

Waverley Local Environmental Plan 2012 Amendment No. 8 (Overshadowing Clause and Height of Buildings)

Proposal Title :	Waverley Local Environmental Plan 2012 Amendment No. 8 (Overshadowing Clause and Height of Buildings)		
Proposal Summary :	The purpose of this planning proposal is to amend Clause 6.7 – Solar access to public places in Bondi Junction to allow development along the northern side of Oxford Street Mall and the northern side of Spring St opposite Norman Lee Place, while also maintaining solar access to these public places.		
PP Number :	PP_2014_WAVER_005_00	Dop File No :	0/0000

Proposal Details

Date Planning Proposal Received :	27-Nov-2014	LGA covered :	Waverley
Region :	Metro(CBD)	RPA :	Waverley Council
State Electorate :	COOGEE VAUCLUSE	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Area bounded by Oxford Street Mall, Grosvenor Street, Grosvenor Lane and Newland Street		
Street :	16 Spring Street		
Suburb :	Bondi Junction	City : Sydney	Postcode : 2022
Land Parcel :	Lot 3 DP 975587		
Street :	18 Spring Street		
Suburb :	Bondi Junction	City : Sydney	Postcode : 2022
Land Parcel :	Lot 4 DP 975587		
Street :	20 Spring Street		
Suburb :	Bondi Junction	City : Sydney	Postcode : 2022
Land Parcel :	SP 31260		
Street :	87 Oxford Street		
Suburb :	Bondi Junction	City : Sydney	Postcode : 2022
Land Parcel :	Lot 1 DP 975587		
Street :	89 Oxford Street		
Suburb :	Bondi Junction	City : Sydney	Postcode : 2022
Land Parcel :	Lot 9 DP 656476		

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DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Alex Beers**
Contact Number : **0293698000**
Contact Email : **alex.beers@waverley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **One of the recommendations of the Bondi Junction Urban Design Review (2013) was the introduction of a local provision to protect solar access for public parks and plazas in Bondi Junction. The report did not intend for the clause to place significant constraints on land surrounding these public places. However, sites to the north of Oxford Street Mall have been constrained to the point that any development above the current built form is unachievable, while sites to the north of Norman Lee Place are constrained to less than half the height shown in the Height of Buildings map.**

Council requests the local provision to protect solar access be amended to enable development in line with the Waverley LEP Height of Buildings maps. The following

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provides details of the 3 sites where Council is seeking to amend the planning controls:

Oxford Street Mall

The inclusion of Oxford Street Mall in the local provision to protect solar access unreasonable restricts land to the north. Solar access to the Mall has already been addressed by the Waverley LEP 2012 building heights, which step back on its northern side to create a height plane. These heights are designed to retain direct solar access to the southern shop-fronts of the Mall in midwinter.

Rowe Street

The section of Rowe Street between Oxford Street Mall and Grosvenor Lane is currently a pedestrian ramp that provides access to the Bondi Junction Transport Interchange and currently has a height limit of 32 metres. As a result of the local provision to protect solar access, no additional height can be achieved as any development proposed would overshadow the area. This is an unintended sterilization of this site's development potential. The height limits on Rowe Street do not include a height plane that retains solar access to Oxford Street Mall. Therefore, the Height of Buildings map should be amended so that development is stepped back to maintain solar access for the Mall. The building height will be amended to range from 12.5 metres at the front of the site up to the current 32 metres at the rear of the site.

Norman Lee Place

The height limit is 38 metres and the Floor Space Ratio is 5:1, however, these sites can currently only achieve approximately 3 storeys at their southern frontage to Spring St and some additional height closer to the sites' northern boundaries. Council suggests amending the local provision to allow buildings up to LEP height limit. The Height of Buildings map will also be amended for these sites as the heights have not been planned with regard to maintaining solar access.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The main objective of the proposal is to amend Clause 6.7 – Solar access to public places in Bondi Junction, which currently imposes onerous development constraints for properties along the northern side of Oxford Street Mall and the northern side of Spring St opposite Norman Lee Place in Bondi Junction. The proposal also seeks to amend the applicable Height of Buildings to be consistent with the amendment to Clause 6.7.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Currently, clause 6.7 restricts development that would cause overshadowing in addition to the amount of shadow cast by the existing building(s). The amendment seeks to prohibit overshadowing additional to the current height on the height of buildings map, by making the following amendments:

Remove 3 sites from subclause (2) of clause 6.7:

- Oxford Street Mall (between Bronte Road and Newland Street);
- Rowe Street (between Oxford Street Mall and Grosvenor Lane); and
- Norman Lee Place (Boot Factory)

Insert a new sub-clause (4) for the above sites, which specifies that development on these sites is prohibited if the development results in any part of a building projecting above the height specified on the height of buildings map.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 22—Shops and Commercial Premises

SEPP No 60—Exempt and Complying Development

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The proposal is not considered to be inconsistent with any section 117 Direction.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps provided are considered satisfactory.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council considers that an exhibition period of 14 days would be appropriate given the relatively minor nature of the amendment and the limited number of properties affected.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Waverley LEP 2012 was notified in December 2012.**

Assessment Criteria

Need for planning proposal : **Clause 6.7 – Solar access to public places in Bondi Junction is the result of previous amendments to the Waverley LEP 2012 recommended by the Bondi Junction Urban Design Review Report (2013). The report was commissioned jointly by Council and the then Department of Planning and Infrastructure under the LEP acceleration fund to address concerns about the built form and urban design outcomes for Bondi Junction. The sterilization of land in Bondi Junction was not intended by the report. The best way to correct the situation is through a planning proposal and subsequent LEP amendment.**

Consistency with strategic planning framework : **This proposal seeks to remove constraints to development in Bondi Junction, which will allow the centre to continue to grow and reinforce its role as a Major Centre. The continued development of Bondi Junction makes a significant contribution to dwelling and employment targets for Waverley and the broader East Subregion contained in the East Subregion Draft Subregional Strategy and the Sydney Metropolitan Strategy.**

Environmental social economic impacts : **The land which is subject to this Planning Proposal does not include any land which contains critical habitat or threatened species populations or ecological communities or their habitats.**

Notwithstanding possible minor reduction in solar access to Norman Lee Place and Oxford St Mall at the specified time in the clause, there are no other likely environmental effects as a result of this planning proposal.

The proposal will encourage improved access to the Bondi Junction Transport Interchange which will provide significant social and economic benefits by providing better access to the Mall, improved amenity for the public, and new retail premises and commercial premises on Rowe Street.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - Clause 6-7.pdf	Proposal	Yes
Planning Proposal Attachments.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information :

It is recommended that the planning proposal proceed, subject to the following conditions:

- 1. The planning proposal be publicly exhibited for a period of not less than 14 days,**
- 2. Consultation is required with Transport for NSW,**
- 3. A public hearing is not required, and**
- 4. The planning proposal to be finalised within 12 months from a week following the date of the gateway determination.**

Supporting Reasons :

The planning proposal is supported because it will encourage reasonable development on sites which are considered strategically important to the role of Bondi Junction as a major centre.

Signature:



Printed Name:

W. Williamson

Date:

19/12/2014