



## **Planning Proposal**

### **Amendment to Waverley Local Environmental Plan 2012 to increase the Building Height and FSR to facilitate a mixed-use development**

439-441 & 443-445 Old South Head Road & 1 The  
Avenue, Rose Bay

Lot 1 in DP 1176337, Lot 6 in DP 4346 & SP 55776

**Prepared by Willowtree Planning Pty Ltd on  
behalf of Evolve Project Consulting**

**October 2020**

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012

Additional Height and FSR

439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 1176337 and Lot 6 DP 4346 & SP 55776)

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## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776)

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>PART A LAND TO WHICH THIS PLANNING PROPOSAL APPLIES .....</b>	<b>9</b>
1.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT .....	9
1.2 LOCAL AND REGIONAL CONTEXT .....	12
1.3 PLANNING CONTEXT .....	13
1.3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.....	13
1.3.2 WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012 .....	14
1.3.3 DEVELOPMENT STANDARDS .....	17
1.3.4 STATE ENVIRONMENTAL PLANNING POLICY No. 55 (REMEDICATION OF LAND) .....	21
1.3.5 STATE ENVIRONMENTAL PLANNING POLICY No. 65 DESIGN QUALITY OF RESIDENTIAL APARTMENT BUILDINGS .....	22
1.3.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS .....	22
1.3.7 WAVERLEY DEVELOPMENT CONTROL PLAN 2012 .....	22
1.4 COMMUNITY ENGAGEMENT .....	23
<b>PART B OBJECTIVES OR INTENDED OUTCOMES.....</b>	<b>24</b>
2.1 OBJECTIVES AND INTENDED OUTCOMES.....	24
<b>PART C EXPLANATION OF PROVISIONS .....</b>	<b>25</b>
3.1 OVERVIEW .....	25
3.2 CONCEPTUAL BUILT FORM .....	25
3.3 GREEN LINKS, LANDSCAPE AND PUBLIC DOMAIN .....	26
3.4 DESIGN PARAMETERS AND ADG COMPLIANCE .....	28
3.5 RETENTION OF HERITAGE.....	29
3.6 AMENDMENT TO WAVERLEY LEP 2012 HEIGHT OF BUILDINGS .....	29
3.7 AMENDMENT TO WAVERLEY LEP 2012 FSR .....	32
<b>PART D JUSTIFICATION FOR PROPOSED LEP AMEDMENT .....</b>	<b>36</b>
4.1 NEED FOR THE PLANNING PROPOSAL .....	36
4.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT? .....	36
4.1.2 GREATER SYDNEY REGION PLAN.....	37
4.1.3 EASTERN CITY DISTRICT PLAN .....	38
4.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES OR IS THERE A BETTER WAY? .....	42
4.1.3 IS THERE A NET COMMUNITY BENEFIT? .....	42
4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	46
4.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN PLAN AND EXHIBITED DRAFT STRATEGIES)?.....	46
4.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OF OTHER LOCAL STRATEGIC PLAN? .....	46
4.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (SECTION 9.1 DIRECTIONS)? .....	58
4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT .....	62
4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OF THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL? .....	62
4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED? .....	62
4.3.3 How has the planning proposal adequately addressed social and economic effects? .....	66
4.3.3 4 How has the planning proposal adequately addressed social and economic effects?.....	66
4.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH GATEWAY DETERMINATION? .....	66
<b>PART E COMMUNITY CONSULTATION .....</b>	<b>67</b>
<b>PART F CONCLUSION.....</b>	<b>68</b>

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776)

## TABLES

<i>Table 1: Potential Proposed Land Use</i> .....	17
<i>Table 2: WLEP 2012 Development Standards</i> .....	17
<i>Table 3: Indicative Floor Space Schedule</i> .....	25
<i>Table 4: WLEP2012 Building Height Objectives</i> .....	30
<i>Table 5: WLEP2012 FSR Objectives</i> .....	32
<i>Table 6: Net Community Benefit</i> .....	42
<i>Table 7: Principles for Change</i> .....	48
<i>Table 8: State Environmental Planning Policies</i> .....	57
<b>Table 9: Section 9.1 Ministerial Directions</b> .....	58

## FIGURES

<i>Figure 1: Aerial view of the Site and the existing lot layout (Source: Roberts Day)</i> .....	9
<i>Figure 2: Southern elevation of the Site when viewed from Old South Head Road (Source: Roberts Day)</i> .....	10
<b>Figure 3: Northern elevation of the Site when viewed from Old South Head Road (Source: Google Maps)</b> .....	11
<i>Figure 4: Existing Site Development (Source: SIXMaps, 2020)</i> .....	11
<b>Figure 5: Cadastral Map (Source: SIXMaps, 2020)</b> .....	12
<i>Figure 6: Local Context of the Site (Source: Roberts Day)</i> .....	13
<i>Figure 7: Zoning Map (Source: NSW Legislation)</i> .....	16
<i>Figure 8: Surrounding Zones Map (Source: NSW Legislation)</i> .....	19
<i>Figure 9: FSR Map (Source: NSW Legislation)</i> .....	20
<i>Figure 10: Height Map (Source: NSW Legislation)</i> .....	21
<i>Figure 11: Conceptual built form (Source: Team 2 Architects) (To be updated with Roberts Day image)</i> .....	25
<i>Figure 12: Vision for the Site (Source: Roberts Day)</i> .....	26
<i>Figure 13: Connectivity and tree canopy (Source: Roberts Day)</i> .....	27
<i>Figure 14: Photomontage of proposed place making public plaza (Source: Roberts Day)</i> .....	28
<i>Figure 15: WLEP2012 Heritage Map (Source: NSW Legislation)</i> .....	29
<i>Figure 16: Proposed amendment to Building Height Map (Source: NSW Legislation 2020)</i> ....	32
<i>Figure 17: Eastern City District (Source: Eastern City District Plan, GSC)</i> .....	39
<i>Figure 18: Green Grid (Source: Eastern City District Plan, GSC)</i> .....	41
<i>Figure 19: Rose Bay Implementation Plan (Source: Waverley LSPS)</i> .....	47
<i>Figure 20: Response to the Waverley LSPS (Source: Waverley LSPS)</i> .....	48
<i>Figure 21: Public Transport Routes (Source: Waverley LSPS)</i> .....	55
<i>Figure 22: Response to the 11 themes (Source: Roberts Day)</i> .....	57
<i>Figure 23: The corner retail shop of the original Soos Bakery (Source: Kovacs Architects)</i> .....	64

## APPENDICES

<b>Appendix 1</b>	Survey Plan
<b>Appendix 2</b>	Urban Design Report
<b>Appendix 3</b>	Heritage Impact Assessment
<b>Appendix 4</b>	Community Consultation Strategy
<b>Appendix 5</b>	Environmental Site Assessment
<b>Appendix 6</b>	Strategic Merit Test

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

## EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Willowtree Planning Pty Ltd on behalf of Evolve Project Consulting in relation to the site located at 439-441, 443-445 Old South Head Road & 1 The Avenue, Rose Bay (the Site). The Site is legally described as Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776. The proposal seeks to amend the *Waverley Local Environmental Plan 2012* (WLEP 2012) to obtain additional height and FSR across the Site.

The proposed additional height and FSR intends to facilitate the future development of the Site for a mixed-use development that exceed the maximum permitted under the current WLEP 2012, being the primary Environmental Planning Instrument (EPI) applicable to the Site.

The proposed LEP amendments intend to facilitate the development and use of the Site as a mixed-use micro-centre offering a complementary suite of community facilities, neighbourhood shops and residential accommodation, complemented by green landscaping and enhanced public domain space.

Compared to the existing situation, a significant increase in residential accommodation offering will result, support higher densities of employment and offer more diverse business investment and job opportunities including the potential to facilitate co-working spaces and community facilities. This would support the creation of approximately 130 new jobs on the Site. Accordingly, the proposal would promote significant economic benefits.

The design concept for the Site envisages a part 5 and 6 storey building which follows the natural topography of the land. Ground floor neighbourhood shops, community facilities and the like would be provided at ground and level 1 with a focus on the activation of The Avenue and the street corner. A mix of residential apartments, including 'garden' and 'terrace' apartments, would be offered to the upper levels.

The proposal also poses the opportunity to deliver significant public benefit through the retention of the existing Soos Bakery which is nominated as an archaeological item of local significance. Additionally, the proposal will facilitate an enhanced public domain space along The Avenue northern frontage.

To demonstrate the potential for the Site to be redeveloped for a mixed-use development, an Urban Design Report has been prepared (**Appendix 2**). A summary of the key planning metrics for the concept scheme is provided below:

<i>Concept Design (Team2 Architects 2020)</i>	
<b>Planning Metric</b>	<b>Concept Proposal</b>
Site Area	1,736m <sup>2</sup>
Floor Space Ratio (FSR)	2.5:1
Building Height	25m
Car Parking	51 spaces

The proposed amendments to WLEP 2012 are considered appropriate for the following reasons:

- The proposed WLEP 2012 amendment would enable the future development of the Site for a mixed-use development. The proposed uses intended for the Site and the uses considered to assist in demand in the area are all permitted with consent within the R3 zone.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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- However, a suitable density and height is not considered to be currently facilitated on the Site by the current controls. As such an increase in height and FSR is sought across the prominent corner Site.
- To ensure this corner can be revitalised and additional employment can be provided, whilst retaining the café use on the Site and also catering for delivering residential accommodation to provide more housing diversity, a variation to the development standards are proposed.
- Regardless of the proposed variations to the development standards the proposal and the proposed uses will continue to achieve the objectives of the R3 Medium Density Residential zone.
- To ensure that an increase in terms of the existing employment is created on the Site, a variation to the FSR and height is proposed to ensure that a mixed-use development can be facilitated on the Site.
- As envisaged by the Waverley Local Strategic Planning Statement (LSPS), high-rise developments will not align with the vision for the Waverley LGA, a midrise development compatible with the character of the Rose Bay area that will provide services to the existing and proposed residential development that also integrates with the variety of built form densities in the general surrounding area is considered more suitable.
- An identified challenge within the LSPS outlines that impacts on heritage properties as a result of overdevelopment and, particularly high-rise development. The proposal provides a direct response as it will retain the existing Heritage Item located on the Site, provide a mid-rise development which is sympathetic to the surrounding R3 medium density zone whilst enhancing the existing corner site and providing north facing public domain area.
- The proposal will be consistent with existing development patterns within the area providing pockets of mixed-use development which will further strengthen the Rose Bay area.
- Whilst the Site is not identified as a B1 Neighbourhood Centre nor a B4 Mixed Use zone, these zones are currently subject to maximum heights which vary from 9m-13m and FSR's which vary from 0.9-5:1.
- Precedence for the additional height and FSR can be seen on 355-357 Old South Head Road, North Bondi which is located approximately 500m south of the Site. Existing development located on this Site consists of a 9-storey residential flat building, which also avails of a maximum height of buildings of 12.5m and a maximum FSR of 0.9:1 under the WLEP 2012 controls. Although, a copy of the consent relating to 355-357 Old South Head Road was sought, Council confirmed that no records relating to this property are on file. Therefore, although a copy of the current approval and the approved maximum height and FSR have not been reviewed, it is apparent that an exceedance of the maximum height and FSR are provided for this site.
- Notwithstanding this, the proposal does not seek to vary the development standards to the extent of the above mentioned existing exceedance however, this application proposes to seek additional height and FSR to result in a more modest increase which can provide the necessary employment and residential accommodation to result in a



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

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cohesive and micro scale local centre which is considerate of the surrounding R3 medium density residential zone and existing character of the area.

- The above mentioned property located at 355-357 Old South Head Road provides an example of zone interfaces where flexibility in heights and FSRs has previously been upheld by Council, as demonstrated through the existing surrounding built form located at 355-357 Old South Head Road, North Bondi where the proposed built form which exceeds the height and adjoins an R2 Low Density residential zone to the east.
- The above-mentioned examples where Waverley Council have exercised flexibility in terms of height and FSR have allowed such increases to R3 zoned land which immediately adjoins low density residential zoning, as previously outlined.
- Notwithstanding the above, the subject Site which is zoned R3 Medium Density, directly adjoins R3 zoned land to the east and provides frontage to three (3) streets, such as The Avenue to the north, William Street to the south and Old South Head Road to the west. Beyond the above nominated streets, R3 Medium Density zoned land is provided also. The opposite side of Old South Head Road (located to the west of the Site) is not located within the Waverley Local Government Area (LGA) and forms part of the Woollahra LGA.
- On this basis, increased density within residential zones has previously been upheld by Council, as demonstrated through the pre-existing higher densities provided in multiple locations throughout the LGA.
- Overall, the proposal is consistent with state, regional and local strategic planning framework. As described through this report, the proposal is specifically consistent with the NSW State Priorities, *Direction for a Greater Sydney, Greater Sydney Region Plan – A Metropolis of Three Cities, Eastern City District Plan*, the *Waverley Community Strategic Plan 2018-2029* and the *Waverley Local Strategic Planning Statement (Waverley LSPS)*.
- The future provision of this mixed-use building on the Site would achieve a number of the *NSW State Priorities*, including supporting economic investment and job creation, making efficient use of established road and immediately adjoining public transport infrastructure whilst also providing jobs, services and facilities in close proximity to existing and new housing. The proposal will enhance the currently underutilised area and further support the area's growing population and particularly the younger family status which is becoming more prevalent within the area.
- In accordance with the Waverley Local Strategic Planning Statement (LSPS) document which plans for Waverley's economic, social and environmental needs until 2036, the proposal will align with the objectives. The proposal will offer opportunities for entertainment and increased community facilities, access to high-quality open spaces and public amenities, aspiring to improve environmental performance of the built environment to try and meet and achieve Council's environmental targets, contribute to innovation economy and support for start-ups whilst also enhancing landscaping and tree canopy.
- Particularly as outlined in the *Waverley Community Strategic Plan 2018-2029*, the vision is to provide a diverse and liveable place, *avoid further high rise development and over development in general*, protect heritage buildings and provide more affordable housing whilst considering sustainable growth and development. The proposal seeks to address each of these items by providing a mid-rise development, retains existing heritage (archaeological site) on the Site and introduce additional and

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

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diverse forms of accommodation whilst ensuring sustainable practices and best practise energy efficiencies and sustainable mechanisms are incorporated as part of the development.

- In addition, the proposal will support the provision of development along the Green Grid (Old South Head Road) to encourage pedestrian and cycling connections and thus improve opportunities for people to experience nature and improve amenity. Also, taking into consideration the adjoining bus services located immediately adjoining the Site. The proposal will also provide accommodation and enhanced public domain areas in close proximity to the existing golf course further enhancing the outlook awarded from the Site and increasing amenity for future residents.
- The proposal will provide a direct response to the Waverley LSPS as it will create placemaking initiatives along key corridors such as Old South Head Road.
- Other amenities such as Bondi Beach is located to the south-east of the Site which is easily accessed *via* existing public transport located adjacent the Site which provides connections to Bondi Junction and Bondi Beach and further responds to the community vision of the Waverley Community Strategic Plan 2018-2029 to connect the city and the sea. Additionally, the Village Centre Strategy will inform the delivery of local and neighbourhood centres within the LGA in accordance with Council's comprehensive policy to ensure that these centres continue to contribute significant heritage and character to the local area.
- The proposed LEP amendment aligns with the relevant Section 9.1 Ministerial Directions including as they relate to residential zones and the integration of land use and transport.
- The proposal would generate positive benefits for the local and regional community through the provision of revitalised development in the form of the existing café local retail/business and community facilities and residential accommodation in walking distance of growing population catchments and a local workforce base.
- Whilst the Site is identified as an archaeological site of local significance, affected by Class 5 acid sulfate soils, the future development of the Site may be suitably designed with respect to these. In addition, a Stage 1 Site Environmental Site Assessment (**Appendix 5**) has been undertaken for the Site. Essentially, this report outlines that the Site can be made suitable for residential development assuming the recommendations outlined within the report are undertaken prior to redevelopment. Regardless, it is considered that subject to the implementation of the recommendations of the report, that future development on the Site may be suitably designed with respect to these constraints. This has been demonstrated through the historic development of the Site.
- The proposal would generate positive benefits for the local and regional community through the provision of retail services in walking distance of growing population catchments and a local workforce base, enhanced facilities and services to meet the day to day needs of surrounding residents. The proposal is therefore in the public interest.

The Site is therefore considered suitable for a mid-rise development which the proposed amendment to WLEP 2012 would enable. Accordingly, it is requested that the Planning Proposal is supported.



## **PLANNING PROPOSAL**

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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The Planning Proposal is structured in accordance with the following:

- Part A Land to Which the Planning Proposal Applies
- Part B Objectives or Intended Outcomes
- Part C Explanation of Provisions
- Part D Justification for Proposed LEP
- Part E Community Consultation
- Part F Conclusion

<b>Appendix 1</b>	Survey Plan
<b>Appendix 2</b>	Urban Design Report
<b>Appendix 3</b>	Heritage Impact Assessment
<b>Appendix 4</b>	Community Consultation Strategy
<b>Appendix 5</b>	Environmental Site Assessment
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## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

## PART A LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

### 1.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT

The Site is identified as 439-441 & 443-445 Old South Head Road and 1 The Avenue, Rose Bay, being legally described as Lot 1 DP 1176337, Lot 6 DP 4346 and SP 55776.

The Site exhibits an area of 1,736m<sup>2</sup> which is awarded three (3) street frontages. To the north of the Site, the Site is awarded frontage to The Avenue which provides a 47m dimension, a southern frontage to William Street which provides a 49m dimension and a western boundary which fronts Old South Head Road to the west and provided with a 36m dimension.

Existing improvements on the Site consist of three (3) lots. The existing archaeological item which is used as a bakery (Item No. A538) and referred to as SOOS bakery is located on 443-445 Old South Head Road. This provides a two (2) storey inter-war shop top terrace on the north-western corner. The built form located on 1 The Avenue provides a three-storey flat building. To the south of the bakery building, a hardstand area for car parking is provided which separates the single storey inter-war shop located on the south west corner. Fronting William Street to the south, a motor mechanic's workshop is situated which extends to the boundary of the neighbouring substation site. A martial arts studio occupies the building which fronts Old South Head Road and also located at 439-441 Old South Head Road. See **Figure 1** below image which provides the boundary of each lot located on the Site.



**Figure 1: Aerial view of the Site and the existing lot layout (Source: Roberts Day)**

Access to the Site is currently provided for each of the three (3) lots. The mechanic and single storey building obtains access from William Street and access to the car park is located adjacent the bakery from Old South Head Road. Access to the residential flat building located on the northern boundary is obtained from The Avenue, along the eastern boundary with the adjoining substation.

One (1) traffic lane travelling in each direction is provided along Old South Head Road across the front of the Site. The Site is located adjacent the intersection of Newcastle Street and Old South Head Road where access to Newcastle Street can only be obtained when travelling in a northerly direction. Access to The Avenue cannot be obtained from Old South Head Road when heading in a northerly direction, as a traffic island is located through the road to

## PLANNING PROPOSAL

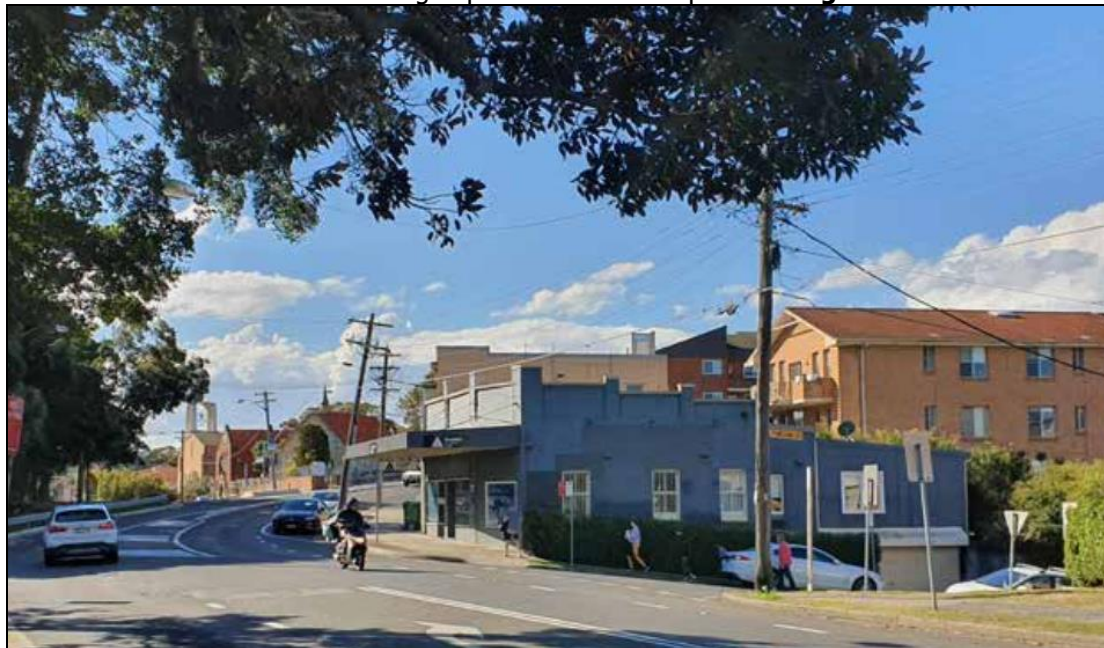
Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

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mitigate this. Access to William Street permits right-in, left-in, right-out and left-out movements.

Established vegetation on the Site comprises some trees, shrubs and vegetation located along the northern boundary of the Site, to the rear of the bakery and in front of the residential flat building. Some shrubs are also located along the southern boundary and within the dwelling back garden area which appears to separate the motor mechanic and the dwelling house.

The location of the Site and existing improvements are depicted in **Figures 2 and 3** below.



**Figure 2: Southern elevation of the Site when viewed from Old South Head Road (Source: Roberts Day)**



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)



Figure 3: Northern elevation of the Site when viewed from Old South Head Road (Source: Google Maps)



Figure 4: Existing Site Development (Source: SIXMaps, 2020)

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

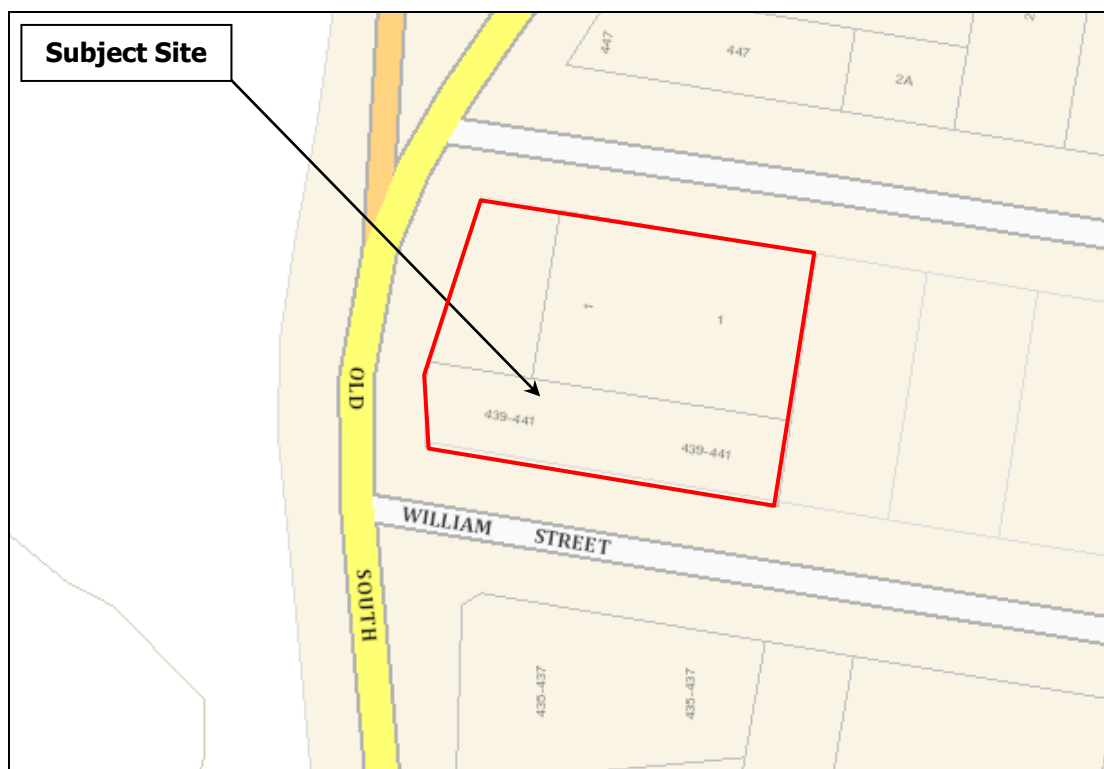


Figure 5: Cadastral Map (Source: SIXMaps, 2020)

### 1.2 LOCAL AND REGIONAL CONTEXT

The Site is located within the suburb of Rose Bay and is located approximately 6km east of the Sydney Central Business District (CBD).

The Site context is mixed use in character, and includes old style residential flat buildings, dwelling houses, business premises, cafes, shops and significant green open spaces and community facilities such as the Royal Sydney Golf Club, Woollahra playing fields, tennis courts and bowling greens. Rose Bay RSL, Woollahra Sailing Club and Rose Bay Beach are located less than 1km north of the Site. Existing development ranges in age of construction, style and density providing predominantly low rise and mid-rise residential development.

As previously outlined above, part of the Site known as 443-445 Old South Head Road is identified as an archaeological item of local significance (A538) and is referred to as SOOS Bakery pursuant to the WLEP 2012.

The Site is located less than 50m walking distance from a bus stop (Bus ID: 202941 & 202920) which services Vaucluse, Bellevue Hill, Bondi Junction and Rose Bay in both directions.

Resulting from the proximity of the Site to public transport, active transport networks and services, in addition to the anticipated green grid, which passes the front of the Site and connects Rose Bay and Bondi Beach *via* Old South Head Road, the Site offers a high walkability rating, as numerous services to meet the day to day needs of residents and workers are in proximity of the site and do not need to rely on car ownership.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776



Figure 6: Local Context of the Site (Source: Roberts Day)

### 1.3 PLANNING CONTEXT

#### 1.3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A Planning Proposal must have consideration to the objectives of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The objects 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.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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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 Site is not identified within an area of biodiversity and accordingly the proposal would not exhibit any adverse impact on the natural environment or other resources. Additional planting in the form of roof gardens and green walls may be considered within the proposal to ensure that enhanced sustainable mechanisms can be facilitated on the Site.
- The proposal would create opportunities for ecologically sustainable development that achieves economic, environmental and social objectives.
- The proposal would facilitate the orderly and economic use and redevelopment of land which is currently underutilised by enabling a mixed-use development which provides additional diverse and affordable accommodation, enhanced public domain spaces in direct proximity of transport infrastructure, residential development and land designated to facilitate services and facilities to meet the day to day needs of the surrounding residents.
- The proposal would support surrounding communities by providing new jobs and services to support the growth anticipated whilst retaining heritage and character of the local area.
- The Site comprises heritage significance as part of the existing built form which is identified as an Archaeological Site of local significance pursuant to the WLEP 2012, which is proposed to be retained.
- 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 and enhanced public domain space.

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

### 1.3.2 WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012

The Site is subject to the provisions of WLEP 2014. The aims of WLEP 2012 are:

- (1) *This Plan aims to make local environmental planning provisions for land in Waverley in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
  - (a) *to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
  - (b) *to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,*
  - (c) *to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,*
  - (d) *to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,*
  - (e) *to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,*

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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- (f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,*
- (g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.*

The proposal is consistent with the aims of WLEP 2012 as it seeks to continue to use the land for retail and residential activities to meet the needs of local and regional populations, whilst protecting and incorporating the environmental and heritage significance assets of Waverley.

The proposal will result in a revitalised prominent corner which retains existing heritage whilst producing more diverse accommodation and additional supply to contribute to delivering more affordable forms of accommodation.

Relevant zoning and development standards are summarised in the subsequent sections.

The Site is located within the Waverley LGA and is subject to the provisions of the WLEP 2012. Relevant development standards are summarised in the subsequent sections of this report.

### Zoning and Permissibility

The Site is identified as being zoned R3 Medium Density Residential and the objectives are as follows:

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

A range of land uses are being considered for inclusion on the Site to create a new micro scale local centre which provides live-work opportunities, active street frontages incorporating potential late night uses and employment opportunities whilst remaining sensitive to the existing surrounding residential uses and heritage items of local significance.

Development for any of the following purposes is permitted without consent within the R3 Medium Density Zone.

*Home occupations.*

Development for any of the following purposes is permitted with consent within the R3 Medium Density Zone.

*Attached dwellings; Bed and breakfast accommodation; **Boarding houses**; Building identification signs; Business identification signs; **Centre-based child care facilities**; **Community facilities**; Group homes; Home industries; **Kiosks**; **Markets**; **Multi dwelling housing**; **Neighbourhood shops**; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture;*

Any other development which is not specified as being permitted without consent or prohibited within the zone is permitted with consent.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP 557245 and SP 55776)

Development for any of the following purposes is **prohibited** on land within the R3 Medium Density Zone.

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

Accordingly, **neighbourhood shops** and most forms of **residential accommodation** are **permitted** with consent on the Site. Although, cafes are not expressly permitted, the retention of the existing café/bakery use will be proposed and further detailed in any future Development Application.

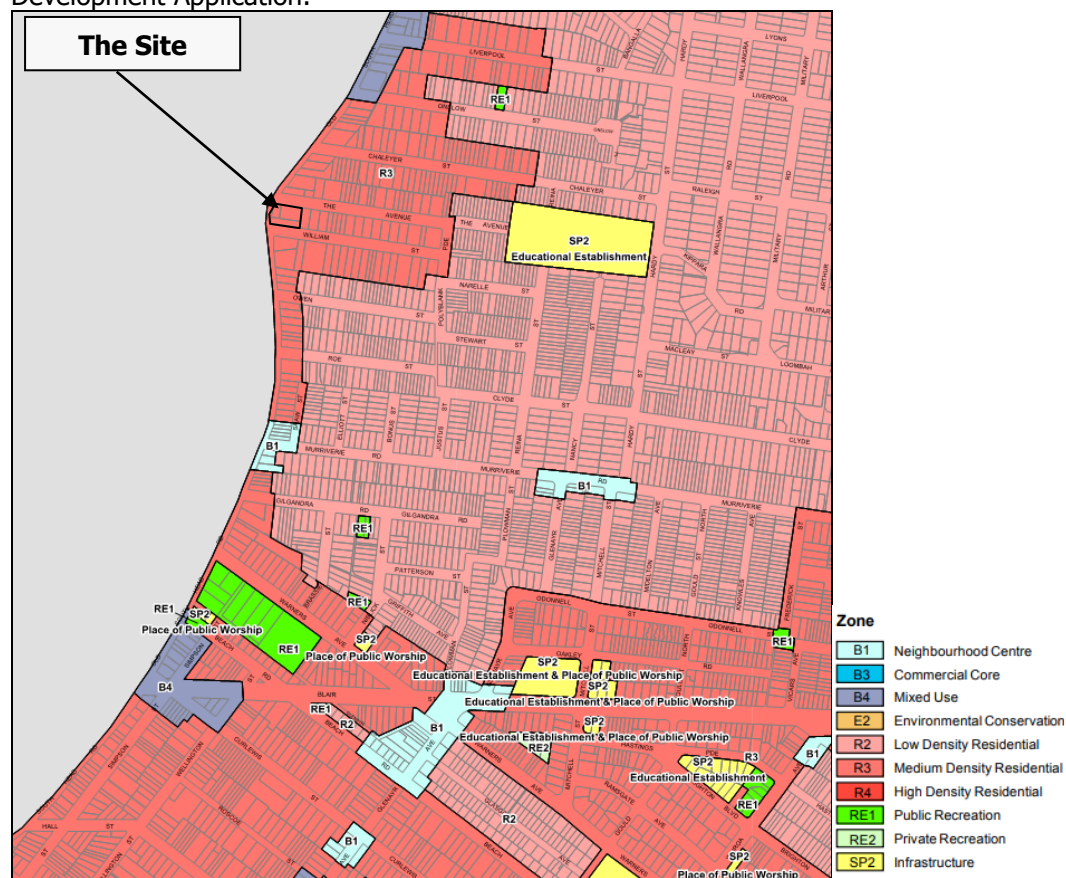


Figure 7: Zoning Map (Source: NSW Legislation)

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

The potential uses, corresponding WLEP 2012 land use definitions and current permissibility, are outlined in **Table 1** below.

Table 1: Potential Proposed Land Use		
Proposed Use	WLEP2012 Land Use Definition	Current Permissibility
Collaborative spaces and break-out spaces	Community facilities	Permitted with consent
Shops and ancillary services to provide for day to day needs	Neighbourhood Shops, Kiosks	Permitted with consent, Clause 5.4(6) of the WLEP permits a maximum GFA of 20m <sup>2</sup> for kiosks and Clause 5.4(7) permits a maximum GFA of 80m <sup>2</sup> for neighbourhood shops.
Childcare facility	Centre-based childcare facilities	Permitted with consent
Market – to allow for sale of goods for start-ups/creative sector	Markets	Permitted with consent
Creative business space	Business Premises	Prohibited
Art gallery/exhibition and display of items/library	Information and education facilities	Permitted with consent
Live-work dwellings	Residential Accommodation	Permitted
	Home Occupations	Permitted without consent
	Home Industries	Permitted with consent (Clause 5.4 limits the home industry to 30m <sup>2</sup> of floor area)
	Shoptop housing	Prohibited
	Multi dwelling housing	Permitted with consent

The above uses will permit services and shops to service the needs of people who live and work in the area whilst also providing services to meet the surrounding residential developments, resulting in increased pedestrian activity and less car journeys. Additional flexible spaces as defined above in the land use definitions are considered to accommodate and encompass the following, more specific, creative sector types whilst retaining local talent and start-ups/entrepreneurs in accessible and affordable start up spaces.

The proposal will generally be consistent with the existing controls as the majority of uses anticipated for this location and are already permitted with consent on the Site.

### 1.3.3 DEVELOPMENT STANDARDS

The development standards applicable to the Site and its surrounds are summarised below in **Table 2**.

Table 2: WLEP 2012 Development Standards		
WLEP 2012 Clause	Standard Applicable to Site	Standard Applicable to Surrounds
Minimum Lot Size	232m <sup>2</sup>	Land located to the north, south and east are restricted by a

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

		minimum lot size of 232m <sup>2</sup> .
Maximum Building Height	12.5m	Land to the north and south is prescribed a maximum height of 12.5m. Land to the east is restricted by a maximum 9.5m height limit.
Maximum FSR	0.9:1	Land to the north and south of the Site that fronts Old South Head Road is restricted by FSRs ranging from 0.9:1 to 1.5:1 and land to the east is prescribed with an FSR of 0.6:1.
Key Sites Map	Not identified on the Key Sites Map.	No land located within the immediate vicinity of the Site is identified on the Key Sites Map.
Acid Sulfate Soils	Class 5	Surrounding land is identified as containing Class 5 acid sulfate soils.
Heritage	Yes, contains an archaeological site of local significance (A538). The Site is not identified as being located within a Heritage Conservation Area (HCA).	No heritage items, located within a two (2) block radius is identified on the Heritage Map, pursuant to the WLEP 2012. However, the golf course located to the west of the Site which is located within Woollahra LGA is identified as an item of local heritage significance and known as the Royal Sydney Golf Course.
Terrestrial Biodiversity	NA	NA
Land Reservation Acquisition	NA	NA
Flood Planning Lot	NA	However, land located to the South of the Site (south of William Street) are identified as being flood planning areas.

### Surrounding Land

Land surrounding the Site is zoned as follows:

- North – R3 Medium Density Residential;
- East – R3 Medium Density Residential;
- South – R3 Medium Density Residential; and
- West – Old South Head Road is located to the west of the Site and this adjoins the Woollahra LGA which is zoned RE2 Private Recreation Land (Royal Sydney Golf Course) subject to the Woollahra Local Environmental Plan 2014.

As previously mentioned, development located at 355 Old South Head Road, North Bondi provides a 9-storey development. Whilst a request to review the consent was lodged with Waverley Council, it was advised that no record of a development consent for the address located at 355-357 Old South Head Road, North Bondi could be located. It is also noted that



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

Site is provided with a 0.9:1 FSR and a maximum height of buildings, as depicted in **Figure 9** and **10** below.

Land located at Liverpool Street, Rose Bay which is situated approximately 400m, north-east of the Site provides developments such as residential flat buildings which are four (4) storeys in height. The current applicable height limit for such sites is 8.5m. Therefore, it is acknowledged that numerous developments located within close proximity of the Site provide densities close to double that currently permitted under the relevant Environmental Planning Instrument (EPI).

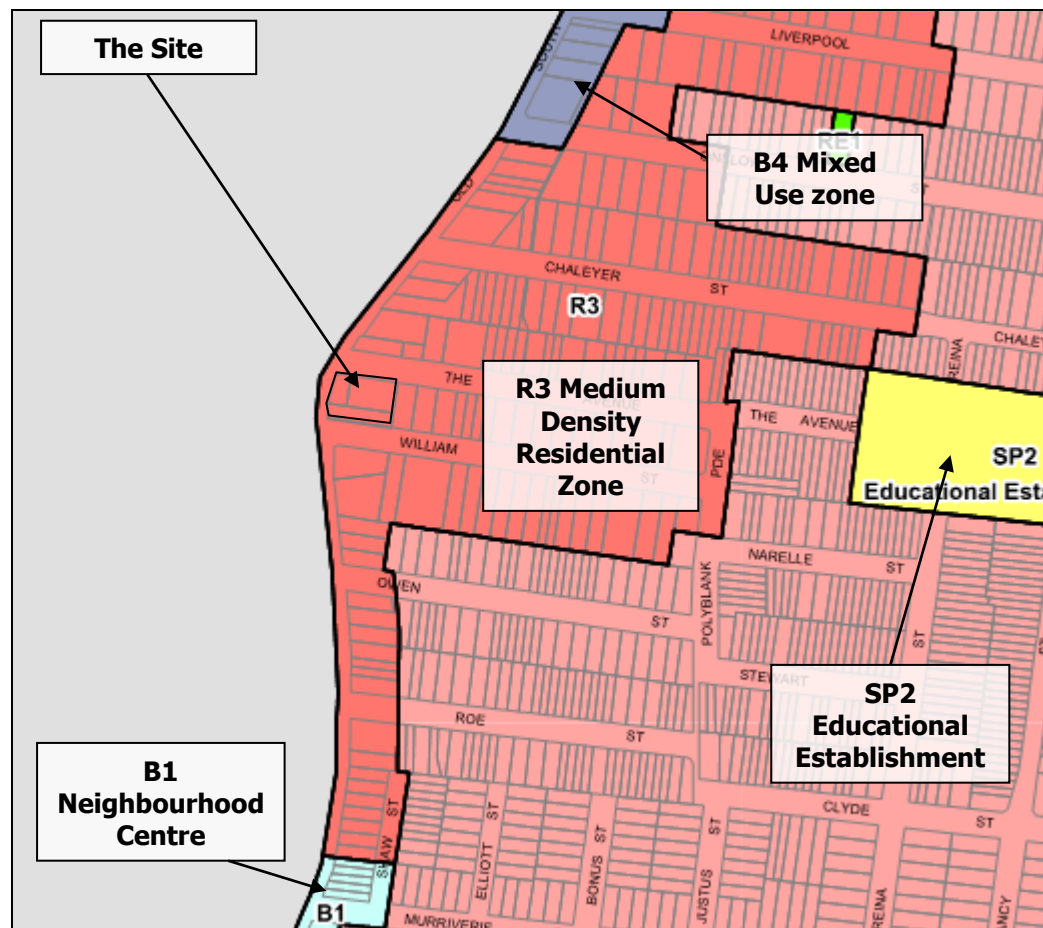


Figure 8: Surrounding Zones Map (Source: NSW Legislation)



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776



Figure 9: FSR Map (Source: NSW Legislation)

The Site is subject to a maximum FSR of 0.9:1 pursuant to WLEP 2012.

To support the orderly and economic development of land it is also proposed to amend the FSR development standard, as described in **Part C**.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)



Figure 10: Height Map (Source: NSW Legislation)

The maximum height of buildings prescribed across the Site is 12.5m. The maximum height is proposed to be increased to 25m to support a more economic development to contribute to the revitalisation of this corner Site whilst also retaining existing heritage. This is discussed in further detail in **Part C** of this report.

### 1.3.4 STATE ENVIRONMENTAL PLANNING POLICY No. 55 (REMEDIATION OF LAND)

*State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) is applicable to the Site. An Environmental Site Assessment (ESA) was undertaken in relation to the proposed redevelopment of the Site for residential purposes in 2015. The Environmental Site Assessment (ESA) identifies numerous factors and a record of underground storage tanks has been recorded on the Site. As such, recommendations have been provided which require further investigations to be undertaken.

The report recommends the Site can be made suitable for residential development provided suitable processes are implemented. A Stage 2 ESA including a ground penetrating radar (GPR) survey, a Remediation Action Plan (RAP) to outline remedial measures for the Site, a Validation Assessment (VA) upon completion of the remediation and a Hazardous Materials Assessment (Hazmat). Subject to the above measures being undertaken, the report concludes that the Site can be made suitable for residential development.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *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*
- (c) *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.*

As part of any future DA, a Stage 2 ESA and GPR survey will be carried out in accordance with SEPP 55.

### 1.3.5 STATE ENVIRONMENTAL PLANNING POLICY No. 65 DESIGN QUALITY OF RESIDENTIAL APARTMENT BUILDINGS

*State Environmental Planning Policy 65 – Design Quality of Residential Apartments Buildings* (SEPP 65) contains nine (9) design principles aimed to ensure a high quality of residential apartment development. More detailed design criteria is provided within the Apartment Design Guide (ADG).

Future redevelopment of the Site for the proposed mixed-use development incorporating residential accommodation is required to consider SEPP 65 and the ADG.

As detailed in the Urban Design Report prepared by Roberts Day at **Appendix 2** the proposal is capable of compliance with the key requirements of the ADG, including with respect to building setbacks, building depth, visual privacy, open space, solar access, cross ventilation, parking, apartment size and mix, and apartment design.

Whilst detailed assessment of a proposed development for the Site would be undertaken at the DA stage, the concept design demonstrates that a future mixed use development on the Site can be designed to provide a high level of amenity for residents of the Site, whilst maintaining suitable levels of amenity for existing surrounding development.

### 1.3.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft Environmental Planning Instruments applicable to the proposed development on the subject Site.

### 1.3.7 WAVERLEY DEVELOPMENT CONTROL PLAN 2012

*Waverley Development Control Plan 2012* (WDCP 2012) applies to land within the Waverley LGA and complements WLEP 2012 by providing more detailed controls to guide development.

The aims of WDCP 2012 is to DCP provides strategies, objectives and development guidelines for the assessment of Development Applications (DA) and complements the provisions of the Waverley Local Environmental Plan 2012 (WLEP 2012).

Any future development application lodged in relation to the Site would consider the objectives and provisions of WDCP 2012.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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### 1.4 COMMUNITY ENGAGEMENT

As outlined above, Community Stakeholder engagement meetings were held where relevant members of the community such as surrounding residents were notified regarding the proposal. This allowed the opportunity to discuss and obtain their feedback in response to a proposed mixed-use development in this location. The feedback obtained was generally favourable and many of the comments and suggestions have been incorporated into the design of the proposal. However, many of the items raised were in relation to potential uses and the traffic generation as a result of such uses.

As outlined above, a representative of Waverley Council attended the community consultation as an observer to gain an understanding of the discussions and feedback received from the community and the Rose Bay Precinct Committee. A copy of the minutes of the two (2) meetings held on 4 December 2019 and 17 February 2020 are provided in **Appendix 3** of this report.

Correspondence was issued to Waverley Council's representative on 23 January 2020 seeking any commentary or additional advice which should be considered as part of the future Planning Proposal submission.

A response was received on 4 February 2020 which outlined the following:

*It is recommended that any proposal that is submitted wait until the LSPS is finalised as the proposal can use the document for strategic justification and as it would only be recently adopted, it would be difficult to argue with any of its findings.*

The advice was sought from both Council and the community to ensure that a collaborative process had been undertaken prior to commencement of the Planning Proposal process to that the proposal was reflective of not only Council's vision and strategic plan for this area of the Waverley LGA but also to obtain a real insight into what the community of this area would like to see and their general feedback on the proposal.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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## PART B OBJECTIVES OR INTENDED OUTCOMES

### 2.1 OBJECTIVES AND INTENDED OUTCOMES

The key objective of the proposed LEP amendments to FSR and Height are to enable an appropriate range of land uses to allow for the revitalisation of this corner Site whilst also retaining existing heritage. This intended outcome would be achieved with respect to the following secondary objectives:

- Introduce a development that complements a range of surrounding land uses, integrates with the variety of built form densities, retains existing heritage and capitalises on its location with sweeping views across the Royal Sydney Golf Course.
- Provide a micro-hub local centre which retains the existing heritage character of the Site, whilst also accommodating additional residential accommodation and shop uses. The proposal will provide a north-facing public domain plaza to allow social engagement which benefits from a northern aspect. The proposal will foster spaces where people can connect whether they live in the building or want to utilise the start-up/workspaces or frequent the existing café.
- Deliver additional, and more diverse, housing supply to accommodate the growing local community.
- The proposal will provide enhanced employment opportunities, accommodation which is located immediately adjacent existing public transport.
- Create a green and active network through pedestrian and cycle links connecting the development to Rose Bay local ferry terminal and Rose Bay local centre.
- Enable placemaking initiatives to improve key corridors such as Old South Head Road.
- Promote the productive and sustainable use of land through appropriate development typologies and scales.
- Activate the Site and public domain at street level through the provision of active ground floor uses, public open space with northern aspect and high-quality architectural design.
- Augment the amenity of the Site without compromising the ongoing operations of surrounding land uses to provide an outlook to vast green open spaces located immediately adjacent the Site known as The Royal Sydney Golf Club and the Site fronts the identified Green Grid.

The LEP amendments required to achieve these objectives are detailed in Part C of this Report.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

## PART C EXPLANATION OF PROVISIONS

### 3.1 OVERVIEW

It is proposed to amend WLEP 2012 to include additional building height and FSR on the Site to create a new micro scale local centre.

It is noted that given residential accommodation, neighbourhood shops and a wide range of other uses are already permitted on the Site in accordance with the current R3 Medium Density Residential zone, no change of zone or additional permitted use will be required to facilitate the intended future mixed use development.

### 3.2 CONCEPTUAL BUILT FORM

The design concept for the Site envisages a 6-storey built form which follows the natural topography of the land, from west to east.



Figure 11: Conceptual built form (Source: Team 2 Architects)

Active street frontages and increased employment opportunities will be proposed on the ground and first floor levels to revitalise this tired corner.

A mix of residential apartments, including 'garden' and 'terrace' apartments, would be offered on the upper levels.

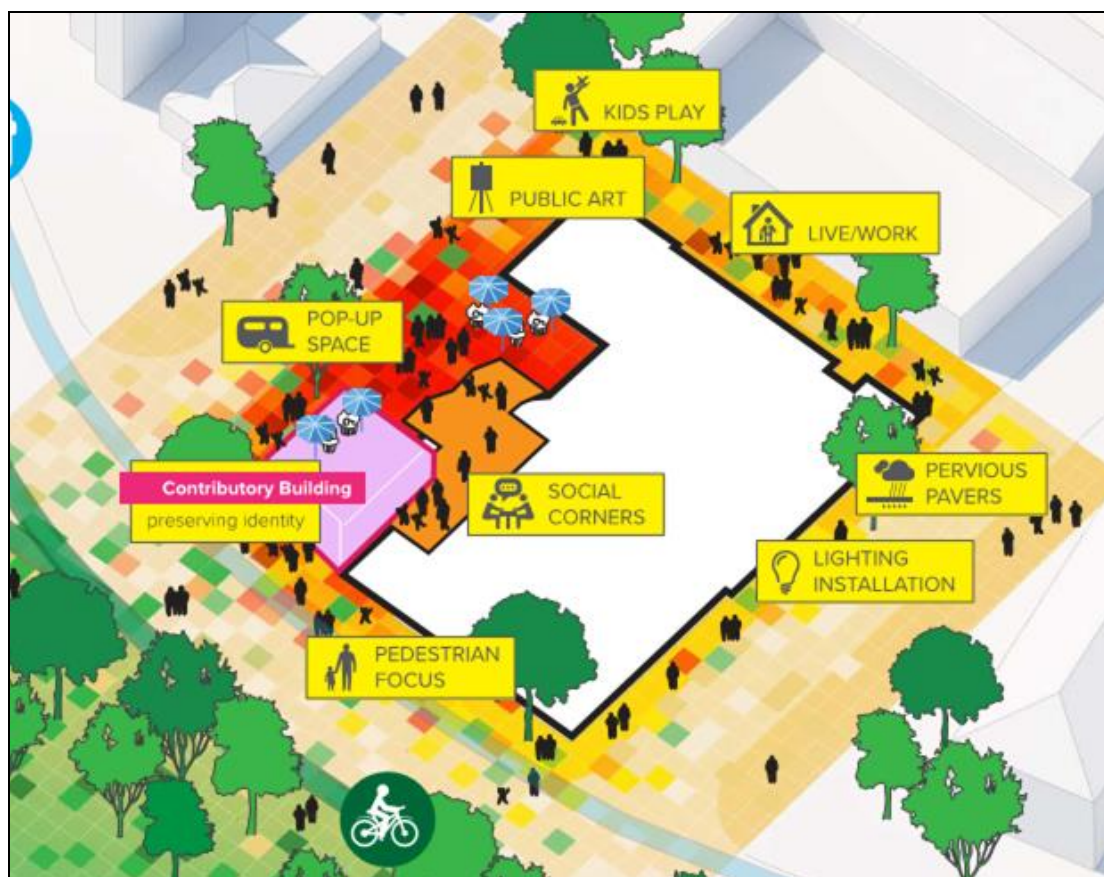
An indicative floor space schedule is provided in the following table.

Table 3: Indicative Floor Space Schedule	
Aspect of Development	Concept Proposal
Site Area	1,736m <sup>2</sup>
Residential Floor Space	2,451.15m <sup>2</sup> (22 dwellings)
Shops/Café/Community Facilities Floor Space	1,850.4m <sup>2</sup>
Total Floor Space	4,301.55m <sup>2</sup>
Total FSR	2.47:1
Building Height	25m



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)



**Figure 12: Vision for the Site (Source: Roberts Day)**

The above vision highlights the proposed retention of the contributory building, the proposed building footprint, an enhanced public domain which will represent approximately 20% of the Site area and a vibrant mix of activities which will contribute to activating the public plaza and place making initiatives. The corner Site will be enhanced and revitalised whilst also retaining existing heritage to retain not only the visual aspect of the building but also the cultural and social aspect of the existing bakery and café use.

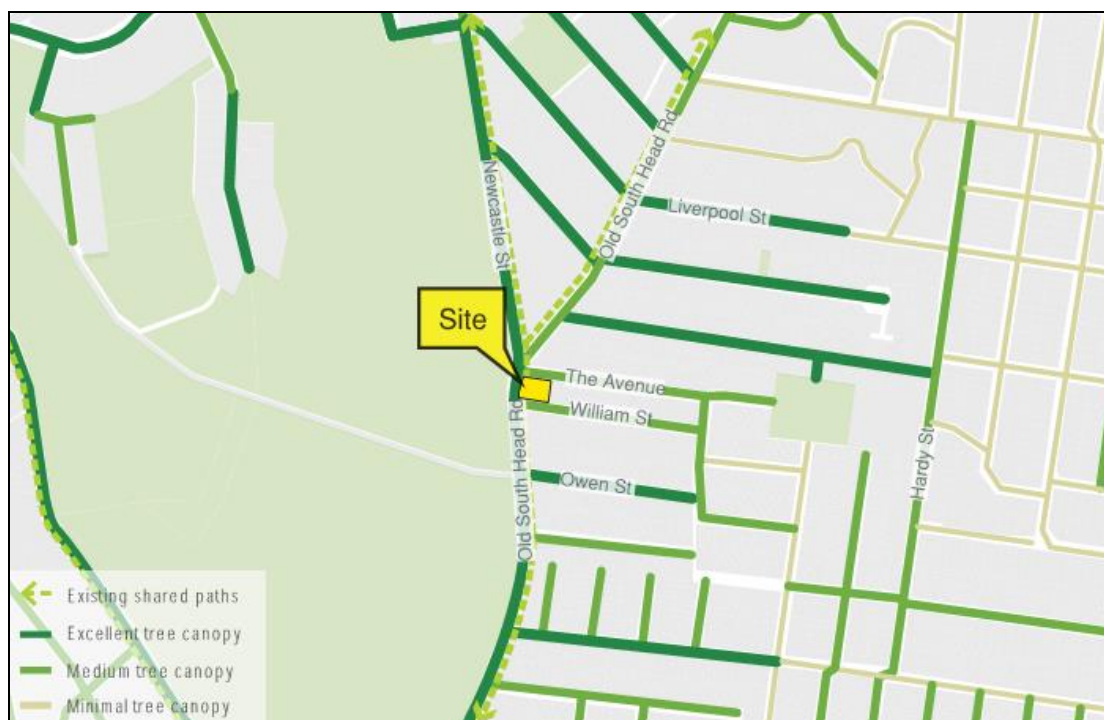
### 3.3 GREEN LINKS, LANDSCAPE AND PUBLIC DOMAIN

The mixed-use precinct sought to be delivered through the proposed LEP amendments, would provide opportunities to 'green' the Site, create new and more accessible public spaces, and improve the quality of the public domain creating instigating place making.

Responding to the natural context of the Site with its views to the Royal Sydney Golf Course, the proposal would offer the opportunity to create new green links which build upon the Green Grid connection identified for Old South Head Road, as outlined by the Eastern District Plan. The proposed green roof, increased tree canopy coverage will result in an improved quality natural environment that is also more accessible to the local community.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)



**Figure 13: Connectivity and tree canopy (Source: Roberts Day)**

The proposal will reinforce place character by articulating the building with consideration for the urban and landscape context, providing the mass of residential spaces on the prominent corner with orientation towards the green space. Each roof space is landscaped with a combination of terrace and green features to create amenable outdoor spaces for residents and the community.

A new public plaza is proposed along the northern boundary fronting The Avenue. As outlined in the accompanying Urban Design report it is proposed to dedicate 20% of the site area to public domain. The plaza will optimise the receipt of solar access whilst providing views to the church building located at the corner of Newcastle Street. The plaza is proposed to be situated between the existing café and bakery and other potential shops.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)



**Figure 14: Photomontage of proposed place making public plaza (Source: Roberts Day)**

This proposal acknowledges that the Site is underutilised as 3-storey apartment block and tired car workshop. A revitalisation of the Site, which will bring with it an activated public realm, will contribute to vibrancy of the area and enhanced connectivity. This will be achieved through a newly developed north facing public plaza, active street frontages and through-site connections. The proposal has been built upon the concept of place making particularly given the site context, where little to no public plaza spaces and public domain spaces are proposed.

Further details of the proposed landscaping and public domain spaces are provided within the Urban Design report prepared by Roberts Day located at **Appendix 2**.

### 3.4 DESIGN PARAMETERS AND ADG COMPLIANCE

The capability of the concept design complying with the Apartment Design Guide (ADG) has been confirmed within the Urban Design Report at **Appendix 2**, including in respect to building setbacks, building depth, visual privacy, open space, solar access, parking, apartment size and mix, and apartment design. As part of any future DA, compliance with the minimum requirements in terms of solar access and cross ventilation will be sought.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

Whilst detailed assessment of a proposed development for the Site would be undertaken at the DA stage, the concept design demonstrates that future mixed use development on the Site can be designed to provide a high level of amenity for residents of the subject and neighbouring sites.

### 3.5 RETENTION OF HERITAGE

The existing building located at 443-445 Old South Head Road is identified as an item of environmental heritage as per Schedule 5 of the WLEP2012. This item is a nominated Archaeological Site of local significance (No. A538) and the nominated address is listed as 445 Old South Head Road, Rose Bay.

As depicted in **Figure 15** below, the Site does not adjoin any heritage conservation areas or heritage items pursuant to the WLEP 2012. However, the Sites to the west are located within the Woollahra LGA and the Sydney Royal Golf Course is identified as an item of local significance pursuant to the Woollahra LEP 2014. The heritage significance of this site is vested primarily in the building complex of the clubhouse, which has historical, social and aesthetic significance. The grounds represent an important landscape element in the wider Rose Bay area.



**Figure 15: WLEP2012 Heritage Map (Source: NSW Legislation)**

Given the heritage significance of the Site, a detailed Heritage Impact Assessment (HIA) has been prepared to support the proposal and is attached at **Appendix 3**.

### 3.6 AMENDMENT TO WAVERLEY LEP 2012 HEIGHT OF BUILDINGS

Amendment is sought to Clause 4.3 Height of Buildings of WLEP2012 in order to achieve the objectives of the proposal.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

Pursuant to Clause 4.3 of WLEP2012 the Site is currently subject to a maximum building height of 12.5m.

To complement the proposed rezoning for mixed-use development, it is proposed to introduce a building height standard to support a 6-storey built form with a maximum height of 25m.

As summarised in the following table, the proposal would achieve the applicable WLEP2012 Clause 4.3 objectives.

Table 4: WLEP2012 Building Height Objectives	
WLEP2012 Clause 4.3 Objectives	Comment
<i>To establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views</i>	<p>As outlined in this report, the proposal includes the introduction of a height standard to identify the maximum height of buildings of 25m on the Site.</p> <p>As demonstrated in accompanying solar impact diagrams provided within the Urban Design Report located at <b>Appendix 2</b> which demonstrates that minimal impact to adjoining properties will occur.</p> <p>No significant views will be obscured as a result of the proposed development. The proposal will retain the two-storey heritage item and the proposal will allow for view sharing to the Royal Sydney Golf Course. Notwithstanding this, the development located immediately adjoining the Site to the east facilitates the Rose Bay substation which extends for approximately 60m from the eastern boundary of the Site.</p>
<i>To ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.</i>	<p>Existing built form in the vicinity of the Site is generally old style residential flat buildings generally which are four storeys in height and some double storey developments.</p> <p>Accordingly, precedence has already been established in the surrounding area where in excess of four storeys is provided. As previously outlined a 9-storey development is located at 357 Old South Head Road, North Bondi. This Site which provides a 6-storey height does not benefit from immediate proximity to the bus stops as the Site subject to this Planning Proposal does.</p> <p>As such, the proposed 6-storey built form would integrate with the height and scale of future development in the locality and is located along the Old South Head Spine where additional density may be suitably situated.</p> <p>Further, the Site drops substantially from Old</p>

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

Table 4: WLEP2012 Building Height Objectives	
WLEP2012 Clause 4.3 Objectives	Comment
	<p>South Head Road towards the east of the Site and therefore development on the portion exhibits a reduced height appearance from the perspective of the street frontage and far-reaching viewing angles.</p> <p>The future built form would be designed to respect neighbouring amenity through well-considered and potentially stepped building heights, setbacks (including potentially additional upper-level setbacks), landscaping and a generous public domain plaza and enhanced connectivity through the Site.</p> <p>Additionally, the proposal will retain the existing Soos bakery which is identified as an item of local significance within Schedule 5 of the WLEP 2012 environmental heritage register. As detailed in the accompanying heritage impact assessment (HIA) (<b>Appendix 3</b>), the proposal promotes an understanding of and appreciation of the heritage significance and proposes to retain the existing building. The proposal presents a clear alignment with Council's preference to retain existing heritage items whilst allowing for sympathetic development to occur.</p>

As outlined in **Section 3.2** of this Report, built form massing and modelling has been undertaken as part of the Urban Design Report (**Appendix 2**) and demonstrates that 25m would be appropriate for the Site having regard to the visual outcome, streetscape and neighbouring amenity.

The required extent of the LEP amendment for additional building height is shown in **Figure 6** which provides an extract from Sheet HOB\_003 of the WLEP2012 Height of Buildings Map.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

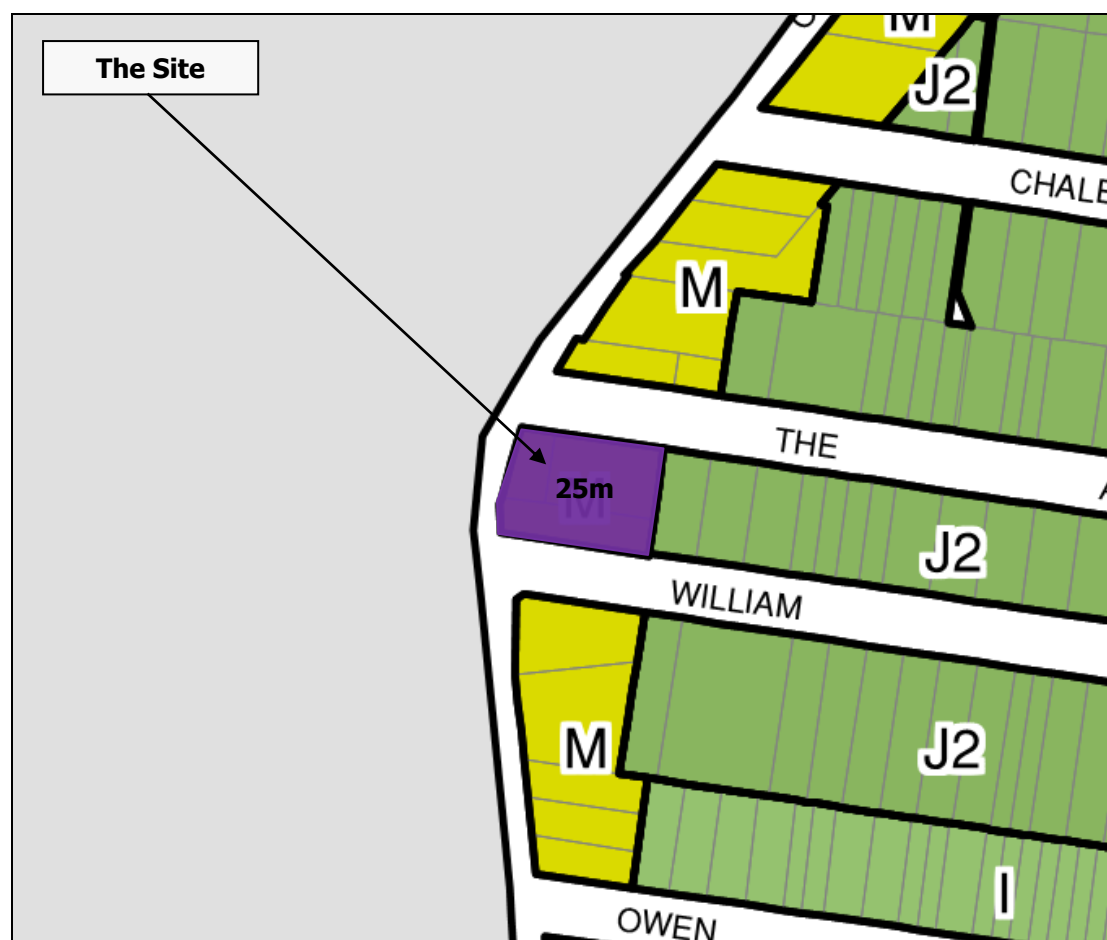


Figure 16: Proposed amendment to Building Height Map (Source: NSW Legislation 2020)

### 3.7 AMENDMENT TO WAVERLEY LEP 2012 FSR

Amendment is sought to Clause 4.4 Floor Space Ratio of WLEP2012 in order to achieve the objectives of the proposal.

Pursuant to Clause 4.4 of WLEP2012 the site is currently subject to a maximum FSR of 0.9:1.

To complement the proposed rezoning for mixed use development, it is proposed to introduce an increased FSR standard to support an appropriate density of employment generating uses and residential accommodation on the Site. Based on the preliminary floor space schedule (refer to **Table 4 above**) the concept design incorporates a total of 4,301.55m<sup>2</sup> floor space (including 2,451.15m<sup>2</sup> residential floor space and 1,850.4m<sup>2</sup> shop/café/community facilities floor space) which equates to an FSR of 2.47:1. Therefore, a maximum FSR of 2.5:1 is sought for the Site.

As summarised in the following table, the proposal would achieve the WLEP2012 Clause 4.4 objectives.

Table 5: WLEP2012 FSR Objectives	
WLEP2012 Clause 4.4 Objectives	Comment
<i>To provide an appropriate correlation between maximum building heights and density controls</i>	As outlined in this Report, the proposal includes the introduction of an FSR standard to identify the maximum FSR for future development on the Site.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

<b>Table 5: WLEP2012 FSR Objectives</b>	
<b>WLEP2012 Clause 4.4 Objectives</b>	<b>Comment</b>
	<p>Given the Site's strategic location in immediate proximity to two bus stations and in very close proximity to Rose Bay, the Site is considered to offer significant potential to positively contribute to the Rose Bay south whilst taking advantage of views across the Royal Sydney Golf Club.</p> <p>The floor space proposed for the Site responds to the strategic opportunities identified for mixed use development. The proposed density of development would seek to increase the employment-generating capabilities of the Site and deliver a variety of diverse housing options in response to identified needs and targets. Simultaneously, building densities would be balanced with a new public plaza, green links and landscaping. Appropriate density would have regard to Site constraints, local character in terms of the retention of heritage and neighbouring amenity.</p> <p>The required FSR has been determined in light of the proposed 6-storey building height as well as other key design parameters including setbacks, landscaping and place making opportunities.</p> <p>This should be reflected in the Planning controls.</p>
<i>To ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality.</i>	<p>The proposed density of development would seek to increase the employment-generating capabilities of the Site and deliver a variety of new housing options. The retention of the existing bakery will maintain a similar streetscape to the existing situation for part of the western and northern façade. The remainder of the built form will facilitate a revitalised mixed use development which will create an inviting space as opposed to the existing visually tired corner site.</p> <p>The proposed massing of the new building acknowledges the two storey scale of the retained corner bakery (Soos Bakery A538), as the new mass is separated and a strong two-storey podium element at street level which visually emphasises the visual appearance of the bakery. The built form will follow the topography of the Site and a</p>

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

<b>Table 5: WLEP2012 FSR Objectives</b>	
<b>WLEP2012 Clause 4.4 Objectives</b>	<b>Comment</b>
	<p>stepped development may be pursued to ensure a visually intrusive development does not result.</p> <p>Additionally, building densities would be comparable with existing residential flat buildings in proximity of the Site. The desired future character for Rose Bay is to create placemaking initiatives and improve amenity for Old South Head Road. The proposal response directly <i>via</i> the introduction of enhanced connectivity through the Site, provides a public plaza with a northern orientation which reinforces the balanced with new open spaces, green links and landscaping. Appropriate density would have regard to site constraints, local environmental character and neighbouring amenity.</p> <p>The FSR has been determined in light of the proposed 6-storey building height as well as other key design parameters including setbacks, landscaping and enhanced public domain.</p>
<p><i>To establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.</i></p>	<p>A place-led medium-rise development is proposed that is comparable in scale and complimentary in character to neighbouring residential flat buildings. The proposal will increase local housing diversity, ensure a high build quality, and help address the housing affordability crisis. The dwellings will be primarily oriented towards the Royal Sydney Golf Club to the west, to increase residential amenity while limiting impacts to neighbours</p> <p>The retention of the existing item of environmental heritage (Archaeological Site A538) is proposed as part of the proposal. This item will be retained as a result of its social significance and contribution to the community's sense of place and as a result, is proposed to be retained.</p> <p>The proposed northern plaza also aids to focusing on the bakery and maintaining its visual prominence. Therefore, the proposal will not result in any adverse impacts on the amenity of the locality and will preserve the environmental amenity of neighbouring properties.</p>

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

The built form massing and modelling provided within the Urban Design Report at **Appendix 2** demonstrates that suitability of the proposed density of development for the Site.

The required extent of the LEP amendment for additional FSR is shown in **Figure 16** below which provides an extract from Sheet FSR\_003 of the WLEP2012 Floor space Ratio Map. A "U" has been annotated on the proposed map to illustrate an FSR of 2.5:1 for the Site.

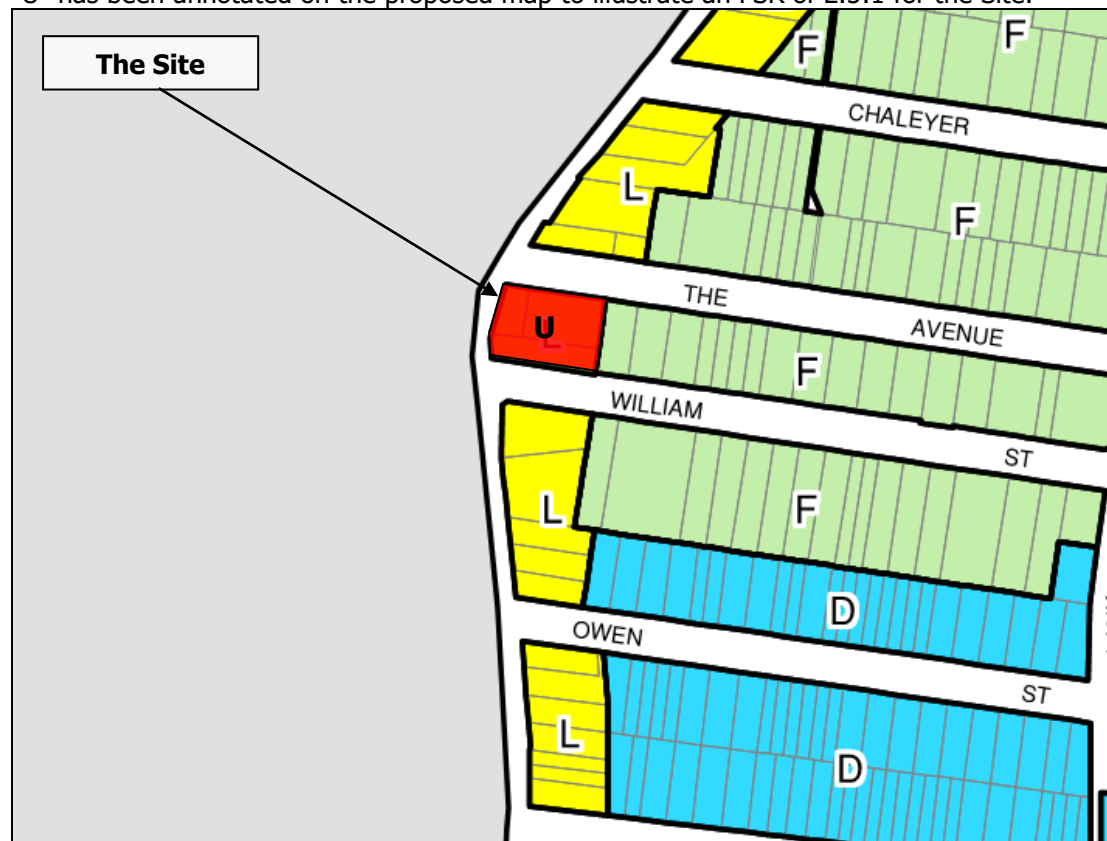


Figure 16: Proposed amendment to FSR Map (Source: NSW Legislation 2020)

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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## PART D JUSTIFICATION FOR PROPOSED LEP AMEDMENT

### 4.1 NEED FOR THE PLANNING PROPOSAL

The DPIE document *A Guide to Preparing Planning Proposals* includes the following questions in describing the need for the Planning Proposal.

#### 4.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The proposed amendment to WLEP 2012 for additional height and FSR, aligns with a number of state, regional and local strategic studies and reports including:

##### 4.1.1.1 NSW STATE PRIORITIES

Eighteen (18) state priorities are being actioned by the NSW Government to *make this state of ours even better*. The priorities have been categorised under the following headings:

- Strong budget and economy
- Building infrastructure
- Protecting the vulnerable
- Better services
- Safer communities

The proposed future provision of the mid-rise mixed-use development on the Site would achieve a number of priorities, as outlined below.

##### ***Improving Road Travel Reliability***

As part of improving the overall efficiency and reliability of the state's transport network, the government has prioritised encouraging commuters to use public transport and to undertake off-peak travel more often. Combined with building extra road capacity, this would enable business and the community to move around the city with greater ease, reducing travel times, boosting productivity and reducing business costs.

The Site is located immediate adjacent to two (2) existing bus stops which service Bondi Junction, where the Bondi Junction train and bus interchange is located. The Site is also located approximately 1km from Rose Bay ferry terminal and is therefore ideally situated for transit oriented development (TOD). New mixed-use development on the Site would therefore promote the use of active transport modes for future workers, residents, and other site-users.

##### ***Increasing Housing Supply***

By increasing housing supply, the government seeks for downward pressure to be placed on prices.

The delivery of 22 new dwellings, which would be enabled through this Planning Proposal, would contribute to increased housing supply in a strategic location with immediate access to transport infrastructure, education establishments, community facilities and the other services required to meet the day-to-day needs of the future community. The proposal would therefore assist in meeting the housing needs of Sydney's existing and growing population.

The proposal would also provide opportunities for affordable housing to be integrated in the precinct, thereby responding to the diverse needs of the community.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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### 4.1.2 GREATER SYDNEY REGION PLAN

The Greater Sydney Region Plan (the Region Plan) outlines a vision for Sydney to 2056, defined by three (3) cities; the Western Parkland City, the Central River City, and the Eastern Harbour City. The Plan seeks to foster productivity, liveability and sustainability, to be achieved through the '30-minute city' model by which more than 60% of people live within 30 minutes of jobs, education, health facilities and services. The creation of the 30-minute city is to be promoted through infrastructure investment and coordinated transport and land use planning.

The ten (10) directions underpinning this Plan emphasise infrastructure delivery, increasing housing choice, creating walkable neighbourhoods and 'great places to live', supporting economic growth, and promoting environmental sustainability. Overall, the Plan aims to accommodate an additional 725,000 dwellings and 817,000 new jobs.

The Region Plan promotes the sympathetic adaptive reuse of heritage items as an important way to conserve significance. Respectfully combining history and heritage with modern design achieves an urban environment that demonstrates history, whilst also contributing to place making and community identity. The proposal will facilitate the mixed-use development, whilst retaining environmental heritage, to result in the adaptive reuse and creation of a micro-scale local centre which is currently underutilised.

Pursuant to the Plan, opportunities for urban renewal are to be recognised in conjunction with the location and capacity of existing and proposed infrastructure. Whilst the Site is not identified specifically as part of an urban renewal corridor within the Plan, the Site presents an opportunity to provide a underutilised development which is already serviced by public transport, identified along the green grid route on Old South Head Road and therefore meets the locational criteria for urban renewal opportunities at a micro scale local centre. Such criteria include:

- Alignment with existing infrastructure, located immediately adjacent the Site.
- Accessibility to employment.
- The feasibility of various housing development.
- Local area characteristics, including retention of heritage and cultural elements, as well as enhanced street canopy and natural features.
- The availability and expansion of social infrastructure and place making initiatives.
- The integration of the green grid network with residential neighbourhoods.

With respect to facilitating economic activity within the Eastern Economic Corridor, the Plan identifies transport infrastructure projects as key to improving accessibility between the well-established economic agglomerations along and near the corridor. This improved accessibility will significantly increase the size of the labour market which can access the corridor by public transport, boosting productivity.

In accordance with the Plan, the Site would contribute to the creation of the 30-minute city owing to the immediate proximity of the Site to services, transport infrastructure and employment.

Overall, the Eastern Harbour City, of which the Site forms part, is expected to experience the most significant urban transformation over the next 10-15 years. In accordance with the priorities and actions of the Plan, the proposed development standards will support the provision of a diverse range of housing in a highly accessible location, that will not only provide densities to accommodate the growth population, but will also contribute to delivering the housing targets for the Waverley LGA.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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In summary, the proposed development would contribute to achieving the objectives set out in the *Greater Sydney Region Plan*.

### 4.1.3 EASTERN CITY DISTRICT PLAN

Greater Sydney's three cities discussed above reaches across five (5) districts. *The Greater Sydney Region Plan* identifies the Site as being located in the Eastern City District Plan (the District Plan). The District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals, as well as community strategic plans and policies.

The Greater Sydney Commission reinforces the Plan's potential for achievement by outlining the following strategies, including:

- Strengthening the international competitiveness of the Harbour CBD, supported by the Innovation Corridor, health and education precincts and the District's strategic centres;
- Boosting innovation and creative industries alongside knowledge-intensive jobs growth;
- Stimulating the night-time economy within a responsive regulatory environment;
- Protecting international trade and freight routes;
- Retaining industrial and urban services land;
- Nurturing quality lifestyles through well-designed housing in neighbourhoods close to transport and other infrastructure;
- Sustaining communities through vibrant public places, walking and cycling, and cultural, artistic and tourism assets;
- Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions;
- Being innovative in providing recreational and open space areas, and increasing urban tree canopy;
- Transitioning to a low-carbon, high-efficiency District through precinct-scale initiatives;
- Building effective responses to climate change and natural and urban hazards.

The Site has previously and continues to be used for commercial and residential purposes, which the proposal will continue to facilitate. In addition, the existing item of environmental be retained. To ensure a viable development which can retain the existing heritage item whilst revitalising this corner site and delivering significant public benefit in the form of the provision of a public plaza and placemaking, additional height and FSR is sought to provide a built form which capitalises on the expansive views across the Sydney Royal golf course. Such additional height will allow for the existing heritage to be retained and provide a north facing public plaza which benefits from a northern aspect along The Avenue.

The Waverley local government area (LGA) is located within the Eastern City District and is identified as a 'Local Centre'.

The Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure & collaboration, liveability, productivity and sustainability. The priorities and actions relevant to the Site, and wider Bondi area, and proposed development are discussed under the followings headings.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

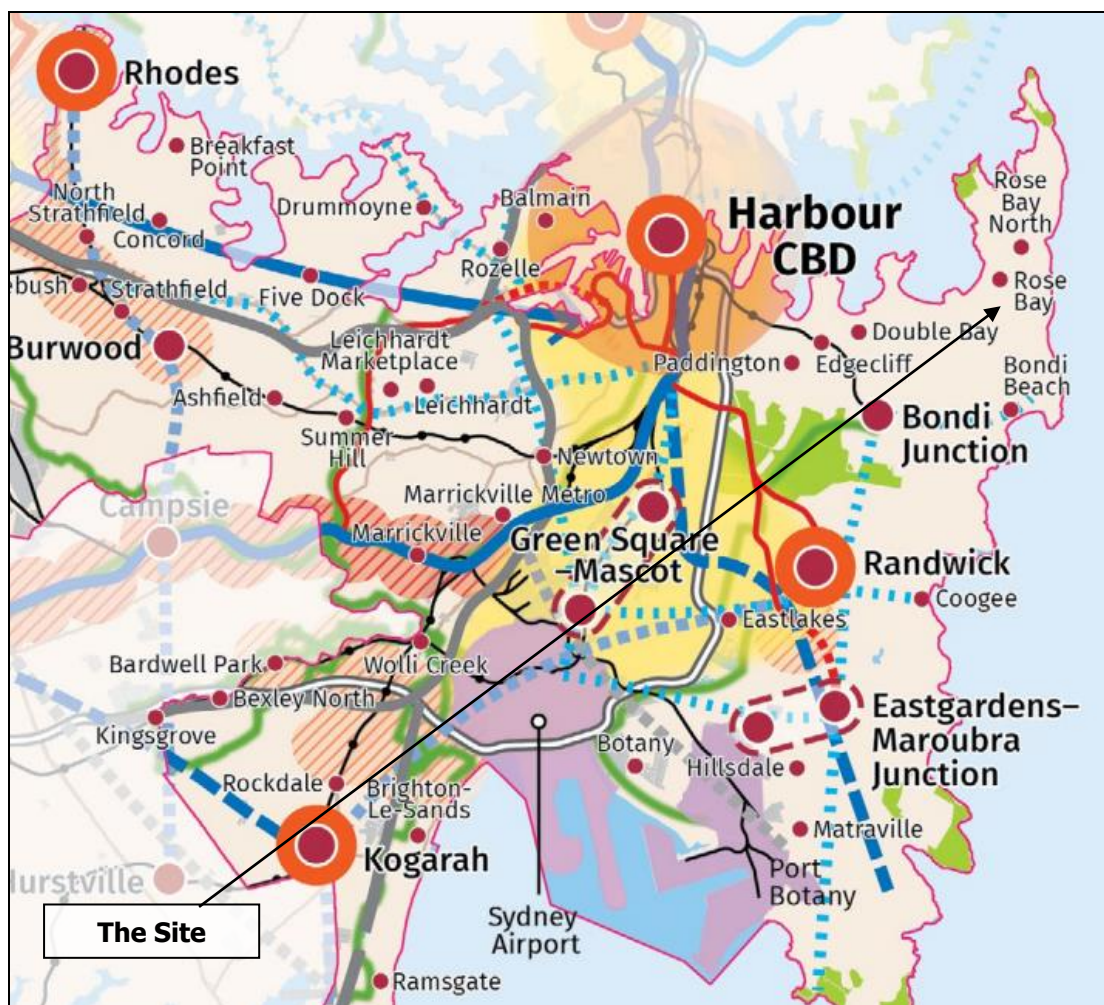


Figure 17: Eastern City District (Source: Eastern City District Plan, GSC)

### ***Infrastructure and Collaboration***

Additional infrastructure and services are required to support Sydney's growth, and in turn infrastructure investment will contribute to the shape and connectivity of Greater Sydney. Planning for infrastructure requires coordination across all levels of government, industry and the community.

The proposed development would support the growth located at the micro-local centre that is being pursued by various levels of government in conjunction with transport investment. This would provide a direct response to aligning land use which will maximise the use of existing infrastructure. The proposal would effectively align jobs and housing growth with existing accessible infrastructure, in accordance with Action 3.

### ***Liveability Priorities***

Additional housing in the right locations to improve diversity and affordability coordinated with infrastructure and services, is required in response to population growth and ageing. 157,500 additional homes will be required across the district by 2036. The District Plan outlines that great places are walkable and are designed, built and managed to encourage people of all ages and abilities to walk or cycle for leisure, transport or exercise.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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The Site is ideally located for new housing of the proposed mid-rise scale. By providing new residential accommodation in conjunction with ground and first floor active uses and enhanced place making plaza space which encourage lingering, the Site would accommodate a wide range of people, as required by the Plan's priorities. Housing affordability and choice would therefore be improved through the injection of additional housing supply and dwelling diversity. The immediate proximity of the Site to existing bus services located adjacent the Site as well as a large expanse of open space, contributes to a highly walkable, cyclable and vibrant mixed-use environment that would be further enhanced through this new mixed-use development.

### ***Productivity Priorities***

Rose Bay is nominated as a local centre and whilst the Site is located approximately 1km from the Rose Bay local centre, the District Plan outlines that job distribution by type of location is 14% for Strategic Centres and 14% for Local Centres. Whilst the subject Site is not identified as a local centre, the creation of this micro-scale local centre demonstrates the importance of providing suitable housing and employment not only for strategic centres but also Local Centres and prominent location which can deliver upon initiatives such as place making. The integration of land use and transport is essential to realising the 30-minute city. In accordance with the District Plan's, the proposed mixed-use development would deliver a range of shops, flexible community facilities in a highly amenable and walkable precinct serviced by existing bus infrastructure. The co-location of new and diverse housing within this mid-rise development would integrate with the Plan's vision to contribute to place making and create a vibrant working and living environment.

In particular, the dedication of 1,850.4m<sup>2</sup> is proposed for the Site which envisages a total of 4,301.55m<sup>2</sup> will ensure adequate and suitable employment related floor space is available to support jobs growth. Within this prominent location, the economic benefits of this development and its multiplier over a decade would be significant.

### ***Sustainability Priorities***

As well as growing, landscapes, waterways and biodiversity should be protected and enhanced, and efficiency and resilience promoted. Sustainability also requires the protection of open spaces and building design that promotes energy and water efficiency.

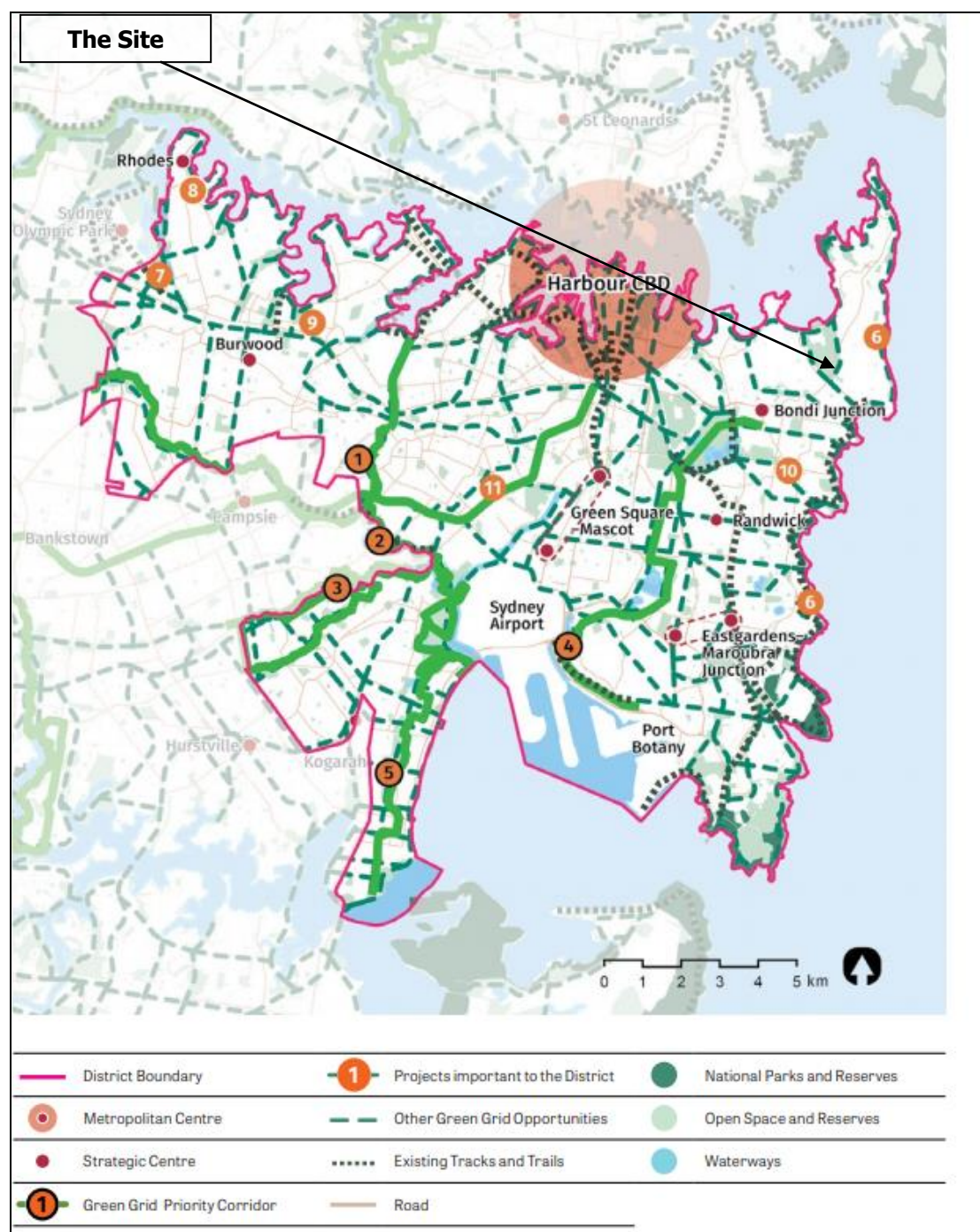
The redevelopment of the Site for mid-rise mixed-use development would augment the efficiency with which land is used through the diversification and densification of uses that are highly compatible with surrounding development and coordinated with existing supportive infrastructure. The redevelopment of land that has been historically developed would promote the creation of a better-quality environment built on the principles of sustainability.

The proposal, which is situated on the convergence of the Green Grid link along Old South Head Road, will directly respond to the delivery of this vision of connecting communities to natural landscape. As depicted in **Figure 18** below, the Site is located along the Green Grid Priority Corridor and will provide a direct response to the District Plans vision to expand and deliver Green Grid connections and increase urban tree canopy, in accordance with Actions 65 and 66.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776



**Figure 18: Green Grid (Source: Eastern City District Plan, GSC)**

Overall, the proposed development is in keeping with the emerging and desired future character and will contribute to the objectives set out in the Eastern City District Plan to deliver housing supply and affordability through the provision of a diverse housing typology and providing an improved interface with the public domain, enhancing opportunities for safe pedestrian movement, with access to services and existing public transport.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

### 4.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES OR IS THERE A BETTER WAY?

It is considered that the Planning Proposal is the best means of achieving the objectives stipulated in **Section 2.1** of this report.

The Site is zoned R3 medium density development, however current WLEP2012 height and FSR controls unjustifiably restrict the density of development that may be provided on the Site. The proposed height and FSR controls would enable the creation of a mid-rise mixed-use development reflective of its surrounding character, whilst retaining existing heritage and in close proximity of existing public transport infrastructure.

The co-creation of employment opportunities and new housing is consistent with the '30-minute city' ideology and principles of TOD. By facilitating a higher density of employment and residential accommodation on the Site, a revitalised corner which will retain existing heritage attributes can result. The proposed WLEP2012 amendments would ensure the efficient and sustainable use of land in this prominent location, consistent with the objectives of strategic policy.

The proposed height and FSR are also generally consistent with existing development on other Sites located to the east of this Site. The proposal benefits from three (3) street frontages and significant level differences which assist to ensure that the future development of the Site would integrate with its built form context.

Therefore, an amendment to WLEP2012 is required to permit the intended future provision of mid-rise mixed-use development on the Site.

### 4.1.3 IS THERE A NET COMMUNITY BENEFIT?

Net community benefit has been assessed in accordance with relevant guidelines and as outlined in the following table.

Table 6: Net Community Benefit		
Criteria	Y/N	Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposal is consistent with key elements of NSW State Priorities, A Plan for Growing Sydney, Directions for a Greater Sydney, the Greater Sydney Region Plan and the Eastern City District Plan, as discussed above.  Similarly, the proposal responds to the objectives of the Waverley LSPS and Waverley Community Strategic Plan 2018-2029.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	The WLEP 2012 contains Bondi Junction, which is an identified Strategic Centre within the Greater Sydney Region Plan. The Site is located in proximity of the Bondi Junction Strategic Centre, as nominated. Existing bus services located immediately adjacent the Site, along Old South Head Road, are regularly serviced by buses which frequent Bondi Junction.  Consistent with the strategic policies, the proposal would create opportunities for new jobs, additional housing and an activated public plaza, combining to revitalise this tired corner, whilst retaining existing

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

		environmental heritage.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N	<p>Land surrounding the Site is similarly zoned for R3 medium density residential development. Existing development located approximately 500m south of the Site at 355 Old South Head Road, North Bondi which is also zoned R3 medium density residential and provides a 9-storey residential flat building. This site also avails of a maximum height of 12.5m and an FSR of 0.9:1. Therefore, the provision of the proposed development will remain more modest than existing development however, will require additional density and height to ensure that the existing heritage can be retained whilst delivering enhanced public benefit.</p> <p>No changing land use expectations would therefore be prompted by the proposal, although the transformation of nearby land to provide new mixed-use development may be catalysed, consistent with the current WLEP2012 R3 zoning.</p> <p>The additional height and FSR proposed for the Site respond to Council's vision for place making and the Eastern City Districts expressed value in retaining and enhancing existing heritage. Additionally, the Site presents an excellent opportunity for redevelopment, given it is awarded three (3) street frontages and the only adjoining boundary facilitates Rose Bay substation.</p> <p>Therefore, it is considered that the precedence and impetus for changing expectations has already been established, prior to the preparation of this Planning Proposal.</p>
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	The area surrounding the Site is not known to have been subject to any spot rezonings.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	<p>The proposed LEP amendments would preserve the R3 medium density zoning of the Site whilst enabling a greater density of development to be provided. As demonstrated through the modelling in the Urban Design Report (<b>Appendix 2</b>), the mixed-use concept for the Site incorporates 1,850.4m<sup>2</sup> of shop/retail/community facilities GFA. Flexible floor space would accommodate employment generating uses and community facilities consistent with the District Plan's vision.</p> <p>The proposal would therefore facilitate permanent job creation on a Site which is currently underutilised.</p>

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The rezoning would enable mid-rise medium density residential development as a component of mixed-use development and therefore would improve housing supply, choice and affordability through the provision of new housing in an accessible and walkable location.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The Site is serviced by existing infrastructure that is capable of servicing higher density than currently existing. Additionally, basement car parking will be provided to provide for off-street car parking. Therefore, no net loss of on-street car parking would result and additional in-situ population would be serviced by existing public bus services, located immediately adjacent the Site. Resulting from the proximity of the Site to public transport, active transport networks and services, the Site has been awarded a walk score of 76 (very walkable, where most errands can be done on foot) and a transit score of 56 (Good transit – many nearby public transport options).
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Y	By co-locating places of employment and living, the mixed-use proposal would reduce the need to travel resulting in reduced road congestion, reduced pollution, reduced expenditure related to car travel and a higher standard of living for residents and workers.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	No major government investment in infrastructure is proposed for Rose Bay. However, the Waverley LSPS supports the retention of existing heritage, place making initiatives and additional employment opportunities.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The proposal would not impact on land that the government has identified a need to protect or that is environmentally constrained. Rather the proposal would facilitate development for additional density, whilst retaining environmental heritage on land that has been historically developed and forms part of an established urban area.  The Site is not identified as a flood planning area as per the WLEP 2012 Flood Planning map. The Site does not contain biodiversity as per the WLEP 2012 Terrestrial biodiversity map. The Site contains Class 5 acid sulfate soils which is not envisaged to impact future development of the Site.
Will the LEP be compatible/complementary with	Y	The envisaged mid-rise mixed-use development would be complementary to and supportive of surrounding

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?		<p>land uses. As demonstrated in the Urban Design Report provided at <b>Appendix 2</b>, the design of the concept development significantly improves the amenity and appearance of the Site, whilst protecting the amenity of surrounding sites including, in relation to, solar access, natural ventilation and privacy.</p> <p>The proposal also provides the opportunity to relate to the public domain more effectively, through active frontages at street level, new public open space and plaza, the preservation of the Soos Bakery and enhanced connectivity.</p>
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Y	The proposal would deliver 1,850.4m <sup>2</sup> employment generating GFA on the Site, thereby providing opportunities for innovation and sustained economic activity, as well as providing amenity and convenience for future residents through the integration of retail on the Site.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N	Whilst a stand-alone proposal, in that it is proposed to increase height and FSR for a spot, the proposal would support the important role and function of the existing local and strategic centres strategic corridors designated for growth and renewal. The proposal will continue to meet the R3 zone objectives and increase opportunities for enhanced walkability and more sustainable way of life. That being said, it is not considered that the Planning Proposal would develop into a centre nor inhibit the function of existing centres.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	<p>The development would provide new opportunities for business investment and new housing to support the local, regional and national economies and populations. Given the benefits arising from the proposal for the local workforce and resident population, it is considered to be completely in the public interest with no adverse impacts anticipated.</p> <p>Were the proposal not to proceed at this time a lower level of business activity would be attracted, the housing market would be characterised by less supply, less choice and lower affordability and the Site would remain visually unappealing and not act as a catalyst for place making along Old South Head Road. The Site would forgo its opportunity to contribute to the desired revitalisation of the prominent Site and build upon the vision of the Green Grid.</p>



## **PLANNING PROPOSAL**

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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### **4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

#### **4.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN PLAN AND EXHIBITED DRAFT STRATEGIES)?**

As previously discussed in **Section 4.1**, the Planning Proposal is consistent with the NSW State Priorities, A Plan for Growing Sydney, Directions for a Greater Sydney, the Greater Sydney Region Plan and the Eastern City District Plan. Similarly, the proposal responds to the objectives of the Waverley LSPS and the Waverley Community Strategic Plan as discussed below.

#### **4.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OF OTHER LOCAL STRATEGIC PLAN?**

##### **4.2.2.1 WAVERLEY LOCAL STRATEGIC PLANNING STATEMENT**

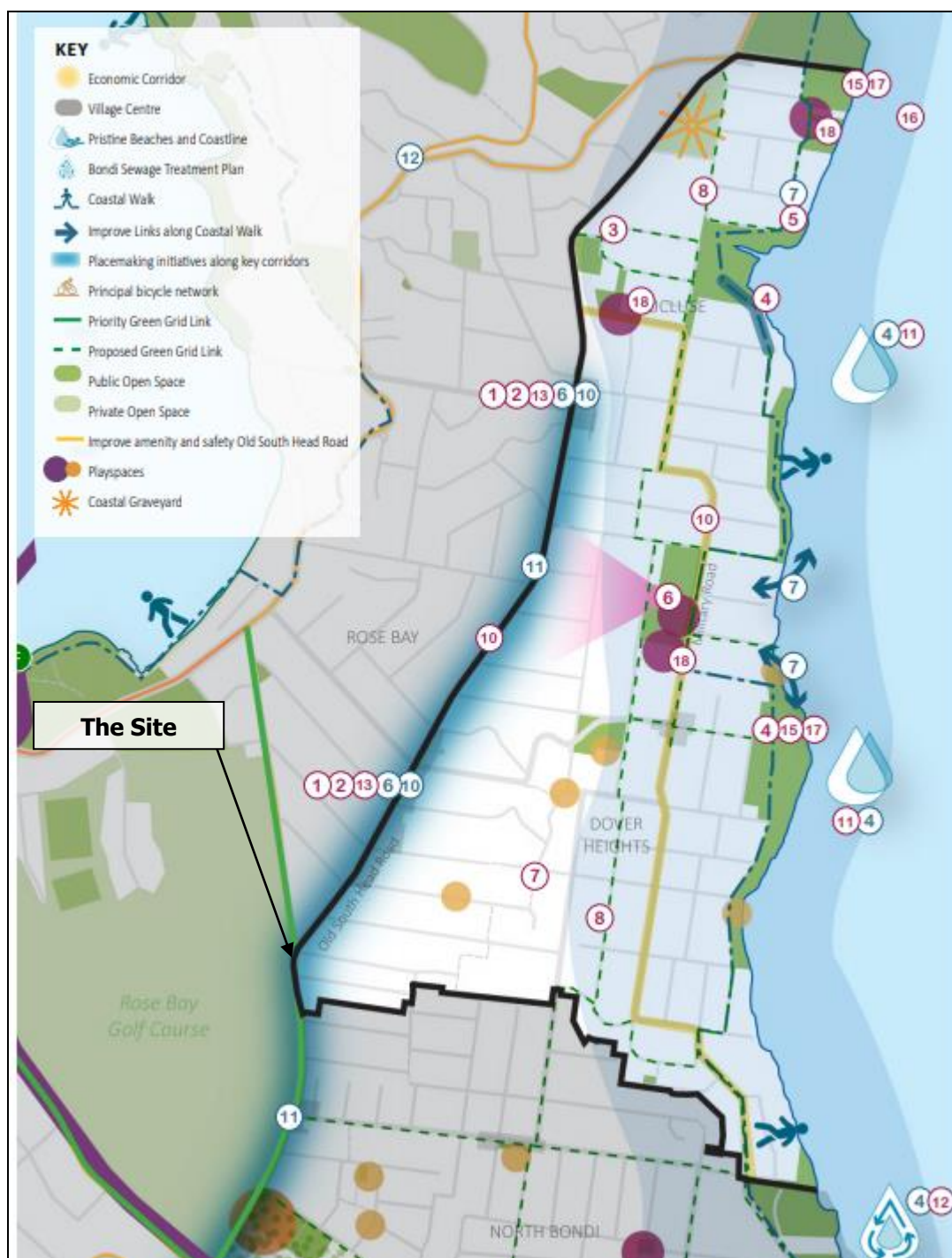
The Waverley Local Strategic Planning Statement 2020-2036 (Waverley LSPS) was introduced to bridge the gap between state government policy and local Government.

The Waverley LSPS was prepared in accordance with Clause 3.9 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the LSPS will be used as a guide to updating LEP, DCP and development contributions plans.

The Waverley LSPS sets a 20 year vision providing a strategic plan up to 2036. As depicted below, the Site is identified as "Placemaking initiatives along key corridors" and is also identified along the proposed green grid.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776



**Figure 19: Rose Bay Implementation Plan (Source: Waverley LSPS)**

As detailed in the accompanying Urban Design Report located at **Appendix 2**, the proposal will respond to the planning priorities as follows:

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

RESPONSE TO THE WAVERLEY LSPS PLANNING PRIORITIES		
1	<b>INFRASTRUCTURE + COLLABORATION</b>	Located on a shared path on Old South Head Road, this site has walking access to bus services as well as other nearby amenities. It is less than 30 minutes travel to Bondi Junction and the Harbour CBD. A new public space, laneway, and high quality street frontage treatments support urban life.
2	<b>LIVEABILITY</b>	This proposal retains a character building in a new human-scale development complete with green elements, public art, and diverse housing.
3	<b>PRODUCTIVITY</b>	Live/work spaces enable new opportunities for people to work close to home, whilst a flexible community space, a childcare centre, and retail and dining spaces will strengthen the local economy by providing a ninefold increase in jobs on site.
4	<b>SUSTAINABILITY</b>	A 6-Star Green Star Design and As-Built certification is targeted. This sustainable design focus will also help this place contribute to the proposed Green Grid link alongside the golf course.

**Figure 20: Response to the Waverley LSPS (Source: Waverley LSPS)**

As detailed in the Waverley LSPS, Planning Proposals must demonstrate strategic merit and site-specific merit. A table outlining principles for change is provided within the Waverley LSPS to guide decisions in relation to Planning Proposals in the local area. **Table 7** below provides a response to each of the principles:

Table 7: Principles for Change	
The local strategic principles for change are:	Response
Proposals should be consistent with the Greater Sydney Region Plan and Eastern City District Plan.	As previously discussed in Section 4.1.2 and 4.1.3, the proposal provides a direct response to both the Region Plan and Eastern City District Plan.
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 located within the Bondi Junction Strategic Centre.
Proposals should be consistent with the relevant directions, objectives and actions of the Waverley Community Strategic Plan.	Yes, the proposal is consistent with the Waverley Community Strategic Plan, as discussed in Section 4.2.2.2 below.
Aims of the Waverley Local Environmental Plan.	The proposal meets the aims of the LEP 2012 as it will provide a range of commercial, retail residential and community uses to service the surrounds of the Site. The proposal provides a mid-rise medium density development which is in keeping with the R3 medium density zoning awarded to the Site whilst facilitating higher density than

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

	<p>currently permitted to provide for a diverse range of residential types to meet the needs of the community.</p> <p>This prominent corner site concentrates the bulk of the built form along the Old South Head Road frontage. The Site presents strategic merit based on the three (3) street frontages it benefits from, facilitates height transitions to not only remain considerate to the archaeological site of local significance but also for the amenity of adjoining sites. Notwithstanding this, the only Site which immediately adjoins the Site to the east facilitates the Rose Bay substation infrastructure.</p> <p>As high-rise developments will not align with the vision outlined for Waverley, a suitable medium rise mixed-use development which seeks to retain and repurpose the existing item of archaeological significance is proposed. The proposal will continue to conserve the social and built heritage of Waverley in accordance with the aims of the WLEP2012.</p>
Proposals should be consistent with the relevant liveability, productivity, infrastructure and sustainability, priorities, objectives and actions in this Local Strategic Planning Statement.	<p>As demonstrated in <b>Figure 20</b> above, and as outlined in the Urban Design Report located at <b>Appendix 2</b>, the proposal will provide a direct response to each of the planning priorities outlined in the Waverley LSPS.</p> <p>The development is proposed immediately adjacent existing bus services whilst also being located within 30 minutes of the CBD and Bondi Junction Strategic Centre. The Site is located in a residential area which has limited access to local centres within a short walking distance. The proposal can facilitate additional services and facilities to service the proposed in-situ population and the residential population surrounding the Site.</p> <p>The prominent corner will be invigorated as a new place and a local destination which encourages users within a walkable range.</p> <p>The development, whilst not an identified strategic centre, will provide a significant increase in employment opportunities not only through the construction period but also throughout it's life to support local economy and provide additional convenience.</p> <p>The proposal has been developed with sustainability principles at the forefront and will provide development along the proposed Green Grid, located along Old South Head Road. The development will facilitate tree canopy coverage, a green roof, water reuse mechanisms and increased vegetation across</p>



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

	the Site, whilst the built form will strive to achieve a 5-star green star design through the provision of environmentally sustainable design features.
Proposals should be consistent with the relevant priorities, objectives and actions of any relevant strategies.	As demonstrated above, the proposal will provide a direct response to the planning priorities of the Waverley LSPS. The proposal is consistent with the Rose Bay Local Implementation Plan provided within the Waverley LSPS, as it will provide a direct response to Local Action 1, which seeks to improve quality and increase pedestrian safety and amenity along Old South Head Road. Additionally, the proposal directly responds to Local Action 2 as it will create placemaking and provide a public plaza and place for the local community to come together. In addition, the proposal will respond to LSPS key move 6 and 11, as it will deliver enhanced tree canopy and provide development along the Green Grid vision and also facilitate placemaking opportunities to improve the Old South Head Road key corridor.
Proposals should support the strategic objectives in Council's adopted strategies and action plans.	As demonstrated above, the Site will provide mid-rise development, which is consistent with its existing zoning, whilst also meeting the relevant local actions envisaged by the Waverley LSPS. Additionally, as demonstrated in <b>Section 4.2.2.2</b> below, the proposal will remain consistent with the Waverley Community Strategic Plan also.
Proposals should not compromise non-residential development to meet employment targets for Bondi Junction Strategic Centre.	The Site is not located within the Bondi Junction Strategic Centre. Notwithstanding this, additional employment generating floor space is proposed than that currently existing on the Site.
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.	The proposal does not seek to respond to infrastructure investment and seeks to rely upon existing public infrastructure. Based on the modest size of the proposal which will seek to provide 22 units and additional employment floor space, the existing bus services can adequately facilitate the increased density which will remain commensurate with existing medium density zone. Additionally, as Old South Head Road is identified as a key corridor, a local action for the Rose Bay area is to work with NSW Government to improve public transport along key routes.
Proposals should give consideration to	An array of uses can be provided at the Site based on the current R3 zoning. Whilst the



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

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.	final uses will be further refined as part of a future Development Application, a childcare centre, community facilities, retention of the existing café/bakery use and neighbourhood shops can be accommodated on the Site.
<b>The local site-specific principles for change are:</b>	<b>Response</b>
Proposals should locate development within reasonable walking distance of public transport that has capacity (assuming development capacity will be delivered) and is frequent and reliable.	<p>As demonstrated below in <b>Figure 21</b> below, the Site is located immediately adjacent to existing bus services which service Bondi Junction.</p> <p>From review of the relevant bus timetables (386 and 387), the Sites are serviced as frequently as every hour (and occasionally more frequent services are offered during peak times) between 7am to 11pm Monday to Saturday and between 8am and 10pm on Sundays and Public Holidays.</p>
Proposals should meet high sustainability standards, improve urban resilience, and mitigate negative externalities. Proposals can satisfy these high standards by committing all development on the subject site to achieve a 5+ Green Star rating with the Green Building Council of Australia, or a Core Green Building Certification or Zero Carbon Certification with the Living Futures Institute of Australia, or equivalent.	<p>The Rose Bay South development adopts high sustainability standards which aims to achieve targets set out in the 5-Star Green Star Design and sets out to achieve an As-Built certification. This is proposed to be achieved <i>via</i> the introduction of mechanisms such as Water Sensitive Urban Design and the provision of solar panels. Harvesting of rainwater from the rooftop will also be proposed to reduce the demand for water across the Site.</p> <p>A total of 1,051m<sup>2</sup> of landscaping is proposed for the Site including increased tree canopy and a green roof.</p> <p>Additionally, the proposed redevelopment is built upon the principle of walkability and providing everyday amenities within walkable locations. The proposal chooses to create a new “place” which includes retaining existing character elements to enhance this new micro-scale centre. The retention of this built form will not only retain the character and heritage of Waverley but will also reduce the amount of materials required to facilitate redevelopment.</p>
Proposals should include an amount and type of non-residential floor space appropriate to	As previously outlined, the proposed non-residential GFA would deliver 1,850.4m <sup>2</sup> on

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

<p>the site's strategic location and proximity to, or location within, a centre or activity street.</p>	<p>the Site, thereby providing opportunities for innovation and sustained economic activity, as well as providing amenity and convenience for future residents through the integration of retail on the Site.</p> <p>This will represent 1.06:1 of the proposed FSR, which is proportionate for this location to ensure the day to day needs of the surrounding residents are met whilst not providing an excessive area which may compete with the Bondi Junction Strategic Centre or the Rose Bay local centre.</p>
<p>Proposals should create demonstrable public benefit.</p>	<p>Numerous public benefit attributes are proposed for the Site.</p> <p>A north facing public plaza is proposed between the archaeological site of local significance and the proposed built form. The proposal is building upon the LSPS key moves to encourage place making along key corridors such as Old South Head Road.</p> <p>Additionally, enhanced connectivity and permeability is proposed through the Site which may connect pedestrian movement through the Site and between The Avenue and William Street.</p> <p>The existing archaeological site of local significance is proposed to be retained and repurposed to ensure the existing character of the area is retained whilst providing a more contemporary and revitalised corner.</p> <p>The Site will support a significant increase in jobs through the delivery of up to 130 new jobs which will contribute to the provision of local jobs for local people. The Site will also provide accommodation within commuting distance of other work hubs such as in the CBD and Bondi Junction Strategic Centre.</p> <p>The proposal presents numerous public benefit outcomes as a result.</p>
<p>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.</p>	<p>Off-street car parking in the form of basement car parks will be proposed to facilitate off street car parking and incur no impacts to existing on-street parking availability. As part of a future Development Application, a traffic study and traffic generation report can be prepared to ensure minimal impacts to existing traffic generation occurs.</p> <p>Considering the immediately adjacent bus stops which service the Site and the</p>

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

	<p>considerably high walkability rate which the Site benefits from, it may be assumed that considered that walking for the residents will be the preferred mode of transport considering proximate location to existing schools, public transport, open spaces and the nature of uses which will be proposed at the Site.</p> <p>Additionally, based on the Waverley LSPS, engagement with the state government is proposed to improve public transport along key routes. As Old South Head Road is a key corridor, improved infrastructure may be provided in the future. Notwithstanding this, as only 22 residential units are proposed, it is not considered that the proposal will incur significant impacts upon existing infrastructure located adjacent the Site.</p>
Proposals should make a positive contribution to the built environment and result in an overall better urban design outcome than existing planning controls.	<p>As outlined in the accompanying Urban Design Report located at <b>Appendix 2</b>, the built environment and the creation of place making remains at the forefront of this proposal.</p> <p>The provision of a public plaza which is surrounded by existing environmental heritage and modest scale built form provides a combination of physical elements to contribute to a culturally rich and inviting built environment that combines physical elements and energy in forms for living, working, and leisure spaces.</p> <p>The revitalisation of this prominent corner Site which retains existing environmental heritage and proposes a public plaza space, may be rendered unviable considering the area of the Site which development is proposed to be precluded from. A through site link which will incorporate enhanced connectivity through the Site will also be catered for and it is anticipated that 20% of the Site will be dedicated to the public domain. In addition, the area of the Soos Bakery which is nominated as an archaeological environmental heritage will be retained which provides an approximate area of 130m<sup>2</sup>. Therefore, as approximately 20% of the Site will be dedicated to the public domain and an additional 7% will represent the area used to retain environmental heritage, only 73% of the Site remains suitable for new built form.</p> <p>To capitalise on this Sites prominent location which is awarded three (3) street frontages</p>

## PLANNING PROPOSAL

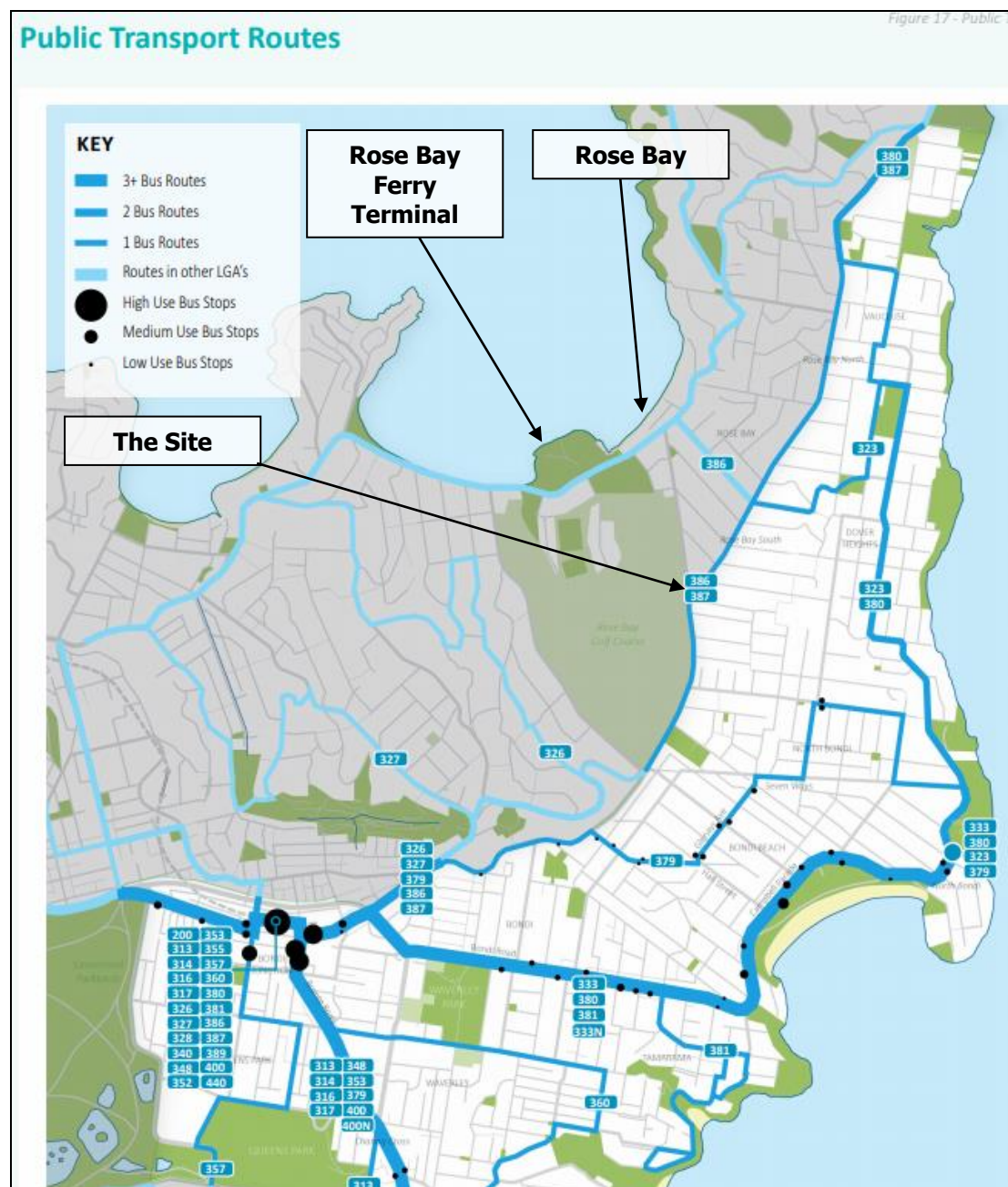
Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

	and sweeping views across the Royal Sydney Golf Course, a significantly enhanced built form and place making outcome would result, than that if compliance with existing planning controls was proposed.
Proposals should result in high amenity for occupants or users.	<p>The addition of the public plaza, high amenity for occupants of the Rose Bay South development are accomplished within this proposal from an environmental perspective and in terms of a user-based experience. Comfort is maximised through the creation of enjoyable microclimates. The high amenity location opposite the golf course will support a high quality of life for residents, workers, and visitors.</p> <p>The proposal presents an opportunity for the height character of the green edge to be raised slightly to optimise the urbanity of this high amenity location.</p>
Proposals should optimise the provision and improvement of public space and public connections.	<p>Enhanced connectivity is proposed which will facilitate a through site link along the eastern boundary of the Site. This will enhance casual surveillance through the Site and enhance connectivity between the Avenue and William Street.</p> <p>This proposal acknowledges that the Site is extremely underutilised as 3-storey apartment block and a workshop/garage, not only in terms of the uses but also the aesthetic appearance of the Site.</p> <p>A revitalisation of the Site, which will bring with it an activated public realm, will contribute to vibrancy of the area and enhanced connectivity. This will be achieved through a newly developed public plaza with active street frontages and through-site connections. Additionally, the proposal can benefit from sweeping views of the existing open space asset which the Royal Sydney golf course provides to the west. The redevelopment will not only enhance the future residents within the Site the upgraded appearance, public domain and contemporary built form will also enhance the facilities and amenities for surrounding residents.</p>

As demonstrated above, the Planning Proposal exhibits significant merit to warrant support of the increased density and height for the Site.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776



**Figure 21: Public Transport Routes (Source: Waverley LSPS)**

The above image extracted from the Waverley LSPS highlights the location of the Site and the two bus stops which are located immediately adjacent the Site. The above figure highlights the public transport routes available for the area and this demonstrates the limited number of areas which are serviced by two (2) bus stops. The Site is appropriately located and serviced by public transport to cater for additional density.

By supporting the mid-rise mixed-use development on the Site, the proposal would contribute to the realisation of these aspirations for a green city connect with the sea. Development on the Site would present the opportunity to incorporate green infrastructure and enhance green linkages through the creation of new public open spaces and an activated public domain. New housing, including affordable housing, would be co-located with jobs and situated in short walking distance of major public transport infrastructure and other services. New



## **PLANNING PROPOSAL**

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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commercial space would facilitate job creation, particularly related to creative industries, innovation, knowledge-intensive sectors and start-up businesses.

### **4.2.2.2 WAVERLEY COMMUNITY STRATEGIC PLAN 2018-2029**

The Waverley Community Strategic Plan 2018-2029 (the Waverley Plan) articulates the vision, values, aspirations and priorities of the Waverley community with reference to other local government plans, information and resourcing capabilities. It provides a direction for the future of Waverley for the next 9 years.

Waverley community's aspirations for housing are to ensure that sustainable growth and development is proposed which protects heritage and avoids high-rise development. The Proposal provides a direct response to this as it provides proportionate development considerate of its R3 zoning and immediate surroundings, whilst also retaining existing heritage.

The Waverley Plan provides eleven (11) themes which demonstrate the most significant areas that should be focused on in the next 11 years. Each theme is broken down into goals and their corresponding strategies.

As outlined within the Urban Design Report provided at Appendix 6, the following table is provided which acknowledges the appropriateness of the proposal and how it will respond to the identified eleven (11) themes:

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

### RESPONSE TO WAVERLEY COMMUNITY STRATEGIC PLAN 2018-2029

#### THEMES

<b>1</b>	Arts and Culture	A new public space with public art feature and an active laneway will provide opportunities for social and cultural activities.
<b>2</b>	Community Services and Well-being	25% of the floor area is dedicated to flexible neighbourhood shops/community space. The housing will include up to 20% affordable housing, ensuring an increase in housing diversity for this local area and community.
<b>3</b>	Recreation and Open Spaces	Creating a new place on this prominent corner opposite the golf course can encourage recreation around this significant green space.
<b>4</b>	Local Economy	Live/work spaces, childcare, a flexible community space, and retail spaces support the local economy.
<b>5</b>	Planning, Development and Heritage	The character corner building is retained and incorporated into the design in a sympathetic fashion. The architectural articulation of new elements is sympathetic of the local urban and green character.
<b>6</b>	Transport, Pedestrians and Parking	High quality footpath spaces and a new laneway support convenient and comfortable for pedestrian circulation.
<b>7</b>	Building and Infrastructure	The redevelopment of this struggling corner will enliven this place and create an activity hub for the local community.
<b>8</b>	Sustainable Environment	Targeting a 5-Star Green Star Design and As-Built certification, this proposal incorporates passive solar design systems, rainwater harvesting and water recycling systems, and an increase in trees and planting on the roof and public domain.
<b>11</b>	Knowledge and Innovation	Live/work spaces provide local opportunities for employment activities.

**Figure 22: Response to the 11 themes (Source: Roberts Day)**

Overall, Goal 4.2 of the Waverley Plan is to ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services. The planning proposal will also contribute to this goal as it will provide adequate and suitable employment related floor space is available.

#### 4.2.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs), as outlined in **Table 8**.

**Table 8: State Environmental Planning Policies**

<b>Policy</b>	<b>Details</b>
SEPP 1 – Development Standards	The Planning Proposal will not contain provisions that contradict or hinder the application of the SEPP.
SEPP 55 – Remediation of Land	Appropriate environmental site investigations (Stage 2)

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

	would be carried out in accordance with SEPP 55 at the DA phase.
SEPP 64 – Advertising and Signage	Any signage associated with the future development would be assessed and approved in accordance with SEPP 64.
SEPP 65 – Design quality of Residential Apartment Development	This will be considered further as part of the DA stage.
SEPP (Coastal Management) 2018	<p>The Coastal Management SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone.</p> <p>The Site is not identified as being wetlands or adjacent to coastal wetlands for the purpose of the Coastal Management SEPP.</p> <p>Future development would therefore have no adverse impact.</p>
(Building Sustainability Index: BASIX) 2004	This will be considered further as part of the DA stage.
SEPP (Exempt and Complying Development Codes) 2008	The relevant approvals pathway for future development would be determined in light of the relevant LEP and Exempt and Complying Development Codes.
SEPP (Infrastructure) 2007	<p><i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure) provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.</p> <p>Details of the development of the Site would be confirmed at the DA stage ensuing the rezoning of the land. Any requirement for the referral of the application to RMS would be confirmed at this stage.</p>

### 4.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (SECTION 9.1 DIRECTIONS)?

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 9**.

**Table 9: Section 9.1 Ministerial Directions**

<b>Direction</b>	<b>Comment</b>
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	The proposal will retain the R3 Medium Density Residential zoning of the Site, and in accordance with the objectives and permissibility provisions of the R3 zone would support the co-location of retail, community facilities and residential accommodation.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

	Consistent with the objectives of this Direction, the proposal would encourage employment generation through the delivery of 1,850m <sup>2</sup> of employment generating uses comprising flexible floor space. New jobs would be situated on a highly accessible Site in proximity of existing public transport, within 30 minutes of the Harbour City and Bondi Junction Strategic Centre.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	The existing archaeological Site as identified within Part 3 of Schedule 5 of the WLPE 2012 the WLEP2012 is proposed to be retained (A538) and repurposed.
2.4 Recreation Vehicle Areas	Not applicable.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent with the current R3 Medium Density Residential zoning (which will be retained), the proposal would support the provision of residential accommodation on the Site, co-located with commercial premises within mixed-use development. The delivery of 22 new dwellings would place downward pressure on prices to improve affordability and diversify housing choice. A range of unit sizes, as well as a diverse housing offering, would assist in accommodating a variety of price-points and meeting the needs of Sydney's diverse and growing population.
3.2 Caravan Park and Manufactured Home	Not applicable.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

Estates	
3.3 Home Occupations	Not applicable.
3.4 Integrating Land Use and Transport	The Site is located in immediate proximity of key public transport routes and is located in a highly walkable location. As outlined in <b>Figure 21</b> , buses 386 and 387 are located immediately adjacent the Site on Old South Head Road. The proposal seeks to take advantage of the Site's favourable location by providing capacity for a broader range of retail uses available on the Site that can be accessed by public transport, walking and cycling. The proposal will promote transport choice and reduce car dependency as it will provide additional services to meet the day to day needs of surrounding residents. New retail and residential development on the Site would therefore promote the use of active transport modes.
3.5 Development Near Licenced Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	The Site is identified as comprising Class 5 acid sulfate soils in the relevant WLEP2012 map. Relevant investigations would be carried out at the DA phase.
4.2 Mine Subsidence/Unstable Land	The Site is not identified by the Section 10.7 Certificate as being proclaimed by mine subsidence.
4.3 Flood Prone Land	The Site is not identified by the Section 10.7 Certificate as being affected by flooding.
4.4 Planning for Bushfire Protection	The Site is not identified by the Section 10.7 Certificate as being affected by bushfire.
<b>2. Regional Planning</b>	
5.1 Implementation of Regional Strategies.	Not applicable.
5.2 Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the Greater Sydney Region Plan: A Metropolis of Three Cities.
5.11 Development of Aboriginal Land Council Land	Not Applicable.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Not applicable.
6.2 Reserving Land for Public Purposes	Not applicable.
6.3 Site Specific Provisions	No site-specific change of zoning or additional permitted uses are required to support the future development of the site. The proposed LEP amendments relate to development standards already applicable to the site and would not introduce any additional development standards.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	The proposal's alignment with A Plan for Growing Sydney and other relevant strategic plans is demonstrated in <b>Section 4.1</b> of this Planning Proposal report.
7.2 Implementation of Great Macarthur Land Release Investigation	Not applicable.

### 4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

#### 4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OF THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

The Site has been historically developed and is situated in an established urban area forming part of Old South Head Road.

Additionally, based on the 10.7 (2) and (5) Certificates (dated August 2019) relating to each lot confirms the 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 proposal would therefore *not* affect any critical habitats, populations or ecological communities.

#### 4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

##### *Design, Appearance and Public Domain*

- An Urban Design Report has been prepared by Roberts Day and is provided at **Appendix 2**. Based on detailed site analysis and modelling, it is demonstrated that the proposed building height and FSR are highly appropriate for the Site.
- Lower building elements would be provided adjacent to existing heritage building proposed to be retained. The design of the built form would therefore provide an effective height transition and a dynamic skyline.
- As detailed in the Urban Design Report, the concept design is capable of compliance with the key requirements of the ADG, including with respect to building setbacks, building depth, visual privacy, open space, solar access, parking, apartment size and mix, and apartment design. Whilst detailed assessment of a proposed development for the Site would be undertaken at the DA stage, the concept design demonstrates that future mixed-use development on the Site can be designed to provide a high level of amenity for residents of the subject and adjoining sites.
- The proposal would provide the opportunity to more effectively relate to the public domain through active frontages at street level, a new public plaza, increased landscaping and the through site links and enhanced connectivity the Site will also

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

---

facilitate. Ultimately this would contribute to a more attractive streetscape and vibrant street life.

### ***Landscaping***

- Further details of landscaping will be provided as part of a future Development Application. State and local government policies, as well as local and international precedent in laneway activation, laneway greening, street tree planting, and vertical and rooftop gardens, have guided the urban design concepts and will guide the landscape scheme for the future development of the Site.
- The proposed terrace and rooftop gardens would contribute to the urban tree canopy, providing positive outcomes for microclimate, biodiversity and habitat, whilst optimising opportunities for social interaction between residents and providing direct connections to the large green expanse awarded to the Royal Sydney Golf Course.

### ***Traffic and Parking***

- A Traffic Impact Assessment Report has not been prepared for the purposes of the Planning Proposal but will form part of any future Development Application for the Site.
- The Site immediately adjoins two bus services located on Old South Head Road which service Bondi Junction. Enhanced walkability will be encouraged by virtue of the proposal, as additional services and amenities will be provided for, which will cater for the needs of not only the proposed residents by the existing surrounding residents also.
- It is proposed to provide for off-street parking in the form of basement levels. 51 parking spaces are proposed at this point which will and parking for other types of vehicles, motorcycles and bicycles would be further assessed at the DA stage.

### ***Heritage***

The two-storey corner shop located at the intersection of Old South Head Road and The Avenue is known as "SOOS Bakery". The address of the Soos bakery is 445 Old South Head Road and is identified as an item of local significance of Schedule 5 of the WLEP 2012 environmental heritage register. The Site is specifically nominated as an archaeological site of local significance and it is identified as item no. (A538).

As outlined in the accompanying heritage impact assessment (HIA) prepared by Kovacs Architects located at **Appendix 3**, the ground floor was occupied by the Soos Bakery from 1958 until recently but has now closed down and currently operates as a bakery/café where small baking and cooking occurs. The historical use of the Soos bakery catered for industrial scale of operation which supplied bread to shops and supermarkets throughout Sydney.

Based on the findings of the HIA, the existing bakery uses small scale machinery completely different from the large-scale industrial equipment used by the historic bakery.

The HIA also reveals that the renovations and construction of the flat building on the adjoining lot "have completely erased all physical evidence of industrial archaeology associated with the site".

The flat building is a three (3) storey building facing The Avenue and was built between 1992 and 1996. It is a contemporary face brick building with aluminium framed windows, metal balustrades and a concrete tile covered gable roof. The HIA outlines that as the building "is a recently erected building, the site does not provide any associations relevant for industrial archaeology".



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776

Ultimately, the HIA concludes that the summary of condition of the four (4) existing buildings located at 439-445 Old South Head Road "are extensively altered both externally and internally. Only the bakery maintains a degree of external integrity as an Inter-war building, but even the fabric of this item is poorly maintained. Its interior reveals a culturally degraded condition similar to the lack of cultural significance exhibited by the other three".



**Figure 23: The corner retail shop of the original Soos Bakery (Source: Kovacs Architects)**

As outlined above, the WLEP 2012 nominates the site as having archaeological significance and the corresponding Inventory Sheet, prepared in February 2000, whose Statement of Significance reads:

"Set of commercial buildings of which the bakery is only one in the block between The Avenue, Old South Head Road and William Street. Soos Bakery and the shop at 439 Old South Head Road (cnr William Street) are separated by a large and very overgrown shed. An SCC substation runs along the rear from William Street to The Avenue. The whole complex is a small island of light industry in a sea of suburban residences. Such parts of the structures as can be seen suggest an early 20th century date. The area deserves further investigation and could have archaeological potential".

The Inventory Sheet fails to take into consideration the construction of the existing residential flat building and resulted in the removal of most of the remnant industrial archaeology associated with the Site. Since the construction of the residential flat building, the surviving buildings have also been the subjects of extensive change. For example, the overgrown shed referred to in the Statement of Significance is no longer extant and therefore the above statement can no longer be accepted as relevant or accurate.

Regardless, the HIA establishes that any cultural and industrial archaeological significance previously associated with the site has been irreversibly lost.

The proposed development on the Site will retain the existing corner building located at 445 Old South Head Road and will propose the demolition of the existing residential flat building

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

---

and the corner building and mechanics workshop located at 439-441 Old South Head Road. The construction of the mixed-use development with basement car parking, enhanced public domain space and associated landscaping.

Whilst the retention of the existing Soos bakery is not particularly high from an environmental heritage perspective. The HIA established the following:

"..the building has significant associations with local light industry through its connection to the Soos Bakery. Furthermore, the building's exterior is reasonably intact and its prominent position high on a bend in Old South Head Road imparts a landmark quality. Although the foregoing assessment has found that the cultural significance of the building is not particularly high and it does not reach the level, where its listing should be mandatory, this writer is of the opinion that there is a benefit to the community in retaining and adapting the building and this opinion is shared by the owner".

Furthermore, the assessment confirms that the heritage values will not be compromised as a result of the redevelopment of the Site and outlines the following:

"..redevelopment of the site should not generate adverse conservation outcomes. The proposed massing of the new building acknowledges the two storey scale of the retained corner bakery, as the new mass is separated and there is a strong two storey podium element at street level which relates to and visually reinforces the bulk of the bakery as an urban wall. The proposed plaza also aids in focusing on the bakery and maintaining its visual prominence. The new development is not going to overwhelm the bakery".

Finally, the HIA concludes that the heritage impact of the proposal on the cultural significance of the potential archaeological site, will not result in adverse impacts as a result of the redevelopment as:

- the Site has lost its industrial archaeological potential in the intervening years since the original identification by the construction of a series of approved developments;
- retention of the corner building on the No. 443-445 site represents a positive impact as the building exhibits some cultural significance, even if this does not reach the threshold where its listing would be warranted;
- demolition of the existing buildings on 439-441 Old South Head Road does not represent an unacceptable loss of cultural value for the area due to the demonstrated lack of cultural significance exhibited by the buildings;
- construction of a mixed-use development on the Site does not diminish the heritage values associated with the Site; and
- the proposed development does not generate negative heritage impacts for the local area.

### ***The NSW Heritage Act 1977***

The NSW Heritage Act 1977 (the Heritage Act) is applicable to the Site and Under Division 9 "Protection of certain relics" of Part 6 of the Heritage Act, an excavation permit is required in certain circumstances where knowledge of an exposed relic will, or is likely to, result in a relic being discovered, exposed, moved, damaged or destroyed. The assessment in the HIA reveals that there is no evidence for industrial archaeological relics on the Site and there is no

## **PLANNING PROPOSAL**

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

---

likelihood that future excavation of the land at 439-445 Old South Head Road may disturb relics, as defined by the Heritage Act.

### ***Construction Management***

- To ensure the carrying out of future development protects the quality of the environment and amenity of adjoining properties, a Construction Environmental Management Plan would be developed prior to the commencement of works.

### ***Waste Management***

- A comprehensive Waste Management Plan would be prepared as part of a future DA, including measures to minimise waste generation and manage waste/recyclables through all phases of the development.

#### **4.3.3 How has the planning proposal adequately addressed social and economic effects?**

The social and economic effects of the proposal have been considered and the planning proposal seeks to increase the range of uses offered on the Site within a mixed-use development and would not result in adverse social or economic impacts. The proposal will provide enhanced amenity and increased public domain space for residents within the proposed development and the surrounding residential neighbourhood. Additional ground floor activity will result which will provide increased causal surveillance and provide for a safer environment.

The proposal seeks to deliver an integrated development with uses that contribute to creating a village and place making environment along, Old South Head Road, in accordance with Waverley Council's LSPS recommended initiatives. The planning proposal would increase the types of employment activity on the Site and increase the availability of local employment opportunities and the supply of additional diverse housing to complement the proposed micro scale local centre.

Accordingly, the Planning Proposal has adequately considered social and economic factors.

#### **4.3.3 4 How has the planning proposal adequately addressed social and economic effects?**

#### **4.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH 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.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

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## PART E 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 public notice in local newspaper(s).
- A notice on the Waverley Council website.
- Written correspondence to adjoining and surrounding landowners.
- Website outlining the projects, concepts, goals, design principles with a public comments section for feedback.

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.

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

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## PART F CONCLUSION

The proposed amendment to WLEP2012 to include additional building height and FSR would support the future development of the Site for mixed-use development. The provision of mixed-use development is consistent with the current R3 Medium Density Residential zoning of the Site, and the increased density of development sought to be provided reflects the zone objectives as well as key strategic policies.

In summary, the proposed WLEP2012 amendment for additional building height and FSR is appropriate for the following reasons:

- The proposed WLEP2012 amendment would enable the future development of the Site for mid-rise medium density mixed-use development including shops, community facilities and residential accommodation. Whilst the envisaged range of uses are already permitted with consent in the R3 zone, additional building height and FSR are required to support the viability of creating a public plaza and place making development.
- It is acknowledged that the existing planning controls allow for medium density residential development, however the existing controls do little to encourage the local role of the Site to be maintained and the introduction of place making initiatives.
- Given the Site's location immediately adjacent existing bus services which service Bondi Junction, the scale of development is ideally located in accordance with the principles of TOD. Therefore, the Site provides valuable opportunity to contribute to a sustainable, transit-oriented community providing a high standard of living for residents and workers of the area.
- The proposal is consistent with state, regional and local strategic plans. Specifically, the proposal is consistent with the NSW State Priorities, A Plan for Growing Sydney, Directions for a Greater Sydney, the Greater Sydney Region Plan, the Eastern City District Plan, Waverley LSPS and Waverley Community Strategic Plan 2018-2029, particularly as they relate to providing additional housing in a medium density development form, located in accessible locations, growing the economy, creating and renewing great places whilst retaining existing environmental heritage, coordinating land uses with transport and other forms of infrastructure, encouraging place making initiatives, increasing the urban tree canopy and this clearly delivering a development which demonstrates significant public benefit.
- New housing on the Site would support the need for additional and more diverse housing supply in Sydney in accessible locations. The delivery of 22 new dwellings would place downward pressure on prices to improve affordability and diversify housing choice, whilst retaining the mid-rise character of the area. A range of unit sizes from studios to 4 bedrooms, would assist in accommodating a variety of price-points and meeting the needs of Sydney's diverse and growing population.
- The proposal would support sustained job creation and economic activity through the provision of shops, retail and community facilities. Specifically, economic benefits include:
  - The proposal would continue to accommodate 130 jobs on the Site, through the provision of ground and level 1 active uses premises capable of supporting a higher employment density than the current facilities.



## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346 and Lot 1 DP557245 and SP 55776)

---

- The concept development would provide suitable floor space to accommodate art galleries/exhibition, library and collaborative spaces and break-out spaces to foster the creative industries and knowledge intensive jobs to support the nearby Randwick health and education centre. Additionally, the retention of the bakery and café (Soos Bakery) will be provided, in addition to neighbourhood shops to meet the day to day needs of the community.
- The proposed LEP amendment aligns with the relevant Section 9.1 Ministerial Directions including as they relate to residential zones and the integration of land use and transport.
- The proposal is consistent with the aims of WLEP2012 as it seeks to facilitate the sustainable development and use of land for housing and services to meet the needs of local populations, promote appropriate growth, retaining and enhancing local heritage and respecting the local identity of the area.
- The future provision of mixed-use development is wholly consistent with the R3 Medium Density Residential zone objectives as it provides a mixture of compatible land uses in an accessible location immediately adjacent two (2) existing bus stops. It is noteworthy that the envisaged mixed-use development is already permissible pursuant to the WLEP2012, with no change of zone or additional permitted use required.
- The proposed amendment of the WLEP2012 height of buildings and FSR standards to allow built form up to 26m with a 2.5:1 FSR, would continue to achieve the objectives of the standards, as follows:
  - Additional height and FSR are required to make the redevelopment of the Site viable, whilst also retaining existing additional shops and residential accommodation are delivered to support jobs, economic growth and the housing needs of Sydney's growing population.
  - The location of the Site in immediate proximity of existing public transport, established mid-rise residential flat buildings, throughout Rose Bay, the proposal means that the proposed mid-rise development on the Site would integrate with the density of development and range of land uses in the Site's vicinity.
  - New mid-rise mixed-use development would catalyse the desired revitalisation of this prominent corner and leverage off the significant views to the Royal Sydney Golf course whilst retaining existing environmental heritage and therefore continuing to be considerate to the existing and desired character of the locality.
  - The contemporary design would concentrate the built form in proximity of land designated for mid-rise buildings, whilst lower building elements would be provided adjacent to existing heritage-listed buildings and southern adjoining sites, albeit the southern adjoining site provides the Rose Bay Zone substation (No. 1164). Additionally, as the Site benefits from frontage to three streets, limited impacts in terms of loss of amenity to adjoining sites will result. The design of the built form would therefore provide an effective height transition and protect neighbouring amenity.
- As detailed in the Urban Design Report (**Appendix 2**), the concept design is capable of compliance with the key requirements of the ADG. Whilst further detailed assessment of a proposed development would be finalised at the DA stage, the concept design demonstrates that future mixed-use development on the Site can be

## PLANNING PROPOSAL

Amendment to Waverley Local Environmental Plan 2012 – Additional Height and FSR  
439-441 & 443-445 Old South Head Road & 1 The Avenue, Rose Bay (Lot 1 DP 857668, Lot 6 DP 4346  
and Lot 1 DP557245 and SP 55776

---

designed to provide a high level of amenity for the proposed and existing surrounding residents.

- The proposal would provide the opportunity to more effectively relate to the public domain through revitalised active frontages at street level, providing enhanced place making through the provision of a north facing public plaza and the preservation of the Soos Bakery (Archaeological Heritage) whilst also enhancing connectivity and through site links.
- A high level of amenity for all residents, workers and visitors would be ensured by designing built form with respect to existing heritage, solar access, views and visual privacy.
- The proposal would not exhibit any adverse environmental impact, given that the Site is located within an established built up area, has been historically developed and contains limited vegetation and dated built form. The Site's redevelopment would create opportunities for development designed in accordance with the principles of ESD, new public open spaces and place making plaza, increased tree canopy, co-location of housing and jobs and the promotion of active transport use through TOD.

It is therefore recommended that the Planning Proposal is approved by Waverley 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.

## **Appendix 1   Survey Plan**

## **Appendix 2    Urban Design Report**

## **Appendix 3                      Heritage Impact Assessment**



## **Appendix 4    Community Consultation Strategy**

## **Appendix 5 Environmental Site Assessment**

## **Appendix 6   Strategic Merit Test**