

**PLANNING PROPOSAL TO AMEND WAVERLEY LEP 2012**  
**(AMENDMENT 1)**  
**DETAILED ANALYSIS AGAINST MINISTERIAL SECTION 117 DIRECTIONS**

| <b>1. Employment and Resources</b>                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>1.1 Business and Industrial Zones</b> <ul style="list-style-type: none"> <li>• Give effect to the objectives of the direction.</li> <li>• Retain existing business and industrial zones.</li> <li>• Not reduce potential floor space area in business and industrial zones.</li> <li>• Must be consistent with DoP strategy.</li> </ul> | <ul style="list-style-type: none"> <li>• The Waverley LGA does not contain any Industrial Zones.</li> <li>• There will be no loss of commercial floorspace as a result of this Planning Proposal. The rezoning of 107 Macpherson St from B1 Neighbourhood Centre to R3 Medium Density Residential is simply to reflect the current use of the site which is developed with an 11 storey strata titled residential flat building. This building is unlikely to ever be redeveloped for commercial purposes and as such the rezoning will have no impact on potential commercial floorspace or the function of the neighbourhood centre. The proposed cap of 400m2 on the size of retail premises in the centre is designed to strike a balance between the impacts of commercial activity and the amenity of residents in the surrounding area. This is a neighbourhood centre and the residents desire to keep the level of activity that currently exists and not encourage the escalation of the centre to that of a village or greater. This is consistent with the classification of the centre under the Metropolitan Strategy. In regards to allowing "Registered Club (Bronte Returned Services Club only)" as an additional permissible use on the site of the existing RSL club, the aim is to give the club certainty and to encourage this important social and commercial use to continue. As such the proposal is considered to be justifiably inconsistent with the direction the objectives of which will still be satisfied.</li> </ul> |

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| <b>1.2 Rural Zones</b>                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Not applicable. There are no existing or proposed rural zones in the Waverley LEP 2012.</li> </ul>                                                                                                                                                                                                                                                                                        |
| <b>1.3 Mining, Petroleum Production and Extractive Industries</b>                                                                                                                                     | <ul style="list-style-type: none"> <li>This Planning Proposal does not affect any deposits.</li> </ul>                                                                                                                                                                                                                                                                                                                           |
| <b>1.4 Oyster Aquaculture</b>                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Not applicable. This Planning Proposal does not change any land uses that would affect priority oyster aquaculture areas.</li> </ul>                                                                                                                                                                                                                                                      |
| <b>1.5 Rural Lands</b>                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Not applicable. SEPP (Rural Lands) 2008 does not apply to Waverley</li> </ul>                                                                                                                                                                                                                                                                                                             |
| <b>2. Environment and Heritage</b>                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>2.1 Environment Protection Zone</b> <ul style="list-style-type: none"> <li>Shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.</li> </ul> | <ul style="list-style-type: none"> <li>Council's comprehensive LEP 2012 introduced provisions relating to Terrestrial Biodiversity which apply to land identified on the Terrestrial Biodiversity Map and identified three sites as having high conservation value which were zoned E2 Environmental Conservation accordingly.</li> <li>This Planning Proposal does not affect any of these sites.</li> </ul>                    |
| <b>2.2 Coastal Protection</b>                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Land in this Planning Proposal is not within the Coastal Zone.</li> </ul>                                                                                                                                                                                                                                                                                                                 |
| <b>2.3 Heritage Conservation</b> <ul style="list-style-type: none"> <li>Facilitate the conservation of heritage items, both Aboriginal and European.</li> </ul>                                       | <ul style="list-style-type: none"> <li>Schedule 5 and the Heritage Maps in WLEP 2012 were developed following a comprehensive heritage study involving community consultation over a number of years. In addition, a study of Aboriginal Heritage was also conducted the results of which were also included.</li> <li>This Planning Proposal does not affect any of the listings in Schedule 5 or the Heritage Maps.</li> </ul> |

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| <b>2.4 Recreation Vehicle Areas</b>                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>This Planning Proposal does not enable the development of any land for the purpose of a recreation vehicle area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>3. Housing, Infrastructure and Urban Development</b>                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>3.1 Residential Zones</b> <ul style="list-style-type: none"> <li>Broaden the choice of housing types.</li> <li>Make more efficient use of infrastructure.</li> <li>Be of good design.</li> <li>Not reduce the permissible residential density of any land</li> </ul> | <ul style="list-style-type: none"> <li>During the preparation of Council's comprehensive LEP, Council capitalised on opportunities to increase development potential in the Bondi Junction Centre for both residential and employment purposes in order to take advantage of the significant transport infrastructure available through the bus rail interchange. Other than the Commercial Core zone, development in Bondi Junction is and will continue to be of a mixed use high rise form adding a further dimension to the available choice of housing types.</li> <li>This Planning Proposal rezones land from B1 Neighbourhood Centre zone to R3 Medium Density Residential zone in the Macpherson and St Thomas Streets Neighbourhood Centre. This amended zoning is to reflect the existing use of the land which is developed with a strata titled residential flat building.</li> </ul> |
| <b>3.2 Caravan Parks and Manufactured Home Estates</b>                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>There are no existing caravan parks in the local government area or any existing provisions permitting caravan parks.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>3.3 Home Occupations</b> <ul style="list-style-type: none"> <li>Allow home occupations in Dwelling Houses without the need for development consent.</li> </ul>                                                                                                       | <ul style="list-style-type: none"> <li>Council's comprehensive LEP made Home Occupations permissible in all residential and business zones (except for the B3 Commercial Core zone) without the need for development consent.</li> <li>This Planning Proposal does not change any provision relating to Home Occupations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <b>3.4 Integrating Land Use and Transportation</b> <ul style="list-style-type: none"> <li>• Give effect to Improving Transport Choice – DUAP 2001 Guidelines.</li> <li>• Give effect to The Right Place for Business &amp; Services – DUAP 2001 Policy.</li> </ul>                                                                                                                                  | <ul style="list-style-type: none"> <li>• This Planning Proposal is minor and does not propose anything that contravenes the objectives of this direction.</li> </ul>                                                                                                                    |
| <b>3.5 Development near Licensed Aerodromes</b>                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• Not applicable. No land in Waverley is in the vicinity of a licensed aerodrome.</li> </ul>                                                                                                                                                     |
| <b>3.6 Shooting Ranges</b>                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• Not applicable. There are no Shooting Ranges in the Waverley Local Government Area.</li> </ul>                                                                                                                                                 |
| <b>4. Hazard and Risk</b>                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                         |
| <b>4.1 Acid Sulphate Soils</b> <ul style="list-style-type: none"> <li>• Consider the Acid Sulphate Soils Guidelines.</li> <li>• Regulate works in Acid Sulphate Soil areas consistent with the ASS Model LEP.</li> <li>• Not intensify land use on land identified as having a probability of ASS unless a study is carried out assessing the appropriateness of the change of land use.</li> </ul> | <ul style="list-style-type: none"> <li>• Council's comprehensive LEP made provisions for Acid Sulphate Soils. This Planning Proposal does not change any provision relating to Acid Sulphate Soils nor intensify land use on land identified as having a probability of ASS.</li> </ul> |
| <b>4.2 Mine Subsidence and Unstable Land</b>                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Not applicable. No land in the draft LEP is located within a mine subsidence district nor identified as unstable land.</li> </ul>                                                                                                              |
| <b>4.3 Flood Prone Land</b> <ul style="list-style-type: none"> <li>• Be consistent with NSW Flood Prone Land Policy and Floodplain Development Manual 2005.</li> <li>• Not permit a significant increase in the development of</li> </ul>                                                                                                                                                           | <ul style="list-style-type: none"> <li>• This Planning Proposal does not apply to any land that is within a flood planning area and does not change any provision relating to Flood Planning.</li> </ul>                                                                                |

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| <p>land in the flood planning areas.</p> <ul style="list-style-type: none"> <li>• Not impose flood related development controls above the residential flood planning level for residential development.</li> </ul>                                                              |                                                                                                                                                                               |
| <b>4.4 Planning for Bushfire Protection</b>                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• Not applicable. Council is not required to prepare a bushfire prone land map.</li> </ul>                                             |
| <b>5. Regional Planning</b>                                                                                                                                                                                                                                                     |                                                                                                                                                                               |
| <b>5.1 Implementation of Regional Strategies</b>                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Not applicable. Waverley is not within any of the listed regions.</li> </ul>                                                         |
| <b>5.2 Sydney Drinking Water Catchment</b>                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Not applicable. Waverley is not identified as an applicable Council.</li> </ul>                                                      |
| <b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• Not applicable. Waverley is not identified as an applicable Council.</li> </ul>                                                      |
| <b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• Not applicable. Waverley is not identified as an applicable Council.</li> </ul>                                                      |
| <b>5.5 Development in the vicinity Ellalong, Paxton and Millfield</b>                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• Direction has been revoked.</li> </ul>                                                                                               |
| <b>5.6 Sydney to Canberra Corridor</b>                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• Direction has been revoked.</li> </ul>                                                                                               |
| <b>5.7 Central Coast</b>                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Direction has been revoked.</li> </ul>                                                                                               |
| <b>5.8 Second Sydney Airport: Badgerys Creek</b>                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Not applicable. Waverley is not identified as an applicable Council.</li> </ul>                                                      |
| <b>6. Local Plan Making</b>                                                                                                                                                                                                                                                     |                                                                                                                                                                               |
| <b>6.1 Approval and Referral Requirement</b> <ul style="list-style-type: none"> <li>• Minimise the inclusion of provisions that require concurrence etc.</li> <li>• Not identify development as designated development without the approval of the Director General.</li> </ul> | <ul style="list-style-type: none"> <li>• This Planning Proposal does not contain any referral requirements nor identify any development as designated development.</li> </ul> |

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| <b>6.2 Reserving Land for Public Purposes</b> <ul style="list-style-type: none"> <li>• Not alter or create reservations without the approval of the relevant acquisition authority.</li> <li>• Comply with a request from a Minister or public authority to reserve land etc.</li> </ul> | <ul style="list-style-type: none"> <li>• This Planning Proposal does not alter or create any reservations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>6.3 Site Specific Provisions</b> <ul style="list-style-type: none"> <li>• Discourage the creation of site specific provisions that allow a particular development to occur.</li> </ul>                                                                                                | <ul style="list-style-type: none"> <li>• The proposed cap of 400m2 on the size of retail premises in the centre is designed to strike a balance between the impacts of commercial activity and the amenity of residents in the surrounding area. This is a neighbourhood centre and the residents desire to keep the level of activity that currently exists and not encourage the escalation of the centre to that of a village or greater. This is consistent with the classification of the centre under the Metropolitan Strategy. In regards to allowing “Registered Club (Bronte Returned Services Club only)” as an additional permissible use on the site of the existing RSL club, the aim is to give the club certainty and to encourage this important social and commercial use to continue. As such the proposal is considered to be justifiably inconsistent with the direction the objectives of which will still be satisfied.</li> </ul> |
| <b>7. Metropolitan Planning</b>                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>7.1 Implementation of the Metropolitan Strategy</b> <ul style="list-style-type: none"> <li>• Planning proposals shall be consistent with the NSW Government's Metropolitan Strategy</li> </ul>                                                                                        | <ul style="list-style-type: none"> <li>• The objectives and actions contained in the Sydney Metropolitan Strategy 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 minor in nature and consistent with all relevant objectives and actions contained in the Sydney Metropolitan Strategy and ESDSS.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         |