

## Planning Services

### Planning proposal review

<b>Dept. Ref. No:</b>	PP_2016_WAVER_003_00
<b>LGA</b>	Waverley Council
<b>LEP to be Amended:</b>	Waverley Local Environmental Plan 2012
<b>Site / Address:</b>	194-214 Oxford Street (Site 1) and 2 Nelson Street (Site 2), Bondi Junction
<b>Proposal:</b>	<p>The planning proposal (<b>Attachment B1</b>) seeks to amend development controls and remove local heritage items to enable the redevelopment of the sites as follows:</p> <ul style="list-style-type: none"> <li>• increase the maximum building height across the sites from 15m to 36m;</li> <li>• increase the floor space ratio from 1.5:1 to 3.5:1;</li> <li>• remove the local heritage listing of four terrace houses at 194-200 Oxford Street, Bondi Junction (Item 1212);</li> <li>• correct a zoning anomaly on the corner of Syd Einfeld Drive and York Road by rezoning a portion of the Syd Einfeld Drive road reserve from B4 Mixed Use to SP2 Infrastructure; and</li> <li>• include a site-specific local provision for an architectural design competition.</li> </ul>
<b>Reason for review request:</b>	<p>The Department requests the advice of the Independent Planning Commission (IPC) regarding the merits of the planning proposal and whether the Department should proceed with finalisation of the proposal.</p> <p>Council has requested that the plan not proceed.</p>

#### 1. SITE DESCRIPTION

The planning proposal (PP\_2016\_WAVER\_003\_00) applies to land at 194-214 Oxford Street (Site 1) and 2 Nelson Street (Site 2), Bondi Junction.

The site is located at the western end of Bondi Junction town centre on the corner of Oxford Street, York Road, Syd Einfeld Drive and Nelson Street (Figure 1). It is opposite the Waverley Bus Depot and diagonally opposite Centennial Park.

The site is approximately 650m from Bondi Junction railway station. The site has laneway access from Osmund Lane off Nelson Street.

The site has an area of 2481m<sup>2</sup> and is made up of two distinct parcels:

- Site 1 (western site) has a total area of 1490m<sup>2</sup>;

- Site 2 (eastern site) has a total area of 991m<sup>2</sup>.

Site 1 is occupied by four two-storey terrace houses at 194-200 Oxford Street, a car and truck hire business at 202-210 Oxford Street and commercial premises at 214 Oxford Street. Development on site 2 includes a two-storey residential flat building comprising six dwellings.

The site includes heritage items, specifically a row of terraces along Oxford Street and a Norfolk Island pine tree along Nelson Street.

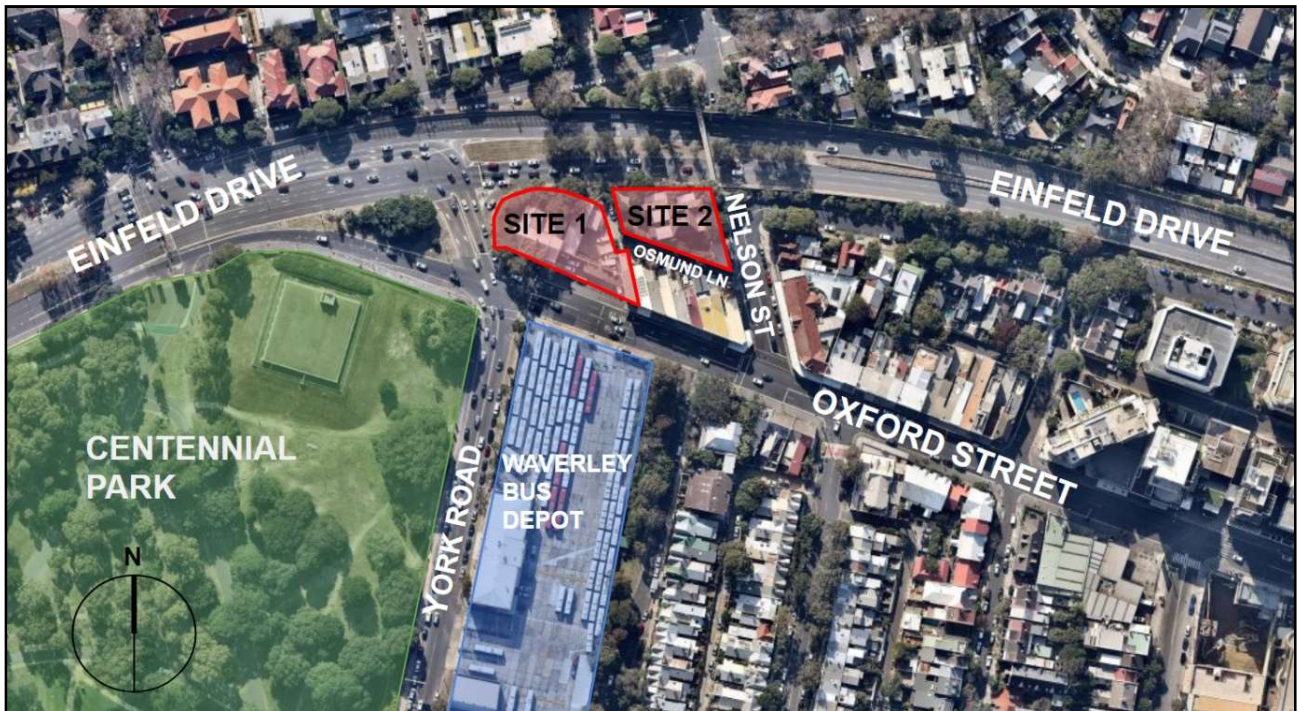


Figure 1: Aerial view of sites 1 and 2 (outlined in red) and immediate surrounds (source: Nearmaps).

## 2. PURPOSE OF PLAN

The planning proposal (**Attachment B1**) seeks to enable the redevelopment of the site for a mixed-use development that comprises two residential towers above a commercial /retail podium with integrated public domain. The proposal seeks to amend the Waverley Local Environmental Plan 2012 to:

- increase the maximum building height on both sites from 15m (four storeys) to 36m (11 storeys);
- increase the floor space ratio from 1.5:1 to 3.5:1;
- remove the local heritage listing of four terrace houses at 194-200 Oxford Street, Bondi Junction (Item 1212);
- correct a zoning anomaly on the corner of Syd Einfeld Drive and York Road by rezoning a portion of the Syd Einfeld Drive road reserve from B4 Mixed Use to SP2 Infrastructure; and
- include a site-specific clause to require an architectural design competition.

The concept development scheme supporting the planning proposal comprises 94 apartments over 11 storeys, 831m<sup>2</sup> of retail space and parking for 50 vehicles. The scheme seeks to demolish the heritage-listed terraces but retain and incorporate the heritage-listed Norfolk Island pine tree as part of a new public plaza.

The land is zoned B4 Mixed Use under the Waverley LEP 2012. The proposal does not seek to change the zoning on the site, other than to make a correction to the Syd Einfeld Drive road reserve.

The proponent offered to enter into a voluntary planning agreement (VPA) with Waverley Council to provide for a public plaza and pedestrian/cycleway link from Oxford Street to Osmund Lane (**Attachment B3**). The draft offer included:

- dedication of land to Council for road/footpath widening and/or traffic improvements along Oxford Street; and
- public domain works set out in the public works plan and landscape plan.

### **3. PRE-GATEWAY REVIEW AND GATEWAY DETERMINATION**

#### Background

On 11 March 2015, the initial planning proposal lodged with Council sought to increase the maximum building height from 15m to 38m and increase the maximum FSR from 1.5:1 to 5:1.

On 13 October 2015, an amended proposal was submitted to Council. The proposal was revised to reduce the proposed building height from 38m to 36m and reduce the proposed FSR from 5:1 to 3.5:1. The concept design supporting the proposal was also altered to show an increased separation between the proposed residential towers, a stepped 2-3-storey podium level along Oxford Street, a reconfigured public plaza, a through-site link and vehicular access.

On 15 December 2015, Council resolved not to support the planning proposal, seeking to reduce the height on site 2 to 25m. Council's concerns primarily related to overdevelopment of the site, the proposed built form and potential overshadowing of the public domain and Centennial Park.

#### Pre-Gateway review

On 6 January 2016, a pre-Gateway review was submitted to the Department of Planning and Environment. The former Sydney East Joint Regional Planning Panel considered the proposal and unanimously recommended it be submitted for Gateway determination (**Attachment C**).

The panel supported the planning proposal with a proposed building height of 36m and proposed FSR of 3.5:1 for sites 1 and 2. The panel considered there was no benefit in reducing the height on site 2 as it was concerned this would reduce the public benefit that will be possible to negotiate in respect of this proposal.

The panel also recommended that several requirements should be met before exhibition of the proposal, including:

- the applicant is to enter into negotiations for a planning agreement with Council;
- the applicant is to prepare a site-specific DCP, which shall be exhibited with the planning proposal; and
- a clause should be included in the draft LEP requiring a design competition to be held before a development application is lodged. The design competition should be run according (to) the Director-General's Design Competition Guidelines.

The panel noted the potential benefits of the proposal to consider opportunities for the coordination of traffic and public domain improvements at the intersection of Oxford Street and York Road, particularly noting the need for reprioritisation between car, bus, bike and pedestrian uses and improving the linkage between Bondi Junction and Centennial Park.

### Gateway determination

A Gateway determination was issued on 22 December 2016, which allowed the planning proposal to proceed to exhibition subject to conditions (**Attachment D**).

Gateway conditions required the planning proposal to be updated to:

- demonstrate consistency with the then Draft Central District Plan, released on 21 November 2016;
- reflect an SP2 Infrastructure zoning on a portion of the site on the corner of Syd Einfeld Drive and York Road on the land zoning map;
- include a statement of intent regarding a local provision for an architectural design competition to apply to the site; and
- prepare and exhibit a site-specific DCP with the proposal.

The Gateway determination did not specify a VPA being entered into or exhibited concurrently with the proposal as VPAs are a matter for Council and the Department has no involvement.

The Gateway gave a 12-month time frame for completion of the plan by December 2017. A written authorisation was not issued to allow Council to exercise delegation to make the plan.

The proposal was amended prior to exhibition to address the conditions of the Gateway determination.

#### **4. PUBLIC EXHIBITION**

In accordance with the Gateway determination, community consultation was undertaken by Council from 8 February to 10 March 2017.

The proposal received 406 public submissions. Of the submissions, 396 opposed the proposal and 10 supported it.

Council has addressed the submissions received during public exhibition in its planning submissions report (**Attachment H1**). The main issues raised in submissions included:

- traffic and parking;
- height /density and urban design and amenity;
- impacts on Centennial Park;
- heritage impact and the removal of heritage items;
- the impact on the character of the area including overshadowing; and
- building scale and transition.

Another issue raised was the planning proposal process, where submissions noted that Council had previously determined to not support the proposal and therefore it should not be progressed.

In response to objections and concerns raised, an independent review of traffic impacts was undertaken, which concluded that the proposed development would have a marginal effect on the performance of intersections within the local road network.

A draft VPA was not exhibited with the planning proposal.



## 5. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult the following authorities in accordance with the Gateway determination:

- Woollahra Municipal Council;
- Randwick City Council;
- Office of Environment and Heritage;
- Transport for NSW;
- Roads and Maritime Services (RMS);
- Energy Australia;
- Sydney Water;
- Department of Education;
- NSW Health; and
- Centennial Park and Moore Park Trust.

Council has confirmed it has consulted the above authorities. Sydney Water, Ausgrid and the NSW Environment Protection Agency responded and raised no issues with the proposal.

### Issues raised by public authorities

Submissions were received by three public authorities (**Attachment F**) raising concerns with the proposal.

#### Roads and Maritime Services (RMS)

RMS initially indicated that support for the proposal was contingent on the correction of a zoning anomaly within the road reserve of Syd Einfeld Drive. It was also concerned that the mapping was inconsistent throughout the planning proposal.

RMS also provided comments regarding:

- limiting vehicular access to Osmund Lane;
- support for the proponent's offer as part of the site-specific DCP to dedicate land to Council to enable a right-turn lane on Oxford Street (and suggesting the adjoining land – site C – not subject to the planning proposal) be required to dedicate land for consistency in any future redevelopment; and
- requesting an infrastructure staging plan to identify infrastructure upgrade works and delivery mechanisms for intersection upgrade and improvements. This was to identify funding responsibilities, timing, cost and trigger points for the delivery of the intersection upgrade and extent of land dedication prior to the making of the plan.

#### *Council response*

Council noted that the land dedication and works would form part of any consideration in determining a VPA. However, as Council did not support the proposal, a VPA had not been secured to provide for the public benefit offer in the planning proposal.

#### *Department comment*

The maps accompanying the planning proposal and land zoning map have been updated to reflect the change to a portion of the site, which corrects a zoning anomaly and rezones a

portion of the site from B4 Mixed Use to SP2 Infrastructure. This was also required as a condition of the Gateway determination.

RMS has provided further advice to the Department regarding the delivery of the right-turn bay at the Oxford Street/York Road intersection. RMS has advised it does not support the making of the plan without a VPA in place due to the risk of not securing the land dedication for the delivery of the intersection upgrade. VPA matters and an alternative option for obtaining the land dedication are discussed later in this report.

#### Office of Environment and Heritage (OEH) (Heritage Division)

OEH noted that the removal of the terrace houses is of local significance and that Council is the consent authority. The submission noted the removal of the item should be in response to the significance of the item and that alternative options, which involve the retention of the item, should be considered.

Detailed visual analysis of the proposed development was recommended by OEH to determine the potential impact on the key views to and from Centennial Park. The submission also suggested Council consider any adverse impact the proposed development may have on locally listed items and the nearby heritage conservation areas.

OEH also noted that the overshadowing impact on Centennial Park could not be properly assessed by the information submitted in the planning proposal.

#### *Council response*

Council's submissions report (**Attachment H1**) noted that support of the removal of the heritage-listed terrace houses would be subject to replacement buildings being of higher quality, contributing to public benefit and improving the streetscape.

In response to concerns for overshadowing, Council conducted its own shadow analysis, which demonstrated that overshadowing cast on Centennial Park would be limited to the early morning, and primarily in midwinter.

In response to the recommended visual analysis to determine potential impact on views from Centennial Park, the applicant submitted a report to Council prepared by Richard Lamb & Associates. This report included a photomontage certification report illustrating the minimal impact on views from Centennial Park. This is discussed further below.

In relation to the potential impact of the proposal on nearby heritage items, Council highlighted the need for a reduced building height at 2 Nelson Street to allow the built form to be recessive in the streetscape, allowing the heritage-listed Norfolk Island pine tree to dominate and complement neighbouring heritage items.

#### *Department comment*

The planning proposal was exhibited with the intent to include a local provision for an Architectural Design Competition to apply to the site. The Department has consulted with Council staff over the proposed wording of such a clause. It has been agreed that if the proposal was to proceed the design excellence clause should require the consent authority to consider the overshadowing to Centennial Park, the visual impact of the development when viewed from Centennial Park and the impact on heritage items in the vicinity of the site.

#### Centennial Park and Moore Park Trust

The trust objected to the proposal due to overshadowing and visual impact to the north-east corner of Centennial Park, and the potential for increased traffic congestion and parking demand within the park. Investment in recent upgrades to park facilities in the vicinity with an intention to increase use for events was also noted by the trust.

### *Council response*

Council did not respond to the trust's submission in isolation but rather addressed it as part of the comments also raised by OEH.

### *Department comment*

As discussed above, it is proposed that a Design Competition Clause would apply to the LEP that would address overshadowing and visual impacts on the park.

## **6. POST-EXHIBITION CHANGES**

No post-exhibition changes were made to the proposal by Council.

On 18 July 2017, Council resolved not to support the proposal. This resolution was based on: concerns that the proposal is an overdevelopment of the site and will present an unacceptable built form, particularly to Oxford Street; the impact on heritage items; that a public benefit had not been demonstrated; and that most of the community feedback opposed the proposal.

Council submitted the proposal to the Department on 9 August 2017, with a recommendation that it not proceed (**Attachment H1**). Since that time, Council and the proponent have sought to reach agreement on the draft VPA, with a view to exhibit this prior to the making of any LEP amendment for the site.

In May 2018, Council met with Department staff to discuss progressing the proposal to finalisation in the absence of an agreed VPA. Initially, Council was willing to resolve to allow the Department to finalise the planning proposal without the VPA being resolved.

However, on 20 June 2018, Council wrote to the Department to request it not finalise the planning proposal until Council had met with the Minister (**Attachment H2**).

The Department has reviewed issues raised in the submissions while noting that the JRPP had recognised the public benefits the VPA offered in support of and complementing the proposal.

## **7. KEY ISSUES AND RESOLUTION OPTIONS**

A discussion of key issues raised during the review of the planning proposal and in submissions is provided below:

### Traffic & Road Widening

Significant community concern was expressed for the potential impact of the proposal on existing traffic congestion and limited availability of on-street parking spaces.

Both the proponent and Council have commissioned reports detailing the potential impact of the proposal on traffic and parking. These reports conclude that the development will have a marginal effect on the performance of intersections within the local road network. Both reports also highlight improvements that could be made to alleviate existing traffic congestion, particularly regarding queueing at the intersections of Oxford Street/Nelson Street and Oxford St/York Road.

In the post-exhibition report, Council noted the likely traffic impact of the proposal as marginal and suggested additional traffic investigation would need to be carried out as part of a future development application, should the planning proposal proceed.

The proponent has offered to dedicate a portion of the land fronting Oxford Street to allow for the widening of the road and the creation of a right turn lane as sought by RMS.

A VPA has not been agreed to as yet, the rezoning of additional land for road widening or the provision of VPA is considered unnecessary on the basis that:

- the consideration of road widening could be undertaken as part a development application on the site and if required imposed as a condition of consent
- any works to the road at the intersection of Syd Einfield Drive would trigger Integrated Development provisions of the EP&A Act, whereby concurrent approval would be required from RMS to allow the DA to be approved and proceed.

This approach would not preclude the ability for Council and proponent to also enter into a VPA at later stage to reinforce the agreement for road widening.

### Parking

Council's report (**Attachment H1**) has included an assessment on parking, however has not addressed the concerns raised that parking demands for the development will spill over to the Centennial Park.

The development concept shows that the potential for the site to include basement parking to service the development. It is expected that Council's car parking requirements under its current DCP would need to be adhered to as part of any future development application for the development of the site.

Additionally, Council's submissions report noted that the traffic advice provided stated that:

- The development was not expected to have a significant impact on available overnight car parking capacity, particularly as there are 80 spaces available near the site; and
- *"30% of vehicles surveyed over-night displayed residential permits, and hence parking turnover during the hours with parking restriction may be higher than expected due to the expected low use by local residents during these times."*

On this basis, no further LEP amendments would be considered necessary to further address this issue.

### Height, bulk and scale

Concern over the height, bulk and scale of the proposal, and the associated impacts, have been expressed by the community, agencies and Council. These concerns include the potential overshadowing impact on Centennial Park, residential properties and public domain resulting from the bulk and scale of the proposal. The other concern raised relate to the loss of village character within Oxford Street due the development being out of context with its surrounds.

In response to Council's concerns regarding loss of village character within Oxford Street, the concept design provided to support the planning proposal was amended to reduce the street wall height/podium height which matches the existing buildings to the east of the site. This is also captured through proposed draft DCP provisions (**Attachment B4**).

The planning proposal was exhibited with the intention to for a Design Excellence Clause. The Clause would require that a design competition be held consistent with the Design Excellence Guidelines prepared by the NSW Government Architect. The Design Excellence Clause also contains specific considerations about overshadowing and the visual appearance of the development.

### Overshadowing

Council considers a significant amenity concern raised in submissions relates to the overshadowing generated by the proposed buildings on Centennial Park, existing residential properties and the public domain. Council's post-submissions report contains overshadowing analysis which was commissioned by Council to ascertain the extent of overshadowing impacts to Centennial Park, existing residential properties and the public domain (**Attachment H1**).



Council's analysis shows residential properties on the opposing side of Oxford Street will be cast in partial shadow between 2:30pm and 3pm on 21 June (midwinter) (Figure 2, next page). Due to orientation of the site and the small numbers of dwellings involved overshadowing is a matter that could be appropriately dealt with as part of a development application.

Council's analysis also shows that the proposal will result in a portion of the north east corner of Centennial Park being cast in shadow between 9am to 10am on 21 June (midwinter) (Figure 3, next page). In Council's report (**Attachment H1**), it was noted that the extent of overshadowing is generally considered to be acceptable given that shadow impacts are restricted to the morning on 21 June (midwinter), which is the worst-case scenario, and negligible shadow impacts occur after this time.

In its post-exhibition report, Council stated that the additional height of a 36m tower form at 2 Nelson Street (site 2) would result in additional overshadowing of the public domain in winter. Council maintains that uninterrupted solar access along the southern retail frontages is fundamental to the enjoyment of the public domain and should be protected to retain the 'village feel' within Oxford Street and reduce overshadowing of the Nelson Hotel.

The analysis provided identifies a public domain area (footpath dining associated with a cafe) that will be cast in shadow at 3:00pm on 21 June as a result of the tower proposed for site 2 (Figure 4, page 11).

The proposed scheme lodged with the planning proposal is in the form of two towers and the shadow analysis provided demonstrates that the shadows would be fast moving and provide an impact to specific areas of public domain for a short time period. Further to this the Design Excellence Clause would require the consideration of the overshadowing impacts on the public domain during the development application stage.

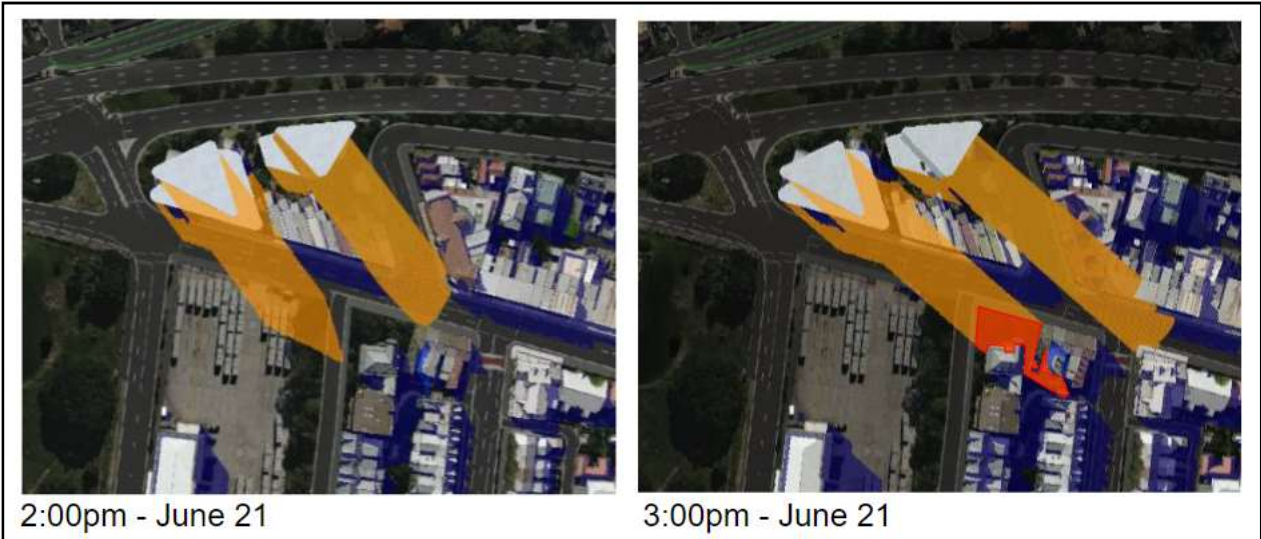


Figure 2: Overshadowing of residential properties on Oxford Street between 2pm and 3pm on 21 June.

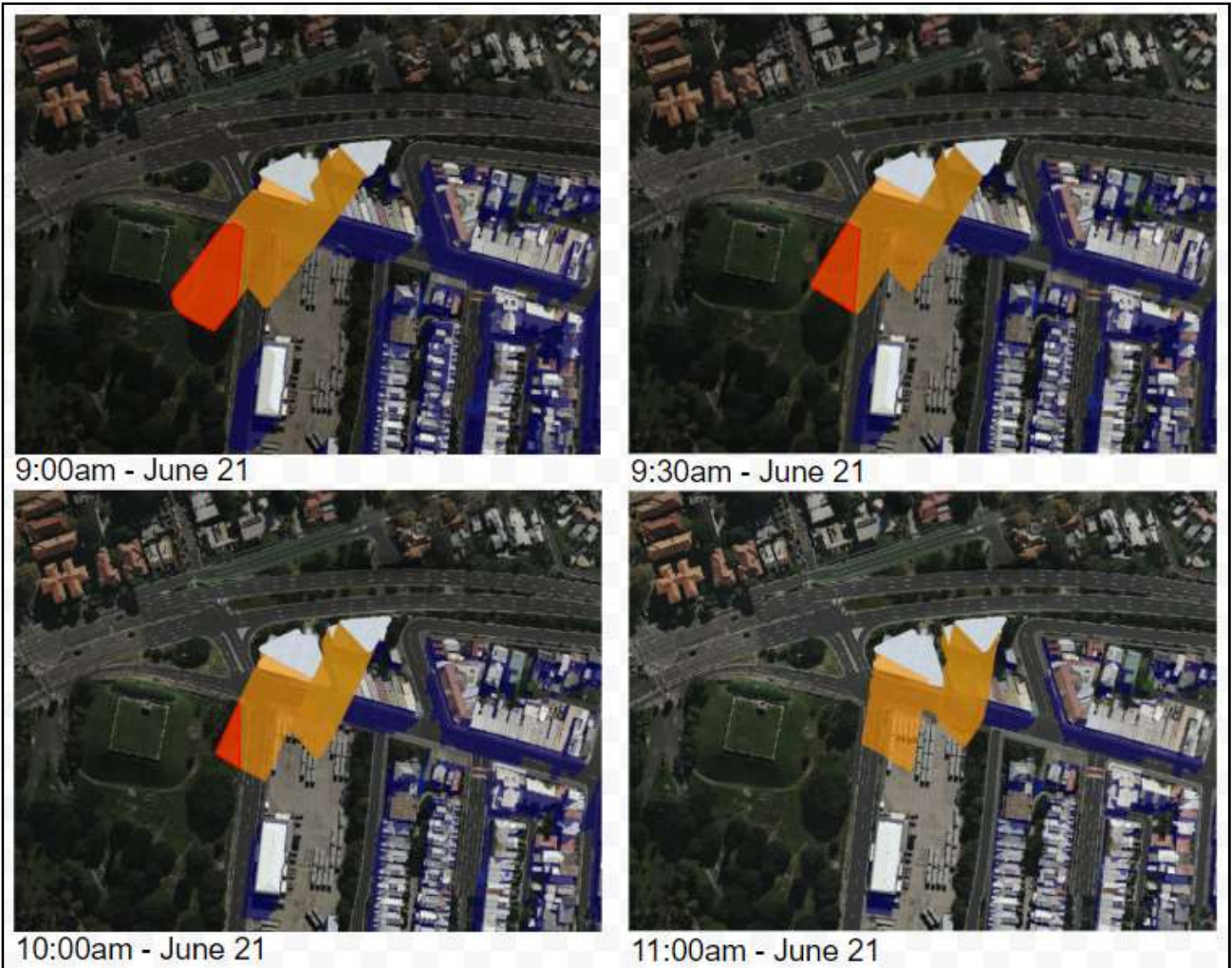


Figure 3: Overshadowing of Centennial Park (marked in red) between 9m and 10.30am on 21 June.



Figure 4: Overshadowing of public domain space at 3pm on 21 June (midwinter).

## Heritage

### *Local heritage*

The proponent notes that the altered context of the heritage listed dwellings has diminished their significance. Council is generally supportive of their removal, subject to the replacement development being of higher quality.

The proponent's heritage impact statement highlights that while the proposed development will be a departure from the existing streetscape, redevelopment would be in line with the broader Oxford Street area and clearly discernible as a contemporary addition to the streetscape.

### *State heritage*

Centennial Park is a state heritage-listed item under the *Heritage Act 1977* and is located approximately 30m to the east of the site.

Regarding the visual impact of the proposed development from Centennial Park, the applicant commissioned Richard Lamb & Associates to prepare a photomontage certification report to illustrate the visual impact of a potential future development **(Attachment I)**.

This report demonstrates that the vegetation in Centennial Park largely dominates the skyline. While the building will be visible from the public domain, it represents the transition of Bondi Junction to an area of higher density and visual impact of the proposed buildings will also form part of the design excellence and design competition considerations.

### Design competition requirements

The planning proposal was exhibited with the intent to include a local provision for an Architectural Design Competition to apply to the site.

Since the original proposal Waverley LEP (Amendment 10) – Housekeeping introduced a design excellence clause into the LEP in December 2017. The clause requires consideration of design excellence criteria in the assessment of a development application and applies to land in Bondi Junction for development greater than 15m in height. Any development of the site of this scale will be required to comply with this new clause.

A site-specific design competition clause is still required to be included in the LEP to require consideration of several matters including overshadowing of the surrounding area



particularly Centennial Park and the impact on heritage items near the site, as part of the design competition process. If the planning proposal is to proceed, these matters will be considered at development application stage.

### Public benefits

The SRE JRPP recommended that as part of its Pre-Gateway assessment that the proposal should proceed with a height of 36m and FSR of 3.5:1, on the basis that any reduction in floor space of the proposal would reduce the public benefit that will be possible to be negotiated by between the proponent and Council under a VPA in respect to the proposal. Council has raised concern the public benefit offer has not been secured to date through a Voluntary Planning Agreement and therefore the proposal is not fully in the public benefit.

A letter of offer to enter into a VPA was provided with the planning proposal when initially submitted to Council. This proposed the provision of:

- land dedication of 3.5m by 60m to enable the widening of Oxford Street to accommodate a right-turn lane into Syd Einfeld Drive via York Road;
- pedestrian/cycle through-site link from Oxford Street to Osmund Lane;
- public plaza at street level at 2 Nelson Street; and
- public domain works including street paving, street lighting, street furniture, public art, landscaping and stormwater drainage.

### Alternative Mechanism to Deliver Public Benefits

If a VPA cannot be secured a question remains around whether the proposal should proceed and an LEP be made given the recognised benefits the VPA was expected to give rise to.

The public benefits for public domain improvements as originally offered in the VPA could be delivered through an alternative mechanism such as an additional LEP clause requiring a site specific DCP. That is the DCP could require that the public plaza, the links and public domain works be required as part of a development application.

Council has been consulted on the potential inclusion of a site specific DCP clause. Council officers have reviewed this clause and did not object to the clause.

The Draft DCP exhibited with the planning proposal (**Attachment B4**) provided for objectives and controls relating to built form, design excellence, public domain and transport/parking. The DCP also included guidelines for a three-storey podium along Oxford Street to reflect a terrace like subdivision at lower levels as sought by Council to ensure the future scheme was comparable to the local built form character of surrounding development along Oxford Street.

Notwithstanding the above, if the plan proceeds nothing precludes the entering into a VPA at the development application stage.

### Section 9.1 Directions

The planning proposal was considered consistent with all section 9.1 Directions, except for 2.3 Heritage Conservation.

#### *2.3 Heritage Conservation*

This direction requires a planning proposal to contain provisions that facilitate the conservation of items of environmental heritage significance. The planning proposal involves the deletion of a heritage listing for four terraces at 194-200 Oxford Street (Item 1212). Council also raised concerns about the impact of the proposal on the heritage

significance of the Norfolk Island pine tree and the nearby Nelson Hotel, which is also a listed heritage item.

Council is of the view that the removal of the heritage listing for 194-200 Oxford Street, should only be supported if they are replaced by a building of a substantially higher quality and provide significant community benefit and streetscape value to the locality. Waverley LEP 2012 applies a design excellence clause to this site which ensures that any proposed building will satisfy Council's concern. The LEP also requires a design competition.

The heritage-listed Norfolk Island Pine at 2 Nelson Street is proposed to be retained through the proposal. Conceptual plans provided in support of the plan demonstrate a setback can be achieved to the pine and will allow views to be retained from Oxford and Nelson Streets. While the context and background to the tree will be altered, the impact on the item is seen to be negligible. Additionally, the DCP as revised for the site could ensure that this item be retained and incorporated into a feature of the proposed plaza for the site's redevelopment.

On this basis the inconsistency with Direction 2.3 is considered by the Department to be justified based on being of minor significance as the issue has been addressed by Council and can be addressed further at the development application stage.

#### State environmental planning policies (SEPPs)

The draft LEP is consistent with relevant SEPPs or deemed SEPPs.

#### Regional and district plans

##### *Greater Sydney Region Plan*

The draft Greater Sydney Region Plan sets a vision up to 2056 and seeks to establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters. It provides objectives and directions to inform district and local plans and the assessment of planning proposals.

Bondi Junction is located within the Eastern Harbour City and is identified as a Strategic Centre, which will contribute to jobs growth. The Eastern Harbour City will provide a proportion of 43.4% of the total dwelling growth of the Greater Sydney Region over the next 20 years. The planning proposal is consistent with the objective of providing Greater Housing Supply and will contribute to achieving the housing target of 157,500 for the Eastern Harbour City.

##### *Eastern City District Plan*

The Eastern City District Plan identifies Bondi Junction as a Strategic Centre. The centre is well connected and provides retail and local services to the Eastern Suburbs.

Commercial and retail activities are concentrated around the bus/train interchange, Oxford Street Mall and Westfield Bondi Junction. The Eastern City District Plan highlights a need to adequately balance the pressure for residential against other desired uses such as employment to ensure new residential developments can benefit from access and services in centres.

The relevant priorities in the draft plan include:

- Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage; and
- Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres.



The DCP clause is proposed to ensure a public plaza and open space surrounding the existing heritage listed tree for public use is provided on site. Further, the site retains the B4 zoning and therefore does not reduce the potential for local job creation on the site.

## 8. MAPPING

The planning proposal as current would amend the site-specific Land Use Zoning Map, Maximum Height of Buildings Map, Floor Space Ratio Map and the Heritage Map. The following map sheets will be updated:

- HER\_001A
- FSR\_001
- HOB\_001
- LZN\_001

The proposal would introduce a new height in the legend of the Maximum Height of Buildings Map, as 36m currently is not in the scale. The maps associated with this amendment have been checked by the Department's ePlanning Team and sent to Parliamentary Counsel (**Attachment Maps**).

## 9. CONSULTATION WITH COUNCIL

Under section 3.36(1) of the Act, Council was consulted on the terms of the initial draft instrument, prior to the post-exhibition addition of a local clause to require a site specific DCP. Council's response to the initial draft instrument was received on 3 May 2018 (**Attachment E1**).

On 22 June 2018, Council was consulted on the terms of the revised draft instrument, inclusive of a local clause to require a site specific DCP. Council's response to the revised draft instrument was received on 26 June 2018 (**Attachment E2**).

## 10. PARLIAMENTARY COUNSEL OPINION

On 5 July 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made inclusive of the additional DCP clause (proposed clause 6.11).

This Opinion is provided at **Attachment PC**.

## 11. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Coogee State Electorate. Mr Bruce Notley-Smith MP is the State Member for Coogee. Mr Notley-Smith MP does not support the proposal and has written to the Minister on behalf of his constituents advising of Council's reasons for its unanimous rejection of the planning proposal. Mr Notley-Smith has requested the Minister reject the proposal (**Attachment G**).

The subject land adjoins the boundary of the Vaucluse State Electorate. The Hon Gabrielle Upton MP is the State Member for Vaucluse. Ms Upton has not commented on the proposal but has made written representations on behalf of her constituents regarding the proposal (**Attachment G**).

The site falls within the Wentworth Federal Electorate. At the time of writing, the Federal Electorate was vacant due to the resignation of the Hon Malcolm Turnbull MP.

<b>NSW Government Lobbyist Code of Conduct:</b> There have been no meetings or communications with registered lobbyists with respect to this proposal.
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**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.

## Attachments

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<b>Attachment</b>	<b>Title</b>
<b>Letters</b>	Letters to IPC and Council
<b>A</b>	Planning proposal review report
<b>B</b>	Planning proposal
<b>C</b>	JRPP pre-Gateway advice
<b>D</b>	Gateway determination and report
<b>E1–E2</b>	Section 3.36(1) consultation with Council
<b>F</b>	Agency submissions
<b>G</b>	State Member representations
<b>H1</b>	Council post-exhibition report
<b>H2</b>	Council request that the proposal not proceed
<b>I</b>	Richard Lamb assessment
<b>PC</b>	Parliamentary Counsel's Opinion
<b>LEP</b>	Draft LEP
<b>MCS</b>	Map cover sheet
<b>MAP</b>	LEP maps