

Charing Square Planning Proposal

Suggested Wording for Additional Clause in LEP

Example Site Specific Provision Wording

Note: This has been prepared in line with the examples of the War Memorial Hospital and 194 Oxford Street

Clause (##) Development on Certain Land in Waverley

- 1) *The objective of this clause is:*
 - (a) *To provide for additional building height and floor space for development on certain land in a coordinated and considered approach*
 - (b) *To ensure that development on certain land occurs in accordance with a site-specific development control plan*
 - (c) *To require the delivery of a through site link and publicly accessible square on the site*
 - (d) *To require the retention of sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes at 223–227 Bronte Road and 94 Carrington Road (fronting Bronte Road only)*
 - (e) *To encourage building design that minimises the consumption of energy and water;*
- 2) *This clause applies to the land coloured [insert colour] on the Key Sites Map, including*
 - (a) *203-209 Bronte Road – Part Lot 1, DP655918, Lot 1, DP 59526 and Lot A, DP105665*
 - (b) *211-213 Bronte Road - Lot B +C DP 105665*
 - (c) *223–227 Bronte Road - Lot A, DP332733*
 - (d) *229 Bronte Road - Lot 2 and 3 DP 102988*
 - (e) *231 Bronte Road (including 98 Carrington Road) - Lot 1 DP 170941, Lot 1 DP 90800 and Lot 1 DP 952482*
 - (f) *94 Carrington Road - Lot A +B, DP332733*
- 3) *Despite clause 4.3 (2), the maximum building height is the maximum height shown for the land on the Alternative Height of Buildings Map, but only if the consent authority is satisfied that subclauses (5) – (8) of this clause have been met.*
- 4) *Despite clause 4.4(2), the maximum floor space ratio is the maximum floor space ratio is the shown for the land on the Alternative Height of Buildings Map, but only if the consent authority is satisfied that subclauses (5) – (8) of this clause have been met.*
- 5) *The consent authority must be satisfied that any part of a building that is BASIX affected is to be rated above the State-mandated targets for water, above the State-mandated target for energy, and is to exceed the NatHERS rating for thermal comfort (or equivalent).*
- 6) *The consent authority must be satisfied that the design of buildings and building services for any commercial part of a building must take appropriate measures to ensure the development is capable of exceeding the otherwise required NABERS (National Australian Built Environment Rating System) Water Commitment Agreement (or equivalent).*
- 7) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—*
 - a. *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - b. *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - c. *how the development addresses the following matters—*
 - i. *the suitability of the land for development,*
 - ii. *existing and proposed uses and use mix,*
 - iii. *heritage issues and streetscape constraints,*
 - iv. *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - v. *bulk, massing and modulation of buildings,*
 - vi. *street frontage heights,*
 - vii. *environmental impacts such as overshadowing, wind and reflectivity,*
 - viii. *the achievement of the principles of ecologically sustainable development,*

- ix. *pedestrian, cycle, vehicular and service access, circulation and requirements,*
- x. *the impact on, and any proposed improvements to, the public domain,*
- xi. *the quality and integration of landscape design.*

- 8) *Development consent must not be granted under this clause unless the consent authority is satisfied that—*
 - (a) *Through site link connecting Bronte Road and Carrington Road provided in accordance with the site-specific Development Control Plan.*
 - (b) *A square accessible to the public is provided in accordance with the site-specific Development Control Plan.*
 - (c) *The ground floor of development is to be used for the purposes of non-residential premises only, with the exception of any service and loading area or access to upper levels (such a lobby areas)*
 - (d) *223–227 Bronte Road are contributory items in the heritage conservation area and sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes shall be retained to ensure that they are still interpreted as buildings that contribute to the streetscape and heritage conservation area.*
- 9) *Despite anything in this clause or Clause 4.3(2), a minor variation in height may be considered, to facilitate a consistent floor plate across the site due to site topography, and where the development does not result in any unreasonable massing or amenity impacts.*
- 10) *Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (11) has been prepared for the land.*
- 11) *A development control plan must provide for all of the following—*
 - (a) *built form, scale and interface to surrounding land uses,*
 - (b) *retention of sufficient fabric of the façade (including return walls) and associated significance detailing including the shop windows, doors and ingoes at 223–227 Bronte Road (fronting Bronte Road only).*
 - (c) *pedestrian connections between Bronte Road and Carrington Road, including the layout and size of those connections,*
 - (d) *landscaping and public open space, such as public square, including the layout and size of these areas,*
 - (e) *improvements to the public domain, including street paving, street lighting, street furniture and public art,*
 - (f) *safety and security, accessibility, activation and casual surveillance,*
 - (g) *amenity of the public square,*
 - (h) *an indicative staging plan for delivery of development on the land identified in this clause,*
 - (i) *consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy; and*
 - (j) *stormwater drainage.*

LEP MAPS

- [*Alternate Building Height Map*](#)
- [*Alternate Floor Space Ratio Map*](#)