



## PLANNING PROPOSAL

Waverley LEP Housekeeping Amendment 2018

## **Planning Proposal Information**

Council versions:

<b>No.</b>	<b>Author</b>	<b>Date</b>	<b>Version</b>
1	Waverley Council	28.02.19	Pre-gateway
2	Waverley Council	10.02.20	Exhibition

## Contents

INTRODUCTION .....	4
PART 1 – OBJECTIVES OR INTENDED OUTCOMES .....	4
1.1 Intended Outcomes.....	4
PART 2 – EXPLANATION OF PROVISIONS.....	5
PART 3 – JUSTIFICATION.....	56
3.1 Section A – Need for the planning proposal.....	56
3.1.1 Is the planning proposal a result of any strategic study or report? .....	56
3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? .....	56
3.2 Section B – Relationship to strategic planning framework. ....	56
3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?.....	56
3.2.2 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?.....	57
3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies? .....	58
3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)? .....	58
3.3 Section C – Environmental, social and economic impact .....	59
3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal? .....	59
3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? .....	59
3.3.3 Has the planning proposal adequately addressed any social and economic effects? .....	59
3.3.4 Is there adequate public infrastructure for the planning proposal?.....	59
3.3.5 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination? .....	59
PART 4 – MAPPING.....	60
PART 5 – COMMUNITY CONSULTATION.....	60
PART 6 – PROJECT TIMELINE .....	60
Attachments.....	61

## INTRODUCTION

The *Waverley LEP Housekeeping Amendment 2018* (the PP) explains the intent of, and justification for, an amendment to the Waverley Local Environment Plan 2012.

The PP covers a variety of relatively minor matters and seeks to amend the Waverley Local Environment Plan 2012 to improve its operation and accuracy. The amendment responds to a range of issues that were identified from 2016 to 2018.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

### 1.1 Intended Outcomes

The overarching objective of the proposed local environmental plan is to address a number of housekeeping matters that have been raised within the last 24 months. The matters included range from additions to Schedule 2 exempt development, heritage listing corrections and minor amendments to the LEP maps. The intended outcome is that Waverley Local Environmental Plan 2012 will be an improved environmental planning instrument in its application and operation.

## PART 2 – EXPLANATION OF PROVISIONS

### 1. Instrument Change

Instrument Change – Clause 6.7 – Norman Lee Place ‘Boot Factory’ – Bondi Junction	
Property	Lot 6 Sec A DP 145, Spring St, Bondi Junction
Issue	There is confusion regarding which properties Clause 6.7 of the Waverley LEP relates to. It needs to be distinctly clarified which lot/lots are being referred to under the listing of Norman Lee Place or the ‘Boot Factory’.
Amendment	Confirm Norman Place as Lot 6 Sec A DP 145 in Clause 6.7 of the LEP
Justification	The Boot Factory building and associated courtyard is located on Lot 6 Sec A DP 145. Listing the property details will remove any confusion as to which lots Clause 6.7 applies to. The identification sheet below maintains the heritage status of the site. The below heritage item identification sheet outlines the heritage significance of the Boot Factory and confirms its street address as 27-33 Spring Street, Bondi Junction. The cadastral image below that confirms 27-33 Spring Street as being identified as Lot 6 Sec A DP 145.


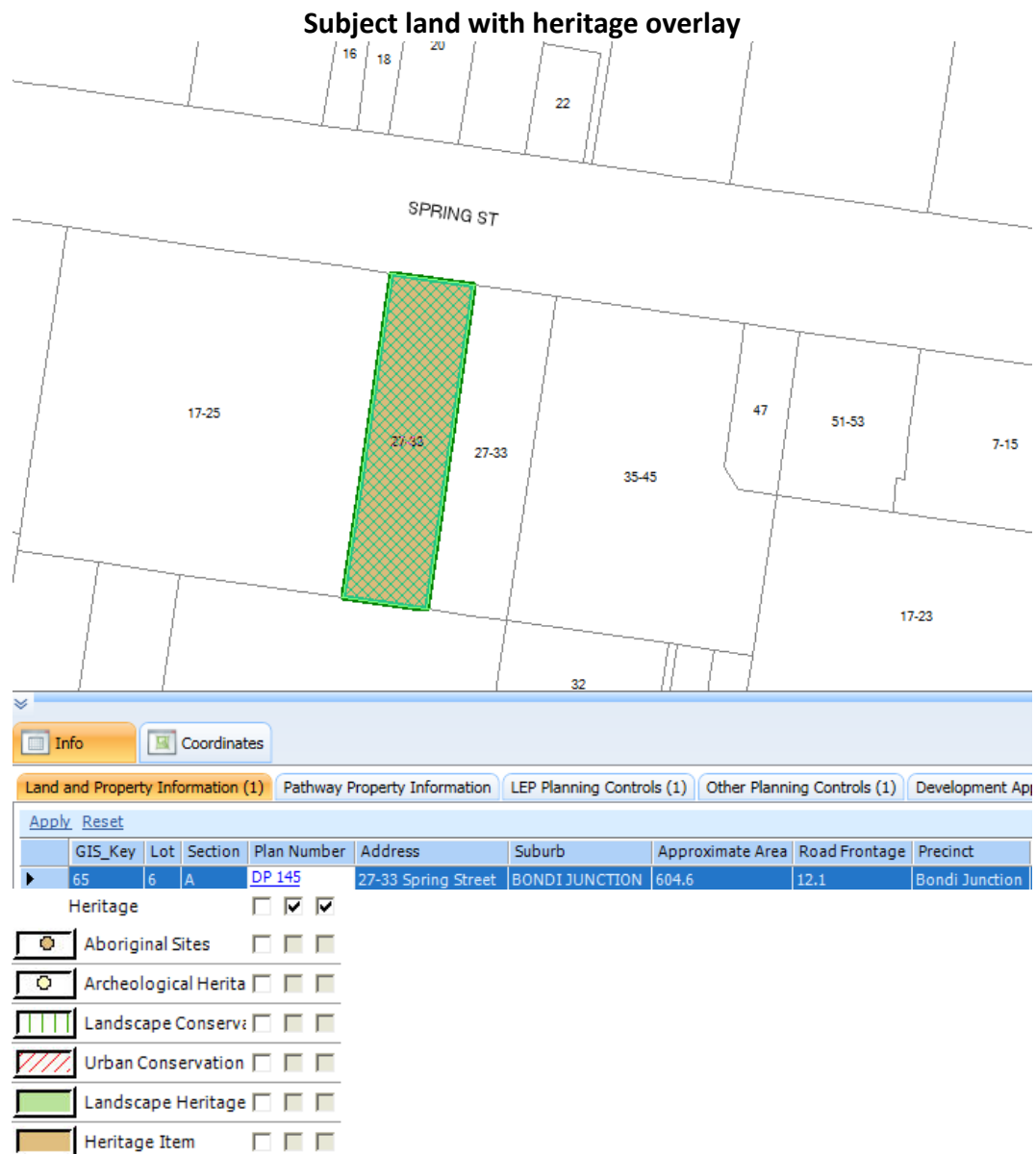
<b>WAVERLEY HERITAGE STUDY</b>		1990	Item 35/4 0262	Photograph 13/5
for Waverley Municipal Council		by Perumal Murphy Pty. Ltd.		
<b>Name</b> <b>Location</b> "The Old Boot Factory" 27-33 Spring Street BONDI JUNCTION 2022		<b>Precinct</b> <b>Date</b> 9.2.90 <b>Survey By</b> VM		
<b>Title Reference</b>				
<p><b>Description:</b> Former factory building, reconstructed. Dated 1892. Three storeys. Face brick with rendered, pilastered columns and string courses. Double hung timber windows, multi-paned. Simple moulded parapet.</p> <p><b>History:</b> Built by William Sidaway who began producing footwear in Bondi Junction in 1887. Eventually acquired by the Bardon family who operated the factory until it closed in 1969. Acquired by Waverley Council in 1984 and reconstructed. (Bondi Junction Heritage Study)</p> <p><b>Significance:</b> Rare surviving local example of an early factory building. Architectural interest for its Late Victorian Free Classical styling. (See also archaeological inventory.) Local significance.</p>				
<b>Reasons for Listing:</b> <input checked="" type="checkbox"/> Historical <input type="checkbox"/> Scientific <input type="checkbox"/> Cultural <input type="checkbox"/> Social <input checked="" type="checkbox"/> Archaeological <input checked="" type="checkbox"/> Architectural <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Aesthetic <input checked="" type="checkbox"/> Rarity Value <input type="checkbox"/> Group Value <input type="checkbox"/> Landmark <input checked="" type="checkbox"/> Streetscape/Landscape			<b>Significance:</b> <input type="checkbox"/> State <input type="checkbox"/> Regional <input checked="" type="checkbox"/> Local	
<b>Period:</b> <input type="checkbox"/> Pre-1890 <input checked="" type="checkbox"/> 1890-1915 <input type="checkbox"/> 1915-45 <input type="checkbox"/> 1945- <b>Date:</b> 1892 <b>Source:</b> Building				
<b>Integrity:</b> <input checked="" type="checkbox"/> Substantially Intact <input checked="" type="checkbox"/> Altered Sympathetically <input type="checkbox"/> Altered Unsympathetically <input type="checkbox"/> Reversible				
<b>Current listings:</b> <input type="checkbox"/> AHC <input type="checkbox"/> NT <input type="checkbox"/> HC <input checked="" type="checkbox"/> BJS				
<b>Thematic Context:</b>				
<b>Interior not inspected</b>				

Photo 13/5



## 2. Instrument Change

Instrument Change – Murals – Exempt Development	
Issue	There is no DA process or means of approval for private murals which is considered to be reasonable given how low impact private murals are.
Amendment	Add murals to Schedule 2 Exempt Development of the Waverley LEP
Justification	<p>The proposal requires a mural to have the consent of the owner and cannot be exempt development if it is on a heritage item, within a heritage conservation area or special character area. In this way, the heritage significance of an item or area is not affected. Where murals are proposed on a heritage item, in a heritage conservation area or a special character area, or cannot meet the specified criteria, a development application will continue to be required. The proposal to provide clear and accessible information about planning requirements, will reduce confusion.</p> <p>Waverley recognises the artistic and social value of murals and their increasing acceptance within the community. Murals are a visible and accessible art form and Waverley supports lawfully created works in appropriate locations.</p> <p>The proposed criteria by which murals are to be exempt is as follows:</p> <ul style="list-style-type: none"> <li>• Must not constitute signage (Signage includes advertisements and advertising structures)</li> <li>• Must not be located on a heritage item or within a heritage conservation area or a special character area.</li> <li>• Must not contain material that: <ul style="list-style-type: none"> <li>○ discriminates against or vilifies any person or group, or</li> <li>○ is offensive or sexually explicit.</li> </ul> </li> <li>• Be art that is painted, marked, scratched, drawn, sprayed, pasted, applied or otherwise affixed to a surface and that is visible from a public place</li> <li>• Have owner's consent</li> </ul>

## 3. Instrument Change

Instrument Change – Temporary Events – Exempt Development	
Issue	Currently, development consent is required for events on Council land, which is onerous for annual events such as Sculptures by the Sea or other smaller events. Rather than requiring time-consuming and expensive Development Applications for low-impact activities and events on Council-owned land, low-impact activities could instead be specified as exempt development in the LEP and subject to Council's <i>Outdoor events management and delivery guidelines October 2015</i> and <i>Waverley Council Events Policy October 2015</i> and submit a Low to Medium Impact Event Application.



Amendment	Add the temporary use of council land to schedule 2 Exempt Development in the Waverley LEP
Justification	<p>Making temporary events exempt development allows for a more streamlined process that will allow quicker approval of low impact events. This will be useful for reoccurring events and for proposed events with limited approval time frames. Compliance with the events management and delivery guidelines will ensure that the events are managed effectively. A list of criteria that governs the type of events that can be exempt will ensure that the exempt events are relatively low impact.</p> <p>The criteria these developments are to be considered by are as follows:</p> <ul style="list-style-type: none"> <li>• <i>event</i> means any event (including, without limitation, a market, exhibition, ceremony, meeting, concert, sporting event or fete) that would, but for this clause, require development consent.</li> <li>• Must take place on public land (Includes Council land and Crown land that Council is Care Control Manager or Trust Manager of) or a public road for which the Council is the roads authority</li> <li>• Must not involve demolition or excavation.</li> <li>• Must not involve overnight accommodation on bushfire prone land.</li> <li>• Must not be conducted for more than 52 days (whether or not consecutive) in any period of 12 months.</li> <li>• The event must satisfy the low or medium impact criteria as outlined in the <i>Waverley Council Events Policy</i> or equivalent in order to be considered exempt.</li> </ul>

#### 4. Instrument Change

Instrument Change – Zone Objectives – Active Transport – LGA Wide	
Issue	Active transport is encouraged in Waverley, particularly with the release of Waverley's People, Movement and Places Strategy. The zoning objectives within the LEP need to be updated to reflect this.
Amendment	<p>Add the following objective to the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B3 Commercial Core and B4 Mixed Use zones.</p> <p>"To maximise public transport patronage and encourage walking and cycling".</p> <p>"To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling".</p>
Justification	Adding these objectives to these zones will encourage planning outcomes that enable greater usage of public transport and greener modes of

	<p>transport such as walking and cycling. Adding these objectives will ensure all new development must comply with these objectives and will therefore need to incorporate them into the development.</p> <p>Implementing these objectives will give effect to Planning Priority E10 of the Eastern City District Plan. Planning Priority E10 is to <i>Deliver integrated land use and transport planning and a 30-minute city</i>. Encouraging greater levels of public transport patronage will reduce congestion on the roads which will make the possibility of a 30-minute commute more likely. Giving effect to this priority is also in keeping with Objective 14 of the Metropolis of Three Cities which is <i>integrated land use and transport creates walkable and 30-minute cities</i>. The objectives to be added to the LEP will help to achieve Planning Priority E10 by improving access to local jobs and services and improving walking and cycling rates.</p> <p>These objectives also satisfy the Local Strategic Planning Statement Planning Priority 1 to <i>Deliver public and active transport projects to achieve the 30-minute city</i>. This priority outlines the need for improved cycle ways and public transport routes in achieving the 30-minute city. This priority also outlines the need to prioritise public transport lanes and shared mobility to reduce congestion. The objectives being added will respond to the objectives of Planning Priority 1.</p> <p>These specific zones are chosen as they represent the zones in which public transport is frequented most and needed most in assisting travelling from both home and work. These zones present the best opportunity for increased public transport patronage given the uses of these zones (ie. Work, retail shopping and home).</p>
--	--

## 5. This item was removed as part of the Gateway Determination

## 6. Instrument Change

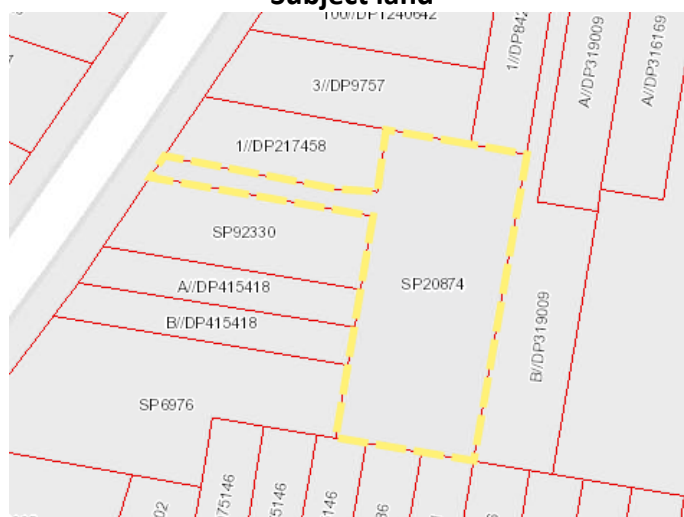
Instrument Change – Incorrect EP&A Act References in the LEP – LGA Wide			
Issue	The Environmental Planning and Assessment Act (EP&A Act) was amended on 1 March 2018 which saw changes to the clause numbers within the EP&A Act. As a result, any references in the LEP that are made to the EP&A Act are now incorrect as the LEP is now referencing superseded clause numbers.		
Amendment	Change the references to the superseded clause numbers to the new clause numbers as seen below:		
	Location of reference in LEP	Reference to superseded clause number in the Act	Reference to new clause number in the Act
	1.2(1)	33A	3.20
	1.9(1)	36	3.28
	1.9A(4)	28	3.16

	3.1(note)	76	4.1
	5.1(1)	27	3.15
	5.1(2)	8	2.5 & 2.6
Justification	Making these changes will ensure that users of the LEP are being redirected to the correct clause within the EP&A Act. This will ensure the accuracy of the LEP and provide consistency between the LEP and the EP&A Act.		

## 7. Mapping Change

Mapping Change – Minimum Lot Size – Rose Bay	
Property	SP 20874, 581A Old South Head Rd, Rose Bay and Lot 1 DP 337556, The Plaza, Rose Bay
Issue	The inconsistency of minimum lot sizes was identified as an anomaly as there is no discernible reason as to why an easement should have dual minimum lot sizes or why an access handle should have a separate minimum lot size to the rest of the lot.
Amendment	Change the minimum lot size of both the access handle and easement to be consistent with the rest of the respective lots. Both lots shall have a minimum lot size of 500m <sup>2</sup> over the entirety of the lot.
Justification	The inconsistency between minimum lot sizes is identified as an anomaly and as such the LEP housekeeping PP can be used to rectify this anomaly. Making the minimum lot size consistent over the lot will remove the anomaly.

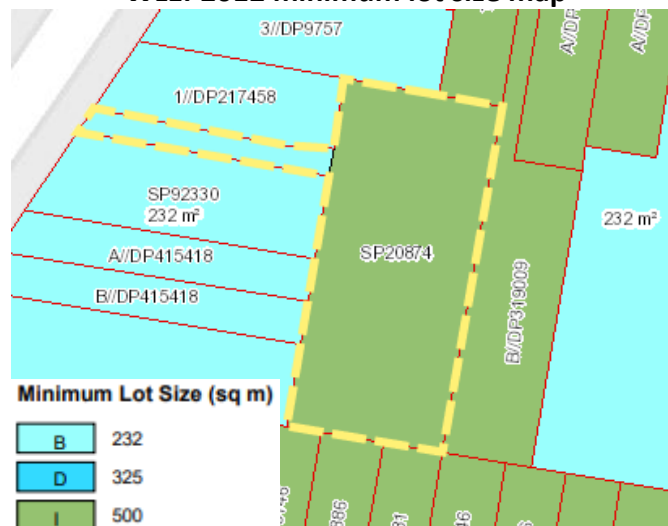
**Subject land**



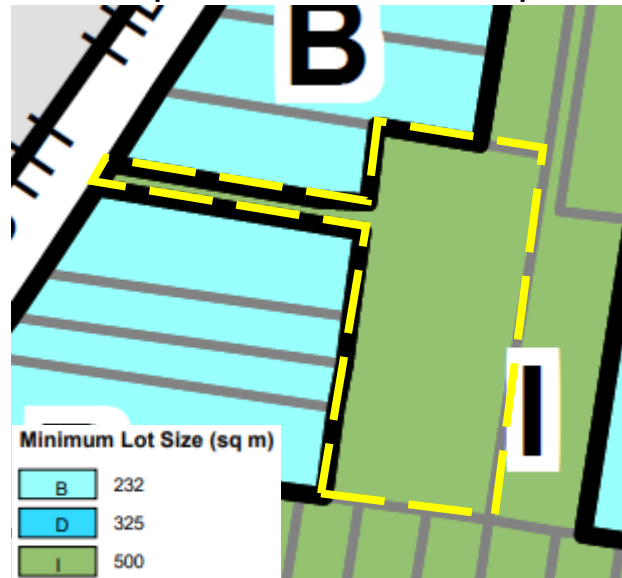
**Aerial photograph of subject land**



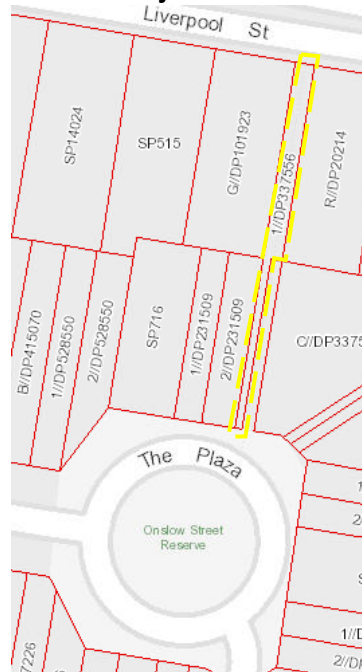
**WLEP2012 minimum lot size map**



Proposed minimum lot size map



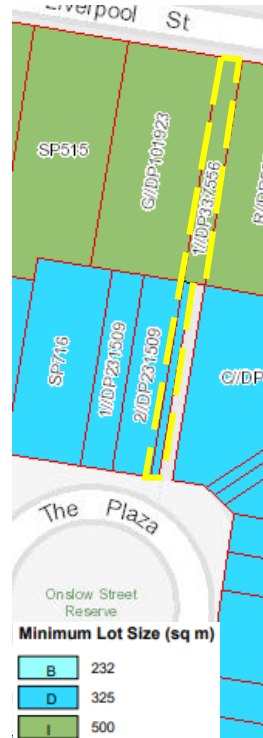
Subject land



**Aerial photograph of subject land**



**WLEP2012 minimum lot size map**



### Proposed minimum lot size map





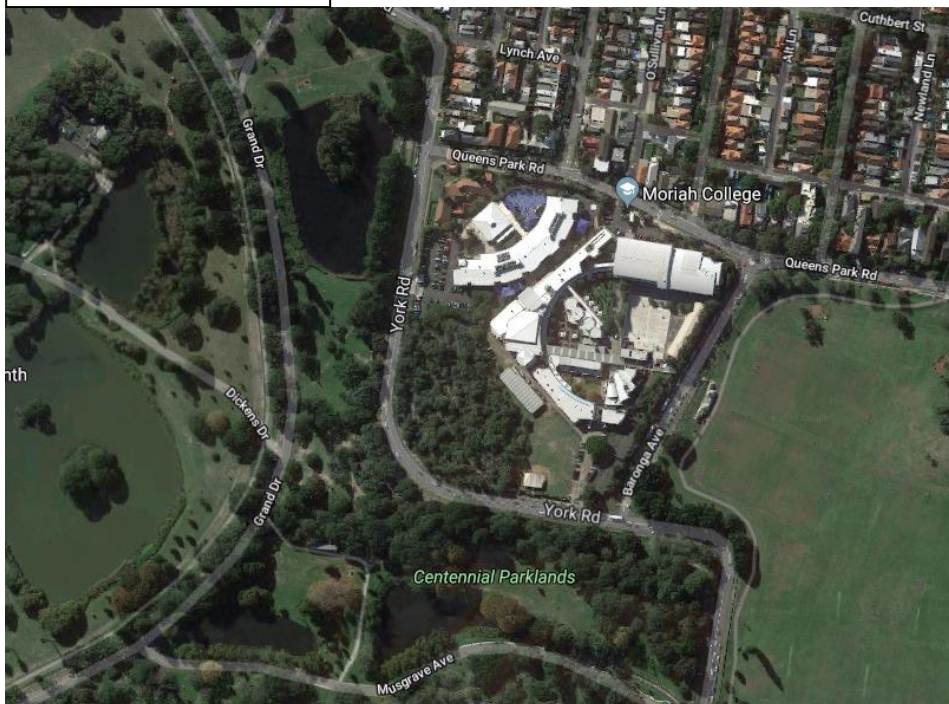
## 8. Mapping Change

Mapping Change – Eastern Suburbs Banksia Scrub – Rezoning – Queens Park Mapping Change – Eastern Suburbs Banksia Scrub – Terrestrial Biodiversity Layer – Moriah College	
Issue	There are important native bushland sites in Waverley LGA that have Endangered Ecological Communities (EEC) and threatened species, but do not have adequate zoning that affords these sites protection from future redevelopment. These include remnant Eastern Suburbs Banksia Scrub (ESBS) bushland adjoining Moriah College and Queens Park.
Amendment	Rezone the area identified in Queens Park as having ESBS to E2 Environmental Conservation. The area in Moriah College identified as having ESBS is to be added to the terrestrial biodiversity mapping.
Justification	<p>With regards to the Queens Park site the E2 Environmental Conservation zoning will afford protection to the areas of ESBS as the zoning is much more restrictive in permissible development types. This is a better and more protective zoning than the existing RE1 Public Recreation respective zonings.</p> <p>On the Moriah College site, adding the terrestrial biodiversity layer to the ESBS affected areas will afford a greater level of protection against development that would be detrimental to protecting the endangered flora. This will not inhibit the way in which the school operates.</p> <p>The most recent Waverley flora study from 2015 (attachment 5) identifies the vegetation adjoining Moriah College and in Queens Park as ESBS. Moriah College are aware of the presence of ESBS on their site. There is two plans of management for ESBS within Waverley and they both indicate the need for protection on this site. Moriah College and the Centennial Park and Moore Park Trust has not yet been consulted, Council will notify Moriah College as part of the Gateway Process should this item be passed.</p> <p>The E2 zoning provides much stronger protection than the terrestrial biodiversity clauses within the LEP. The only development uses allowed within the E2 zone is environmental facilities and environmental protection works, these are intended to be restrictive as their primary purpose is to protect the endangered species on the site. The terrestrial biodiversity clause allows development on sites that are mapped as such. The wording of Clause 6.4(4) essentially allows for development that impacts land identified as having biodiversity issues so long as the impact can be mitigated, there is room for arguing whether or not a development mitigates the impact which is up to interpretation. If the site was zoned E2 there would be very little room for argument and interpretation of what is environmental protection works or an environmental facility and as such the last population of threatened species <i>Acacia terminalis</i> subs <i>terminalis</i> in the Waverley LGA would remain protected.</p>

	<p>Whilst it would be ideal to have the E2 zoning protection applied to the ESBS identified at Moriah College, the zoning would be too restrictive to the operation and growth of the school. Therefore, it is recommended that the ESBS at Moriah College be protected by way of the terrestrial biodiversity overlay.</p> <p>The maps provided below show the development surrounding the ESBS as well as the surrounding environment.</p>
--	--

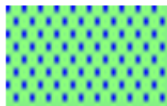


Area to have terrestrial biodiversity layer added

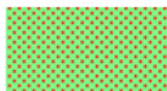


The map below shows the location of the ESBS as shown by the 2015 remnant vegetation layer. This mapping is supported by the study completed in 2015.

### Eastern Suburbs Banksia Scrub Location in Queens Park and Moriah College



2015 Remnant vegetation condition fair



2015 Remnant vegetation condition very poor

### Subject land

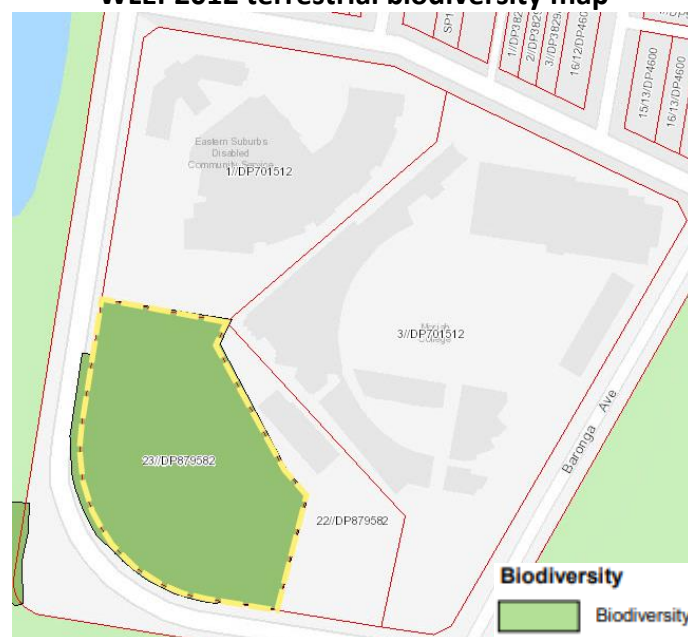


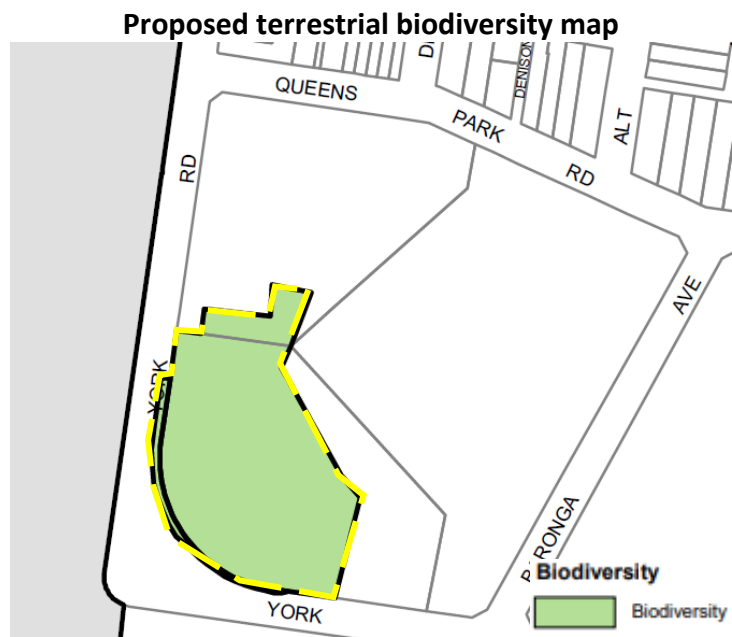


**Aerial photograph of subject land**



**WLEP2012 terrestrial biodiversity map**





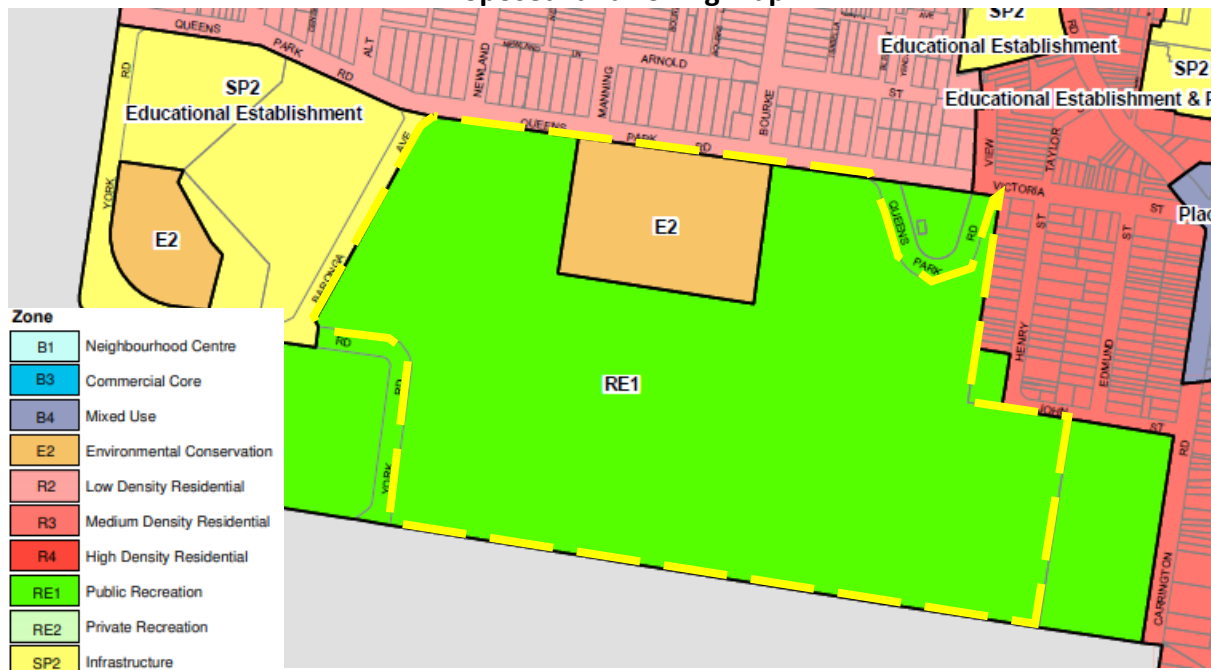
**Aerial photograph of subject land**



**WLEP2012 land zoning map**



**Proposed land zoning map**

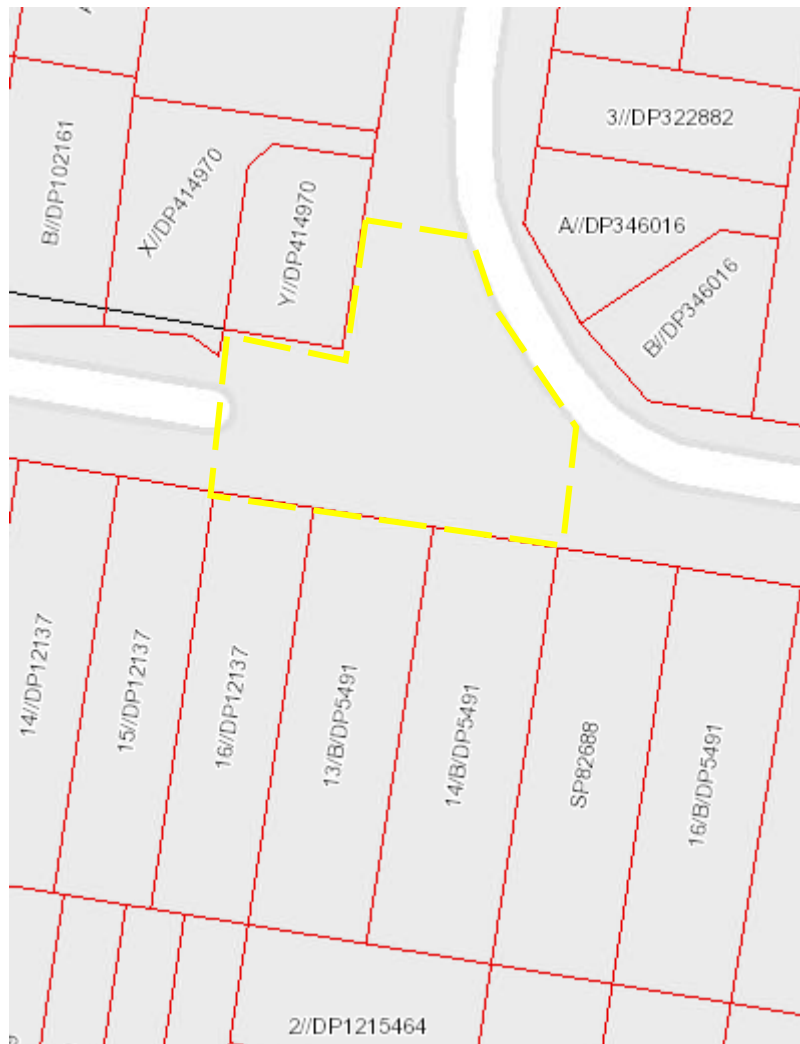


## 9. Mapping Change



Mapping Change – Eastern Suburbs Banksia Scrubs – Rezoning – Loombah Rd – Dover Heights	
Issue	There are important native bushland sites in Waverley LGA that have Endangered Ecological Communities (EEC) and threatened species, but do not have adequate zoning that affords these sites protection from future redevelopment. These include remnant Eastern Suburbs Banksia Scrub (ESBS) bushland adjoining 18 Loombah Rd and 24 Loombah Rd, Dover Heights.
Amendment	Rezone the road reserve only identified as having ESBS to E2 Environmental Conservation. The privately-owned lots surrounding the road reserve will remain as is.
Justification	<p>Council has been managing this road closure between Loombah Road and Macleay Street for a number of years.</p> <p>A development application for 20 Loombah Rd was recently refused in the Land and Environment Court due to the critically endangered species on the site, this is the second refusal this site has received in the LEC.</p> <p>This is the location of the last population of the threatened species <i>Acacia terminalis subs terminalis</i> in the Waverley LGA, this has been identified as a Save our Species site by NSW Environment and Heritage and funding provided. 12 months ago there were only 2 <i>Acacia terminalis</i> plants on the broader site, one on 22 Loombah Rd and one on 20 Loombah Rd as well as a dead plant at 20 Loombah Rd. Since then, following a number of years of work by Council contractors an additional 11 plants have regenerated on the Council property demonstrating the viability of this site to maintain this threatened species.</p> <p>The E2 zoning provides much stronger protection than the terrestrial biodiversity clauses within the LEP. The only development uses allowed within the E2 zone is environmental facilities and environmental protection works, these are intended to be restrictive as their primary purpose is to protect the endangered species on the site. The terrestrial biodiversity clause allows development on sites that are mapped as such. The wording of Clause 6.4(4) essentially allows for development that impacts land identified as having biodiversity issues so long as the impact can be mitigated, there is room for arguing whether or not a development mitigates the impact which is up to interpretation, as seen in the recent DA being in the LEC. If the site was zoned E2 there would be very little room for argument and interpretation of what is environmental protection works or an environmental facility and as such the last population of threatened species <i>Acacia terminalis subs terminalis</i> in the Waverley LGA would remain protected.</p>

### Subject land



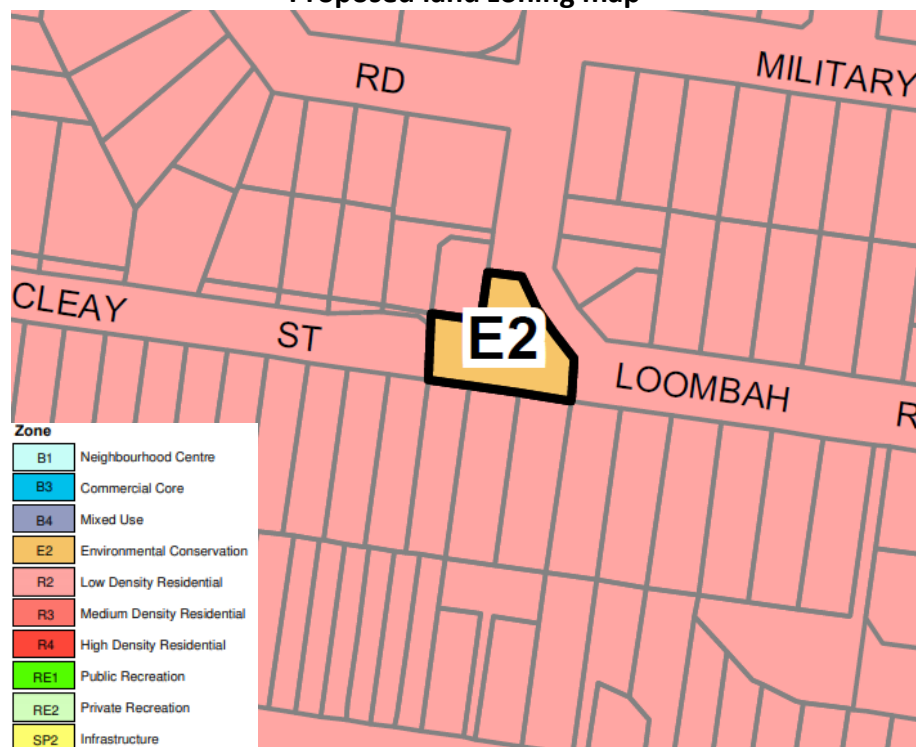
**Aerial photograph of subject land**



**WLEP2012 land zoning map**



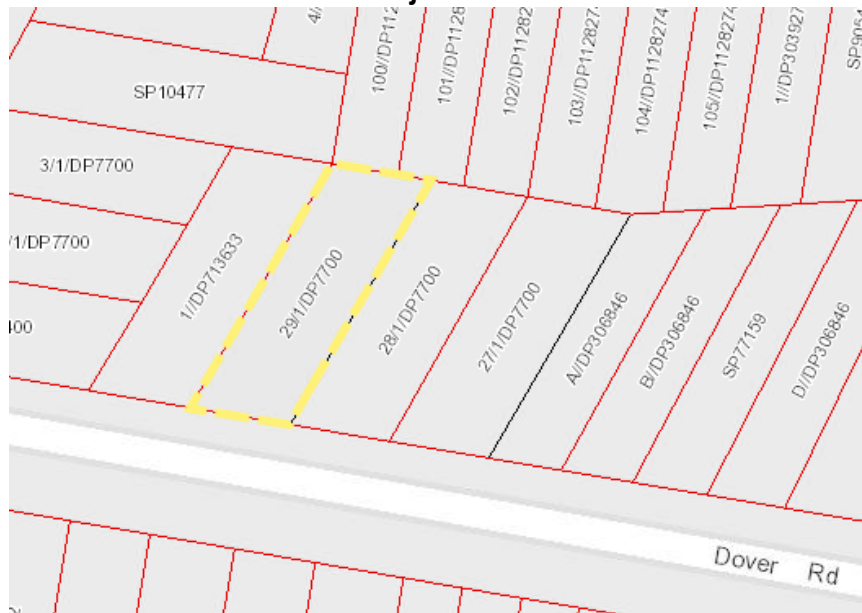
**Proposed land zoning map**



## 10. Mapping Change

Mapping Change – Minimum Lot Size – Dover Rd – Rose Bay	
Property	Lot 29 DP7700 Sec 1, 66-68 Dover Rd, Rose Bay
Issue	The minimum lot size of 66-68 Dover Rd, Rose Bay is 500m <sup>2</sup> . This minimum lot size is an anomaly as all other sites within the LGA zoned SP2 do not have a minimum lot size. There is no evident reason as to why this lot should have a minimum lot size whilst others in the LGA do not.
Amendment	Remove the minimum lot size from Lot 29 DP 7700 Sec 1, 66-68 Dover Rd, Rose Bay.
Justification	SP2 zonings within the Waverley LGA do not have minimum lot sizes. This lot being zoned SP2 and having a minimum lot size therefore is an anomaly and as such should be changed in order to make this lot consistent with the rest of the SP2 zoned lots in the LGA.

## Subject land



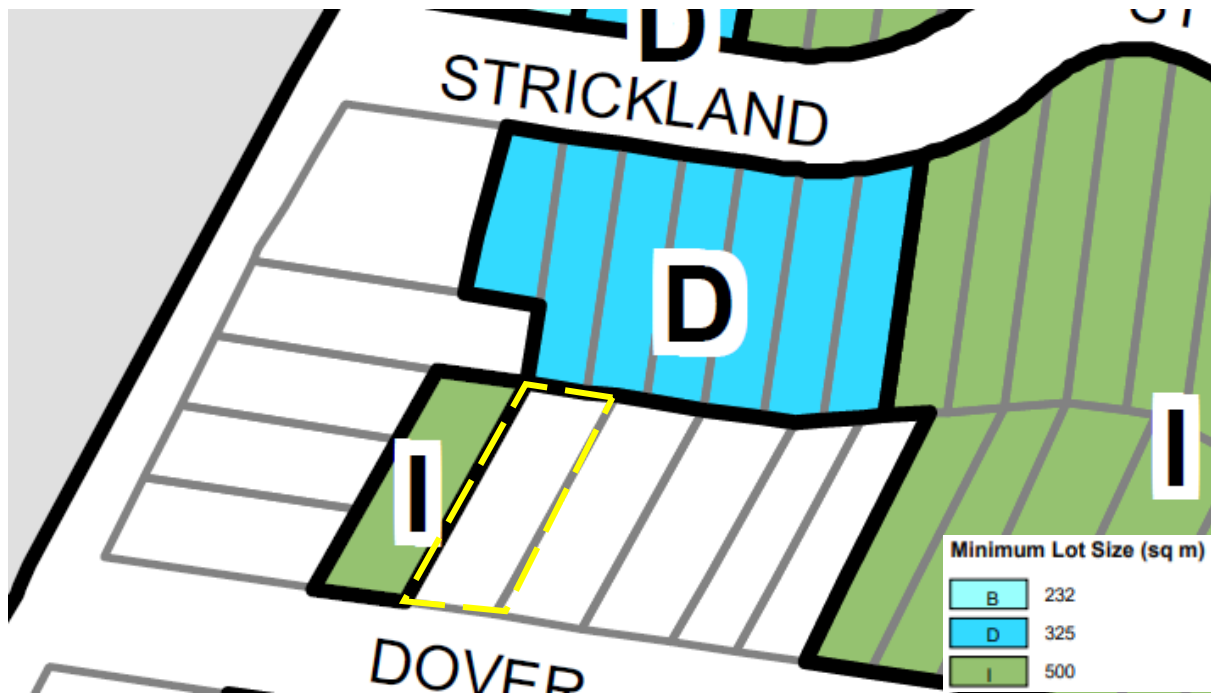
**Aerial photograph of subject land**



**WLEP2012 minimum lot size map**



**Proposed minimum lot size map**

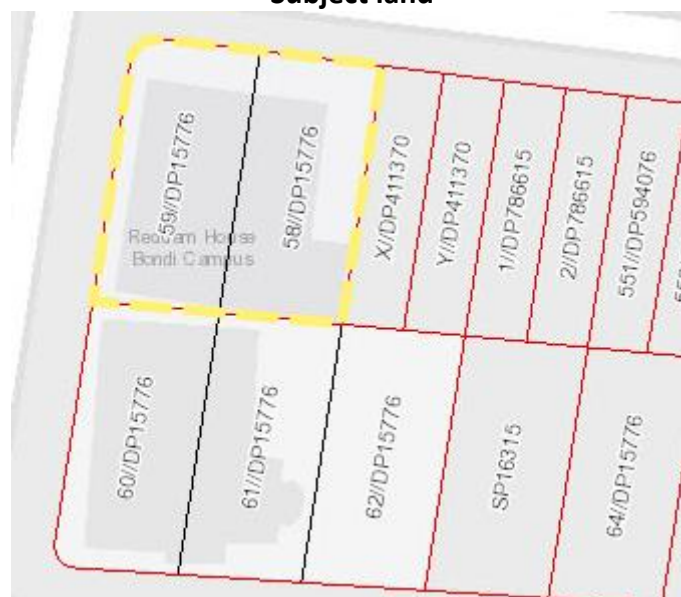




## 11. Instrument and Mapping Change

Instrument & Mapping Change – Schedule 5 Environmental Heritage Clarification – North Bondi	
Property	Lots 58 & 59 DP 15776, 66-68 Oakley Rd, North Bondi, Lots 60-62 DP 15776, 60 Blair St, North Bondi
Issue	The separate sale of lots 58-62 DP 15776 requires that the street address be changed as lots 58 and 59 no longer reflect the address 60 Blair street
Amendment	Amend item number I376 in Schedule 5 to read Lots 60-62, DP 15776. Remove the heritage layer from Lots 58 and 59 and leave the layer on Lots 60-62.
Justification	<p>The correct heritage item is 60 Blair St, North Bondi. This includes Lot 60 DP 15776, Lot 61 DP 15776 &amp; Lot 62 DP 15776. Remove the heritage layer and schedule 5 reference from 66-68 Oakley Road, Lots 59 DP 15776 &amp; Lot 58 DP 15776 – commonly known as Reddam School.</p> <p>The heritage listing states the item is a brick religious building, 1930's style. Light brick with hipped, tiled roof. Complex form with little decoration. Similar, asymmetrical facades to both street frontages. Colonnaded brick verandahs with shaped bricks used on arches to ground floor. Interesting, white painted panels to tops of balcony and verandah balustrades. Original brick fence. Appears intact.</p> <p>The images below show the item to be only on the lots described and Reddam school, which does not have heritage significance, to be on lots 58 and 59. Further to this aerial imagery from 1943 shows lots 58 and 59 to be vacant whilst the church building stands on lots 60 – 62. Furthermore, the original redbrick fencing that is listed in the heritage item does not extend to Reddam, this is shown below as well.</p>

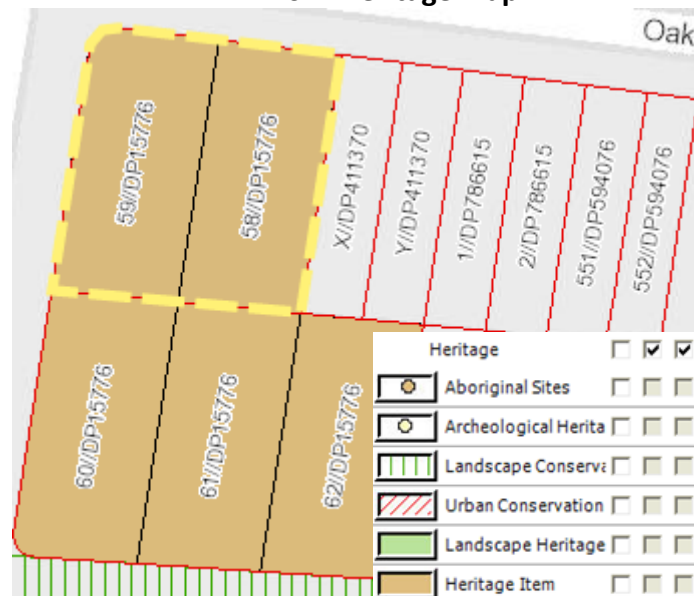
**Subject land**



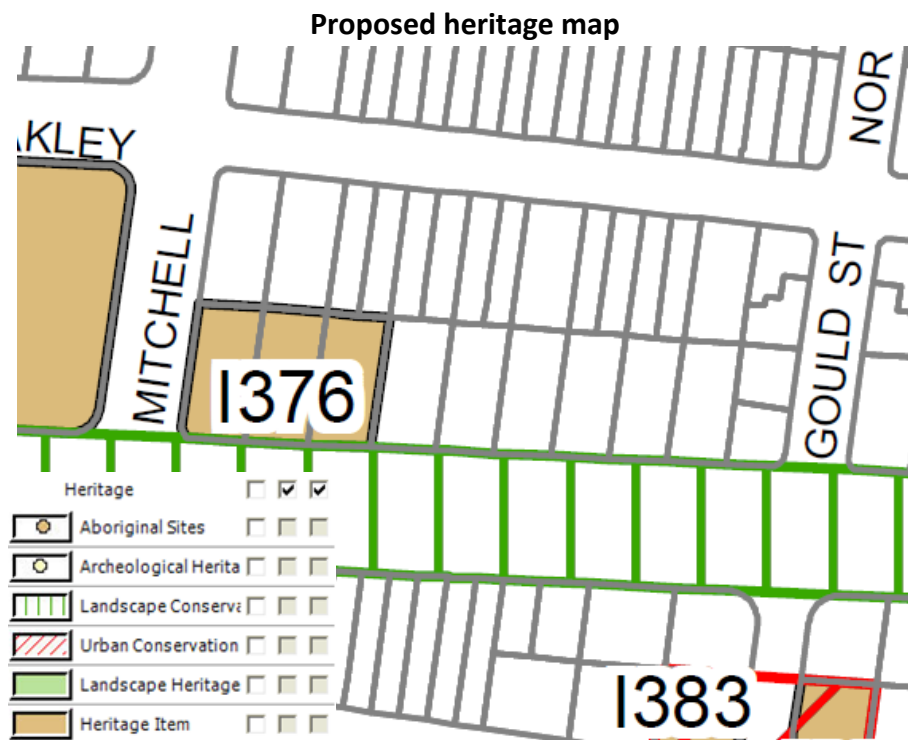
**Aerial photograph of subject land**



**WLEP2012 heritage map**







<b>WAVERLEY HERITAGE STUDY</b>		1990	Item 6/4 0042	Photograph 5/16
for Waverley Municipal Council		by Perumal Murphy Pty. Ltd.		
<b>Name</b> <b>Location</b> "St Anne's Convent of Mercy" 60 Blair Street (cnr Mitchell St) NORTH BONDI 2026		<b>Precinct</b>  <b>Date</b> 24.12.89 <b>Survey By</b> VM		
<b>Title Reference</b>				
<p><b>Description:</b> Brick religious building, 1930's style. Light brick with hipped, tiled roof. Complex form with little decoration. Similar, asymmetrical facades to both street frontages. Colonnaded brick verandahs with shaped bricks used on arches to ground floor. Interesting, white painted panels to tops of balcony and verandah balustrades. Original brick fence. Appears intact.</p> <p><b>History:</b> The Sisters of Mercy were the third order of Catholic nuns to come to the Waverley district. Until this convent was built, in 1935, the nuns travelled from the Holy Cross Convent, in Bondi Junction, to teach at the nearby church-school. The school began in 1929. (Dowd, pp 92-3, 211)</p> <p><b>Significance:</b> Intact, well maintained example of 1930's architecture. Some fine detailing. Typically, most decoration is confined to the imaginative use of brick. Community interest as local religious building. Part of St Anne's church-school group. Local significance.</p>				
<b>Reasons for Listing:</b> <input checked="" type="checkbox"/> Historical <input type="checkbox"/> Scientific <input checked="" type="checkbox"/> Cultural <input checked="" type="checkbox"/> Social <input type="checkbox"/> Archaeological <input checked="" type="checkbox"/> Architectural <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Aesthetic <input type="checkbox"/> Rarity Value <input type="checkbox"/> Group Value <input type="checkbox"/> Landmark <input checked="" type="checkbox"/> Streetscape/Landscape			<b>Significance:</b> <input type="checkbox"/> State <input type="checkbox"/> Regional <input checked="" type="checkbox"/> Local	
<b>Period:</b> <input type="checkbox"/> Pre-1890 <input checked="" type="checkbox"/> 1915-45 <input type="checkbox"/> 1890-1915 <input type="checkbox"/> 1945- <b>Date:</b> <b>Source:</b>				
<b>Integrity:</b> <input checked="" type="checkbox"/> Substantially Intact <input type="checkbox"/> Altered Sympathetically <input type="checkbox"/> Altered Unsympathetically <input type="checkbox"/> Reversible				
<b>Current Listings:</b> <input type="checkbox"/> AHC <input type="checkbox"/> HC <input type="checkbox"/> NT <input type="checkbox"/>				
<b>Thematic Context:</b>				
Interior not inspected				

Photo 5/16



An aerial photograph of a residential area. A property is highlighted with a red and yellow border. The property is located on Blair Street, between Oakley Road and Gould Street. The surrounding area includes residential houses with red roofs and green trees.

Info Coordinates

Land and Property Information (3) Pathway Property Information LEP Planning Controls (3) Other Planning Controls Development Application Details Owner's Postal Details Google Street View AAMHatch Pictometry

GIS_Key	Lot	Section	Plan Number	Address	Suburb	Approximate Area	Road Frontage	Precinct	Garbage Collection Day	Scheduled Clean-up Date	Waste Collect
11634	60		DP 15776	60 Blair Street	NORTH BONDI	513.7	47.4	North Bondi	Tuesday	Monday 1 May 2017	<a href="#">TuesdayAll</a>
11631	61		DP 15776	60 Blair Street	NORTH BONDI	494.7	15.3	North Bondi	Tuesday	Monday 1 May 2017	<a href="#">TuesdayAll</a>
11633	62		DP 15776	60 Blair Street	NORTH BONDI	487.8	15.3	North Bondi	Tuesday	Monday 1 May 2017	<a href="#">TuesdayAll</a>









Reddam School (left) and religious building (right)

## 12. Instrument and Mapping Change

Instrument & Mapping Change – Schedule 5 Environmental Heritage Clarification – Bronte	
Property	Lot 1 DP 73900, 18 Yanko Ave & Lot 1 DP 72600, 20 Yanko Ave, Bronte
Issue	18 Yanko Ave is incorrectly listed as a heritage item for a federation style terrace house, the terrace house is located on 20 Yanko Ave. Therefore, Schedule 5 and the mapping need to be amended to reflect 20 Yanko Ave as a heritage item and 18 Yanko Ave as having no heritage significance.
Amendment	Change heritage the listing of number I354 in Schedule 5 Environmental Heritage of the Waverley LEP to read Lot 1 DP 72600 and 20 Yanko Ave. Remove Lot 1 DP 73900 and 18 Yanko Ave from the LEP listing and remove the associated mapping. Map 20 Yanko Ave with a heritage item overlay.
Justification	<p>Discussions with Council’s Heritage Planner has outlined that the federation style terrace house is on Lot 1 DP 72600, 20 Yanko Ave and therefore needs to be mapped as such.</p> <p>It is not considered that a separate Planning Proposal is required for this item as the listing within Schedule 5 is a typo error in that the incorrect Lot and DP numbers were written as was the incorrect street address. As a result of this the wrong property was mapped too. As the heritage item identification sheet below shows, the same house is identified as the photo of 20 Yanko Avenue above and the description matches the house located on 20 Yanko Avenue, the issue arises in that in the sheet the wrong street address and Lot and DP were used and as such these were listed in Schedule 5 of the Waverley LEP. As seen above 18 Yanko Avenue is a modern dwelling and has no heritage significance. Therefore it is considered that the change of listing address is simply correcting a typo error and as such should not require its own Planning Proposal.</p> <p>The owners of 18 and 20 Yanko Avenue have yet to be notified of this. The owners of each property will be notified of this intended change as part of the Gateway Determination process should this item be passed.</p>



18 Yanko Avenue, Bronte is currently listed as a heritage item



20 Yanko Avenue, Bronte – is not currently listed



# **Waverley Heritage Assessment** Item identification Sheet

<b>Name:</b>	<b>Inventory item No.:</b> 171
<b>Other Names:</b>	<b>Type of Item:</b> Precinct
<b>Address:</b> <del>18 Yanko Avenue, Bronte</del> 20 Yanko Ave, Bronte	<b>Group of Buildings</b> Single Building X
<b>Land Title Information:</b> <del>Lot 1 DP 73900</del> Lot 1 DP 72600	<b>Engineering Work</b> Historic Site
<b>Description and Historic Background:</b> <p>The freestanding terrace form residence retained popularity through the Federation era. Economical to build the tall narrow form was employed on new estates in close proximity to later house forms. Constructed <sup>20</sup> within the subdivision of the Yanko Estate the residence at <del>18</del> Yanko Avenue, Bronte, comprises a simple hip roof form set above slab sided walls. Side walls projecting as blades, support a front verandah with set down roof. The verandah frontage retains original timber detailing to the valance and filigree infill with replacement balustrade to the upper floor. At ground floor, the verandah post is supported on a brick balustrade with scooped capping. Door and window openings have arched heads to ground floor and rectangular form with glazed highlights to the upper floor. Original face brickwork is now painted. A recent timber picket fence stands to the street boundary.</p> <p align="center">20</p> <p><b>Significance:</b> The freestanding Federation terrace house at <del>18</del> Yanko Avenue, Bronte, retains substantial streetscape quality and is a good example of the later terrace form employed in new estates of the early 20<sup>th</sup> Century. The residence is of local, aesthetic and historic significance.</p>	
<b>References:</b>	<b>Period:</b> 1800-1858 1859-1880 X 1881-1918 1919-1968 1969-1989 1990-2003  <b>Settlement Patterns:</b> Land Grants Private Subdivisions Suburban development Other
<b>Photo:</b>	<b>Significance:</b> Historic X Scientific Cultural Social Archaeological Architectural X Natural Aesthetic X





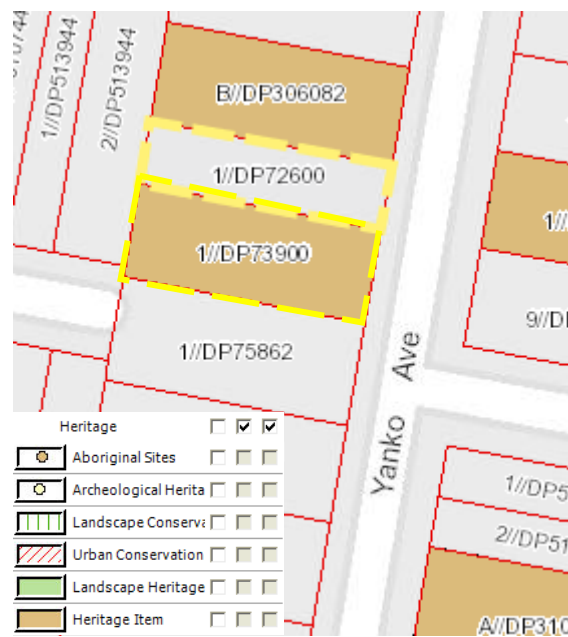
**Subject land**



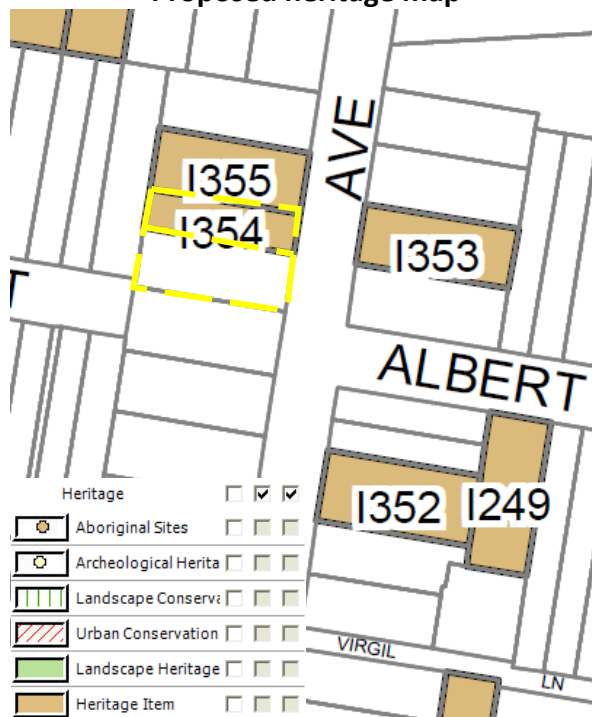
**Aerial photograph of subject land**



**WLEP2012 heritage map**



**Proposed heritage map**



### 13. Mapping Change

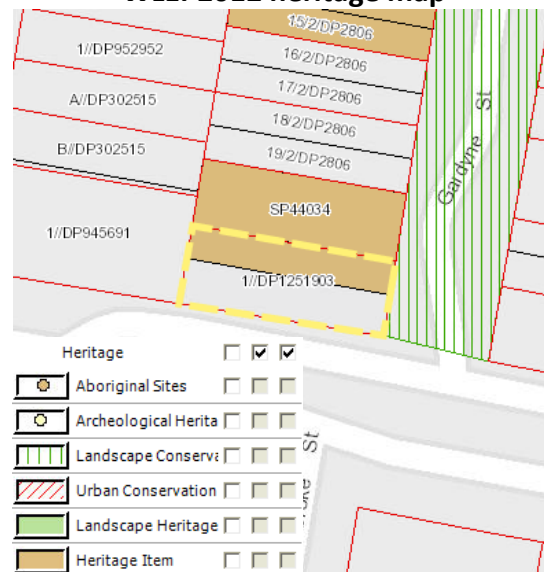
Mapping Change – Schedule 5 Environmental Heritage Clarification – Bronte	
Property	Lot 22 Sec 2 DP 2806 & Lot 23 Sec 2 DP 2806, 75 Gardyne St, Bronte
Issue	75 Gardyne Street Bronte being Lot 22 and Lot 23 Section 2 DP 2806 is listed in Schedule 5 as a Heritage Item, however the LEP maps only identify Lot 22 Sec 2 DP 2806 as a Heritage Item. There is confusion as to which properties this heritage listing relates to.
Amendment	Extend the heritage layer on to Lot 23 Sec 2 DP 2806 to reflect the heritage item on the site.
Justification	It appears the Federation style bungalow on the corner of Gardyne and Macpherson St is situated on both Lot 22 and 23. This place ('Mt Eden') and the Inter-War Flats to the north at 73 Gardyne are both identified in Schedule 5 (Items I306 and I307). Therefore extending the heritage layer will correctly reflect the heritage item on the property.

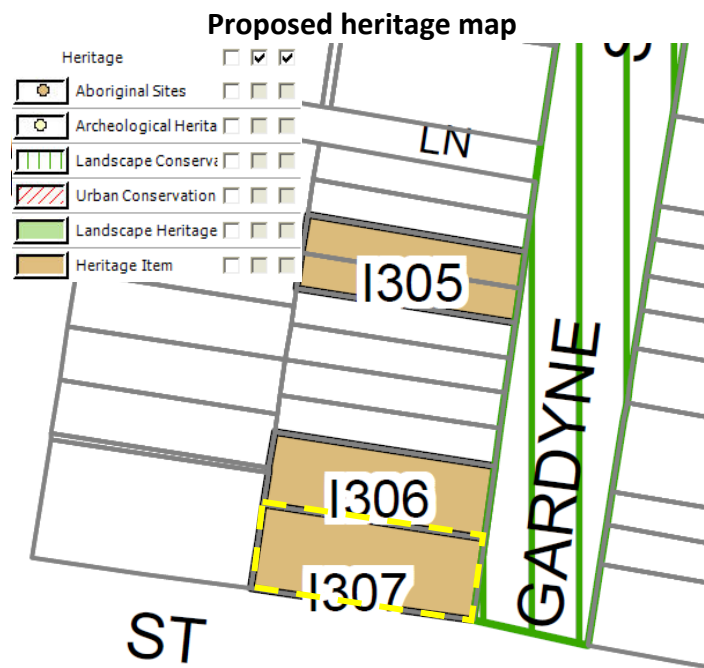


**Aerial photograph of subject land**




**WLEP2012 heritage map**







**Waverley Heritage Assessment**  
Item identification Sheet

<b>Name:</b> 'Mount Eden'	<b>Inventory item No.:</b> 92
<b>Other Names:</b>	<b>Type of Item:</b> Precinct
<b>Address:</b> 75 Gardyne Street, Bronte	<b>Group of Buildings</b> Single Building      X
<b>Land Title Information:</b> Lot 22 Sec2 DP 2806, Lot 23 Sec2 DP 2806	<b>Engineering Work</b> Historic Site
<b>Description and Historic Background:</b> <p>The Federation Bungalow at 75 Gardyne Street, Bronte, is called 'Mount Eden' and is located on the corner of Macpherson and Gardyne streets. The subject property stands on a land purchase made by Sydney resident Joseph Pearce on 19 July, 1856. In May 1864, Robert Pearce sold the land (Lots 37 and 38) again to Richard Watkins. During the period of Watkins's ownership, large villa estates appeared in the Waverley local government area. Suburban subdivision on a widespread scale began to occur during the late 1870's. In 1881, the Waverley tramlines were carrying an estimated 4,700 passengers a month. Three years later, the steam tramline was extended along Bondi Road and by 1887 the Waverley and Coogee lines were linked by a cross country service. Watkins subdivided his land which he named Pembroke estate in 1885 and the subject site became and remained Lots 22 and 23. Both Lots were transferred to Max Gotch, a Sydney herbalist on 25 February 1910. At the time, the immediate area was sparsely settled and only three listings were included in the Sands Directory. The name 'Mount Eden' was first listed in 1915 and the construction date for 75 Gardyne Street was around 1911-1914. Gotch built the residence at a time, when surf bathing was increasing in popularity and when the Federation style and Garden Suburb ideal were strong. 'Mount Eden' provides an example of a late Federation building. The residence is typically asymmetrical in plan and elevation and constructed of face brick, including polychrome brickwork. 'Mount Eden' also displays evidence of tuck-pointing. The original roof covering is not known and the front chimneys have been removed. The adjoining 'Mount Eden Flats' were constructed in the late 1920s. The substantial sandstone retaining wall was probably constructed at the same time as the residential flat building. The residence at 75 Gardyne Street was built on a rock-faced sandstone foundation and constructed of traditional face brick. The single storey, free-standing bungalow is of asymmetrical massing with one gable and one faceted bay.</p> <p><b>Significance:</b> The freestanding residence at 75 Gardyne Street, Bronte retains original detailing and provides a streetscape of considerable aesthetic quality. The item is also of high local significance due to the tradesman's entrance, the chauffeur's flat, the sandstone wall and base, its interior and the front yard. It is also a property of high integrity and a rare example of early beachside estate.</p>	<b>Period:</b> 1800-1858 1859-1880 1881-1918      X 1919-1968 1969-1989 1990-2003  <b>Settlement Patterns:</b> Land Grants Private Subdivisions Suburban development Other
<b>References:</b>	
<b>Photo:</b> 	<b>Significance:</b> Historic      X Scientific Cultural Social Archaeological Architectural Natural Aesthetic      X

## 14. Instrument Change and Mapping Change

Instrument & Mapping Change – Schedule 5 Environmental Heritage Listing – Vaucluse	
Property	Lot 113 DP 752011, Lot 501 DP 752011 & Lot 7006 DP 1023201, Vaucluse
Issue	The South Head cemetery was listed as a State Heritage Item on 25 August 2017 and as such its current heritage affectation as a landscape area heritage needs to be updated to show the site as a heritage item.
Amendment	Add Lots 113 & 501 DP 752011 and Lot 7006 DP 1023201 to schedule 5 environmental heritage register with a state level of significance. Add the heritage overlay to these sites on LEP mapping and keep the Landscape Heritage Conservation Area hatching on the site.
Justification	The cemetery was listed as a state significant heritage item and as such this should be reflected in the Waverley LEP. This listing will afford the cemetery legislative protection and will also help to recognise the site for its heritage significance.

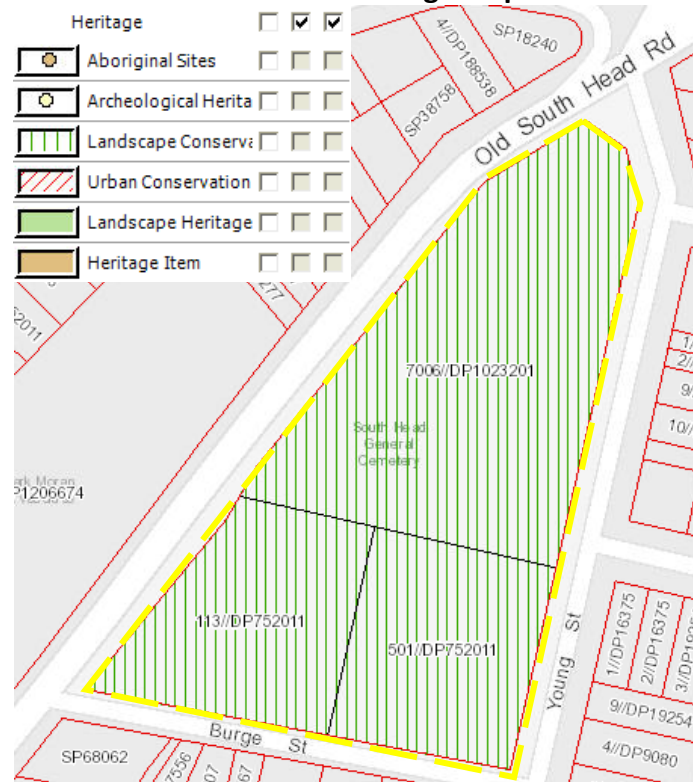


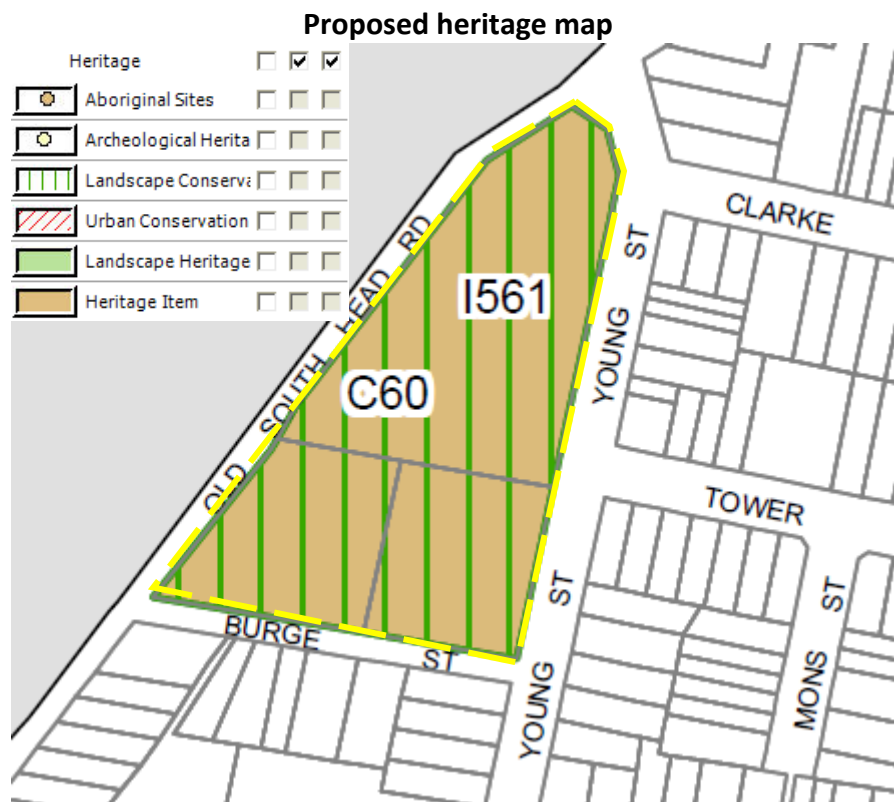


**Aerial photograph of subject land**




**WLEP2012 heritage map**





## 15. Instrument Change and Mapping Change

Instrument & Mapping Change – Schedule 5 Environmental Heritage Listing – Bondi Beach	
Property	SP 58757 - 33 – 35 Simpson St, Bondi Beach
Issue	The current listing on the Schedule 5 heritage register appears to be incorrect as the federation bungalows appear to no longer be on the site.
Amendment	Remove 33 – 35 Simpson St, Bondi Beach from the Schedule 5 register and remove the heritage overlay on the site.
Justification	<p>The federation bungalow that was once on this site no longer exists. The site contains apartment buildings that hold no heritage significance and therefore there is no need for the overlay or the listing in Schedule 5.</p> <p>As can be seen in the images below the federation bungalow for which the lot is listed is no longer on the site. There is currently townhouses present on the site.</p> 


<b>WAVERLEY HERITAGE STUDY</b>		1990	Item 9/2 0259	Photograph 6/8
for Waverley Municipal Council		by Perumal Murphy Pty. Ltd.		
<b>Name</b> <b>Location</b> 33-35 Simpson Street BONDI 2026 <b>Title Reference</b>		<b>Precinct</b> <b>Date</b> 27.12.89 <b>Survey By</b> VM		
<p><b>Description:</b> Pair of transitional Federation Bungalows, probably c1920. Identical designs. Double gables, half timbered with pebbledash. Flat roofed verandahs with simple, paired posts above low brick piers. Paired sash windows with small upper panes. Masonry window boxes. Original doors.</p> <p><b>Significance:</b> Matching pair of transitional Federation Bungalows. Essentially unaltered. Local significance.</p>				
<b>Reasons for Listing:</b> <input type="checkbox"/> Historical <input type="checkbox"/> Archaeological <input type="checkbox"/> Rarity Value <input type="checkbox"/> Scientific <input checked="" type="checkbox"/> Architectural <input checked="" type="checkbox"/> Group Value <input type="checkbox"/> Cultural <input type="checkbox"/> Natural <input type="checkbox"/> Landmark <input type="checkbox"/> Social <input checked="" type="checkbox"/> Aesthetic <input checked="" type="checkbox"/> Streetscape/Landscape-			<b>Significance:</b> <input type="checkbox"/> State <input type="checkbox"/> Regional <input checked="" type="checkbox"/> Local	
<b>Period:</b> <input type="checkbox"/> Pre-1890 <input checked="" type="checkbox"/> 1915-45 <input type="checkbox"/> 1890-1915 <input type="checkbox"/> 1945- <b>Date:</b> <b>Source:</b>				
<b>Integrity:</b> <input checked="" type="checkbox"/> Substantially Intact <input type="checkbox"/> Altered Sympathetically <input type="checkbox"/> Altered Unsympathetically <input type="checkbox"/> Reversible				
<b>Current listings:</b> <input type="checkbox"/> AHC <input type="checkbox"/> HC <input type="checkbox"/> NT <input type="checkbox"/>				
<b>Thematic Context:</b>				
Interior not inspected				

Photo 6/8



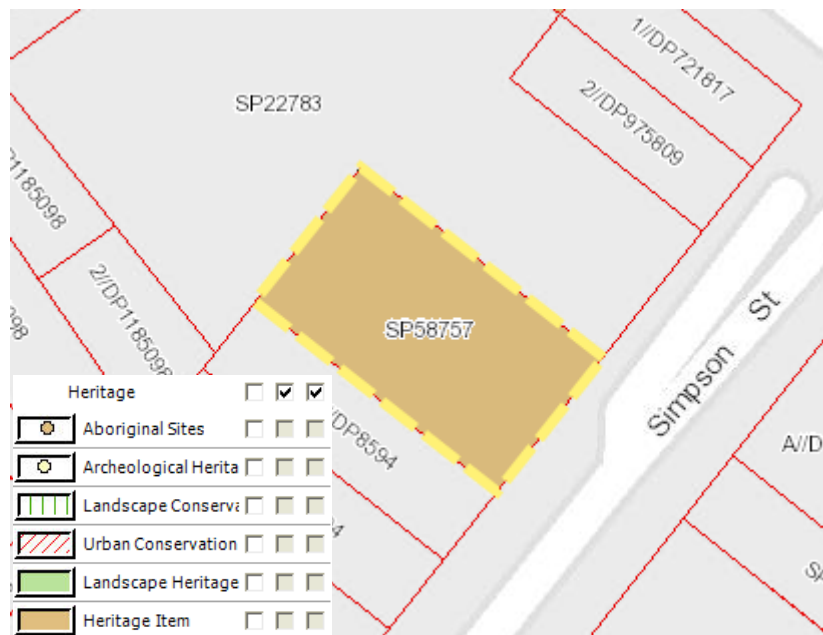
### Subject land



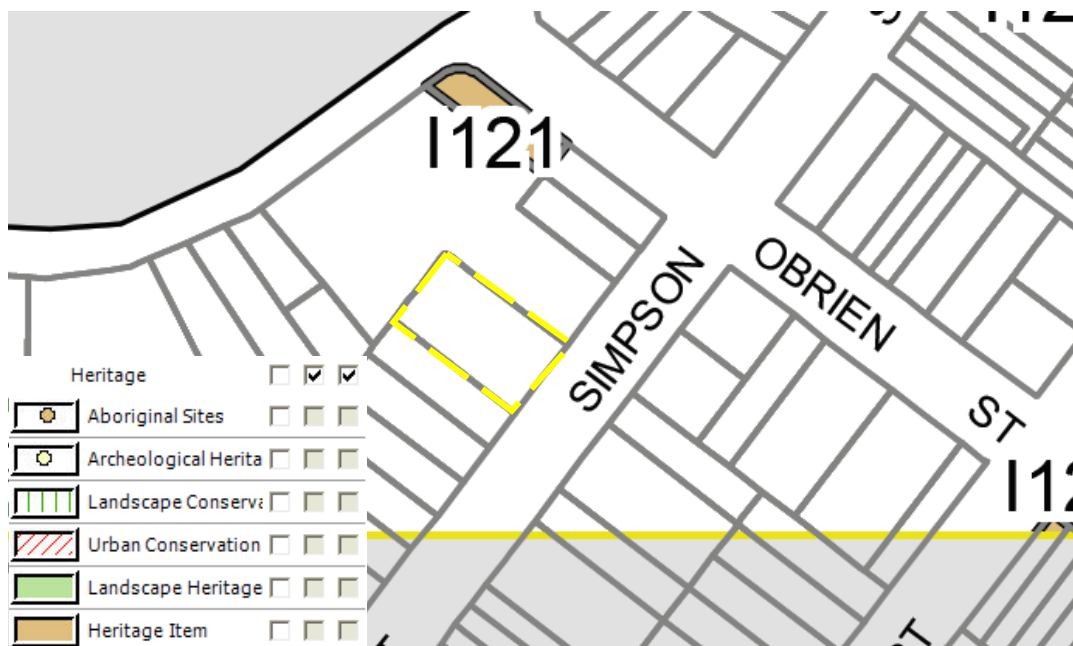
### Aerial photograph of subject land



**WLEP2012 heritage map**



**Proposed heritage map**



## 16. This item was removed as part of the Gateway Determination

## 17. Instrument Change

Instrument Change – FSR Objectives – LGA Wide	
Issue	<p>The existing wording of this FSR objective is problematic. Where we have an existing character and streetscape comprising old buildings that are higher than the height and FSR controls the LEP would allow, these form the streetscape.</p> <p>By using the words: <i>“to ensure that buildings are compatible with the <b>bulk, scale, streetscape and desired future character</b> of the locality”</i> we are asking for a comparison with four characteristics</p> <ul style="list-style-type: none"> <li>• Bulk</li> <li>• Scale</li> <li>• Streetscape</li> <li>• Desired future character</li> </ul> <p>The way this clause is phrased means that to meet this objective the development must be consistent with all four characteristics and in numerous circumstances this is simply not possible as the streetscape may not be consistent with the desired future character.</p> <p>The way the objective is worded causes confusion due to the inclusion of the word <i>“streetscape”</i> as this can only refer existing streetscape when the objective relates to future character.</p>
Amendment	<p>Change Clause 4.4(1) from:</p> <p>(c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,</p> <p>(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.</p> <p>To:</p> <p>(c) to ensure that buildings are compatible with the bulk and scale of the <i>desired future character*</i> of the locality,</p> <p>(*the <i>desired future character</i> of a locality is determined by the outcomes that arise from the application of relevant development standards)</p> <p>(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and of the locality.</p>



Justification	In some instances, sections of the existing streetscape may exceed the LEP height and FSR controls for the sites and therefore are inconsistent with the desired future character of the locality. In situations like this, requiring a development to be consistent with the streetscape and the desired future character of the locality is paradoxical as the two can be very different. As the desired future character is what Council wants new developments to be built to, it is necessary to remove the streetscape wording and improve the syntax of the sentence to remove amphibolous interpretation.
---------------	---

## PART 3 – JUSTIFICATION

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

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

The Planning Proposal is a housekeeping amendment and therefore it has not been prepared as a result of a specific strategic study or report. The issues that have been identified have been identified through the everyday use of the LEP and its maps over the past 24 months.

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

Yes. Due to the legislative nature of the LEP, a planning proposal is the only means by which these changes to the LEP can be made.

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

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

The objectives and actions contained in the Plan for Growing Sydney and East Subregion Draft Subregional Strategy (ESDSS) were comprehensively addressed during the preparation of WLEP 2012. All of the objectives and actions contained within those plans were complied with. The regional and sub-regional strategies have changed since the introduction of the WLEP 2012 and therefore the changes proposed as part of this PP are to be assessed against the Metropolis of Three Cities and the Eastern City District Plan.

#### *Eastern City District Plan*

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

Item 2, murals as exempt development and item 3, events on Council land, are both changes that act to help to create a culturally rich and socially connected community. Both provide environments in which creativity is encouraged and fostered and are therefore consistent with this objective.

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

Items 11-15 of this PP intend to protect and respect Waverley's heritage. Item 11 clarifies a discrepancy in Schedule 5 of the LEP but still maintains the heritage protection on the lot with heritage significance. Item 12 ensures that a property with heritage significance can be afforded the protection it requires to ensure it cannot be demolished or altered in a way that would diminish its heritage significance and also corrects an anomaly. Like 12, item 13 ensures

the correct protection is afforded to a property with heritage significance and corrects an anomaly. Item 14 helps to respect Waverley's heritage by recognising the Waverley cemetery as an item of State Heritage significance and showing this in Schedule 5 of the Waverley LEP. Item 15 also helps to respect Waverley's heritage by ensuring only items with heritage significance are celebrated and protected legislatively within Schedule 5 of the LEP.

#### *E15 – Protecting and enhancing bushland and biodiversity*

Items 8 and 9 of this PP will enhance and protect Waverley's bushland and biodiversity by providing a zoning with a much stricter land use table and affording protection under the biodiversity layer within the LEP. The only development uses allowed within the E2 zone is environmental facilities and environmental protection works, these are intended to be restrictive as their primary purpose is to protect the endangered species on the site. The terrestrial biodiversity clause allows development on sites that are mapped as such but has provisions in place to mitigate any negative impacts of development. The E2 zoning on Queens Park leaves very little room for argument and interpretation of what is environmental protection works or an environmental facility and as such the last population of threatened species *Acacia terminalis* subs *terminalis* in the Waverley LGA would remain protected. The E2 zoning was not considered for the Moriah College ESBS as it was considered it would restrict the development potential of the school.

The amendments contained in this planning proposal are considered minor administrative, mapping and objective amendments which remain consistent with The Metropolis of Three Cities and the Eastern City District Plan.

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

#### [Waverley Community Strategic Plan 2018-2029](#)

##### *5.1 Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods*

##### *5.1.2 Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods*

##### *5.1.3 Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of the neighbours or wider community*

**Response** – The changes to clause 4.4 under item 16 will help to ensure that any new development is maintaining or improving the amenity of the existing neighbourhood and therefore the liveability, by ensuring that new development is in keeping with the desired future character for Waverley.

## *5.2 Value and embrace Waverley's heritage items and places*

### *5.2.1 Protect, respect and conserve items and places of heritage significance within Waverley*

**Response** – The changes to the heritage mapping and schedule 5 are being made to give these heritage items legislative protection as well as remove any items that have no heritage significance. These additions will help to conserve places of heritage significance within Waverley.

## *8.3 Protect and increase our local bushland, parks, trees and habitat*

### *8.3.1 Improve the condition and increase the extent of remnant bushland sites*

**Response** – The rezoning of lands to E2 Environmental Conservation and additions to the biodiversity layer is being done in order to protect Waverley's endangered Eastern Suburbs Banksia Scrub as well as protect its remnant bushland sites. The E2 zoning provides a much greater level of protection than the terrestrial biodiversity layer as it restricts most development types. The terrestrial biodiversity layer has been utilised to protect the ESBS without stifling the development opportunities for Moriah College.

### [3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?](#)

The PP is consistent with the applicable SEPPs. See attachment 3 for further information.

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

The PP is consistent with the applicable Ministerial Directions. See attachment 4 for further information.

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

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

No. The proposal intends to protect critical habitat and threatened species as a result of the rezonings to E2 Environmental Conservation and addition to the biodiversity layer. The E2 zoning provides greater restrictions on development that can occur on land zoned as such than the terrestrial biodiversity overlay does as this still allows for development, this therefore decreases the likelihood of any critical habitat or threatened species being adversely affected. The terrestrial biodiversity layer has been utilised to protect the ESBS without stifling the development opportunities for Moriah College. The other changes will not adversely affect anything of ecological significance given the minor housekeeping nature of the amendments.

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

No. The minor and administrative nature of the planning proposal will have no direct environmental effect aside from the protective nature of the rezonings as outlined above. There are no proposed changes in development standards that would trigger further consideration of this matter.

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

The PP will likely have positive social effects as it intends to preserve heritage and protect areas of critical habitat and endangered species. The proposal also intends to ensure new development is in keeping with the surrounding area and desired future character reflected in the current development standards, which is another positive social outcome. It is considered that due to minor nature of the rest of the changes, there is no adverse social or economic impacts as a result of this PP.

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

The amendments will permit the continuation of existing land uses and therefore will not have any impact on public infrastructure.

#### 3.3.5 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage, no consultation with State or Commonwealth Public Authorities has occurred in relation to this planning proposal. The relevant authorities will be contacted as set out in the Gateway Determination.



## PART 4 – MAPPING

The various mapping changes are included in Part 2 Explanation of Provisions.

## PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a newspaper advertisement, hard copy display in the Council's Library and Customer Service Centre, a display on the Council's website and written notification to landowners. The Gateway Determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

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

## PART 6 – PROJECT TIMELINE

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

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

Tasks	Timeframe
Gateway Determination	October 2019
Public Authority Consultation	January – February 2020
Community Consultation	January – February 2020
Post Exhibition Review	January – February 2020
Update Planning Proposal / Report to Council	March – April 2020
DPE review of final Planning Proposal	April – June 2020
Parliamentary Counsel drafting of LEP	April – June 2020
Council to finalise	June – July 2020

## Attachments

1. Gateway Determination
2. Council SPDC Minute
3. SEPP Checklist
4. S117 Direction Checklist
5. Waverley Flora Survey Report 2015
6. Map of Remnant Vegetation Queens Park and Moriah College