

REPORT OC/5.1/16.07



Subject: Waverley Local Environmental Plan 2012 - Housekeeping Amendment

TRIM No.: A15/0397

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Director: Peter Monks, Director Waverley Futures

RECOMMENDATION:

That Council:

1. Adopts the revised Planning Proposal to amend the Waverley Local Environmental Plan 2012 attached to this report.
2. Forwards the revised Planning Proposal to the NSW Department of Planning and Environment to draft the legal instrument and finalise the LEP.

1. Executive Summary

This report provides a summary of the recent public exhibition of proposed amendments to the Waverley Local Environmental Plan 2012 (WLEP). The proposed amendments include the introduction of a new design excellence clause, policy amendments, heritage corrections and other housekeeping amendments. Minor changes have been made to the Planning Proposal in response to submissions received during the public exhibition period. This report recommends that Council adopts this revised Planning Proposal and forwards to the NSW Department of Planning and Environment to draft the legal instrument and finalise the LEP.

This Planning Proposal is the result of an annual review of the WLEP2012 which ensures that the plan remains responsive to emerging planning matters, inconsistencies and errors.

2. Background

On 6 October 2015 Council considered a report on proposed housekeeping amendments to the WLEP, including the introduction of a design excellence clause, policy amendments to the objectives of architectural roof features, height of buildings, floor space ratio and the B1 Neighbourhood Centre zone and to correct the description of several heritage items.

Council resolved that the Planning Proposal be prepared and referred to the NSW Department of Planning and Environment (the Department) for gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act).

A gateway determination to proceed with the Planning Proposal (**Attachment 2**) was issued by the Department, as a delegate of the Greater Sydney Commission, on 7 March 2016. The Department has not delegated plan-making powers to Council on this occasion. The Department's reasoning is that the proposal "involves a number of policy matters". A timeframe of nine months was given to finalise the draft LEP, requiring the LEP to be finalised by 7 December 2016.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Operations Committee - 6 October 2015	OC/5.1/15.10	<p>Waverley Local Environmental Plan 2012 – Housekeeping Amendment (A15/0397)</p> <p>That:</p> <ol style="list-style-type: none"> Officers prepare a planning proposal that seeks the following amendments to Waverley Local Environmental Plan 2012, as detailed in this report: <ol style="list-style-type: none"> Introduction of a new design excellence clause to improve the sustainability, functionality, amenity and aesthetic appearance of buildings. Additional consideration of view loss in the objectives of Clause 5.6 – Architectural roof features. Additional consideration of view loss in the objectives of Clause 4.3 – Height of buildings. Amends the objectives of the B1 Neighbourhood Centre zone to ensure any proposed non-residential use or building is of the small-scale intensity envisaged under the centres hierarchy. Amends Schedule 5 – Environmental Heritage as follows: <ol style="list-style-type: none"> Remove 21 Brown Street, Bronte, from Schedule 5 as a development application was approved for the demolition of the item. Update the property address for 16–26 Mill Hill Road, Bondi Junction, to 16 Mill Hill Road, Bondi Junction. Switch the heritage map identifiers for items at 252–254 Bronte Road, Waverley, and 245–277 Bronte Road, Waverley. Update the property address for 32–34 Wallangra Road, Dover Heights, to 34 Wallangra Road, Dover Heights. Reclassify drainage reserve of the laneway at 2–8 Dickson Street, Bronte, from community to operational. Amends Clause 4.3 – Height of buildings objective (1)(d) to replace the word ‘existing’ with ‘desired future’. Amends Clause 4.4 – Floor Space Ratio objective (1)(c) to replace the word ‘existing’ with ‘desired future’. Seeks a Gateway Determination from the Department of Planning and Environment. Accepts the role of Relevant Planning Authority in order to manage the public exhibition process. Places the planning proposal on public exhibition in accordance with the conditions of the Gateway Determination.
Council Meeting – 21 April 2015	CM/8.5/15.04	That Council officers investigate, as part of the annual review of the WLEP (2012), the implications of imposing a 100sqm gross floor area cap on retail premises for all land zoned R3

		and B1 Neighbourhood Centre and retail uses in other zones under WLEP (2012). A Councillor workshop is to be included as part of the investigation; this is to ensure the small-scale character and operation of retail premises as well as the amenity of residential areas is maintained in neighbourhood centres throughout Waverley.
Council Meeting – 17 February 2015	CM/5.2/15.02	That Council Officers prepare a report that identifies what opportunities exist to embed Council's sustainability vision into the Waverley Local Environment Plan and Development Control Plan with particular consideration given to including appropriate sustainability metrics and incentives above and beyond existing requirements. Consideration should also be given to best practice Local Environment Plans in NSW that have successfully sought to gain environmental benefits through their LEP's (e.g. Bankstown Council).

4. Discussion

4.1 Public Exhibition

The Planning Proposal and associated documentation were publicly exhibited for 31 days from Wednesday 30 March until Friday 29 April 2016 at the Waverley Customer Service Centre, Waverley Library and on Council's website and Have Your Say page. The exhibition was publicly notified in the Wentworth Courier on 30 March 2016.

The exhibition was undertaken in accordance with the gateway determination issued by the Department, sections 56(2)(c), 56(2)(d) and 57 of the Act.

During the public exhibition period, nine submissions were received (summary of submissions at **Attachment 3**). Of these, six of these submissions were from local residents, two submissions were from authorities (NSW Office of Environment and Heritage and Randwick City Council) and one submission was from the combined Randwick-Waverley Design Review Panel.

In considering the submissions received on this Planning Proposal, it is important to note the following:

- Five submissions offered support for the proposed design excellence clause with no opposition raised.
- Four submissions offered support for the proposed changes to clause 4.3 - *Height of buildings* and clause 5.6 – *Architectural roof features* to provide additional consideration of view loss with no objections raised.
- Three submissions raised concern about replacing the word 'existing' with 'desired future' in the objectives of clause 4.3 – *Height of buildings* and clause 4.4 – *Floor Space Ratio*. One objection was also raised in relation to this matter – see discussion below in Section 3.3.
- One submission offered support for the proposed changes to the objectives of the B1 Neighbourhood Centre zone to ensure any proposed non-residential use or building is of the small-scale intensity as envisaged under the centres hierarchy.
- The NSW Office of Environment and Heritage raised no objection to the proposed heritage corrections and delisting of: 21 Brown St, Bronte; 21 Wallangra Rd, Dover Heights; and 26 Mill Hill Rd, Bondi Junction.
- Randwick City Council was supportive of the Planning Proposal.
- The Randwick-Waverley Design Review Panel were generally supportive and suggested a few amendments to the planning proposal.

Although there is general support for many of the proposed amendments, a number of issues were raised during the exhibition period such as: the removal of heritage items; whether or not the proposed design excellence clause should apply to the whole of the LGA; and concern about replacing the word 'existing' with 'desired future' character in the height of buildings and floor space ratio objectives.

A number of submissions also suggested changes to the wording of the proposed design excellence clause, and the wording of the objectives in clause 4.3 (height) and 4.4 (floor space ratio).

A summary of the issues raised in submissions and detailed responses to each issue can be found in the attached table (**Attachment 3**).

4.2 Proposed changes to Planning Proposal

Council may, at any time vary its proposal under section 58(1) of the Act as a consequence of its consideration of any submission or report during consultation, of for any other reason.

A number of minor changes are proposed to be made to the Planning Proposal in response to the submissions received. If adopted by Council, a copy of the revised Planning Proposal (**Attachment 1**) will be forwarded to the Department as per section 58(2) of the Act.

The following changes are proposed to be made to the Planning Proposal:

4.2.1 Minor changes to wording in proposed clause 6.9 – Design Excellence

The proposed clause is included below with the black text showing the proposed clause as exhibited and the purple text showing the revisions to wording following public exhibition:

"6.9 - Design Excellence

- (1) *The objective is to deliver the highest standard of sustainable, architectural, landscape and urban design.*
- (2) *This clause applies to all land in the Waverley LGA.*
- (3) *Development consent must not be granted to development involving the construction of a place, a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development proposal in all its characteristics exhibits design excellence.*
- (4) *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, and*
 - (b) *whether the building promotes sustainable design principles in terms of Management of the design and building operation processes; Indoor environmental quality; Energy use, Water use and Emission minimisation; Contribution towards sustainable transport; Material selection; Improvement of ecological values; and Innovation., and*
 - (c) *the bulk, massing and modulation of buildings, and*
 - (d) *whether the form and external appearance of the development will improve the quality, connectedness and amenity of the public domain and achieve appropriate interfaces at ground level between the proposed building and the public domain, and*
 - (e) *the contribution of the proposed development towards the maintenance of a consistent-coherent street rhythm particularly in terms of street frontage heights, street walls and the proportions of the street, and*
 - (f) *the manner in which pedestrians have been catered for particularly in regards to the developments' contribution towards the visual and pedestrian permeability of the locality and provision of direct public access to key locations, and*

- (g) *whether the **proposal promotes** ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
- (h) *whether the development encourages passive surveillance and social activity in public places, streets, laneways and plazas, and*
- (i) *the extent to which the development promotes the **equitable** sharing of views where existing view corridors will be interrupted, and*
- (j) *whether the development detrimentally impacts on any land protected by solar access controls established in Clause 6.7 and the Waverley Development Control Plan, and*
- (k) *the requirements of the Waverley Development Control Plan, and*
- (l) *the suitability of the land for the proposed development and whether any streetscape, **landform or landscape** constraints have been adequately addressed, and*
- (m) *whether any heritage matters relating to the development site or in the vicinity of the development site have been adequately addressed , and*
- (n) *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, and*
- (o) *the **qualities of, and the manner in which landscape design**ing has been integrated into the overall **site planning design** and the provision of appropriate deep soil areas to assist in the growth of large trees.”*

4.2.2 Minor change to wording in second objective of B1 Neighbourhood Centre zone

The proposed minor change can be seen below. The black text shows the wording in the current WLEP. The red text shows the wording as publicly exhibited. The purple text shows the change made following public exhibition in response to submissions received.

Zone B1 Neighbourhood Centre

1 Objectives of zone

- *“To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises **having regard to building design, operation, activities, transport and traffic generation.***
- *To strengthen the viability of Waverley’s existing business centres as places of vitality for investment, employment and cultural activity.*
- ***To provide retail facilities and business services for the local community commensurate with the centre’s role in the local and regional hierarchy.”***

4.2.3 Minor changes to wording of objective (a) of clause 4.3 – Height of buildings

The proposed minor changes can be seen below. The black text shows the wording in the current WLEP. The red text shows the wording as publicly exhibited. The purple text shows the change made following public exhibition in response to submissions received.

*“(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties **and public spaces, and if appropriate the sharing of views,**”*

4.2.4 Changes to wording of objective 1 of clause 5.6 – Architectural roof features

The proposed changes to wording can be seen below. black text shows the wording in the current WLEP. The red text shows the wording as publicly exhibited. The purple text shows the change made following public exhibition in response to submissions received.

“(1) The objectives of this clause are as follows:

- (a) to encourage the creation of a ~~varied and aesthetically pleasing skyline~~ appropriate skylines and building silhouettes ~~and allow for individuality of~~ that demonstrate design excellence in their architecture,*
- (b) to encourage quality roof designs that ~~integrate into the overall facade, building composition and desired contextual response~~ and contribute to environmental design and performance of buildings,*
- (c) to ~~require consideration of the impact on solar access and view corridors and promote sharing of existing views,~~*
- (d) to ~~consider any negative visual effects of mechanical, lift and solar~~ encourage plant, and integrate such elements into the overall building form ~~and lift over runs to be placed in the basement.~~”*

More information about these proposed changes can be seen in **Attachment 3**.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.
Strategy:	L5a Ensure planning building controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected..
Deliverable:	Comprehensive local environment plan (LEP) updated annually in line with Council’s Land Use Strategy and the requirements of the NSW Department of Planning & Infrastructure.

6. Financial impact statement/Timeframe/Consultation

6.1 Financial Impact Statement

There have been no upfront or recurrent costs associated with this Planning Proposal other than staff costs associated with the administration and exhibition of the proposal and these have been budgeted.

6.2 Timeframe

The Planning Proposal will be forwarded to the Department of Planning and Environment to draft the legal instrument and finalise the LEP before the end of July 2016. The LEP amendments will come into effect once notified on the NSW Government legislation website. This is likely to occur around September 2016.

6.3 Consultation

Consultation has occurred as outlined above. No other consultation is required or proposed on this matter.

7. Conclusion

The Planning Proposal has been placed on public exhibition in accordance with the conditions of the Gateway Determination dated 7 March 2016. The proposed amendments to the WLEP, with minor revisions, are considered to be appropriate and it is recommended that the planning proposal be adopted by Council and forwarded to the NSW Department of Planning and Environment to make the draft instrument and finalise the LEP.

8. Attachments:

1. Waverley Housekeeping Planning Proposal - Revised - June 2016

2. Gateway Determination
3. Table of submissions and responses



PLANNING PROPOSAL

Waverley Local Environmental Plan 2012

Housekeeping Amendment

1. OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The overarching objective of the proposed local environmental plan is to address a number of housekeeping matters that have been raised within the last 12 months. The matters included range from design excellence considerations, heritage listing corrections and minor amendments to the wording of clauses. The intended outcome is that Waverley Local Environmental Plan 2012 will be an improved environmental planning instrument in its application and operation.

2. EXPLANATION OF THE PROVISIONS TO BE INCLUDED IN THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The intended provisions to be included in the proposed local environmental plan relate to a number of housekeeping matters that have been identified below:

- (a) Introduction of a new design excellence clause to improve the sustainability, functionality, amenity and aesthetic appearance of buildings.
- (b) Additional consideration of view loss in the objectives of Clause 4.3 – Height of buildings.
- (c) Amend Clause 4.3 – Height of buildings objective (1)(d) to replace the word ‘existing’ with ‘desired future’.
- (d) Amend Clause 4.4 – Floor Space Ratio objective (1)(c) to replace the word ‘existing’ with ‘desired future’.
- (e) Additional consideration of view loss in the objectives of Clause 5.6 – Architectural roof features.
- (f) Amend the objectives of the B1 Neighbourhood Centre zone to ensure any proposed non-residential use or building is of the small-scale intensity envisaged under the centres hierarchy.
- (g) Amend Schedule 5 – Environmental Heritage (and associated heritage maps) as follows:
 - i. Remove 21 Brown Street, Bronte, from Schedule 5 as a development application was approved for the demolition of the item.
 - ii. Update the property address for 16–26 Mill Hill Road, Bondi Junction, to 16 Mill Hill Road, Bondi Junction.
 - iii. Switch the heritage map identifiers for items at 252–254 Bronte Road, Waverley, and 245–277 Bronte Road, Waverley.
 - iv. Update the property address for 32–34 Wallangra Road, Dover Heights, to 34 Wallangra Road, Dover Heights.
- (h) Reclassify drainage reserve of the laneway at 2–8 Dickson Street, Bronte, from community to operational. *(Subject to a separate planning proposal)*

These matters are further detailed in the following sections of this planning proposal.

(a) Introduction of design excellence clause

Well-designed buildings are an asset to the community not only in terms of their aesthetic appearance but also their functionality and inclusion of environmentally sustainable features. In order to further improve the quality of design, the concept of design excellence has been investigated as part of this housekeeping LEP amendment.

Provisions to achieve design excellence have been introduced by a number of Councils to varying degrees. Provisions can apply to all forms of development or to specific sites or localities or can be triggered when a development will be above a certain size, height or value of development. Generally the objective is to deliver the highest standard of sustainable, architectural, landscape and urban design. Design excellence is achieved when a development, among other things:-

- Responds to its location, neighbours and utilises appropriate materials;

- Promotes sustainable design principles;
- Exhibits a high standard of architectural design and detailing;
- Interacts positively at its interface with and improves the quality of the public domain;
- Addresses heritage matters whether on the same site or in the vicinity of the development site;
- Respects the needs of pedestrians and cyclists as well as catering for vehicles and service access.

Due to the status of Bondi Junction as a Strategic Centre, Bondi Beach being an internationally renowned location and established residential and conservation areas, it is considered that Waverley can benefit from the introduction of a Design Excellence provision to apply to all developments. Introducing the Design Excellence heads of consideration into the LEP can be achieved in this housekeeping amendment.

The proposed clause is included below with the black text showing the proposed clause as exhibited and the **purple text** showing the revisions to wording following public exhibition:

“6.9 - Design Excellence

- (1) *The objective is to deliver the highest standard of sustainable, architectural, landscape and urban design.*
- (2) *This clause applies to all land in the Waverley LGA.*
- (3) *Development consent must not be granted to development involving the construction of a place, a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development proposal in all its characteristics exhibits design excellence.*
- (4) *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, and*
 - (b) *whether the building promotes sustainable design principles in terms of Management of the design and building operation processes; Indoor environmental quality; Energy use, Water use and Emission minimisation; Contribution towards sustainable transport; Material selection; Improvement of ecological values; and Innovation., and*
 - (c) *the bulk, massing and modulation of buildings, and*
 - (d) *whether the form and external appearance of the development will improve the quality, connectedness and amenity of the public domain and achieve appropriate interfaces at ground level between the proposed building and the public domain, and*
 - (e) *the contribution of the proposed development towards the maintenance of a ~~consistent~~ coherent street rhythm particularly in terms of street frontage heights, street walls and the proportions of the street, and*
 - (f) *the manner in which pedestrians have been catered for particularly in regards to the developments’ contribution towards the visual and pedestrian permeability of the locality and provision of direct public access to key locations, and*
 - (g) *whether the proposal promotes ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*

- (h) *whether the development encourages passive surveillance and social activity in public places, streets, laneways and plazas, and*
- (i) *the extent to which the development promotes the equitable sharing of views where existing view corridors will be interrupted, and*
- (j) *whether the development detrimentally impacts on any land protected by solar access controls established in Clause 6.7 and the Waverley Development Control Plan, and*
- (k) *the requirements of the Waverley Development Control Plan, and*
- (l) *the suitability of the land for the proposed development and whether any streetscape, landform or landscape constraints have been adequately addressed, and*
- (m) *whether any heritage matters relating to the development site or in the vicinity of the development site have been adequately addressed , and*
- (n) *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, and*
- (o) *the qualities of, and the manner in which landscape design~~ing~~ has been integrated into the overall site planning design and the provision of appropriate deep soil areas to assist in the growth of large trees."*

(b) Additional consideration of view loss in Clause 4.3

Many properties in Waverley have iconic views to Sydney Harbour, the Harbour Bridge, Opera House, and Bondi, Bronte and Tamarama Beaches. Clause 4.3 'Height of buildings' currently includes four objectives that broadly cover environmental amenity, development capacity within Bondi Junction, heritage conservation and the scale and bulk of buildings. Objective (a) relates to establishing height limits for the purposes of preserving the "environmental amenity" of neighbouring properties. The proposed amendment includes a requirement to consider views with specific regard to the height of buildings development standard. The concept of view sharing is proposed to be introduced to objective (a) of Clause 4.3 – 'Height of Buildings', as set out below:

"(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces, and if appropriate the sharing of views,"

Note above: The black text above shows the wording in the current WLEP. The red text shows the wording as publicly exhibited. The purple text shows the change made following public exhibition in response to submissions received.

- (c) Amend Clause 4.3 – Height of buildings objective (1)(d) to replace the word 'existing' with 'desired future'**
- (d) Amend Clause 4.4 – Floor Space Ratio objective (1)(c) to replace the word 'existing' with 'desired future'.**

The desired future character of a locality is of particular importance in cases where Council receives applications for the alteration or redevelopment of buildings that already exceed the height of building standard. In such cases, it has generally been the practice to permit buildings to develop up to, but not exceed, the height plane of the non-compliant building. These buildings are generally

viewed as anomalies within the built environment and are incompatible with the current scale and character of a locality.

The inclusion of a desired future character clause for both the height of buildings and floor space ratio development standards will trigger a more in-depth consideration of the broader built form and reinforce the importance of the height development standard. It is therefore proposed to amend objectives 4.3(1)(d) and 4.4(1)(c) to replace the word “existing” with “desired future”. The amendment will provide Council with a stronger basis for enforcing compliance with both the height of building and floor space ratio development standards. The proposed objectives are included below:

4.3 Height of Buildings

(1)...

*(d) to ensure that buildings are compatible with the height, bulk and scale of the **desired future character** of the locality and positively complement and contribute to the physical definition of the street network and public space.*

4.4 Floor Space Ratio

(1)...

*(c) to ensure that buildings are compatible with the bulk, scale, streetscape and **desired future character** of the locality,*

Note above: The black text above shows the wording in the current WLEP. The **red text** shows the wording as publicly exhibited.

(e) Additional consideration under Architectural roof elements

Many Councils have taken up Clause 5.6 – ‘Architectural roof features’ which is an optional clause in the Standard LEP template. The objective of the clause is to encourage varied and aesthetically pleasing skylines, quality roof designs and the integration of roof design into the overall design of the building.

The provisions of Clause 5.6 are identical in all LEPs. The only variations are in the wording of the objectives which were left up to individual Councils to draft. Four Councils have objectives which require consideration of views including North Sydney, Canada Bay, Ashfield and Wollongong.

Amending the objectives of Clause 5.6 provides an appropriate trigger for applicants when preparing a DA and formalises the current practice of assessing view loss and view sharing by the Building Waverley sub-program. Below is a comparison of the current and proposed amendment to the Clause 5.6 objectives. Objectives (a) and (b) are a rewording of existing objectives and (c) is new. Objective (d) remains the same.

Current: “(1) The objectives of this clause are as follows:

- (a) to encourage the creation of a varied and aesthetically pleasing skyline,*
- (b) to encourage quality roof designs that contribute to the aesthetic and environmental design and performance of buildings and allow for individuality of architecture,*

- (c) to encourage the integration of the design of the roof into the overall facade, building composition and desired contextual response,*
- (d) to encourage plant and lift over runs to be placed in the basement."*

Proposed: "(1) The objectives of this clause are as follows:

- (a) to encourage the creation of a ~~varied and aesthetically pleasing skyline~~ appropriate skylines and building silhouettes ~~and allow for individuality of that demonstrate design excellence in their architecture,~~*
- (b) to encourage quality roof designs that ~~integrate into the overall facade, building composition and desired contextual response and~~ contribute to environmental design and performance of buildings,*
- (c) to require consideration of the impact on solar access and view corridors and promote sharing of existing views,*
- (d) to ~~consider any negative visual effects of mechanical, lift and solar~~ encourage plant, and integrate such elements into the overall building form ~~and lift over runs to be placed in the basement."~~*

Note above: The black text above shows the wording in the current WLEP. The red text shows the wording as publicly exhibited. The purple text shows the change made following public exhibition in response to submissions received.

(f) Amend objectives of B1 Neighbourhood Centre zone

The objectives of the B1 Neighbourhood Centre zone are not preserving the small-scale intensity of neighbourhood centres. Providing additional clarity within the objectives will preserve the current and desired future character of neighbourhood centres from site amalgamation and the creation of large floor plate retail uses.

The objectives of the B1 Neighbourhood Centre zone are proposed to be strengthened to relate more closely to the centres hierarchy established in the Draft East Subregional Strategy. At least two other Council's being the cities of Newcastle and Penrith have objectives in their Neighbourhood Centre zones that require consideration of the centres classification in relation to the established centres hierarchy. Suggested amendments to the objectives are as follows:

- *"To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises ~~having regard to building design, operation, activities, transport and traffic generation.~~*
- *To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.*
- *To provide retail facilities and business services for the local community commensurate with the centre's role in the local and regional hierarchy."*

Note above: The black text above shows the wording in the current WLEP. The red text shows the wording as publicly exhibited. The purple text shows the change made following public exhibition in response to submissions received.

(g) Amendment of heritage listings

The planning proposal seeks an amendment to correct a number of errors in Schedule 5 and the associated Heritage Maps. Council has either identified or been notified of some incorrect listings that were generated out of the previous heritage LEP, Waverley LEP 1996 (Amendment No 33) which was gazetted in December 2011.

The following properties will require amendment as follows:

Item Number	Address	Description	Action	Reason
I198	16-26 Mill Hill Road, Bondi Junction	Church and hall building	Remove No 26 Mill Hill Road, Bondi Junction from Schedule 5 and heritage map. New address to be 16 Mill Hill Road, Bondi Junction.	The property is listed for the "Church and hall building" and is known as 16 Mill Hill Road, Bondi Junction. The listing has incorrectly been applied to the adjoining dwelling at 26 Mill Hill Road, Bondi Junction.
I281	21 Brown Street, Bronte	Inter-war style dual occupancy development	Remove listing from Schedule 5 and the heritage map.	A development application (DA-555/2013) was approved on 17 December 2013 for the demolition of the heritage listed building and construction of a dual occupancy development.
I370	32-34 Wallangra Road, Dover Heights	1950s style houses	Remove No 32 Wallangra Road, Dover Heights from Schedule 5 and heritage map. New description to only refer to No. 34.	A building application (BA 241/97) was approved for the demolition of the heritage listed building at No. 32 and construction of a 2 storey dwelling. The amendment will remove reference to No. 32 as a heritage item from Schedule 5 and the heritage map.
I455	245-277 Bronte Road, Waverley	Late nineteenth century commercial terraces	Switch map identifiers; and,	The map identifiers are located on the incorrect properties.
I456	254 Bronte Road, Waverley	Victorian style commercial terrace houses	Update address of 254 to 252-254 Bronte Road, Waverley. I455 to refer to 252-254 Bronte Road, Waverley.	254 Bronte Road should be listed as 252-254 Bronte Road.

			I456 to refer to 245-277 Bronte Road, Waverley.	
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Note: Refer to Figures 1-3 of Part 4 – Mapping, for the relevant maps.

3. JUSTIFICATION FOR THOSE OBJECTIVES, OUTCOMES AND PROVISIONS AND THE PROCESS FOR THEIR IMPLEMENTATION

A. Need for the planning proposal

1. Is the planning proposal the result of any strategic study or report?

The planning proposal is a housekeeping amendment and therefore has not been prepared as a result of a specific strategic study or report.

The proposed amendments to Schedule 5 and the Heritage Maps are required to correct minor errors in heritage listings and associated heritage maps. The changes will align the relevant listings with the recommendations of the Waverley Heritage Policy 2007.

The proposed amendments to the objectives for specific clauses have been included in response to extensive testing through the development assessment process particularly through cases in the Land and Environment Court.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes. Or is there a better way?

Yes. The planning proposal is the best means of achieving the objectives as the LEP cannot be amended any other way.

B. Relationship to Strategic Planning Framework

3. Is the Planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy 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 amendments contained in this planning proposal are considered minor administrative, mapping and objective amendments which remain consistent with the Plan for Growing Sydney, ESDSS and priorities of the Central District.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Waverley Council's current Community Strategic Plan, "Waverley Together 3" covers the period 2013-2025. The plan was designed to focus Council's attention on what the community really wants; provide guidance on achieving these things sustainably; and help maximise efforts to speed up attainment of the vision.

The plan is structured according to the “Quadruple Bottom Line”. The planning proposal is consistent with the strategies and is directly relevant to 3 of the strategies representing 2 of the 4 bottom line elements:

- Sustainable Living which supports the liveability of Waverley:

L4 The unique physical qualities and strong sense of identity of Waverley’s villages is respected and celebrated.

L5 Buildings are well designed, safe and accessible and the new is balanced with the old.

Response – This planning proposal aims to protect the urban physical qualities and strong sense of identity within the neighbourhood centres of Waverley. Furthermore, the amendments to the objectives for height and floor space ratio will assist in guiding good design that is safe, accessible and balances the needs of the community.

- Sustainable Governance which supports the “governance” framework for Waverley:

G2 Our community is actively engaged in well informed decision processes.

Response: The Gateway Determination will specify the minimum consultation requirement for this planning proposal and Council will comply fully with these requirements affording an opportunity for community engagement on all aspects of this planning proposal.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with all relevant State Environmental Planning Policies (refer to Attachment 2).

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. The planning proposal is consistent with all relevant Ministerial Section 117 Directions (refer to Attachment 2).

C. Environmental, Social and Economic Impact

7. 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 minor and administrative nature of the planning proposal will not have any impact upon critical habitat or threatened species, populations or ecological communities or their habitats.

8. 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. There are no proposed changes in development standards that would trigger further consideration of this matter.

9. How has the planning proposal adequately addressed any social and economic effects?

The amendments in the planning proposal will not alter the development potential of any land and will therefore have no economic effect. Requiring developments to comply with design excellence criteria and consider the established centres hierarchy and the sharing of views will have a positive social effect.

D. State and Commonwealth interests

10. 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.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gate way determination and have they resulted in any variations to the Planning proposal?

At this stage, no consultation with State or Commonwealth Public Authorities has occurred in relation to this planning proposal. Consultation with relevant authorities including Sydney Water will occur in accordance with the Gateway Determination.

4. MAPPING

16-26 Mill Hill Road, Bondi Junction (Lot 18 SecB DP 976168)

Action: Remove brown fill from No. 26 Mill Hill Road, Bondi Junction (identified with green hatching)

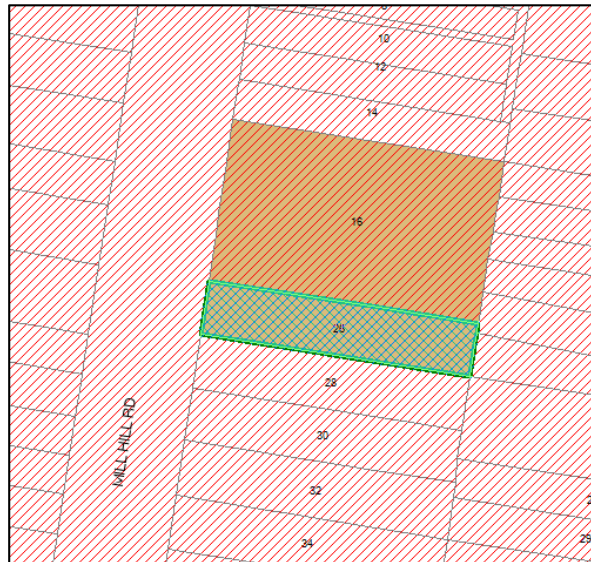


Figure 1 – Existing heritage map extract of 16-26 Mill Hill Road, Bondi Junction

21 Brown Street, Bronte (Lot A DP 371579)

Action: Remove brown fill from No. 21 Brown Street, Bronte (identified with green hatching)



Figure 2 - Existing heritage map extract of 21 Brown Street, Bronte

32 Wallangra Road, Dover Heights (Lot 66 DP 11822)

Action: Remove brown fill from No. 32 Wallangra Road, Dover Heights (identified with green hatching)

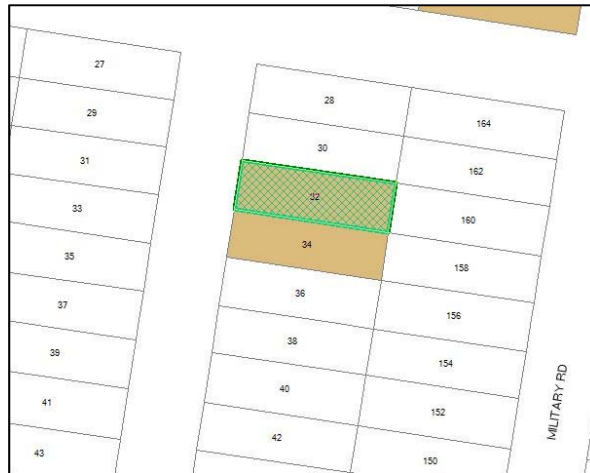


Figure 3 - Existing heritage map extract of 32 Wallangra Road, Dover Heights

5. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Future community consultation will occur in accordance with the Gateway Determination and will include:

- A public notice in the Wentworth Courier being the local paper that services the Waverley municipal area;
- The planning proposal being advertised on Council's website;
- The planning proposal being exhibited in Council's Customer Service Centre and Library;
- Letters being sent to all adjoining and affected property owners at Council's discretion.

6. PROJECT TIMELINE

	STEPS	February	March	April	May	June
1	Anticipated commencement date (date of Gateway determination)	19 February				
2	Anticipated timeframe for the completion of required studies	N/A				
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	N/A				
4	Commencement and completion dates for public exhibition period	2 March - 31 March				
5	Dates for public hearing (if required)	N/A				
6	Timeframe for consideration of submissions		31 March - 14 April			
7	Report to Council re: public exhibitions and submissions				3 May Operations Committee	
8	Timeframe for the consideration of a proposal post exhibition	N/A				
9	Finalise plan (drafting, editing, mapping)				3 May - 31 May	
10	Anticipated date RPA will make the plan (if delegated)					10 June
11	Anticipated date RPA will forward to the department for notification (if delegated).					10 June

7. LIST of ATTACHMENTS

1. Information Checklist.
2. Table demonstrating consistency with State Environmental Planning Policies and Section 117 Directions.
3. Council Resolution of 20 October 2015 Meeting.

ATTACHMENT 1 – INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|--|

▶ STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			<ul style="list-style-type: none"> Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) Sea level rise 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Demonstrated consistency with relevant Regional Strategy 	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Demonstrated consistency with relevant Sub-Regional strategy 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Urban Design Considerations		
<ul style="list-style-type: none"> Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Existing site plan (buildings vegetation, roads, etc) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Demonstrated consistency with Threshold Sustainability Criteria 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Building mass/block diagram study (changes in building height and FSR) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description/Context			<ul style="list-style-type: none"> Lighting impact 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Aerial photographs 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Development yield analysis (potential yield of lots, houses, employment generation) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Site photos/photomontage 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations		
Traffic and Transport Considerations			<ul style="list-style-type: none"> Economic impact assessment 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Local traffic and transport 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Retail centres hierarchy 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> TMAP 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Employment land 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Public transport 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations		
<ul style="list-style-type: none"> Cycle and pedestrian movement 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Heritage impact 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Considerations			<ul style="list-style-type: none"> Aboriginal archaeology 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Bushfire hazard 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Open space management 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Acid Sulphate Soil 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> European archaeology 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Noise impact 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Social & cultural impacts 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Flora and/or fauna 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Stakeholder engagement 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Soil stability, erosion, sediment, landslip assessment, and subsidence 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Infrastructure Considerations		
<ul style="list-style-type: none"> Water quality 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Infrastructure servicing and potential funding arrangements 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Stormwater management 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous/Additional Considerations		
<ul style="list-style-type: none"> Flooding 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>List any additional studies</i>		
<ul style="list-style-type: none"> Land/site contamination (SEPP55) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

ASSESSMENT OF WAVERLEY LEP 2012 WITH SECTION 117 DIRECTIONS, SEPPS AND FORMER REPS

Consistency with:

PART A: Ministerial Directions under Section 117

PART B: State Environmental Planning Policies

PART C: Former Sydney Regional Environmental Plans (Deemed SEPPs)

Part A: Ministerial Directions under Section 117 of <i>EP&A Act 1979</i>	(Tick one only)		
	Not relevant	Consistent	Justifiably inconsistent
1. Employment and Resources			
1.1 Business and Industrial Zones	✓		
1.2 Rural Zones	✓		
1.3 Mining, Petroleum Production and Extractive Industries	✓		
1.4 Oyster Aquaculture	✓		
1.5 Rural Lands	✓		
2. Environment and Heritage			
2.1 Environmental Protection Zones	✓		
2.2 Coastal Protection	✓		
2.3 Heritage Conservation		✓	
2.4 Recreation Vehicle Area	✓		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones		✓	
3.2 Caravan Parks and Manufactured Home Estates	✓		
3.3 Home Occupations	✓		
3.4 Integrating Land Use and Transport	✓		
3.5 Development Near Licensed Aerodromes	✓		
3.6 Shooting Ranges	✓		
4. Hazard and Risk			
4.1 Acid Sulphate Soils		✓	
4.2 Mine Subsidence and Unstable Land	✓		
4.3 Flood Prone Land		✓	
4.4 Planning for Bushfire Protection	✓		
5. Regional Planning			
5.1 Implementation of Regional Strategies	✓		
5.2 Sydney Drinking Water Catchments	✓		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5 Development in the vicinity of Ellalong, Paxton, Millfield (Cessnock LGA) (Revoked)	✓		
5.6 Sydney to Canberra Corridor (Revoked)	✓		
5.7 Central Coast (Revoked)	✓		
5.8 Second Sydney Airport: Badgerys Creek	✓		
6. Local Plan Making			
6.1 Approval and Referral Requirements		✓	
6.2 Reserving Land for Public Purposes		✓	
6.3 Site Specific Provisions		✓	
7. Metropolitan Planning			
Implementation of Metropolitan Plan for Sydney 2036		✓	

Part B: State Environmental Planning Policies (SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SEPP 1 – Development Standards	✓		
SEPP 2 – Minimum Standards for Residential Flat Development (repealed)	✓		
SEPP 3 – Castlereagh Liquid Waste Disposal Depot (repealed)	✓		
SEPP 4 – Development Without Consent & Miscellaneous complying Development	✓		
SEPP 5 – Housing for Older people or People with Disabilities (repealed)	✓		
SEPP 6 – Number of Storeys in a Building	✓		
SEPP 7 – Port Kembla Coal Loader (repealed)	✓		
SEPP 8 – Surplus Public Land (repealed)	✓		
SEPP 9 – Group Homes (repealed)	✓		
SEPP 10 – Retention of Low Cost Rental Accommodation (repealed)	✓		
SEPP 11 – Traffic Generating Developments (repealed)	✓		
SEPP 12 – Public Housing (Dwelling Houses) (repealed)	✓		
SEPP 13 – Sydney Heliport (repealed)	✓		
SEPP 14 – Coastal Wetlands	✓		
SEPP 15 – Rural Landsharing Communities	✓		
SEPP 16 – Tertiary Institutions (repealed)	✓		
SEPP 19 – Bushland in Urban Areas	✓		
SEPP 20 – Minimum Standards for Residential Flat Development (repealed)	✓		
SEPP 21 – Caravan Parks	✓		
SEPP 22 – Shops and Commercial Premises (repealed)	✓		
SEPP 25 – Residential Allotment Sizes (repealed)	✓		
SEPP 26 – Littoral Rainforests	✓		
SEPP 27 – Prison Sites (repealed)	✓		
SEPP 28 – Town House and Villa Houses (repealed)	✓		
SEPP 29 – Western Sydney Recreation Area	✓		
SEPP 30 – Intensive Agriculture	✓		
SEPP 31 – Sydney (Kingsford Smith) Airport (repealed)	✓		
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)		✓	
SEPP 33 – Hazardous and Offensive Development	✓		
SEPP 34 – Major Employment Generating Industrial Development (repealed)	✓		
SEPP 35 – Maintenance Dredging of Tidal Waterways (repealed)	✓		
SEPP 36 – Manufactured Home Estates	✓		
SEPP 37 – Continued Mines & Extractive Industries (repealed)	✓		
SEPP 38 – Olympic Games and Related Projects (repealed)	✓		
SEPP 39 – Spit Island Bird Habitat	✓		
SEPP 41 – Casino Entertainment Complex (repealed)	✓		
SEPP 42 – Multiple Occupancy of Rural Land (repealed)	✓		
SEPP 43 – New Southern Railway (repealed)	✓		
SEPP 44 – Koala Habitat Protection	✓		
SEPP 45 – Permissibility of Mining (repealed)	✓		
SEPP 46 – Protection and Management of Native Vegetation (repealed)	✓		
SEPP 47 – Moore Park Showground	✓		
SEPP 48 – Major Putrescible Landfill Sites (repealed)	✓		
SEPP 50 – Canal Estates	✓		

Part B: State Environmental Planning Policies (SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SEPP 51 – Eastern Distributor (repealed)	✓		
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 53 – Metropolitan Residential Development (repealed)	✓		
SEPP 54 – Northside Storage Tunnel (repealed)	✓		
SEPP 55 – Remediation of Land		✓	
SEPP 56 – Sydney Harbour Foreshores and Tributaries (repealed)	✓		
SEPP 58 – Protecting Sydney's Water Supply (repealed)	✓		
SEPP 59 – Central Western Sydney Regional Open Space and Residential	✓		
SEPP 60 – Exempt & Complying Development (repealed)	✓		
SEPP 61 – Exempt & Complying Development White Bay & Glebe Island Ports (repealed)	✓		
SEPP 62 – Sustainable Aquaculture 2000	✓		
SEPP 63 – Major Transport Projects (repealed)	✓		
SEPP 64 – Advertising and Signage	✓		
SEPP 65 – Design Quality of Residential Flat Development		✓	
SEPP 67 – Macquarie Generation Industrial Development Strategy (repealed)	✓		
SEPP 69 – Major Electricity Supply Projects (repealed)	✓		
SEPP 70 – Affordable Housing (Revised Schemes)	✓		
SEPP 71 – Coastal Protection	✓		
SEPP 72 – Linear Telecommunications Development – Broadband (repealed)	✓		
SEPP 73 – Kosciuszko Ski Resorts (repealed)	✓		
SEPP 74 – Newcastle Port and Employment Lands (repealed)	✓		
SEPP (Affordable Rental Housing) 2009	✓		
SEPP (Building Sustainability Index: BASIX) 2004	✓		
SEPP (ARTC Rail Infrastructure) 2004 (repealed)	✓		
SEPP (Sydney Metropolitan Water Supply) 2004 (repealed)	✓		
SEPP (Development on Kurnell Peninsula) 2005	✓		
SEPP (Major Developments) 2005	✓		
SEPP (Sydney Region Growth Centres) 2006	✓		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP (Temporary Structures) 2007	✓		
SEPP (Infrastructure) 2007	✓		
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	✓		
SEPP (Rural Lands) 2008	✓		
SEPP (Exempt and Complying Development Codes) 2008		✓	
SEPP (Western Sydney Parklands) 2009	✓		
SEPP (Housing for Seniors or People with a Disability) 2004	✓		
SEPP (Western Sydney Employment Area) 2009	✓		
SEPP (Urban Renewal) 2010	✓		
SEPP (Sydney Drinking Water Catchment) 2011	✓		
SEPP (State and Regional Development) 2011	✓		
SEPP (Penrith Lakes Scheme) 1989	✓		

Part C: Former Sydney Regional Environmental Plans (Deemed SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SYDNEY REP 1 – Dual Occupancy (repealed)	✓		
SYDNEY REP 2 – Dual Occupancy (repealed)	✓		
SYDNEY REP 3 – Kurnell Peninsula (replaced)	✓		
SYDNEY REP 4 – Homebush Bay (repealed)	✓		
SYDNEY REP 5 – Chatswood Town Centre (repealed)	✓		
SYDNEY REP 6 – Gosford Coastal Areas (repealed)	✓		
SYDNEY REP 7 – Multi-Unit Housing – Surplus Govt Sites (repealed)	✓		
SYDNEY REP 8 – Central Coastal Plateau Areas	✓		
SYDNEY REP 9 – Extractive Industry	✓		
SYDNEY REP 10 – Blue Mountains Regional Open Space (repealed)	✓		
SYDNEY REP 11 – Penrith Lakes Scheme (repealed)	✓		
SYDNEY REP 12 – Dual Occupancy (repealed)	✓		
SYDNEY REP 13 – Mulgoa Valley (repealed)	✓		
SYDNEY REP 14 – Eastern Beaches (repealed)	✓		
SYDNEY REP 15 – Terry Hills (repealed)	✓		
SYDNEY REP 16 – Walsh Bay	✓		
SYDNEY REP 17 – Kurnell Peninsula (repealed)	✓		
SYDNEY REP 18 – Public Transport Corridor	✓		
SYDNEY REP 19 – Rouse Hill Development Area	✓		
SYDNEY REP 20 – Hawkesbury-Nepean River	✓		
SYDNEY REP 21 – Warringah Urban Release Areas (repealed)	✓		
SYDNEY REP 22 – Parramatta River (repealed)	✓		
SYDNEY REP 23 – Sydney and Middle Harbours (repealed)	✓		
SYDNEY REP 24 – Homebush Bay Area	✓		
SYDNEY REP 25 – Orchard Hills (repealed)	✓		
SYDNEY REP 26 – City West	✓		
SYDNEY REP 27 – Wollondilly Regional Open Space (repealed)	✓		
SYDNEY REP 28 – Parramatta (repealed)	✓		
SYDNEY REP 29 – Rhodes Peninsula (repealed)	✓		
SYDNEY REP 30 – St Marys	✓		
SYDNEY REP 31 – Regional Parklands (repealed)	✓		
SYDNEY REP 33 – Cooks Cove	✓		
SYDNEY REP (Sydney Harbour Catchment) 2005	✓		

Dan Starreveld

From: Richard Coelho
Sent: Tuesday, 20 October 2015 9:14 AM
To: Dan Starreveld
Cc: Peter Monks
Subject: MINUTE EXTRACT - OPERATIONS COMMITTEE MEETING - 6 OCTOBER 2015 - OC/5.1/15.10 - Waverley Local Environmental Plan 2012 – Housekeeping Amendment (A15/0397)

This is a Minute Extract from the Waverley Council Operations Committee Meeting held on 6 October 2015.

This Minute Extract has been registered on TRIM to the file number shown below. A hardcopy has NOT been attached to the file.

FORWARDED FOR INFORMATION / ACTION

OC/5.1/15.10 Waverley Local Environmental Plan 2012 – Housekeeping Amendment (A15/0397)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Kay

That Council:

1. Officers prepare a planning proposal that seeks the following amendments to Waverley Local Environmental Plan 2012, as detailed in this report:
 - (a) Introduction of a new design excellence clause to improve the sustainability, functionality, amenity and aesthetic appearance of buildings.
 - (b) Additional consideration of view loss in the objectives of Clause 5.6 – Architectural roof features.
 - (c) Additional consideration of view loss in the objectives of Clause 4.3 – Height of buildings.
 - (d) Amends the objectives of the B1 Neighbourhood Centre zone to ensure any proposed non-residential use or building is of the small-scale intensity envisaged under the centres hierarchy.
 - (e) Amends Schedule 5 – Environmental Heritage as follows:
 - (i) Remove 21 Brown Street, Bronte, from Schedule 5 as a development application was approved for the demolition of the item.
 - (ii) Update the property address for 16–26 Mill Hill Road, Bondi Junction, to 16 Mill Hill Road, Bondi Junction.
 - (iii) Switch the heritage map identifiers for items at 252–254 Bronte Road, Waverley, and 245–277 Bronte Road, Waverley.
 - (iv) Update the property address for 32–34 Wallangra Road, Dover Heights, to 34 Wallangra Road, Dover Heights.

- (f) Reclassify drainage reserve of the laneway at 2–8 Dickson Street, Bronte, from community to operational.
 - (g) Amends Clause 4.3 – Height of buildings objective (1)(d) to replace the word ‘existing’ with ‘desired future’.
 - (h) Amends Clause 4.4 – Floor Space Ratio objective (1)(c) to replace the word ‘existing’ with ‘desired future’.
- 2. Seeks a Gateway Determination from the Department of Planning and Environment.
 - 3. Accepts the role of Relevant Planning Authority in order to manage the public exhibition process.
 - 4. Places the planning proposal on public exhibition in accordance with the conditions of the Gateway Determination.

Richard Coelho

Governance Officer

Cnr Paul St and Bondi Rd, Bondi Junction NSW 2022

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WAVERLEY COUNCIL

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Please consider the environment before printing this e-mail or any attachments.



Mr Arthur Kyron
General Manager
Waverley Council
PO Box 9
Bondi Junction NSW 1355

16/02691

Dear Mr Kyron

Planning Proposal to amend Waverley Local Environmental Plan 2012

I am writing in response to your Council's letter dated 29 January 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to amend the Waverley Local Environmental Plan 2012. The proposal seeks to make housekeeping amendments.

As a delegate of the Greater Sydney Commission, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils by instrument of delegation dated 14 October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan, as the proposal involves a number of policy matters.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Commission may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Ms Belinda Morrow of the Department of Planning and Environment on telephone number (02) 9228 6589.

Yours sincerely


Karen Armstrong
Director, Sydney Region East
Planning Services

Encl. – Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_WAVER_001_00): to amend the Waverley Local Environmental Plan 2012 to make housekeeping amendments, including the introduction of a design excellence clause, policy amendments to the objectives of the architectural roof features, height of buildings, floor space ratio and the B1 Neighbourhood centre zone and correct the description of several heritage items.

I, the Director, Sydney Region East at the Department Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to *Waverley Local Environmental Plan 2012* to make the above housekeeping amendments, should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to update the planning proposal to clearly identify which land the new design excellence clause will apply to and remove any reference to sub-regional strategies in the proposed B1 Neighbourhood Centre zone objectives.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as routine as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (former Department of Planning & Infrastructure 2013)*.
3. Consultation is required under section 56(2)(d) of the EP&A Act with the Office of Environment and Heritage.

Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



Planning & Environment

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 7th day of March 2016.

A handwritten signature in blue ink, appearing to read "K. Armstrong".

**Director, Sydney Region East
Planning Services
Department Planning and Environment
Delegate of the Greater Sydney Commission**

Public Exhibition of Housekeeping LEP 2016

Comments received during exhibition period (30 March – 29 April) and responses from Council

Written submissions

#	Date	Name	Acknowledgement email/letter sent?	Comment	Action required / response
1	22/04/2016 Letter	NSW Office of Environment & Heritage – Heritage Division	Acknowledgement Letter sent on 12/05/16.	<p>It is recommended that Waverley Council satisfies itself that the delisting of the properties have been adequately justified. In this instance, it is noted that both the heritage listed properties that are to be removed from the Schedule 5 of Waverley LEP 2012 have been demolished and new buildings have been constructed in their places.</p> <p>No objection is raised to the proposed amendments to rectify the listing and mapping errors.</p>	<p>It is noted that no objection has been raised to the proposed heritage amendments.</p> <p>Waverley Council is satisfied that the delisting of the following properties have been adequately justified:</p> <ul style="list-style-type: none"> 21 Brown St, Bronte – A development application (DA-555/2013) was approved on 17 December 2013 for the demolition of the heritage listed building and construction of a dual occupancy development. A statement of heritage impact was prepared as part of this DA which supported the removal of the property from Schedule 5. The statement concluded “this item should have been removed from the Schedule because it has a very low significance at a local level and should never have been listed as an item”. 32 Wallangra Rd, Dover Heights – A building application (BA 241/97) was approved on 4 June 1997 for the demolition of the heritage listed building and construction of a 2 storey dwelling. Given that the former heritage listed building is no longer on the site and that the current building has no heritage significance, the removal of the property from Schedule 5 is justified. 26 Mill Hill Rd, Bondi Junction – This dwelling has been incorrectly listed. The listing should only apply to the St Barnabas church and hall building at 16 Mill Hill Rd. The statement of heritage significance confirms this and does not reference the adjoining dwelling at No.26 Mill Hill Rd. The church and hall will remain in Schedule 5 with the address updated to 16 Mill Hill Rd.
2	23/04/2016 Email	Alex Jucovic	Acknowledgement email sent on 26/04/16.	<ul style="list-style-type: none"> Giving due consideration to light to other buildings should have been added to clause 4.3 – height of buildings. Argues that the proposed wording of ‘desired future’ in reference to clause 4.3 and clause 4.4 of the LEP should be limited to the specific issue the Council has identified, or an explanation should have been given for the scope of the change. 	<p>Controls regarding solar access to buildings is covered in the Waverley Development Control Plan 2012 (DCP) – Part C Residential Development, particularly sections 1.9 and 2.15. Additional provisions for public spaces in Bondi Junction are included in clause 6.7 of the Waverley LEP. Therefore, there is no need to include them to clause 4.3 of the LEP. For the purposes of this planning proposal, “desired future character” is intended to mean the outcome of an area if developed in-line with current development standards (height and FSR). In addition, character statements currently exist for Bondi Junction and Bondi Beach. Many other councils in Sydney use the term ‘desired future’ when referring to character in clauses 4.3 and 4.4 (Height and FSR). Such councils include Randwick and Woollahra amongst others.</p>
3	23/04/2016 Email	Laura Zimmermann	Acknowledgement email sent on 26/04/16.	<ul style="list-style-type: none"> Opposes the changes to paragraphs 4.3 (1)(d) and 4.4 (1)(c) – replacing the word ‘existing’ with ‘desired future’ character in height of buildings and floor space ratio objectives. 	<p>Objection noted for the proposed changes to the objectives of clauses 4.3(1)(d) and 4.4(1)(c) relating to the replacement of ‘existing’ with ‘desired future’ character.</p>
4	24/04/2016 Email	Elly Paxinos	Acknowledgement email sent on 26/04/16.	<ul style="list-style-type: none"> Pleased to see that the planning proposal includes sustainability and the aesthetic appearance of buildings Additional consideration to view loss and the Neighbourhood Centre zone changes are welcome. Suggests that proposed changes to clause 4.3 and 4.4 regarding “desired future character” is too subjective and should be quantified in order to prevent undesired development. 	<p>Support noted for the proposed design excellence clause.</p> <p>Support noted for the additional consideration of view loss in objectives of clause 4.3. Support noted for amendments to objectives of B1 Neighbourhood Centre zone. Suggestion is noted. For the purposes of this planning proposal, “desired future character” is intended to mean the outcome of an area if developed in-line with current development standards (height and FSR). In addition, character statements currently exist for Bondi Junction and Bondi Beach. Many other councils in Sydney use the term ‘desired future’</p>

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					when referring to character in clauses 4.3 and 4.4 (Height and FSR). Such councils include Randwick and Woollahra amongst others.
5	26/04/2016 Email	Matt Souter	Acknowledgement email sent on 26/04/16.	Suggests that the proposed changes to clauses 4.3 (1)(d) and 4.4 (1)(c) make a very large difference. The existing character of an area is clear - it is there for all to see. It can even be measured. The term ' <i>desired future</i> ' is subjective.	For the purposes of this planning proposal, "desired future character" is intended to mean the outcome of an area if developed in-line with current development standards (height and FSR). In addition, character statements currently exist for Bondi Junction and Bondi Beach. Many other councils in Sydney use the term 'desired future' when referring to character in clauses 4.3 and 4.4 (Height and FSR). Such councils include Randwick and Woollahra amongst others.
6	27/04/2016 Letter	Queens Park Precinct Committee	Acknowledgement Letter sent on 12/05/16.	<ul style="list-style-type: none"> Supportive of the proposed design excellence clause. Supportive of the consideration of view loss in the objectives of Clause 4.3 Height of buildings and Clause 5.6 Architectural roof features. Suggests that Council should expand on "environmental amenity of neighbouring properties" in Clause 4.3 1(a) with similar specific objectives. 	<p>Support noted for the proposed design excellence clause.</p> <p>Support noted for amendments of objectives of architectural roof features in clause 5.6.</p> <p>Support noted for the additional consideration of view loss in objectives of clause 4.3.</p> <p>This is not within the current scope of the proposed LEP amendments, however will be considered in future amendments to the LEP.</p>
7	02/05/2016 Email	Mora Main	Acknowledgement email on 3/05/2016.	Design Excellence <ul style="list-style-type: none"> Should be targeted and not universally applied across Waverley Suggests a two-tiered system Recommends that the term "excellence" should be backed up by a definition, checklist and a process such as a design excellence panel. 	<p>The proposed design excellence clause has been applied to all land in the LGA. This is due to the status of Bondi Junction as a strategic centre, Bondi Beach being an internationally renowned location and many established residential and conservation areas throughout the LGA.</p> <p>The introduction of the design excellence clause in the LEP is just one part of promoting and ensuring design excellence. It is expected that guidelines for design excellence will be developed within the next 12 months with a design excellence panel, competition process and incentives to follow at a later stage. This is similar to the approach taken by the City of Sydney.</p>
				Character <ul style="list-style-type: none"> Recommends that "desired future" and "existing" character be clearly defined. Supports retaining the term "existing" rather than "desired future" – "Waverley has an existing character". Argues that the existing character of Waverley should be reinforced and carried into the future. Worried that introducing the term "desired future" would provide an open door for developers to argue for anything. 	<p>Opposition is noted to the proposed amendment to change the term 'existing' to 'desired future' for clauses 4.3 and 4.4.</p> <p>For the purposes of this planning proposal, "desired future character" is intended to mean the outcome of an area if developed in-line with current development standards (height and FSR). In addition, character statements currently exist for Bondi Junction and Bondi Beach. Many other councils in Sydney use the term 'desired future' when referring to character in clauses 4.3 and 4.4 (Height and FSR). Such councils include Randwick and Woollahra amongst others.</p>
				Views <ul style="list-style-type: none"> Recommends that planning controls should prioritise views from the public domain – "this should outweigh the standard controls". 	<p>Controls to protect views from the public domain can be found in the Waverley Development Control Plan (WDCP):</p> <ul style="list-style-type: none"> Part C, Section 1.10 Views - Objectives (a) and (c) and controls (a) and (b) Part C, Section 2.16 Views and View Sharing – Objective (b) and controls (b), (c),(d),(e),(g) and (h). <p>It is considered that the existing controls in the WDCP are worded appropriately to ensure that views from the public domain are maintained. Consideration will be given to strengthening these controls during the next annual review of the DCP to give more weight to views from the public domain.</p>

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				Heritage <ul style="list-style-type: none"> Opposed to the removal of 21 Brown St, Bronte from Schedule 5 of the LEP. Argues that removal indicates that Council no longer believes in the Conservation Area. 	<p>The removal of 21 Brown St Bronte and 32 Wallangra Rd from Schedule 5 is due to the demolition of those properties. Waverley Council is satisfied that the de-listing of these properties have been adequately justified. In addition, no objection has been raised by the NSW Office of Environment and Heritage.</p> <p>Waverley Council remains committed to heritage conservation and recognises the value and importance of heritage buildings and landmarks to our community.</p>
				General comments <ul style="list-style-type: none"> The provision for exempting garages from FSR calculations should be removed. No more driveway crossings should be approved. Building materials used in Waverley should provide appropriate privacy – suggests traditional masonry. Front doors should be closer to the street than the parked car or the garage. Good design should apply across all physical works in the LGA whether private development or works undertaken by Council. Clear reference should be made in the LEP to requirements in the Residential Flat Design Code (SEPP 65) and to qualities identified in Council’s own studies. 	<p>These comments are beyond the scope of the matters included in this planning proposal. Comments have been noted and will be considered in future amendments the LEP and DCP.</p>
8	11/05/2016 Letter	Randwick City Council	Acknowledgement email sent on 11/05/16.	Supports the planning proposal.	Support is noted for the planning proposal.
9	25/05/2016 Letter	Joint Waverley and Randwick Design Review Panel / SEPP 65 Panel		Design Excellence <ul style="list-style-type: none"> Strongly supports Council’s intentions to strengthen design provisions in the LEP – “this is an excellent initiative”. The following minor wording amendments are suggested to strengthen the proposed clause: <p><i>6.9 - Design Excellence</i></p> <p>(1) <i>The objective is to deliver the highest standard of sustainable, architectural, landscape and urban design.</i></p> <p>(2) <i>This clause applies to all land in the Waverley LGA.</i></p> <p>(3) <i>Development consent must not be granted to development involving the construction of a place, a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the proposal in all its characteristics development exhibits design excellence.</i></p> <p>(4) <i>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:</i></p> <p>(a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and</i></p> <p>(b) <i>whether the building promotes sustainable design principles in terms of Management of the design and building operation processes; Indoor environmental quality; Energy use, Water use and Emission minimisation; Contribution towards sustainable</i></p>	<p>Support for proposed design excellence clause is noted.</p> <p>Discussions have been held with Council’s Urban Design team and minor changes (in red) have been made to the wording of the proposed clause 6.9 to reflect suggestions as follows:</p> <p><i>6.9 - Design Excellence</i></p> <p>(1) <i>The objective is to deliver the highest standard of sustainable, architectural, landscape and urban design.</i></p> <p>(2) <i>This clause applies to all land in the Waverley LGA.</i></p> <p>(3) <i>Development consent must not be granted to development involving the construction of a place, a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the proposal in all its characteristics development exhibits design excellence.</i></p> <p>(4) <i>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:</i></p> <p>(a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and</i></p> <p>(b) <i>whether the building promotes sustainable design principles in terms of Management of the design and building operation processes; Indoor environmental quality; Energy use, Water use and Emission minimisation; Contribution towards sustainable transport; Material selection; Improvement of ecological values; and Innovation, and</i></p> <p>(c) <i>the bulk, massing and modulation of buildings, and</i></p>

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				<p>transport; Material selection; Improvement of ecological values; and Innovation, and</p> <p>(c) the bulk, massing and modulation of buildings, and</p> <p>(d) whether the form and external appearance of the development will improve the quality, connectedness and amenity of the public domain and achieve appropriate interfaces at ground level between the proposed building and the public domain, and</p> <p>(e) the contribution of the proposed development towards the maintenance of a consistent coherent street rhythm particularly in terms of street frontage heights, street walls and the proportions of the street, and</p> <p>(f) the manner in which pedestrians have been catered for particularly in regards to the developments' contribution towards the visual and pedestrian permeability of the locality and provision of direct public access to key locations, and</p> <p>(g) whether directly through dedication to extend the public domain, or by other means across private land the proposal promotes the ease of movement and circulation of pedestrian, cycle, vehicular and service access, and</p> <p>(h) whether the development encourages passive surveillance and social activity in public places, streets, laneways and plazas, and</p> <p>(i) the extent to which the development promotes the equitable sharing of views where existing view corridors will be interrupted, and</p> <p>(j) whether the development detrimentally impacts on any land protected by solar access controls established in Clause 6.7 and the Waverley Development Control Plan, and</p> <p>(k) the requirements of the Waverley Development Control Plan, and</p> <p>(l) the suitability of the land for the proposed development and whether any streetscape, landform or landscape constraints have been adequately addressed, and</p> <p>(m) whether any heritage matters relating to the development site or in the vicinity of the development site have been adequately addressed , and</p> <p>(n) 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, and</p> <p>(o) the qualities of, and the manner in which landscape designing has been integrated into the overall site planning design and the provision of appropriate deep soil areas to assist in the growth of large trees to reduce heat island effect."</p>	<p>(d) whether the form and external appearance of the development will improve the quality, connectedness and amenity of the public domain and achieve appropriate interfaces at ground level between the proposed building and the public domain, and</p> <p>(e) the contribution of the proposed development towards the maintenance of a consistent coherent street rhythm particularly in terms of street frontage heights, street walls and the proportions of the street, and</p> <p>(f) the manner in which pedestrians have been catered for particularly in regards to the developments' contribution towards the visual and pedestrian permeability of the locality and provision of direct public access to key locations, and</p> <p>(g) whether the proposal promotes ease of movement and circulation of pedestrian, cycle, vehicular and service access, and</p> <p>(h) whether the development encourages passive surveillance and social activity in public places, streets, laneways and plazas, and</p> <p>(i) the extent to which the development promotes the equitable sharing of views where existing view corridors will be interrupted, and</p> <p>(j) whether the development detrimentally impacts on any land protected by solar access controls established in Clause 6.7 and the Waverley Development Control Plan, and</p> <p>(k) the requirements of the Waverley Development Control Plan, and</p> <p>(l) the suitability of the land for the proposed development and whether any streetscape, landform or landscape constraints have been adequately addressed, and</p> <p>(m) whether any heritage matters relating to the development site or in the vicinity of the development site have been adequately addressed , and</p> <p>(n) 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, and</p> <p>(o) the qualities of, and the manner in which landscape designing has been integrated into the overall site planning design and the provision of appropriate deep soil areas to assist in the growth of large trees."</p> <p>Some recommended wording proposed in the submission in relation to 4(g) "...directly through dedication to extend the public domain, or by other means across private land..." and (o) "to reduce heat island effect" has not been included as it includes an unreasonable requirement and wording which may be misconstrued.</p>
				<p>Views</p> <p>Recommends that a revised and expanded View Sharing principle needs to be undertaken and preferably included in the LEP to give due weight to public views as a priority.</p>	<p>Controls to protect views from the public domain can be found in the Waverley Development Control Plan (WDGP):</p> <ul style="list-style-type: none"> Part C, Section 1.10 Views - Objectives (a) and (c) and controls (a) and (b)

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				<ul style="list-style-type: none"> Suggests the following changes (shown in red) to the wording of objective (a) of clause 4.3 – Height of buildings: <i>“(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces including streets, and if appropriate the sharing of views,”</i> 	<ul style="list-style-type: none"> Part C, Section 2.16 Views and View Sharing – Objective (b) and controls (b), (c),(d),(e),(g) and (h). <p>It is considered that the existing controls in the WDCP are worded appropriately to ensure that views from the public domain are maintained. Consideration will be given to strengthening these controls during the next annual review of the DCP to give more weight to views from the public domain.</p> <p>Minor changes have been made to the wording of objective (a) of clause 4.3 – Height of buildings to reflect the recommendations as follows: <i>“(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces, and if appropriate the sharing of views,”</i></p>
				Character <ul style="list-style-type: none"> Suggests that there will be cases where existing character is worth retaining. Recommends that wording is revised to <i>“existing and/or desired future character”</i>. 	<p>These comments have been noted and it is agreed that there will be cases where existing character is worth retaining. The “desired future character” of an area could be to retain the existing character.</p> <p>For the purposes of this planning proposal, “desired future character” is intended to mean the outcome of an area if developed in-line with current development standards (height and FSR). In addition, character statements currently exist for Bondi Junction and Bondi Beach. Many other councils in Sydney use the term ‘desired future’ when referring to character in clauses 4.3 and 4.4 (Height and FSR). Such councils include Randwick and Woollahra amongst others.</p>
				Architectural roof elements <ul style="list-style-type: none"> Recommends the following changes (shown in red) to the proposed wording of objective 1 of clause 5.6 – Architectural roof features: <i>“(a) to encourage the creation of a varied and aesthetically pleasing skyline appropriate skylines and building silhouettes that demonstrate and allow for individuality of design excellence in their architecture, (b) to encourage quality roof designs that integrate into the overall facade, building composition and desired contextual response and contribute to environmental design and performance of buildings through ventilating clerestory windows, roof gardens and communal terraces, and small shelters to roof gardens, (c) to require consideration of the impact on solar access and view corridors and promote sharing of existing views, (d) to consider any negative visual effects of mechanical, lift and solar encourage plant, and integrate such elements into the overall 3 dimensional building form and lift over runs to be placed in the basement.”</i> 	<p>Discussions have been held with Council’s Urban Design team and minor changes (in red) have been made to the wording of objective 1 of clause 5.6 to reflect suggestions as follows:</p> <p><i>“(a) to encourage the creation of a varied and aesthetically pleasing skyline appropriate skylines and building silhouettes that demonstrate and allow for individuality of design excellence in their architecture, (b) to encourage quality roof designs that integrate into the overall facade, building composition and desired contextual response and contribute to environmental design and performance of buildings, (c) to require consideration of the impact on solar access and view corridors and promote sharing of existing views, (d) to consider any negative visual effects of mechanical, lift and solar encourage plant, and integrate such elements into the overall building form and lift over runs to be placed in the basement.”</i></p> <p>Recommended wording in 1(b) relating to “ventilating clerestory windows, roof gardens and...” has not been included because it includes too much detail and would not be suitable to include in the LEP. These suggestions will be noted and further considered for inclusion in the DCP. Existing controls for green roofs can be found in the WDCP – Part B, Section 2.3.</p> <p>Recommended wording in 1 (d) “3 dimensional building form” is considered unnecessary and will not be included.</p>

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				B1 Neighbourhood Centre Zone <ul style="list-style-type: none">Recommends the following changes (shown in red) to the wording of the second objective under the B1 Neighbourhood Centre zone: <i>“To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation, activities, transport and traffic generation”.</i>	<p>This recommendation is supported and the wording will be amended as follows:</p> <i>“To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation, activities, transport and traffic generation”.</i>
				Heritage <ul style="list-style-type: none">Suggests a number of additional items for inclusion in Schedule 5 – refer to submission.	<p>These suggestions will be referred to Council’s Heritage Advisor and considered for inclusion in Schedule 5 in a future amendment to the LEP.</p>
				Additional Matters <p>The Panel is concerned about a reduction in dwelling numbers when sites are redeveloped and strongly recommends that Council investigate LEP mechanisms where the applicant would have to pay a housing levy (in a sense the inverse of s94 contributions) for each dwelling lost.</p>	<p>These comments are beyond the scope of the matters included in this planning proposal.</p> <p>Comments have been noted and will be considered in future amendments to the LEP.</p>