



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DECISION	13 October 2022
PANEL MEMBERS	Carl Scully (Chair), Gail Connolly, Donna Rygate, Lee Kosnetter, Jeremy Swan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2022-21 – Waverley Local Government Area – PP-2022-676- 34-36 Flood Street, Bondi (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:






- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
- ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

1. The current SP2 Educational Establishment zoning as gazetted in 2012 is incorrect and the current land use (i.e., place of public worship) has existed for at least 40 years and is now prohibited in the zone.
2. The current SP2 zone is inconsistent with the Department's LEP practice note, published in 2010, which provides that *"Most existing infrastructure land currently zoned 'special use' should be rezoned in the LEP according to what the adjacent zone is, if that zone is a 'prescribed zone' in the ISEPP which permits that type of infrastructure."* (LEP practice note PN10-001, Principle 2.2).
3. The Panel notes the current practice elsewhere in this LGA for educational facilities and places of public worship to operate in zones other than SP2 and forms the view that this rezoning will not create a precedent.
4. The Panel notes the Council officer's advice that the zoning of this site is an anomaly in that the site is not an educational establishment and has not been for at least 40 years.
5. The Panel agrees with the Council officer's report to the Waverley Local Planning Panel that the planning proposal has both strategic and site-specific merit and *"the use of the SP2 land is not appropriate for this site. The R3 zone, however, surrounds the site and facilitates the uses continuing/expanding under its zoning provisions."*

In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the planning proposal authority (PPA) for this planning proposal.

PANEL MEMBERS	
 Carl Scully (Chair)	 Gail Connolly
 Donna Rygate	 Lee Kosnetter
 Jeremy Swan	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2022-21 – Waverley Local Government Area– PP-2022-676 - 34-36 Flood Street, Bondi
2	LEP TO BE AMENDED	Waverley Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Waverley Local Environmental Plan (LEP) 2012 to change the land use zone from Zone SP2 Infrastructure (Educational Establishment) to Zone R3 Medium Density Residential.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment
5	BRIEFINGS OF THE PANEL	<ul style="list-style-type: none"> Briefing with Department of Planning and Environment (DPE): 11:30am, 13 October 2022 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Gail Connolly, Donna Rygate, Lee Kosnetter, Jeremy Swan DPE staff in attendance: Simon Ip, Pengfei Cheng and Laura Locke Briefing with Council and Proponent: 12:00pm, 13 October 2022 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Gail Connolly, Donna Rygate, Lee Kosnetter, Jeremy Swan DPE staff in attendance: Simon Ip, Pengfei Cheng and Laura Locke Council representatives in attendance: Tim Sneesby Proponent representatives in attendance: Matthew Lennartz, Walter Gordon and Jeff Mead representing Karimbla Properties.