

REPORT TO COUNCIL

Bondi Junction Town Square Precinct Local Environmental Plan (AO4/0280 Part 3)

Report dated 14 September 2004 from the Director, Planning and Environmental Services

Recommendation:

That Council:

1. Endorse the inclusion of section 5 of the Town Square Precinct Master Plan into an amending draft Local Environmental Plan in order to give time limited effect to the development standards contained within the Master Plan.
2. Amend Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre, the Woollahra Planning Scheme Ordinance (as it relates to the land to which LEP 1991 applies) and Woollahra Local Environmental Plan No. 46, as outlined in the draft plan included as Attachment 3 to this report, to encourage future development in the Town Square Precinct (ie. land bounded by Grafton Street, Grosvenor Street, Bronte Road, Ebley Street, Newland Street, Bondi Junction) to be consistent with the planning vision contained within the Town Square Precinct Urban Design Master Plan.
3. Amend Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre to insert a new definition for “brothel” as well as inserting a new clause to control brothel development in the BJ commercial centre, as outlined in this report.
4. Publicly exhibit the draft local environmental plan pursuant to Section 66 of the Environmental Planning and Assessment Act for a period of 90 days, in accordance with the Consultation Strategy outlined in this report, the Department’s Best Practice Guidelines for LEPs and Council Land, and pursuant to certification under Section 65 and under the delegation of the Director of Planning and Environmental Services.
5. Exhibit the TSPMP, as background information to the draft LEP with the intention of incorporating this information into a future Development Control Plan.
6. Following the exhibition of the draft LEP, either prepare a new specific DCP, or review and amend the existing Bondi Junction Commercial Centre Urban Design Development Control Plan in order to supplement the provisions of the draft LEP and to provide more detailed controls and information to assist in implementing the vision outlined in the Town Square Precinct Master Plan. The relevant DCP would be exhibited in accordance with Council’s February 2004 resolution.

Advisory Note: The draft LEP included as Attachment 3 to this report is the latest version of the plan and includes input recommended by DIPNR. However, it may be necessary to make certain additional corrections to the draft LEP in order to overcome minor inconsistencies which may be identified following Council’s consideration of this matter and prior to public exhibition. If this is necessary, changes will only be made to the plan where there is no change to the plan’s intent. If any major changes are identified to the draft plan, the plan would need to be considered by Council again prior to public exhibition.

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1. Purpose of Report

The purpose of this report is to advise Council on the progress of the Bondi Junction Local Environmental Plan (BJLEP) amendment intended to give effect to the Town Square Precinct Master Plan (TSPMP).

This has become necessary in order to ensure that Council is kept informed on the progress of the draft plan prior to its public exhibition, and due to the number of amendments necessary to the TSPMP.

2. Background

In February 2004, Council considered a detailed report regarding the BJ TSPMP and resolved as follows:

“1. Adopt the Urban Design Master Plan – Bondi Junction Town Square Precinct prepared by Jahn Associates Architects and approve its exhibition in conjunction with the Bondi Junction Strategic Plan.

2. Amend Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre, Woollahra Planning Scheme Ordinance and Woollahra Local Environmental Plan No. 46 to ensure that future development in the Town Square Precinct (ie. land bounded by Grafton Street, Grosvenor Street, Bronte Road, Ebley Street, Newland Street, Bondi Junction) is consistent with the planning provisions contained within the Urban Design Master Plan.

3. Adopt the Town Square Master Plan (TSMP) allowing it to supersede any conflicting objectives, principles and requirements that may be contained within the Bondi Junction Commercial Centre Urban Design Development Control Plan (April 1994), the Bondi Junction Commercial Centre Design Framework (prepared in 1999) and the Bondi Junction Technical Manual (prepared in 2000). This will allow the TSMP to take precedence over the requirements stipulated within these controls/reports.

4. That the LEP and DCP amendments be drafted and exhibited for public consultation for a period of 90 days using the delegation of the Director of Planning and Environmental Services.”

Following adoption of this resolution, Council officers undertook a number of tasks in order to implement Council’s decision. This included:

- reviewing the Master Plan in March 2004 to ensure it was complete, correct and consistent with the statutory planning framework prior to printing copies for distribution,
- appointing Pike, Pike and Fenwick in March 2004 as legal counsel to assist Council Officers in the preparation of the draft Local Environmental Plan (LEP) document,
- meeting with Department of Infrastructure Planning and Natural Resources (DIPNR)

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in April 2004 to confirm Council's progress and approach in relation to the LEP and Master Plan development, and

- drafting of the S54 notification in April/May 2004, which is necessary correspondence to DIPNR advising the Minister of Council's decision and the Council's planning approach (a copy of the letter is included as Attachment 1 to this report).

3. Amendments made to the TSPMP and the draft LEP

In June 2004, a draft LEP was finalised. In order to ensure consistency between the draft LEP and the TSPMP however, further amendments to the TSPMP were identified. The most significant amendments included:

1. additional typographical and mapping corrections.
2. tightening the text regarding strata subdivision which was refined following consultation with Council Officers, Graeme Jahn and Council Solicitors.
3. determining how non compliance with the application of existing FSR requirements would be assessed so that future development could be approved if it conforms with the vision of the TSPMP, and
4. general fine tuning of the Master Plan document following detailed consideration by Council's Barrister.

In July 2004, DIPNR were consulted to confirm the concurrence requirements to enable exhibition of the draft plans (ie LEP and TSPMP). DIPNR advised that while the Master Plan process was seen as a valuable tool to inform the statutory plan, the Department had developed some concerns regarding the use of the Master Plan since this could be seen as "adding another layer to the local level".

A subsequent meeting was held to resolve this issue with the Department who until this point had been supportive of the plan making process Council had embarked upon. At this meeting, a supplementary S54 notification was presented to the Department which included the draft LEP and amended TSPMP. A copy of the supplementary notification and accompanying information is included as Attachment 2 to this report.

4. DIPNR Requests Council to Alter the BJ Planning Approach.

In August 2004, following a number of meetings and consultations between DIPNR and Council Officers, the Department advised Council of its concerns regarding the legal implications of Council's proposed approach. Although Council's legal advisers did not share the concern, it was agreed following consultation with key Council Officers, including the General Manager and Director of Public Works and Services, that in order to progress this matter quickly, and in order to minimise additional time delays, it would be prudent to acquiesce to the Department's concern and alter Council's direction for delivery of the TSPMP.

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As an alternative to Council's current Master Plan approach, DIPNR suggested that a combination of an LEP and DCP would be the appropriate mechanisms to give effect to the intent of the TSPMP. Specifically, this involves amending the draft LEP by including section 5 of the amended TSPMP within the statutory document (ie LEP). A copy of the updated draft LEP is included as Attachment 3 to this report.

Although the LEP has been significantly expanded, the intention and vision of the original TSPMP has not altered. What has changed is the delivery vehicle which is now a much more complex legal instrument than that originally proposed.

As a consequence, it was necessary to present the amendments to Council in the interests of good planning practice and to ensure that Council has the opportunity to understand why the methodology has been changed and to consider and endorse the expanded LEP.

5. Bondi Junction Development Control Plan.

It is intended that a Development Control Plan (DCP) will also be necessary. This will be delivered either as a new specific DCP applying to the area affected by the LEP, or by amendments to the Bondi Junction Commercial Centre – Urban Design Development Control Plan 1996 (BJCCUDDCP). Any new DCP will involve resolving inconsistencies between the development provisions currently applying to land within the Town Square Precinct and the provisions of the TSPMP which have not been included in the LEP. For example, Section 4 of the TSPMP which outlines the vision, as well as some other controls and background information provided within the TSPMP, which was not able to be included in the draft LEP, will need to be accommodated within a DCP. It is considered that a DCP is the most appropriate mechanism for providing any support information necessary to the draft LEP. For this reason, it is recommended that either a new specific DCP be prepared, or the BJCCUDDCP be reviewed and amended so that it can be readopted as a development control plan, to come into force contemporaneously with the gazettal of the draft LEP amendment.

It is considered that development of the DCP should follow the exhibition of the draft LEP amendment so that preparation of the DCP can benefit from submissions to the LEP exhibition. The LEP will however be exhibited in conjunction with the TSPMP which will provide background information to the development of the draft LEP.

This approach has been discussed and agreed with following meetings between Council Officers and Officers from DIPNR.

6. Supplementary LEP amendment - Brothels

Given that there has been a delay in the preparation of this LEP amendment, the opportunity presented itself to address an issue which has been highlighted by some Councillors in recent months. The lack of any specific control for Brothel development currently in BJ may be improved by the inclusion of a definition for Brothels and a clause controlling brothel development in the amending instrument, thereby providing a basis for determining a specific Brothel use in the future. This should not be seen as undermining the need for more detailed controls to be prepared in the future, however, it will address an issue which has created some recent concern amongst some Councillors and Council Officers. The definition proposed to be included within the draft LEP is as follows:

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brothel: premises habitually used for the purpose of prostitution, that is, the engaging in a sexual activity by persons for payment. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

The additional clause proposed to be inserted in the draft amendment has been drafted by Council's solicitor and is as follows:

- “(1) When assessing an application for consent to the use of premises for the purpose of a brothel, the Council must consider the following matters:
- (a) whether the operation of the brothel would interfere with the amenity of the neighbourhood because of its size, operating hours, traffic generation, lighting, or noise or the number of its employees and clients,
 - (b) whether the operations of the brothel will utilise circulation areas common to any other use of the premises.
 - (c) whether the brothel will be accessed by a separate entrance,
 - (d) whether sufficient off-street parking will be provided,
 - (e) whether the operation of the brothel could cause a disturbance in the neighbourhood, taking into account the location of any other brothels operating in the neighbourhood,
 - (f) the distance between the premises and any place of worship, school, community facility, hospital or medical centre or any place in the vicinity of the premises regularly frequented by children for any reason,
- (2) Development for the purpose of a brothel is prohibited on land to which this plan applies if the brothel is located at ground level within a business zone.
- (3) Development for the purpose of a brothel is prohibited on land to which this plan applies in any part of premises within a business zone if that part is used for residential purposes.”

7. Analysis

Financial

Costs associated with this project have included legal advice from solicitors Pike, Pike and Fenwick and Heather Irish (Barrister). Additional costs have been incurred to update

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and amend the TSPMP from Graeme Jahn and Associates (JAA) and to develop exhibition material including display panels from JAA and a model from Porters Models. Finance for this project has been allocated from existing budget allocations and is within the budget allocation estimated.

Management Plan

The project is identified as a significant issue in Council's Management Plan. The recommendations of this report are consistent with Council's intention to improve Bondi Junction as both a vibrant commercial heart for the LGA and a great place to live and work, as outlined in the Management Plan.

Consultation Strategy

The next step following the adoption of the amended draft LEP by Council is the public exhibition of the draft plan and accompanying information to the community. A Communication Strategy to inform this process has been drafted and is outlined briefly below:

Objectives

1. To motivate the broader community to examine the plans and documents
2. To encourage the broader community to provide feedback
3. To ensure that identified stakeholders are adequately informed and have specific opportunities to provide feedback

Stakeholders

1. Residents
2. Commercial Property Owners, Developers and Real Estate Agents
3. Retail Tenants
4. Authorities with jurisdiction in BJ
5. Chamber of Commerce (and similar business associations)
6. Precinct Committees
7. Users of the Town Centre

Promoting the Exhibition

1. The exhibition and accompanying information to be the focus of a BJ Newsletter and include exhibition dates, a description of where and how stakeholders can obtain a copy of the draft LEP and details about how they can provide feedback to Council. Timing of the BJ newsletter and distribution to be determined in consultation with the BJ Manager.
2. Inclusion in The Tribune and letterboxed to every household (dates to be confirmed).
3. Distribute a personalised letter inviting feedback and comment to Precinct Committees and the Chamber of Commerce.
4. Distribute a personalised letter inviting feedback and comment to all property owners affected by the draft plan.
5. Advertise the exhibition in the local press.

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Opportunities to Provide Feedback

1. BJ Manager to develop a generic feedback form similar to the form prepared for the BJSP, which includes instructions about how to write a formal submission to Council (deadlines, addresses etc).
2. Post a downloadable copy of the draft LEP on the web, with clear instructions about how to use the feedback form or to develop a detailed submission.
3. Maintain a supply of the draft LEP at the BJ Office, the Library and Council Chambers for distribution upon request.
4. Manager of Strategic Planning and BJ Manager to personally follow up with key stakeholders and landowners to ensure feedback is obtained.
5. Conduct a specific "feedback" day for key stakeholders at either the Council Chambers or the Library (details to be determined in consultation with the Director Public Works and Services, BJ Manager and Manager of Strategic Planning), with Council Officers and Graham Jahn on hand to make presentations and answer detailed questions.

Incorporating Feedback

1. The Manager of Strategic Planning will collate and quantify all feedback received.
2. Any amendments considered necessary as a result of the community feedback will be co-ordinated by the Manager of Strategic Planning and reported back to Council for consideration and endorsement once the exhibition period has concluded.

It should also be noted that the Bondi Junction Strategic Plan (BJSP) was originally considered by Council in February 2004, at the same meeting that Council resolved to prepare a draft LEP to give effect to the Town Square Precinct Master Plan (TSPMP). The BJSP including the background reports, were placed on exhibition for 8 weeks between 7 June 2004 and 2 August 2004. A report on the exhibition of these plans is currently being prepared and will be presented to Council by the Director Public Works and Services in the near future. As a consequence, the information regarding Council's vision for the Town Square precinct has already been communicated to the general public, however, this has not included detail regarding how the vision will be implemented. The draft LEP and accompanying information will be exhibited for 90 days. The accompanying information will include a scale model of the Town Square Precinct and surrounding commercial centre, as well as a number of A0 size display panels providing aerial vistas of the commercial centre and the maximum building envelopes being proposed.

8. Timeframe

The draft LEP covers an area within the BJ commercial centre, which is subject to significant development pressure. The area, known as the Town Square Precinct, is bounded by Grafton Street, Grosvenor Street / Bronte Road, Newland Street and Ebley Street Bondi Junction.

The future vision and objectives for the commercial centre have been expressed in the BJ Strategic Plan. The implementation of the vision into plans that can deliver an urban environment consistent with this vision is however some time away. At this stage, it is expected that a draft comprehensive suite of planning instruments will not be available for

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consideration by Council prior to mid 2005. In the meantime, Council needs to be satisfied that any new development occurring within the town square precinct particularly is in accordance with the visions and objectives of both the Strategic Plan and the original Town Square Precinct Master Plan.

In order to encourage the vision outlined in the BJSP, the planning controls contained within the Master Plan need to be put in place in the short-term, until the comprehensive plans can be prepared. Although the draft plan has been delayed due particularly to the complexity involved in giving effect to the Master Plan objectives, the underlying intention of amending the existing LEP to expedite Council's ability to control future development in the Town Square precinct and give effect to the Master Plan remains valid.

Therefore, the next step in this process is to publicly exhibit the draft LEP for 90 days as resolved by Council in February 2004. In this case, it is intended that the exhibition of the draft plan be exercised by delegation. This will necessitate compliance with the Department's Best Practice Guidelines for LEPs and Council Land, which requires that a statement be prepared outlining Council's interest, the purpose of the draft plan, anticipated development and financial implications so that this statement may be exhibited in conjunction with the draft plan.

Following the exhibition period, submissions will be considered and if necessary, amendments may be made to the draft plan. In the meantime, Council Officers will begin reviewing the existing BJ Commercial Centre Urban Design DCP to ensure consistency with the draft plan as well as incorporating any additional information into either that DCP or a new specific DCP for the subject area, as may be required. A report will then be prepared outlining the outcome of the exhibition process and the draft LEP and DCP will be presented to Council for further consideration. If Council agrees to pursue the gazettal of the draft LEP amendment, the draft LEP will be forwarded to the Minister so that the plan may be made.

9. Recommendation

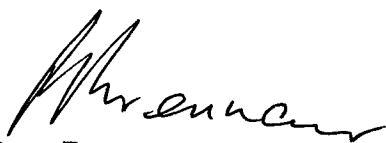
That Council:

1. Endorse the inclusion of section 5 of the Town Square Precinct Master Plan into an amending draft Local Environmental Plan in order to give time limited effect to the development controls contained within the Master Plan.
2. Amend Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre, the Woollahra Planning Scheme Ordinance (as it relates to the land to which LEP 1991 applies) and Woollahra Local Environmental Plan No. 46, as outlined in the draft plan included as Attachment 3 to this report, to encourage future development in the Town Square Precinct (ie. land bounded by Grafton Street, Grosvenor Street, Bronte Road, Ebley Street, Newland Street, Bondi Junction) is consistent with the planning vision contained within the Town Square Precinct Urban Design Master Plan.

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3. Amend Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre to insert a new definition for “brothel” as well as inserting a new clause to control brothel development in the BJ commercial centre, as outlined in this report.
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Advisory Note: The draft LEP included as Attachment 3 to this report is the latest version of the plan and includes input recommended by DIPNR. However, it may be necessary to make certain additional corrections to the draft LEP in order to overcome minor inconsistencies which may be identified following Council’s consideration of this matter and prior to public exhibition. If this is necessary, changes will only be made to the plan where there is no change to the plan’s intent. If any major changes are identified to the draft plan, the plan would need to be considered by Council again prior to public exhibition.



Peter Brennan

Director Planning and Environmental Services

Report Author: George Bramis, Manager Strategic Planning

ATTACHMENT 1

11 May 2004

Ms Marianne Christmann
Regional Planning Coordinator
Sydney Region East
Department of Infrastructure, Planning and Natural Resources
GPO Box 3927
SYDNEY NSW 2001

Dear Marianne,

**DRAFT WAVERLEY AND WOOLLAHRA JOINT LOCAL ENVIRONMENTAL PLAN
(JLEP) 1991 - BONDI JUNCTION COMMERCIAL CENTRE**

I wish to advise that on 17 February 2004, Council resolved to:

1. *"Adopt the Urban Design Master Plan – Bondi Junction Town Square Precinct prepared by Jahn Associates Architects and approve its exhibition in conjunction with the Bondi Junction Strategic plan.*
2. *Amend Waverley and Woollahra Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre, Woollahra Planning Scheme Ordinance and Woollahra Local Environmental Plan No. 46 to ensure that future development in the Town Square Precinct (ie. land bounded by Grafton Street, Grosvenor Street, Bronte Road, Ebley Street, Newland Street, Bondi Junction) is consistent with the planning provisions contained within the Urban Design Master Plan.*
3. *Adopt the Town Square Master Plan (TSMP) allowing it to supersede any conflicting objectives, principles and requirements that may be contained within the Bondi Junction Commercial Centre Urban Design Development Control Plan (April 1994), the Bondi Junction Commercial Centre Design Framework (prepared in 1999) and the Bondi Junction Technical manual (prepared in 2000). This will allow the TSMP to take precedence over the requirements stipulated within these controls/reports.*
4. *That the LEP and DCP amendments be drafted and exhibited for public consultation for a period of 90 days using the delegation of the Director of Planning and Environmental Services."*

In accordance with Council's resolution, notification to the Director-General of Department of Infrastructure, Planning and Natural Resources is provided pursuant to the provisions of Section 54(4) of the *Environmental Planning and Assessment Act 1979* and Clause 9 of the Regulation. Details of this notification are set out in the attachment.

In any correspondence relating to this matter, please quote reference number A04/0280.

Should you require any further information, please contact Jacky Wilkes, Senior Strategic Planner on 9369 8099.

Yours faithfully

Peter Brennan,
Director Planning & Environmental Services

ATTACHMENT

Section 54 Notification

***Draft Waverley and Woollahra Joint Local
Environmental Plan 1991 -
Bondi Junction Commercial Centre***

1. Background

A number of initiatives have recently prompted a more immediate review of the planning controls that cover the Town Square Precinct within the Bondi Junction commercial centre.

Community Planning Framework

There has been considerable discussion within Waverley Council about how to increase the coordination in both our planning and service delivery areas. Councils are involved in a very broad range of activities impacting on economic, environmental, social, development, recreational and regulatory aspects of community life. Each activity is quite different, being governed by different legislative requirements, professional expectations and to some extent internal planning processes. Major community issues, however, rarely fit within professional or departmental boundaries. The challenge for Waverley is to develop a community planning model that is "whole of Council" and "community" focussed.

The essential principles of the proposed community planning approach in Waverley area:

- involve better integration between the following sorts of planning (considering social, cultural, spatial, open space and recreation, economic, facilities and infrastructure, environmental, built environment, safety, traffic and transport, and financial and management planning);
- integrate all the issues at a local level;
- are built around the community's expressions of key issues;
- link local planning to its regional, state and even national context;
- consider consultation with all stakeholders as a key step; and
- link planning to a vision and to practical implementation tools such as the Council Management Plan and budget processes.

This consultative method will lay the foundations for a possible place-based approach to the preparation of future development controls for Bondi Junction for both the comprehensive review and draft amendment to JLEP 1991.

Bondi Junction Strategic Plan

A Strategic Plan for Bondi Junction has been prepared as a pilot for Waverley Council's community planning approach and future Waverley Strategic Plan. The objectives of the Bondi Junction Strategic Plan are:

- To develop an integrated planning document which will inform the future planning and service delivery processes in Bondi Junction; and
- To achieve the above through a quality process of community engagement ensuring the Strategic Plan responds to community needs and aspirations.

The Bondi Junction Strategic Plan (BJSP) has been developed using Waverley Council's community planning framework through the input of community engagement findings, Council's situational analysis and expert technical consultation. The Strategic Plan describes the community engagement and addresses key issues have been raised by the community and incorporates the community's 'vision for the future' of Bondi Junction. It is designed to inform all aspects of Waverley Council's future planning processes for the commercial centre.

A number of individual studies have informed the Strategic Plan and make up the remaining elements of the Local Environmental Study as part of the comprehensive

review of planning controls for the centre. These individual studies have been completed on:

- Traffic and transport
- Economic assessment
- Heritage assessment
- Urban Design (now known as the Town Square Master Plan).

Importantly, the findings from the Town Square Master Plan have resulted in Council having to immediately undertake a review of the current planning instruments that guide development within the Town Square Precinct as per Council resolution of 17 February 2004. This is to ensure that future development within the precinct is consistent with the urban design planning provisions espoused within the Town Square Master Plan. Details of the Town Square Master Plan are discussed below.

Town Square Master Plan

Council is planning for a new Town Square in the Oxford Mall area to improve the environment and visual amenity of the Mall. The aim of this work is to:

- add value to the Mall precinct;
- improve the accessibility between the Eastgate Shopping Centre and the Bondi Junction Interchange;
- bring life and vitality to Bondi Junction; and
- serve a civic role.

Prepared for the purpose of the BJSP, the Town Square Master Plan (TSMP) covers the area bounded by Grafton Street, Grosvenor Street / Bronte Road, Ebley Street and Newland Street – the area subject to this draft LEP.

The TSMP sets Council's vision for development within the Town Square Precinct. The purpose of the Master Plan is to:

"guide future development and enable a positive vision for the Bondi Junction precinct to be realised. The fundamental aims are to provide for protection of amenity, create a strong identity, and a sense of place. The centrepiece will be a strategically located town square, which in turn will be the focus of the Town Square Precinct" (Town Square Master Plan, p.13).

Addressing the urban design elements of the commercial centre, the TSMP recommends planning controls that consider height, building envelopes and identifies key development sites for new development within the central core, setting a new vision for the Town Square Precinct. Adopted by Council on 17 February 2004 and approved for exhibition as part of the comprehensive review of planning controls, the TSMP aims to provide more up-to-date and appropriate control for the commercial centre.

The objective of this draft LEP is therefore, to give effect to the TSMP by amending *Waverley and Woollahra Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre*. This process will affect the *Woollahra Planning Scheme Ordinance* and *Woollahra Local Environmental Plan (No. 46)* and may likely involved amendments to *Bondi Junction Commercial Centre Urban Design Development Control Plan 1994*.

Furthermore, a number of major initiatives are driving development interest within the Town Square Precinct, placing demands on the need for a level of consistency for new development. Council wants to ensure that the planning framework not only meets these demands but be in accordance with the visions espoused within the TSMP. These initiatives and other trends are discussed below.

Major Initiatives/Development Emerging Out of the Commercial Centre

A number of major initiatives are occurring within the Bondi Junction commercial centre which are having an impact on the centre's land use dynamics.

Oxford Street Mall Refurbishment

In 2002, Waverley and Woollahra Councils together with Planning NSW prepared a detailed design scheme for redevelopment of Oxford Street Mall. At an estimated \$6.4 million redevelopment investment, and constructed over a 10 month period, the newly refurbished mall was formally opened on 18th December 2003.

Importantly, the ongoing role of the mall is to be the social heart and town centre to Bondi Junction.

Bondi Junction Town Centre Management Plan

The aim of the Town Centre Management Plan is to ensure, subsequent to the redevelopment of Oxford Mall, that the ongoing business/retail activities occurring within Bondi Junction are managed and marketed for commercial success. Specifically, the appointment of a Bondi Junction Manager ensures that Council services meet the expectations of the stakeholders of Bondi Junction.

Westfield Development

Stage 1 of the Bondi Junction Westfield Shoppingtown development was completed in December with the opening of David Jones, Woolworths and a small selection of specialty stores. Stage 2 subsequently opened in March with two floors of designer fashion, a larger range of specialty stores, Target Supermarket and a Café Court. Recently, part of Stage 3 opened with Myer store, Coles supermarket and other specialty stores. The remaining parts of Stage 3 will open by mid 2004 and this will include more speciality stores and entertainment and lifestyle precinct encompassing 11-screen Greater Union Cinema, long term day care centre, gymnasium and restaurants.

When completed, the Westfield development will serve as a major regional retail attractor, that will bring visitors from areas well-outside the Waverley Council locality. This 'pull factor' is already beginning to have an impact on the land use dynamics occurring within the centre.

Rowe Street 'Access Solution'

Council has undertaken pre-development application meetings with landowners for a development scheme at Rowe Street. The scheme links the Mall with the Tiffany Plaza and the bus/rail interchange creating an important improved pedestrian link between the train concourse and the Mall.

This scheme is important in that it provides a catalyst for the Town Centre scheme. The proposal also resolves the pedestrian/bus conflicts, which currently occur at the Grosvenor Street Interchange entrance/exit by validating the Mall as the most important pedestrian corridor.

Development Interest

Ongoing development interest in the commercial centre has increased with a number of development applications received for a variety of development schemes. Council has approved applications for both commercial and mixed developments comprising mostly retail with residential, or retail with a small proportion of commercial and residential development. This has been stimulated by the boundary realignment, Mall upgrading and Westfield's opening of stages 1 to 3. More relevant to this process however, is the development interest, which is being expressed within the Town Square Precinct.

Other Factors

A number of other factors influencing the planning reforms occurring within the Bondi Junction commercial centre are outlined below.

Taskforce Review

In June this year DIPNR established a Taskforce to report on the PlanFirst reforms and whether they should be pursued (in whole or part) as a means of reforming the NSW planning system.

As a result of this review, the Taskforce has identified a number of key recommendations, many of which affect the comprehensive planning review process for the Bondi Junction commercial centre. Those most pertinent to this draft LEP are as follows:

- An 'Integrated Plan' is to replace PlanFirst's 'Local Plan'.
- The preparation of a template for the Integrated Plan with Parliamentary Counsel's Office approval and subsequent amendment to the EP&A Regulation 2000.
- The development of a set of 'Best Practice Guidelines on Integrated Plan Preparation' for local councils.
- Investigating opportunities for further delegation to councils of Ministerial approval processes.
- The consolidation of a council's planning instruments into a maximum of one integrated plan.
- The development of a standard set of definitions as part of the Integrated Plan.

This draft LEP aims to amend an existing instrument; the *Waverley and Woollahra Joint Local Environmental Plan 1991*. The Department will be aware that a parallel comprehensive review of planning controls for the commercial centre is being undertaken concurrently with this draft LEP process. It is considered therefore that the recommendations / outcomes from the Taskforce's review may not have such relevance to this process.

Comprehensive Review of Planning Controls for the Bondi Junction Commercial Centre

Council has commenced a comprehensive review of planning controls for the Bondi Junction commercial centre, a planning review process which runs concurrently with this draft amendment. A brief summary of the process to date, together with the driving factors influencing the comprehensive review, are explained below.

The concurrent processes are also shown diagrammatically on page 8

In October 2002, Council resolved to undertake an immediate planning review of all statutory planning instruments and associated plans that control development within Bondi Junction. The report, prepared by Council's Department of Planning and Environment Services, proposed a three step review process involving:

- Step 1 - Data Gathering, Methodology
- Step 2 - LES/LEP Preparation
- Step 3 - LEP Gazettal, DCP Adoption.

In February 2003 the boundary of the Waverley local government area was extended north to Syd Einfeld Drive resulting in the Bondi Junction commercial centre becoming the sole responsibility of Waverley Council. In March 2003, Council moved a number of resolutions pertaining to a **comprehensive review** of all the planning controls that guide development within the Bondi Junction commercial centre. Specifically, to:

1. endorse the development of a new community planning framework for Waverley.
2. endorse the preparation of the Bondi Junction Strategic Plan as a pilot of the new framework.
3. prepare a Draft Local Environmental Plan.
4. prepare a Local Environmental Study to apply to the land to which the Draft Local Environmental Plan is intended to apply, noting that preparation of the Bondi Junction Strategic Plan will satisfy this requirement.

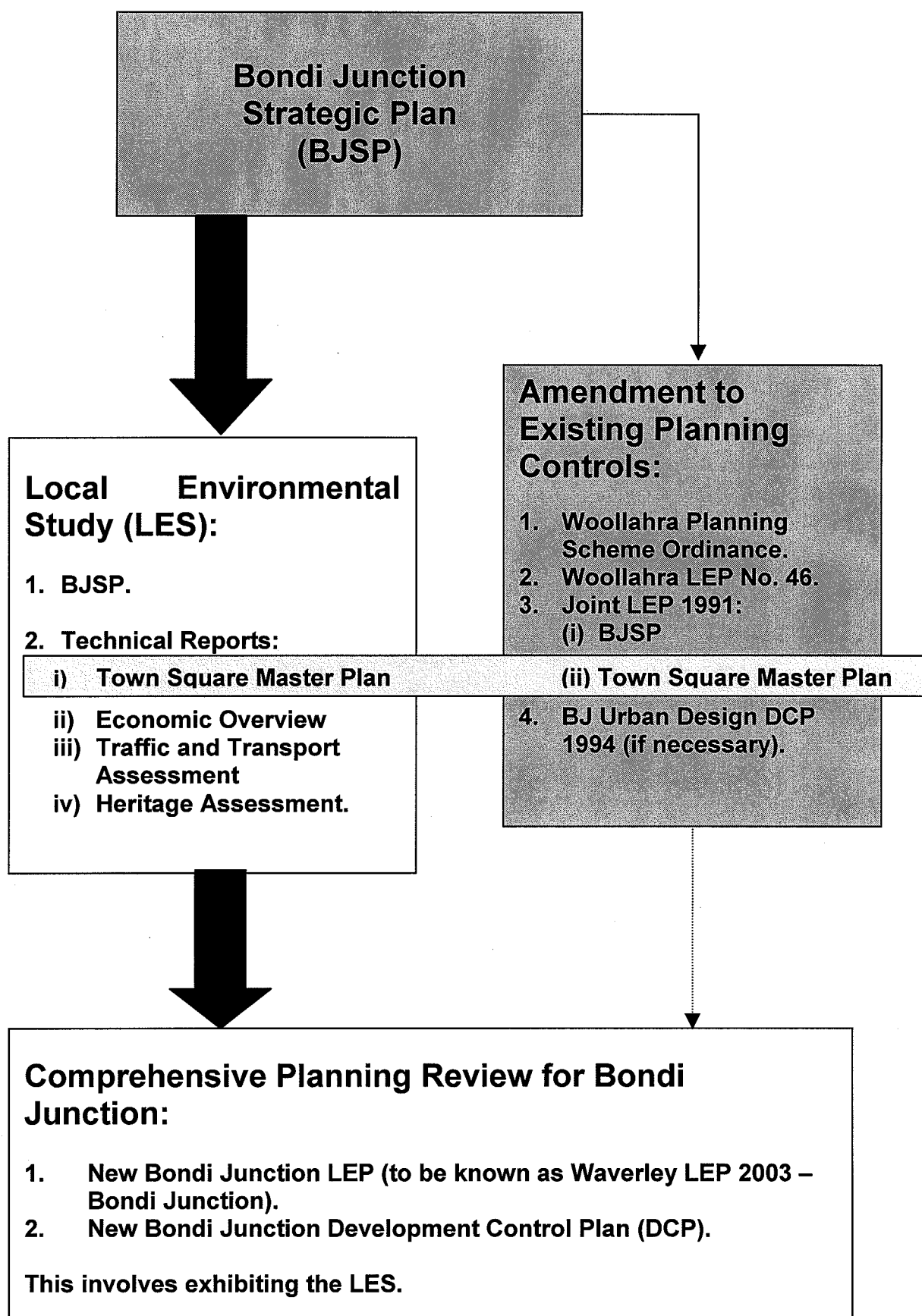
The Comprehensive Planning Review as well as the draft amendment to the *Joint LEP 1991* form key implementation plans for the BJSP. There may be one or a number of other implementation plans, depending on the key issues in the Strategy. The implementation plans are linked to Council's budget and are coordinated through the Management Plan to ensure that the strategy is able to be implemented and that other Council programs and activities support the agreed direction.

The comprehensive planning review process adopted by Council in October 2002 involves the preparation of a Local Environmental Study (LES) which will soon be placed on exhibition and accompany the Bondi Junction Strategic Plan.

The Department will be aware that Council has formalised the comprehensive planning review by notifying the Director-General of the Department of Infrastructure, Planning and Natural Resources (DIPNR) as per Section 54(4) of the *Environmental Planning and Assessment Act* and Clause 9 of the *Regulation 2000*. A response from the Department was received on 18 December 2003 endorsing the proposed format of the LES. Responses have also been received from key authorities as part of the Section 62 consultation phase.

The flow diagram overleaf shows the how the comprehensive planning review process and the amending JLEP 1991 process run parallel. The timeframes for each process are different. The envisaged process for the bulk of the draft JLEP 1991 process is to be undertaken predominantly in 2004. The comprehensive planning review process is anticipated to be due for completion in late 2005.

Achieving the BJSP within Council's Planning Framework



2. The Land the Proposed Plan Applies to and its Context

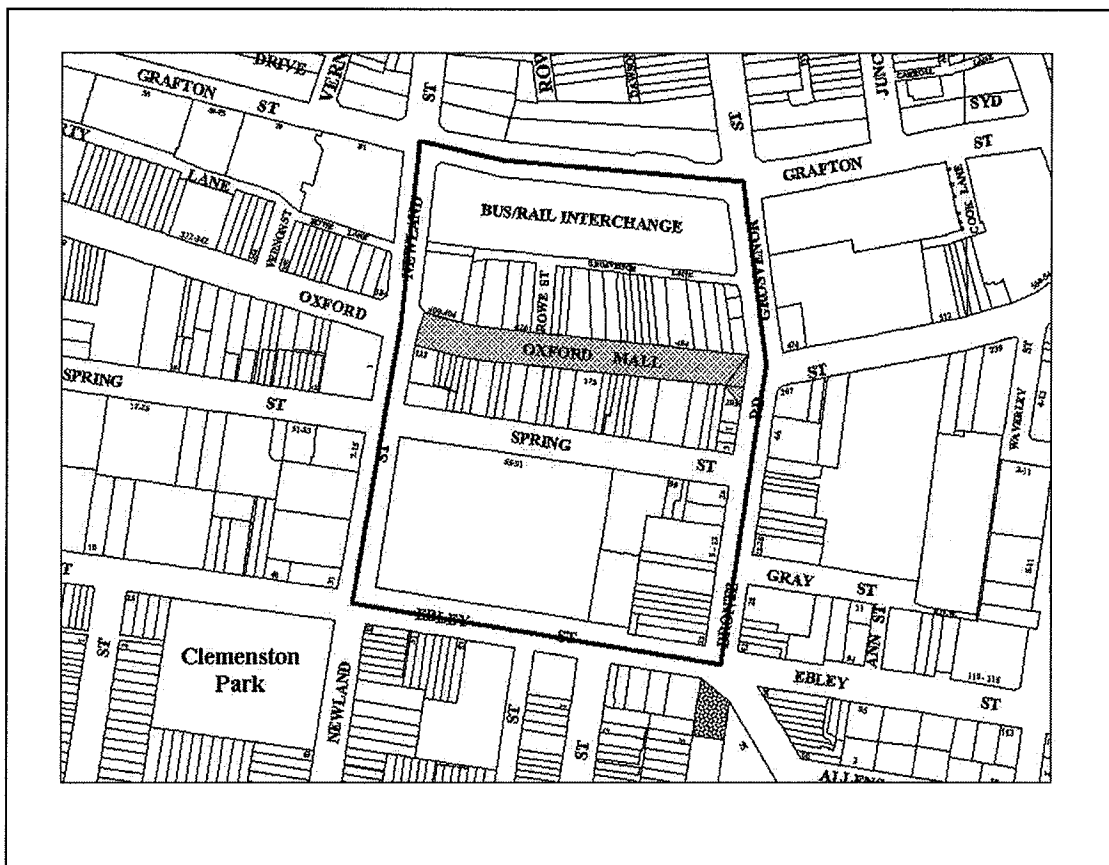
The map below shows the area covered by the draft LEP.

Land to which this plan applies

The land included within the draft amendment to JLEP 1991 is referred to as the Town Square Precinct. This area is bordered by:

- Grafton Street (northern boundary);
- Newland Street (western boundary);
- Grosvenor Street/Bronte Road (eastern boundary); and
- Ebley Street (southern boundary).

Map 1 - Town Square Master Precinct



Current zonings of the land affected

The land affected by this draft amendment is included within the following environmental planning instruments:

- *Waverley & Woollahra Joint Local Environmental Plan (JLEP) 1991 – Bondi Junction Commercial Centre;*
- *Woollahra Local Environmental Plan 1995 (Amendment No.46); and*
- *Woollahra Planning Scheme Ordinance.*

Waverley & Woollahra Joint Local Environmental Plan (JLEP) 1991 – Bondi Junction Commercial Centre

The majority of properties affected by this draft LEP are zoned 3(a2) Business General under JLEP 1991. This zone permits a wide range of retail and commercial uses, ancillary light industrial uses, entertainment and social and recreational uses, and limits residential development (to be mixed with those uses above).

The instrument includes land which is uncoloured (i.e. Grosvenor Lane and Rowe Street). Clause 28 notes that before determining an application, Council must take into consideration the development standards and objectives applying to the lands adjoining the uncoloured lands.

This instrument excludes land marked as "deferred" incorporating the following properties:

- Bondi Junction Bus/Rail Interchange site (95-97 Grafton Street);
- 396, 400-404 Oxford Street;
- 416-420 Oxford Street; and
- 446-462 Oxford Street.

The development standards for the deferred land (in terms of land use zones and floor space ratios) are found within both the *Woollahra Local Environmental Plan 1995 (Amendment No. 46)* and the *Woollahra Planning Scheme Ordinance*, which are discussed below.

Woollahra Local Environmental Plan 1995 (Amendment No. 46)

A significant portion of the land on the northern side of Oxford Street Mall incorporating the Bondi Junction Bus/Rail Interchange is controlled by *Woollahra Local Environmental Plan (Amendment No. 46)* made under the *Woollahra Planning Scheme Ordinance*. Specifically, the properties affected by this instrument include:

- Bondi Junction Bus/Rail Interchange site (95-97 Grafton Street);
- 396, 400-404 Oxford Street; and
- 446-462 Oxford Street.

The instrument determines two floor space controls for the above properties:

Bondi Junction Bus/Rail Interchange site (95-97 Grafton Street)	FSR shall not exceed 4:1
396, 400-404 Oxford Street	FSR shall not exceed 2:1
446-462 Oxford Street	FSR shall not exceed 2:1

This instrument also requires concurrence from the Director, which under current circumstances is the Director General of DIPNR. The instrument amends clause 61 of the WPSO (discussed below). Specifically, in deciding to grant concurrence, the Director must take into consideration matters relating to overshadowing, building height and bulk, visual impacts, parking, traffic and general pedestrian impacts, architectural impacts and impacts on views, as well as access issues for pedestrians and buses around the bus rail interchange.

This draft LEP process will repeal this instrument given that the provisions relating to concurrence and floor space ratios can be fully absorbed within the draft JLEP 1991 process. Discussions with DIPNR officers regarding this matter, have indicated strong support for the repeal of the instrument.

Woollahra Planning Scheme Ordinance

The *Woollahra Planning Scheme Ordinance* (WPSO) controls for the deferred land identified above. The specific clauses of the WPSO that relate to these lands deal with:

- zoning – the deferred lands 3(d) General Business (Redevelopment) in which both retail and office uses are permissible (clause 23 – Table);
- aesthetic appearance - which relates to land within the Foreshore Scenic Protection Area (clause 34);
- floor space ratio - for deferred land situated at 416-420 Oxford Street (clause 46); and
- concurrence of the Authority, which under the present circumstances is the Director General of DIPNR, prior to granting consent for any development within the 3(d) zone (clause 61) as well as the matters that must be considered by the Director, as summarised above in the discussion of *LEP No. 46* (clause 61).

It is envisaged that this draft LEP process will amend this instrument where the provisions relate to the "deferred" land identified within *JLEP 1991*.

3. The Purpose of the Plan

The key issues the plan will address

The specific aim of the draft plan is to give affect to the Town Square Master Plan in order to facilitate development that is consistent with the vision of the Town Square Master Plan.

The specific key issues the draft plan will address are, to:

- a) annul old and outdated planning controls that relate to Waverley Council land – i.e. both the *Woollahra Planning Scheme Ordinance* and *Woollahra Local Environmental Plan (Amendment No. 46)*;
- b) rationalise land use zones and floor space ratios for land that is "deferred" under *Waverley and Woollahra Joint Local Environmental Plan 1991*;
- c) provide development solutions for Town Square Precinct that resolves the complexities associated with the existing subdivision patterns; and
- d) provide a town centre for the Bondi Junction commercial centre.

What the council wants the plan to do

Council wants the amending plan to:

- a) provide for development of land within the Town Square Precinct that implements the vision set out in the Town Square Master Plan.
- b) establish a planning framework within which development in accordance with the Town Square Master Plan will occur.
- c) ensure that the principles and development controls set out within the Town Square Master Plan area are fundamental considerations in the assessment of any

development application proposing development that forms part of the Town Square Master Plan.

- d) ensure that the words of the plan identify the intention that the provisions of the plan are intended to replace the controls within the *Woollahra Planning Scheme Ordinance* and *Woollahra Local Environmental Plan (Amendment No. 46)*.

How the plan would operate

The first phase of the draft plan has involved the preparation of a Strategic Plan for Bondi Junction (based on the PlanFirst philosophy). Along with the preparation of the Strategic Plan, technical studies covering heritage, economic development, traffic and transport, urban design, and community consultation issues, which comprises the local environmental study (LES), provide guidance for the future direction of the commercial centre and assist this draft plan process.

A component of the LES is the Town Square Master Plan. The Master Plan sets out a detailed vision for the commercial core which the Council is actively pursuing. Due to the time constraints involved in the preparation of a comprehensive LEP however, there is concern that significant initiatives outlined in the Master Plan may be undermined unless given some statutory weight as soon as practicable. As a consequence, Council has resolved to amend the existing instrument (JLEP 1991) in order to give effect to the provisions of the Master Plan.

The plan will annul the existing Woollahra planning controls for Bondi Junction and amend the principal plan to allow the implementation of the master Plan objectives.

Why the council wants to prepare the plan

Council's reasons for undertaking a amending plan are:

- a) to ensure desirable development outcomes that are consistent with the Town Square Master Plan.
- b) the lack of sound controls relating to the current subdivision patterns within the Town Square Precinct.
- c) the adoption of Boundary Commission's recommendation for the boundary change in Bondi Junction.
- d) the number of planning instruments and policies from two different Councils applying to the area (specifically, the *Woollahra Planning Scheme Ordinance* and *Woollahra LEP 1995 – Amendment No. 46*).
- e) extent of development that has taken place, (ie. Westfield development, the Oxford Mall refurbishment) and the changes in land use that have occurred.
- f) Town Square Feasibility Study demonstrating the feasibility of a Town Square concept
- g) Rowe Street proposed development scheme linking the bus/rail interchange to the mall.

How the plan would relate to existing plans (and if the plan is stand alone or an amending plan)

The plan will be an amending plan. The amendment will annul the old Woollahra planning instruments where they apply to the Bondi Junction commercial centre, thereby consolidating all planning matters relating to the Bondi Junction commercial centre into JLEP 1991.

4. Anticipated Effects of the Plan

Expected impacts of the plan on the social, economic and natural environments

In order to address the social, economic and environmental impacts of the plan on the Bondi Junction commercial centre, it has been essential to undertake specialist studies as part of the Strategic Plan process. Specialist studies have been undertaken in the following disciplines:

- Heritage Assessment;
- Economic Development Assessment;
- Traffic and Transport;
- Town Square Master Plan (Urban Design for the core centre); and
- Community Consultation.

These studies will be fed into the LES to guide the development of the LEP for the comprehensive review process. However, they serve an important role in this draft plan process in that the findings also give Council the opportunity to consider the social, economic and natural environment issues throughout this draft plan process.

Social Impacts

Social impacts have been initially gleaned from the Consultation Strategy component of the Strategic Plan. Some of the social impacts identified to date are:

- the Westfield development will attract much of the pedestrian activity from the mall impinging on the social vibrancy of the mall environment and undermining the commercial activity at the western end of Oxford Street;
- the link between the mall and the bus rail interchange at Rowe Street is inadequate and inappropriate and represents a significant safety problem for commuters and other pedestrians; and
- the lack of a public open space/civic space area in the mall vicinity.

Economic Impacts

An Economic Overview report prepared as a component of the Strategic Plan has assisted in identifying the current economic situation within the centre. The envisaged economic impacts of the draft plan include:

- Balancing the growth of the commercial centre in line with its strategic importance;
- Activating commercial land uses through the new planning controls to:
 - promote commercial development throughout the centre,
 - service the surrounding community,
 - encourage day and night business operations; and
- integrating residential development within the centre to encourage day and night populations.

Natural Environment Impacts

The perceived environmental issues resulting from the draft plan identified at this stage include:

- air pollution and traffic problems from increased traffic into the centre;
- disruptions to the micro-climate (ie. wind, sun access, etc.) as a result of new development;
- visual impact of additional development;
- pedestrians conflicts with local and regional traffic;
- safety issues brought about by an increasing population to the centre; and
- perceived lack of landscaping.

The above impacts (ie. social, economic and environmental impacts) will be considered as part of the draft plan process. Importantly, they will be further scrutinised as part of developing the new environmental planning instrument for the Bondi Junction commercial centre as part of the comprehensive planning review.

Potential benefits and negative effects of the plan

Potential benefits of Plan:

The benefits of the draft plan will provide an improved urban design solution to planning controls, subsequent to the comprehensive planning review process being completed. However, benefits also apply to the applicant where increased building height controls are provided for within the TSMP. The current controls within *JLEP 1991* allow for 15 metre height either side of Oxford Street. The TSMP extends these heights to either to a combination of heights at 10 metres, 15 metres and 20 metres on the northern side of Oxford Street, or 20 metre or more heights on the southern side of Oxford Street.

Nevertheless, these revised height controls remain consistent with the objectives of the existing plan and allow Council to retain significant building facades.

Negative effects of Plan:

Given that the Bondi Junction commercial centre is encouraged by state government to be a major centre (eg. *Action for Transport*), commercial development will continue to grow within the centre, but this may be at the expense of the amenity of the immediate surrounding residential areas.

5. Supporting Information/Documents

Is there an associated study or report, and if so, what does it say?

In addition to Council's resolution of 17 February 2004, see response below.

Whether the council considers an environmental study is needed, and if so, the issues it proposes to address in the study

A local environmental study (LES) does not need to be prepared as part of the draft plan process. However, informing this process is the comprehensive planning review being undertaken concurrently which includes the preparation of an LES and there are opportunities to integrate the findings from this process into this draft plan process.

Therefore, for the purposes of background, the text box below details the LES process for the comprehensive review process:

Local Environmental Study for the Comprehensive Planning Review for the Bondi Junction Commercial Centre

An LES has been prepared for the Bondi Junction commercial centre. The first phase of the comprehensive planning review work has involved the preparation of a Strategic Plan for Bondi Junction (based on the PlanFirst philosophy as described above). As stated in Section 4, supplementary studies have also been prepared in the following disciplines:

- Heritage Assessment;
- Economic Development Assessment;
- Traffic and Transport;
- Town Square Master Plan (Urban Design for the core centre); and
- Community Consultation.

These studies, together with the Situation Analysis which has been prepared by the various departments of Council (discussed below), supplement the Strategic Plan. Both components (ie. the BJSP and the supplementary studies) will become the LES which will guide the development of the LEP for the Bondi Junction Commercial Centre.

As such, the LES encompasses a synthesis of the following:

- The major thrust of the BJSP.
- Situation Analysis: the Situation Analysis is a component of the BJSP and comprises an analysis of the following disciplines within Council –
 - cultural planning.
 - heritage;
 - landscape/public open space and recreation;
 - affordable housing;
 - planning controls;
 - major development;
 - Master Plan – commercial core;
 - Traffic and transport;
 - Oxford Street Mall; and
 - Environmental Planning.
- Supplementary Studies –
 - Heritage Assessment – given the sensitive heritage areas within the Bondi Junction commercial centre vicinity;
 - Economic Development Assessment – given the Bondi Junction commercial centre is a regional centre and additional commercial development needs to be fostered;
 - Traffic and Transport – because of the bus/rail interchange, public transport, pedestrian and other traffic and transport issues within the commercial centre;
 - Urban Design for the core centre – given that community demands better urban design solutions for the commercial centre with the significant development that is presently occurring; and
 - Community Consultation – in order to integrate community concerns into the planning process.

Furthermore, dependent upon the findings of the LES, the plan would seek to review the adequacy of the current zonings (and possibly rezone where appropriate) within the Bondi Junction commercial centre and possibly, surrounding nearby portions of land.

If the council does not see a need for an environmental study, whether the council is seeking additional information on the proposed plan and its impact.

Not applicable.

6. Effect of Existing Planning Laws, Policies and Strategies on the Proposed Plan

Whether the council considers the draft plan is consistent with SEPPs, REPs, section 117 directions, our government strategies (like Shaping our Cities, Sharing our Harbour, Strategy for Sustainable Agriculture, Alpine Strategy), as well as endorsed local strategies (like residential development strategies and rural settlement strategies)

No State or Regional planning instruments have been identified to be relevant to this assessment.

Ministerial Directions	Consistent
Direction G22 – Determination and direction under s 71 and s 117(2) (for plans made using s 69 delegation to council officers).	√
Direction S11 – Definition of floor space ratio – Sydney Central sub-region	√

Any new policy issues that the proposed plan raises — is the council seeking to use the planning system in an innovative way?

No new policy issues are proposed as Council intends to pursue the traditional system of zoning under the current structure of the existing instrument.

7. Whether the Council will be using any Delegation under Sections 65 and 69

Refer to the delegation manual issued by the Department

Yes, Waverley Council intends to use delegations under Sections 65 and 69 of the Act.

Say whether the use of delegations is intended and give the reasons if they are not to be used

Yes, the use of delegations is intended to be exercised.

If a change is required between operational and community land refer to the DLG best practice guideline on reclassifying land.

The DLG's best practice guidelines will be referred to where reclassification of certain land is required at Rowe Street, Grosvenor Lane and Spring Street.

8. Who the Council Intends to Consult

Whether the council has decided that it needs to consult NPWS or NSW Fisheries under section 34A of the Act (to see if the plan raises significant issues for threatened species, populations or ecological communities, or their habitats).

Not applicable.

Whether consultation is required under any REP or SEPP

Not applicable.

Who else the council intends to consult under section 62 of the Act

Council intends to consult the following public authorities under section 62 of the Act:

- The Roads and Traffic Authority
- The Department of Environment and Conservation
- Sydney Water
- Centennial Parklands
- Department of Ageing, Disability and Home Care
- Department of Community Services
- Department of Education and Training
- Department of Energy and Utilities
- Department of Health
- Department of Lands
- Department of Local Government
- Department of Natural Resources
- Department of Sport and Recreation
- Department of Transport Services
- Department of State and Regional Development
- Land & Environment Court
- NSW Police
- Telstra
- Valuer Generals Department
- Department of Housing
- Energy Australia
- State Rail Authority
- Rail Infrastructure Corporation
- State Transit Authority
- Woollahra Council
- Randwick Council.

In addition, as part of the Consultation Strategy for the Bondi Junction Strategic Plan, a number of groups and representatives from a broad spectrum of stakeholders have been consulted:

- major and minor land owners
- local business operators
- local residents
- youth representatives
- aged representatives
- Council's Community Precinct representatives
- The Pedestrian Council of Australia
- BicycleNSW.

To benefit this draft LEP, the consultation from the Bondi Junction Strategic Plan will be injected into this parallel draft LEP process.

Whether there are consultation requirements under any other Act

Not applicable.

How any other State agencies or other persons would be given opportunity for involvement in the preparation of the proposed plan.

The ILAP process adopted for the comprehensive review together with the Consultation Strategy for the BJSP will also be applied to this draft LEP. This process aims to:

- encourage better integration between the different planning disciplines;
- ensure the actions are built around the community's expressions of key issues; and
- ensure all stakeholders are consulted throughout the BJSP and LES processes.

The BJSP Consultation Strategy has involved:

- fortnightly BJ Working Group meetings
- a series of Focus Group workshops and meetings with key stakeholders;
- Community Information Sessions (CIFS) for the wider community
- a range of community surveys;
- meetings with special groups (ie. youth, aged representatives);
- telephone interviews;
- a project website;
- youth surveys;
- Bondi Junction user surveys; and
- A Community Safety Forum (to discuss safety issues).

The consultation process for the BJSP has been extensive and the feedback received from this study will guide the direction for the LES and comprehensive LEP. This extensive consultation will be brought to this draft LEP process.

ATTACHMENT 2

3 August 2004

Mr Alan Cadogan
Acting Regional Planning Coordinator
Sydney Region East
Department of Infrastructure, Planning and Natural Resources
GPO Box 3927
SYDNEY NSW 2001

Dear Alan,

**DRAFT WAVERLEY AND WOOLLAHRA JOINT LOCAL ENVIRONMENTAL PLAN
(JLEP) 1991 - BONDI JUNCTION COMMERCIAL CENTRE
SUPPLEMENTARY INFORMATION**

On 11 May 2004, Waverley Council sent the Department of Infrastructure, Planning and Natural Resources (DIPNR) notification to the Director-General pursuant to the provisions of Section 54(4) of the *Environmental Planning and Assessment Act 1979* and Clause 9 of the Regulation to amend:

- Waverley and Woollahra Joint Local Environmental Plan 1991 – Bondi Junction Commercial Centre;
- Woollahra Planning Scheme Ordinance; and
- Woollahra Local Environmental Plan No. 46.

This letter serves as supplementary information to that letter and seeks to amplify Council's position in terms of this draft LEP process. Refer to Attachment 1.

The draft local environmental plan (LEP) ensures future development in the Town Square Precinct is consistent with the planning visions contained within the Urban Design Town Square Precinct Master Plan (TSPMP).

Find attached a draft copy of the amending LEP (see Attachment 2) which gives effect to sections 4.0 and 5.0 of the TSPMP – a full copy of which is also attached (see Attachment 3). Importantly, the draft amending plan is an interim measure to ensure that major development within the TSPMP is consistent with Council's Strategic Plan for the Bondi Junction commercial centre. The Strategic Plan is currently on exhibition and also functions as the local environmental study for the comprehensive LEP process for Bondi Junction.

Should you require any further information, please contact Jacky Wilkes, Senior Strategic Planner on 9369 8099 or George Bramis, Manager Strategic Planning on 9369 8050.

In any correspondence relating to this matter, please quote reference number A04/0280-02.

Yours faithfully

Peter Brennan,
Director Planning & Environmental Services

Enc.
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**Section 54 Notification -
Supplementary Information**

Introduction

The following supplementary information is provided to assist the Department of Planning (DIPNR) to better understand the draft LEP by amplifying Council's position in relation to this process.

Legal Advice

Council has sought expertise on matters pertaining to planning law and has thus commissioned Pike Pike Fenwick to draft the LEP and advise Council accordingly. To achieve the vision of the Strategic Plan, subsequent minor amendments have been made to the TSPMP in order to give it the required effect. However, Council notes that the role of the amending LEP is to provide the opportunity for an alternative path of assessment, particularly on building envelopes, for applicants within the Town Square Precinct (ie. the area bounded by Syd Einfield Drive, Grosvenor Street/Bronte Road, Ebley Street and Newland Street). This amendment does not result in the replacement of the detailed controls within the Bondi Junction Commercial Centre Urban Design DCP 1994. Rather, the TSPMP will sit alongside the DCP until the comprehensive review for the commercial centre progresses.

To articulate this to applicants, an Information brochure will be prepared outlining the preferred method in submitting an application to Council for land situated within the Town Square Precinct.

Relationship with the Comprehensive Review Process

Most importantly, the nature of this draft LEP has always been a temporary one. The comprehensive planning review for the Bondi Junction commercial centre was initiated formally with the department in November last year. Subsequently, notification letters have been sent to the key stakeholders (pursuant section 62 of the *Environmental Planning and Assessment Act 1979*) and detailed responses have been received from these stakeholders.

Council is progressing with the comprehensive review. The next steps are to begin drafting the comprehensive LEP and prepare a new development control plan (DCP) and Council will shortly be inviting consultants to assist in the preparation of these controls. This means that the envisaged lifetime of this draft LEP is anticipated to be a short one. It is envisaged that the detail of the TSPMP will be incorporated into a new DCP for the commercial centre as part of the comprehensive planning process. This is discussed below (see section 'Adding another layer').

Temporary nature of the amendment

As discussed above, this draft LEP is a temporary approach for establishing the vision for the commercial centre – specifically the Town Square Precinct – that has arising out of the Bondi Junction Strategic Plan process. It too is a fast-tracked approach, because of the current development interest for a number of key sites (ie. Rowe Street, Town Square sites, and the site on the north west corner of Oxford and Grosvenor Streets known as the 'Coombes Site') within the Precinct. Council also has articulated

other reasons for the need to fast-track this draft LEP to DIPNR (see earlier section 54 letter of 11 May 2004).

Adding another layer

Council understands clearly the complexities of bringing about another layer of control by way of a Master Plan, and that this can potentially add confusion to the current planning process. Therefore one of the main purposes of the comprehensive planning review will be to remove this additional Master Plan layer which will be temporarily installed by this draft LEP.

It is anticipated that the detail espoused within the TSPMP will be replaced by an overarching DCP for the entire commercial centre. This DCP will accompany a new LEP and these two documents will comprise the suite of controls for the Bondi Junction commercial centre – the two outcomes for the comprehensive planning review.

ESD policy review

Council has commissioned the Institute of Sustainable Futures (ISF) – a world renowned consultancy body on sustainability – to undertake a detailed review of Council's corporate/planning documents in terms of their respective capacities to address ecologically sustainable development (ESD).

A draft Gap Analysis report is shortly to be finalised which assesses in detail the ESD capabilities of the Bondi Junction Strategic Plan, the TSPMP and all of Council's planning instruments and controls (ie. all LEPs and DCPs).

These comments will be timely given that the Bondi Junction Strategic Plan, as well as the LES for the comprehensive review, are currently on exhibition. More importantly, the comments provided by ISF on the TSPMP will be able to be considered as a submission for the soon anticipated exhibition and thus can be incorporated into this draft LEP process.

SEPP 65

Section 28 of the State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings (SEPP 65) stipulates that a:

person who prepares... an environmental planning instrument, ...or master plan... that makes provision with respect to residential flat development should include provisions ... to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication Residential Flat Design Code.

The TSPMP does not detail such provisions in relation to residential flat development. Section 29 of the SEPP refers to the 'Making or adopting of master plans'. Similarly, this section stipulates that where a master plan contains "provisions that relate to the design quality of residential flat development", the master plan should be referred to the design review panel. Again, the TSPMP does not comprise provisions relating to residential flat buildings and Council considers this review not necessary.

Section 62 Consultation – Comprehensive Review for Bondi Junction

On 15 December 2003, in accordance with Section 62 of the *Environmental Planning and Assessment Act 1979*, Council sent a notification letter to all relevant public authorities regarding the draft plan for the comprehensive review. It noted:

"The specific aim of the draft plan is to establish the framework for sustainable future development of the Bondi Junction commercial centre. The general aims and objectives of the draft plan are to:

- a) provide simplified environmental planning for Bondi Junction by repealing or amending all the existing local planning controls which apply to the land shown on the map and to replace those controls with a single local environmental plan (an 'Integrated Plan' under the Taskforce Review);*
- b) rationalise land use zones and development standards;*
- c) encourage economic activity within the Bondi Junction commercial centre to cater for the retail, commercial, entertainment, welfare and recreational needs of residents and visitors;*
- d) provide direction and guidance to the community concerning desired growth and change in Bondi Junction and the manner in which growth and change are proposed to be managed;*
- e) promote, conserve and enhance the environmental heritage of the area;*
- f) increase safety and amenity of residential and commercial areas without downgrading accessibility;*
- g) facilitate development that is consistent with the principles of ecologically sustainable development;*
- h) provide adequate open space and a range of recreational facilities to meet the needs of the population; and*
- i) maintain and improve accessibility to Bondi Junction by identifying major transport corridors, and their links to open space and residential areas.*

...In order to facilitate the preparation of the draft plan, it would be appreciated if you could furnish any relevant information relating to this matter and details of any actual or proposed activity, which may affect the locality..."

Detailed responses were received and these are attached to this supplementary letter (Attachment 4). Given that the study area for the comprehensive review encompasses the entire Town Square Precinct area and surrounds, Council is of the opinion that undertaking another section 62 consultation process which invites the same authorities to furnish information for the same study area will not only create confusion but also result in duplication.

Council has reviewed the section 62 responses from the authorities, which were received between December 2003 and February 2004, and considers the responses to be sufficiently targeted to apply to the precinct and adequately detailed to meet the needs of this draft LEP. However, Council seeks formal approval from DIPNR to take this direction.

ATTACHMENT 3

DRAFT BONDI JUNCTION LOCAL ENVIRONMENTAL PLAN

At the time of going to print the draft Bondi Junction LEP was not available to be included in the Agenda.

The draft LEP will be distributed separately as soon as it becomes available.