



## **PLANNING PROPOSAL ASSESSMENT REPORT**

**201-209 Old South Head Road, Bondi Junction**

### Planning Proposal Information

Council versions:

No.	Author	Date	Version
1	Waverley Council	18/09/19	Pre-gateway
2	Waverley Council	08/05/20	Exhibition

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## Executive Summary

The Planning Proposal submitted by Julie Stern on 12 September 2019 aims to amend the Waverley LEP by adding an additional permitted use of recreation facility (indoor) on 201-209 Old South Head Road, Bondi Junction. The recreation facility (indoor) is a gym which has been operating on site since 2015. The site is strata subdivided into 13 small lots and as such the risk of having a large use, high impact, indoor recreational facility is quite minimal. The gym has received only one complaint in its time operating and noise minimising refurbishments were made to the gym to minimise this impact as a response to the complaint. The additional permitted use is considered a simpler means to achieve this outcome than rezoning the lot to B1 Neighbourhood Centre and as such Council supports the Planning Proposal. It may be pertinent to review the permissibility of recreational facilities (indoor) within the B1 Neighbourhood Centre zoning as part of the LEP Review and the Village Centres Study. The table below outlines the LEP controls applicable to the site and what is proposed by the PP.

WLEP2012 Provision	Current Controls	Planning Proposal
<b>Zone</b>	B1 Neighbourhood Centre	B1 Neighbourhood Centre
<b>Additional Permitted Uses</b>	NIL	Recreation facility (indoor)
<b>FSR</b>	1:1	1:1
<b>Height</b>	9m	9m
<b>Heritage</b>	No	No

## INTRODUCTION

### Affected Land

The Planning Proposal is located on 201-209 Old South Head Road, Bondi Junction (SP 30764). Figure 1 below identifies the lots involved in the PP and their respective Lot and DPs.

*Figure 1 – Site of the Planning Proposal, 201-209 Old South Head Road, Bondi Junction*



*Figure 2 – Aerial photograph of the site of the planning proposal*



The lot size of the subject site is 1192m<sup>2</sup> but the floorspace of the gym is approximately 65m<sup>2</sup> as seen in figure 3.

Figure 3 – Location of gym within strata development



## Existing Development on the site

Development on the site comprises a four-storey mixed development with a ground floor commercial tenancy fronting Old South Head Road and residential apartments above street level.

## Current Planning Controls

The Waverley Local Environmental Plan 2012 (WLEP2012) applies to the subject site.

The aims of the WLEP2012 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,
- (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 current development standards pertaining to the site are:

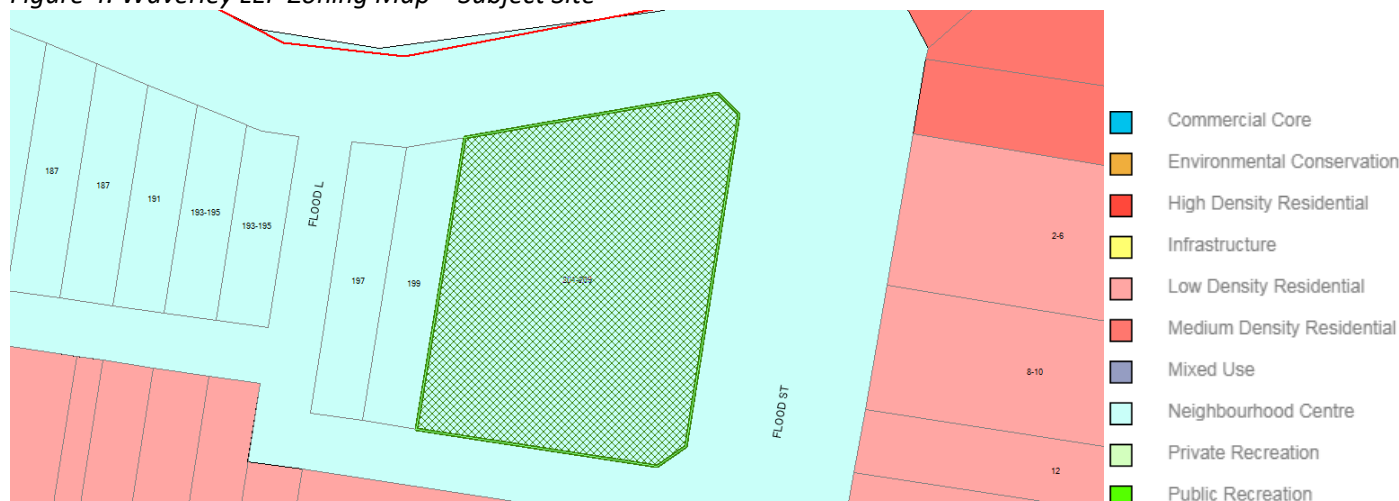
WLEP 2012 Provision	Site
Zoning	B1 Neighbourhood Centre
Height of Buildings	9m
FSR	1:1

**Zoning:** The zoning of the site is B1 Neighbourhood Centre. The objectives of the B1 Neighbourhood Centre zone are as follow:

- To provide a range of small-scale retail, business and community uses that serves the need of people who live or work in the surrounding neighbourhood
- To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads
- To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity
- To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy



Figure 4: Waverley LEP Zoning Map – Subject Site



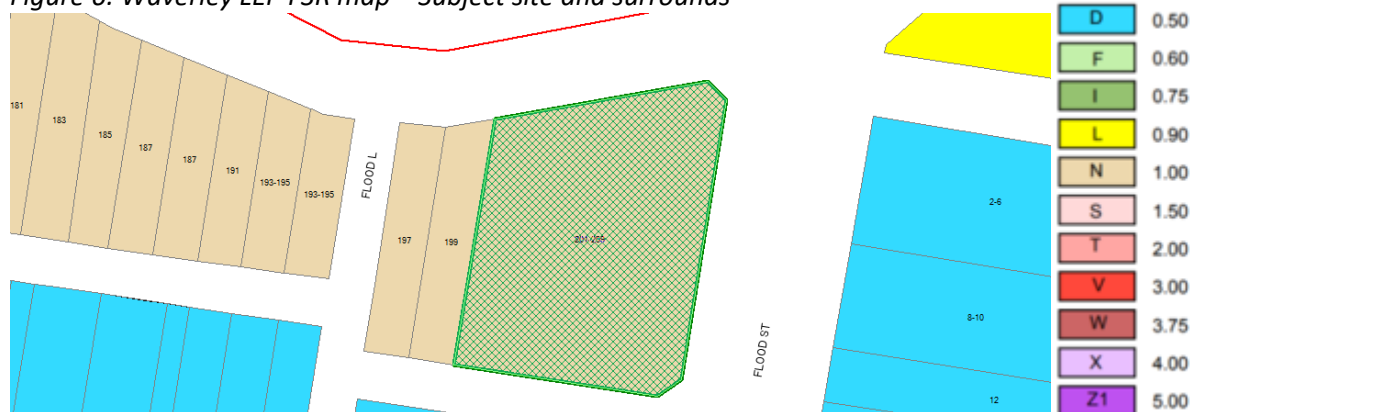
**Height of buildings:** The maximum height of buildings control applying to the site is 9m. This height is consistent with much of the surrounding area.

Figure 5: Waverley LEP Height of buildings map – Subject site and surrounds



**FSR:** The FSR of the subject site is 1:1. This FSR is consistent with the surrounding area. The area zoned B1 Neighbourhood Centre has an FSR of 1:1. Figure 6 below shows the FSR for the site and surrounding area.

Figure 6: Waverley LEP FSR map – Subject site and surrounds



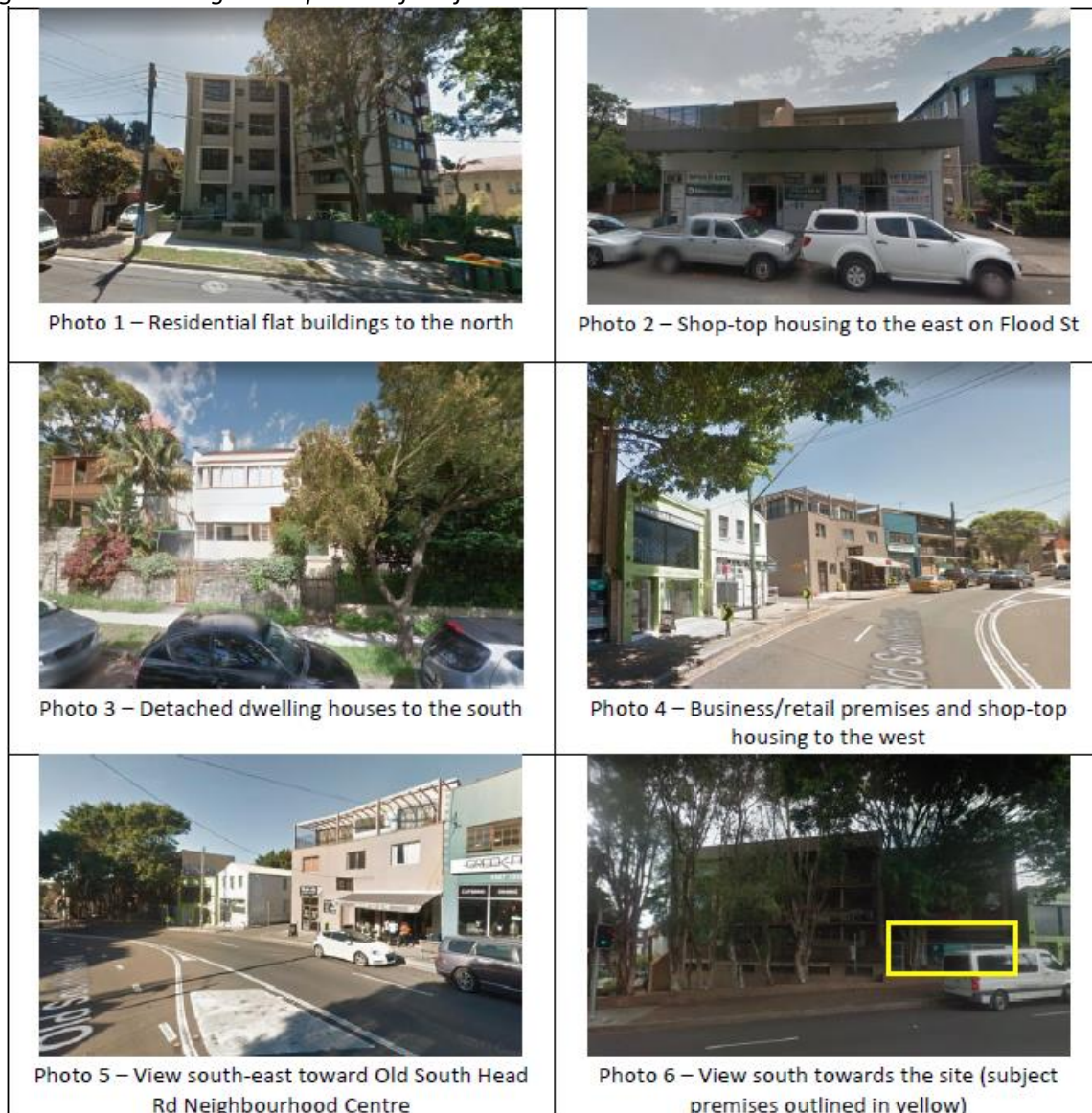
## Surrounding Context

The site is located approximately 565m from Bondi Junction CBD. To the North of the site is a residential flat building. To the East of the site is the continuation of the residential flats on the site. To the West of the site is a furnishings showroom. To the South of the site is residential premises.

## Surrounding Development

The locality is characterised by a very diverse mix of uses including small scale commercial uses, residential flat buildings, shop top housing and detached dwellings.

Figure 7: Surrounding development of subject site



## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

### 1.1 Description Statement

The submitted proposal seeks to amend the WLEP2012 as follows:

- Add an additional permitted use of recreation facility (indoor) on the site

### 1.2 Intended Outcomes

The objectives or intended outcomes of the proposed amendments to the WLEP are:

To facilitate the permissibility of a recreation facility (indoor) and more specifically a gym on the site. The proposed use is intended to complement and service the residential population on the site and within the immediate locality.

## PART 2 – EXPLANATION OF PROVISIONS

### 2.1 Draft Development Standards

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 as follows:

WLEP2012 Provision	Current Controls	Planning Proposal
<b>Zone</b>	B1 Neighbourhood Centre	B1 Neighbourhood Centre
<b>Additional Permitted Uses</b>	NIL	Recreation facility (indoor)
<b>FSR</b>	1:1	1:1
<b>Height</b>	9m	9m
<b>Heritage</b>	No	No

## PART 3 – JUSTIFICATION

### 3.1 Section A – Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

#### 3.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The Planning Proposal has been commissioned in order to allow for an additional permitted use to be added over the site which is not permitted in the B1 Neighbourhood Centre Zone.

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

A Planning Proposal is considered the best means of achieving the intended outcomes as the recreation facility (indoor) use is not permitted in the B1 Neighbourhood Centre Zone. As the land use table is required to be changed the intended outcome can only be achieved by a Planning Proposal as a change to the legislation is required.

As the proposal is only seeking to expand the uses permissible on site to that of the already operating gym, it is not considered that a rezoning is necessary. As the gym is small in nature and size and has only received the one complaint during its operation, it is considered that it fits within the existing amenity in the B1 Neighbourhood Centre zone on Old South Head Road.

## 3.2 Section B – Relationship to strategic planning framework.

### 3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

#### *A Metropolis of Three Cities*

*A Metropolis of Three Cities – the Greater Sydney Region Plan* (Region Plan) prepared by the Greater Sydney Commission is a high-level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three 'Cities' of which Waverley falls into the 'Eastern Harbour City.' Each city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region.

Objective 22 *Investment and business activity and centres* of the Metropolis of Three Cities is applicable to this Planning Proposal. This objective identifies the need for increasing access to jobs and services close to residential areas, it is considered that the proposal is in line with this objective as it seeks to increase the range of services which is in close proximity to the Bondi Junction residential areas. Bondi Junction is considered to be an important local centre and an important commercial centre that services the day to day needs of the local community.

The ability to provide a greater range of commercial uses within the building supports walkable neighbourhoods with access to jobs, schools, open space and opportunities to optimise the use of existing infrastructure. Additionally, the proposal will provide greater capacity and opportunities for jobs and services.

### *Eastern City District Plan*

The *Eastern City District Plan*, prepared by the Greater Sydney Commission, provides actions and strategies to implement the Aims and Objectives of the Region Plan *A Metropolis of Three Cities*. The District Plan is applicable to the proposal. The following objectives set out in the District Plan are applicable to this proposal:

#### **E1: Planning for a city supported by infrastructure**

The Planning Proposal intends to provide permissibility for a service that has positive impacts on the health of those that use it. The location of this service is well positioned to bus routes and is within walking distance of Bondi Beach and Bondi Junction which also has many public transport options.

#### **E3: Providing services and social infrastructure to meet people's changing needs**

The Planning Proposal seeks to provide services that will meet the needs of the surrounding area as it will directly service the surrounding residential area by providing a service that is accessible. The proposal provides an opportunity to provide greater flexibility for small-scale commercial and recreational uses on the site. The proposed use will cater to a wide variety of people ranging in age and provides them with a less intensive alternative to a much larger scale chain brand gym.

#### **E4: Fostering healthy, creative, culturally rich and socially connected communities**

The proposal responds to action 10 of this objective in that it is delivering a safe and inclusive place which provides positive health benefits to the users of the gym. The gym caters for all levels of ability and ages as it provides classes for young children and for the elderly.

#### **E6: Creating and renewing great places and local centres, and respecting the District's heritage**

The Planning Proposal will help to sustain the Bondi Junction centre as it will provide the opportunity to increase the range of jobs and services near residential areas. Promoting this use will ensure its continued viability will endeavour to continue to service the needs of the residents of Bondi Junction and Old South Head Road. Providing a greater capacity for commercial uses and creating a diversity between these uses is important for the long-term sustainability of these centres.



### 3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

#### Waverley Local Environmental Plan 2012

##### **B1 Neighbourhood Centre Zone Objective:**

- *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads.*

The proposed change to the land use table will make the gym currently operating on the site a permissible use. The gym has only received one complaint in its operating period showing that the impact on the residential premises has been minor. Further to this, any future indoor recreation facilities would be constrained by the size of the site and as such it is unlikely that larger uses such as a bowling alley or ice rink that would have a greater impact could be accommodated at this site.

The proposal will help to enable a land use that provides facilities and services that will meet the day to day needs of the residents that would not have been possible under the existing permissible land uses.

It may be pertinent to review the permissibility of recreational facilities (indoor) within the B1 Neighbourhood Centre zoning as part of the LEP Review and the Village Centres Study.

#### Waverley Community Strategic Plan 2018-2029

##### **2.1.1 Provide a range of needs-based, flexible and accessible services, buildings and services**

The gym provides a service to the surrounding residential areas meeting the needs of the local community. The gym is available to a wide range of people as well as it provides specialist services for elderly as well as young children. Given the location of the gym to a bus stop it is considered that the building is quite accessible.

##### **3.2 Expand the network of parks, open spaces, sporting and recreational facilities**

The gym provides an additional recreational facility to service the community that is in an accessible location.

##### **4.2 Ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services**

This proposal will help to ensure Waverley's villages such as Bondi Junction have a diverse range of businesses, local jobs and services. This proposal will increase the capacity to provide these jobs and aligns with strategy 4.2.2 to support the effort of a range of stakeholders to increase the diversity of the local economy.

*Draft Waverley Local Strategic Planning Statement*

**Planning Priority 8: Connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport**

The proposal will provide easy access to the gym for people in the surrounding residential area. The site is located within close proximity to a bus stop and is walking distance from the bus interchange and train station and Bondi Beach which is also heavily frequented by public transport. This will provide people with an alternative to travelling into the Bondi Junction CBD.

**Planning Priority 9: Support and grow Waverley's local economy with a focus on wellbeing, knowledge and innovation**

The proposal is consistent with action 1 of this priority in that it intends to retain shops and services within Bondi Junction and the village centres. The PP expands the capacity of a neighbourhood centre to provide shops and services to the benefit of the local economy in a location that is supported by high connectivity and access to services.

**3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?**

SEPP	Name	Applicable	Consistent
1	Development Standards	N/A	N/A
19	Bushland in Urban Areas	N/A	N/A
21	Caravan Parks	N/A	N/A
30	Intensive Agriculture	N/A	N/A
33	Hazardous and Offensive Development	N/A	N/A
36	Manufactured Home Estates	N/A	N/A
44	Koala Habitat Protection	N/A	N/A
47	Moore Park Showground	N/A	N/A
50	Canal Estate Development	N/A	N/A
52	Farm Dams and Other Works in Land and Water Management Areas	N/A	N/A
55	Remediation of Land	N/A	N/A
62	Sustainable Aquaculture	N/A	N/A
64	Advertising and Signage	This will be considered further as part of the DA stage.	Yes
65	Design Quality of Residential Apartment Development	N/A	N/A
70	Affordable Housing (Revised Scheme)	N/A	N/A
--	(Affordable Rental Housing) 2009	N/A	N/A
--	(Building Sustainability Index: BASIX) 2004	N/A	N/A
--	(Coastal Management) 2018	N/A	N/A

--	(Educational Establishments and Childcare Facilities) 2017	N/A	N/A
--	(Exempt and Complying Development Codes) 2008	N/A	N/A
--	(Housing for Seniors or People with a Disability) 2004	N/A	N/A
--	(Infrastructure) 2007	N/A	N/A
--	(Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
--	(Miscellaneous Consent Provisions) 2007	N/A	N/A
--	(State and Regional Development) 2007	N/A	N/A
--	(State Significant Precincts) 2005	N/A	N/A
--	(Sydney Drinking Water Catchment) 2011	N/A	N/A
--	(Sydney Regions Growth Centres) 2006	N/A	N/A
--	(Three Ports) 2013	N/A	N/A
--	(Urban Renewal) 2010	N/A	N/A
--	(Vegetation in Non-Rural Areas) 2017	N/A	N/A

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 8 documents Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.117 Directions as available on the DPE website.

<b>Ministerial Directions</b>	<b>Comment</b>
<b>1.1 Business and Industrial Zones</b> <b>(1) Objectives</b> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i> <b>(4) A planning proposal must contain provisions that facilitate the conservation of:</b> <i>(a) give effect to the objectives of this direction,</i> <i>(b) retain the areas and locations of existing business and industrial zones,</i> <i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i> <i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i> <i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</i>	<p>The proposal will encourage employment growth in a suitable area as the site is located within close proximity to the strategic centre of Bondi Junction and many residential areas.</p> <p>This proposal will support the viability of the Old South Head Road centre, it will provide jobs for the residents of surrounding areas and will also service the needs of the local community.</p> <p>The proposal maintains existing commercial floorspace. Maintaining employment floor space is in accordance with the Eastern City District Plan and the Waverley Community Strategic Plan 2018 – 2029.</p>
<b>3.4 Integrating Land Use and Transport</b> <b>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and</b>	<p>The objective of this direction is to ensure that urban land use locations improve accessibility for active and public transport and reduce car dependence.</p>



Ministerial Directions	Comment
<p><i>street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <li><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></li> <li><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li><i>(d) supporting the efficient and viable operation of public transport services, and</i></li> <li><i>(e) providing for the efficient movement of freight.</i></li> </ul> <p><i>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <ul style="list-style-type: none"> <li><i>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></li> <li><i>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></li> </ul>	<p>The site is well-connected to public transport, being served by frequent bus services and being in such close proximity to the Bondi Junction train station and bus interchange.</p>
<p><b>6.1 Approval and Referral Requirements</b></p> <p><i>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	<p>The proposal aims to ensure that the amended WLEP2012 would give effect to the existing use on the site and the appropriate assessment of development.</p>
<p><b>7.1 Implementation of A Plan for Growing Sydney</b></p> <p><i>(1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i></p> <p><i>(4) Planning proposals shall be consistent with:</i></p> <ul style="list-style-type: none"> <li><i>(a) the NSW Government's A Plan for Growing Sydney published in December 2014.</i></li> </ul>	<p>As indicated above in 3.2 the planning proposal is consistent with the aims and priorities of the Metropolitan Strategy as it protects commercial lands and creative and cultural communities.</p>

### 3.3 Section C – Environmental, social and economic impact

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

There is no critical threatened species or ecological communities on the site nor is there any presence of their habitats. The site does have a habitat corridor identified but it is highly unlikely that adding recreation facilities (indoor) as a permissible use will negatively impact the environment as there will be no external works required. The Planning Proposal will not adversely impact the environment.

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

Permitting an additional use of recreation facility (indoor) will not impact on the environment. The site is currently being used for a small gym, with strata residential apartments above the gym, given that this will not require any external works to be completed it is unlikely that a development would have negative environmental impacts. Given that any development would likely be constrained to the existing premises, given that any expansion would require the purchase of the above strata dwellings it is not considered that a redevelopment of the site is likely to take place. If somehow a redevelopment was to take place any environmental concerns would be addressed during the DA stage.

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

The proposed additional uses would increase the types of employment activity on the site and increase the availability of local employment opportunities to complement the other commercial activities already within the neighbourhood centre. It is considered that this would increase the amenity of the area and as such would provide both a social benefit and the increase in job availability would provide an economic benefit for the Old South Head Road centre.

#### 3.3.4 Is there adequate public infrastructure for the planning proposal?

The proposal is well located near a range of services and is well serviced via public transport, being located on a highly frequented bus route and being in relatively close proximity to the Bondi Junction Transport Interchange. As such no increases in public transport infrastructure are likely to be required due to the proposal. Additional upgrades with regards to water and power may be required.

## PART 4 – MAPPING

The Planning Proposal will not involve any amendments to the WLEP 2012 maps. The Planning Proposal will make an amendment to Schedule 1 of the WLEP 2012.

## PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a newspaper advertisement, hard copy display in the Council's

Library and Customer Service Centre, a display on the Council’s web-site and written notification to landowners. The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

## PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by September 2020.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Tasks	Timeframe
Gateway Determination	May 2020
Community Consultation	May-June 2020
Post Exhibition Review	June 2020
Update Planning Proposal / Report to Council	June-July 2020
Parliamentary Counsel drafting of LEP	July-August 2020
DPE to finalise LEP	July-August 2020