Road to the north and Bondi Road





to the south. A raised pedestrian crossing is located in Flood Street immediately north of the subject site. There are concrete pedestrian pathways on both sides of Flood Street. The road is painted to indicate the carriageway is shared by vehicles and bicycles.

The diversity of housing includes:

- Multi-storey residential flat buildings
- Post-war walk up brick flats
- Two and three storey terrace rows
- Single storey attached and detached bungalows
- New attached dual occupancies, manor houses and attached townhouses
- Heritage-listed residential buildings

There is no consistent pattern to building height, setbacks, built form and character, architectural style or density in the immediate locality. The surrounding neighbourhood is almost exclusively residential.



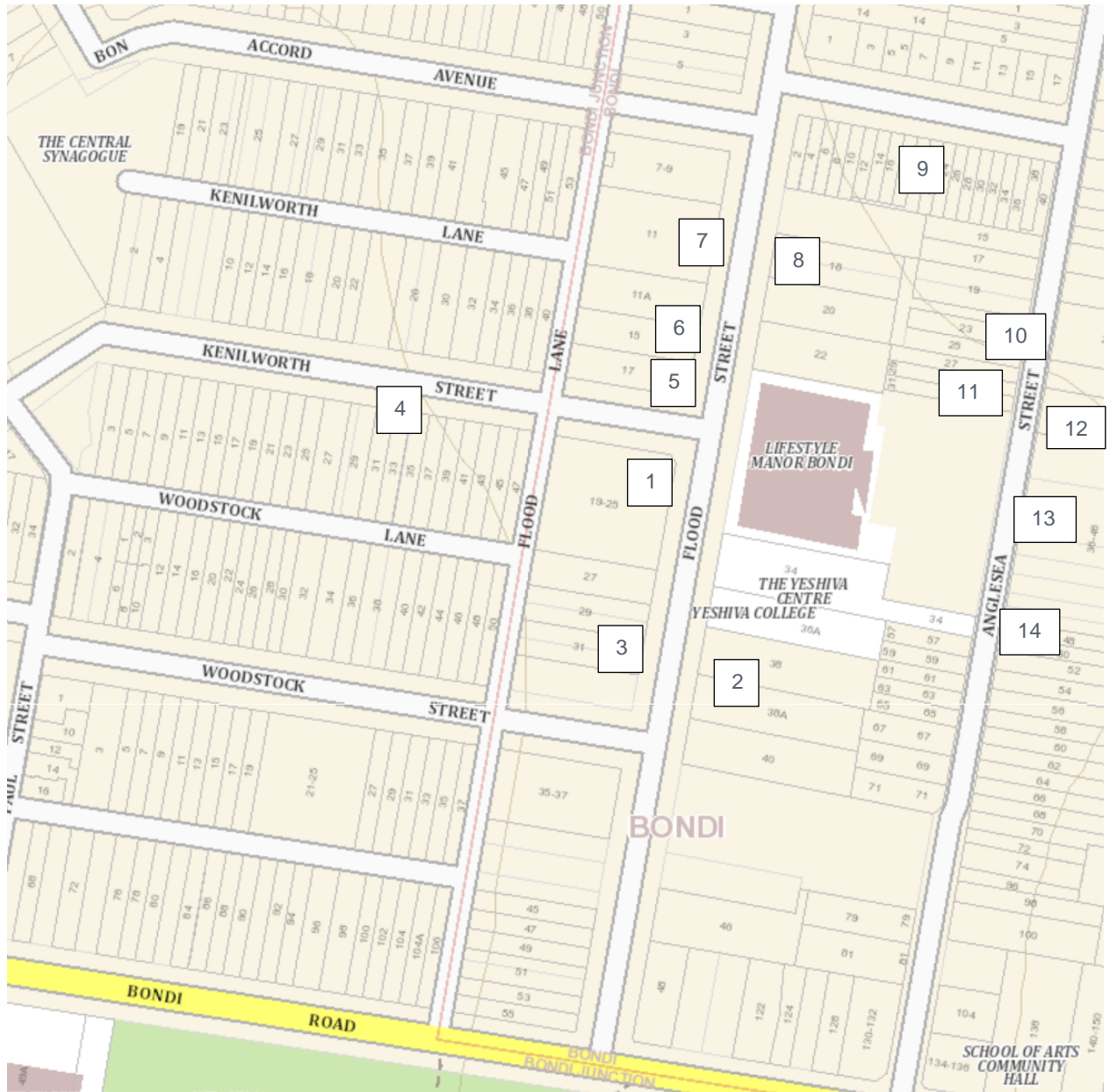


Figure 16 Reference map for location of photos in Table 1



Table 1 Photos of diversity of residential buildings surrounding the site

<p>1.</p> <p>No.19 – 25 Flood Street.</p> <p>9 storey residential flat building</p>	
<p>2.</p> <p>No.36 and No.38A Flood Street</p> <p>3 and 4 storey walk up post-war residential flats</p>	
<p>3.</p> <p>31 Flood Street</p> <p>Detached dwelling</p>	
<p>4.</p> <p>Streetscape southern side of Kenilworth Street</p>	





<p>5.</p> <p>17 Flood Street</p> <p>Heritage listed detached dwelling</p>	
<p>6.</p> <p>15 Flood Street</p> <p>Detached dwelling</p>	
<p>7.</p> <p>11 Flood Street</p> <p>3 storey Residential apartment building</p>	
<p>8.</p> <p>No.16 Flood Street</p> <p>2 and 3 storey walk up apartment building</p>	







<p>9.</p> <p>Southern side of Watkins Street</p> <p>2 storey attached terraces with loft space</p>	
<p>10.</p> <p>No.23-25 Anglesea Street</p> <p>Detached single storey bungalows</p>	
<p>11.</p> <p>No. 27-31 Anglesea Street</p> <p>Attached single storey bungalows</p>	
<p>12.</p> <p>No.32 Anglesea Street</p> <p>3 storey walk up apartments</p>	





<p>13.</p> <p>No.36 – 40 Anglesea Street</p> <p>Waverley Zone Electricity substation No.36800</p>	
<p>14.</p> <p>No.48 – 50 Anglesea Street</p> <p>Single and two storey detached dwellings</p>	

In the wider neighbourhood are non-residential uses including recreational spaces and facilities, places of public worship and schools.

Less than 200m walking distance south of the site are accessible bus stops in Bondi Road which are part of State Transit busline Route 333 connecting Circular Quay with Bondi Junction and North Bondi. These bus stops are used by three (3) other state bus routes connecting to local destinations within the LGA.

There are dedicated on-road and off-road cycle routes within 200m of the site connecting to high visitation destinations as shown in Waverley Council's Cycle Route Map Brochure (https://www.waverley.nsw.gov.au/data/assets/pdf_file/0018/7524/CycleRouteMapBrochure.pdf).

The Margaret Whitlam Recreation Centre, former Waverley Council Administration Building, Waverley Park and Waverley Oval are a cluster of publicly accessible indoor and outdoor social and recreational spaces all within 200m to 400m walking distance south of the site. The variety of services and facilities available to the community at these locations is described in Section 5.3.

Other community facilities within 2km radius of the site are:

- Mill Hill Centre
- Burnie Park Community Centre

The following schools are located within a 2km radius of the site:

- Bellevue Hill Public School
- Bondi Public School
- Bronte Public School
- Waverley Public School
- Bondi Beach Public School



- 
- 
- Clovelly Public School
 - Woollahra Public School
 - Holy Cross School
 - Reddam House School
 - Waverley College
 - St Clare's College
 - St Charles Primary School
 - Scot's College

There are more than twelve (12) places of public worship within 2km radius of the site.

2.4 INFRASTRUCTURE AND SERVICES

The proposed zoning change will not increase demand for local or regional scale infrastructure and services beyond the current level of provision.

The proposal will facilitate feasible options for future uses of the site.



3. Future Development Options

3.1 OVERVIEW

The purpose of the planning proposal is to amend WLEP 2012 to apply Zone R3 Medium Density Residential Zone and a minimum lot size of 325m² to No.34 Flood Street, Bondi.

The site is currently in Zone SP2 Education Facility as shown in the extract to the WLEP 2012 Land Zoning Map in Figure 19 (see Section 4.1). As explained above, the site is not an education facility. The site has been used as a Synagogue since 1956 and remains substantially in the same built form today. The College building on the adjoining site is of a similar age to the Synagogue building and there are features and uses of both buildings that span the site boundaries. Both the Synagogue and College buildings are aged and would require major alterations to meet contemporary requirements and the needs of the community and users such as:

- Accessibility and features for people with mobility, sight and hearing challenges
- Vehicle access and parking for staff and visitors, loading/unloading, service and emergency vehicle access
- Colocation and multi-function / multipurpose activities
- Environmental performance
- Integration with the streetscape
- Indoor, outdoor and transition spaces
- Landscaped areas and deep soil zones

The current planning provisions for No.34 Flood Street do not provide a feasible incentive for substantial redevelopment. The land use controls to WLEP 2012 only permits an educational establishment with consent. No uses are permitted without consent. The provisions for existing use right that may apply to the site only permit minor alterations for the purposes of an educational establishment. The building would require more than minor alterations in order to be used as an educational establishment that would meet contemporary standards.

The building at No.34 has no feasible future development potential as an educational establishment under the current land use zoning and planning provisions.

The current planning provisions that apply to No.36 Flood Street when considered in conjunction with those for No.34 Flood Street also prevent feasible future development of No.36 Flood Street. No.36 has been used as a College since the 1950's. The College relies on vehicle access via a driveway on the neighbouring site to the south and pedestrian access from Flood Street is via No.34 Flood Street. No.36 has a width of 14m. Zone R3 Medium Density Residential applies to No.36 Flood Street. The existing FSR of the College building is close to the maximum permitted FSR of 0.9:1. Expansion or intensification of the College is limited in scale by the site constraints, by the LEP controls and by the limitations for expansion and intensification in State Environmental Planning Policy (Transport and Infrastructure) 2021. The narrow lot width and vehicle access constraints make it unfeasible for redevelopment for residential uses in isolation.

In addition to the above, it is noted that this planning proposal will seek to allocate a minimum lot size of 325m² to the subject site, as is consistent with the adjoining and surrounding R3 zoned land. As such, Clause 4.1 Minimum subdivision lot size would also apply to the subject site.



3.2 FUTURE DEVELOPMENT OPTIONS

Notwithstanding the above, there are no immediate intentions to redevelop the site and it will continue to provide a range of religious, educational and community services. However, to substantiate the planning proposal some schematic designs have been prepared in order to demonstrate that the LEP amendments proposed by this application can facilitate future development of the site in a manner that:

- Is consistent with adopted key planning strategies
- Is compatible with the context and setting of the site
- Does not require additional local or state infrastructure and services; and
- Delivers future social, environmental, cultural and economic benefits.

Following the amendment of the LEP, the proposed future development of the site would be subject to a detailed development application to be prepared in accordance with the relevant objectives, development standards and controls of WLEP 2012 and Council's Development Control Plan.

A new development application will need to demonstrate, amongst other things:

- connectivity to all essential services and contemporary energy and water efficiency performance standards;
- safe means of pedestrian and vehicle access, loading and unloading, waste management and service vehicle access;
- consistency with the streetscape; and
- no significant detrimental impacts to the heritage significance of the adjoining Heritage Conservation Area C16 Woodstock Street and the Flood Street Landscape Conservation Area C42.

The current land use zone does not facilitate the potential for new development to achieve the above.

The future development scenario options most suited to the context and setting are described below. They are based on amalgamation of the subject site with No.36 Flood Street to avoid site isolation and to achieve the following positive outcomes:

- Site-specific at-grade vehicle access to Anglesea Street which is dedicated to the site (that is, not shared by other properties and reliant on legal agreements with neighbours as is the current situation);
- Onsite parking, waste management, plant and equipment in a concealed basement to protect visual and acoustic amenity;
- Built form that complies with Council's development standards and objectives
- Boundary setbacks compatible with the separation requirements between residential buildings with associated benefits to solar access, privacy, streetscape, landscape opportunities and amenity
- Deep soil planting throughout the site including mid-block where it will be of greatest benefit within the site and for residential neighbours
- A greater percentage of the site provided as landscaped open spaces
- Reconstruction of the footpath reserve in Flood Street and an increased front setback with opportunities for street tree planting and landscaping compatible with the Flood Street Landscape Conservation Area C42;
- Improved quality of the interface with Flood Street by removing high concrete walls and creating opportunities for passive surveillance and active private spaces adjoining the public footpath;
- Improved environmental performance of the land use.

Both future development scenarios are compliant with the existing WLEP 2012 development standards that currently apply to both No.34 and No.36 Flood Street being:

- Floor Space Ratio (FSR) of 0.9:1

- Height of Buildings Control of 12.5m

In addition, the future scenario would also comply with the minimum 325m² lot size requirement which would apply to the site, as imposed by this planning proposal.



3.3 FUTURE OPTION 1

Future Development Scenario 1 is included in Annexure B and a basic block perspective drawing is included in Figure 17.

Future Development Scenario 1 proposes:

- A residential flat building
- A mix of apartment sizes and accessible common circulation and open space areas
- Height of Flood Street elevation 8.9m (3 storey façade to Flood Street, 4 storeys mid-block)
- Basement car parking for 30 cars (25 resident vehicles and 5 visitors)
- At-grade vehicle access to Anglesea Street
- Deep soil zone mid block
- Green roof

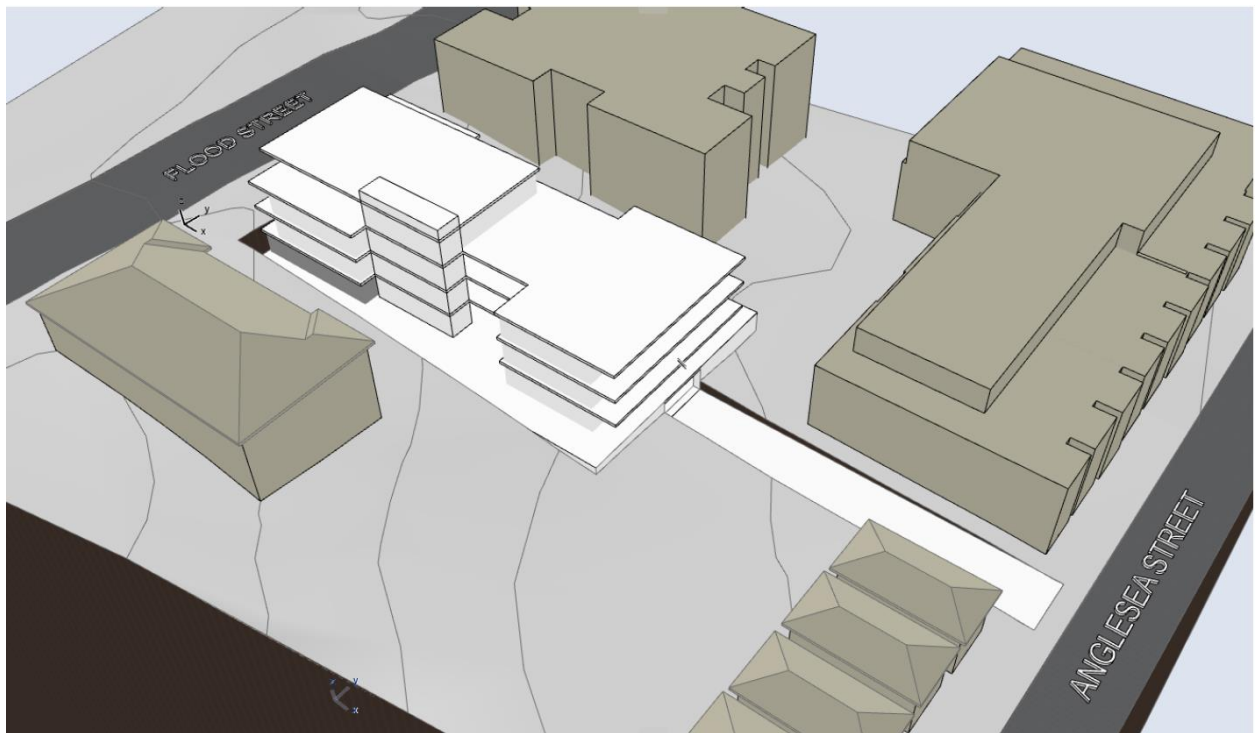


Figure 17 Perspective drawing for Future Development Scenario 1

3.4 FUTURE OPTION 2

Future Development Scenario 2 is included in Annexure B and a basic block perspective drawing is included in Figure 18.

Future Development Scenario 2 proposes:

- Attached multi-storey terraces in two (2) blocks
- Height of Flood Street elevation 8.9m (3 storey façade to Flood Street, 4 storeys mid-block)
- Basement car parking for resident and visitor cars



- At-grade vehicle access to Anglesea Street
- Deep soil zone mid block

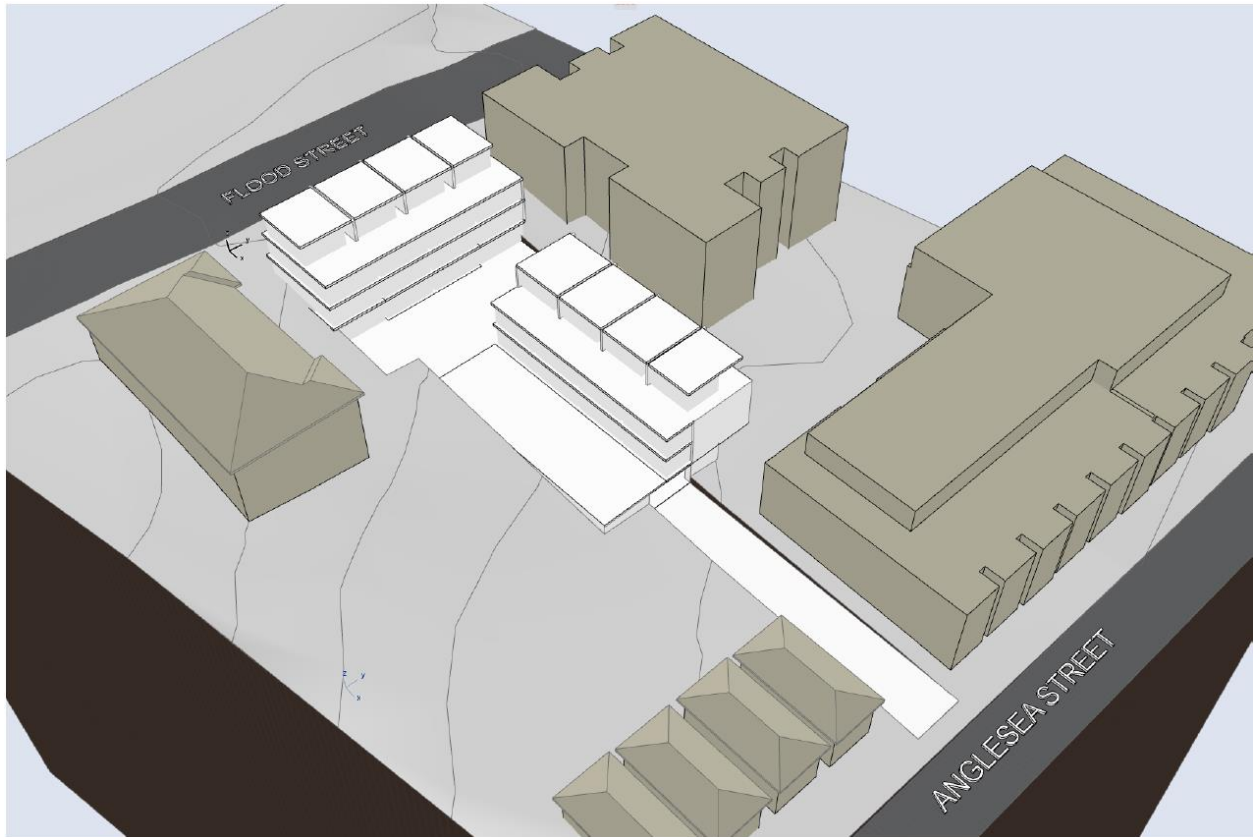


Figure 18 Perspective drawing for Future Development Scenario 2



4. Existing Planning Provisions

4.1 WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012

The overall aims of the WLEP 2012 are:

- “(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (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.”*

The ways in which the zoning change aligns with the aims of the LEP are detailed in Section 5.3.

The provisions of the LEP that currently apply to the site are as follows:

Table 2 Summary of Current Planning Controls that apply to No.34 Flood Street under WLEP 2012

Control	Existing Requirement
Zone	SP2 Infrastructure (Education Facility)
Height of Buildings	12.5m
Floor Space Ratio	0.9:1
Minimum Lot Size	N/A
Heritage	None



4.1.1 Existing Zoning

An extract of the land use zoning map to WLEP 2012 is shown in Figure 19 with the site indicated by a white arrow.

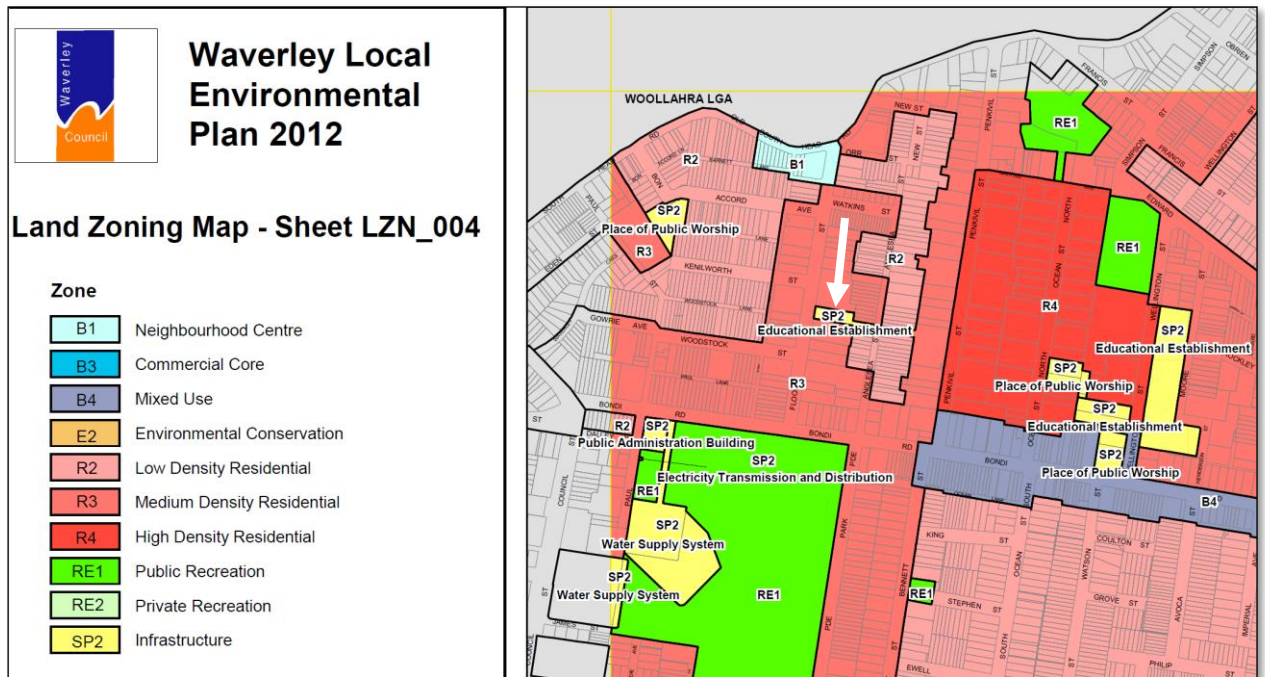


Figure 19 Extract from Land Zoning Map to WLEP 2012 with subject site indicated by white arrow

The objectives for development in Zone SP2 are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.”*

The land use table for Zone SP2 states as follows:

“2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3”

As explained above, the zoning of the site:

- does not match the existing use of the site that has continued since 1956;
- does not facilitate redevelopment of the site in a manner that would suit the existing aged building and ancillary features.

4.1.2 Existing Minimum Lot Size

An extract of the lot size map (LSZ_004) to WLEP 2012 is shown in Figure 20 with the site edged in red.

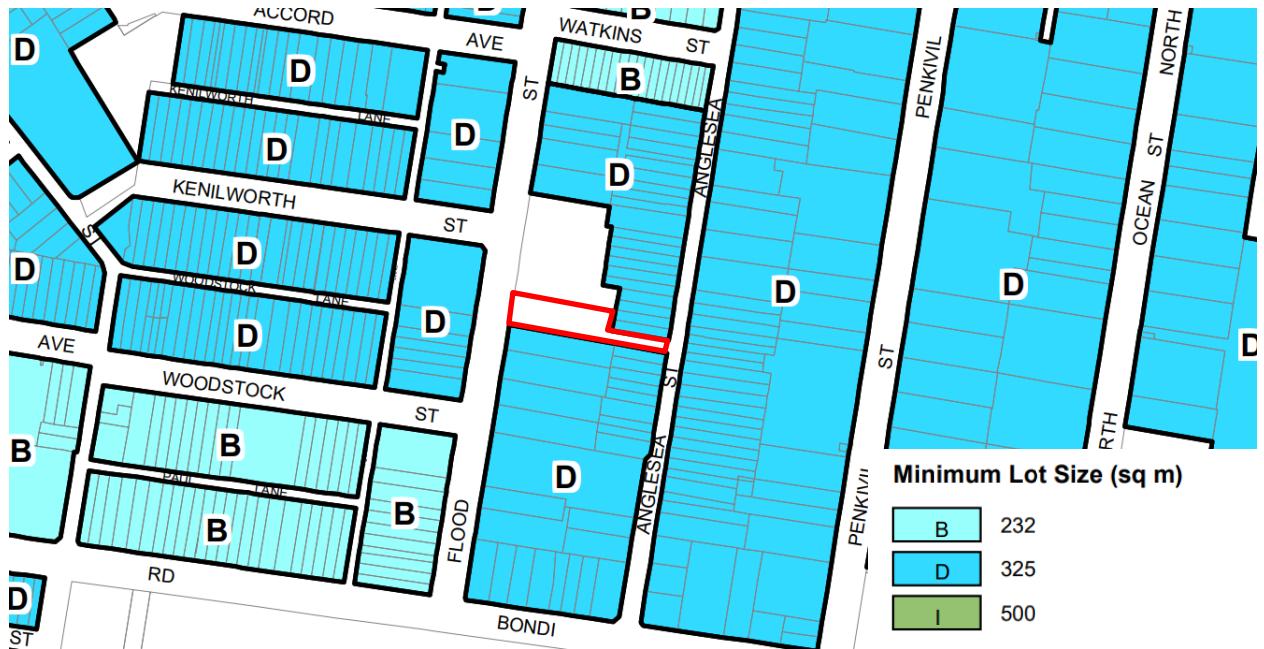


Figure 20 Extract from Land Zoning Map to WLEP 2012 with subject edged in red

A minimum lot size requirement within the Lot Size Map Sheet does not apply to the site and therefore Clause 4.1 Minimum Subdivision Lot Size does not apply.

5. Proposed LEP Amendments

5.1.1 Proposed Zoning

As detailed, the proposed changes to WLEP 2012 is to apply the Zone R3 Medium Density Residential to No. 34 Flood Street, Bondi, as shown in Figure 21.

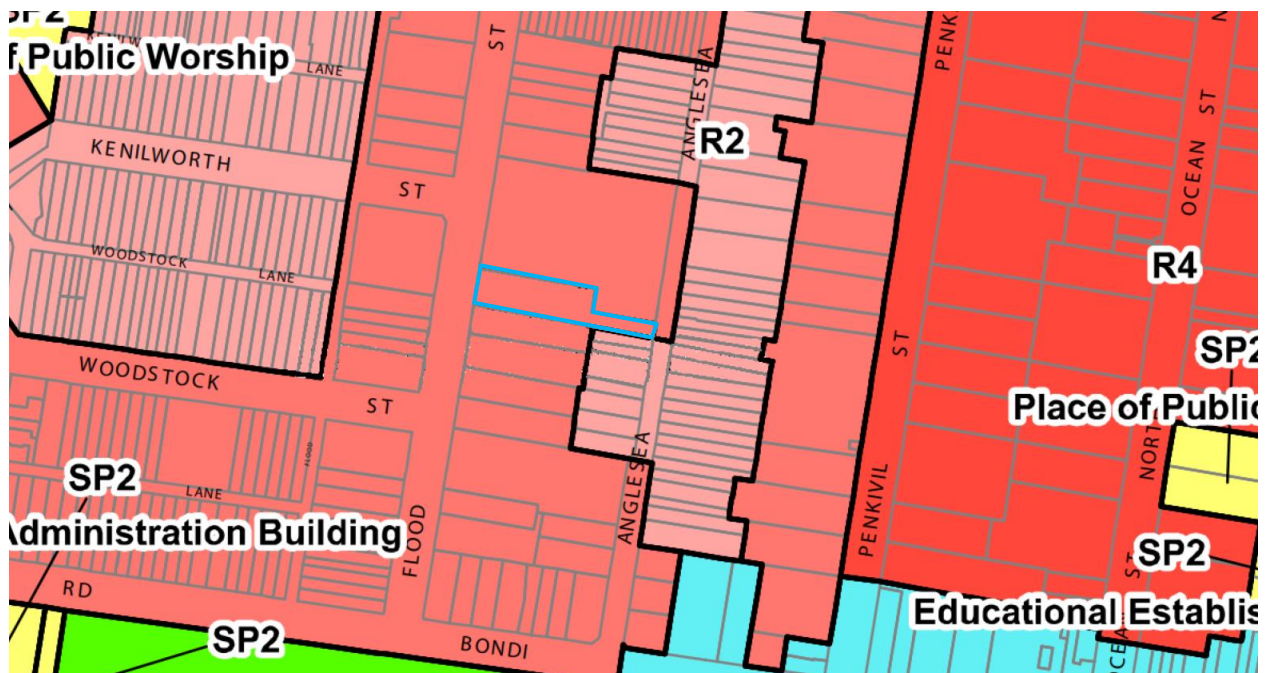


Figure 21 Proposed amended to zoning map (subject site edged in blue, zoning R3)

The objectives of the R3 zone, which will apply to the subject site, are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maximise public transport patronage and encourage walking and cycling.
- To increase or preserve residential dwelling density.
- To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.
- To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.”

In addition to the above, the change to zoning will permit and prohibit the following uses, as outlined in the Land Use Table:

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Local distribution premises; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

5.1.2 Proposed Minimum Lot Size

In addition to the above, a minimum lot size control of 325m², consistent with 'D' of the WLEP 2012 'Lot Size Map Sheet', is to also apply to the subject site, as shown in Figure 22. Clause 4.1 Minimum subdivision lot size will therefore apply to the subject site. The objectives and requirements of Clause 4.1 Minimum subdivision lot size are reproduced below.

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,*
 - (b) *to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *This clause does not apply in relation to the subdivision of any land—*
 - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
 - (b) *by any kind of subdivision under the Community Land Development Act 2021.*

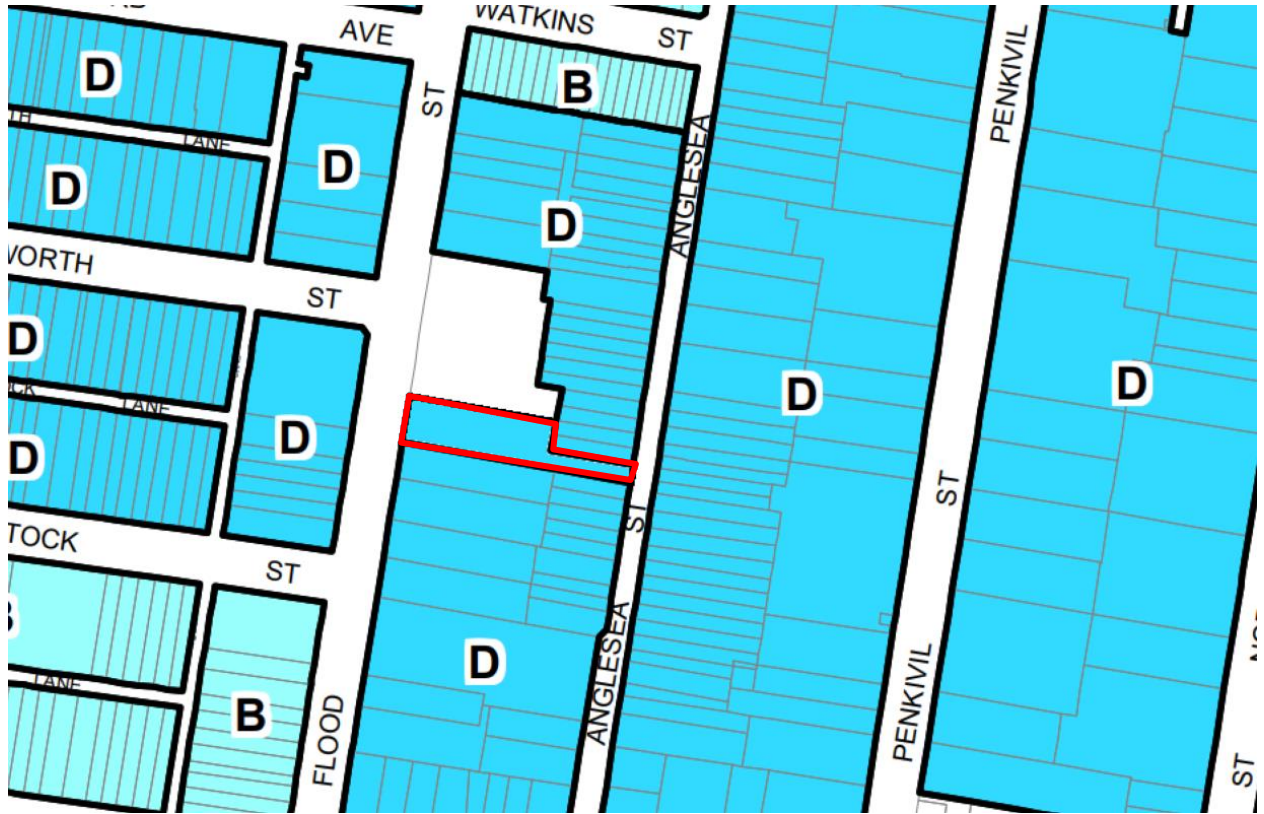


Figure 22 Proposed amended to lot size map (subject site edged in red, D=325m²)



6. Planning Proposal

6.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend WLEP 2012 to change the zoning Lot 1 DP 1094020 from Zone SP2 Infrastructure (Educational Establishment) to Zone R3 Medium Density Residential and apply a minimum lot size development standard of 325m².

The objectives for development in Zone R3 and the land use control table for Zone R3 are intended to apply to Lot 1 DP 1094020. The minimum lot size provisions of Clause 4.1 are intended to apply to Lot 1 DP 1094020.

The intended outcome is to apply a land use zoning category that corrects the current anomaly and that is consistent with the zoning of surrounding land. Applying Zone R3 will facilitate feasible future development and use of the site and prevent isolation of the adjoining land to the south whereas current planning provisions create an impasse for any feasible future development of these lots either separately or as an amalgamated site.

In addition to the above, it is intended that a minimum subdivision lot size of 325m² apply to the subject site and therefore Clause 4.1 Minimum subdivision lot size apply. This is consistent with the amended zoning of the site and consistent with the minimum lot size control for surrounding sites in Zone R3.

6.2 PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the WLEP 2012 Land Zoning Map Sheet LZN_004 to change the land use zoning to Zone R3 Medium Density Residential for Lot 1 DP 1094020. In addition, the WLEP Lot Size Map Sheet LSZ_004 will also change to apply a minimum lot size control of 325m² (indicated as 'D' on the Lot Size Map).

All other provisions of WLEP 2012 are to remain unchanged.

6.3 PART 3 – JUSTIFICATION

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (December 2021). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary the proposed amendment to the land use zoning and minimum lot size for Lot 1 DP 1094020 is:

- Aligned with the relevant key priorities and strategic merit matters in the Greater Sydney Regional Plan and Eastern City District Plan;
- consistent with the relevant key planning priorities and strategic and site-specific merit matters contained in the Waverley Local Strategic Planning Statement (LSPS);
- consistent with the relevant key planning objectives of the Waverley Local Housing Strategy and the Waverley Community Strategic Plan;
- a response to circumstances that are not recognized by the existing planning framework (in that the site is not, and has never been, an educational facility and has no feasible redevelopment potential under the current Zone SP2);
- facilitating opportunities for future use of the site and adjoining land more compatible with the surrounding residential development and will result in improvements to the heritage-listed streetscape, deep soil landscaping, traffic, parking, vehicle and pedestrian access, street surveillance and ESG performance.



6.3.1 Section A - Need for the Planning Proposal

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The LEP amendment is an applicant-initiated, site specific planning proposal. It is not a result or recommended outcome from a strategic study or report. However, it is required due to an oversight or error made in the application of land use zoning to the site. Specifically the site is in Zone SP2 Infrastructure (Educational Establishment) however the site has been used as a Synagogue since the 1950's and is not an educational establishment.

As explained in Section 3, due to the incorrect zoning, the current planning provisions prevent any feasible future redevelopment of the site and create an impasse which prevents any feasible works to the ageing building which does not meet contemporary design and user standards for a publicly and universally accessible building used for congregations and related activities.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means by which the zoning anomaly can be corrected and this has been confirmed by Council in pre-lodgement meetings.

The Planning Proposal is also necessary because there are no feasible future development options for the site under the current planning provisions and the building is reaching the end of its useful and appropriate life as a Synagogue due to the major works needed to bring the building and ancillary features up to contemporary standards with respect to:

- Accessibility and features for people with mobility, sight and hearing challenges
- Vehicle access and parking for staff and visitors, loading/unloading, service and emergency vehicle access
- Colocation and multi-function / multipurpose activities
- Environmental performance
- Integration with the streetscape and heritage conservation areas
- Indoor, outdoor and transition spaces
- Landscaped areas and deep soil zones.

The Planning Proposal also has benefits for the adjoining land No.36 Flood Street as explained in Section 3. Without the zoning amendment, No.36 Flood Street is an isolated site with no feasible potential for expansion or increase in intensity of use due to constraints including site width, lack of vehicle and pedestrian access, being close to the maximum FSR and the need to be responsive to the amenity of neighbouring residential uses.

The proposal LEP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

The objectives for all development in Zone R3 in WLEP 2012 are as follows:

“Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.”*

All land surrounding the site is within Zone R3. The proposed land use zone change and minimum lot size controls will result in future development and use of the site in a manner entirely consistent with the character and objectives that apply to the neighbourhood. These objectives are more suited to the site and its context than the objectives for land in Zone SP2 which seek only to preserve land for infrastructure and do not consider compatibility with the broader neighbourhood context and setting. Applying Zone R3 to the site will provide opportunities for future development which is compatible with its broader environment. It is also noted that a minimum lot size of 325m² under the Lot Size Map Sheets and Clause 4.1 of WLEP will apply to the subject site to ensure consistency with the lot pattern of surrounding properties, if required.

The land use table for Zone R3 in WLEP 2012 are as follows (our emphasis added):

“2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies”

The land use table for Zone SP2 allows only for an educational establishment. The planning framework for existing use rights allows only for minor alterations to an existing use. Given that the ageing Synagogue would need major works to bring it up to contemporary standards, the current planning framework prevents feasible future development opportunities.



By comparison, the land use table for Zone R3 allows a variety of future uses and development opportunities. Furthermore it does not preclude a future development scheme that may include a community facility and place of public worship. However, as explained below, a future development scenario which did not replace the Synagogue with a comparable facility would not result in a detrimental social or cultural outcome as there are a variety of alternative comparable facilities and more suitable sites for a new / replacement facility. Furthermore, as explained below, the people who currently use the Synagogue and Charity Kitchen have been consulted regarding this amendment and are fully supportive.

Planning Practice Note PN10-001 Zoning for Infrastructure in LEPs (PN10-001) is a guideline for the application of Zone SP1 and Zone SP2 in standard instrument LEPs. PN10-001 lists the 25 types of infrastructure to be considered for the application of SP zones. The list does not include places of public worship.

PN10-001 lists the matters to be considered in deciding whether to apply Zone SP to any land. The first consideration is whether the type of infrastructure is covered in the Transport and Infrastructure SEPP. Places of public worship are not covered in the Transport and Infrastructure SEPP.

PN10-001 lists six (6) sequential principles for zoning infrastructure. These principles are listed below along with comments specific to the subject site (with the exception of Principles 2, 5 and 6 which do not apply to the circumstances):

Principle (1): If the infrastructure type is permitted on all land under the Transport and Infrastructure SEPP, then “*existing ‘special use’ zones should be rezoned the same as the adjacent zone*”. If PN10-001 had been applied correctly in applying land use zones under WLEP 2012, the site would have been zoned as Zone R3 (not Zone SP2).

Principle (3): if the land is currently zoned for ‘special use’, only the following should remain zoned for ‘special purpose’:

- Special purposes such as cemeteries, sewage treatment plants, waste disposal or landfill sites (to be Zone SP2);
- Strategic sites (to be Zone SP2)
- Large complexes (to be SP1).

The site does not meet any of the above criteria or descriptions in Principle (3).

Principle (4): Where land is to be zoned SP1 or SP2 it should include flexible zone boundary provisions where appropriate and use generic land use map annotations. The current zoning does not match with Principle 4.

PN10-001 should be used as a reference tool in assessment of this application for a Planning Proposal. It is clear from the directions in PN10-001 that the current land use zone is incorrect and should not have been applied to the site.

Planning Practice Note PN11-002 Preparing LEPs using the Standard Instrument: Standard Zones (PN11-002) provides instruction and guidance on the application of all land use zones used in Standard Instrument LEPs. PN11-002 states:

“Councils must give effect to any relevant State or regional planning guidance when determining permitted and prohibited land uses. In addition, where the permissibility of certain land uses is provided for under a relevant SEPP (eg. Infrastructure SEPP), there is no need to include these types of development in Standard Instrument LEPs.”

As noted above, a place of public worship is not considered by DPIE to be infrastructure. Educational establishments are addressed in State Environmental Planning Policy (Transport and Infrastructure) 2021. Therefore, based on the



instruction in PN11-002 quoted above, there is no need to apply Zone SP2 to educational establishments unless they are large sites of strategic importance as explained in PN10-001.

PN11-002 also gives the following instructions on the application of all standard instrument zones:

“SP2 Infrastructure

Infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned SP2, for example ‘cemeteries’ and major ‘sewage treatment plants’.

It may also be appropriate for major state infrastructure or strategic sites such as major ‘hospitals’, large campus universities/TAFEs, major dams, power stations, landfill or waste disposal sites, ‘correctional centres’, and ‘airports’. Areas of Commonwealth land used for Defence purposes should be zoned SP2 (Defence). A small minority of ‘schools’ across NSW may also be considered a strategic site.

The use of clause 5.3 Development near zone boundaries is suggested when adopting SP1 or SP2 zones. This would enable development permitted on the adjoining land to be permitted if deemed compatible.”

With consideration to the above instruction in PN11-002, the subject site is not:

- major state infrastructure; nor
- a strategic site.

It is practical and reasonable that the site could be used for different purposes in the future.

Applying Zone SP2 to the subject site is not consistent with the guidance and instruction that applies to all Standard Instrument LEPs and in particular is not consistent with PN10-001 and PN11-002.

Furthermore, if the current Waverley LEP review is consistent with Planning Practice Notes (as it should be) this zoning anomaly should be rectified without the need for a site-specific Planning Proposal. Note that the DPIE strategic planning tool kit makes reference to all Standard Instrument LEP amendments being guided by a collection of documents published by DPIE including Planning Practice Notes.

6.3.2 Section B – Relationship to Strategic Planning Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

6.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

The GSRP produced by the NSW Government sets out strategic priorities for 2016 to 2036. The following Directions and Objectives of the GSRP are relevant for consideration in demonstrating that this application for a Planning Proposal is aligned:

Direction 1: A City supported by infrastructure

As confirmed by PN10-001 and PN11-002, a place of public worship is not a form of infrastructure to which Zone SP1 or SP2 should be applied in a standard instrument LEP.

Direction 3: A city for people

Objective 6: Services and infrastructure meeting communities’ changing needs

Objective 7: Communities are healthy, resilient and socially connected.



As noted in Section 3 and 5.3.1 above, the existing building on the site increasingly inadequate to meets the contemporary needs of the community, its neighbours and its users. Constraints which cannot be addressed by the limits of the current zoning include:

- A lack of accessibility and features for people with mobility, sight and hearing challenges
- No independent vehicle access and parking for staff and visitors, loading/unloading, service and emergency vehicle access
- Lack of space and design features that would support colocation and multi-function / multipurpose activities
- Poor environmental performance
- Lack of integration with the streetscape
- Limited indoor, outdoor and transition spaces
- No landscaped areas and deep soil zones.

An amendment to the land use zone to Zone R3 will facilitate the potential for changes to both the existing uses and/or future redevelopment options which would address the current features that do not meet contemporary expectations and needs of the community.

Direction 4: Housing in the city

Objective 10: Greater housing supply

Objective 11: Housing is more diverse and affordable

Applying Zone R3 to the site will facilitate more options for future uses including housing(adding to the existing supply) and at the same time it does not preclude the including of community facilities and places of public worship from future development options.

Direction 5: A city of great places

Objective 12: Great places that bring people together

Objective 13: Environmental heritage is conserved and enhanced

The change will not put at risk the future options for current users of the site to come together in the variety of ways that are currently facilitated by the Synagogue and community kitchen. It will enable the range of options permitted in Zone R3 for enhancement of the facilities in conjunction with other feasible and mutually supportive options. Such options are not available under the SP2 zoning.

While there are no immediate plans, future residential and mixed use redevelopment options must also consider new works which will be compatible with the environmental heritage and landscape values of the Woodstock Street Heritage Conservation Area C16 and the Flood Street Landscape Conservation Area C42. The zoning change allows opportunities for the future use of the site to enhance the environmental heritage of the site and its setting.

Direction 8: A city in its landscape

Objective 30: Urban Tree canopy cover is increased.

Currently there is no landscaped area or deep soil planting within the site. Increasing redevelopment opportunities by changing the zoning will facilitate new development scenarios that must achieve compliance with current landscaping requirements. This would include the provision of canopy street trees in Flood Street and deep soil zones within the site.

Direction 9: An efficient city



Objective 33: A low carbon city to net zero emissions by 2050

Objective 34: Capture and reuse of energy and water

Objective 35: Waste is reduced and recycled

The zoning change will provide options for redevelopment of the site where currently there are none. The current Synagogue building does not include features for energy and water re-use and is limited in the use of natural ventilation and lighting. Any redevelopment will be required to achieve higher standards of ESG performance and contribute to achieving the objectives of Direction 9.

In summary, the proposed zoning change will assist in achieving the Directions and Objectives identified above.

6.3.2.2 Eastern City District Plan (ECDP)

The ECDP adopts the Directions of the GSRP and lists the following Planning Priorities relevant for consideration in demonstrating that this application for a Planning Proposal is aligned:

Direction: A city supported by infrastructure

The zoning change will not generate the need for additional or new infrastructure and will not preclude the aim to achieve a movement network that delivers a 30-minute city.

Direction: A collaborative city

The zoning change may lead to future scenarios where the current Synagogue and community kitchen can be substantially upgraded or redeveloped to provide new, contemporary premises on the site which can be designed for multi-purpose uses and with indoor and outdoor spaces universally accessible. This is aligned with the ECDP performance indicator of increasing the use of community facilities.

Direction: A city for People – Livability

The zoning change is aligned with increasing quality of life through implementing a planning framework that gives options for feasible future uses of the site. Future use options will better facilitate the renovation, rebuilding and creation of new places, buildings and activities that enhance the site for users and neighbours. Improvements that can be anticipated include:

- Safe and independent vehicle access, parking, loading/unloading, and access for service and emergency vehicles
- ESG performance
- Integration with the streetscape and passive surveillance, landscaped setbacks and street trees
- Landscaped areas and deep soil zones throughout the site
- connectivity to all essential services and contemporary energy and water efficiency performance standards;
- enhancement to the heritage significance of the adjoining Heritage Conservation Area C16 Woodstock Street and the Flood Street Landscape Conservation Area C42.
- Built form that complies with Council's development standards and objectives
- Boundary setbacks compatible with the separation requirements between residential buildings with associated benefits to solar access, privacy, streetscape, landscape opportunities and amenity
- Prevention of site isolation for No.36 Flood Street

Direction: Housing in the City – Housing choice and affordability

The zoning change allows residential accommodation with consent. Any future development proposal for housing will be assessed with consideration to this matter. The Future Development Options in Section 3 demonstrate that the zoning change can facilitate a range of housing options.



Direction: A city of great places – giving effect to Objectives 12 and 13 in the GSRP

See Objectives 12 and 13 above.

Also the ECDP seeks:

- A well designed built environment
- Social infrastructure and opportunities
- Fine grain urban form

The above points can only be feasibly achieved for this site if the options for future development are expanded by changing the land use zone to Zone R3.

Direction: Sustainability – a city in its landscape

The ECDP specifically identifies the following Planning Priorities to achieve sustainability that are relevant to this application:

- Planning Priority E16
Protecting and enhancing scenic and cultural landscapes
- Planning Priority E17
Increasing urban tree canopy cover and delivering Green Grid connections

Increasing future redevelopment options for the site will facilitate new development more in keeping with the scenic values of the Woodstock Street Heritage Conservation Area C16 and the Flood Street Landscape Conservation Area C42 and would create opportunities for deep soil planting and canopy street trees within the site.

In summary, the proposed zoning change will assist in achieving the Directions and Planning Priorities identified above.

6.3.2.3 Strategic Merit

In addressing Question 3, the DPIE Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The DPIE Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in Table 3 below (known as the 'strategic merit test').

Table 3 Strategic Merit Test	
Assessment Criteria	Comment
Will the proposal "give effect to 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	<p>The applicable strategic plan is the Eastern City District Plan (ECDP) prepared by the Greater Sydney Commission.</p> <p>Alignment with the relevant Planning Priorities of the ECDP has been demonstrated in Section 5.3.2.2.</p> <p>The planning proposal is considered to give effect to the Eastern City District Plan.</p>



Table 3 Strategic Merit Test

regional, district or corridor/precinct plans released for public comment"

Will the proposal "give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement"

Consideration of the proposal against Waverley Local Strategic Planning Statement (LSPS) is addressed in detail under 'Question 4' below.

In summary, the proposal will give effect to the LSPS by being aligned with the relevant themes and Planning Priorities and the potential public benefits that can be realised by facilitating new development options for the site.

Is the proposal "responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans"

The proposal is a response to the incorrect zoning of the site. The ongoing use of the site as a Synagogue since the 1950's has not been correctly accounted for by the application of Zone SP2 as explained in Section 5.3.1.

The current and future use of the site is at an impasse as a result of the incorrect zoning. A change is needed to correct the error.

Site-Specific Merit

The planning proposal has site-specific merit given the following:

- the site is surrounded by medium density residential land uses and the change in zoning will apply land use objectives and land use opportunities more consistent with, and respectful of the context and setting of the site than the current Zone SP2;
- the amendment will prevent the long term isolation of No.36 Flood Street as well as facilitate future development options which will be expected to achieve improvements in:
 - vehicle access, parking, loading/unloading, and access for service and emergency vehicles
 - ESG performance
 - Integration with the streetscape, passive surveillance, landscaped setbacks and street trees
 - Landscaped areas and deep soil zones throughout the site
 - connectivity to essential services;
 - enhancement to the heritage significance of the adjoining Heritage Conservation Area C16 Woodstock Street and the Flood Street Landscape Conservation Area C42.
 - Built form that complies with Council's development standards and objectives
 - Boundary setbacks compatible with the separation requirements between residential buildings with associated benefits to solar access, privacy, streetscape, landscape opportunities and amenity
- it will not result in any significant adverse environmental impacts.

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in Table 4.

Table 4 Site-Specific Merit Test

Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, having regard to the following:</i>	
<i>the natural environment (including known significant environmental values, resources or hazards)</i>	The site is not subject to any hazards or risks. The site does not contain items or features that have significant natural or environmental values. A change to the zoning will establish planning provisions with objectives and controls to enhance landscaping, deep soil planting, canopy street trees and buildings and uses with improved ESG performance in comparison to the limitations of the current zone.
<i>the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i>	The change to the zoning will facilitate options for future development more compatible with the context and setting of a medium density residential environment and the adjoining heritage and landscape conservation areas..
<i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	The zoning change will not generate demand for additional essential services. Redevelopment options will facilitate improvements to vehicle and pedestrian access and traffic-related infrastructure in particular.

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

6.3.2.4 Waverley Local Strategic Planning Statement (WLSPS)

Waverley LSPS adopts the Directions and Planning Priorities of the GSRP and ECDP as identified above. In addition the LSPS lists principles for change that must be considered with any LEP amendment and requires any LEP amendment to demonstrate public benefit.

Strategic Principles

Table 5 lists the local strategic principles for change in the LSPS that are relevant to the planning proposal and includes comments specific to the proposed zoning change.



Table 5 Local Strategic Principles for change in WLSPS		
Local Strategic Principle for change	How it applies to the proposed change in land use zone to Zone R3 Medium Density Residential	Consistency? (Yes/No)
Proposals should be consistent with the Greater Sydney Region Plan and Eastern City District Plan	Consistency is demonstrated in Sections 5.3.2.2 and 5.3.2.3 above.	Yes
Proposals should be consistent with the relevant directions, objectives and actions of the Waverley Community Strategic Plan	Consistency is demonstrated in Section 5.3.2.5	Yes
Proposals should be consistent with the aims of the WLEP 2012	<p>Consistency is demonstrated in Section 4.1 with the exception of Aim (aa). Given that the application of Zone SP2 has been made in error (as explained in Section 5.3.2.1) the site should not have been subject to Zone SP2.</p> <p>The site is not and has not been used for an infrastructure purposes. The change in zoning will not result in a loss of community infrastructure that would be detrimental to the quality of life of existing and future community members as explained in response to Question 9.</p>	Yes
Proposals should be consistent with the relevant liveability, productivity, infrastructure and sustainability priorities, objectives and actions in this Local Strategic Planning Statement	Consistency is demonstrated with consideration to the relevant Planning Priorities of the LSPS below.	Yes
Proposals should be consistent with the relevant priorities, objectives and actions of any relevant strategies	<p>There are no specific strategies for places of public worship land uses.</p> <p>The proposed zoning change will allow for a variety of future development options which have potential to deliver improvements to the uses and activities on the site with regard to vehicle and pedestrian access, accessibility, landscaping, deep soil planting, street tree provision, built form that considers neighbour amenity, microclimate and ESG performance.</p>	Yes
Proposals should support the strategic objectives in Council's adopted strategies and action plans	As above.	Yes





<p>Proposals should give consideration to strategically valuable land uses that are under-provided by the market, such as but not limited to hotels, cultural space (including performance and production space), medical and health-related uses, education uses and childcare centres, and urban services such as mechanics and bulky goods retailers, and have regard to the appropriateness of the use for the context.</p>	<p>The Synagogue and Community Kitchen are socially valuable but not strategically valuable in the specific location. It is not essential to be maintained on this specific site.</p> <p>They are uses that can be accommodated on other sites.</p> <p>They are uses better suited to sites on major transport and movement routes, co-located for multipurpose visits and activities and where the built form, traffic and pedestrian activity will not detract from residential amenity.</p>	Yes
<i>Local site-specific principles for change</i>		
<p>Proposals should locate development within reasonable walking distance of public transport that has capacity (assuming development capacity will be delivered) and is frequent and reliable</p>	<p>As noted in Section 2.3 the site is within 200m walking distance of the major, multi-modal and multi-networked transport route along Bondi Road.</p>	Yes
<p>Proposals should meet high sustainability standards, improve urban resilience, and mitigate negative externalities. Proposals can satisfy these high standards by committing all development on the subject site to achieve a 5+ Green Star rating with the Green Building Council of Australia, or a Core Green Building Certification or Zero Carbon Certification with the Living Futures Institute of Australia, or equivalent</p>	<p>The proposed zoning change allows the consideration of future development options for the subject site and for the adjoining No.36 Flood Street that could achieve higher ESG performance and reduce current externalities of shared vehicle and pedestrian access, time limited on-street parking, a lack of landscaped and deep soil areas and a lack of canopy street trees and poor passive surveillance which are all legacies of aged building stock.</p>	Yes
<p>Proposals should include an amount and type of non-residential floor space appropriate to the site's strategic location and proximity to, or location within, a centre or activity street</p>	<p>The site is not within a centre.</p> <p>Flood Street has been identified as part of the Green Grid Movement Network (see below).</p> <p>A portion of non-residential floor space could be incorporated into a future development scheme. However this could only be achieved with a change of land use zoning because the current zoning prevents any major work on the site and limits that work to an educational establishment. Under the current zoning and site conditions such work would be unfeasible as explained in Section 3.</p>	Yes





	The change in zoning is needed to expand the redevelopment options to achieve any change to the current built form and land use.	
Proposals should create demonstrable public benefit.	<p>The zoning change can facilitate new development options which can include the following public benefits:</p> <ul style="list-style-type: none">• Safe vehicle access, parking, loading/unloading, and access for service and emergency vehicles contained within the site rather than reliant upon adjoining land and time limited parking restrictions in Flood Street. This will make the street safer for pedestrians, cyclists and drivers and increase on-street parking availability• ESG performance with new buildings better designed and fitted out for efficient capture and re-use of energy and water, natural ventilation and natural lighting, reduced heat retention and the inclusion of landscaping• Integration with the streetscape, passive surveillance, landscaped setbacks and canopy street trees with microclimate and CPTED benefits and improved compatibility with the heritage and aesthetic values of the Flood Street Landscape Conservation Area C42 and the Woodstock Street Heritage Conservation Area C16• Landscaped areas and deep soil zones throughout the site to improve microclimatic conditions and enhance the separation distances to neighbours• Boundary setbacks and building separation compatible with the separation requirements between residential buildings with associated benefits to solar access, privacy, streetscape, landscape opportunities and amenity.	Yes
Proposals should be supported by an infrastructure assessment and demonstrate any demand for infrastructure generated can be satisfied, assuming existing development capacity in the area will be delivered	The change to land use zone will not create an increased demand for infrastructure.	N/A
Proposals should make a positive contribution to the built environment and result in an overall better urban design outcome than existing planning controls.	The existing zoning isolates the site and limits future development to an educational establishment. Any such works would require major changes to the site which are not consistent with the existing use rights provisions of the	Yes





	<p>EP&A Act and would require continued reliance on vehicle access and parking requirements that rely on impacts to neighbours and the street.</p> <p>The objectives of the current SP2 Zone require only that the site be preserved for infrastructure purposes and do not require design integration with the context and setting of surrounding development.</p> <p>The change in zoning introduces new land use objectives which seek development compatible with the surrounding medium density residential environment.</p>	
Proposals should result in high amenity for occupants or users	<p>The aging Synagogue building does not match contemporary expectations for its user group.</p> <p>Amenity could be improved for future users and for neighbours if the zoning change is applied and a range of future development options are made available.</p>	Yes
Proposals should optimise the provision and improvement of public space and public connections	<p>Flood Street is part of the Green Movement Grid (see below).</p> <p>Redevelopment options can result in improvements to the street frontage and adjoining public footpath and street as follows:</p> <ul style="list-style-type: none">• Canopy street trees to match the well established avenue of trees on both sides of Flood Street• Time restricted kerb side parking can be removed, freeing up space for the community• New landscaping and front setbacks can be established to achieve passive surveillance and integration with the streetscape• Vehicle movements for loading/unloading and servicing can be relocated to Anglesea Street to improve prioritisation and safety of pedestrians and cyclists in Flood Street	Yes

Planning Priorities

The Planning Priorities of the LSPS relevant to this proposed LEP amendment are listed below along with comments specific to the proposal and site.

Planning Priority 4 – Ensure the community is well serviced by crucial social and cultural infrastructure

Specifically the LSPS states as follows (our emphasis added):

“When Waverley Council moved to the Standard Instrument LEP, Council chose to retain all land zoned ‘SP2 – Infrastructure’ for the purposes of retaining these crucial pieces of infrastructure in our area. This has meant that despite increasing pressures for residential development, Council has largely been able to protect these



facilities for the community. Council will seek to retain and protect existing social infrastructure uses, and will not allow the deterioration of this land to other uses preferred by the current market such as residential, or tourist and visitor accommodation.”

As explained in the response to Question 2 above, Zone SP2 has been applied to the site in error. The site has been used as a Synagogue since the 1950's (not an Educational Establishment). In accordance with PN10-001 and PN11-002 the current land use zone is incorrect and should not have been applied to the site. Furthermore PN10-001 does not list places of public worship as “*crucial pieces of infrastructure*”.

There are more appropriate and contemporary means by which Council can achieve the retention and improvement of community facilities rather than “locking down” and restricting future development options for existing land in Zone SP1 and Zone SP2. Best practice in planning for community facilities is increasingly shifting to multi-purpose facilities such as the nearby Margaret Whitlam Centre and surrounding open spaces. Sites should be located on major, multimodal transport routes. Facilities should be useable day and night, 7 days a week without those use times being detrimental to neighbourhood amenity. Facilities need to be fitted out as universally accessible. These attributes cannot be readily achieved at the subject site under the current zoning and the amenity of the medium density residential neighbourhood is sensitive to the need for safe parking, vehicle access, shared pedestrian and cycling paths, safety lighting and hours of operation of non-residential uses. Community facilities can be more feasibly supported when delivered in coordination with a mix of land uses and increasing the flexibility of zoning and land use tables is key to achieving this.

Notwithstanding, the proposed zoning change facilitates the retention, enhancement and redevelopment of the Synagogue as compared to the current zoning which prevents feasible improvements.

For these reasons the subject site must be considered an exception to the abovementioned quotation from the LSPS.

Planning Priority 6 – Facilitate a range of housing opportunities in the right places to support and retain a diverse community

As demonstrated in Section 3, the change in zoning can increase options for redevelopment of No.34 Flood Street as well as avoid site isolation for No.36 Flood Street. There are a potentially a variety of redevelopment options for an amalgamated site and some of the benefits of those options are identified in Section 3 including:

- Built form compatible with the context and setting of the site within a medium density residential neighbourhood
- contemporary energy and water efficiency performance standards
- safe means of pedestrian and vehicle access, loading and unloading, waste management and service vehicle access
- consistency with the streetscape
- enhancement of the interface with the adjoining Heritage Conservation Area C16 Woodstock Street and the Flood Street Landscape Conservation Area C42
- Site-specific at-grade vehicle access to Anglesea Street which is dedicated to the site (that is, not shared by other properties or reliant on legal agreements with neighbours as is the current situation);
- Onsite parking, waste management, plant and equipment concealed basement to protect visual and acoustic amenity
- Boundary setbacks compatible with the separation requirements between residential buildings with associated benefits to solar access, privacy, streetscape, landscape opportunities and amenity
- Deep soil planting including mid-block where it will be of greatest benefit within the site and for residential neighbours
- A greater percentage of the site provided as landscaped open spaces
- Reconstruction of the footpath reserve in Flood Street and an increased front setback with opportunities for street tree planting and landscaping compatible with the Flood Street Landscape Conservation Area C42

- Improved quality of the interface with Flood Street by removing high concrete walls and creating opportunities for passive surveillance and active private spaces adjoining the public footpath;
- Improved environmental performance of the land use.

Planning Priority 7 – Recognise and celebrate Waverley’s unique place in the Australian contemporary cultural landscape

As stated above, a change to the zoning can facilitate a redevelopment of the site (and No.36 Flood Street) in a manner more compatible with the adjoining Flood Street Landscape Conservation Area C42 and the Woodstock Street Heritage Conservation Area C16.

Planning Priority 13 – Protect and grow our areas of biodiversity and connect people to nature

As noted below, Flood Street is identified in the LSPS as part of the Green Grid Movement Network and the established tree canopy is a green corridor.

Planning Priority 14 – Achieve net zero carbon emissions in the built environment

The current planning framework prevents feasible major works on the site which would be needed to make the buildings energy and water efficient and utilise natural lighting and ventilation. By comparison, future development options enabled by Zone R3 increase the potential for delivery of a high performing new development on the site or enhancement, revitalisation and major upgrades of the existing Synagogue.

Local Implementation

Local implementation projects relevant to the site as identified in the LSPS are:

- Urban greening
- Green grid link along Flood Street
- Urban Street tree canopy

Figure 20 is an extract from the Sustainability graphic in the LSPS that shows Flood Street is identified as part of the Green Grid Connection and as a biodiversity corridor (related to the established urban tree canopy). As already noted in this report, the zoning change is needed if the site features are to be substantially changed. These changes can include:

- new landscape and deep soil zones within the site
- frontage works for canopy street tree planting and landscaping
- relocation of vehicle access to Anglesea Street
- removing time-limited parking.

All of the above listed changes will enhance the function of Flood Street as a green link and contribute to urban greening.



Figure 23 Extract from Local Implementation Sustainability graphic in Waverley LSPS

6.3.2.5 Waverley Community Strategic Plan 2022-2032

The Waverley Community Strategic Plan 2022-2032 (Waverly CSP) applies to the subject site. The Community Strategic Plan sets out three themes and four pillars for Waverley Local Government Area. The three themes for Waverley CSP are provided in the table below, with the responses detailing how the proposal is consistent with these initiatives:

Table 6 Waverley Community Strategic Plan 2022-2032

Theme One: People

1.1 Respect, acknowledge and protect the continuous living culture of Aboriginal and Torres Strait Islander peoples

The proposal is not antipathetic to this outcome.

Table 6 Waverley Community Strategic Plan 2022-2032

1.2 Celebrate diversity, promote inclusion and accessibility for all members of the community	The proposal is not averse to this outcome. As detailed, the existing SP2 Educational Establishments zoning does not permit with consent the existing place of public worship and community use. The change in zoning to R3 Medium Density Residential, where places of public worship and community facilities are permitted with consent, will allow for substantial upgrades to the existing development not supported by the existing zoning. As such, the change in zoning will include the capability for considerable improvements to the existing development on the subject site and therefore satisfy this outcome.
1.3 Foster a caring, well connected and cohesive community	As described above, the planning proposal will improve the flexibility for development on the subject site. This includes the potential upgrades to the existing facilities (as permitted in the R3 zone).
1.4 Provide opportunities for young people to engage, connect and build capacity	The planning proposal will enable redevelopment of the subject site not currently permitted under the current zoning. As detailed, the SP2 zoning does not reflect current use of the site.
1.5 Promote and encourage art, culture and creative expression and participation	The proposal is not antipathetic to this outcome.
1.6 Provide access to social services and facilities for all stages of life	The planning proposal will allow for flexibility in future development on the subject site which is not currently permitted by the SP2 zoning as the place of public worship use is prohibited. Specifically, the proposal will allow development which is capable of improving the existing synagogue and community kitchen as well as allow options for a combination of future uses consistent with the land uses in the surrounding residential neighbourhood.
1.7 Actively drive housing policy to meet the needs of the vulnerable, diverse and growing population	Whilst the change to zoning will allow for significant upgrades to the existing uses, it will also allow options for the provision of residential accommodation within a well-located and accessible area. This will facilitate options for the provision of additional accommodation to support the growing population including affordable housing.
1.8 Support a safe community with capacity and resilience to adapt to change	The proposal is not antipathetic to this outcome.
Theme Two: Place	
2.1 Facilitate, enable and support the community to rapidly reduce their greenhouse gas emissions	The proposal is not antipathetic to this outcome. Any future development will be subject to the relevant sustainability requirements.
2.2 Rapidly reduce Council's greenhouse gas emissions	The proposal is not antipathetic to this outcome.
2.3 Prepare and adapt to the impacts of climate change	The proposal is not antipathetic to this outcome.
2.4 Protect and increase our local bushland, parks, urban canopy cover and habitat areas	The proposal is not antipathetic to this outcome. It is noted that the subject site is located within Green Grid Connection and as a Biodiversity Corridor per the LSPS. The change in zoning will permit appropriate redevelopment of the subject site which will be required to reinforce and improve this green network along Flood Street. The site does not currently contain significant vegetation.
2.5 Conserve water use and improve water quality	The proposal is not antipathetic to this outcome. Water conservation and quality will be assessed as part of any future development application.

Table 6 Waverley Community Strategic Plan 2022-2032

2.6 Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage and population	The proposal is not antipathetic to this outcome. As identified above, any future development application will be required to enhance the aesthetics and character of the subject site, contribute to the heritage character of the streetscape which includes the provision of street tree planting and appropriately relate to the character of the locality.
2.7 Ensure public spaces, parks, open spaces and facilities have equitable access, are safe day and night, meet community needs for recreation and are well maintained	The proposal is not antipathetic to this outcome. When considering the existing synagogue and community kitchen use, the change in zoning will facilitate significant redevelopment and therefore meet the needs of the community. This cannot be achieved under the current zoning, as discussed in this document.
2.8 Ensure sustainable transport infrastructure is easily accessible and provides climate friendly transport alternatives	The proposal is not antipathetic to this outcome.
2.9 Manage traffic, transport and parking in a balanced way	The proposal is not antipathetic to this outcome.
2.10 Build, maintain and renew well-designed, accessible and sustainable assets and infrastructure, to improve the liveability of neighbourhoods	The proposal is not antipathetic to this outcome.
2.11 Move towards a sustainable waste community and a circular economy	The proposal is not antipathetic to this outcome. Any future development application will be required to consider sustainable waste.
2.12 Keep public spaces clean and litter-free	The proposal is not antipathetic to this outcome.
Theme Three: Performance	
3.1 Create opportunities for the community to engage with council decision making, and ensure input is listened to and acted on where appropriate	The proposal is not antipathetic to this outcome.
3.2 Deliver the Waverley community excellent customer service, with services delivered efficiently, and with innovation	The proposal is not antipathetic to this outcome.
3.3 Ensure Council is financially sustainable, and manages resources, assets and contracts effectively	The proposal is not antipathetic to this outcome.
3.4 Govern Waverley Council well, and build culture, capability, capacity, systems and processes to deliver services to the community	The proposal is not antipathetic to this outcome.
3.5 The local economy is resilient and thriving, providing a diverse offering of services and opportunities for employment (including economic contribution of visitors)	The proposal is not antipathetic to this outcome.
3.6 Waverley is a smart, safe and connected city of the future that fosters innovation	The proposal is not antipathetic to this outcome.

6.3.2.6 Waverley Local Housing Strategy 2020-2036

The Waverley Local Housing Strategy 2020-2036 (Waverley LHS) applies to the Waverley Local Government Area. The Housing Strategy seeks to deliver 3,400 new residential dwellings by 2036. The Waverley LHS provides five priorities which are outlined below, with responses detailing how the planning proposal is aligned with these actions. It is noted that the proposal does not seek to increase the density on site, rather, allow for flexibility in land uses as permitted by the change in zoning.

Table 7 Waverley Local Housing Strategy 2020-2036

Priority H1 Manage housing growth sustainably and in the right location

H1.1 Continue to facilitate housing development utilising capacity available under current controls

The change to zoning will facilitate the opportunity to provide new housing in the R3 zone. The subject site is in an accessible location and this proposal does not require any changes to the other development standards which apply.

H1.2 Work with Transport for NSW to review the capacity of the traffic network in Waverley to understand the impact of any future dwelling growth.

The proposal is not antipathetic to this action. Any future development application, as permitted by the change in zoning, will require analysis of traffic impacts and protection of the Green Grid movement link in Flood Street.

H1.3 Work with Sydney Water to further understand the capacity of the existing water and wastewater network and the extent of upgrades that would be required to these systems to accommodate future growth.

The proposal is not antipathetic to this action. The flexibility in development permitted by the proposal will not have any adverse impact on the capacity of the existing water network given the permitted density (building height and FSR) on the subject site will not be changed. Whilst residential accommodation will be permitted, any potential impact must be considered during the detailed development stage.

H1.4 Any Planning Proposals to increase residential development capacity should be consistent with the Principles for Change as outlined in the LSPS, such as "Proposals should create demonstrable public benefit" and "Proposals should be consistent with the relevant liveability, productivity, infrastructure and sustainability priorities, objectives and actions in this Local Strategic Planning Statement."

This planning proposal has been considered against the Waverley Local Strategic Planning Statement under Section 6.3.2.4 of this document. It is demonstrated that the proposed change in zoning and introduction of a minimum lot size on the subject site will have a direct public benefit.

H1.5 Monitor the ongoing housing supply and take up of capacity against our housing targets. Where capacity is not delivering, consider opportunities for sensitive uplift.

This proposal will provide the opportunity to deliver residential accommodation on the subject site. The provision of additional medium density residential accommodation is compatible with the character of the locality and likely to result in improvements to the public domain and relationship to neighbouring properties. As outlined under Section 3, there are numerous development options which will permit the sensitive increase in residential accommodation.

Priority H2 Encourage a range of housing options to support and retain a diverse community

H2.1 Review bedroom mix for new development in planning controls with a view to promoting three bedroom apartments

The proposal is not antipathetic to this action. Any future residential development, as permitted by the change in zoning, will be subject to detailed design and assessment.

Table 7 Waverley Local Housing Strategy 2020-2036

H2.2 Undertake a more detailed review to confirm capacity for future seniors housing and, where seniors housing is currently permissible on non-residential land under the Seniors Housing SEPP, implement planning controls, and opportunity sites where it would be most suitable.	The proposed R3 zoning permits, with consent, seniors housing. <i>State Environmental Planning Policy (Housing) 2021</i> will need to be considered as part of any detailed development application.
H2.3 Monitor the implementation of the new Short term rental accommodation policy framework and continue advocating for improved controls where appropriate.	As detailed above, the R3 zoning will permit the delivery of short-term rental accommodation in accordance with the <i>State Environmental Planning Policy (Housing) 2021</i> . This will form part of a detailed application.
H2.4 Undertake further analysis and monitor the applicability of the Low Rise Medium Density Housing Code to assess whether Council's controls be updated to reflect the code to encourage Development Assessment pathway.	The proposal is not antipathetic to this action.
Priority H3 Increase the amount of affordable rental housing and social housing	
H3.1 Develop an affordable housing contributions scheme for all new apartment developments.	The proposal is not antipathetic to this action. It is noted that the proposed change to R3 zoning will permit the delivery of affordable housing.
H3.2 Review the VPA Policy to consider an increase up to 100% of VPA contributions towards affordable housing and to develop criteria to determine where this is appropriate.	The proposal is not antipathetic to this action.
H3.3 In collaboration with the Housing Programs and Community Support team, investigate and implement new housing delivery models to maximise the provision of affordable housing.	The proposal is not antipathetic to this action. As discussed, the proposal introduces the flexibility to deliver affordable residential accommodation.
H3.4 Work with Randwick and Woollahra Council on a regional approach to addressing affordable housing.	The proposal is not antipathetic to this action.
H3.5 Advocate to the NSW Government for a more holistic approach to addressing affordable housing.	The proposal is not antipathetic to this action.
H3.6 Council should continue to investigate opportunities for the provision of affordable housing in partnership with community housing providers (CHPs).	The proposal is not antipathetic to this action.
H3.7 Advocate for improvements to the Affordable Rental Housing SEPP 2009 - specifically the date to determine where contributions are applicable, investing contributions back into Waverley and that built outcomes, particularly boarding houses, are affordable.	The proposal is not antipathetic to this action.
H3.8 Update relevant zone objectives to encourage the provision of affordable housing	The proposal is not antipathetic to this action.
H3.9 Continue supporting the increased provision of social, crisis and transitional housing.	The proposal is not antipathetic to this action.

Table 7 Waverley Local Housing Strategy 2020-2036

Priority H4 Improve liveability, sustainability and accessibility through high quality residential design

H4.1 Continue to work with other agencies and advocate for increases to the BASIX Energy, Water and Thermal Comfort standards and develop BASIX standards for waste for new dwellings and alterations and additions, to not only improve the sustainability performance of buildings today, but also to improve the ongoing resilience of buildings to climate change into the future.	The proposal is not antipathetic to this action. As this proposal will permit residential accommodation on the subject site, any future application will need to consider the relevant sustainability requirements, including BASIX, waste, stormwater and the like.
H4.2 Investigate developing a design guide for controls relating to passive design, requiring buildings to be designed to respond to the environment and microclimate of a specific site.	The proposal is not antipathetic to this action.
H4.3 Work with other agencies to develop guidelines for housing design and advocate for a mandatory whole-of-house energy & water rating scheme with minimum performance standards, to ensure that the existing housing stock is retrofitted and that new developments meet the minimum performance standards to ensure comfortable, affordable, sustainable housing for all Waverley residents.	The proposal is not antipathetic to this action.
H4.4 Investigate developing a policy implementation plan and design guide for Green Roofs and Walls, which would outline a plan for how to increase urban vegetation to reduce heat in the Waverley LGA, as well as design guidelines for building green walls or roofs, deep soil planting and permeable landscaping.	The proposal is not antipathetic to this action. As discussed, the proposed change in zoning will permit flexibility of development on the subject site which is capable of significantly increasing deep soil area and landscaping on the subject site.

Priority H5 Ensure new development is consistent with the desired future character

H5.1 Complete Local Character Statement Discussion Paper to identify important areas of local character that warrant more tailored planning controls, including where exemptions could be sought from the Code SEPP.	The proposal is not antipathetic to this action.
H5.2 Complete Heritage Review to identify, analyse and assess the environmental heritage of the Waverley local government area and make practical recommendations for its conservation.	The proposal is not antipathetic to this action.
H5.3 Investigate reviewing the LEP and DCP controls to allow sensitive changes to older apartment blocks that encourages design excellence and improves sustainability outcomes without compromising the desired future character and amenity of the surrounding area.	The proposal is not antipathetic to this action.

Q5. Is the planning proposal consistent with applicable state and regional studies or strategies?

Under the current Zone SP2 the planning framework does not require future development to improve ESG performance.

Under Zone R3 future development of the site will be assessed against Council's Development Control Plan and may require elements which align with ESG performance. The provision of a minimum lot size will have no impact in this regard.

There are no other state and regional studies or strategies to which the proposed LEP amendment is required to align.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposed zoning change and minimum lot size requirement does not impact the way in which current and draft State Environmental Planning Policies (SEPPs) operate. A list of relevant SEPPs is included in **Table 8**.

Table 8 Relevant State Environmental Planning Policies			
SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	<p>The application for a Planning Proposal will permit additional uses with consent on the subject site. The current use, which includes a synagogue and community kitchen, is unlikely to have resulted in any contamination to the land. As such, whilst the proposal will also permit residential accommodation (amongst other things) on the subject site, there will be no risk to human health and the environment as a result of future redevelopment due to the long term, non-contaminating use. Any future detailed application will be required to satisfy the SEPP Resilience and Hazards as it applies to the contamination of land.</p> <p>In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which these chapters of the SEPP apply to the site.</p>
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new residential accommodation.
SEPP (Sustainable Buildings) 2022	This SEPP, to commence on 1 October 2023, sets sustainability standards for residential and non-residential development and seeks to minimise the consumption of energy and potable water, reduce greenhouse gas emissions from energy use, monitor the embodied emissions of building materials and deliver buildings that are comfortable in summer and winter.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new residential accommodation or non-residential uses.
SEPP (Housing) 2021	This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The	Yes	This application does not change the manner in which this SEPP applies to the site should residential development forms prescribed by the Housing SEPP be proposed at the site. A future development application would need to



Table 8 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
	Housing SEPP consolidates five existing housing related policies, including: <ul style="list-style-type: none">• State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);• State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);• State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70);• State Environmental Planning Policy No 21 - Caravan Parks; and• State Environmental Planning Policy No 36 - Manufactured Home Estates.		identify if the site is within an accessible area and the relevant chapters of the SEPP (Housing) 2021 that would apply.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site. It is noted that the change in zoning will permit differing types of exempt and complying development, subject to satisfying the relevant clauses contained within the Codes SEPP.
SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure. This SEPP repeals and replaces four former SEPPs related to infrastructure, transport, education and childcare.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site. This includes Chapter 2 Infrastructure and Chapter 3 Educational Establishments and Childcare facilities.</p> <p>Any future development application will need to consider the Transport and Infrastructure SEPP as necessary to ensure the relevant requirements are satisfied.</p>
SEPP 65 (Design Quality of Residential Apartment Development)	This SEPP aims to improve the design quality of developments containing apartments. The SEPP is linked to the Apartment Design Guide (ADG) which includes specific objectives and recommendations for detailed design requirements.	Yes	This application seeks to allow flexibility of use and will ultimately allow for the delivery of residential flat buildings on the subject site. In this regard, the provisions of SEPP 65 will apply to the subject site as set out in Clause 4 to the SEPP. Any future detailed applications for a residential flat building will need to consider the provisions of this SEPP and the ADG. This will include building separation, deep soil landscaping, internal and external areas and dimensions, private and communal open spaces, solar access and ventilation.





Table 8 Relevant State Environmental Planning Policies			
SEPP	Relevance	Y/N	Comments
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p>
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

Table 9 Section 9.1 Ministerial Directions			
Ministerial Direction	Relevance	Y/N	Comments
1. Planning Systems			
1.3 Approval and Referral Requirements	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is</p>	Yes	The planning proposal does not introduce any additional concurrence requirements or identify the development as designated development.



Table 9 Section 9.1 Ministerial Directions

	likely to have a significant impact on the environment, and ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.		
1.4 Site Specific Provisions	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already 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</p> <p>(c) 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.</p>	N/A	<p>This proposal will introduce a land use and a minimum lot size development standard. It does not allow a particular development to be carried out.</p> <p>This planning proposal is not contrary to Direction 1.4.</p>
3. Biodiversity and Conservation			
3.1 Conservation Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p>	N/A	Not applicable to subject Planning Proposal.
3.2 Heritage Conservation	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and Indigenous heritage significance.</p>	Yes	<p>The subject site is adjacent to the <i>Woodstock Road Heritage Conservation Area C16</i> and the <i>Flood Street Landscape Conservation Area C42</i>.</p> <p>The proposed future development of the site will provide opportunities for changes within the site that may be more compatible with the context and setting created by these heritage areas such as the provision of canopy street trees and landscaping within the setback to Flood Street. The change in zoning will have no physical impact to the significance of these heritage and landscape conservation areas.</p> <p>A full assessment of potential heritage impacts would be required as part of the future detailed development application and would address any potential impacts,</p>

Table 9 Section 9.1 Ministerial Directions

			including visual impacts. The proposed LEP amendment is consistent with Direction 3.2.
4. Resilience and Hazards			
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	N/A	The site is not identified as flood prone land and does not contain any overland flow, this Direction is not applicable.
4.2 Coastal Management	This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	N/A	The site is not identified as within a coastal wetland and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area. As such, this Direction does not apply.
4.3 Planning for Bushfire Protection	This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.	N/A	The site is not identified as bushfire prone land. As such, this Direction does not apply.
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	-Yes	<p>The Planning proposal will facilitate additional land uses permitted with consent on the site. Those additional land uses permitted with consent include residential, educational, recreational and child care purposes. The current land use zone permits educational uses on the site.</p> <p>In accordance with Direction 4.4(2) the Planning Proposal Authority can obtain and have regard to a Preliminary Site Investigation (PSI) carried out in accordance with the contaminated land planning guideline.</p> <p>However, It is unlikely that any development in Table 1 to the contaminated lands planning guidelines has been carried out on the site. The site is unlikely to be contaminated. Any potential for contamination and requirements for remediation must be addressed with any future development application. The assessment and determination of that application will include requirements (if necessary) to ensure the land is made suitable for the use proposed by the development application. Preparation of a PSI and any remediation work is more appropriately undertaken at the time of a future development application when the</p>

Table 9 Section 9.1 Ministerial Directions

			<p>specific nature and scope of work and future use would determine the specific thresholds and materials (if any) considered to be a potential risk to human health and the environment,</p> <p>Proceeding with this Planning Proposal with the assurance that the suitability of the site must be resolved prior to the determination of any future development application is considered to be justification for an inconsistency with Direction 4.4 in that a PSI is not required prior to the finalisation of the Planning Proposal and LEP amendment,.</p>
4.5 Acid Sulfate Soils	(1) The relevant planning authority must consider the <i>Acid Sulfate Soils Planning Guidelines</i> adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	Yes	The subject site is not identified as containing Acid Sulfate Soils and this Direction does not apply.
5. Transport and Infrastructure			
5.1 Integrating Land Use and Transport	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) 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:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</p>	Yes	The planning proposal will facilitate development options that can continue to take advantage of the wide variety of transport and movement options available in the neighbourhood. The proposed LEP amendment is consistent with Direction 5.1.
5.2 Reserving Land for Public Purposes	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	N/A	Not applicable to subject Planning Proposal.
5.3 Development Near Regulated Airports and	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	Yes	The Obstacle Limitation Surface (OLS) does not apply to the subject site and therefore, this Direction does not apply.

Table 9 Section 9.1 Ministerial Directions

Defence Airfields			
6. Housing			
6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) 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</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	Yes	<p>The planning proposal seeks to apply Zone R3 to the site which permits a wide variety of residential accommodation with consent. The site is connected to all essential services and is within the established urban footprint. WLEP 2012 already contains provisions for essential services and good design. The planning proposal does not seek to change the existing FSR control of 0.9:1 and maximum building height. The proposed LEP amendment is therefore consistent with Direction 6.1.</p> <p>The amendments will facilitate the permissible uses listed in the land use table (R3 Medium Density Residential) which includes residential accommodation. The density permitted on-site (FSR) will be unchanged and connectivity to existing services and utilities can be achieved. The Planning Proposal is not antipathetic in this regard.</p> <p>The design of any future development will be subject to future applications.</p> <p>The proposal is not antipathetic in this regard. The application for a Planning Proposal is therefore consistent with Direction 6.1.</p>
7. Industry and Employment			
7.1 Business and Industrial Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	No	<p>The subject site is zoned SP2 and is proposed to be amended to R3. As such, this Direction does not apply.</p>

6.3.3 Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The change in land use zone and introduction of a minimum lot size will not result in any unacceptable detrimental environmental effects. The potential environmental impacts are considered below and would be specifically investigated with any future development application.

Social and Cultural Impacts

The neighbourhood is well provided with recreational, cultural, spiritual and educational facilities and places. As detailed in Section 2.3 there are a variety of publicly accessible open spaces, community facilities, schools and places of public worship within a 2km radius of the site.

The closest community facilities and services are located 200m to 300m walking distance south of the site and include the Margaret Whitlam Recreation Centre, Waverley Oval, Waverley Park and the Memorial Gardens. These facilities are located along a major movement route of Bondi Road serviced by buses and including dedicated cycling and pedestrian pathways.

The Margaret Whitlam Recreation Centre includes multi purpose indoor sports courts (basketball, netball, volley ball, indoor soccer, table tennis Tai Chi, Pilates, Yoga and other group classes), 170m² function room with seated capacity of 120 with commercial kitchen available for hire Sunday-Wednesday 7am-10pm, Thursday-Saturday 7am-12am, 250-seat grandstand overlooking the oval, club rooms with kitchen facilities suitable for small meetings available for hire Monday to Friday 9am to 10pm, a commercially leased café (Waverley Park Kiosk) which can cater for functions on and off the premises and is open 7.30am to 3pm daily. There are also change rooms and store rooms for sports participants. The indoor sports facilities are available for bookings and are open from 7am to 10pm daily. All facilities at the Margaret Whitlam Centre are fully accessible.

Waverley Park is a district-scale sport and recreation facility. It was the first public park in Waverley having been dedicated in 1880. It has cultural, heritage, recreational, aesthetic and community significance. Waverley Oval includes a cricket pitch and grandstand, synthetic athletics field, netball courts, multi-purpose courts, fitness stations and walking/running tracks. Most of the sports facilities have lighting and can be used after daylight hours, All facilities are available for hire and a free of charge if the use is less than 1 hour.

There are a wide variety of indoor and outdoor spaces for community gathering in a formal or informal manner which are readily accessible from the subject site.

The change in land use zone will not result in a loss of service or facility that would be detrimental to the quality of life of existing and future community members.

The current users of the Synagogue and the Charity Kitchen have been consulted with regard to the proposed change in land use zone. The current users are fully supportive of the proposed LEP amendment.

Heritage Impacts

The site is adjacent to Woodstock Street Heritage Conservation Area C16 and the Flood Street Landscape Conservation Area C42. As noted throughout this report, the change in land use zone will enable consideration of a range of future redevelopment opportunities all of which would need to comply with the requirements of Clause 5.10 to



WLEP 2012 and demonstrate compatibility with the heritage and landscape significance of C16 and C42. The introduction of a minimum lot size of 325m² will have no impact in this regard.

Traffic Impacts

The site currently relies upon shared pedestrian and vehicle access with the neighbouring property to the north as explained in Section 2.2. A change to the land use zone will enable a variety of future redevelopment options and avoid future site isolation for No.36 Flood Street. The anticipated outcome from the change in land use zone is the potential for a site amalgamation of No.34 and No.36 Flood Street to achieve a development site with safe vehicle and pedestrian access which does not rely on access shared with neighbouring properties.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Economic Impacts

The change in zoning will correct an error in WLEP 2012 and is consistent with PN10-001 and PN11-002. This site has a long history of use as Synagogue and the Community Kitchen is a more recent additional use. However, the building does not meet contemporary standards for a place of public worship particularly with regard to:

- Accessibility and features for people with mobility, sight and hearing challenges
- Vehicle access and parking for staff and visitors, loading/unloading, service and emergency vehicle access
- Colocation and multi-function / multipurpose activities
- Environmental performance
- Integration with the streetscape
- Indoor, outdoor and transition spaces
- Landscaped areas and deep soil zones

The current planning framework does not make major works required to address these inadequacies feasible. The building would require major re-work or redevelopment to be upgraded. It is a better option to provide a range of alternatives for the redevelopment of the site and the financial benefits of new development options to be factored into the provision of new facilities either at the site or elsewhere.

The current land use zone prevents any consideration of economically feasible options for a better Synagogue building. The introduction of a minimum lot size will have no economic impacts.

Social Impacts

The Synagogue currently hosts a variety of small scale community-based activities and the current users are fully supportive of the potential for the land use zoning change to facilitate more options for their future needs.

As described in response to Question 9 above, there are a wide variety of community facilities and services available for free and for hire that can accommodate the variety of activities currently conducted on the site.

6.3.4 Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is within an established area well serviced by infrastructure, utilities, public transport and a variety of social, educational, cultural and recreational facilities as described throughout this report. The zoning and lot size amendment will not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities.





Future development of the site may trigger contributions in accordance with Council's adopted Contributions Plans and standard approvals for utilities and services provisions that are conditional with specific development consents. These contributions and works would be tailored to the specific future development of the site.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The proposed LEP amendment does not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;
- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify agencies and public authorities to be consulted and the methods and timing of such consultation if these are considered necessary.

6.4 PART 4 – MAPPING

The planning proposal will require amendment to WLEP 2012 Land Use Zoning Map LZN_004 to replace Zone SP2 with Zone R3 for the subject site.

The planning proposal will require amendment to WLEP 2012 Minimum Lot Size Map MLS_004 to apply category 'D' and a minimum lot size of 325m² to the subject site.

6.5 PART 5 – COMMUNITY CONSULTATION

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated the draft planning proposal would be publicly exhibited for a period of 20 days. The exhibition material will be specified in the Gateway determination and will include a copy of the planning proposal, an explanation of provisions, the draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.

Anticipated community consultation methods will include notice of public exhibition in a local newspaper and on Waverley Council's website, copies of exhibition material in electronic and hard copy at local government premises and letters of notification to nearby and adjoining land owners. Government agency referrals as specified in the Gateway determination are:

- NSW Department of Education
- Schools Infrastructure NSW
- Waverley Council
- Transport for NSW

6.6 PART 6 – PROJECT TIMELINE

The proposed LEP amendment fits the category of a 'Standard' amendment as defined in the DPIE Guidelines and therefore is expected to take 320 days (225 working days) six months from the date of positive Gateway determination.

Notwithstanding, given the clear inconsistency with PN10-001 and PN11-002 we would anticipate an expedited resolution of this matter as a correction of an error to the current LEP.



7. Conclusion

This planning proposal seeks to amend *Waverley Local Environmental Plan 2012* (WLEP 2012) to apply Zone R3 Medium Density Residential Zone to Lot 1 DP 1094020 to replace the existing Zone SP2 Educational Establishment. The amendment will correct an anomaly to the current zoning as the site does not contain an Education Facility. The planning proposal also seeks to introduce a minimum lot size of 325m² per the Lot Size Map Sheets and Clause 4.1 Minimum subdivision lot size.

This application for a planning proposal has been prepared in accordance with Division 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE "*Local Environmental Plan Making Guideline*" (September 2022).

The application demonstrates the proposed LEP amendment has strategic and site specific merit. The amendment is consistent with the Greater Sydney Regional Plan, the Eastern City District Plan, the majority of key priorities of Waverley Local Strategic Planning Statement, Waverley Local Housing Strategy, Waverley Community Strategic Plan, applicable State Environmental Planning Policies. The proposal is consistent with Ministerial Directions as prescribed by Section 9.1 of the EP&A Act with the exception of Direction 4.4 in which case non-compliance is justified in this case as the site is unlikely to be contaminated and any required remediation must be resolved with any future development application for new residential, educational, child care or recreational use proposed.

The proposed LEP amendments are consistent with the Planning Practice Note PN10-001 which provides specific guidance in the application of zones SP1 and SP2. The proposal is consistent with the Planning Practice Note PN11-002 in that the site is not major infrastructure, is not a large education facility in a strategic location and could reasonably be expected to support a variety of uses in the future (including community facilities and a place of public worship coordinated with other compatible land uses).

The planning proposal will enable the feasible renewal of No.34 Flood Street and will prevent isolation of the adjoining No.36 Flood Street because:



- the existing buildings no longer meet contemporary requirements for their existing uses; and
- future development options are not possible under the current zoning.

The planning proposal will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies
- are compatible with the context and setting including the heritage-listed conservation areas and streetscape; and
- can deliver future social, environmental, cultural and economic benefits.

The change to the land use zoning will facilitate feasible development options for major improvements to the existing Synagogue (and potentially also the adjoining college at No.36 Flood Street) that can be expected to make improvements to the following:

- vehicle access, parking, loading/unloading, and access for service and emergency vehicles
- ESG performance
- Integration with the streetscape, passive surveillance, landscaped setbacks and canopy street trees
- Landscaped areas and deep soil zones throughout the site
- Enhancement to the heritage significance of the adjoining Heritage Conservation Area C16 Woodstock Street and the Flood Street Landscape Conservation Area C42.

- 
- 
- Built form that complies with Council's development standards and objectives
 - Boundary setbacks compatible with the separation requirements between residential buildings with associated benefits to solar access, privacy, streetscape, landscape opportunities and amenity.

Accordingly, this application for a Planning Proposal is entirely worthy of Council's support and Gateway determination.

ANNEXURE A

Pre-lodgement advice from Waverley Council





**ANGEL PLACE
LEVEL 8, 123 PITT STREET
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")

P0036938_Submission to Draft WLEP_Oct 21

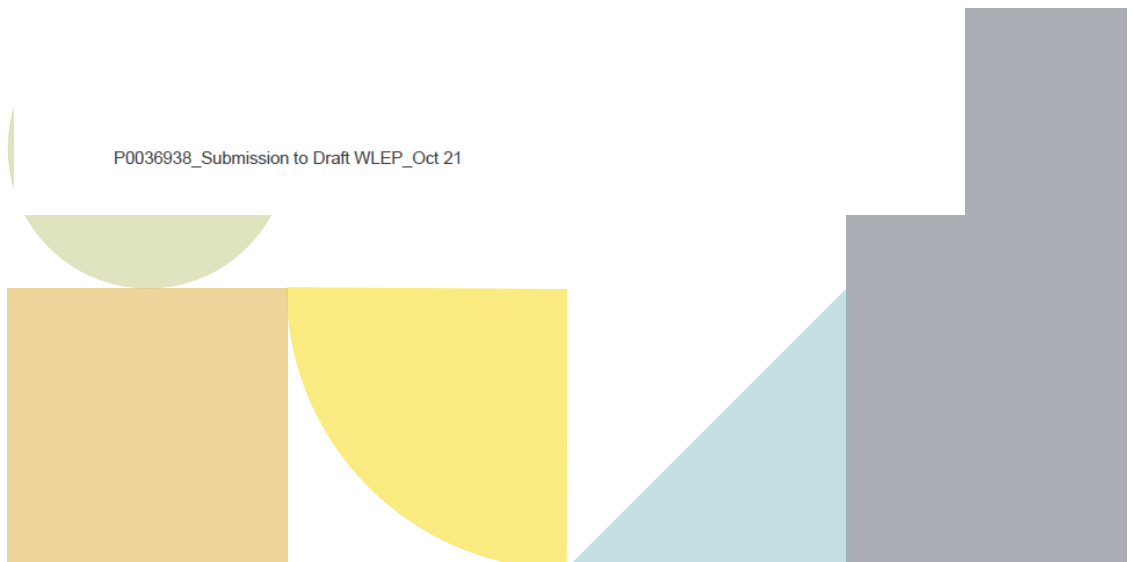




Figure 1 The site (site outlined in red)



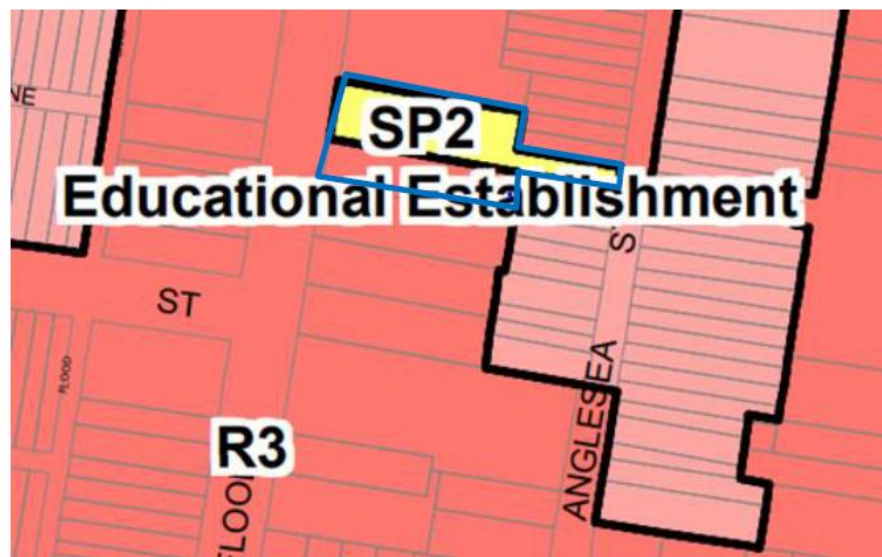
Source: Six Maps

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:



- DPE 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
Director
+61 2 8233 9925
dhoy@urbis.com.au

From: Jaime Hogan <jaime.hogan@waverley.nsw.gov.au>
Sent: Friday, 11 February 2022 3:23 PM
To: Matthew Lennartz <matthewl@merton.com.au>
Cc: George Bramis <George.Bramis@waverley.nsw.gov.au>; Tim Sneesby <Tim.Sneesby@waverley.nsw.gov.au>
Subject: RE: [EXTERNAL]Meeting with Matt Lennartz

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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Please consider the environment before printing this e-mail or any attachments.

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.



ANNEXURE B

Future Development Scenarios



