



IRF 24/2220

## Gateway determination report – PP-2024-104

---

50 Botany Street, Bondi Junction

October 24

Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2024-104

Subtitle: 50 Botany Street, Bondi Junction

---

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview .....	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provision.....	2
1.3.1	Indicative future land use outcomes.....	3
1.4	Site description and surrounding area .....	3
1.5	Mapping .....	4
1.6	Background .....	8
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>9</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>10</b>
3.1	Regional Plan .....	10
3.2	District Plan .....	10
3.3	Local.....	11
3.4	Local planning panel (LPP) recommendation .....	12
3.5	Section 9.1 Ministerial Directions.....	13
3.6	State environmental planning policies (SEPPs) .....	15
<b>4</b>	<b>Site-specific assessment .....</b>	<b>16</b>
4.1	Environmental .....	16
4.2	Social and economic .....	17
4.3	Infrastructure .....	18
<b>5</b>	<b>Consultation.....</b>	<b>18</b>
5.1	Community .....	18
5.2	Agencies .....	18
<b>6</b>	<b>Timeframe .....</b>	<b>18</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>18</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>19</b>
<b>9</b>	<b>Recommendation.....</b>	<b>19</b>

**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal (August 2024)
Proponent Report (Willowtree Planning Pty Ltd, 19 January 2024)
Urban Design Analysis (Smith & Tzannes, 22 December 2023)
Social & Community Needs Assessment (Judith Stubb & Associates, 28 March 2024)
Statement of Heritage Impact (Heritage 21, November 2023)
Arboricultural Impact Assessment (Glenn Holden, 6 November 2023)
Parking & Traffic Assessment Report (Greys Australia Pty Ltd, 6 November 2023)
Preliminary Site Investigation (Progressive Risk Management, November 2023)
Affordability housing feasibility analysis (Hill PDA Consulting obo Waverley Council, August 2024)
Council Meeting Agenda 20 August 2024
Council Meeting Minutes 20 August 2024

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Waverley Local Government Area
<b>PPA</b>	Waverley Council
<b>NAME</b>	50 Botany Street, Bondi Junction
<b>NUMBER</b>	PP-2024-104
<b>LEP TO BE AMENDED</b>	Waverley Local Environmental Plan 2012
<b>ADDRESS</b>	50 Botany Street, Bondi Junction
<b>DESCRIPTION</b>	Lot 1 in DP619753
<b>RECEIVED</b>	29/08/2024
<b>FILE NO.</b>	IRF24/2220
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that explain the intent of the proposal.

The objective of the proposal is to facilitate the redevelopment at 50 Botany Street, Bondi Junction, for multi-dwelling housing and allow collection of contribution for the provision of affordable housing in the Waverley LGA.

The intended outcomes are to:

- Facilitate urban renewal of the land that is no longer required for SP2 Infrastructure (Telecommunications) purposes
- Minimise land use conflicts by permitting land uses that are sympathetic to the existing residential character of the area
- Deliver new housing supply and improve dwelling diversity in the local area by providing appropriate housing typologies that without compromising the environmental or heritage significance of the area
- Make a financial contribution to the provision of affordable housing
- Remove a redundant heritage listing.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provision

The planning proposal seeks to amend the Waverley LEP 2012 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	SP2 Telecommunications	SP2 Telecommunications R3 Medium Density Residential
Maximum height of buildings	12.5m	No change
Floor space ratio	0.75:1	No change
Minimum lot size	N/A	232m <sup>2</sup>
Heritage	Heritage Item I166 (Telecommunication tower)	Remove heritage listing of Item I166 which has been demolished.
	Botany Street Heritage Conservation Area (C3)	No change
Additional local provision	N/A	Permit the collection of affordable housing contributions and set a rate of 9.27%. See discussion below.
Number of dwellings	0	7 homes

### 1.3.1 Proposed affordable housing contribution

Planning proposal PP-2023-2221 was prepared by Council to implement the Waverley Affordable Housing Contributions Scheme 2020 (AHCS) by amending the LEP to introduce a 1% levy on certain residential development and provide a mechanism to set site-specific contribution rates for planning proposal sites receiving residential uplift. A Gateway determination to proceed subject to conditions was issued on 23 October 2024 and Waverley LEP 2012 (Amendment No.25) came into effect in August 2024.

During the finalisation of PP-2023-2221, the proposed ‘Affordable housing contributions on Planning Proposal sites’ additional local provision and supporting schedule was deferred from the making of the LEP until such time as there is land to list in the Schedule and thereby have a purpose for the proposed provision to give effect to.

The subject planning proposal states that it intends to “activate a provision deferred as part of the finalisation Waverley Affordable Housing Contribution Scheme Implementation Planning Proposal....[which] would include a contribution rate of 9.27% in line with Council’s Affordable Housing Contribution Scheme” (Planning Proposal, August 2024, p.7).

A Gateway condition is recommended that the planning proposal is updated prior to consultation to provide a plain English explanation of how the provision will apply to the site and include a disclaimer that final wording will be subject to Parliamentary Counsel drafting.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

### 1.3.2 Indicative development concept

A concept plan has been prepared to illustrate a potential development outcome under the proposed LEP provisions, comprising seven terrace style houses and basement parking (**Figure 1**).



**Figure 1 Ground floor - development scheme for the site (Source: Urban Design Analysis, Smith & Tzannes, December 2023, p.8)**

## 1.4 Site description and surrounding area

The planning proposal applies to land at 50 Botany Street, Bondi Junction, which is legally described as Lot 1 in DP 619753 (**Figure 2**).

The site is regular in shape and has an area of approximately 1,364m<sup>2</sup> and has street frontages to Botany Street and Council Street. It is located 1.2km south-west of Bondi Junction Train Station.

The site was previously owned by Telstra and was sold to Bondi Exchange Pty Ltd in 2023. The telecommunications tower on the site was removed in early 2024, and a smaller 'monopole' telecommunications structure is now located on the eastern part of the site (DA-79/2020 & DA-79/2020/A).

The remainder of the site is occupied by a decommissioned former Telstra building, a small Ausgrid substation and trees and vegetation.

The site is located within the Botany Street Heritage Conservation Area and the now demolished Telstra telecommunications tower is listed as a local heritage item (I166 Telecommunication tower).

Existing development immediately surrounding the site is generally characterised by low and medium density residential uses, the Uniting War Memorial Hospital, St Marys Anglican Church and ancillary community services are located nearby to the south and east.





Figure 2 Subject site outlined in red (Source: Sixmaps, 2024)

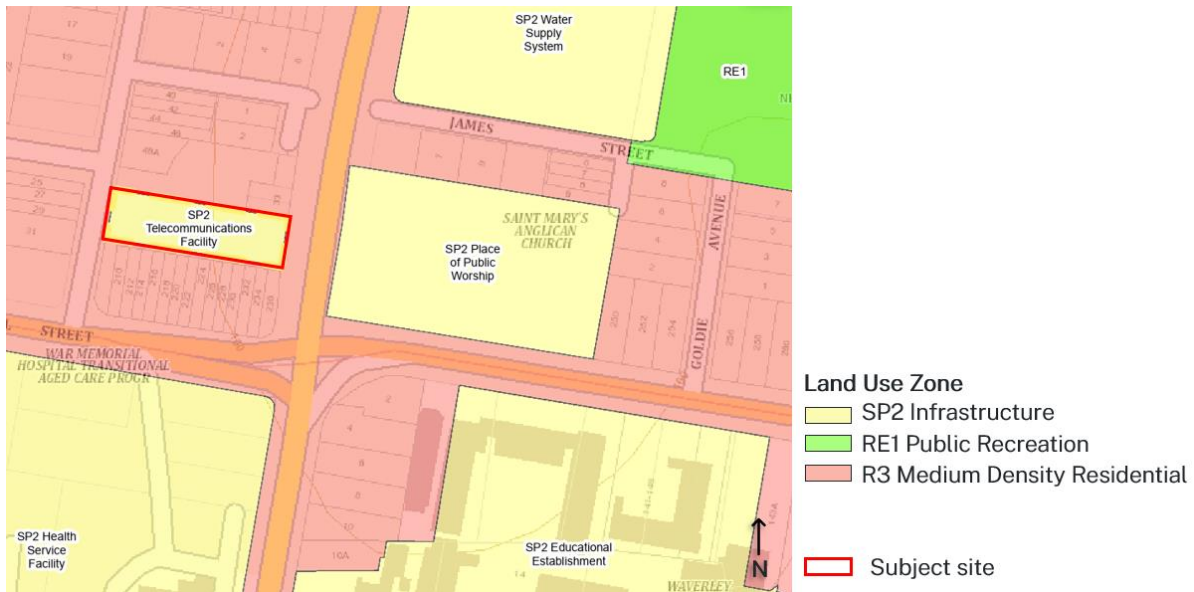
## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps of the Waverley LEP 2012, which are suitable for community consultation:

- Land Zoning Map
- Minimum Lot Size Map
- Heritage Map

The existing and proposed maps are shown in **Figures 3 to 7**.





**Figure 3 Existing Land Use Zoning (Source: NSW Planning Portal Spatial Viewer, September 2024)**



**Figure 4 Proposed Land Use Zoning (Source: Planning Proposal, August 2024, p.17)**

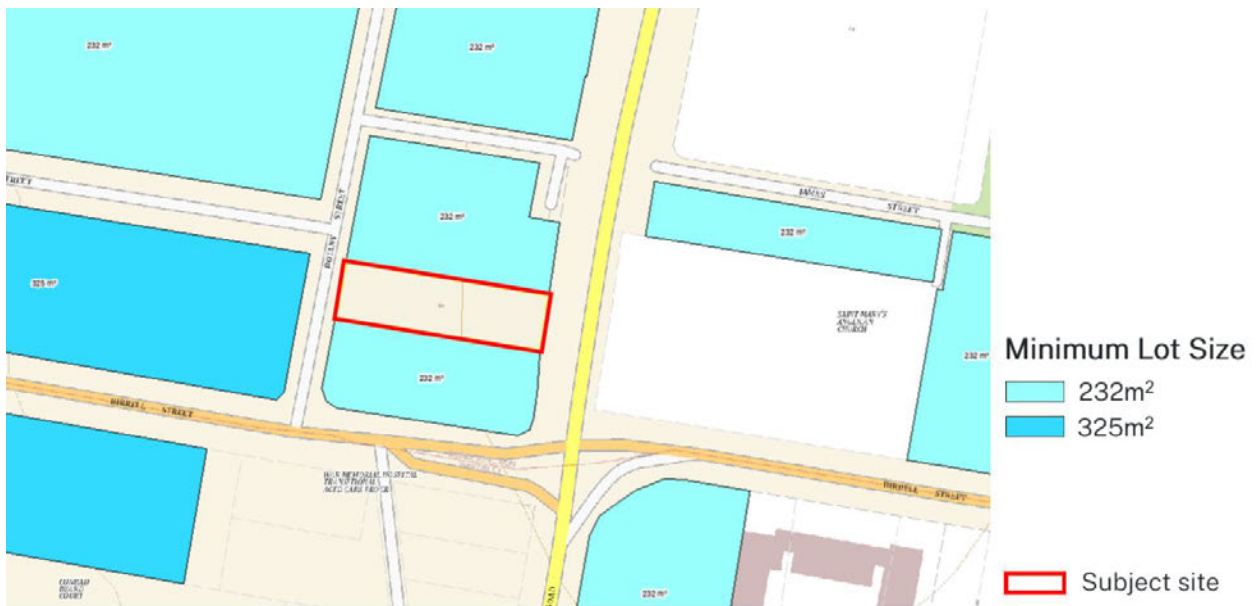


Figure 5 Existing Minimum Lot Size (Source: NSW Planning Portal Spatial Viewer, September 2024)

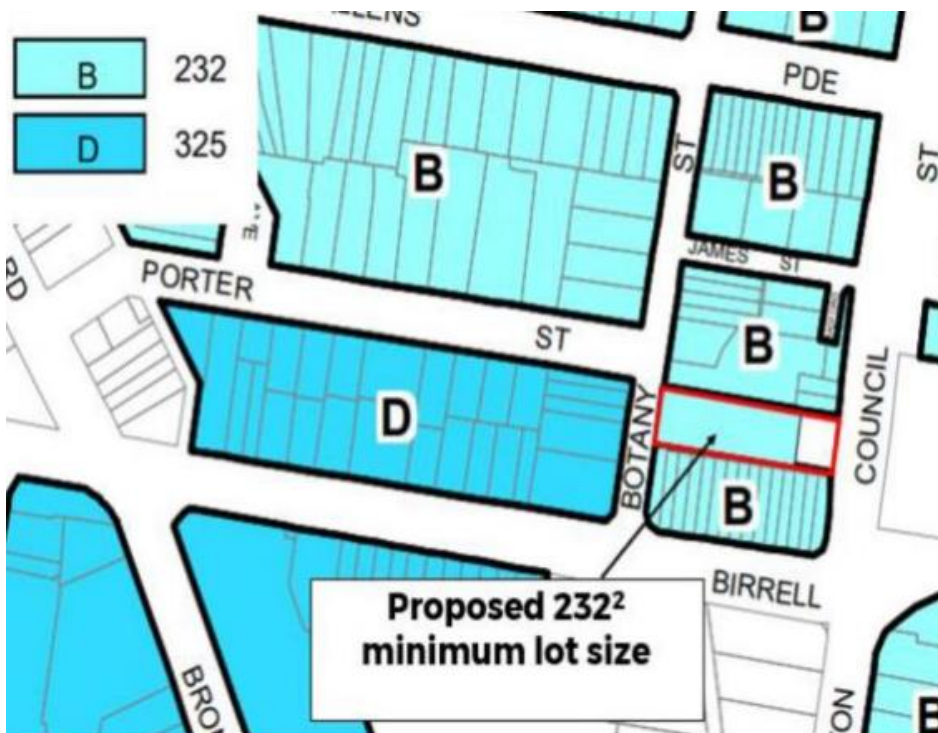


Figure 6 Proposed Minimum Lot Size (Source: Planning Proposal, August 2024, p.18)

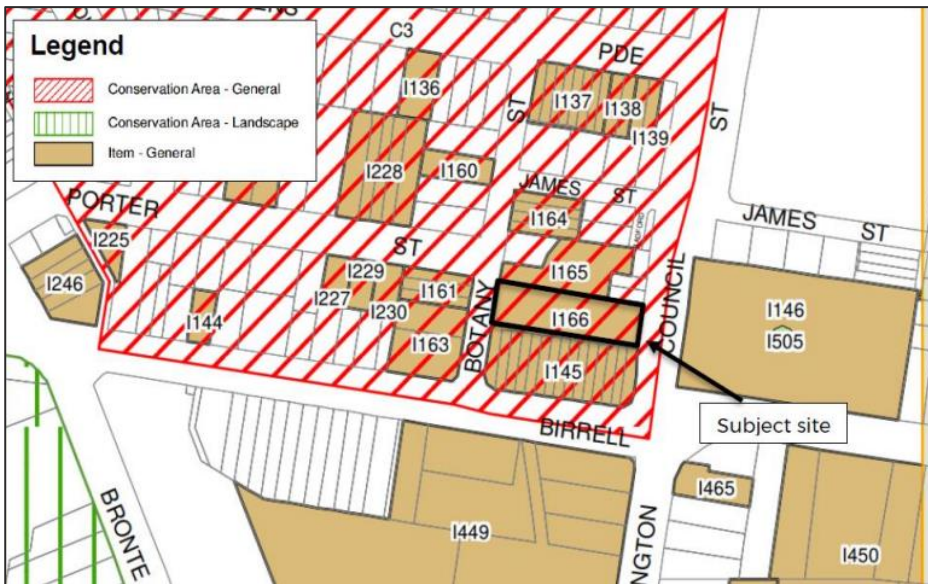


Figure 7 Existing Heritage Map (Source: Planning Proposal, August 2024, p.6)

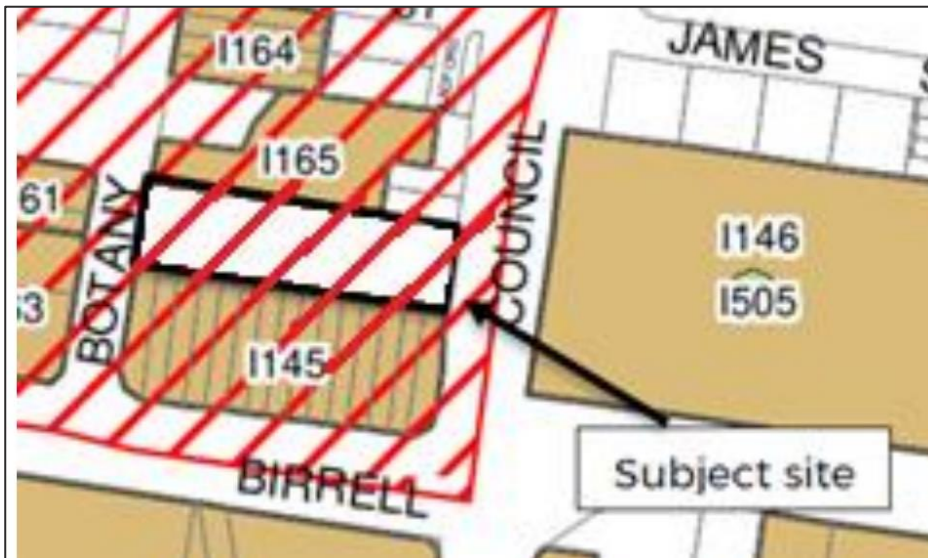


Figure 8 Proposed Heritage Map (Source: Planning Proposal, August 2024, p.17)



## 1.6 Background

A summary of key background information of relevance to the subject site and proposal is provided in **Table 4** below.

**Table 4 Background relating to the planning proposal**

Date	Event
June 2020	Development consent (DA-79/2020) for the demolition of the existing telecommunications tower and construction of a new telecommunications tower (monopole) and ancillary equipment.
December 2020	Waverley Affordable Housing Contributions Scheme, first adopted by Council in December 2020, identified a need for more affordable housing in the Waverley LGA.  <i>(Note: The Waverley Affordable Housing Contributions Scheme was subsequently updated in March 2024, in accordance with the resolution of Council's Strategic Planning and Development Committee on 5 March 2024).</i>
August 2022	Development consent (DA-79/2020/A) for the modification to approved monopole including new headframe, installation of 3 antennas and a climbable platform.
June 2023	Development consent (DA-63/2023) for the Torrens Title subdivision of the site into two lots (approximately 1,132m <sup>2</sup> and 232m <sup>2</sup> ).  <i>(Note: The proposal notes the site remains one lot as subdivision has not yet occurred).</i>
2023	Telstra sold the subject site to Bondi Exchange Pty Ltd.
Early 2024	The local heritage listed telecommunications tower (I166) was demolished.
19 January 2024	Proponent initial request for a planning proposal submitted to Council.
26 June 2024	Waverley Local Planning Panel provided advice to Council on the proposal.
9 August 2024	Waverley Local Environmental Plan 2012 (Amendment No 25) was made under section 3.36(2)(a) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), to enable the collection of affordable housing contributions for specified residential development.  In making this plan, the Minister for Planning and Public Spaces' delegate determined that Council's proposed 'Affordable housing contributions on Planning Proposal sites' local provision and supporting schedule be deferred from the making of this LEP, pursuant to section 3.36(3) of the <i>EP&amp;A Act 1979</i> , until such time as there is land to list in the Schedule and thereby have a purpose for the proposed new local provision to give effect to.
August 2024	Hill PDA was commissioned by Council to undertake a feasibility assessment to determine a feasible affordable housing contribution rate.
20 August 2024	Council resolved to forward the proposal for Gateway.
22 August 2024	Planning Proposal submitted for Gateway determination.

## 2 Need for the planning proposal

The planning proposal is not the result of a strategy or study endorsed by the Department. The planning proposal was initiated by the proponent to facilitate redevelopment of part of the site for residential purposes and permit collection of affordable housing contributions.

Residential development is not permitted under the current SP2 Infrastructure land use zoning.

The former Telstra site has been largely decommissioned and sold to a private landowner. While a new telecommunications structure has been constructed on the eastern part of the site (which is currently leased by Telstra), most of the site remains largely underutilised.

The zoning, development standards and heritage listing in the Waverley LEP 2012 do not reflect the sites change circumstances and do not permit residential development.

The Department's Guideline for Developing an Affordable Housing Contribution Scheme (the Guideline)(February 2019) provides guidance on the preparation of affordable housing contribution schemes and to fulfill legislative requirements. It states that scheme should be applied where an uplift in land value is proposed to be created through zoning to ensure contributions are drawn from the increase in land value generated by the rezoning.

Section 7.32 of the EP&A Act allows councils to levy contributions for affordable housing if a State environmental planning policy (SEPP) identifies a need for affordable housing in the LGA. In February 2019, SEPP 70 was expanded to include all LGAs across the state. SEPP 70 has since been repealed with same provisions incorporated into the SEPP (Housing) 2021.

Under section 7.32(3)(b) of the *EP&A Act 1979*, any condition imposed on a development consent must be authorised to be imposed by a LEP and be in accordance with an affordable housing contribution scheme for dedications or contributions set out in, or adopted by, the LEP.

The planning proposal seeks to set a 9.27% affordable housing contributions levy contribution in accordance with the Waverley Affordable Housing Contribution Scheme 2023. This would enable a condition to be imposed on any future development consent requiring a contribution in line with the LEP.

The proposal seeks to achieve this by activating the '*Affordable housing contributions on Planning Proposal sites*' provision and supporting schedule which was deferred from the making of the Waverley LEP 2012 (Amendment No.25) until such time as there was land to list in the Schedule and thereby have a purpose for the proposed new local provision to give effect to.

Council engaged Hill PDA to prepare an affordability housing feasibility analysis in support of this planning proposal and the contribution rate identified. The proponent also submitted a report assessing the financial viability of the development scheme prepared by John Virtue Valuers (15 July 2024) to Council. The proponent's report suggests marginally viability with no contribution included and scenarios with contributions are found to be not feasible. Council commissioned an updated report from Hill PDA to address the matters raised in the report submitted by the proponent. The updated report supports the intended outcomes of the planning proposal.

The site is being rezoned for residential purposes via this proposal and the proposed contribution rate is supported by the affordable housing feasibility analysis undertaken by Hill PDA on behalf of Council in August 2024. The Department is satisfied that this is adequate with regard to the requirements of the Guidelines for the planning proposal to proceed to consultation.

The planning proposal is the best means of amending the Waverley LEP 2012 to achieve the intended outcomes and will create well-located homes and contribute to the provision of affordable housing in the Waverley LGA.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in Section 3.2 below.

### 3.2 District Plan

The site is located within the Eastern City District. The Eastern City District Plan (the District Plan), released by the former Greater Sydney Commission in March 2018, applies to the site.

The Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

**Table 5** includes an assessment of the planning proposal against relevant directions and actions of the District Plan.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act.



**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>This planning priority is focused on the delivery of housing supply, diversity and affordability.</p> <p>The supporting Urban Design Analysis Report identifies the potential for the proposed rezoning to enable delivery of around 7 new terrace style houses.</p> <p>The proposal will contribute to housing supply in the Waverley LGA through infill development on a site close to the Bondi Junction strategic centre, existing public transport, social infrastructure, open space and recreational areas.</p> <p>The proposal will also provide opportunity to increase the supply of affordable housing in the Waverley LGA via an affordable housing levy contribution in accordance with the Waverley Affordable Housing Contribution Scheme 2023.</p> <p>The proposal is consistent with this planning priority.</p>
Planning Priority E6 Creating and renewing great places and local centres and respecting the District's heritage	<p>This planning priority recognises the importance of identifying, conserving, interpreting and celebrating Greater Sydney's heritage, for present and future generations.</p> <p>The telecommunication tower which comprises local heritage item I166 no longer exists on site and was removed in accordance with development consent DA-79/2020. The proposal also does not seek to alter the boundaries of the existing Botany Street Heritage Conservation Area.</p> <p>This amendment is considered administrative in nature as it will ensure the Waverley LEP 2012 is up-to-date and accurately reflects heritage in the Waverley LGA.</p> <p>The proposal is consistent with this planning priority.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic priorities and objectives, as outlined in **Table 6** below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Waverley Local Strategic Planning Statement (LSPS) (March 2020)	<p>The Waverley LSPS was endorsed by the former Greater Sydney Commission in 2020. The LSPS seeks to provide a strategic land use vision for Waverley and aligns local planning with the objectives and priorities of the Region and District Plans.</p> <p>The proposal is consistent with the relevant priorities of the LSPS, including:</p> <ul style="list-style-type: none"> <li><i>Planning Priority 4 - Ensure the community is well serviced by crucial social and cultural infrastructure</i></li> <li><i>Planning Priority 6 – Facilitate a range of housing opportunities in the right places to support and retain a diverse community</i></li> </ul>

Local Strategies	Justification
	<ul style="list-style-type: none"> <li><i>Planning Priority 7 – Recognise and celebrate Waverley’s unique place in the Australian contemporary cultural landscape.</i></li> </ul> <p>The proposal responds to the change of circumstances on the site and will facilitate the redevelopment of an underutilised former Telstra site, and ongoing use of the eastern part of the site for telecommunications purposes.</p> <p>The proposal is consistent with the LSPS.</p>
Waverley Local Housing Strategy (LHS)	<p>The Waverley (LHS) provides a framework to guide the future of housing in Waverley over the next 20 years.</p> <p>The proposal is consistent with the LHS, including the following LHS priorities:</p> <ul style="list-style-type: none"> <li><i>H1 Manage housing growth sustainably and in the right locations</i></li> <li><i>H3 Increase the amount of affordable rental housing and social housing</i></li> <li><i>H5 Ensure new development is consistent with desired future character</i></li> </ul> <p>The proposal will facilitate residential development on the site and allow for the collection of contributions for affordable housing.</p> <p>The proposal is consistent with the Waverley LHS.</p>
Waverley 2032 – Waverley Community Strategic Plan 2022-2032 (CSP)	<p>Waverley 2032 was adopted by Council in June 2022 and sets out the Waverley community’s vision for the next 10 years.</p> <p>The proposal is consistent with the CSP, including the following objectives:</p> <ul style="list-style-type: none"> <li><i>Objective 1.7 Housing Needs: Actively drive housing policy to meet the needs of the vulnerable, diverse and growing population</i></li> <li><i>Objective 2.6 Control and manage development to protect the intrinsic values of the community including aesthetics, size, heritage and population.</i></li> </ul> <p>The proposal responds to the change of circumstances on the site and will facilitate the redevelopment of the site and ongoing use of the eastern part of the site for a telecommunications tower. The proposed R3 Medium Density Zone is consistent with the zoning of land immediately surrounding the site.</p> <p>The proposal is consistent with the Waverley 2032.</p>

### 3.4 Local planning panel (LPP) recommendation

On 26 June 2024, the Waverly LPP advised Council that it supported the proposal proceeding to Gateway and also advised that:

- The Panel notes that Council’s policy in relation to the Affordable Housing Contribution Scheme is applicable to this proposal.*
- The Panel notes that the Preliminary Site Investigation by PRM dated November 2023 concludes that the site is likely to be contaminated and will require a detailed site investigation (DSI) to be completed following removal of all structures from the site to confirm the contamination status of the site. Should the DSI identify any additional risk to human health or the environment for the proposed redevelopment, additional sampling and/or remediation may be required.*

On 20 August 2024, Council considered the advice of the LPP and resolved to forward the proposal for Gateway.

### 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 7:**

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Inconsistent	<p>This direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Subclause 1(c) of this direction stipulates that a planning proposal must <i>'allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended'</i>.</p> <p>The planning proposal is considered inconsistent with subclause 1(c) of this direction as it seeks to set a site specific affordable housing contribution requirement of 9.27%.</p> <p>The site will receive residential uplift via this proposal and the proposed contribution rate has been informed by an affordable housing feasibility analysis of the site undertaken by Hill PDA on behalf of Council in August 2024.</p> <p>The proposal seeks to apply a provision which was deferred from the making of Waverley LEP 2012 Amendment No 25 until such time as there is land available to list in the supporting Schedule.</p> <p>As discussed in Section 2 of this report, Section 7.32 of the <i>EP&amp;A Act 1979</i> allows councils to levy contributions for affordable housing and any condition imposed on a development consent must be authorised to be imposed by a LEP. The Department's Guideline for Developing an AHCS states that a scheme should be applied where an uplift in land value is proposed to be created through zoning, to ensure contributions are drawn from the increase in land value generated by the rezoning.</p> <p>The inconsistency with the Direction is minor and justified.</p>
3.2 Heritage Conservation	Inconsistent	<p>This direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal seeks to remove the redundant local heritage listing of the telecommunication tower (Item I166) as this tower has since been removed from the site.</p> <p>The proposal does not seek to amend the boundary of the existing Botany Street Heritage Conservation Area and will not reduce or affect the ongoing application of existing LEP provisions for its conservation.</p> <p>The planning proposal is supported by a Statement of Heritage Impact prepared by Heritage 21 (November 2023).</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		The inconsistency is minor and justified.
4.4 Remediation of contaminated land	Consistent	<p>The Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The Direction applies as the proposal seeks to facilitate a change in use of a site from SP2 Telecommunications Facility to R3 Medium Density Residential, which will permit residential uses.</p> <p>The proposal is supported by a Preliminary Site Investigation prepared by Progressive Risk Management (November 2023).</p> <p>It concludes that the site can be made suitable for the proposed residential land use subject to the completion of the further assessments and the potential for contamination to exist from current or former site uses does not preclude this site from being utilised for the proposed redevelopment.</p> <p>The preparation of detailed investigation can be undertaken as part of the preparation of a development application (DA).</p> <p>Chapter 4 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (the Resilience and Hazards SEPP) contains provisions that will ensure that this is suitably addressed prior to development occurring.</p> <p>The proposal is consistent with this Direction.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>This direction seeks to ensure development is appropriately located to improve access to housing, jobs and services by walking, cycling and public transport.</p> <p>This direction applies to all planning proposals which seek to alter zoning or provisions relating to urban land.</p> <p>The proposal is consistent with this direction as it seeks to rezone land for residential purposes which is located near the Bondi Junction strategic centre, social infrastructure, public transport, open space and recreational areas.</p>
5.2 Reserving land for public purposes	Consistent	<p>This direction aims to facilitate the provision of public services and facilities by reserving land for public purposes and removing reservations which are no longer required.</p> <p>This direction applies as proposal will rezone SP2 Infrastructure for residential purposes and a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval.</p> <p>LEP Practice Note PN10-001 '<i>Zoning for Infrastructure in LEPs</i>', also provides guidance on zoning land for public infrastructure land.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The proposal is consistent with the Direction and LEP Practice Note as:</p> <ul style="list-style-type: none"> <li>the telecommunications infrastructure for which the site is currently zoned is no longer operating on the portion of the site subject to the proposed residential rezoning</li> <li>the site was sold by Telstra in 2023</li> <li>'telecommunications facilities' are permitted on all land under s.2.141 of SEPP (Transport and Infrastructure) 2021</li> <li>the proposed zoning and development standards are generally consistent with the immediately surrounding area.</li> </ul> <p>The proposal is consistent with this direction.</p>
6.1 Residential zones	Consistent	<p>This Direction seeks to encourage a variety of housing types, make efficient use of existing infrastructure and services, and minimise the impact of residential development on the environment.</p> <p>The proposed R3 Medium Density Residential rezoning will permit with consent a range of residential development types on the site, including attached dwellings, boarding houses, multi dwelling housing, residential flat buildings, and seniors housing. It will also apply an affordable housing contribution rate to the site.</p> <p>The site is located within an established urban area which is serviced by infrastructure and utilities.</p> <p>The proposal is consistent with this direction.</p>

### 3.6 State environmental planning policies (SEPPs)

The Department has considered the proposal against key SEPPs considered of relevance to the proposal. An assessment against SEPP Housing 2021 is provided below.

#### SEPP Housing 2021

The Housing SEPP consolidated and repealed five previous housing-related policies, including:

- Former SEPP 70 – Affordable Housing (Revised Schemes) (SEPP 70)
- Former SEPP (Affordable Rental Housing) 2009 (ARH SEPP).

The SEPP identifies a need for affordable housing for the State. It includes the provisions from the former SEPP 70 which enable a council to seek to amend its LEP to include reference to an affordable rental housing contribution scheme and to levy affordable housing contributions in accordance with that scheme.

As discussed in section 2 of this report, the proposed affordable housing rate is adequately justified as the supporting feasibility testing is satisfactory for the proposal to proceed to consultation, and Council has an AHCS which sufficiently demonstrates a need for affordable housing in the LGA.

The proposal does not hinder the application of parts of the Housing SEPP.

## 4 Site-specific assessment

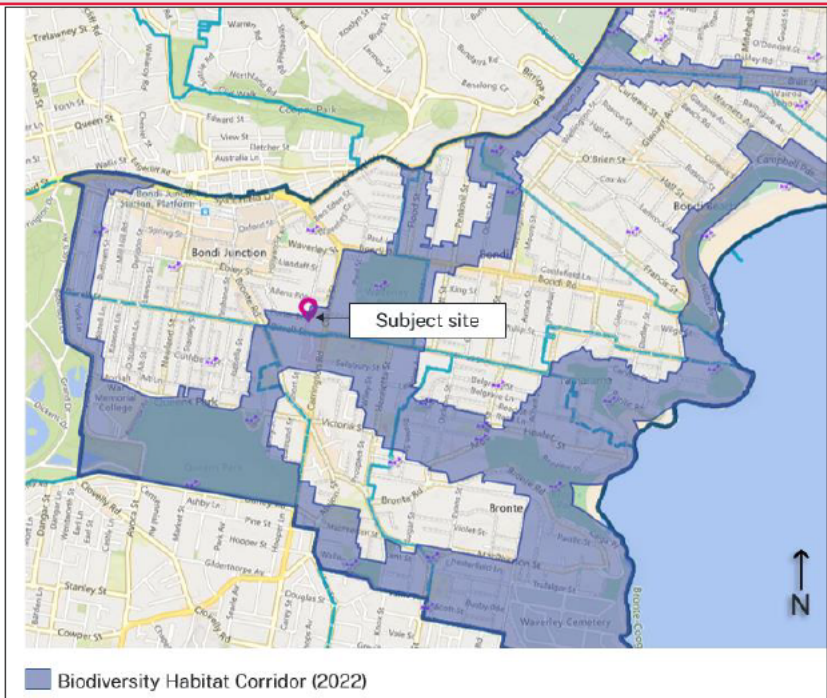
### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
Built form	<p>The proposal seeks to rezone the site for residential purposes and to apply a minimum lot size of 232m<sup>2</sup> consistent with the surrounding residential area.</p> <p>The proposal is supported by an Urban Design Analysis (Smith &amp; Tzannes, December 2023) which demonstrates that a concept scheme for multi-dwelling housing on the site would be capable of complying with the development controls and would be compatible with the scale and form of development on the surrounding land.</p> <p>The proposal will not impact the overall permissible bulk and scale as it does not seek to alter the existing FSR or height controls.</p> <p>The Department considers that the bulk and scale impacts have been adequately considered.</p>
Heritage	Heritage conservation is considered in section 3.5 of this report.
Contamination	Management of potential land contamination is considered in section 3.5 of this report.
Biodiversity, tree retention and flooding	<p>The site is located within an established urban area that is not known to contain any critical habitat or threatened species, populations or ecological communities, and is not identified in the proposal as being flood affected.</p> <p>The proposal is supported by an Arboricultural Impact Assessment prepared by Glenn Holden (November 2023) and Urban Design Analysis (Smith &amp; Tzannes, December 2023) which show that landscaping and retention of high value trees can be achieved.</p> <p>The Waverley DCP 2022 identifies the site in the biodiversity habitat corridor (<b>Figure 19</b>) that links Centennial Park, Queens Park, Waverley Park, Bronte and Tamarama Beach. The proposal states that potential biodiversity impacts can be adequately addressed at the DA stage.</p>



Environmental Impact	Assessment
	 <p><b>Figure 9. Waverley Development Control Plan 2022 - Biodiversity Habitat Corridor (Source: Waverley Council Online Mapping Tool, September 2024)</b></p> <p>Given the nature of the site and its former use for telecommunication infrastructure purposes, it is unlikely the proposal will result in adverse environmental impacts.</p>
Traffic and parking	<p>The site is highly accessible, located in proximity to existing rail services on the T4 Eastern Suburbs Line and frequent bus services operating along the adjacent streets.</p> <p>The planning proposal is supported by a Parking and Traffic Assessment Report prepared by Greys Australia Pty Ltd (November 2023), which considers the potential impacts of the intensification of development of the site under the proposed residential rezoning. It concludes that the proposal was unlikely to generate any unacceptable parking or traffic impacts on the local network.</p> <p>The Department is satisfied that traffic and parking have been adequately considered. Further traffic and parking assessment can be undertaken at the DA stage.</p>

## 4.2 Social and economic

The proposal will have a positive social impact as it will facilitate rezoning part of the land for a range of residential uses and is consistent with the zoning of the immediate surrounding area. It will facilitate redevelopment of an underutilised site and support the delivery of housing in a well-located area.

The proposal is supported by a Social & Community Needs Assessment prepared by Judith Stubbs and Associates (March 2024) which acknowledges the benefit the proposed affordable housing contribution arising from any approved DA for the site will have in providing funds to assist Council in increasing the supply of affordable housing in the Waverley LGA.

As previously outlined in this report, the Department considers the proposed affordable housing contribution provision to be adequately justified and the supporting feasibility testing to be satisfactory for the proposal to proceed to consultation. The Department encourages Council to further consult with the landowner as the proposal progresses.

The Department is satisfied that the proposal has adequately considered social and economic impacts.

## 4.3 Infrastructure

The site is located within an established urban area which is serviced by infrastructure and utilities. As the proposal will intensify the use of the site, a Gateway condition is recommended that Council consult with the relevant utility providers, including Sydney Water and Ausgrid.

# 5 Consultation

## 5.1 Community

The planning proposal is categorised as standard under the Department's Local Environmental Plan Making Guidelines (August 2023).

Accordingly, a community consultation period of 20 working days is recommended and has been included in the Gateway conditions.

## 5.2 Agencies

The proposal does not identify any specific agencies to be consulted.

Given the nature of the proposal, it is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Telstra
- Relevant utility providers, including Ausgrid and Sydney Water.

# 6 Timeframe

Council proposes a 6-month timeframe (from Gateway determination) to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 31 July 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

A condition to the above effect is recommended in the Gateway determination.

# 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as it relates to a local planning matter and is consistent with the overarching strategic plans, relevant Ministerial Directions and the matters deferred from Waverley LEP 2012 (Amendment No. 25) with regard to planning proposal PP-2023-2221.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is generally consistent with the relevant overarching state and local strategic plans and policies and ministerial directions, and inconsistencies have been adequately justified.
- The proposal will facilitate residential development on underutilised land and will support ongoing use of the telecommunications tower on the eastern part of the site.
- The proposal will support the provision of affordable housing in the Waverley LGA.
- The proposal will not result in any adverse environmental, social or economic impact.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions and 3.2 Heritage Conservation are of minor significance and justified in accordance with the terms of this Direction.

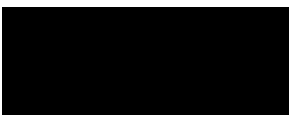
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
  - Provide a plain English explanation of how the affordable housing contribution additional local provision will apply to the site and include a disclaimer that final wording will be subject to Parliamentary Counsel drafting.
2. Consultation is required with the following government agencies and public authorities:
  - Telstra
  - Relevant utility providers, including Ausgrid and Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment.

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.
5. The timeframe for the LEP to be completed is on or before 31 July 2025.



Kelly McKellar

Manager, Local Planning & Council Support (North, East and Central Coast)



*11 October 2024*

Jazmin van Veen

Director, Local Planning (North, East and Central Coast)

Assessment officer

Claire Mirow

Senior Planning Officer, Local Planning & Council Support (North, East and Central Coast)

