



## PLANNING PROPOSAL

5 Tamarama Street, Tamarama

Rezoning from R3 (Medium Density Residential) to R2 (Low-Density Residential) in Waverley Local Environmental Plan 2012 and Amendment to Floor Space Ratio and Building Height

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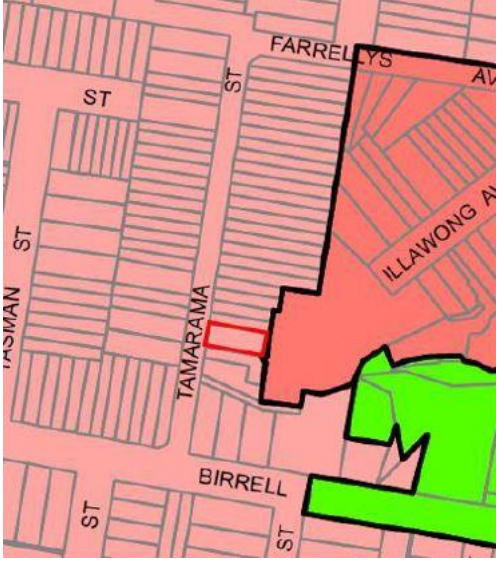
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## Executive Summary

The Planning Proposal prepared by Waverley Council to amend the *Waverley Local Environmental Plan 2012* (WLEP) by changing the land use from Zone R3 Medium-Density Residential to R2 Low-Density Residential. The Proposal relates to a 368 sqm rectangular-shaped parcel of land forming part of 20 Illawong Avenue, Tamarama, Table 1. The legal description of the site is 5 Tamarama Street, Tamarama, which on 15 September 2022 was registered for subdivision under Lot 1 in DP 1188291. The land is currently supported by WLEP characteristics that include R3 zoning, a maximum height of 9.5m and a maximum floor space ratio of 0.6:1. This Proposal has been prepared in line with the LEP Making Guidelines. The intended outcomes of the Planning Proposal are as follows:

1. Amend the zoning of the subject land from R3 medium Density Residential to R2 Low-Density Residential.
2. Amend the floor space ratio (FSR) applying to the subject area to 0.5:1; and
3. Amend the height of the building's development standard to 8.5 m.

Table 1: Existing and proposed development standards

WLEP 2012 Provision	Current Planning Controls	Planning Proposal
<b>Zone</b>	R3 Medium-Density Residential 	R2 Low-Density Residential 
<b>Additional Permitted Use</b>	Nil	Nil

FSR	<p>0.6:1</p> 	<p>0.5:1</p> 
Height	<p>9.5 m</p> 	<p>8.5 m</p> 

The Planning Proposal is considered a 'Basic' per the LEP Making Guidelines criteria.

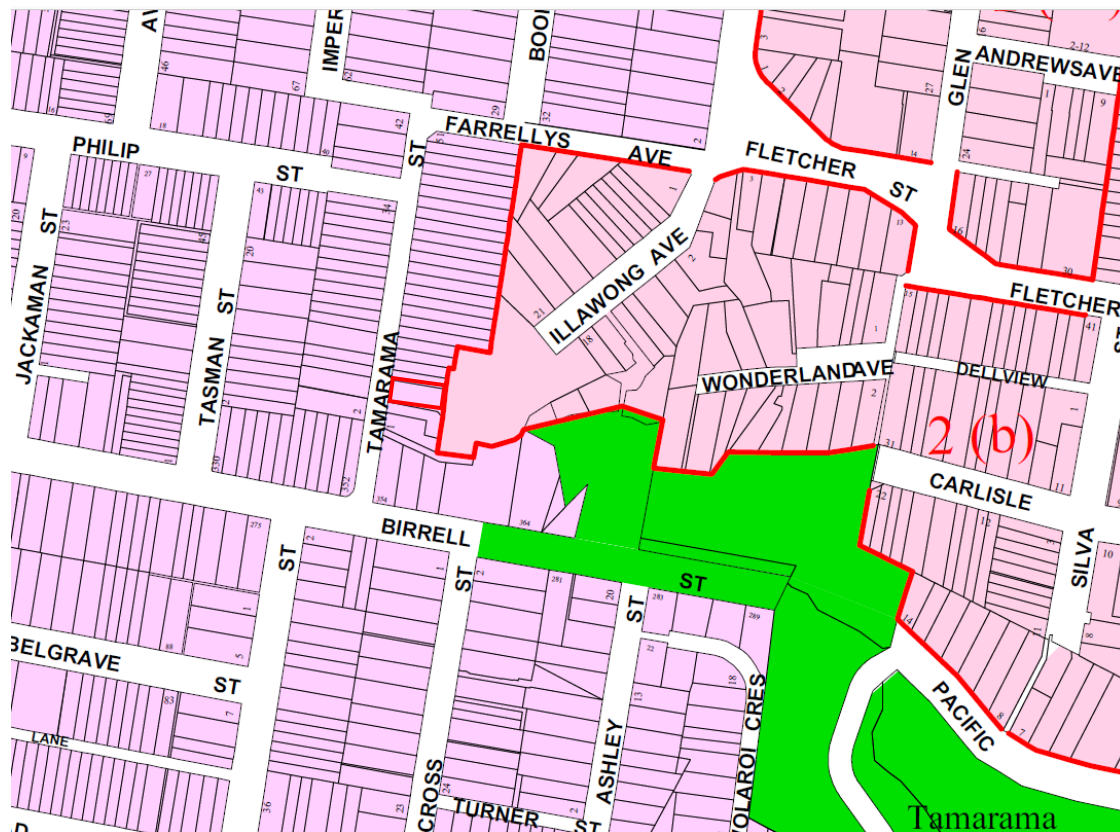
## INTRODUCTION

### a) Background to this Planning Proposal

The subject area has had a history of being zoned as Low-Density Residential. The existing built form and road network would suggest that the R2 Low-Density Residential zone is the most appropriate to the site.

Prior to the implementation of the Standard Instrument and changing of zoning codes in the Waverley Local Environment in 2012, the subject site was zoned 2(a) Low-Density Residential, with the adjacent lot (forming the rest of the original lot pre-subdivision) zones as 2(b) Medium Density Residential.

Figure 1: Waverley Local Environmental Plan 1996 land-use zoning



In 2012 when the WLEP was implemented, the subject lot, which formed part of a larger lot was zoned as R3 Medium Density Residential.

In 2012 a development application was lodged (DA-125/2012) which sought alterations and additions to the multi-storey residential flat, including two new penthouses, underground car parking, and a new three-storey block of five apartments and a land subdivision to create two new lots was subsequently approved.

#### b) History of the Planning Proposal

In 2022, the landowner sought subdivision in line with the DA and consequently intended to sell the subject site as a separate parcel of land. The recent subdivision and sale have been brought to the attention of the Council by members of the community who are concerned that the zoning is inconsistent with the remainder of Tamarama Street and that the potential for a new residential flat building (RFB) to be developed on the land, could result in development which is out of character with the remainder of the street, which is zoned R2 Low-Density Residential and could lead to negative impacts on the neighbouring properties.

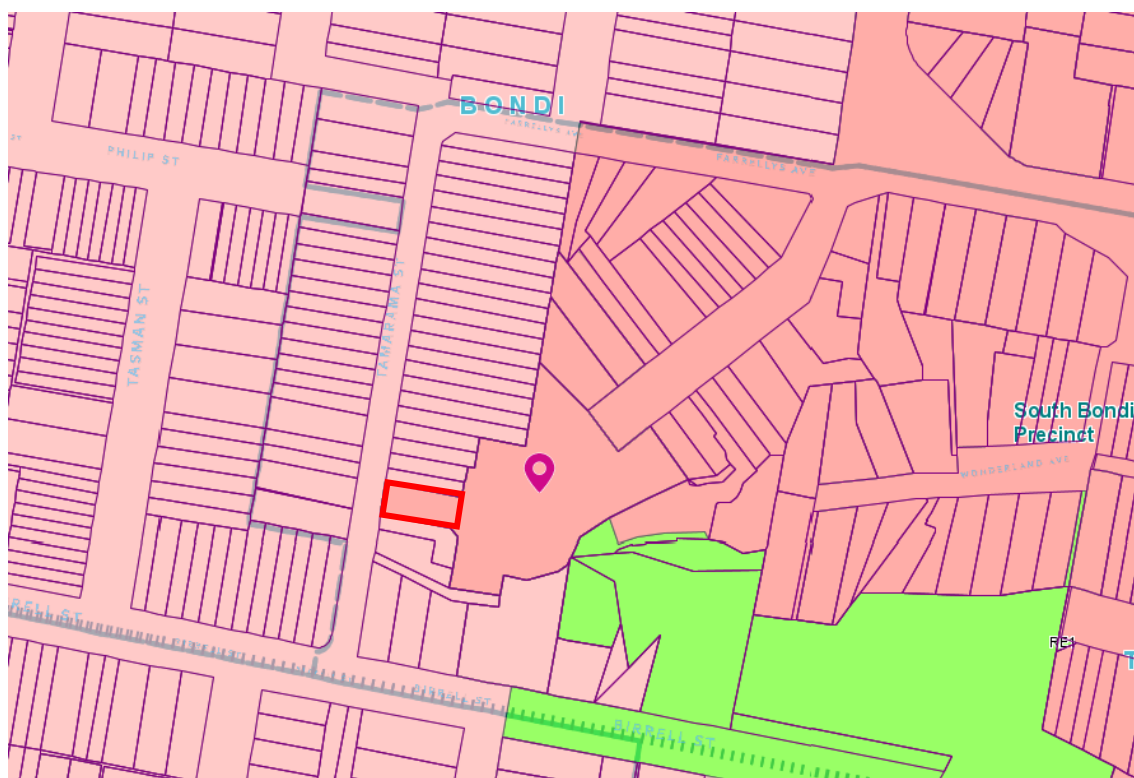
The Planning Proposal is a result of a Council resolution on 5 April 2022, and the relevant Council Report is provided in the Attachments. It is intended to amend the zoning and development standards. The proposed LEP amendment fits the category of the 'Basic' Planning Proposal described in the Department of Planning Environment (DPE) Guideline.



Table 2: Council Resolution 5 April 2022

Meeting and date	Item No.	Resolution
Council 5 April 2022	PD/5.5/22.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Supports a Planning Proposal for the property at 7B and 5 Tamarama Street (legal description being Strata Plan 1737) to rezone the land from R3 to R2, with a maximum height of 8.5 m and FSR of 0.5:1 to match the surrounding R2 zone.</li> <li>2. Forwards the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway Determination.</li> </ol>

Figure 2: Waverley Local Environmental Plan 2012 proposed land-use zoning



The subject site fronting Tamarama Street is surrounded by Low-density residential land uses and the proposed change in zoning from R3 to R2 will result in development standards more in line with the character of the area.

### List of Attachments

Attachment A – Council Minutes Meeting

Attachment B – Council Report

Attachment C – Mapping

## Attachment E – Registered subdivision plan

# PART 1 – OBJECTIVES OR INTENDED OUTCOMES

## 1.1 Description Statement

Historically, the subject parcel was in an R2 Low-Density Residential Zone, aligning with the area's character. However, the application of the R3 Medium Density Residential Zone under the LEP renewal process is inconsistent with the capacity and environmental constraints of the land, the existing road network within Illawong Avenue and Tamarama Street and the character of the current subdivision.

## 1.2 Intended Outcomes

The Planning Proposal seeks to:

- ensure that any redevelopment of the subject site is consistent with the surrounding low density residential character of Tamarama Street.
- meet expectations of the local community that future development would not unreasonably compromise their residential amenity, including solar access.

The proposed amendment is consistent with Council's resolution on 5 April 2022.

Table 3: Proposed amendments to WDCP 2012

WLEP 2012 Provision	Current Planning Controls	Planning Proposal
<b>Zone</b>	R3 Medium-Density Residential	R2 Low-Density Residential
<b>Additional Permitted Use</b>	Nil	Nil
<b>FSR</b>	0.6:1	0.5:1
<b>Height</b>	9.5 m	8.5 m

# PART 2 – EXPLANATION OF PROVISIONS

## 2.1 Draft Development Standards

The Planning Proposal seeks to amend the Waverley LEP 2012 in relation to the subject site as follows:

- a) Amend the zoning of the subject area from R3 Medium Density Residential to R2 Low-Density Residential.
- b) Amend the floor space ratio (FSR) applying to the subject area to 0.5:1; and
- c) Amend the height of the building's development standard to 8.5m.

The proposed amendment is consistent with Council's resolution on 5 April 2022.

# PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

## 3.1 Strategic Merit

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the LEP Making Guidelines (December 2021). The matters to be addressed include the strategic planning context of the amendments, Strategic Merit, Site-Specific Merit, and potential state and environmental, social and economic impacts.

## Building Typology Comparison

A comparison of different building typologies of existing vs proposed development standards, landscaping and car parking comparison between Low-Density Residential and Medium Density Residential against the Waverley Development Control Plan (WDCP), is provided below.

Table 4: Waverley Development Control Plan comparison

Building Typology	R2 – 8.5m height, 0.5:1 FSR	R3 – 9.5m height, 0.6:1 FSR	Comments
Dwelling House	<ul style="list-style-type: none"> <li>Height: 8.5m</li> <li>FSR: 0.7:1 as per Cl4.4A of Waverley LEP 2012</li> <li>Front setback: Average</li> <li>Rear setback: Average</li> <li>Side setbacks: 0.9m</li> </ul>	<ul style="list-style-type: none"> <li>Height: 9.5m</li> <li>FSR: 0.7:1 as per Cl4.4A of Waverley LEP 2012</li> <li>Front setback: Average</li> <li>Rear setback: Average</li> <li>Side setbacks: 0.9m</li> </ul>	<ul style="list-style-type: none"> <li>1m height difference</li> <li>Same FSR applies</li> <li>Minimum of 40% of the total site area is to be provided as open space in Low-Density Residential (Waverley DCP 2022)</li> <li>Minimum of 20% of the total area provides landscape area in Low-Density Residential (Waverley DCP 2022)</li> <li>Minimum 50% of the landscape area must be deep soil in Low-Density Residential (Waverley DCP 2022)</li> </ul>
Dual Occupancy	<ul style="list-style-type: none"> <li>Height: 8.5m</li> <li>FSR: 0.7:1 (as per Cl4.4A of Waverley LEP 2012)</li> <li>Minimum lot size (Waverley DCP 2022): 450sqm (attached) and 600sqm (detached)</li> <li>Minimum lot size (Section 3B.8 of Codes SEPP): 400sqm</li> <li>Front setback: Average</li> <li>Rear setback: Average</li> <li>Side setbacks: 0.9m</li> </ul>	<ul style="list-style-type: none"> <li>Height: 9.5m</li> <li>FSR: 0.7:1 (as per Cl4.4A of Waverley LEP 2012)</li> <li>Minimum lot size (Waverley DCP 2022): 450sqm (attached) and 600sqm (detached)</li> <li>Minimum lot size (Cl. 3B.8 of Codes SEPP): 400sqm</li> <li>Front setback: Average</li> <li>Rear setback: Average</li> <li>Side setbacks: 0.9m</li> </ul>	<ul style="list-style-type: none"> <li>1m height difference</li> <li>Same FSR applies</li> <li>The site does not meet the minimum lot size requirements under Council's DCP and the Code SEPP.</li> <li>Minimum of 40% of the total site area is to be provided as open space in Low-Density Residential (Waverley DCP 2022)</li> <li>Minimum of 20% of the total area provides landscape area in Low-Density Residential (Waverley DCP 2022)</li> <li>Minimum 50% of the landscape area must be deep soil in Low-Density Residential (Waverley DCP 2022)</li> </ul> <p>Each dwelling in a detached dual occupancy development have a minimum open space of 130m<sup>2</sup> including a private space area with minimum dimensions of 5m×5m located adjacent to the living area (Waverley DCP 2022)</p>
Multi-Dwelling Housing	<ul style="list-style-type: none"> <li>Not Permitted</li> </ul>	<ul style="list-style-type: none"> <li>Height: 9.5m</li> <li>FSR: 0.6:1</li> </ul>	<ul style="list-style-type: none"> <li>Although multi-dwelling housing is permitted in the R3 zone, it is subject to a</li> </ul>



		<ul style="list-style-type: none"> <li>• Minimum lot size for multi-dwelling housing (terraces) (Cl. 3B.33 of the Codes SEPP): 600sqm</li> <li>• Minimum lot width for multi-dwelling housing (terraces) (Cl. 3B.33 of the Codes SEPP): 21m</li> <li>• Front setback: Average</li> <li>• Rear setback: 6m or average</li> <li>• Side setbacks: 1.5m</li> </ul>	<p>lower FSR than dwelling houses.</p> <ul style="list-style-type: none"> <li>• Multi-dwelling housing is unlikely to be feasible due to the small lot size and narrow frontage of the site</li> <li>• The site does not meet the minimum lot size and lot width requirements for multi-dwelling housing in the Code SEPP for complying development.</li> <li>• 30% of the site area is to be provided as the landscaped area in Medium Density Residential (Waverley DCP 2022)</li> <li>• 50% of the landscaped area must be deep soil zone in Medium Density Residential (Waverley DCP 2022)</li> <li>• 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space</li> </ul>
<b>Manor Houses</b>	<ul style="list-style-type: none"> <li>• Not Permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Height: 9.5m</li> <li>• FSR: 0.6:1 <ul style="list-style-type: none"> <li>• Minimum lot size (Cl. 3B.21 of the Codes SEPP): 600sqm</li> </ul> </li> <li>• Front setback: Average</li> <li>• Rear setback: 6m or average</li> <li>• Side setbacks: 1.5m</li> </ul>	<ul style="list-style-type: none"> <li>• Although manor houses are permitted in the R3 zone, it is subjected to a lower FSR than dwelling houses</li> <li>• The site does not meet the minimum lot size requirement of the Codes SEPP for complying development.</li> <li>• 30% of the site area is to be provided as the landscaped area in Medium Density Residential (Waverley DCP 2022)</li> <li>• 50% of the landscaped area must be deep soil zone in Medium Density Residential (Waverley DCP 2022)</li> <li>• 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space (Waverley DCP 2022)</li> </ul>

<b>Residential Flat Building</b>	<ul style="list-style-type: none"> <li>• Not Permitted</li> </ul>	<ul style="list-style-type: none"> <li>• 9.5m height</li> <li>• 0.6:1 FSR</li> <li>• Minimum site frontage (Waverley DCP 2022): 15m</li> <li>• Front setback: Average</li> <li>• Rear setback: 6m or average</li> <li>• Side setbacks: 1.5m</li> </ul>	<ul style="list-style-type: none"> <li>• Although flat residential buildings are permitted in the R3 zone, it is subject to a lower FSR than dwelling houses.</li> <li>• The site does not meet the minimum street frontage requirement of the DCP.</li> <li>• 30% of the site area is to be provided as the landscaped area in Medium Density Residential (Waverley DCP 2022)</li> <li>• 50% of the landscaped area must be deep soil zone in Medium Density Residential (Waverley DCP 2022)</li> <li>• 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.</li> </ul>
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Based on the above analysis, the following notes need to be considered:

- **Multi-dwelling housing:** The FSR for multi-dwelling housing under the current R3 zoning is 0.6:1, which is lower than the FSR for a dwelling house at 0.7:1, as specified in Clause 4.4A Exceptions to floor space ratio of the Waverley LEP 2012. The Codes SEPP allows multi-dwelling housing (terraces) to be considered complying development if certain conditions are met.

However, the minimum lot size (600 sqm) and minimum lot width (21m) in the subjected site requirements stated in Clause 3B.33 of the Codes SEPP, rendering complying development unsuitable for this particular use on the site.

- **Manor house:** According to Clause 3B.1A of the Codes SEPP, manor houses are allowed in the R3 zone provided that residential flat buildings or multi-dwelling housing, or both, are already permitted. Like multi-dwelling housing, the FSR for manor houses is 0.6:1, as indicated by the FSR Map. This is lower than the FSR for dwelling houses, which is 0.7:1 in accordance with Clause 4.4A of the Waverley LEP 2012.

While some types of manor house development may be considered complying development under the Codes SEPP, the minimum lot size requirement under Clause 3B.21 of the SEPP, which is 600 sqm, makes it ineligible for complying development.

- **Residential flat building:** Council's DCP 2022 sets out the minimum site frontage for a residential flat building at 15m. The subject site has a width of 12.19m only and does not meet the above requirement. The FSR for any residential flat development is 0.6:1 (as per the FSR Map), which is lower than that applies to a dwelling house, being 0.7:1, pursuant to Clause 4.4A of the Waverley LEP.

The only two residential types would fit the subjected site:

- Dual Occupancy:** The proposed R2 zoning will allow for the development of dual occupancies. However, following Clause 4.4A of the Waverley LEP, this type of development will be subject to an FSR of 0.7:1, the same as dwelling houses. Nevertheless, the DCP 2022 specifies minimum lot size requirements of 450 sqm and 600 sqm for attached and detached dual occupancies, respectively, which the site fails to meet.  
 While the Codes SEPP permits dual occupancies to be developed through complying development under certain circumstances, Clause 3B.8 of the Codes SEPP states that a minimum lot size of 400 sqm is necessary for complying development. The subject site is not eligible for complying development to accommodate a dual occupancy. Therefore, based on the above information, the likelihood of developing an attached dual occupancy on the site is low.
- Dwelling House:** A dwelling house is the type of residential use that would be subject to a higher FSR, being 0.7:1, and would be more readily capable of meeting the relevant DCP controls. Such a use is permitted under both the existing R3 and the proposed R2 zoning.
- Secondary dwelling:** Although the R2 zoning regulations in the Waverley LEP do not allow for secondary dwellings, there is still a way to develop them through Clause 52 of the SEPP (Housing) 2021, as long as certain conditions are met. These include ensuring that the maximum floor space ratio (FSR) specified in another environmental planning instrument is not exceeded and that the total floor area of the secondary dwelling is either the maximum specified in another environmental planning instrument or 60 sqm, whichever is greater. Additionally, Clause 5.4(9) of the Waverley LEP indicates that the total floor area of any secondary dwelling cannot exceed 60 sqm or 30% of the total floor area of the principal dwelling. It is worth noting that the proposed R2 zoning would still allow for the development of secondary dwellings, despite the current zoning restrictions.

As the site has a small lot size (under 400 sqm) and narrow frontage, the residential uses permitted on the site will be limited. Reduction in building height standard (from 9.5m to 8.5m) there will not be any significant change to the housing delivery and diversity of the subjected land.

Table 5: Car parking WDCP 2022

Parking in DCP Parking Zone 2	Low Density Residential	Medium-density residential (3-19 dwellings)	Comment
On-site parking rate per dwelling	Minimum: 0 ≤2 bedrooms: Maximum 1 3+ bedrooms: Maximum 2	Minimum: 0 Maximum: Studio: 0 1-bedroom: 1.0 2-bedroom: 1.2 3+ bedrooms: 1.5	More on-site parking spaces permitted, which is likely to result in an increase in vehicle movement on and around the site.
Visitor Parking	None	1 space per 5 units	More on-site parking spaces permitted, which is likely to result in an increase in

			vehicle movement on and around the site.
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Table 5 shows the Waverley DCP 2022 minimum and maximum parking requirements for dwelling houses of 1 and 2 spaces for areas outside the 800m catchment of the Bondi Junction. The maximum parking requirements for medium-density residential developments, as part of Waverley DCP, are 1 space for 1 bedroom and 1.2 space for 2 bedrooms, and 1.5 space for 3 bedroom units. There is also a zero minimum.

Considering the small lot of 368 sqm and minimum dimension to the driveway, the access aisle and parking bays under the Australian Standard is unlikely that the site would be able to facilitate medium-density residential development in 5 Tamarama Street, Tamarama. Therefore, with the limited number of parking for the site based on Table 5, the traffic impact will be limited. Moreover, the site is located in Tamarama with great access to public transport, such as bus routes, which makes it an accessible area for the residents.

Based on Table 4, the best housing type option would be dwelling houses in Tamarama Street. The proposed reduction of building height from 9.5m to 8.5m height by 1m would be more consistent with the scale of buildings along Tamarama Street by aligning the height control, and it positively impacts solar access to the neighbouring properties. Considering surrounding properties with the same dwelling types, such as dwelling houses and a height limit of 8.5m, the subjected site will not be out of character in the area and will not have an overshadowing impact on surrounding properties.

### Section A – Need for the Planning Proposal (Strategic Merit)

This section establishes the need for a Planning Proposal to achieve the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal.

#### 1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the direct result of the Council's resolution on 5 April 2022 to rezone the subject area from R3 Medium Density Residential to R2 Low-Density Residential.

#### 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 only means of achieving the stated objective to rezone the subject area from R3 Medium Density Residential to R2 Low-Density Residential, in accordance with the Council resolution. The intended outcome area is to rezone the subject area to R2 Low-Density Residential, amend the FSR to 0.5:1 and amend the height of the building standard to 8.5m.

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

#### 3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the proposal is consistent with the objectives of a Metropolis of Three Cities. The R2 Low-Density Residential zone permits various residential accommodation types, including dwelling houses, detached dwellings and semi-detached dwellings. Most of the existing housing within the study area comprises detached and semi-detached dwelling houses.

Table 6 outlines the extent of consistency between the proposal and the Eastern City District Plan.

Table 6: Eastern City District Plan

Liveability	
<p>Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p>	<p>The proposed downzoning from R3 to R2 will reduce the range of residential uses on the site. However, due to the small lot size (368 sqm) and narrow frontage, as outlined in Table 4, the type of residential development will be limited.</p> <p>As discussed in <b>Table 4</b> in this report, the analysis of residential development permitted in the existing R3 zone, such as multi dwellings, manor houses, and residential flat buildings, would not be able to be carried out based on Waverley Council's DCP controls. Moreover, Complying Development standards for these forms of development are also not achievable due to the non-compliance with relevant requirements in the State Environmental Planning Policy (Exempt &amp; Complying Development) 2004 (Codes SEPP).</p> <p>Dual occupancies are permissible in R2 and R3 zones but do not meet the minimum lot size requirements under Council's DCP or the Code SEPP (for Complying Development).</p> <p>Therefore, the most feasible option for residential development on the site would be a dwelling house allowed in both R2 and R3 zones. The limited capacity of the site to comply with the relevant local planning or State Government controls for denser forms of development means that the potential impact on housing supply and choice is insignificant.</p> <p>The proposed R2 will be the best zone to reflect the site's capacity for development.</p>
<p>Planning Priority E6: Creating and renewing great places and local centres and respecting the district's heritage</p>	<p>This Planning priority E6 is consistent with this Planning Proposal as it seeks to recognise the low-density residential character of the area. The proposed planning controls will better reflect the site's development potential and facilitate development that is consistent with the character of Tamarama Street.</p>
Sustainability	
<p>Planning Priority E16: Protecting and enhancing scenic and cultural landscapes.</p> <p>Action 63: Identify and protect scenic and cultural landscapes.</p>	<p>Waverley LGA features dense and highly urbanised areas, meaning that both built structures and natural features contribute to the scenic quality of landscapes in the LGA.</p> <p>5 Tamarama Street currently permits a 9.5m building height, which may visually disrupt the wider Tamarama Street streetscape that is otherwise subject to an 8.5m building height. Therefore, the additional metre permitted at 5 Tamarama might appear out of scale and disrupt the established visual landscape.</p>



	As this proposal seeks to align the building height at 5 Tamarama Street with the rest of the streetscape, the height difference and subsequent disruption are less likely to occur – achieving consistency with this Planning Priority.
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*Waverley Local Strategic Planning Statement (March 2020)*

The Waverley LSPS adopts the Directions and Planning Priorities, and any LEP amendments must demonstrate public benefit. The Planning Priorities of the LSPS relevant to this proposed LEP amendment are listed. The Planning Proposal does not entirely meet the Strategic Merit Test (Table 7).

Table 7: Assessment of Proposal against Strategic Merit Test

<b>Strategic Merit Test</b>	
<b>a) Does the proposal:</b>	
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or a corridor/precinct plan applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or	<p>An argument could be made that the proposal is consistent with the <b>Greater Sydney Regional Plan</b> in regard to <b>Objective 7</b> which states that <i>communities are healthy, resilient, and socially connected</i></p> <p>The proposal reduces the type of dwelling which can be constructed and, therefore, could be seen as limiting the housing supply.</p> <p>As mentioned in <b>Table 4</b>, however, due to the small lot size (368 sqm) and narrow frontage (12.19m) type of the residential development will be limited to dwelling houses and dual occupancies. Dual occupancies are permissible in R2 and R3 zones but do not meet the minimum lot size requirements under Council's DCP or the Codes SEPP (for Complying Development).</p> <p>In this way, the development capacity of the site is aligned with the low-density development. Hence the proposed R2 zone reflects the site's capacity for development.</p>
Objective 10: Greater Housing Supply	<p>The proposal is downzoning from R3 to R2 would reduce the range of residential uses permissible on the site. However, due to the small lot size (368 sqm) and narrow frontage, other residential development will be limited.</p> <p>As mentioned in <b>Table 4</b>, the most plausible residential development on the site would be a dwelling house which is permitted in both R2 and R3. As such, the potential impact on housing supply and choice is considered to be insignificant due to the limited capacity of the site to comply with relevant local planning or State Government controls for this denser form of development.</p>
Respond to a change in circumstances that have not been recognised by the existing planning framework.	N/A

4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

*Waverley Local Environmental Plan 2012*

The Waverley LEP has seven main aims that all Planning Proposals and development should be consistent with where applicable. This Planning Proposal is consistent with the following aim of the Waverley LEP:

- (c) To provide for a range of residential densities and a range of housing types to meet the changing housing needs of the community

*Waverley Local Strategic Planning Statement (March 2020)*

Table 8 assessed the Planning Proposal against the relevant Planning Priority and actions.

Table 8: Assessment of the Proposal against the Local Strategic Planning Statement

<ul style="list-style-type: none"> <li>• Direction: A city for people</li> </ul>	
Planning Priority 5: increase the sense of well-being in our urban environment	The Planning Proposal will help keep the character of Tamarama Street with R2 Low-Density Residential and help the area's amenities.
Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community	<p>The rezoning from R3 to R2 will limit the theoretical range of dwelling type permissibility.</p> <p>However, in practice, and as argued above, the most plausible residential development on the site would be a dwelling house permitted in R2 and R3 zones. As such, the potential impacts on the housing range will be limited to comply with the relevant Local Strategic Planning Statement.</p>

Table 9: Waverley Local Housing Strategy

Waverley Local Housing Strategy	
Priority H2: Encourage a range of housing options to support and retain a diverse community	<p>The Planning Proposal could be argued to limit the range of housing options in Waverley LGA.</p> <p>However, as mentioned above, the small lot size (368 sqm) and narrow frontage limit the type of residential development on the site. Dual occupancies are permissible in R2 and R3 zones but do not meet the minimum lot size requirements under Council's DCP or Code SEPP.</p> <p>Based on the above, the most plausible residential development on the site would be a dwelling house permitted in R2 and R3 zones. as such, the potential impacts on the housing range will be limited.</p>

Priority H5: Ensure the new development is consistent with the future character	the current lot's zoning does not align with the street's character. An R2 Low-Density Residential zone would align with the properties surrounding the site and the broader character of the area.
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#### Waverley Community Strategic Plan 2022-2032

This Planning Proposal aligns with the community vision, which states:

*“Waverley is a vibrant and resilient community. We take care of each other, our natural environment, and local places. Our community is empowered to collaborate for sustainable and connected Waverley for future generations.”*

The Planning Proposal also aligns with the strategies presented in Table 10 below:

Table 10: Assessment of Proposal against Waverley Community Strategic Plan 2022-2032

Relevant Directions and Strategies from the Waverley Strategic Plan	Is the proposal consistent with Direction and Strategy?
2.6: Control and manage development to protect the intrinsic values of the community, including aesthetics, size, heritage, and population	
2.6.2. Ensure new development provides a high standard of design quality and does not adversely impact the amenity of neighbours or the wider community	This proposal aims to rezone to a less intense zone which may facilitate the retention of the area's character with R2 Low-Density Residential.

#### 5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant State or regional studies or strategies to which the proposed LEP amendment is required to align.

#### 6. Is the Planning Proposal consistent with applicable SEPPs?

This Planning Proposal is consistent with applicable State Environmental Planning Policies, including:

- Housing SEPP
- Transport and Infrastructure SEPP
- Reliance and Hazards SEPP
- Industrial and Employment SEPP
- Biodiversity and Conservation SEPP
- Building Suitability Index: BASIX SEPP
- Precinct SEPPs
- Codes SEPP

#### 7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal is consistent with applicable Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979, as outlined in the below.

Table 11: Assessment of Proposal against Ministerial Direction

Section 9.1 Ministerial Direction		
Ministerial Direction	Relevance	Consistency
5.1 Integrating Land Use and Transport	<p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ol style="list-style-type: none"> <li>1. Improving transport Choice Guidelines for planning and development and</li> <li>2. The Right Place for Business and Services Planning Policy</li> </ol>	<p>Yes, this direction aims to ensure that urban land use locations improve accessibility for active and public transport and reduce car dependence. The subject area is close to public transport and frequent bus services.</p>
6.1 Residential Zones	<p>The directions are:</p> <ol style="list-style-type: none"> <li>1. A Planning Proposal must include provisions that encourage the provision of housing that will: <ol style="list-style-type: none"> <li>a) Broaden the choice of building types and locations available in the housing market,</li> <li>b) Make more efficient use of existing infrastructure and services, and</li> <li>c) Reduce the consumption of land for housing and associated urban development on the urban fringe and</li> <li>d) Be of good design.</li> </ol> </li> </ol>	<p>(Justifiably inconsistent)</p> <p>This proposal involves rezoning the land from R3 Medium Density Residential to R2 Low-Density Residential with surrounding properties in R2 zoning. The proposal is somewhat consistent with the objectives of this direction as it will continue to provide variety and choice in housing types. However, clause (2)(b) of the direction states that a Planning Proposal must “not contain provisions that will reduce the permissible residential density of land”. Therefore, the downzoning of the site in Tamarama Street from R3 to R2 is inconsistent with the above provision.</p> <p>The proposed rezoning of the subject land from R3 to R2 will reduce the range of permissible residential land uses. In addition, the proposed reduction to the FSR and building height standards would also reduce the residential density. Due to the small lot size (368 sqm) and narrow frontage (12.19m) being incompatible with or unable to comply with the development readily controls for denser forms of currently permitted residential development.</p> <p>The proposed R2 zone will permit dwelling houses and dual occupancy development with the same FSR of 0.7:1 under Clause 4.4A of the Waverley LEP 2012.</p> <p>In the current zone of site R3, multi-dwelling housing, manor house or residential flat building are permissible but are not feasible based on <b>Table 4</b> of this report.</p> <p>The proposed reduction to the building height by 1m from 9.5m to 8.5m is a minor change, and the proposed building height still will accommodate a 2-storey building. The 8.5m height limit will be more consistent with the streetscape and the Tamarama Street character.</p> <p>Based on the above information, the proposed rezoning change is unlikely to impact housing supply and diversity, as the most plausible type of residential uses would be dwelling house. There is also a possibility for a secondary dwelling to be</p>

Section 9.1 Ministerial Direction		
Ministerial Direction	Relevance	Consistency
		<p>developed on the site. As such, the proposal's inconsistency with the Direction is of minor significance.</p> <p>The proposal aims to reflect the development potential of the site and the planning controls to align with the other properties along both sides of Tamarama Street.</p>

## 3.2 Site-Specific Merit

### *Guide to preparing Planning Proposals*

The assessment criteria outlined in the DPE Guideline to determine if a Planning Proposal has Site Specific planning merit are addressed in Table 12.

Table 12: Assessment of Proposal against Site-Specific Merit Test

Site-specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources, or hazards)	This proposal will not have any impacts on the natural environment, however, will serve to protect characteristics of the natural environment such as tree canopy, setbacks, and planting.
The existing uses approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates	This proposal will ensure the continuation of residential land uses in the future.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision	Not applicable as this proposal will not result in an increase in infrastructure demand.

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

8. 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 subject area is within an established urban area and is not identified as having any ecological significance. On this basis, it's unlikely any critical habitats, threatened species, population, ecological communities or their habitats would be impacted.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are not likely to be any environmental impacts as a result of the proposal. Any issues associated with the subject area are likely to be minor and manageable at the Development Assessment stage.



#### 10. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is not anticipated to have any significant social or economic effects.

### Section D – Infrastructure (Local, State and Commonwealth)

#### 11. Is there adequate public infrastructure for the planning proposal?

This consideration is not applicable to the Planning Proposal as it is proposing to rezone the existing zoning to a less intense zone.

### Section E – State and Commonwealth Interests

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

Not applicable at this stage.

## PART 4 – MAPPING

Attachment C

## PART 5 – COMMUNITY CONSULTATION

A public exhibition is likely to include a newspaper advertisement, a display on the Council's Have Your Say website and written notification to landowners. The Gateway Determination will specify the level of public consultation that must be undertaken in relation to the Planning Proposal.

Pursuant to Division 3.4 of the Act, a Planning Proposal must be placed on public exhibition for a minimum of 20 working days, or as specified in the Gateway Determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

## PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the Planning Proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP 2012 will be completed by *October 2023*.

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

Table 11: Project timeline

Tasks	Timeframe
Gateway Determination	March 2023
Community Consultation	April-May 2023
Post Exhibition Review	June 2023
Update Planning Proposal / Report to Council	July 2023
DPIE review of final Planning Proposal	August 2023
Parliamentary Counsel drafting of LEP	September 2023
DPIE to finalise LEP	October 2023