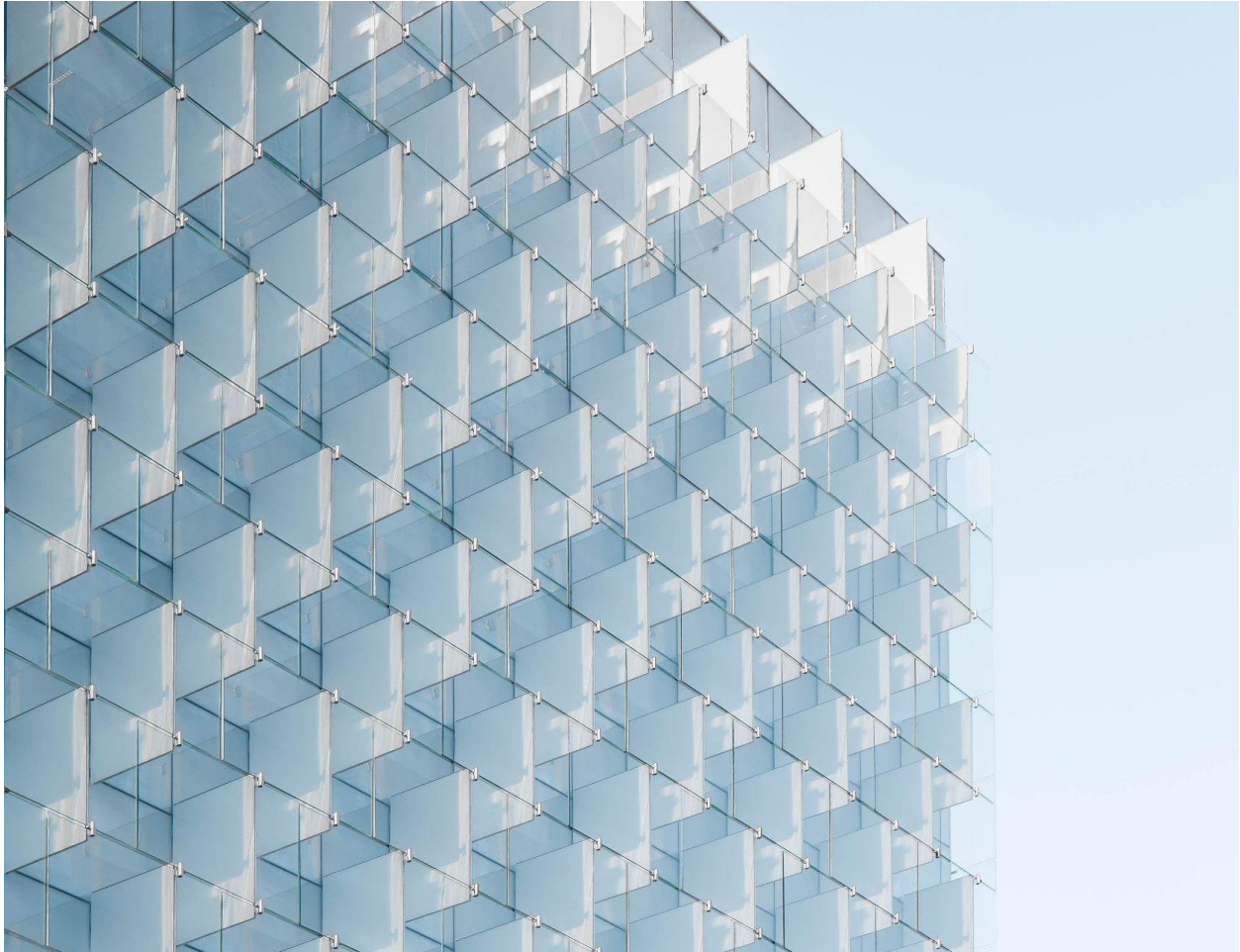


WILLOWTREE PLANNING



19 January 2024

Ref: WTJ23-075
Contact: Andrew Pigott



PLANNING PROPOSAL



AMENDMENT TO WAVERLEY LOCAL ENVIRONMENTAL PLAN FOR REZONING, REMOVAL OF A REDUNDANT HERITAGE LISTING AND INTRODUCTION OF A MINIMUM LOT SIZE

50 Botany Street, Bondi Junction
Lot 1 in Deposited Plan 619753




—
Prepared by Willowtree Planning Pty Ltd
on behalf of Bondi Exchange Pty Ltd

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In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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Appendix	Document	Prepared by
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2	Social and Community Needs Assessment	Judith Stubbs & Associates
3	Statement of Heritage Impact	Heritage 21
4	Arboricultural Impact Assessment	Urban Tree Care
5	Parking and Traffic Impact Assessment	Greys Consulting
6	Preliminary Site Investigation	Progressive Risk Management



EXECUTIVE SUMMARY

This Planning Proposal (PP) has been prepared by Willowtree Planning Pty Ltd on behalf of Bondi Exchange Pty Ltd (the Proponent) and is submitted to Waverley Council (the Council) as the Planning Proposal Authority in support of a site-specific Planning Proposal at 50 Botany Street, Bondi Junction (the subject site).

The subject site is approximately 1,132m² (residual lot post subdivision) with a 20m frontage to Botany Street and is zoned SP2 Infrastructure (Telecommunications), pursuant to the WLEP2012.

The Planning Proposal seeks to amend the following controls in the *Waverley Local Environmental Plan 2012* (WLEP2012) as it applies to the subject site:

- rezone the subject site to R3 Medium Density Housing;
- introduce a minimum lot size of 232m²; and
- remove the heritage listing on the western part of the subject site.

The existing telecommunications facility at the subject site has come to the end of its functional life. As a result of changes in technology, the telecommunications infrastructure is now only needed to occupy a small portion of the eastern part of the subject site. The former Telstra building on the subject site has been decommissioned.

Waverley Council have recently approved a Development Application (DA-63/2023) for Torrens Title subdivision of 1 Lot into 2 Lots at the subject site. This subdivision is yet to be registered. The subdivision has the effect of allowing the site to be divided to reflect the intended uses going forward i.e., the eastern portion of the subject site will maintain the SP2 Telecommunications Facility zone, and the western portion of the subject site will be zoned R3 Medium Density Residential, consistent with the surrounding area.

Waverley Council have also approved the removal of the existing telecommunications tower under Development Application 79/2020 (and the subsequent modification DA 79/2020/A). The telecommunications tower was approved for removal following consideration of the structure's integrity and relative safety concerns.

The purpose of this Report is to outline consistency with the objectives of the relevant strategic planning framework and the site-specific merit to amend the WLEP2012 by reimagining the site as a sensitively designed residential development integrated with the heritage and ecological attributes of the site. The Proponent has engaged Smith & Tzannes to prepare an Urban Design Analysis and Reference Development provided at **Appendix 1** that demonstrates the intended design of the site, including potential developable areas suitable for residential use.

The objectives of the proposal are to:

- Facilitate urban renewal of the land that is no longer required for SP2 Infrastructure (Telecommunications) purposes;
- Enhance the ecological values of the site;
- Minimise land use conflicts by permitting land uses that are sympathetic to the existing character of the area by creating a sensitive residential development that is consistent with the established residential neighbourhoods surrounding the subject site;
- Deliver new housing supply and improve dwelling diversity in the local area by providing appropriate housing typologies that will co-exist with the natural and infrastructure assets of the site without compromising their environmental or heritage significance;



- Make a financial contribution to the provision of affordable housing; and
- Remove a redundant heritage listing.

Accordingly, this PP has been prepared in consideration of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EPA Act 1979) and the Department of Planning and Environment's (DPE), 'Local Environmental Plan Making Guideline'.

In consideration of the provisions under Section 3.33 of the EPA Act 1979, the following must be included in preparation of the PP (bolded for emphasis):

- (a) a statement of the **objectives or intended outcomes** of the proposed instrument,
- (b) an **explanation of the provisions** that are to be included in the proposed instrument,
- (c) the **justification for those objectives**, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),
- (d) if maps are to be adopted by the proposed instrument, such as **maps for proposed land use zones**; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,
- (e) **details of the community consultation** that is to be undertaken before consideration is given to the making of the proposed instrument.

This PP has been prepared in accordance with the above provisions and provides that the proposal for the subject site is consistent with the requirements for a Gateway Determination in order to be presented by the *planning proposal authority* to the Minister pursuant to Section 3.34 of the EPA Act 1979.

It is therefore recommended that the proposed amendment to WLEP 2012 is favourably considered by the Council, and that the necessary steps are outlined to direct the future preparation of a pre-Gateway Planning Proposal.



PART A LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

1.1 SITE DESCRIPTION, LOCATION AND CONTEXT

The subject site is identified as 50 Botany Street, Bondi Junction, containing the following land holding:

TABLE 1. SITE IDENTIFICATION		
Site Address	Legal Description(s)	Land Area (approx.)
50 Botany Street, Bondi Junction	Lot 1 DP 619753	1,132m ² (residual lot post subdivision)

The subject site is located in the suburb of Bondi Junction, within the Waverley Local Government Area (LGA). The subject site is approximately 1,132m² (residual lot post subdivision) with a 20m frontage to Botany Street. The site has vehicular access from both road frontages.

The subject site is zoned SP2 Infrastructure (Telecommunications), pursuant to the WLEP2012, which is intended to:

- *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 existing telecommunications facility has come to the end of its functional life. As a result of changes in technology, the telecommunications infrastructure is now only needed to occupy a small portion of the eastern part of the subject site. The former Telstra building on the subject site has been decommissioned.

Waverley Council have recently approved a Development Application (DA-63/2023) for Torrens Title subdivision of 1 Lot into 2 Lots at the subject site. This subdivision has not yet been registered. The subdivision has the effect of allowing the site to be divided to reflect the intended uses going forward i.e., the eastern portion of the subject site will maintain the SP2 Telecommunications Facility zone, and the western portion of the subject site will be zoned R3 Medium Density Residential, consistent with the surrounding area.

The PP seeks to explore the rezoning of the portion of the subject site that will not contain any telecommunications infrastructure (proposed Lot 1) from the existing SP2 Infrastructure (Telecommunications) zone to R3 Medium Density Residential, consistent with the zoning of adjoining and surrounding land.

In addition to the proposal to change the zone and having regard for the intended future use for residential purposes, the following map in the WLEP2012 will also need to be amended to be consistent with the adjoining residential land:

- Minimum Lot Size (232m²)

The subject site contains a telecommunications tower (at the eastern end of the subject site) which is a locally listed heritage item known as 'Telecommunication Tower' (No. I166) under Schedule 5 of WLEP2012.

The heritage item was constructed in 1970 and is described by the NSW State Heritage Inventory as:



Telecom Australia radio telephone terminal, said to be located on the highest point of the municipality, and a major landmark. Significant technology and a symbol of Waverley's place in the communications network. The tower is 82m high and supports radio systems for telephone, television and data services.

The telecommunications tower has been approved for replacement under DA 79/2020 and the subsequent modification DA 79/2020/A. The telecommunications tower was approved for removal following consideration of the structure's integrity and relative safety concerns and is scheduled to be removed in April 2024. The replacement monopole structure has already been erected on site (see **Figure 3**).

An amendment to the heritage listing is requested to remove the listing from the part of the site proposed to be rezoned for residential use.

The subject site is also identified within a heritage conservation area, Botany Street Conservation Area (C3). Detailed consideration of the heritage matters associated with the PP is provided within a Statement of Heritage Impact included at **Appendix 3**.

Details of the subject site are provided in **Figure 1- 5** below.

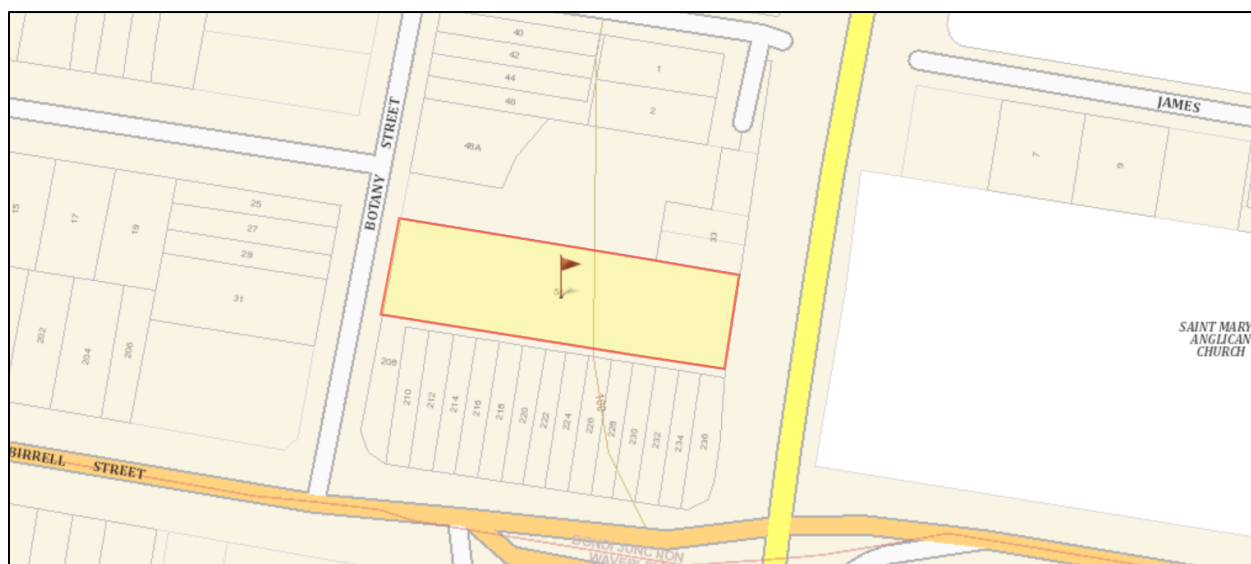


Figure 1. Cadastral Map (Source: SIX Maps, 2022)



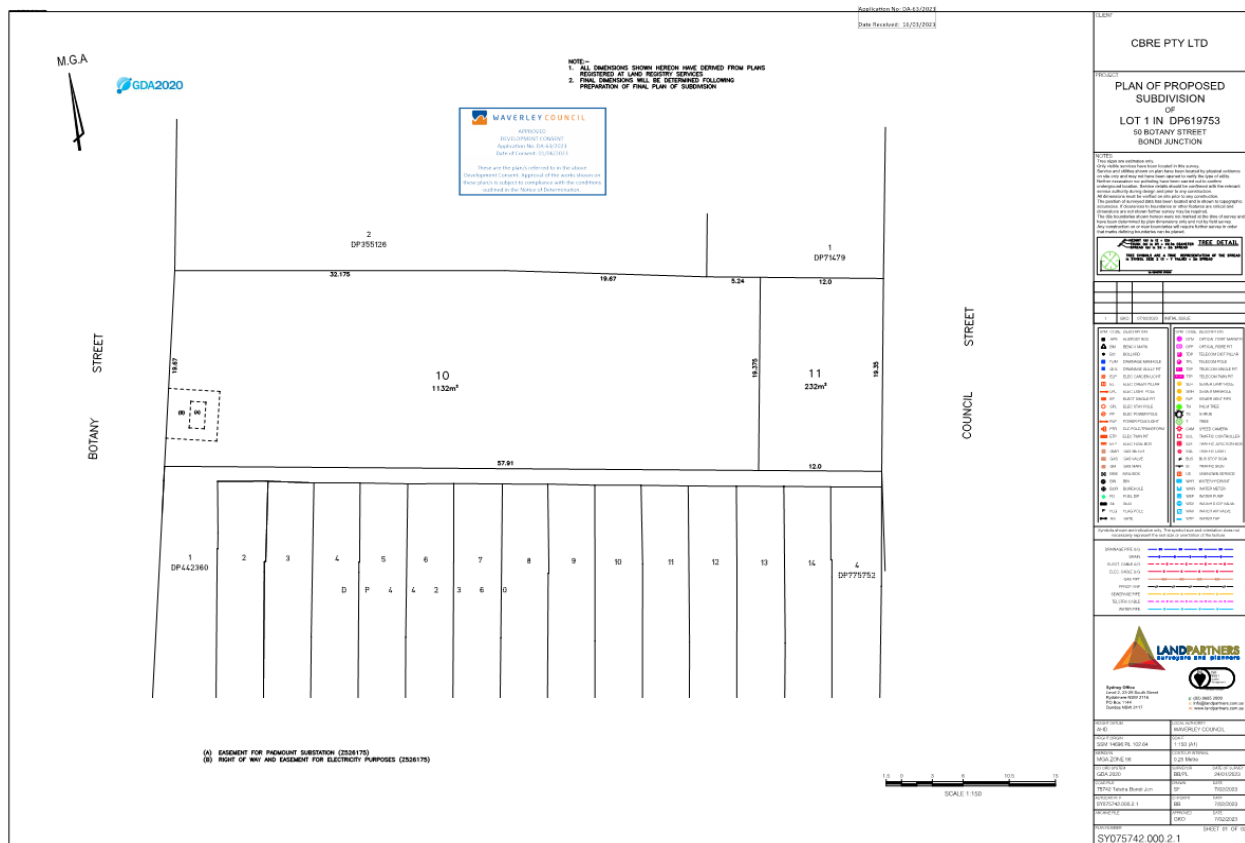
Figure 2. Aerial Map (Source: Near Map, 2022)



Figure 3. Telecommunications tower with replacement monopole structure viewed from the Corner of Birrell St and Council St (Source: Fahey, 2023)



Figure 4. Decommissioned Telstra infrastructure viewed from Botany Street (Source: Google Street View, 2023)



The subject site is adjacent to numerous medium density residential terrace style developments. To the east of the site is a former Anglican Church, Waverley Park, and Waverley College. To the south of the site is Elizabeth Hunter Lodge and Uniting War Memorial Hospital.

Several bus stops are located within 100m of the subject site. The zoning of surrounding area is predominately R3 Medium Density Residential, and SP2 Infrastructure. The subject site is located approximately 6km south east of Sydney CBD, 9km north east of Sydney airport and 2km west of Bondi Beach.

Refer to **Figure 6** below.

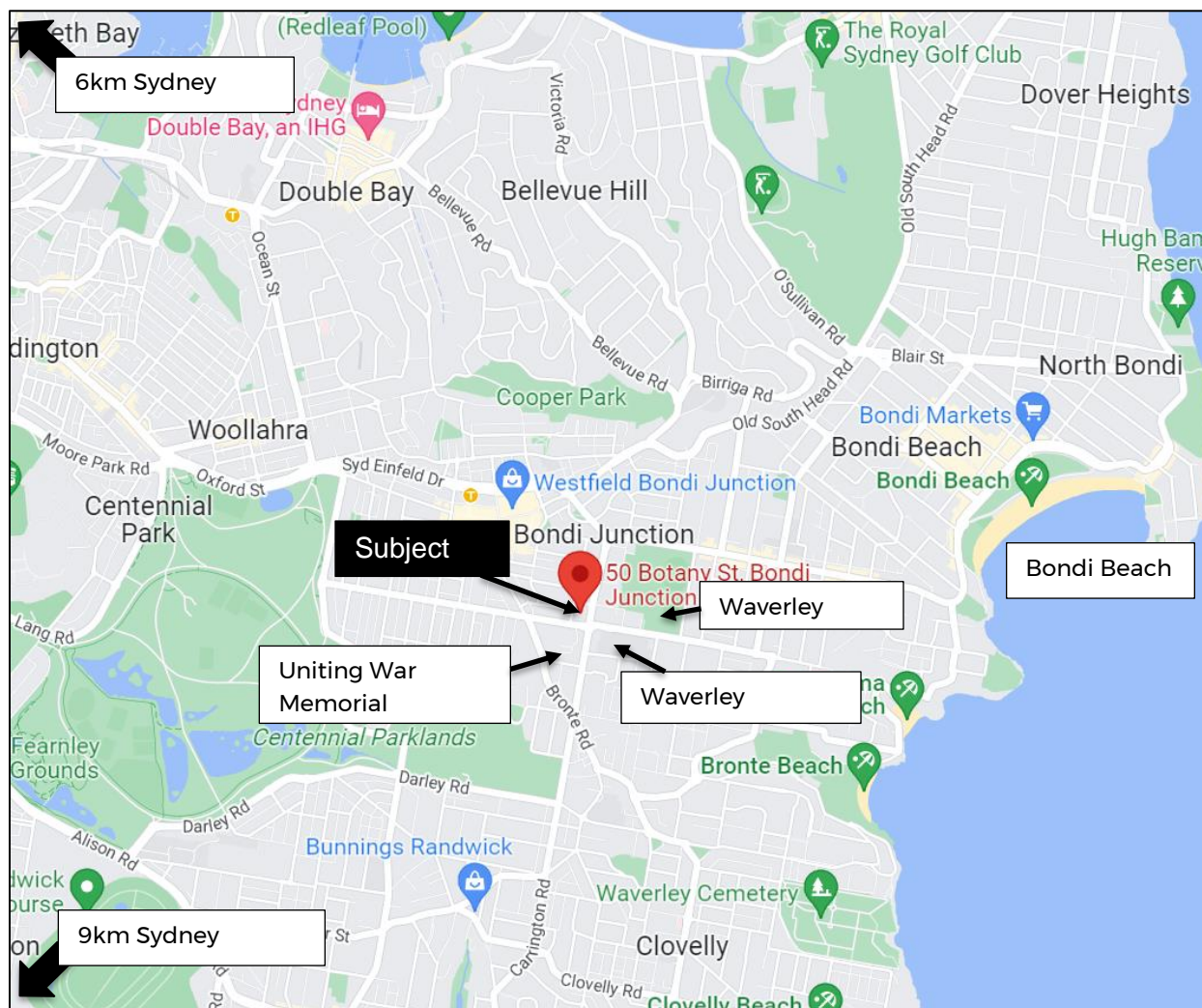


Figure 6. Site Context Map (Source: Google Maps, 2022)

1.2 SITE CONSTRAINTS AND OPPORTUNITIES

The identification of constraints and opportunities relating to the subject site is a fundamental consideration in framing the planning principles that will guide future development.

As outlined above, the subject site is constrained by a redundant heritage listing. The existing telecommunications tower is approved for demolition via DA79/2020 having regard for consideration of



the structure's integrity and associated safety concerns. Further, the existing Telstra building on the subject site has been decommissioned.

The subject site is also identified as being within a heritage conservation area as well as having a sensitive interface with residential development to the north and south. These constraints preclude the development of the land for other uses in accordance with the current SP2 Infrastructure zoning. In summary, these constraints include:

- Heritage-listed tower structure (approved for demolition)
- Heritage conservation area
- Established residential interface to the north and south

The opportunities include:

- Provision of a land use and built form response that integrates with the location, ecological and heritage qualities of the site.
- The location of the site would enable the provision of housing typologies that support an integrated land use and transport approach, consistent with the walkable 30-minute cities as per the District Plan.
- Financial contribution towards affordable housing provision in Waverley.

1.3 CURRENT PLANNING CONTEXT OF THE SITE AND SURROUNDING LOCALITY

1.3.1 Environmental Planning and Assessment Act 1979

A rezoning application must have consideration to the objectives of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The objectives are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

This submission has considered, and is consistent with, the objects of the EP&A Act, as addressed in the various sections of this report and summarised as follows:



- The proposal has been designed to preserve and enhance the existing native canopy trees on the subject site and would create opportunities for ecologically sustainable development that achieves economic, environmental and social objectives.
- The proposal would facilitate the orderly and economic use and development of land by enabling the transition of the subject site from an existing telecommunications facility that has come to the end of its functional life to residential development consistent with the surrounding zoning.
- The proposal will provide a financial contribution towards the provision of affordable housing.
- The proposal would support surrounding communities by providing new jobs during construction.
- The proposal will engender a neutral heritage impact to the heritage significance of the Botany Street HCA and would ensure that a future development would be sympathetic to the existing and desired future character of the Botany Street HCA.
- By supporting the future development of the Site, the proposal generates opportunity for the delivery of a high-quality built form and amenable urban environment.

Other relevant provisions of the EP&A Act 1979 are considered throughout this report.

1.3.2 Waverley Local Environmental Plan 2012

The WLEP2012 is the primary Environmental Planning Instrument that applies to the site. The relevant provisions of WLEP2012 as they relate to the subject site are considered in the following subsections.

Zoning and Permissibility

The subject site is located within the SP2 Infrastructure (Telecommunications) zone under the WLEP2012 as shown in **Figure 7**.

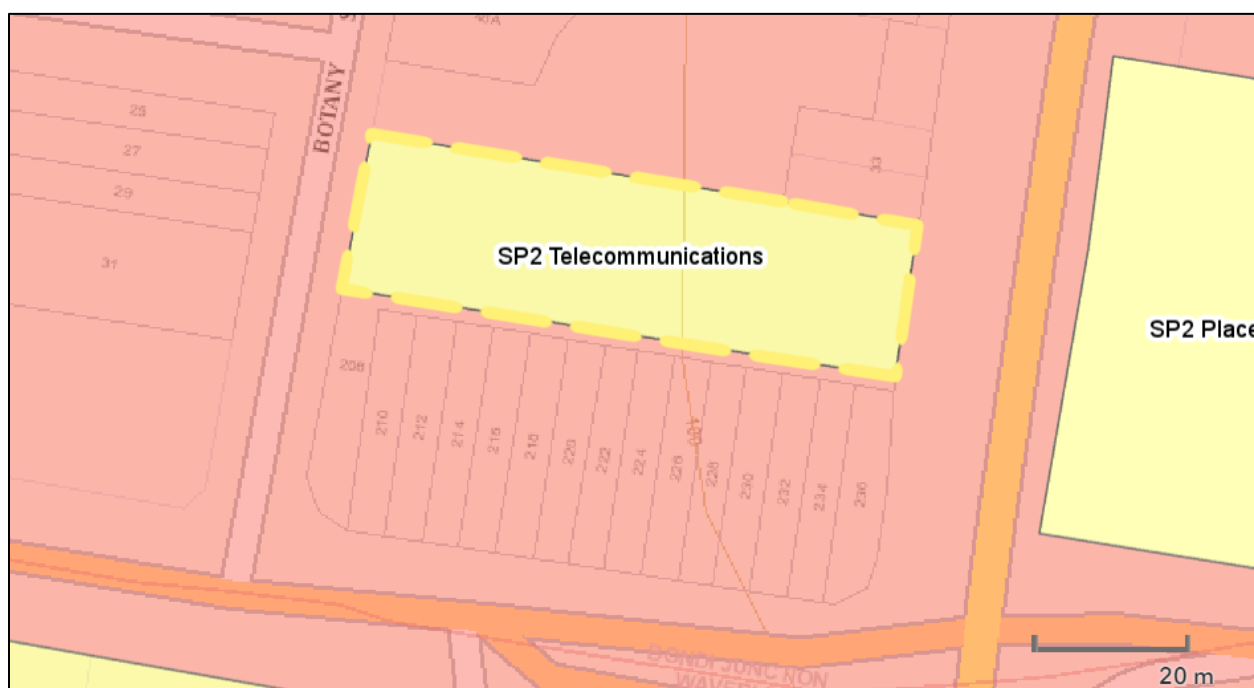


Figure 7. WLEP2012 Zoning Map (Source: NSW Legislation, 2023)

The objectives of the SP2 Infrastructure (Telecommunications) zone include:

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

Within the SP2 Infrastructure (Telecommunications) zone, the following development is permitted without consent:

- *Nil*

Within the SP2 Infrastructure (Telecommunications) zone, the following development is 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*

Within the SP2 Infrastructure (Telecommunications) zone, the following development is prohibited:

- ***Any development not specified in item 2 or 3***

Accordingly, residential accommodation is prohibited on the site.

As outlined previously, the site included telecommunications infrastructure that has come to the end of its functional life and due to advancements in technology, is no longer required. Accordingly, the former Telstra building on the subject site has been decommissioned.

As demonstrated in

Figure 5, land surrounding the site is zoned as follows:

- North: R3 Medium Density Residential
- East: SP2 Infrastructure (Place of Public Worship) beyond which is R3 Medium Density Residential
- South: R3 Medium Density Residential
- West: R3 Medium Density Residential

Accordingly, the proposal to rezone the subject site to R3 Medium Density Residential will ensure consistency with adjoining and nearby development.

Development Standards

TABLE 2 outlines the proposal's consistency and compliance with the relevant development standards and controls under WLEP 2012.

TABLE 2. WLEP 2012 DEVELOPMENT STANDARDS		
Clause	The Site	Immediate Context
Clause 4.1 – Minimum subdivision lot size	The subject site is not mapped as having an applicable minimum lot size, refer to Figure 8 .	<ul style="list-style-type: none"> North and South: 232m² West: 325m² South: Nil
Clause 4.3 – Height of Buildings	12.5m	<ul style="list-style-type: none"> North, South, West: 12.5m East: 9.5m
Clause 4.4 – Floor Space Ratio	0.75:1	<ul style="list-style-type: none"> North, South, West: 0.75:1 East: 0.6:1
Clause 5.10 – Heritage Conservation	The subject site comprises the local heritage item ‘telecommunication tower’ (I166). It is noted that removal of the heritage item has been previously approved by Council. The subject site is within a conservation area (general) (C3), refer to Figure 9 .	<p>The site is within the vicinity of a number of heritage items, being:</p> <ul style="list-style-type: none"> I165 – Single dwelling I145 – Two storey terrace row I146 – Ecclesiastical Gothic style stone church, St Mary’s Church I161 – Single storey terrace row I163 – Semi-detached dwellings

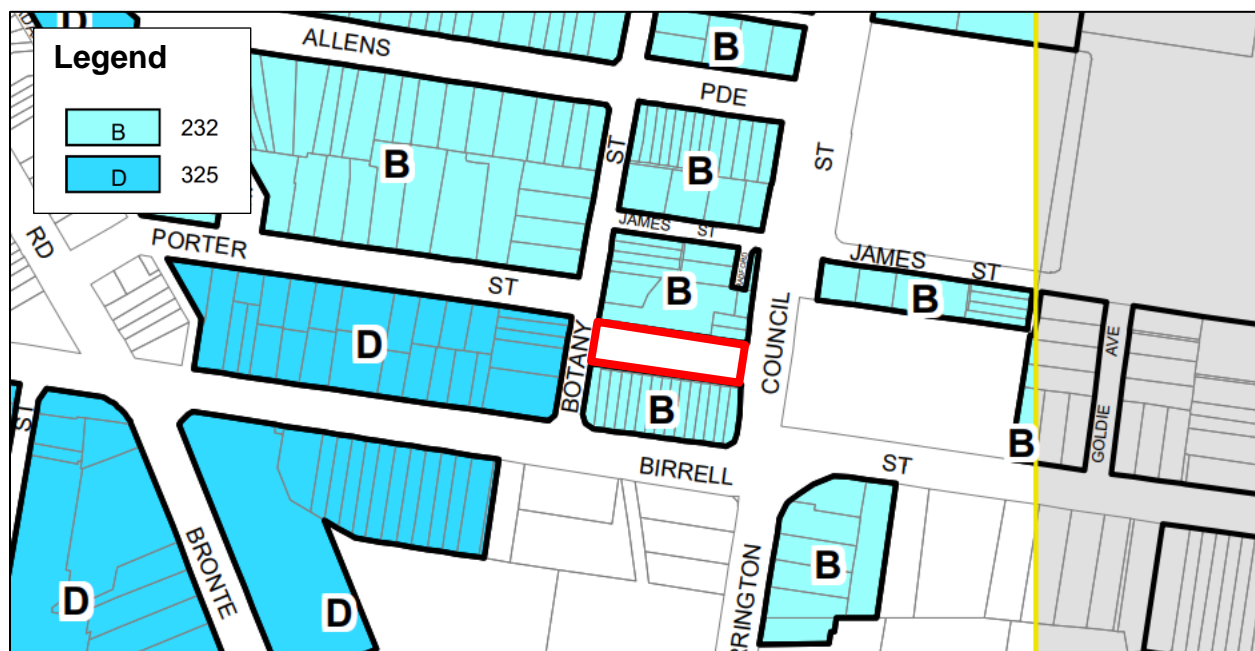


Figure 8. Minimum Lot Size Map (Source: NSW Government, 2023)



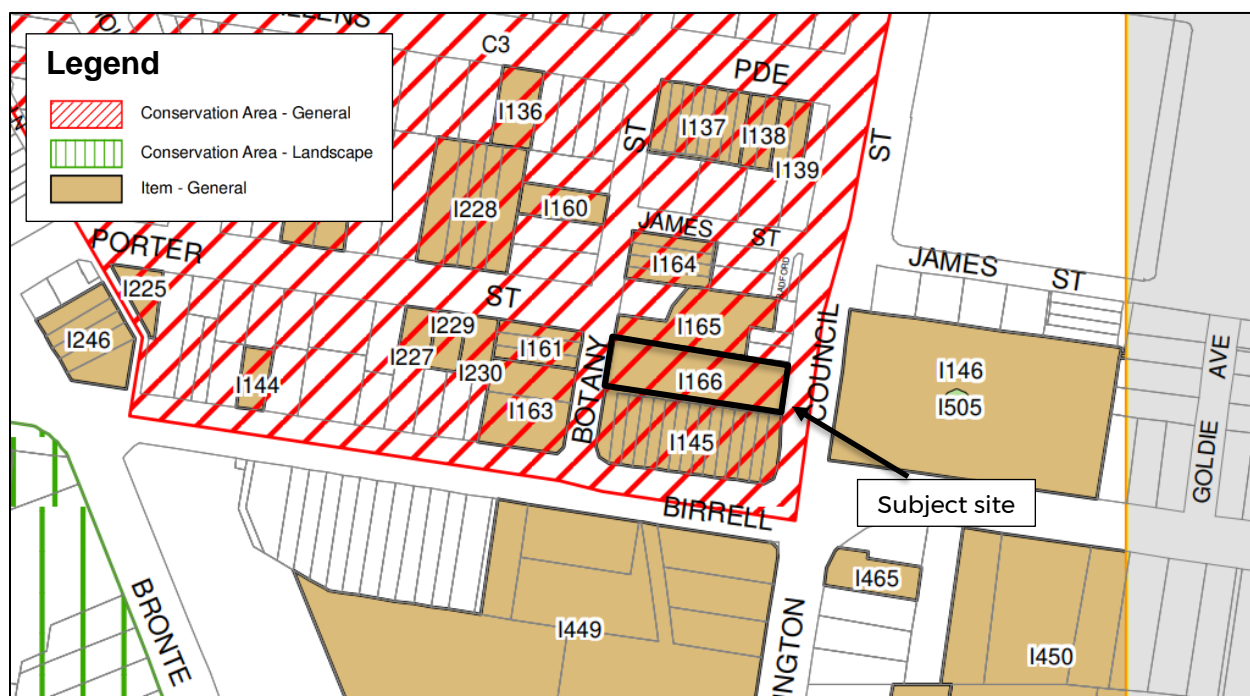


Figure 9. Heritage Mapping (Source: NSW Government, 2023)

1.4 INDICATIVE CONCEPT PROPOSAL

The Urban Design Analysis Report and Reference Development prepared by Smith & Tzannes Architects provides a development outcome for the site demonstrating the anticipated built form for the site which responds to the objectives outlined in **SECTION 3.3** below. The potential yield of the indicative development is 7 multi-unit dwellings. An assessment against the current controls is provided at **TABLE 3**.

TABLE 3. CONCEPT PROPOSAL - KEY PARAMETERS		
WLEP Requirements	Control	Concept Proposal
Maximum building height	12.5m	Compliant
FSR	0.75:1	0.75:1 (GFA = 849m ²)
WDCP Requirements	Control	Concept Proposal
Minimum Frontage Width	15m	19.665m
Maximum External Wall Height	9.5m	Compliant
Front Setback	Consistent with street line	Compliant
Side Setback	0.9m for 4.5m height 1.5m for 12.5m height + 2m landscape/deepsoil along one side boundary	3.0m (north and south side boundary)
Rear Setback	6.0m	6.4m
Maximum Building Length at Street Frontage	24m	12.5m
Minimum Landscape Area	30% of site area	340.5m ² (30%)
Minimum Deep Soil	50% of landscaped area	201m ² (59%)
Minimum Communal open Space	15% of site area	170m ² (15%)
Minimum Private Open Space	75% of all dwellings	100%

TABLE 3. CONCEPT PROPOSAL - KEY PARAMETERS		
WLEP Requirements	Control	Concept Proposal
Car Parking	12 spaces	12 spaces

The proposal will provide substantial public benefit as noted below:

- Provision of a land use and built form response that integrates with the location, ecological and heritage qualities of the site.
- The location of the site would enable housing growth including provision of housing typologies that support an integrated land use and transport approach, consistent with the walkable and 30-minute cities as per the District Plan.
- Financial contribution to the provision of affordable housing.



PART B OBJECTIVES AND INTENDED OUTCOMES

2.1 OBJECTIVES AND INTENDED OUTCOMES

Objective

To amend the WLEP2012 to achieve a land use and built form which supports a residential development outcome at the subject site that integrates with the heritage and environmental qualities of the site insofar as residential development will provide a more sensitive and logical land use and be consistent with the established medium density residential character of the surrounding area.

Intended outcomes:

- To facilitate urban renewal of land that is no longer required for SP2 Infrastructure (Telecommunications) purposes;
- To enhance the ecological values of the site;
- To minimise land use conflicts by permitting land uses that are sympathetic to the existing character of the area by creating a sensitive residential development that is consistent with the established residential neighbourhoods surrounding the subject site;
- To deliver new housing supply and improve dwelling diversity in the local area by providing appropriate housing typologies that will co-exist with the natural and infrastructure assets of the site without compromising their environmental or heritage significance;
- To make a financial contribution to the provision of affordable housing; and
- To remove a redundant heritage listing.



PART C EXPLANATION OF PROVISIONS

3.1 OVERVIEW

The specific outcome of the PP is to facilitate the following amendments to the WLEP2012, as it applies to the subject site, to enable redevelopment of the site for residential accommodation including provisions to:

- rezone the site to R3 Medium Density Housing;
- introduce a minimum lot size of 232m² (consistent with adjoining residential property); and
- remove the heritage listing for the western part of the subject site.

The proposed controls will facilitate redevelopment of the site to provide 7 multi-unit dwellings in a built form appropriate to the site constraints and most importantly, the context of the site and its surroundings.

3.2 PROPOSED LAND USES

The indicative concept proposal incorporates multi dwelling housing to provide a 'medium density housing' typology in response to site-specific and strategic merit factors.

The applicable land use definitions pursuant to the *Standard Instrument—Principal Local Environmental Plan* (LEP) is 'multi dwelling housing'. For reference, the definition is provided below:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

*Note—Multi dwelling housing is a type of **residential accommodation**.*

The proposed use is prohibited in the current zoning of the land. The zoning change required to permit the land uses is discussed in **SECTION 3.3** below.

3.3 PROPOSED ZONING

The existing zoning of the subject site is shown in **Figure 7** above. Amendment of WLEP2012 would be required to support the provision of multi dwelling housing on the site. This is best facilitated via the rezoning of the subject site from SP2 Infrastructure to the R3 Medium Density Housing zone as shown in **Figure 10** below.



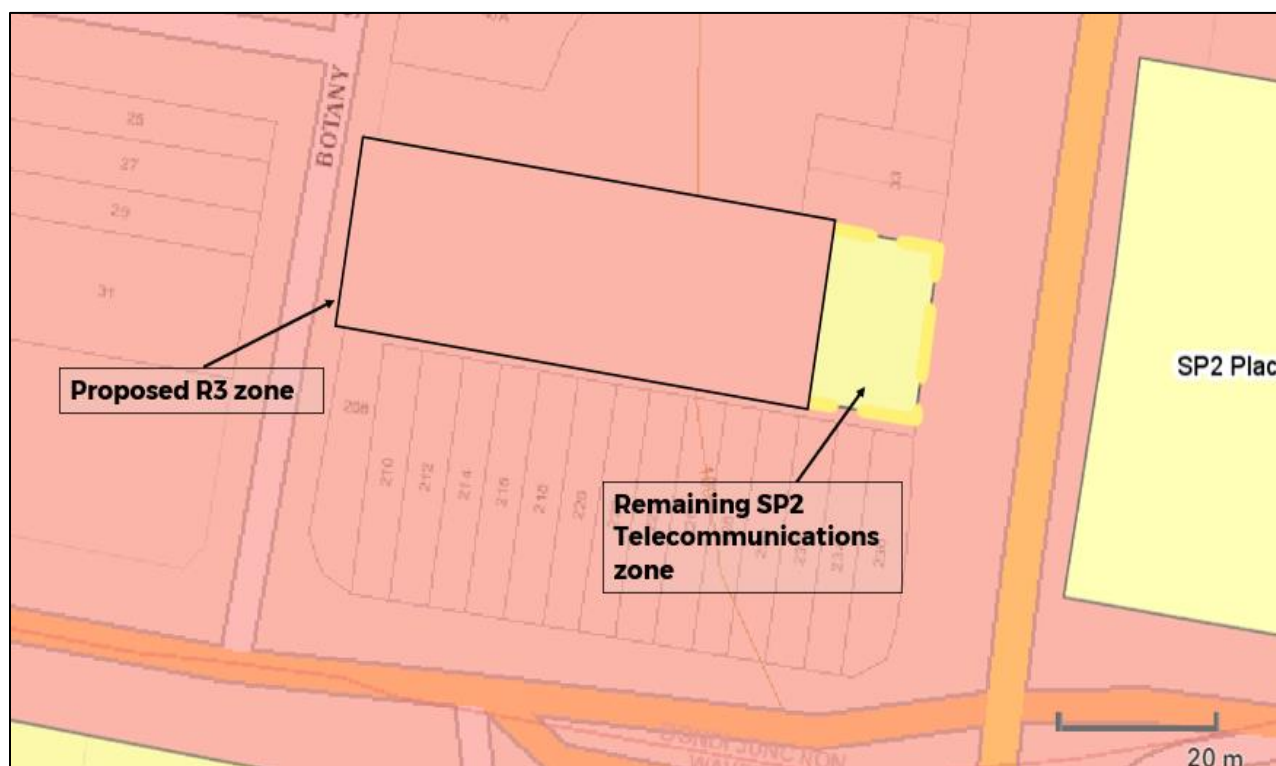


Figure 100. Proposed Zone

Review of the WLEP2012 land use table reveals that the R3 Medium Density Residential zone would permit the proposed use (as well as other types of residential accommodation) that are considered appropriate for the site.

The objectives of the R3 Medium Density Residential zone include:

- 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.

Within the R3 Medium Density Residential zone the following development is permitted without consent:

Home-based child care; Home occupations

Within the R3 Medium Density Residential zone the following development is permitted with consent:

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Home businesses; **Multi dwelling housing**; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture; Veterinary hospitals (**Our emphasis**)*

Within the R3 Medium Density Residential zone the following development is prohibited:

Any other development not specified in item 2 or 3

TABLE 4 provides an overview of the proposal's consistency with the objectives of the R3 zone, as summarised below.

TABLE 4. CONSISTENCY WITH THE R3 ZONE OBJECTIVES	
Objectives of the Zone	Comments
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	The proposal will deliver new housing supply and introduce dwelling diversity into the local area, in order to provide for the housing needs of the community. The envisioned medium density housing typologies (multi unit housing) would create a low-medium density residential environment, to complement the established residential areas surrounding the subject site.
<i>To provide a variety of housing types within a medium density residential environment.</i>	The proposal includes multi unit housing apartments incorporating a variety of dwelling sizes (2 x 4 bed and 5 x 2 bed apartments) that would create additional diversity in the local area, improving living opportunities for the community and creating new opportunities for a variety of family types to remain or establish in the area.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The recent subdivision application facilitates the retention of part of the site for the provision of telecommunications infrastructure with the balance of the site to be used for residential purposes.
<i>To maximise public transport patronage and encourage walking and cycling.</i>	The subject site is located in an area that is well served by public transport (Public Transport Accessibility Level 6). Provision will be made in the future Development Application for cycling facilities. The proximity of the subject site to public transport facilities is described in more detail in the Parking and Traffic Impact Assessment at Appendix 5 .
<i>To increase or preserve residential dwelling density.</i>	The proposal will increase residential dwelling density on the subject site consistent with adjoining and nearby residential development.
<i>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.</i>	The proposal will increase the supply of housing by rationalising the location of infrastructure provision and converting redundant space for the purpose of residential development.



TABLE 4. CONSISTENCY WITH THE R3 ZONE OBJECTIVES	
Objectives of the Zone	Comments
	A financial contribution towards the provision of affordable housing will be made.
<i>To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.</i>	The immediate character surrounding the subject site comprises a mix of single and two storey dwellings in detached or terrace form. The proposal will provide a terrace style development that is entirely compatible with the desired future character and amenity of the surrounding neighbourhood.
<i>To promote development that incorporates planning and design measures that reduce the urban heat island effect.</i>	The subject site is currently occupied by a large multi storey brick and concrete building and telecommunications tower. The proposal will make provision for landscaped areas, including the provision of canopy trees, to mitigate the urban heat island effect. The proposal will be designed to retain the two large native canopy trees at the Botany Street frontage.
<i>To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.</i>	The proposal would prioritise the creation of a high quality landscape setting across the entirety of the site including the provision of deep soil planting. Mature canopy trees at the Botany Street frontage will be retained and protected with development sensitively designed around these ecological assets in order to protect their root and canopy structures. Communal open space in addition to generous private open spaces for each dwelling, would promote and enhance the green character and ecological values of the site and streetscape. This represents a significant improvement to the existing infrastructure located on the subject site.

In light of the proposal achieving all the R3 zone objectives, and noting that the R3 zone permits all relevant types of residential accommodation whilst not permitting any uses that would be inappropriate for the site, the rezoning of the site to the R3 Medium Density Residential zone is considered the most appropriate pathway.

3.4 MINIMUM LOT SIZE

As shown in **Figure 8** above, a minimum lot size does not currently apply to the subject site. Accordingly, to ensure consistence with the adjoining residential development it is proposed to introduce a minimum lot size of 232m², consistent with adjoining residentially zoned land as shown in **Figure 11** below:



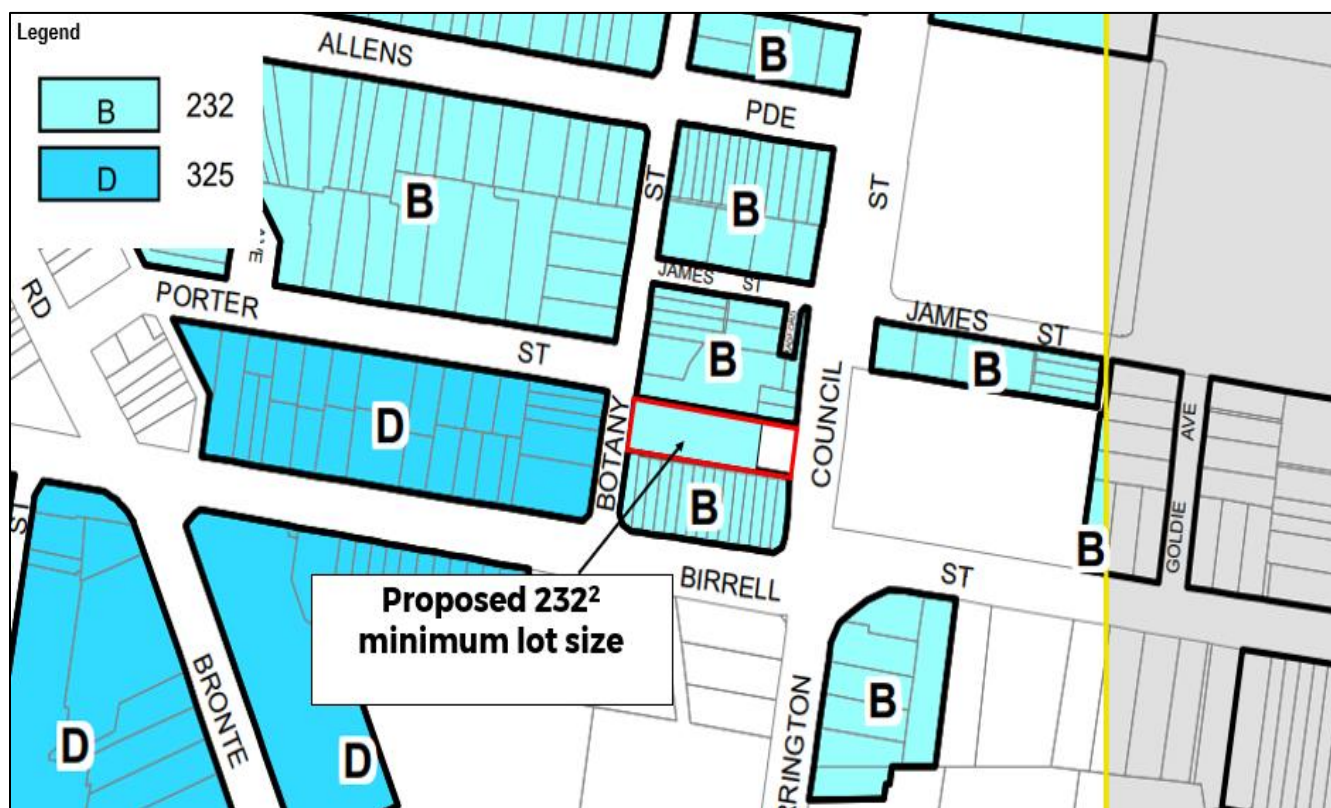


Figure 111. Proposed amendment to lot size map.

In accordance with the above, Clause 4.1 Minimum subdivision lot size of WLEP 2012 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.*

3.5 HERITAGE

The subject site contains a telecommunications tower (at the eastern end of the subject site) which is a locally listed heritage item known as 'Telecommunication tower' (No. 1166) under Schedule 5 of WLEP2012.

The heritage item was constructed in 1970 and is described by the NSW State Heritage Inventory as:

Telecom Australia radio telephone terminal, said to be located on the highest point of the municipality, and a major landmark. Significant technology and a symbol of Waverley's place in the communications network. The tower is 82m high and supports radio systems for telephone, television and data services.

The telecommunications tower has been approved for replacement under DA 79/2020 and the subsequent modification DA 79/2020/A. The telecommunications tower was approved for removal following consideration of the structure's integrity and relative safety concerns.

Having regard for the proposal to remove the structure and replace it with a modern monopole, it is requested to remove the listing from the subject site.

The subject site is also identified within a heritage conservation area, Botany Street Conservation Area (C3).

The Statement of Heritage Impact notes as follows:

- The planning proposal would engender a neutral heritage impact to the heritage significance of the Botany Street HCA and would ensure that a future development would be sympathetic to the existing and desired future character of the Botany Street HCA.
- The concept drawings for a potential future development at the subject site would adopt a form, scale and materiality that would be in keeping with the generality of the terrace style and semi-detached housing evident in the nearby heritage items, and Botany Street HCA.
- The proposed changing of the zoning to R3 would provide the opportunity for sympathetic, infill development at the site to reflect the current R3 zoning of the Botany Street HCA and nearby heritage items.
- Materials and colours that link the future development with the existing heritage fabric the site would, in Heritage 21's opinion, ensure that the future development would be sympathetic to the HCA while acknowledging the heritage item.

Further detailed consideration of heritage matters is provided in the Statement of Heritage Impact provided at **Appendix 3**. It is not proposed to remove the Botany Street HCA from the subject site.

Figure 122 below shows the proposed updated heritage map.



Figure 122. Proposed amendments to Heritage Map.

PART D JUSTIFICATION FOR PROPOSED LEP AMENDMENT

4.1 NEED FOR THE PLANNING PROPOSAL

The DP&E document *Local Environmental Plan Making Guideline* includes the following questions in describing the need for the PP.

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is the result of the telecommunications infrastructure at the subject site coming to the end of its functional life and advancements in technology meaning that the same outcomes can be achieved on a smaller site footprint. Accordingly, the balance of the site can be converted to become compatible with the adjoining residential zoning. The provision of additional residential dwellings will assist with the severe shortage of supply and subsequent acute need in the local, regional and city wide housing market.

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

Amendment of WLEP2012 would be required to support the provision of multi dwelling housing on the site. This can be attained through the following options:

- Option 1: Rezone the site from SP2 Infrastructure to a new zone; and/or
- Option 2: Incorporate an Additional Permitted Use for multi dwelling housing in the current SP2 Infrastructure zone.

The Planning Proposal to rezone the subject site (Option 1) is the best means of achieving the objectives and intended outcomes of the desired future redevelopment of the site. The Telstra building has been decommissioned. The site is currently zoned for SP2 Telecommunications purposes. Land uses within this zone are unable to achieve uses that will allow this vacant and underutilised site to become a high quality residential development that integrates and enhances the value of the site and its surroundings. The Planning Proposal will enable renewal of the site and provide an opportunity to allow the community and surrounding landowners to comment on changes, providing greater certainty for all affected stakeholders.

Planning Practice Note PN10-001 Zoning for Infrastructure in LEPs (PN10-001) is a guideline issued by the then Department of Planning for the application of Zone SP1 and Zone SP2 in standard instrument LEPs.

PN10-001 identifies matters to be considered upfront including:

- *'Identify whether the infrastructure type is covered by the Infrastructure SEPP....'* (now the State Environmental Planning Policy (Transport and Infrastructure) 2021) (T&I SEPP).

It is confirmed that the T&I SEPP at Division 21 includes Telecommunications and other communications facilities.

- *'Identify whether the infrastructure is currently operating or is no longer used; whether the land is intended for other future infrastructure purposes or whether the land is now considered to be **surplus public land**.'*



As outlined above, the Telstra building has been decommissioned and is no longer being used for telecommunications purposes. The western portion of the subject site is not needed for future telecommunications purposes and accordingly the subject site can be considered 'surplus public land' (notwithstanding that Telstra is no longer a public company).

Further to the above, PN10-001 lists six principles to be considered in deciding whether to apply the Zone SP to land. The relevant principles are listed below with associated commentary specific to the subject site:

Principle 1 – Zoning for infrastructure that is permitted on all land.

Principle 1 recognises that 'special purpose' zones are not required in LEPs to permit infrastructure that is already permitted on all land through the Infrastructure SEPP (T&I SEPP). Telecommunications facilities are permitted with consent in any zone in accordance with the provisions of cl 2.141 and cl 2.143 of the T&I SEPP.

It is also identified that 'for infrastructure ... prescribed in all zones and those currently zoned 'special use'... the appropriate adjacent land zone should generally be used'. Further, 'this approach avoids the need for spot rezonings where the infrastructure use expands, ceases, is realigned or is downsized in the future. It is preferable that the land use zone be the same as the adjacent zoning, that that future uses are compatible with existing surrounding uses.'

In accordance with the above, appropriate application of PN10-001 would have resulted in the subject site being zoned R3. Now, the very circumstances anticipated in the Practice Note i.e. the infrastructure use is downsized, has resulted in the need for a spot rezoning.

Principle 3 – Certain special purpose zones should remain as special purpose zones.

If the land is currently zoned 'special purpose' only examples such as major state infrastructure including hospitals, universities, dams, sewage treatment plants, power stations, correctional centres and airports should be zoned SP2.

The subject site does not meet any of the above criteria established in Principle 3.

Principle 5 – Zoning surplus public land.

As outlined above, the Telstra building has been decommissioned and is no longer being used for telecommunications purposes. The western portion of the subject site is not needed for future telecommunications purposes and accordingly the subject site can be considered 'surplus public land' (notwithstanding that Telstra is no longer a public company). Five (5) criteria are listed for consideration in these circumstances as outlined in **TABLE 5** below:

TABLE 5. SURPLUS LAND CRITERIA	
Criteria	Comments
<i>The nature and character of the subject site</i>	As outlined above, the subject site contains redundant telecommunications infrastructure that is no longer required and as such, is logically placed to be rezoned in accordance with the adjoining R3 zone.
<i>Existing and adjacent land uses and preferred future uses</i>	Land adjoining the subject site is zoned R3. It is established planning practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for land. Accordingly, the most appropriate zone for the subject site is R3.



<i>Regional strategy priorities</i>	As outlined below, the proposal is consistent with the priorities of the Greater Sydney Region Plan and the Eastern City District Plan.
<i>Availability of services and infrastructure to support new land uses</i>	There are sufficient services and infrastructure to support the proposed residential use.
<i>Environmental impacts and risks</i>	As outlined below, there are minimal environmental impacts associated with the proposal and the proposal will facilitate an increase in deep soil area and associated planting.

In accordance with the above, it is evident that the proposed R3 zone is the most appropriate zone for the subject site.

Planning Practice Note PN11-002 Preparing LEPs using the Standard Instrument: Standard Zones (PN11-002) provides commentary regarding the use of standard zones in the Standard Instrument. 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 (e.g. Infrastructure SEPP), there is no need to include these types of development in Standard Instrument LEPs.'

As outlined above, telecommunications facilities are permitted with consent in any zone in accordance with the provisions of cl 2.141 and cl 2.143 of the T&I SEPP.

In addition to the above, PN11-002 also sets out direction on the application of standard instrument zones including SP2 Infrastructure as follows:

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.

As previously provided, the subject site is not major infrastructure or a strategic site.

In accordance with the above, the application of the SP2 zone to the subject site is not supported by PN10-001 and PN11-002. Having regard for established planning practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for land, the most appropriate zone for the subject site is R3 achieved via a planning proposal.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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)?

Greater Sydney Region Plan

The Greater Sydney Region Plan, A Metropolis of Three Cities (the Plan) sets a 40-year vision (to 2056) where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities. The Plan has been prepared concurrently with *Future Transport 2056* and *State Infrastructure Strategy 2018-2038* to align land use, transport and infrastructure outcomes for Greater Sydney. The Plan envisages Sydney as a metropolis of three (3) cities, including:

- The Western Sydney Parkland City;
- The Central River City; and
- The Eastern Harbour City.

The site is located within the Eastern Harbour City and in proximity to the Strategic Centre of Bondi Junction.

The proposal meets the following relevant objectives of the Greater Sydney Plan:

- **A City for People** – The proposal seeks to deliver housing that is sympathetic with the adjoining and nearby development and retains the landscape features of the subject site. The revitalisation works will provide opportunity for uses that establish a housing typology that will provide for the needs of local community.
- **Housing the City** – This Planning Proposal will facilitate increased residential accommodation in a highly accessible location, which supports the objective to provide a greater housing supply. The proposal seeks to provide 7 dwellings which will contribute to the housing targets mandated by the GCC.
- **A City of Great Places** – The size of the site only affords limited opportunity to create a medium density development in a natural setting, with unique points of difference that create a sense of community including, access to public transport and public recreation areas and surrounding area as well as contributing to the character of the existing heritage precinct.
- **A City in its Landscape** – The proposal provides the opportunity to retain and enhance the quality of landscaping on the subject site allowing the community to experience an improved environmental outcome. The proposal would reserve areas of the site for communal and private open spaces incorporating high quality landscaping.

Eastern City District Plan

The Eastern City District Plan (the District Plan) identifies planning priorities and actions for improving the quality of life for residents of the Eastern District as the area grows and changes. The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure and collaboration, liveability, productivity and sustainability.

Pursuant to **Planning Priority E5**, the District Plan seeks to provide housing supply, choice and affordability, with access to jobs, services and public transport. The objective promotes local infill development and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population.

In accordance with the District Plan's locational criteria for new housing, the site is accessible to jobs, services and public transport, and is connected to the established road network. The site affords the



opportunity to create a medium density development in a natural setting and integrate a wider variety of housing within an established neighbourhood that benefits from walking, cycling and public transport links.

In addition to the above, **Planning Priority E6** identifies the need to create and renew great places and local centres, and respect the District's heritage. The proposal will engender a neutral heritage impact to the heritage significance of the Botany Street HCA and would ensure that a future development would be sympathetic to the existing and desired future character of the Botany Street HCA.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Waverley Local Strategic Planning Statement 2020-2036

The Waverley Local Strategic Planning Statement 2020-2036 (Waverley LSPS) plans for Waverley's economic, social and environmental needs to 2036. The Waverley LSPS identifies planning priorities to protect and support infrastructure, the environment and economy via short, medium and long term actions that Waverley Council can take to achieve the vision of a sustainable and well connected community, living in a stunning natural environment.

The Waverley LSPS includes 'principles for change' that recognises that *'Planning Proposals may have merit and contribute to targets by increasing capacity through a change in building height or permissible floor space on the site, particularly where the proposal is for a strategically valuable use and there is a desirable public and urban design outcome. Any changes to the planning controls should enable an acceptable built form that responds to its surrounding context and achieves a strategic aim.'*

The 'principles for change' provide a local merits test to guide the Council and Local Planning Panel in the consideration of, and consistent decision-making about, planning proposals in the local area. Consideration of the proposal against the local strategic principles for change is provided in **TABLE 6** below:

TABLE 6. LOCAL STRATEGIC PRINCIPLES FOR CHANGE	
Principle	Comments
Proposals should be consistent with the Greater Sydney Region Plan and Eastern City District Plan.	See discussion above.
Proposals for sites in Bondi Junction Strategic Centre should be consistent with the objectives for the centre in the Eastern City District Plan and in this Local Strategic Planning Statement.	The site is not within the Bondi Junction Strategic Centre.
Proposals should be consistent with the relevant directions, objectives and actions of the Waverley Community Strategic Plan.	See discussion above.
Aims of the Waverley Local Environmental Plan.	The Proposal will be consistent with the aims of the WLEP with particular reference to the aims listed below. (c) <i>to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,</i>



TABLE 6. LOCAL STRATEGIC PRINCIPLES FOR CHANGE	
Principle	Comments
	<p><i>(ca) to encourage the development of a variety of housing on land close to public transport, essential goods and services and open space,</i></p> <p><i>(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,</i></p>
Proposals should be consistent with the relevant liveability, productivity, infrastructure and sustainability priorities, objectives and actions in this Local Strategic Planning Statement.	See discussion regarding the proposal's consistency with Waverley LSPS priorities below.
Proposals should be consistent with the relevant priorities, objectives and actions of any relevant strategies. A list of strategies is available at the end of this document.	The Proposal is consistent with relevant strategies with particular reference to the WLEP2012, Waverley Housing Issues Paper, Waverley Local Housing Strategy.
Proposals should support the strategic objectives in Council's adopted strategies and action plans.	See discussion below.
Proposals should not compromise non-residential development to meet employment targets for Bondi Junction Strategic Centre.	Not Applicable.
Proposals which seek to respond to a significant investment in infrastructure should be considered in a wider strategic context with other sites. This may include, but is not limited to, consideration of other infrastructure demand and provision, appropriate distribution of development potential across an area, value capture for public benefit and infrastructure delivery, and the orderly sequencing of development.	Not Applicable.
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.	The subject site is in a relatively quiet suburban street with a strong residential character. The close proximity of adjoining residential dwellings, existing heritage conservation area affectation and limited size of the subject site does not lend itself to successful conversion to the 'strategically valuable land uses' suggested.

Consideration of the proposal against the site-specific principles for change is provided in **TABLE 7** below:



TABLE 7. LOCAL SITE-SPECIFIC PRINCIPLES FOR CHANGE	
Principle	Comments
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.	As outlined above, the subject site is located in an area that is well served by public transport (Public Transport Accessibility Level 6). Provision will be made in the future Development Application for cycling facilities.
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.	It is intended that a future development application for the residential development proposed on the subject site will demonstrate the achievement of high sustainability standards, improvements to urban resilience and mitigation of negative externalities.
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.	As discussed above, the subject site is in a relatively quiet suburban street with a strong residential character. The close proximity of adjoining residential dwellings, existing heritage conservation affectation and limited size of the subject site does not lend itself to non-residential floor space. Conversion to a residential zone, consistent with the adjoining and surrounding properties, is the most appropriate future land use.
Proposals should create demonstrable public benefit.	The proposal will make a financial contribution to the provision of affordable housing.
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 Planning Proposal is supported by a Social and Community Needs Assessment at Appendix 2 that provides a detailed consideration of demand for infrastructure generated by the proposal. It is identified that the subject site is generally well serviced with regard to community facilities however, there is likely to be a shortfall of open space which is best met through further enhancement of existing open space with funds available through development contributions from future development applications.
Proposals should make a positive contribution to the built environment and result in an overall better urban design outcome than existing planning controls.	The Statement of Heritage Impact at Appendix 3 notes the that the concept drawings for a potential future development at the site would adopt a form, scale and materiality that would be in keeping with the generality of terrace style and semi-detached housing evident in the nearby heritage items, and Botany Street HCA. It is considered that the proposed change of zone will provide the opportunity for a sympathetic infill development to reflect the current



TABLE 7. LOCAL SITE-SPECIFIC PRINCIPLES FOR CHANGE	
Principle	Comments
	R3 zoning of the Botany Heritage Conservation Area and the established character of the surrounding area.
Proposals should result in high amenity for occupants or users.	Future dwellings on the subject site will provide a high level of amenity for residents.
Proposals should optimise the provision and improvement of public space and public connections.	Having regard for the small scale of the proposal, the limitations of the subject site and sensitivities of adjoining residential development there are limited opportunities to provide public space and public connections at the subject site.

In accordance with the direction for planning proposals, the residential rezoning of the site would exhibit strategic and site-specific merit. The Proposal would facilitate increased housing choice to contribute to meeting the targets established by the Waverley LSPS as well as the housing targets of the WLHS and the District Plan. The site is accessible and there is adequate infrastructure to support future development. Public benefit, high quality planning, and urban design excellence could all be achieved through sensitively designed residential development that responds to the unique heritage and ecological attributes of the site.

The LSPS includes 17 Planning Priorities. The Planning Priorities of key relevance are considered in **TABLE 8** below:

TABLE 8. CONSISTENCY WITH LSPS PRIORITIES	
Planning Priority	Comments
Planning Priority 4 - Ensure the community is well serviced by crucial social and cultural infrastructure.	This Priority relates to social and cultural infrastructure such as schools, libraries, churches, community centres and halls, hospitals and cultural facilities. Whereas the subject site contains physical infrastructure (telecommunications tower) that has come to the end of its functional life. The subject site has provided for the telecommunications needs of the community. Due to advancements in technology, the telecommunications needs of the community can now be serviced from a smaller portion of the site. The Telstra building has been decommissioned. Accordingly, there is no longer a need to retain the existing SP2 Telecommunications zoning on the portion of the site that has been subdivided and the most logical future use of this land is R3 Medium Density Residential zone consistent with the adjoining properties.
Planning Priority 5 - Increase the sense of wellbeing in our urban environment.	This Priority recognises that 'wellbeing is greatly influenced by the amenity of our urban areas, including air quality and noise. Air quality can be improved through tree planting and reduction of traffic.' The proposed development will enable the retention of existing trees as well as planting of new trees and vegetation on the subject site to facilitate improvements to the urban area. The proposed development will make provision for active travel and reduced reliance on private vehicles.



TABLE 8. CONSISTENCY WITH LSPS PRIORITIES

Planning Priority	Comments
<p>Planning Priority 6 - Facilitate a range of housing opportunities in the right places to support and retain a diverse community.</p>	<p>Under Planning Priority 6 of the WLSP provides as follows:</p> <p style="text-align: center;"><i>Facilitate a range of housing opportunities in the right places to support and retain a diverse community</i></p> <p>The Planning Priority includes specific Housing Priorities as follows:</p> <p>Housing Priority H1 Encourage a range of housing options to support and retain a diverse community.</p> <p>The proposal will facilitate greater diversity and choice of housing that is fit-for purpose and provide a missing middle housing typology.</p> <p>Housing Priority H2 Manage housing growth sustainably and in the right location.</p> <p>As outlined above, the subject site is well located in relation to access to public transport as well as open space and services and facilities.</p> <p>Housing Priority H3 Increase the amount of affordable rental housing and social housing.</p> <p>The proposal will enable the introduction of a missing middle housing typology that provides a different price point to stand alone dwellings. Furthermore, the proposal will include a financial contribution to the provision of affordable housing.</p> <p>Housing Priority H4 Improve liveability, sustainability and accessibility through high quality residential design.</p> <p>In accordance with this Housing Priority, future housing will go above and beyond the minimum design and sustainability standards to ensure buildings are resilient and can be adapted for a range of needs.</p> <p>Housing Priority H5 Ensure new development is consistent with desired future character.</p> <p>Future development on the site will be consistent with the scale and form of development on adjoining and nearby sites.</p>
<p>Planning Priority 13 - Protect and grow our areas of biodiversity and connect people to nature.</p>	<p>As shown in Figure 13, the subject site is identified as being within a Biodiversity Habitat Corridor. Having regard for the expanse of the existing infrastructure and buildings occupying on the subject site, the Proposal will allow for a significant improvement in the ability of the subject site to provide deep soil planting, retain existing native canopy trees and associated landscaping to deliver improvements on outcomes associated with the existing habitat corridor.</p> <p>The WLSPS recognises that 'Council's strategy is to continue to grow the urban tree canopy on public and private land, as well as</p>



TABLE 8. CONSISTENCY WITH LSPS PRIORITIES	
Planning Priority	Comments
	requiring deep soil areas and a range of climate hardy plants on private property to both reduce the urban heat island effect, and improve conditions for wildlife'. The Planning Proposal will make provision for increased opportunities for deep soil planting including space for native canopy trees and vegetation to reduce the urban heat island effect and create habitat for wildlife.
Planning Priority 14 - Achieve net zero carbon emissions in the built environment.	Future development at the subject site will be subject to the provisions of the State Environmental Planning Policy (Sustainable Buildings) 2022 and will comply with all requirements of this legislation.
Planning Priority 16 - Plan for and manage our assets and urban environment, and support our community to adapt and be resilient to a changing climate.	<p>The WLSPS recognises that to 'reduce the urban heat island effect in our area, Council intends to grow the urban tree canopy which includes canopy on both private and public property'.</p> <p>As identified above, the proposed development will be designed to retain existing trees and provide for the introduction of additional deep soil planting space to allow for the planting of additional canopy trees and shrubs.</p>



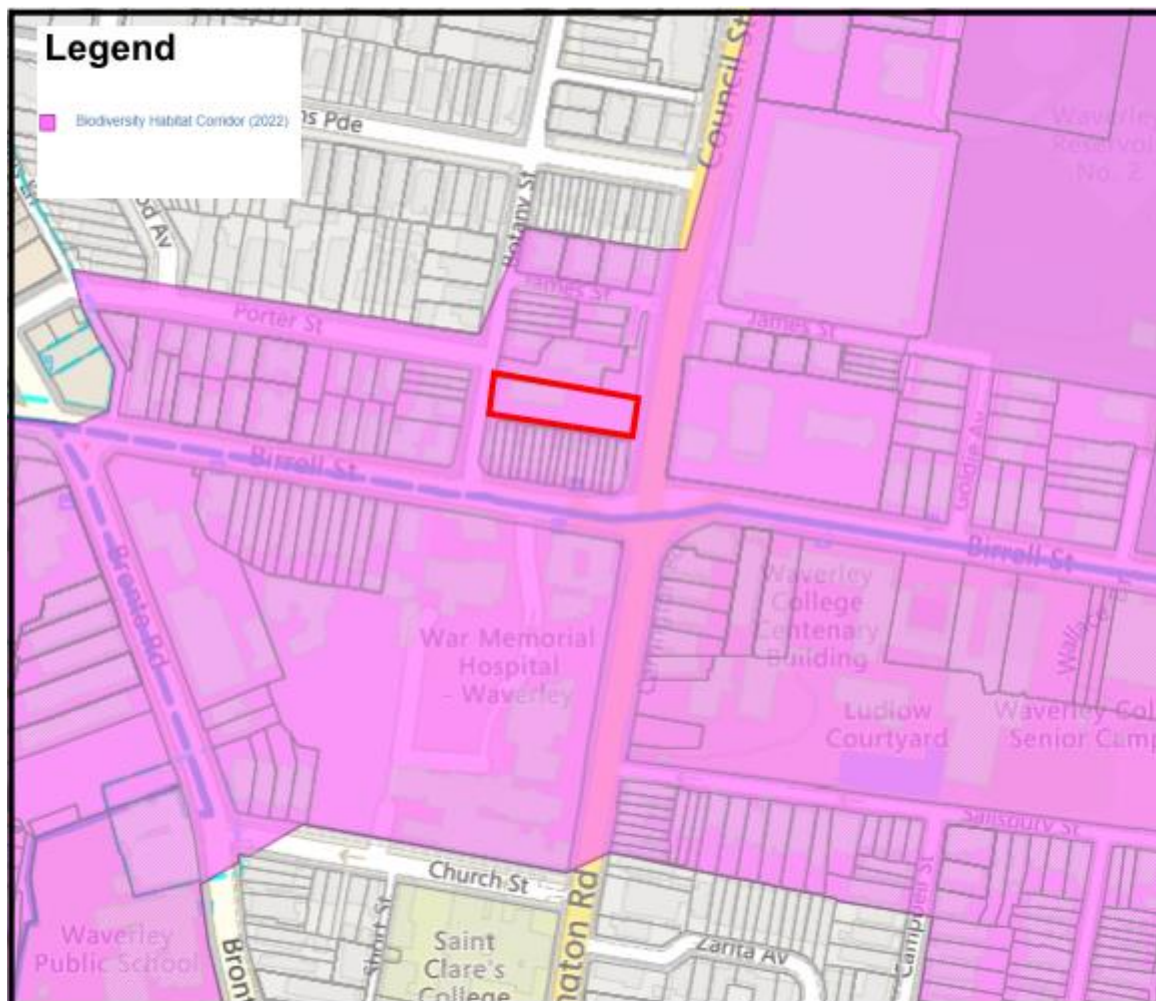


Figure 133. Biodiversity Habitat Corridor (Source: Waverley Council Discover Waverley Mapping Tool, 2023)

Waverley Local Housing Strategy

The Waverley Local Housing Strategy (WLHS) has introduced the following housing priorities to guide the future of housing in Waverley. Consideration of how the Proposal assists with the delivery of the Waverley housing priorities is outlined below:

Priority H1 - Manage housing growth sustainably and in the right locations.

Priority H1 recognises that 'there may be circumstances where changing the planning controls can facilitate the realisation of housing capacity and achieve better planning outcomes. In other cases, changes to the planning controls could enable a built form that responds better to surrounding context and creates a better urban environment.' It is considered that the circumstances of the subject site i.e. telecommunications infrastructure that has come to the end of its functional life, is a circumstance whereby a better planning outcome can be achieved through the delivery of much needed housing consistent with adjoining and nearby properties. Furthermore, it has been demonstrated that the Proposal can satisfy the 'Principles for Change' outlined in the LSPS and therefore warrants support.

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

The WLHS recognises that there will be future unmet demand for larger apartments that cater to families with children and a strong need for increasing housing diversity and choice. The Proposal will result in the delivery of 2 x 4 bedroom terrace and 5 x 3 bedroom terrace development. The proposed housing typology will provide for a housing product that is in short supply and high demand in the Waverley Local Government Area catering for local families who have outgrown their apartments but cannot afford a stand alone house as well as an older demographic who want to downsize out of their large family home but do not wish to live in an apartment. This type of product creates greater housing choice and diversity in the local housing market.

Priority H3 - Increase the amount of affordable rental housing and social housing.

The proposal will provide a financial contribution towards the provision of affordable housing.

The proposal will also result in a housing typology that differs from the dominant housing type in the Bondi Junction area, being residential flat buildings. The introduction of additional multi-dwelling housing/terrace style development will provide for additional housing options in the market.

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

Future development will achieve high quality design and sustainability standards to ensure it is resilient and can be adapted for a range of needs in accordance with the requirements of SEPP Sustainability and the requirements of Waverley Council's LEP and DCP.

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

The WLHS identifies that where the character of an area is highly valued, there are opportunities to maintain or enhance that character for the enjoyment of existing and future residents, workers and visitors.

As outlined in the Statement of Heritage Impact (**Appendix 3**)

- The planning proposal would engender a neutral heritage impact to the heritage significance of the Botany Street HCA and would ensure that a future development would be sympathetic to the existing and desired future character of the Botany Street HCA.
- The concept drawings for a potential future development at the subject site would adopt a form, scale and materiality that would be in keeping with the generality of the terrace style and semi-detached housing evident in the nearby heritage items, and Botany Street HCA.
- The proposed changing of the zoning to R3 would provide the opportunity for sympathetic, infill development at the site to reflect the current R3 zoning of the Botany Street HCA and nearby heritage items.
- Materials and colours that link the future development with the existing heritage fabric the site would, in Heritage 21's opinion, ensure that the future development would be sympathetic to the HCA while acknowledging the heritage item.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The PP is consistent with all applicable State and regional studies as discussed within this report. There are no other applicable studies or strategies to which the proposed PP is required to align.



Is the planning proposal consistent with applicable SEPPs?

TABLE 9. STATE ENVIRONMENTAL PLANNING POLICIES	
Policy	Details
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>The <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) contains planning provisions relating to:</p> <ul style="list-style-type: none"> land use planning within the coastal zone, in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>. management of hazardous and offensive development. remediation of contaminated land and to minimise the risk of harm. <p>In relation to the subject site, the following matters are highlighted.</p> <p><u>Remediation of land</u></p> <p>Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):</p> <ol style="list-style-type: none"> <i>it has considered whether the land is contaminated, and</i> <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i> <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i> <p>A Preliminary Site Investigation Report which assesses the subject site's suitability for the proposed development is provided at Appendix 6. The Preliminary Site Investigation Report identifies that 'there is potential for environmental impacts to exist associated with recent and historic activities at the site including: potential hazardous building materials in existing structures; chemical storage and use a; potential for fill material of unknown quality either imported to the site or containing hazardous materials from demolition of former structures; and historic use of part of the site as a motor vehicle mechanics.</p> <p>In order to assess the potential environmental impacts, the site will require a Detailed Site Investigation (DSI) in accordance with relevant NSW EPA guidelines and completion of any required remediation (if concentrations are identified that are above the relevant criteria for 'high density residential land use'). It is noted that the proposed design includes the bulk out for basement excavation across a large portion of the site which would require</p>



	the removal of soil from the site. This in turn would most likely remove any potentially contaminated soil. It is considered the site can be made suitable for the proposed residential land use subject to the completion of the further assessments. The potential for contamination to exist from current or former site uses does not preclude this site from being utilised for the proposed redevelopment.'
<i>State Environmental Planning Policy (Housing) 2021</i>	<p>With the changing needs of housing across NSW, the <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) intends to provide for more affordable homes, more choice of homes and new types of homes to meet these changing needs.</p> <p>The Housing SEPP includes provisions related to infill affordable housing whereby development that includes an affordable housing component of at least 10% and is carried out within an accessible area (the subject site meets the relevant criteria) may be eligible for FSR and Height bouses. The current proposal does not intend to access these provisions.</p> <p>In addition to the above, the Housing SEPP also includes provisions for residential flat buildings where the building is at least 3 stories and contains at least 4 dwellings. The scheme accompanying the PP does not include a residential flat building. However, if a future development on the subject site was to include a residential flat building the relevant provisions of the Housing SEPP would apply.</p>
<i>SEPP (Sustainable Buildings) 2022</i>	<p>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. Demonstrated compliance with the requirements of the SEPP would be provided with any future Development Application.</p> <p>The application does not change the manner in which this SEPP will apply to any future development application for new residential development.</p>
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	This SEPP establishes types of development for which development consent is not required. The change in zoning will permit differing types of exempt and complying development, subject to satisfying the relevant clauses within the Codes SEPP.
<i>SEPP (Biodiversity and Conservation) 2021</i>	<p>The PP does not change with way in which the SEPP would apply to the subject site or to future development on the site.</p> <p>As outlined within the Arboricultural Impact Assessment included at Appendix 4, the proposed development on the subject site will seek to preserve existing native canopy trees on the subject site and make provision for deep soil planting.</p>

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?



The Planning Proposal has been assessed against the Section 9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in **Table 10**.

TABLE 10. SECTION 9.1 MINISTERIAL DIRECTIONS	
Direction	Comment
1. Planning Systems	
1.1 Implementation of Regional Plans	As outlined in Section 4.2 above, the PP is consistent with the provisions of <i>The Greater Sydney Region Plan, A Metropolis of Three Cities</i> .
1.2 Development of Aboriginal Land Council land	N/A
1.3 Approval and Referral Requirements	The PP does not introduce any additional concurrence requirements or identify the development as designated development.
1.4 Site Specific Provisions	The PP intends to rezone the subject site to be consistent with the existing zoning of adjoining properties, introduce a minimum subdivision lot size consistent with adjoining properties and remove a redundant heritage listing. The PP is consistent with Direction 1.4.
1.4A Exclusion of Development Standards from Variation	N/A
1. Planning Systems - Place Based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A



1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A
1.14 Implementation of Greater Macarthur 2040	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A
1.16 North West Rail Link Corridor Strategy	N/A
1.17 Implementation of the Bays West Place Strategy	N/A
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A
1.19 Implementation of the Westmead Place Strategy	N/A
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A
1.21 Implementation of South West Growth Area Structure Plan	N/A
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A
2. Design and Place	
This Focus Area was blank when the Directions were made	N/A
3. Biodiversity and Conservation	
3.1 Conservation Zones	The PP will facilitate the preservation of native canopy trees on the subject site and allow for deep soil areas for additional landscaping. The PP will not reduce any conservation standards that apply to the land.
3.2 Heritage Conservation	<p>As outlined above, the subject site contains a telecommunications tower (at the eastern end of the subject site) which is a locally listed heritage item known as 'Telecommunication tower' (No. 1166) under Schedule 5 of WLEP2012.</p> <p>The heritage item was constructed in 1970 and is described by the NSW State Heritage Inventory as:</p> <p><i>Telecom Australia radio telephone terminal, said to be located on the highest point of the municipality, and a major landmark. Significant technology and a symbol of Waverley's place in the communications network. The tower is 82m high and supports radio systems for telephone, television and data services.</i></p>



	<p>The telecommunications tower has been approved for replacement under DA 79/2020 and the subsequent modification DA 79/2020/A. The telecommunications tower was approved for removal following consideration of the structure's integrity and relative safety concerns.</p> <p>Having regard for the proposal to remove the structure and replace it with a modern monopole, it is requested to remove the listing from the subject site.</p> <p>The subject site is also identified within a heritage conservation area, Botany Street Conservation Area (C3).</p> <p>The Statement of Heritage Impact notes as follows:</p> <ul style="list-style-type: none"> ▪ The planning proposal would engender a neutral heritage impact to the heritage significance of the Botany Street HCA and would ensure that a future development would be sympathetic to the existing and desired future character of the Botany Street HCA. ▪ The concept drawings for a potential future development at the subject site would adopt a form, scale and materiality that would be in keeping with the generality of the terrace style and semi-detached housing evident in the nearby heritage items, and Botany Street HCA. ▪ The proposed changing of the zoning to R3 would provide the opportunity for sympathetic, infill development at the site to reflect the current R3 zoning of the Botany Street HCA and nearby heritage items. ▪ Materials and colours that link the future development with the existing heritage fabric the site would, in Heritage 21's opinion, ensure that the future development would be sympathetic to the HCA while acknowledging the heritage item. <p>Further detailed consideration of heritage matters is provided in the Statement of Heritage Impact provided at Appendix 3. It is not proposed to remove the Botany Street HCA from the subject site.</p>
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3.5 Recreation Vehicle Areas	N/A
3.6 Strategic Conservation Planning	The subject site is not identified as avoided land or as being within a strategic conservation area. Accordingly, the provisions of Direction 3.6 are not applicable to the subject site.
3.7 Public Bushland	The PP will make provision for the retention of existing trees on the subject site and make allowance for deep soil planting. This will strengthen the viability of the existing flora and fauna corridor



	across the subject site that links public bushland and other nearby land. Accordingly, the PP is consistent with this Direction.
3.8 Willandra Lakes Region	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	N/A
3.10 Water Catchment Protection	N/A
4. Resilience and Hazards	
4.1 Flooding	N/A
4.2 Coastal Management	N/A
4.3 Planning for Bushfire Protection	N/A
4.4 Remediation of Contaminated Land	<p>A Preliminary Site Investigation Report which assesses the subject site's suitability for the proposed development is provided at Appendix 6. The Preliminary Site Investigation Report identifies that 'there is potential for environmental impacts to exist associated with recent and historic activities at the site including: potential hazardous building materials in existing structures; chemical storage and use a; potential for fill material of unknown quality either imported to the site or containing hazardous materials from demolition of former structures; and historic use of part of the site as a motor vehicle mechanics.</p> <p>In order to assess the potential environmental impacts, the site will require a Detailed Site Investigation (DSI) in accordance with relevant NSW EPA guidelines and completion of any required remediation (if concentrations are identified that are above the relevant criteria for 'high density residential land use'). It is noted that the proposed design includes the bulk out for basement excavation across a large portion of the site which would require the removal of soil from the site. This in turn would most likely remove any potentially contaminated soil. It is considered the site can be made suitable for the proposed residential land use subject to the completion of the further assessments. The potential for contamination to exist from current or former site uses does not preclude this site from being utilised for the proposed redevelopment.'</p>
4.5 Acid Sulfate Soils	N/A
4.6 Mine Subsidence and Unstable Land	N/A
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>A Parking and Traffic Impact Assessment Report is provided at Appendix 5 and concludes as follows:</p> <ul style="list-style-type: none"> An investigation of the public transport available was undertaken revealing several bus routes frequently passing near the subject site providing access to important destinations in the vicinity area Transport Hub at Bondi Junction.



	<ul style="list-style-type: none"> ▪ No SIDRA intersection assessment was required due to trivial number of projected trip generation from the subject development which does not warrant SIDRA modelling at this stage. ▪ The proposed parking layout and access ramp is designed in accordance to AS 2890.1-2004. ▪ As part of this report, a parking layout assessment was also undertaken. The proposed development provides a total of 12 parking spaces on the provided concept parking design plans. The parking provision complies with Waverley Council DCP Chapter B7 requirements. It is considered that the proposed provision of 12 car spaces will satisfy the actual parking demands likely to be generated by the development proposal and in the circumstances, it is concluded that the proposed development will not have any unacceptable parking implications. ▪ The investigation of the public transport options revealed a high level of bus and train accessibility to the site. Given these factors, and the results of the high-level intersection and mid-block analysis, it is clear that this development is sustainable in transport terms, with acceptable impacts on the local transport network.
5.2 Reserving Land for Public Purposes	N/A
5.3 Development Near Regulated Airports and Defence Airfields	N/A
5.4 Shooting Ranges	N/A
6. Housing	
6.1 Residential Zones	<ul style="list-style-type: none"> ▪ The existing telecommunications facility has come to the end of its functional life and has been decommissioned. As a result of changes in technology, the telecommunications infrastructure is now only needed to occupy a small portion of the eastern part of the subject site. ▪ The site is no longer needed for Telecommunications purposes and the current SP2 zoning precludes its development for other purposes. The site would however be suitable for more sensitive residential uses which would create a logical land use having regard for the adjoining properties. ▪ In accordance with the priorities of the LHS, LSPS, District Plan and Region Plan, the introduction of medium density residential accommodation on the subject site would provide additional housing capacity and supply, the right diversity of housing, and would assist in tackling affordability. This would in turn help make the established neighbourhood more complete, offering residents housing



	<p>diversity and opportunity to age in place, downsize within their community, or enter the property market within their social sphere.</p> <ul style="list-style-type: none"> ▪ The GCC's District Plan clearly identifies increased housing density in proximity to green amenity as a desirable outcome. The site benefits from green infrastructure and the introduction of medium density housing typology onto the site is consistent with the above. ▪ In accordance with the above, the PP is consistent with this Direction.
6.2 Caravan Parks and Manufactured Home Estates	N/A
7. Industry and Employment	
7.1 Employment Zones	The subject site is zoned SP2 and is proposed to be rezoned to R3. Accordingly, this Direction is not applicable.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	N/A
9. Primary Production	
9.1 Rural Zones	N/A
9.2 Rural Lands	N/A
9.3 Oyster Aquaculture	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A

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

The subject site is not identified as being subject to critical habitat or threatened species, populations or ecological communities or their habitats. As noted above, the subject site is identified as being part of a flora and fauna corridor. The PP will provide for the retention of canopy trees and increased deep soil planting.



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

As discussed above, the proposed change in zone brought about via the PP will not result in any detrimental environmental effects. The subject site does not comprise critical habitat, is not biodiversity certified, is not the subject of any biodiversity stewardship agreements, does not contain any native vegetation clearing set asides, and is not affected by any Property Vegetation Plans or Tree Orders. The PP will make provision for the protection of existing tree assets and the availability to plant additional trees and shrubs in deep soil zones.

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

A Social and Community Needs Assessment is provided at **Appendix 2** which identifies that the Planning Proposal will 'increase in the population of Waverley LGA by 19-20 people, which is likely to have largely imperceptible impact of need or demand for services. There is nothing to suggest that future residents will have demographic characteristics that will result in a risk of adverse social impacts.

The site is well serviced for the majority of community facilities likely to be required by residents of any development. While the provision of public open space within Waverley LGA is constrained, the marginal impact from approval of the Planning Proposal will be slight. Any potential impact can be mitigated by an increased level of enhancement of existing open space, and any development on the site will provide development contributions which can be used in part to provide additional enhancement of public open space.

Economically, the proposal to introduce an R3 zone at the subject site will generate employment during the construction phase and subsequent residents of the new development will contribute to demand for services and facilities in the surrounding community.

Is there adequate public infrastructure for the planning proposal?

As identified above, a Social and Community Needs Assessment is provided at **Appendix 2**. The Social and Community Needs Assessment includes consideration of the impact of the PP on public infrastructure. It is identified that any future development on the subject site will require development contributions under Waverley Council Development Contributions Plan 2006 and contributions and additional rate income will support the provision of additional community services and facilities by Waverley Council.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date.

It is acknowledged that Waverley Council would consult with relevant public authorities following the Gateway determination.



PART E MAPPING

The PP will require amendment to the following WLEP 2012 maps:

- Land Use Zoning Map - change the zone of the subject site from SP2 Infrastructure to R3 Medium Density.
- Lot Size Map - introduce a minimum lot size of 232m².
- Heritage Map – remove the heritage listing from the subject site.



PART F COMMUNITY CONSULTATION

Schedule 1 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that the Planning Proposal would be required to be publicly exhibited for 28 days in accordance with the requirements of DPE guidelines '*A Guide to Preparing Local Environmental Plans*'.

It is anticipated that the public exhibition would be notified by way of:

- A notice on the Waverley Council website.
- Written correspondence to adjoining and surrounding landowners.

The Gateway determination, Planning Proposal and specialist studies would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.



PART G PROJECT TIMELINE

Having regard for the Planning Proposal Categories identified in the 'Local Environmental Plan Making Guideline', the PP includes the following:

- A change to the land use zone of a single allotment where the proposal is consistent with the objectives identified in the LEP for the proposed zone.
- Altering a development standard of the LEP for a single allotment (minimum lot size to be consistent with adjoining land).
- Removing a local heritage item.
- Consistency with an endorsed District/Regional Strategic Plan and LSPS.

In accordance with the above, the PP is identified as a 'Basic' planning proposal.

Maximum Benchmark Timeframes (working days)	
Stage 1 – Pre-lodgement	30 days
Stage 2 – Planning Proposal	80 days
Stage 3 – Gateway determination	25 days
Stage 4- Post Gateway	20 days
Stage 5 – Public Exhibition & Assessment	70 days
Stage 6 – Finalisation	25 days
Sub-total (Department target)	140 working days
Total (end to end)	220 days



PART H CONCLUSION

The proposed amendment to WLEP 2012 would enable the creation of a sensitively designed residential development on land that would otherwise remain redundant due to the existing telecommunications facility coming to the end of its functional life. As a result of changes in technology, the telecommunications infrastructure is now only needed to occupy a small portion of the eastern part of the subject site. The PP is appropriate for the following reasons:

- The existing telecommunications facility has come to the end of its functional life and has been decommissioned. As a result of changes in technology, the telecommunications infrastructure is now only needed to occupy a small portion of the eastern part of the subject site. The existing Telstra building has been decommissioned.
- The site is no longer needed for Telecommunications purposes and the current SP2 zoning precludes its development for other purposes. The site would however be suitable for more sensitive residential uses which would create a logical land use having regard for the adjoining properties.
- In accordance with the priorities of the LHS, LSPS, District Plan and Region Plan, the introduction of medium density residential accommodation on the subject site would provide additional housing capacity and supply, the right diversity of housing, and would assist in tackling affordability. This would help make the established neighbourhood more complete, offering residents housing diversity and opportunity to age in place, downsize within their community, or enter the property market within their social sphere.
- The GCC's District Plan clearly identifies increased housing density in proximity to green amenity as a desirable outcome. The site benefits from green infrastructure and the introduction of medium density housing typology onto the site is consistent with the above.
- The proposed LEP amendment aligns with the relevant Section 9.1 Ministerial Directions.
- No notable land affections have been identified that suggest the proposed land use could not be suitably designed on the subject site.
- The PP will facilitate urban renewal of the land that is no longer required for SP2 Infrastructure (Telecommunications) purposes;
- The PP will enhance the ecological values of the site;
- The PP will minimise land use conflicts by permitting land uses that are sympathetic to the existing character of the area by creating a sensitive residential development that is consistent with the established residential neighbourhoods surrounding the subject site;
- The PP will deliver new housing supply and improve dwelling diversity in the local area by providing appropriate housing typologies that will co-exist with the natural and infrastructure assets of the site without compromising their environmental or heritage significance;
- The PP will make a financial contribution to the provision of affordable housing; and
- The PP will remove a redundant heritage listing.

It is therefore recommended that the proposed amendment to WLEP 2012 is favourably considered by the Council, and that the necessary steps are pursued to enable it to proceed to Gateway Determination under Section 3.34 of the EP&A Act.

