LK PLANNING

Planning Proposal

201-209 Old South Head Road, Bondi Junction



Amendment to Waverley Local Environmental Plan 2012
Schedule 1 - Additional permitted use for a boutique health studio – 'recreation facilities (indoor)'

Waverley Council
8 May 2020

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Introduction

LK Planning has been engaged to prepare a planning proposal for Nos. 201-209 Old South Head Road, Bondi Junction (the site) on behalf of Julie Stern. The planning proposal seeks an additional permitted use under Schedule 1 of *Waverley Local Environmental Plan 2012* (WLEP2012) to permit recreation facilities (indoor) for 'Best Life Health and Fitness', a boutique health studio that has been operating on the site since August 2015. Julie Stern is the company owner and an existing tenant within the building.

When 'Best Life Health and Fitness' moved into the premises 4 years ago, it replaced another fitness studio that had operated for some time and was under the impression that no further council approvals were required. Following the receipt of the first (and only) complaint earlier this year, Council investigated the development consent relevant to the property and it was discovered that there was no former formal consent for the use. Further, the use as a 'recreational facilities (indoor)' was determined to be prohibited in the B1 zone, restricting the ability to seek consent via a development application.

Once aware of the complaint, acoustic windows were retrofitted to the two existing windows at the rear of the premises at great expense.

On 17 July 2019 Waverley Council issued a Notice of Intention to Give an Order to cease operation. Council has agreed to suspend giving the Order to facilitate the lodgement and assessment of a planning proposal. This allows an assessment of the use's compatibility with the council's planning framework and would potentially allow the use to remain on the site with a legitimate approval.

If the planning proposal is not supported, Council has indicated it will give the Order and 'Best Life Health and Fitness' will be required to close.

Fortunately for the operator there is a clear alignment between their use remaining on the site with the broader strategic planning framework to which it relates. The planning proposal demonstrates the strategic merit of the proposal and its consistency with the local and strategic planning framework.

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

About ‘Best Life Health and Fitness’

The ‘Best Life Health and Fitness’ is a *boutique* health studio given the targeted niche market it supports, motivated by a commitment to the physical and mental health of its local community.

The studio’s primary customer base are members of the local Jewish community of which the site is surrounded by a dense population and 3 synagogues in the surrounding blocks. In particular, given the small private studio is set slightly back off the street, it offers an increased level of privacy for the more religious Jewish women to feel comfortable exercising.

Further, while most gyms in Australia require members to be 14 and older, this studio also provides a space where kids as young as 10 can come and exercise. As the studio is not membership based, Julie’s ‘Working With Children’ certification allows her to provide fun workouts for kids to help them get the activity they need if they aren’t receiving enough in school. There are a number of young children relying on the studio to get fit and build confidence in a small friendly environment that is not available to them at a large gym.

On the opposite side of the spectrum, the older community see the small and private environment as a safe and non-intimidating place to exercise. There is a retirement community within the nearby “Lifestyle Manor” on Flood Street within walking distance of the studio and a number of residents attend group training.

In addition to Julie’s training sessions, 70 year old Steven Denenberg has been sub-letting space from Julie to run his own Personal Training for the over 50’s business for the past 3 years. Having served the community for 16 years as the CEO of Jewish Care, at the age of 67 Steven started a new career and became a personal trainer to the over 50s. From his website, Plum Fitness & Nutritional Coaching is “a personal service for people over 50 years of age who are seeking to improve their fitness and well-being through a planned program of exercise and nutritional coaching from a peer".

The studio’s commitment to the local community makes it an important hub for social interaction, supporting the health and well-being of its neighbours.

The Site and Locality

The proposal applies to land at 201-209 Old South Head Road, Bondi Junction (CP SP 30764), located on the corner of Old South Head Road and Flood Street, Bondi Junction. 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. The site has a northern frontage to Old South Head Road of 33m, an eastern frontage to Flood Street of 42m, a southern boundary of 28m and a western boundary of 34m, with a total site area of approximately 1197m^2 (Figures 1 and 2).

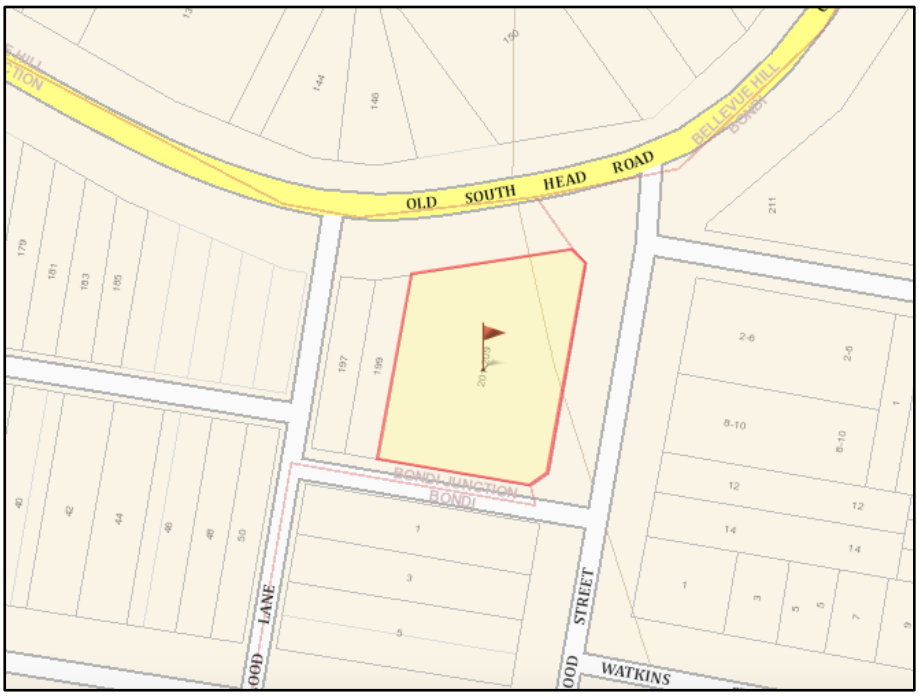


Figure 1 Site map of 201-209 Old South Head Road (Source: NSW Six Maps, 2019)



Figure 2 Aerial photo of the site (Source: NSW Six Maps, 2019)

Existing Planning Controls

The following *Waverley Local Environmental Plan 2012* provisions and development standards apply to the site:

- Maximum Building Height - 9 metres
- Zone B1 Neighbourhood Centre
- Habitat Corridor Controls Apply
- Local Village - Old South Head Road Neighbourhood Centre
- Special Character Area - Bondi Heights
- Parking Provision Zone - B

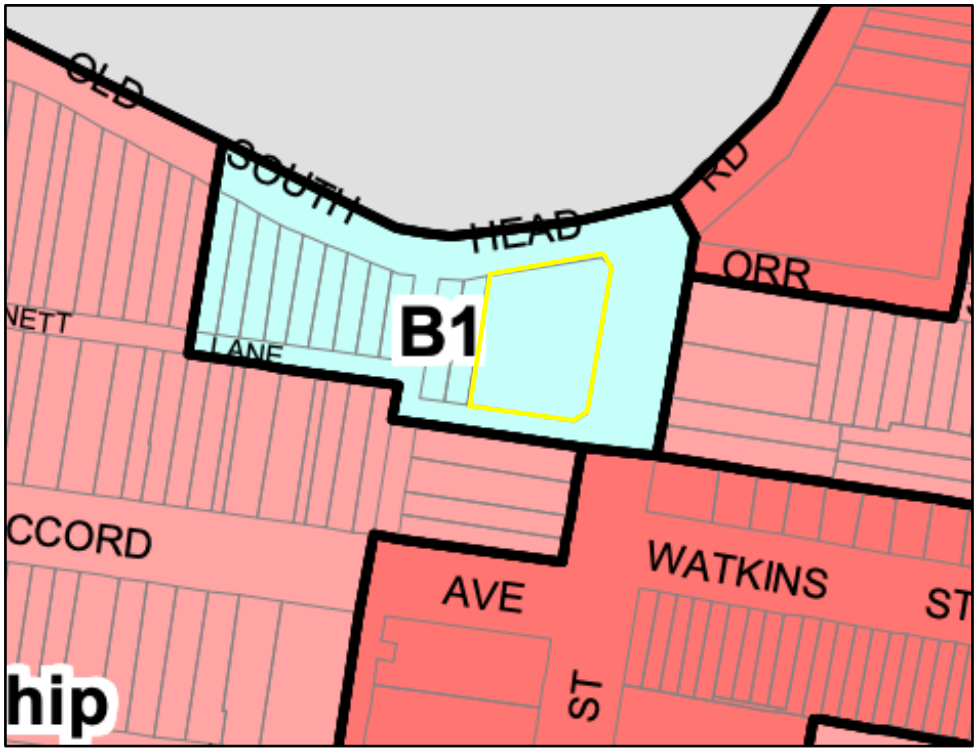


Figure 3 - Extract of WLEP2012 Zoning Map - site outlined in yellow (Source: Legislation NSW, 2019)

The site is located 565m from the Bondi Junction CBD which is within the 800m walkable catchment as identified within the Eastern City District Plan (Figure 4).

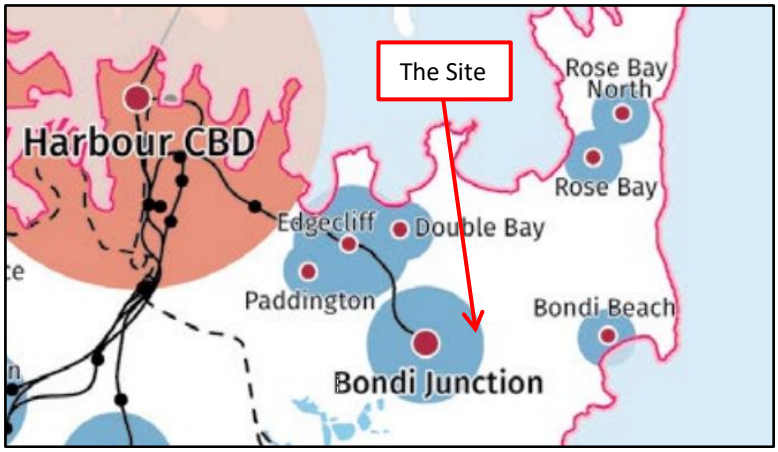


Figure 4 - Extract of Centre's Map, Eastern City District Plan (blue shading identifying 400/800m walking catchments)

Transport

The site is located on the 379 – Bondi Junction to North Bondi bus route which provides high frequency services throughout the day (Figure 5). Bus stop #202214 is located out the front of the site.

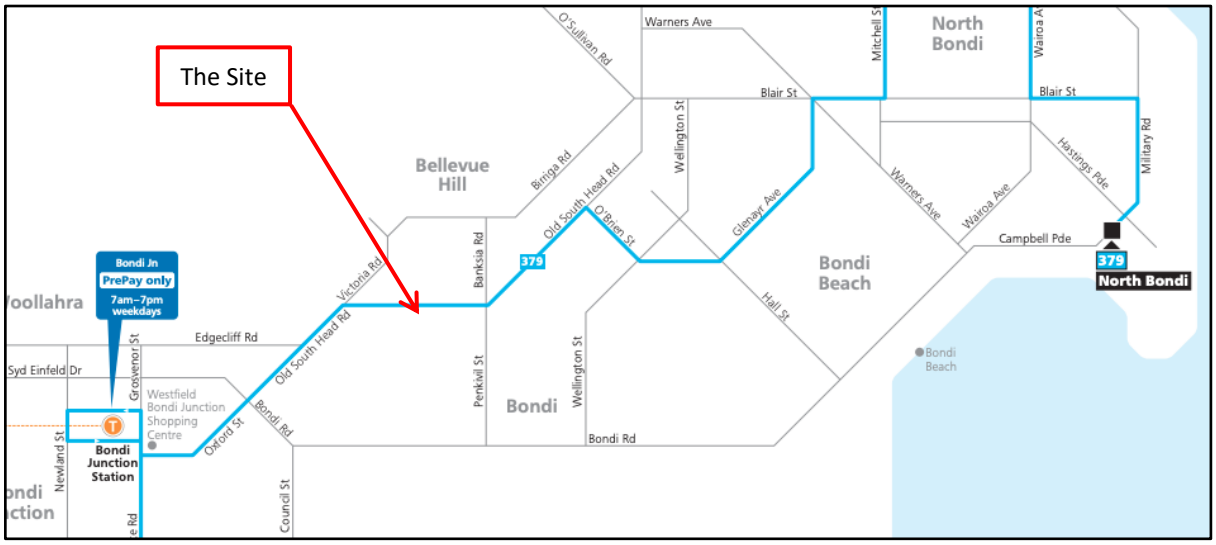


Figure 5 - Extract of Sydney Buses map for Eastern Suburbs (Source: TfNSW, 2019)

The site is located within proximity to two main bicycle routes on a low-traffic street (Watkins Street, Bon Accord Avenue and Victoria Road) and a local bicycle route on a low-traffic street (Flood Street) (Figure 6).

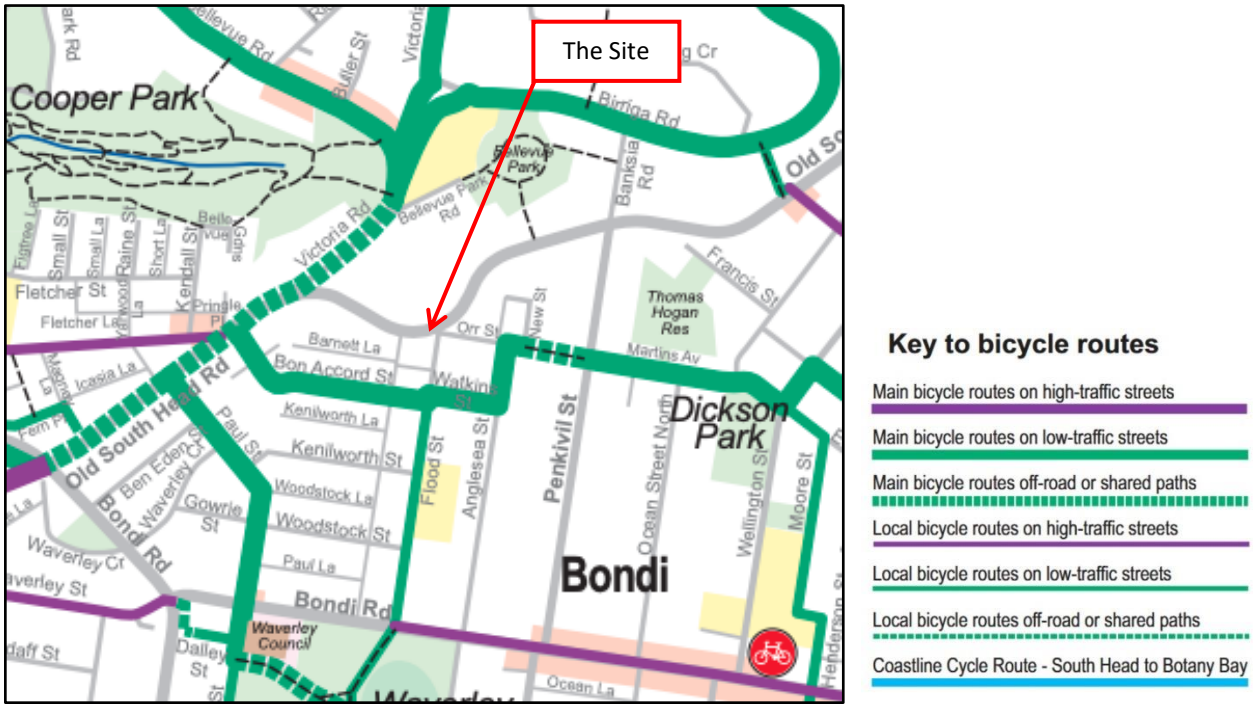


Figure 6 - Extract of 'Cycling in Waverley & Woollahra' Map

Walking

The site is located on the Green Links 1 route which is part of an integrated pedestrian network established by Council under its Green Links Project. Green Links 1 connects Centennial Park, Bondi Junction and the iconic Bondi Beach with a direct walking route. Centennial Park to Bondi Junction takes 10 minutes, while Bondi Junction to the beach takes 40 minutes (Figure 7).



Figure 7 Green Links 1 route from Centennial Park to Bondi Beach (green dotted line)

Development in the vicinity

The locality is characterised by a diverse mix of uses including small-scale commercial uses within the Old South Head Road Neighbourhood Centre, residential flat buildings up to 8 storeys, shop-top housing and detached dwellings (Photos 1 – 6).

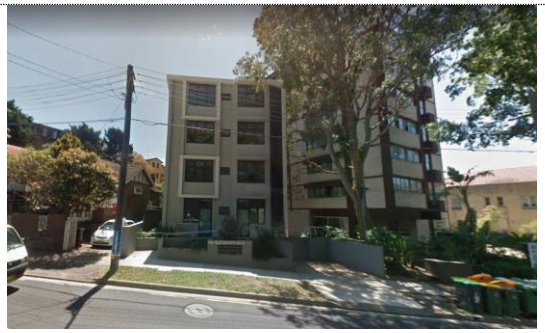


Photo 1 – Residential flat buildings to the north



Photo 2 – Shop-top housing to the east on Flood St



Photo 3 – Detached dwelling houses to the south



Photo 4 – Business/retail premises and shop-top housing to the west



Photo 5 – View south-east toward Old South Head Rd Neighbourhood Centre



Photo 6 – View south towards the site (subject premises outlined in yellow)

Part 1 – Objectives or intended outcomes

The objectives of the planning proposal include the following:

1. To enable an additional use on the site that will service the local community (1.2(2)(a) of WLEP 2012);

2. To enable the utilisation and activation of street-level floor space fronting Old South Head Road for a small-scale recreational use within an established B1 Neighbourhood Centre; and

3. To provide the capacity for additional employment on a site located in an area that enjoys high amenity, access to local services and public transport.

Specifically, the objective of the planning proposal is to facilitate permissibility for a boutique health studio to occupy the existing commercial tenancy in the building. The proposed use is intended to complement and service the residential population within the immediate locality.

Part 2 – Explanation of provisions

The proposed objectives and intended outcomes will be achieved by amending Schedule 1 – Additional Permitted Uses of *Waverley Local Environmental Plan 2012* to permit 'recreation facilities (indoor)' on the site. No changes to the Height of Buildings or Floor Space Ratio standards are sought.

The definition for the proposed additional use states:

> ***recreation facilities (indoor)*** *means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

The above definition groups a range of indoor recreational uses together that in most cases require larger sites to accommodate regulation-size activity areas. The inclusion of 'health studio' unreasonably equates the intensity and potential impacts of operations like small yoga and pilates studios, group fitness and 1-on-1 personal training with much larger uses such as indoor swimming pools, bowling alleys, ice rinks etc.

In this case, the proposed amendment to Schedule 1 will permit the ongoing use of the site as a boutique health studio called 'Best Life Health and Fitness' which runs 1-on-1 personal training, small group training for the over 40s. The health studio has a floor area of approximately 65m² catering for a maximum of 10 people and 1-2 staff consistent with the small-scale use typically envisaged for a B1 Neighbourhood Centre.

Part 3 – Justification

Section A – Need for the planning proposal

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

No. The planning proposal is not a result of an endorsed local strategic planning statement, strategic study or report.

Notwithstanding this, the planning proposal is consistent with the planning priorities and actions in the Greater Sydney Region Plan, Eastern City District Plan, Council's Community Strategic Plan 2018-2029, the draft Waverley Local Strategic Planning Statement, the Waverley Economic Development Strategy 2015-2020, the objectives of the Waverley Local Environmental Plan 2012 and Part E3 – Local Village Centres of the Waverley Development Control Plan 2012.

Consistency with the relevant local strategic planning statement, strategies, studies and reports is contained in Section B – 'Relationship to the strategic planning framework'.

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

Yes, the planning proposal is considered the best way to achieve the intended outcomes for the site. The proposal demonstrates the site and locality specific strategic merit of permitting 'recreation facilities (indoor)' to facilitate the ongoing use of a boutique health studio that services the local community.

Several alternative approaches were considered for this planning proposal to ensure the amendments would achieve its objectives and be consistent with the strategic land use approach more broadly for similar uses in the region. The options are outlined further below.

1. **Permitting 'health studio' as an additional permitted use on the site**
   Including 'health studio' as an additional permitted use on the site as opposed to 'recreation facilities (indoor)' would restrict the development of indoor recreational facilities that require larger floor plates such as squash courts, indoor pools, ice rinks etc. Unfortunately, 'health studio' is not a defined use and therefore doesn't satisfy Direction 5 of the Standard Instrument Order 2006 which identifies the development types that can be included within a Land Use Table of an LEP.

2. **Amending the land use table for all B1 Neighbourhood Centre zones**
   Including 'recreation facilities (indoor)' as 'permitted with consent' in all B1 Neighbourhood Centre zones to provide a more consistent approach for neighbourhood centres in Waverley. The amendment would also be consistent with the adjoining Woollahra and Randwick B1 Neighbourhood zones where 'recreation facilities (indoor)' are permissible.

   Whilst the Old South Head Road Neighbourhood Centre has locality-specific characteristics that may be distinct from other neighbourhood centres in Waverley, it may be appropriate to consider

the planning merit or amending the land use table more generally. The suitability of a broader strategic response could be considered as part of Council's Village Centres Strategy which is currently under preparation. This remains a viable and reasonable alternative.

3. **Permitting 'recreation facilities (indoor)' in the Old South Head Road Neighbourhood Centre**
   Including 'recreation facilities (indoor)' as 'permitted with consent' only within the Old South Head Road Neighbourhood Centre (Flood Street) would respond to some of the locality-specific characteristics of the centre. However, it would be difficult to determine the site-specific suitability of other commercial premises within the centre with regard to design, facilities, and interface with adjoining residential properties. Again, this type of analysis needs to be conducted at a more strategic level under Council's Village Centres Strategy.

   In this case, the commercial premises at 201-209 Old South Head Road has a demonstrated suitability for the boutique health studio use. The operation of 'Best Life Health and Fitness' and the previous fitness studio over several years highlights the compatibility of the use within the building at a scale and intensity envisaged within the B1 zone.

Following consideration of the above options, the best means of achieving the objectives of the planning proposal is to amend Schedule 1 to permit 'recreation facilities (indoor)' for the site given the locality and site-specific characteristics it enjoys.

Section B – Relationship to the strategic planning framework

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

a) *Does the proposal have strategic merit?*
b) *Does the proposal have site-specific merit, having regard to the following?*
   i. *The natural environment (including known significant environmental values, resources or hazards) and*
   ii. *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
   iii. *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Yes, further discussion relating to the proposal's strategic merit, site-specific merit and consistency with the strategic planning framework is detailed below.

Permissibility of recreation facilities (indoor)

The strategic merit of introducing a boutique health studio on this B1 zoned site is demonstrated by the permissibility of 'recreation facilities (indoor)' in adjoining Local Government Areas. Table 1 identifies where 'recreation facilities (indoor)' are permissible under the Local Environmental Plans for Waverley, Randwick and Woollahra.

	Permissible		
Zone	**Waverley LEP 2012**	**Randwick LEP 2012**	**Woollahra LEP 2014**
R1 General Residential		Y	
R2 Low Density Residential	N	Y	N
R3 Medium Density Residential	Y	Y	N
R4 High Density Residential	Y		
B1 Neighbourhood Centre	N	Y	Y
B2 Local Centre		Y	Y
B3 Commercial Core	Y	Y	
B4 Mixed Use	Y	Y	Y

Table 1 – Permissibility of recreation facilities (indoor)

Table 1 highlights some of the inconsistencies between each Local Government Area but also within the Waverley Local Environmental Plan 2012 (WLEP2012). 'Recreation facilities (indoor)' are permitted within the R3 Medium Density Residential zone which primarily envisages a residential environment. The zone objectives for the R3 zone under WLEP2012 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.*

Crucially, the B1 Neighbourhood Centre zone envisages a mixed-use environment with a set of zone objectives clearly designed for a commercial function as its focus. The objectives are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs 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.*

When read in conjunction, the B1 zone provides a more amenable strategic location for small-scale recreational uses in accordance with the additional permitted use sought in this planning proposal. Moreover, the site and locality-specific conditions outlined in this planning proposal demonstrate that there are few more suitable locations for a use of this type and nature.

The planning proposed is further supported by the adopted approach of not only the adjoining councils but many others throughout Greater Sydney that permit 'recreation facilities (indoor)' within B1 Neighbourhood Centres. Council could consider its strategic approach regarding its land use tables for both the R3 and B1 zones as part of the preparation of its Village Centres Strategy as well as the finalisation of the draft Waverley Local Strategic Planning Statement.

In any case, the B1 objectives of WLEP2012 would have a strong bearing on any potential future use in the longer term and would be subject to a satisfactory 4.15 Evaluation (*Environmental Planning and Assessment Act 1979*) under a development assessment process.

Health studios

The following map (Figure 8) identifies the location of several health studios (such as yoga and pilates studios, small group fitness and 1-on-1 personal training) throughout the Eastern Suburbs in the following zones:

- B1 Neighbourhood Centre
- R3 Medium Density Residential
- R2 Low Density Residential
- R1 General Residential

The map demonstrates the compatibility of the health studio use not only within the B1 Zone where small-scale commercial uses are envisaged, but also in more 'sensitive' residential zones where the amenity impacts related with any commercial use needs to be carefully managed.

In this case the health studio supports an emerging marketplace for active lifestyles, with a Health Food Café opening soon within the Old South Head Road Neighbourhood Centre (Flood Street).

A list of the specific businesses, addresses and zoning information can be provided if required.

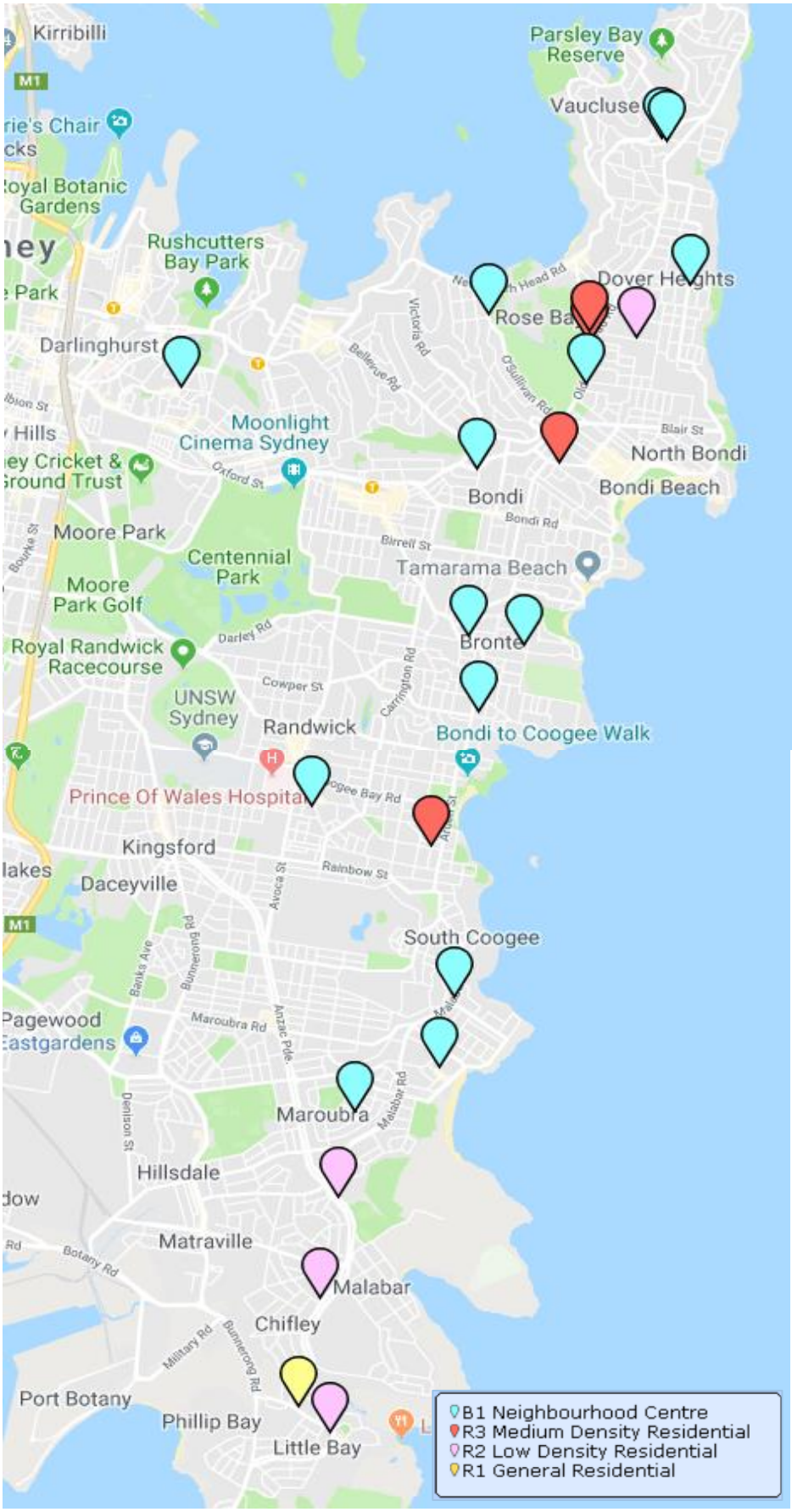


Figure 8 Health studios throughout the Eastern Suburbs (Source: Google Maps)

Greater Sydney Region Plan

The Greater Sydney Region Plan is a 40-year vision that seeks to accommodate a growing and changing population within three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The Plan informs district and local plans as well as the assessment of planning proposals. It facilitates the alignment of infrastructure planning to support anticipated growth. The delivery and implementation of the Plan is supported by 10 directions, facilitating an integrated approach to realising its outcomes.

The planning proposal is consistent with the Greater Sydney Region Plan as it provides a boutique health studio for the day-to-day use of the local community in a highly accessible location. The relevant objectives in the plan are detailed further below.

- **Objective 7: Communities are healthy, resilient and socially connected**

  The plan recognises that well planned neighbourhoods can improve people's health and reduce the risk of chronic health issues, noting that:

  > *"Improved health, public transport and accessibility outcomes can be achieved through the provision of schools, recreation, transport, arts and cultural, community and health facilities in walkable, mixed use places co-located with social infrastructure and local services.[1]"*

  Strategy 7.1 lists the criteria under which the delivery of healthy, safe and inclusive places for people can be achieved. A response to the relevant criteria is included below:

Criteria	**Response**
Providing walkable places at a human scale with active street life	The health studio is located within a neighbourhood centre just off the top of the ridgeline running between Bondi Junction and Bellevue Hill. It is therefore easily accessible for people of varying ages and abilities from most areas within the walkable catchment of the site. The health studio also provides for a more active street life being positioned at street level on the Old South Head Road frontage which experiences approximately 35,000 vehicle trips during most weekdays and weekends[2]. Commercial use of street level floor space in this location is considered the best outcome for the site as the immediate environment is dominated by traffic and commercial use on the Old South Head Road frontage provides a buffer to the residential uses behind[3].
Prioritising opportunities for people to walk, cycle and use public transport	The health studio is in a neighbourhood centre recognised as one of the most accessible locations in Waverley for the following reasons:

[1] Greater Sydney Region Plan, GSC 2018, p. 50

[2] Traffic improvements on Old South Head Road from Bondi Junction to Bondi, RMS 2019, p. 7

[3] WDCP 2012, Waverley Council 2019, pp. 333-334.

Criteria	Response
	• Direct access to a bus stop on the high-frequency #379 bus route; • Multiple bicycle routes within the vicinity; • Positioned on Green Links 1 linking Centennial Park to Bondi Junction and Bondi Beach; • Identified as a key tourist route; and • Within the walkable catchment of Bondi Junction, Bellevue Hill Shops, Cooper Park, Bondi Road Village and Waverley Park. The planning proposal seeks to capitalise on the active transport options available to the site by providing a boutique health studio in a highly accessible neighbourhood centre.
Co-locating schools, health, aged care, sporting and cultural facilities	Whilst not strictly co-located, the health studio is within close walking distance of several schools, health, aged care, sporting and cultural facilities.

The planning proposal seeks to provide for a small-scale commercial use (currently operating) within a neighbourhood centre that enjoys access to a range of active transport options. The inclusion of the health studio within the building will help to create a healthy, safe and inclusive place.

The planning proposal gives effect to Objective 7 and Strategy 7.1 of the GSRP.

- **Objective 22: Investment and business activity in centres**
  The plan recognises that attracting investment, business activity and jobs in local centres across Greater Sydney increases access to a wide range of jobs, goods and services close to people's homes and supports the 30-minute city.

  The planning proposal facilitates the inclusion of a boutique health studio in a neighbourhood centre consistent with the objectives of the B1 zone. The ability to provide health-related commercial uses within the building expands the function of the centre and supports walkable neighbourhoods with access to jobs, schools and open space and opportunities to optimise existing infrastructure[4]. Additionally, the proposal will provide greater capacity and opportunities for jobs and services for the Neighbourhood Centre.

  Given that the site is located within the walkable catchment of the Bondi Junction Strategic Centre and on a high-frequency bus route (#379 – Bondi Junction to North Bondi), the planning proposal is strategically consistent with 30-minute city vision of the District Plan. The proposal will also assist in achieving employment targets for Waverley and provide the site with greater long-term commercial sustainability[5].

  The planning proposal gives effect to Objective 22 of the GSRP.

[4] Greater Sydney Region Plan, GSC 2018, p. 62

[5] Waverley Economic Development Strategy 2015-2020, p. 7

Eastern City District Plan

The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental considerations to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a link between regional and local planning. The District Plan also assists councils to plan for and deliver growth and change and align their local planning strategies to place-based outcomes. It informs infrastructure agencies, the private sector and the wider community of expectations for growth and change.

The planning priorities and corresponding actions that are relevant to the planning proposal include the following:

- *Planning Priority E1: Planning for a city supported by infrastructure*

  The planning proposal applies to a site in the Old South Head Road Neighbourhood Centre which is located within the 800m walkable catchment of the Bondi Junction Strategic Centre.

  The site is highly accessible being located within walking distance to Bellevue Hill Shops, Bondi Road Village, Cooper Park and Waverley Park. The site is serviced by a high-frequency bus route (#379 – Bondi Junction to North Bondi – refer to Figure 5), with a bus stop on its Old South Head Road frontage. The site is within the vicinity of several bicycle routes along Victoria Road, Old South Head Road, Watkins Street, Bon Accord Avenue and Flood Street (refer to Figure 6).

  One of the core principles of both the GSRP and Eastern City District Plan (as informed by Future Transport 2056) is the 30-minute city promoting shorter commutes, lower car dependency and the range of environmental, social and economic benefits that this delivers. Local Centres with public transport are therefore a recognised "focal point for neighbourhoods" (District Plan 2018, p.48) and play a significant role in realising the 30-minute city vision.

  The planning proposal is well supported by existing infrastructure and is unlikely to result in a significant increased demand.

  The proposal is generally consistent with the objectives and actions for this priority.

- *E3. Providing services and social infrastructure to meet people's changing needs*

  The planning proposal seeks to provide a boutique health studio within the existing building envelope. The purpose of the planning priority is to protect the long-term commercial sustainability of centres and their ability to provide jobs, services and local businesses that meets the needs of the community.

  The planning proposal gives effect to Action 8 as it will "deliver social infrastructure that reflects the needs of the community now and in the future". The loss of commercial floor space is a recognised issue for all Local Government Areas, especially in centres such as Bondi Junction. The proposal provides an opportunity to provide greater flexibility for small-scale commercial/recreational uses on the site.

  The proposal is generally consistent with the objectives and actions for this priority.

- *E4. Fostering healthy, creative, culturally rich and socially connected communities*

  The proposal is consistent with the following actions in the Plan which seek to encourage strong local communities through a place-based planning approach:

  > *Action 10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:*
  > *a. providing walkable places at a human scale with active street life*
  > *b. prioritising opportunities for people to walk, cycle and use public transport*
  > *c. co-locating schools, health, aged care, sporting and cultural facilities*
  > *d. promoting local access to healthy fresh food and supporting local fresh food production.*
  >
  > *Action 14. Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.*

  As previously discussed, the site is in a highly accessible locality being walkable to numerous centres, services, parks and attractions. The proposal will facilitate a more active street life with the capacity to provide an additional active street frontage in the Old South Head Road Neighbourhood Centre and connectivity with the street.

  The proposal is generally consistent with the objectives and actions for this priority.

- *E5. Providing housing supply, choice and affordability, with access to jobs, services and public transport*

  Critically, of the 36,364 resident workers in Waverley, over 27,035 (74.3%) leave the area for work[6], placing a significant demand on local roads and public transport.

  The planning proposal aims to provide additional capacity for local jobs in a highly accessible location, taking some demand off local roads and public transport. The proposal will also provide a broader range of businesses and services capable of meeting the needs of the local community. In this regard, the site will have the capacity to service both existing residents and the demand generated by expected population growth in Bondi Junction.

  The proposal is generally consistent with the objectives and actions for this priority.

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

  The planning proposal provides an opportunity to capitalise on the high amenity and accessibility of the site. The proposal will increase diversity in the neighbourhood centre and provide essential access to day-to-day goods and services close to where people live. Local centres also play an important role in providing local employment and there will be net additional jobs created as a result of the proposal.

  The following Actions are relevant to the planning proposal:

[6] Australian Bureau of Statistics, Census of Population and Housing 2016. Compiled and presented in economy.id by .id , the population experts.

Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:
a. prioritising a people-friendly public realm and open spaces as a central organising design principle
b. recognising and balancing the dual function of streets as places for people and movement
c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres
d. integrating social infrastructure to support social connections and provide a community hub
e. recognising and celebrating the character of a place and its people.

Action 21: Use place-based planning to support the role of centres as a focus for connected neighbourhoods.

A balance of business, retail, health, community and residential uses in the centre is an important factor in maintaining the amenity of Waverley's local centres. Promoting a greater diversity and capacity for commercial uses is important for the long-term commercial sustainability of the Old South Head Road Neighbourhood Centre. This will help achieve Council's vision for a vibrant and diverse centre that meet the needs of residents.

The proposal is generally consistent with the objectives and actions for this priority as well as the principles set out specifically for local centres.

Principles for local centres

The District Plan identifies Bondi Junction as an important local centre for Waverley playing a significant commercial role for the region. The Plan notes that councils will need to consider which centres will need to grow to provide for the required goods and services of the community. The planning proposal responds to the following place-based principles for local centres[7] in the District Plan:

- *deliver transit-oriented development and co-locate facilities and social infrastructure*
- *protect or expand retail and/or commercial floor space*
- *protect or expand employment opportunities*

The planning proposal seeks to provide a transit-oriented development with a bus stop on a high-frequency bus route directly adjoining the site. The boutique health studio will play a complementary role to health-related services and infrastructure in the Bondi Junction Strategic Centre and provide an opportunity for an additional small-scale commercial use within the building, increasing employment opportunities for the neighbourhood centre.

As demonstrated, the planning proposal gives effect to both the Greater Sydney Region Plan and the Eastern City District Plan. The proposal provides an opportunity to increase the diversity of commercial uses available to the local community in a location that enjoys high amenity, access to local services and public transport and promotes the 30-minute city.

[7] 'Principles for local centres', Eastern City District Plan, GSC, p. 49

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

Yes, a discussion of consistency is provided below.

Draft Waverley Local Strategic Planning Statement

The draft Waverley Local Strategic Planning Statement (draft WLSPS) sets out a 20-year plan for Waverley's economic, social and environmental needs to 2036. The draft WLSPS identifies council's desire for "a diverse and thriving local economy that is less reliant on tourism" with a vision of "protecting and encouraging shops and services in village centres that satisfy demand". The planning proposal aligns strategically with council's vision as it will give effect to the following planning priorities and actions of the draft WLSPS.

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

  Action 1 *– Amend Council's LEP and DCP to retain floor space for shops and services in centres*
  Action 3 *– Prepare a Village Centres Strategy and amend Council's LEP and DCP where relevant*

The draft WLSPS notes that there is a need to "protect floor space for shops and services to ensure that the centres remain viable and continue to serve the community with a mix of uses". The current use as a boutique health studio gives effect to the planning priority as it provides floor space for health-related services in an established neighbourhood centre.

The proposal will help to retain the currently operating boutique health studio in a favourable location within the highly accessible Old South Head Road Neighbourhood Centre, which is an identified village centre within the walkable catchment of the Bondi Junction Strategic Centre, and on a key visitor route (Figure 9).

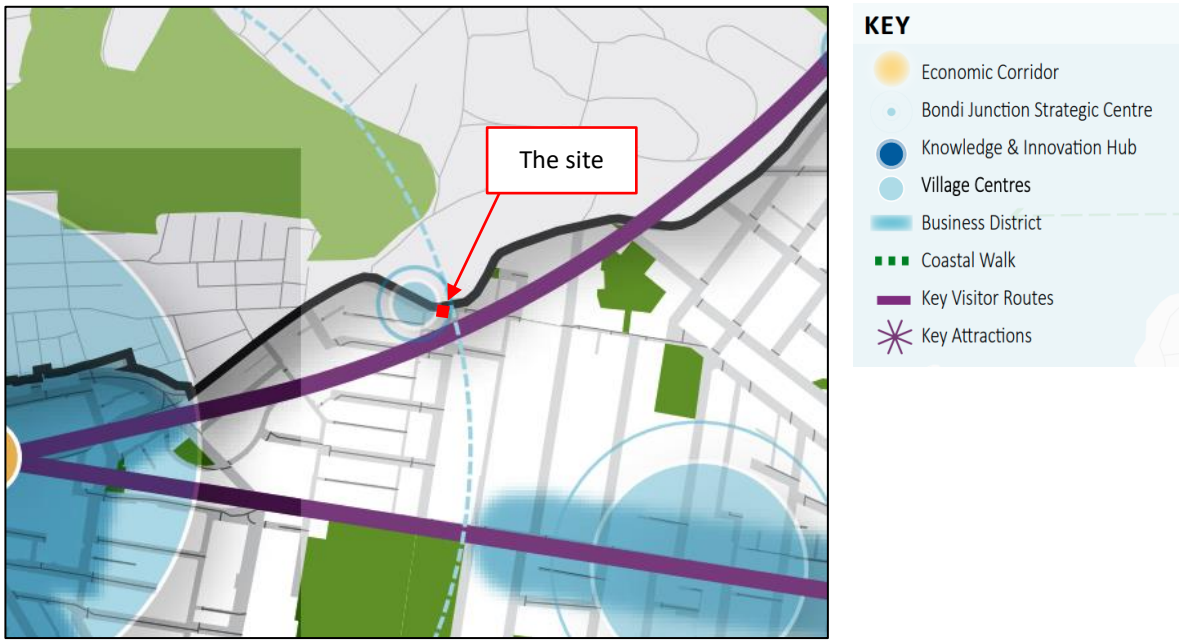


Figure 9 – Productivity Map from draft WLSPS

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

  Action 1 *Retain shops and services in Bondi Junction and Village Centres*

The site enjoys many favourable attributes that align with the council's 20-year vision and the planning priorities and actions identified in the draft WLSPS. The planning proposal expands the capacity of a neighbourhood centre to provide shops and services to the benefit of local economy in a location that is supported by high connectivity and access to services.

The planning proposal is consistent with and gives effect to the draft WLSPS.

Draft Waverley Village Centres Strategy

Council are in the process of developing a Village Centres Strategy. Although not yet prepared, the preparation of a centres strategy highlights the high community value placed on thriving local centres and a desire to improve their sustainability, accessibility and public domain.

The range of health studios currently operating through the Eastern Suburbs region (Figure 8) in B1 Neighbourhood Centres zones as well a variety of lower density zones highlights the compatibility of the use in these areas.

The matter of permissible land uses in neighbourhood centres could be further investigated with input from the business and residential community. There may be scope for a broader review of B1 zone permissibility as a potential outcome of the Village Centres Strategy.

Waverley Community Strategic Plan 2018-2029

The Waverley Community Strategic Plan 2018-2029 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 in the next 11 years. The direction is prepared in response to community aspirations gathered through extensive community engagement and consultation with members of the community.

The planning proposal contributes to the 'Recreation and Open Spaces' and 'Local Economy' themes which envisions "By 2029, Waverley will be a leader and innovator in open spaces and recreational facilities that support a healthy, happy and connected community…[and] Waverley will be a diverse and prosperous local economy". The relevant goals, strategies and measures of success include:

> ***Goal - 3.1 Improve health and quality of life through a range of recreational opportunities and quality open spaces***
> *Strategy - 3.1.1 Retain, protect, and improve the quality, capacity and accessibility of parks, open spaces, sporting and recreational facilities*
>
> ***Goal - 3.2. Expand the network of parks and open spaces, sporting and recreational facilities***
> *Strategy - 3.2.1 Improve access to private and public recreation facilities and open spaces*
>
> ***Goal - 4.2. Ensure Bondi Junction and Waverley's villages continue to have a diverse range of businesses, local jobs and services***

Strategy - 4.2.2. Support the efforts of a range of stakeholders to increase the diversity of the local economy

The planning proposal will contribute to the health and wellbeing of the Waverley community. The retention of the boutique health studio will provide for a greater diversity of local jobs and services in the Old South Head Rd Neighbourhood Centre.

The commercial tenancy has been leased based on the desired function of the business – being a boutique health studio – and the current site conditions which include:

- Smaller floor plate to accommodate more personalised training;
- Highly accessible location being walkable from Bondi Junction Strategic Centre (565m),
- Direct street access to public transport (buses) out the front of the site; and
- Highly prominent site on a high-volume road (Old South Head Road).

The proposal will result in the retention of a quality boutique health studio that is operated by a local resident. The planning proposal will increase the diversity of local businesses and provide improved access to a private recreational facility in the locality. The boutique health studio aligns with the objectives and envisaged scale of uses within the B1 Neighbourhood Centre zone and directly contributes to the achievement of improved health and quality of life for local residents.

The planning proposal is consistent with the Waverley Community Strategic Plan 2018-2029.

Waverley Economic Development Strategy 2015-2020

The Waverley Economic Development Strategy 2015-2020 (WEDS) envisions "A prosperous Waverley – a vibrant, sustainable and progressive economy that provides a gateway to Sydney's east" expressing a clear mandate to enable and facilitate sustainable long-term economic growth (WEDS 2015, p7). The WEDS is categorised into the four following themes: Renew, Innovate, Collaborate and Enable.

The planning proposal primarily aligns with the Innovate theme which aims to improve competitiveness and increase diversity. Specifically, one of the outcomes identified under the 'Innovate' theme aims to "Grow the number of local jobs available to an increasing population". Permitting 'recreation facilities (indoor)' facilitates sustainable long-term economic growth in that it provides a greater range of uses that can be realised on the site and available to the local community.

The planning proposal is consistent with the Waverley Economic Development Strategy 2015-2020.

Waverley's People, Movement and Places

Waverley's People, Movement and Places strategy seeks "To increase transport choices for residents and visitors, improve accessibility to centres and across the whole LGA, and reduce car travel overall". The planning proposal seeks to take advantage of the site's favourable location by providing capacity for additional jobs and services that can be accessed by public transport, walking and cycling. The proposal will promote transport choice by placing people first and reducing car dependency.

The planning proposal is generally consistent with Waverley's People, Movement and Places.

Waverley Development Control Plan 2012

The site is located within the Old South Head Road Neighbourhood Centre (Figure 10).

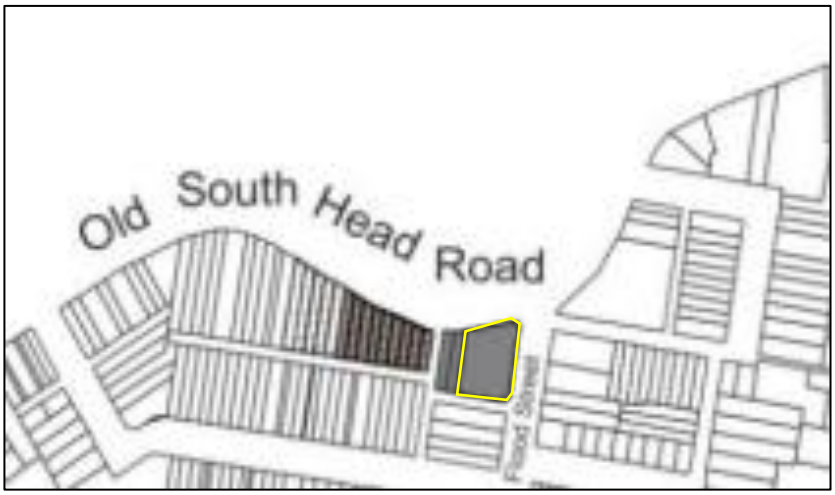


Figure 10 Old South Head Road Neighbourhood Centre (Flood St intersection)

The planning proposal is consistent with the Desired Future Character Objectives for the neighbourhood centre which states:

> ***Flood Street Intersection***
> *(a) To maintain the mixed-use character of the centre by way of shops and services at ground level and residential units above.*

The boutique health studio is compatible with the intensity of commercial use envisaged for the B1 zone and aligns with the desired mixed-use character of the centre. Maintaining the currently operating commercial use on the ground floor provides the desired buffer between Old South Head Road and residential properties above and behind it.

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

Yes. Consistency of the planning proposal with applicable SEPPs is detailed within Attachment A.

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

Yes. The consistency of the planning proposal with the Ministerial Directions is detailed within Attachment B.

Section C – Environmental, Social and Economic Impact

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

The site is located in an urbanised area characterised by medium density residential and commercial uses. The WLEP2012 Terrestrial Biodiversity Map identifies areas of biodiversity that have high ecological value and significance. The site has not been identified on the Terrestrial Biodiversity Map. The planning proposal is therefore unlikely to impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The proposal will enable the provision of a broader range of commercial uses within the existing building and it is unlikely that there will be any other environmental effects resulting from planning proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal seeks to increase the range of permissible commercial uses within the approved mixed development and would not result in adverse social or economic impacts. The proposed additional permitted use is intended to enhance the amenity for residents within the surrounding residential neighbourhood. The proposal seeks to deliver an integrated development with flexible uses that contribute to creating a village atmosphere within the Old South Head Road Neighbourhood Centre.

The planning proposal 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.

Section D – State and Commonwealth Interests

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

The existing infrastructure and utilities available for the site will cater for the proposed additional permitted use. The scale of any future proposed commercial premises is constrained by the current floor space of the commercial tenancy. It is therefore anticipated that adequate infrastructure is available to cater for the site.

11.What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Given the minor scale of the planning proposal it is unlikely that State and Commonwealth public authorities will need to be consulted.

Part 4 – Mapping

The planning proposal will not involve any amendments to maps of WLEP2012.

Part 5 – Community Consultation

It is considered appropriate that any Gateway Determination issued will require public exhibition of the Planning Proposal for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Part 6 – Project Timeline

The following indicative project timeline has been prepared in accordance with planning proposal guidelines and is prepared on the assumption that the planning proposal is supported. It is anticipated that an amended project timeline will be prepared by Council following preliminary assessment of the planning proposal.

Stage	Date
Lodgement	September 2019
Council assessment and reporting	September – December 2019
Forward to DPIE for assessment	December 2019
Commencement Date (Gateway Determination)	February 2020
The dates below have been updated as requested by DoPIE in the Gateway Determination dated 6 May 2020	
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

Attachment A

Consistency with State Environmental Planning Policies

State Environmental Planning Policy / Deemed SEPPs	Consistency
SEPP No 1 – Development Standards	Not applicable
SEPP No 19 – Bushland in Urban Areas	The planning proposal will not affect the application of the SEPP.
SEPP No 21 – Caravan Parks	Not applicable
SEPP No 30 – Intensive Agriculture	The planning proposal will not affect the application of the SEPP.
SEPP No 33 – Hazardous and Offensive Development	Not applicable
SEPP No 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Not applicable
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55 – Remediation of Land	The planning proposal will not affect the application of the SEPP.
SEPP No 62 – Sustainable Aquaculture	The planning proposal will not affect the application of the SEPP.
SEPP No 64 – Advertising and Signage	The planning proposal will not affect the application of the SEPP.
SEPP No 65 – Design Quality of Residential Apartment Development	The planning proposal will not affect the application of the SEPP.
SEPP No 70 – Affordable Housing (Revised Schemes)	The planning proposal will not affect the application of the SEPP.
SEPP (Affordable Rental Housing) 2009	The planning proposal will not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Coastal Management) 2018	The planning proposal will not affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal will not affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal will not affect the application of the SEPP.
SEPP (Infrastructure) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal will not affect the application of the SEPP.

State Environmental Planning Policy / Deemed SEPPs	Consistency
SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal will not affect the application of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	The planning proposal will not affect the application of the SEPP.
SEPP (State Significant Precincts) 2005	There are no urban renewal precincts identified in the Waverley Local Government Area.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are no urban renewal precincts identified in the Waverley Local Government Area.
SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal will not affect the application of the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Not applicable

Attachment B

Consistency with Section 9.1 Ministerial Directions

Section 9.1 Direction		Consistency	Comment
1. Employment and resources			
1.1	Business and Industrial Zones	N/A	(1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres. The planning proposal seeks an additional permitted used for 'recreation facility (indoor)' with a scale of operation consistent with the objectives and function of the B1 Neighbourhood Centre zone. Providing the flexibility for an additional small-scale commercial use on a site within an established B1 zone – especially when similar land uses are permissible in adjoining LGAs – is consistent with the Direction.
1.2	Rural Zones	N/A	
1.3	Mining, Petroleum Production and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Land	N/A	
2. Environment and heritage			
2.1	Environment Protection Zones	N/A	The site is not identified on the WLEP2012 Terrestrial Biodiversity Map nor is it identified as containing any other environmentally sensitive attributes by a council strategy.
2.2	Coastal Management	N/A	The site is not located within the coastal zone, as defined under the *Coastal Management Act 2016*.
2.3	Heritage Conservation	N/A	
2.4	Recreation Vehicle Areas	N/A	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	

Section 9.1 Direction		Consistency	Comment
3. Housing, Infrastructure and Urban Development			
3.1	Residential Development	N/A	
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	YES	The site is highly accessible being located within walking distance to several other centres (including Strategic, Local and Neighbourhood centres) and is serviced by a high-frequency bus route (#379 – Bondi Junction to North Bondi), with a bus stop on its Old South Head Road frontage. The planning proposal seeks to take advantage of the site's favourable location by providing capacity for a broader range of commercial 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.
3.5	Development Near Regulated Airports and Defence Airfields	N/A	
3.6	Shooting Ranges	N/A	
4. Hazard and Risk			
4.1	Acid Sulfate Soils	N/A	The site is not identified as containing Acid Sulfate Soils.
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	N/A	
4.4	Planning for Bushfire Protection	N/A	
5. Regional Planning			
5.1	Implementation of Regional Strategies	N/A	
5.2	Sydney Drinking Water Catchment	N/A	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	

Section 9.1 Direction		Consistency	Comment
5.5-5.8	Revoked		
5.9	North West Rail Link Corridor Strategy	N/A	
5.10	Implementation of Regional Plans	YES	Applicable. The planning proposal is consistent with the objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities.* Refer to Part 3 of the planning proposal.
6. Local Plan Making			
6.1	Approval and Referral Requirements	YES	The planning proposal seeks broaden the range of commercial uses permissible within an existing mixed-use development. This is not expected to require any additional approval or referral requirements. The planning proposal is broadly consistent the direction.
6.2	Reserving Land for Public Purposes	N/A	
6.3	Site Specific Provisions	YES	The planning proposal does not contain any unnecessarily restrictive site-specific planning controls, rather it seeks an additional permitted use at a scale compatible with the locality without any changes to the development standards in the WLEP or building envelope controls in the DCP. The planning proposal is broadly consistent with the direction.
7. Metropolitan Planning			
7.1	Implementation of *A Metropolis of Three Cities* (March 2018)	YES	The planning proposal is broadly consistent with the objectives of the Greater Sydney Regional Plan: *A Metropolis of Three Cities*. Refer to Part 3 of the planning proposal.
7.2 – 7.10		N/A	