

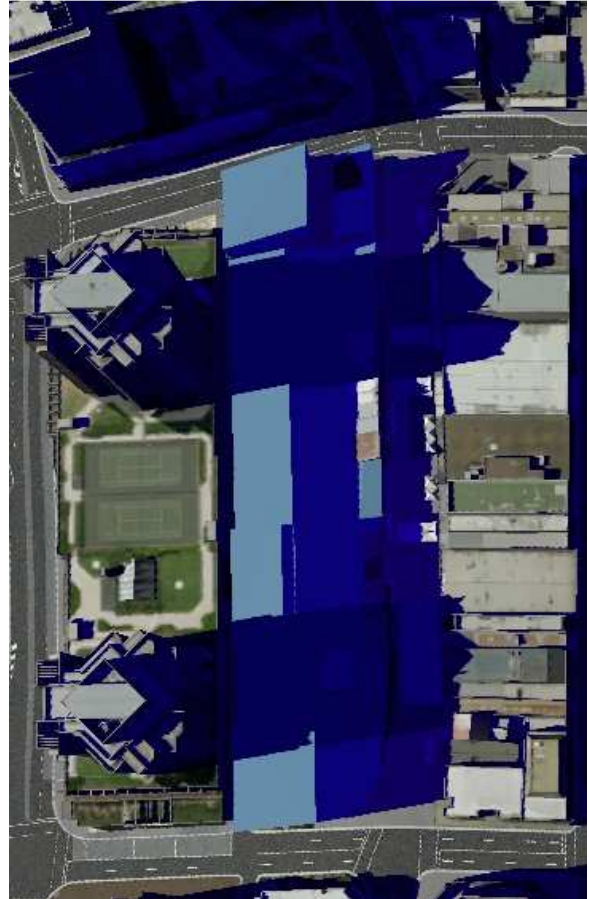
Attachment B – Shadow Analysis of Rowe Street and Oxford Street Mall

Note: All shadows are at 12 noon on 21 June (winter solstice)

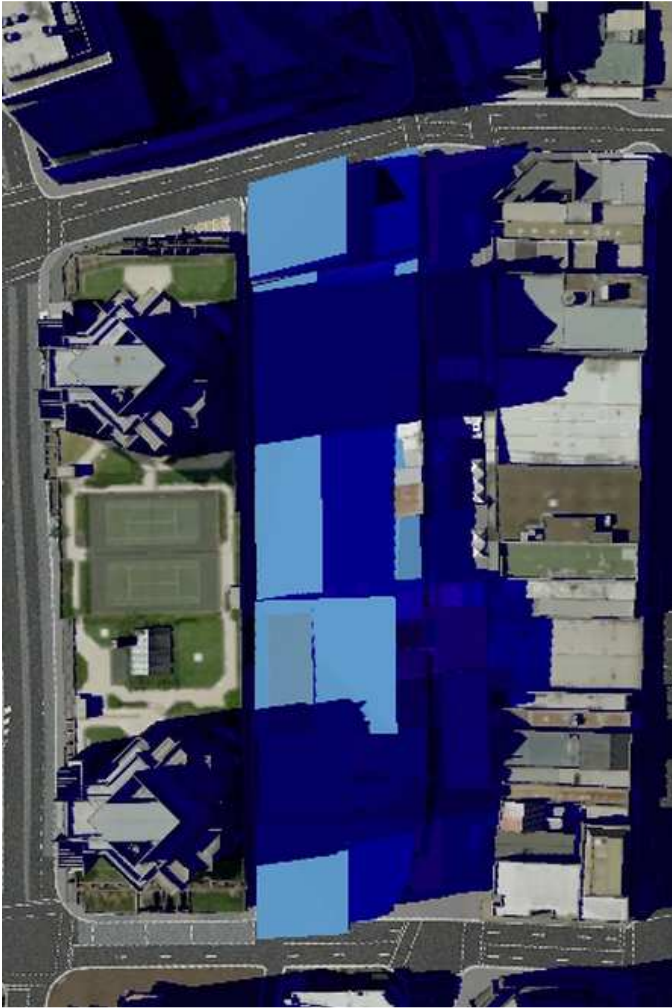
Existing shadows from overhead:



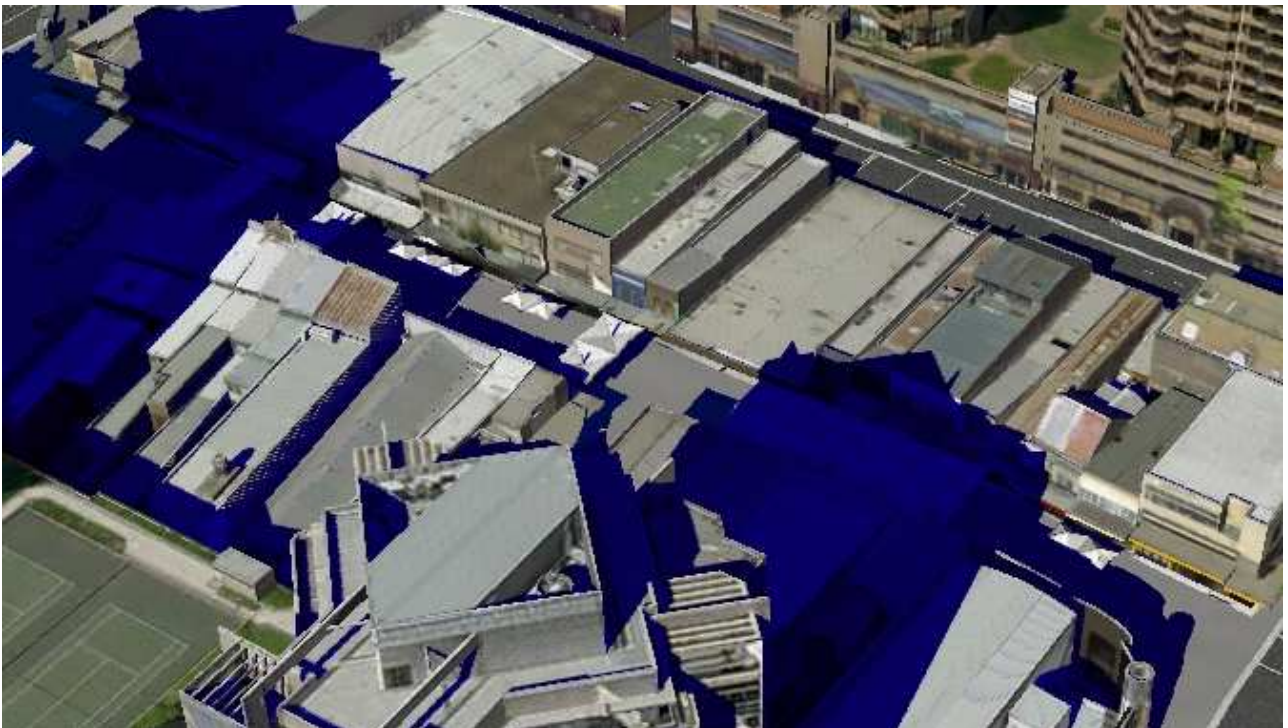
Potential shadow impact of proposed amendments to WLEP 2012 (if developed to maximum heights):



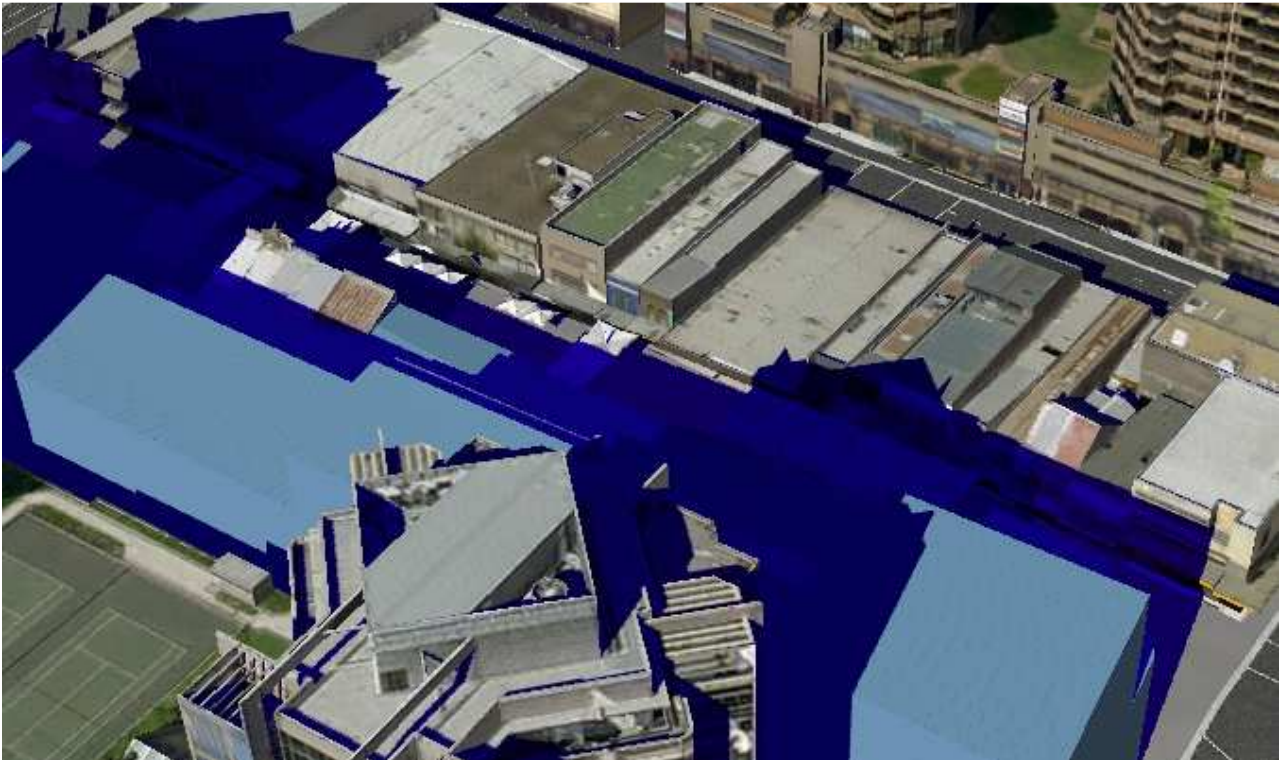
Potential shadows cast by LEP compliant buildings prior to Clause 6.7 being introduced:



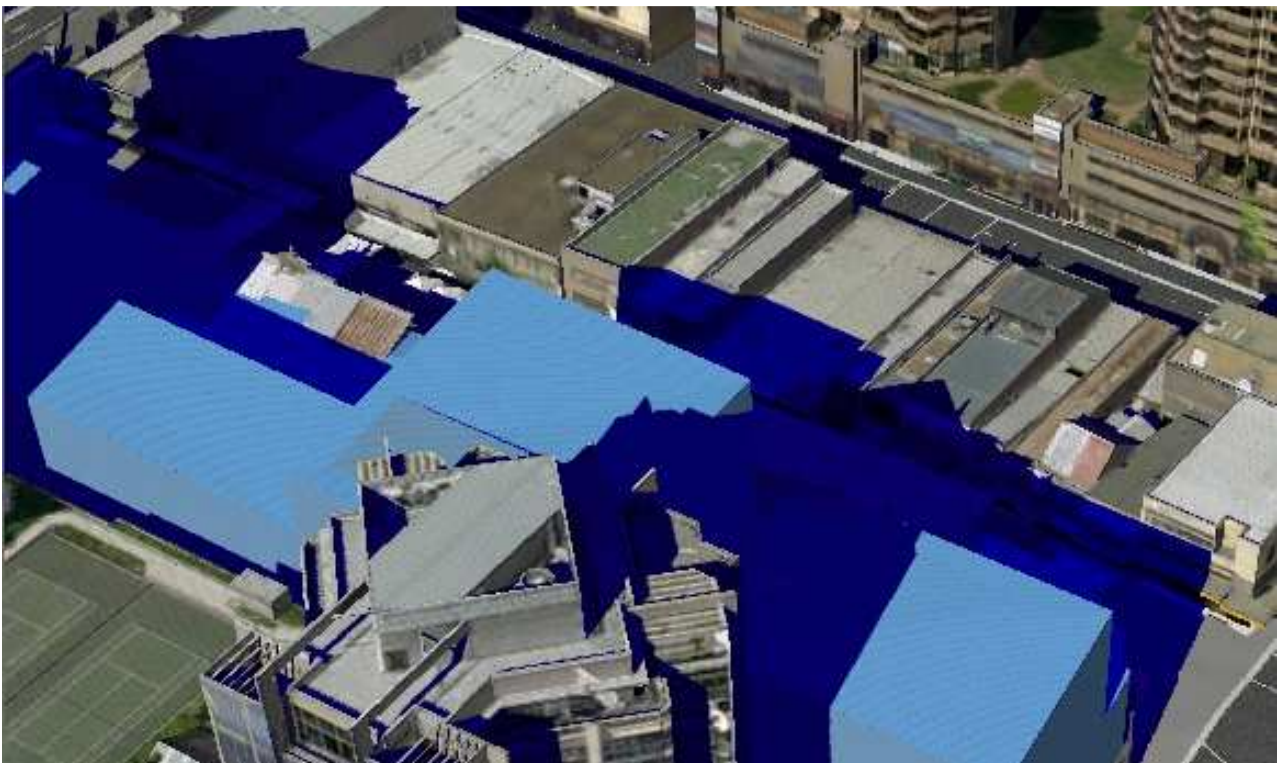
Existing shadows on southern facade:



Potential shadow impact of proposed amendments to WLEP 2012 to the southern facade (if developed to maximum heights):



Potential shadows cast by LEP compliant buildings prior to Clause 6.7 being introduced:



Attachment C

WLEP Height of Buildings Extract – Oxford Street Mall and Rowe Street



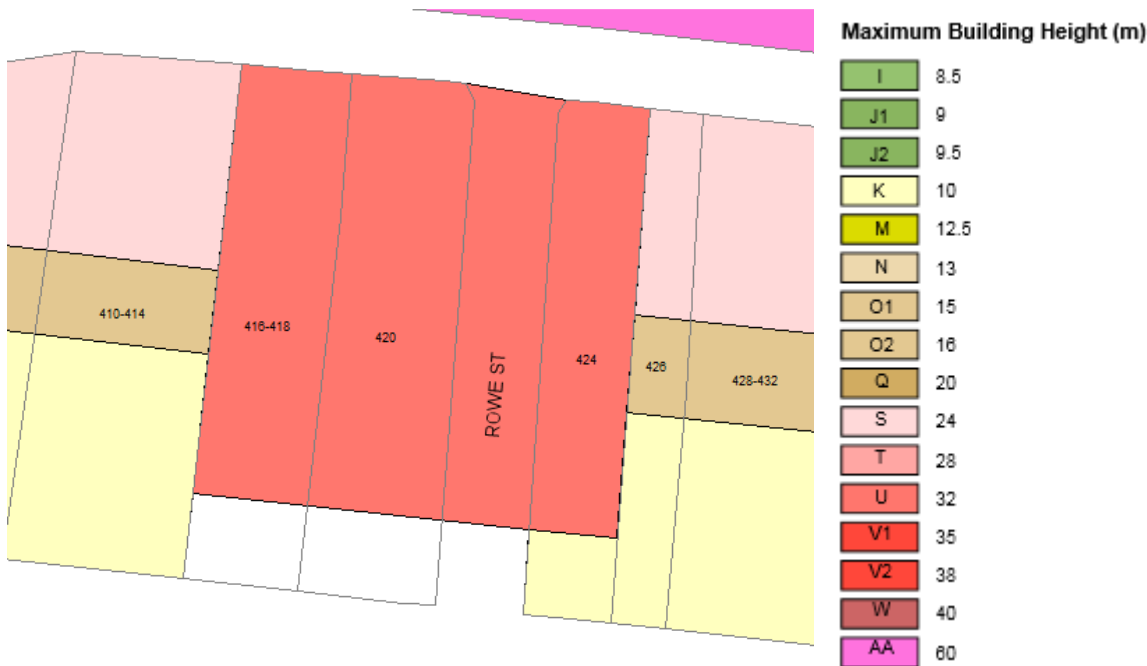
Maximum Building Height (m)

I	8.5	Q	20
J1	9	S	24
J2	9.5	T	28
K	10	U	32
M	12.5	V1	35
N	13	V2	38
O1	15	W	40
O2	16	AA	60

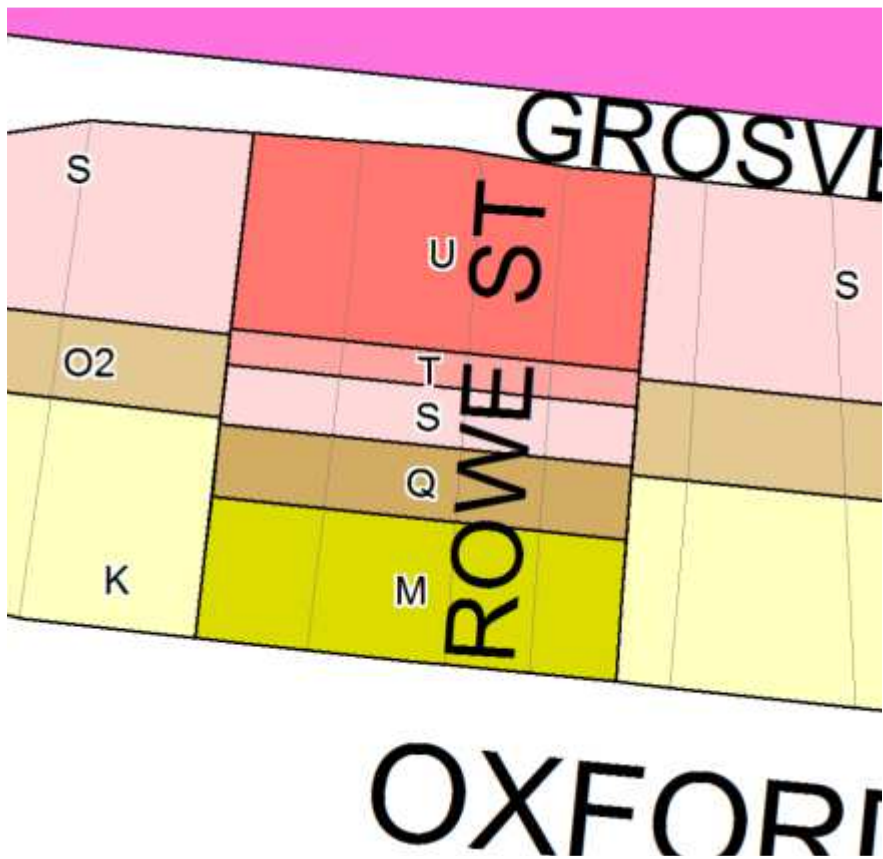
Attachment D – Changes to Height of Buildings Map

Rowe Street

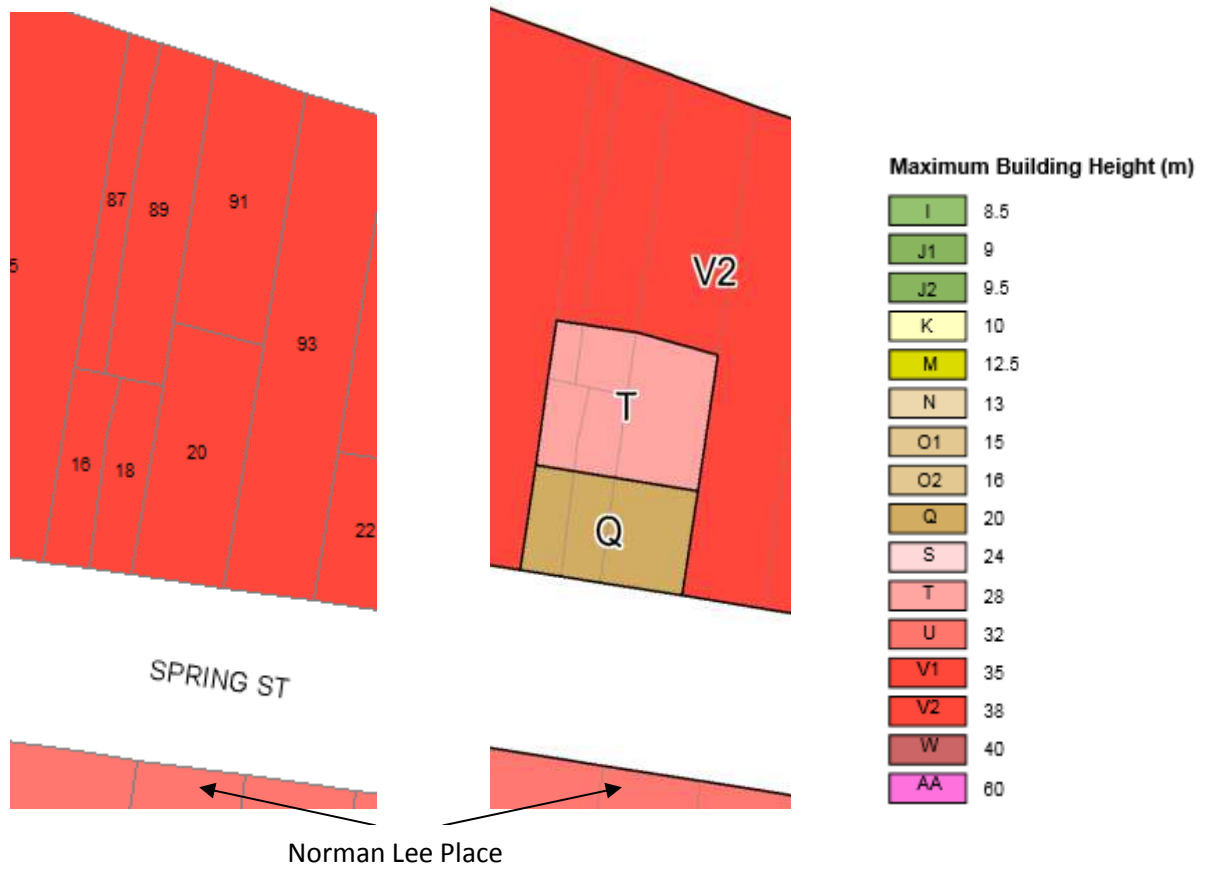
Extract of current HOB map for Rowe Street:



Proposed change to HOB map for Rowe Street:



Norman Lee Place





Waverley Local Environmental Plan 2012 Amendment 8

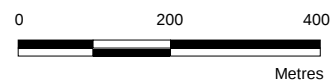
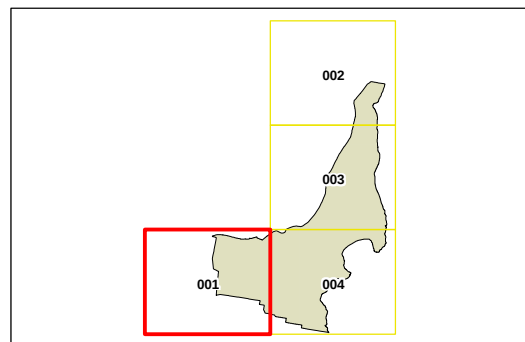
Height Of Buildings Map - Sheet HOB_001

Maximum Building Height (m)

I	8.5
J1	9
J2	9.5
K	10
M	12.5
N	13
O1	15
O2	16
Q	20
S	24
T	28
U	32
V1	35
V2	38
W	40
AA	60

Cadastre

Cadastre 09/11/2014 © Waverley Council

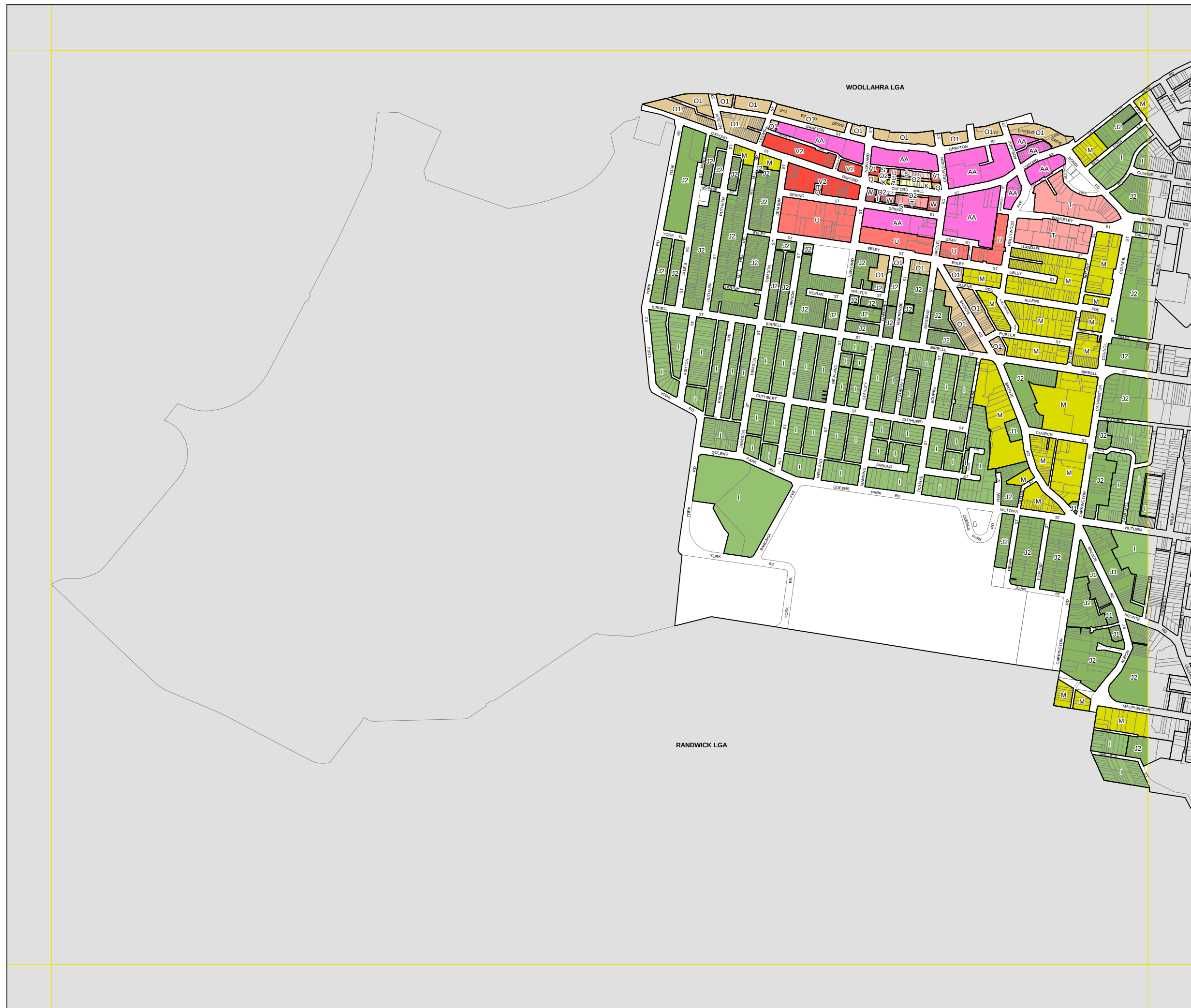


Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map Identification Number:

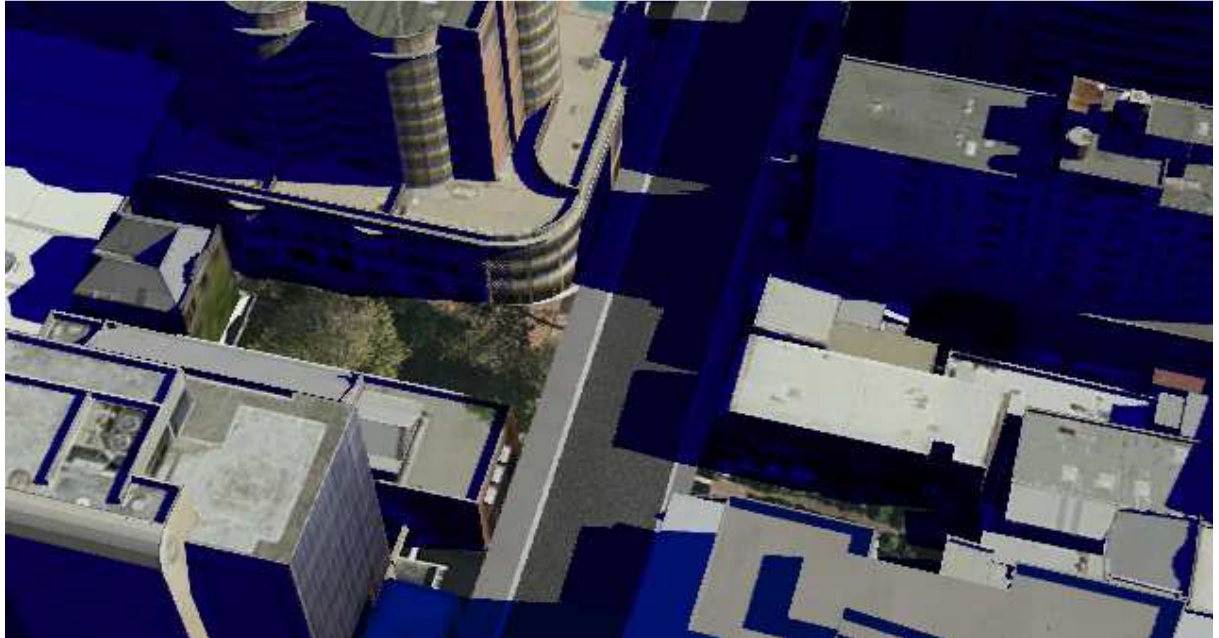
8050_COM_HOB_001_010_20141104



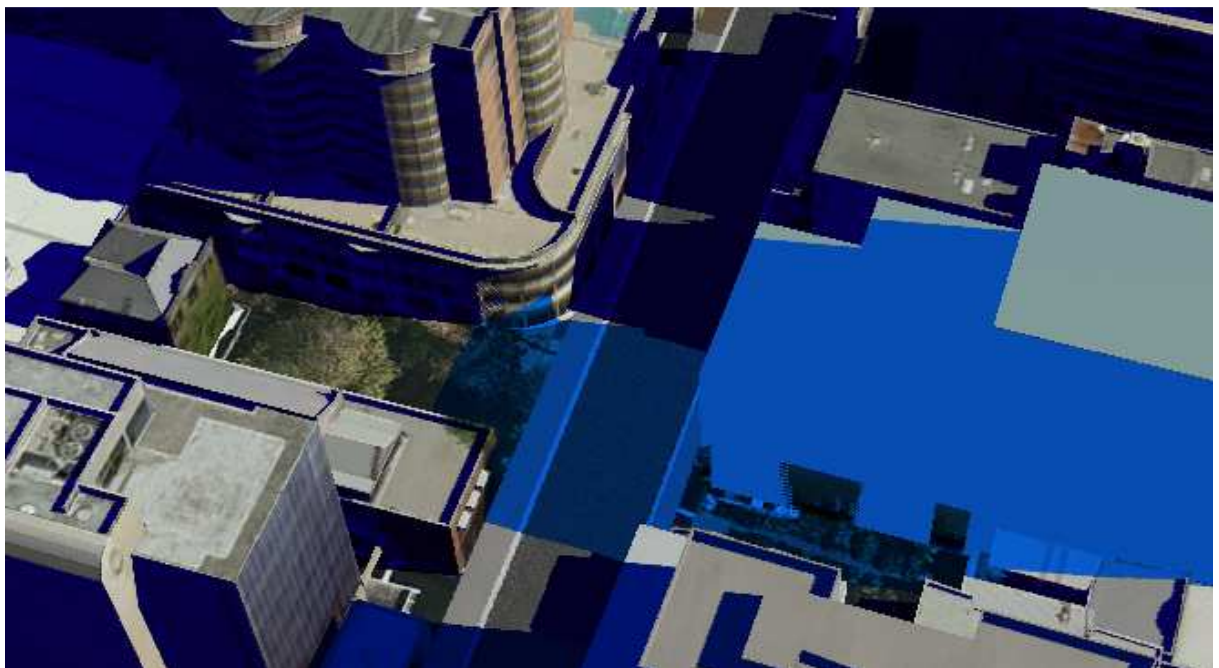
Attachment F – Norman Lee Place (Boot Factory) Shadow Analysis

Note: All shadows are at 12 noon on 21 June (winter solstice)

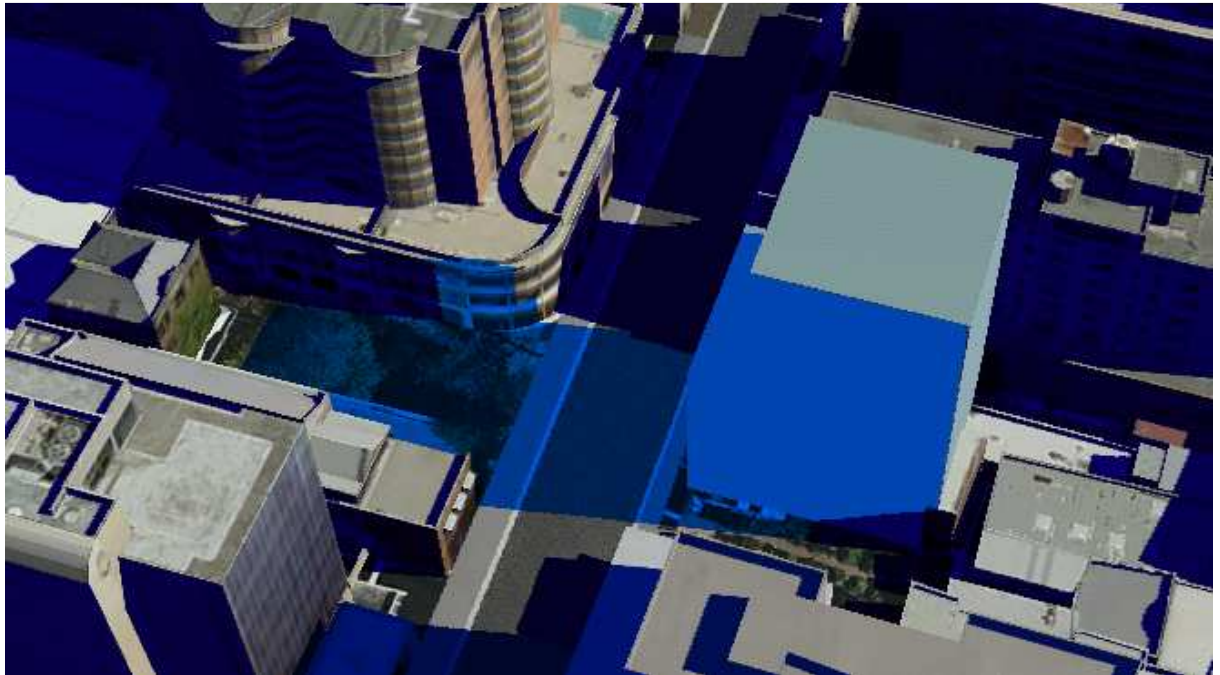
Existing shadow:



Potential shadow impact of proposed amendments to WLEP 2012:



Potential shadow cast by a LEP and DCP compliant building prior to clause 6.7 being introduced:



Attachment G

ASSESSMENT OF WAVERLEY LEP 2012 (AMENDMENT 8) **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 EP&A Act 1979	(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	✓		
5.9 North West Rail Link Corridor Strategy	✓		
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 – Multiple Occupancy of Rural Land (repealed)	-	-	-
SEPP 16 – Tertiary Institutions (Repealed)	-	-	-
SEPP 19 – Bushland in Urban Areas	✓		
SEPP 20 – Minimum Standards for Residential Flat Development (Repealed)	-	-	-
SEPP 21 – Movable Dwellings	✓		
SEPP 22 – Shops and Commercial Premises		✓	
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		✓	
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 - (Housing for Seniors or People with a Disability) 2004	✓		
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 (Affordable Rental Housing) 2009		✓	
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	✓		
SYDNEY REP 26 – City West	✓		
SYDNEY REP 27 – Wollondilly Regional Open Space (repealed)	-	-	-
SYDNEY REP 28 - Parramatta	✓		
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	✓		

Attachment H - Draft Amendment to Clause 6.7

Clause 6.7 Solar access to public spaces in Bondi Junction

(1) The objective of this clause is to ensure that buildings are designed to maximise sunlight access to the public places set out in this clause.

(2) Despite any other provisions of this Plan, development consent must not be granted unless the consent authority is satisfied that there is no additional shadow impact at 12 noon on 21 June on the following:

(a) Clemenston Park,

(b) Waverley Street Mall,

(c) Eora Park,

~~(d) Norman Lee Place (Boot Factory),~~

~~(e) Oxford Street Mall (between Bronte Road and Newland Street),~~

~~(f) Rowe Street (between Oxford Street Mall and Grosvenor Lane).~~

(3) In this clause **additional shadow impact** means any overshadowing caused by the proposed development that is additional to the amount of shadow cast by existing buildings as at the date of commencement of this provision.

~~(4) In addition, despite any other provision of this Plan, development on land specified below is prohibited if the development results in any part of a building on that land projecting above the height specified on the height of buildings map:~~

~~(a) The area bounded by Oxford Street Mall, Grosvenor Street, Grosvenor Lane and Newland Street (including Rowe Street);~~

~~(b) The following properties north of Norman Lee Place (Boot Factory):~~

- ~~• 16 Spring Street, Bondi Junction (lot 3, DP 975587);~~
- ~~• 18 Spring Street, Bondi Junction (lot 4, DP 975587);~~
- ~~• 20 Spring Street, Bondi Junction (SP 31260);~~
- ~~• 87 Oxford Street, Bondi Junction (lot 1, DP 975587); and~~
- ~~• 89 Oxford Street, Bondi Junction (lot 9, DP 656476).~~

Attachment I - PART 6 - Project Timeline - Clause 6.7 Amendment No 8 Waverley LEP 2012

STEPS	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15
1 Anticipated commencement date (date of Gateway determination)	30th January						
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)		16th February - 2nd March					
4 Commencement and completion dates for public exhibition period		16th February - 2nd March					
5 Dates for public hearing (if required)	N/A						
6 Timeframe for consideration of submissions			3rd March - 20th March				
7 Report to Council re: public exhibitions and submissions				7th April Ops Committee			
8 Timeframe for the consideration of a proposal post exhibition	N/A						
9 Finalise plan (drafting, editing, mapping)				13th April - 1st May			
10 Anticipated date RPA will make the plan (if delegated)					7th May		
11 Anticipated date RPA will forward to the department for notification (if delegated).					8th May		

INFORMATION CHECKLIST

Attachment J

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- 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			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☒	☐
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☒	☐	• Lighting impact	☒	☐
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☐	☒
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☐	☒	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☒	☐
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies : Bondi Junction Urban Design Review		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			

Report
No. CM/7.7/14.11

Subject: Planning Proposal to amend the Waverley Local Environmental Plan 2012 (Overshadowing Clause and Height of Buildings)

Trim File No.: PP-1/2014

Author: Alex Beers, Strategic Planner, under the direction of George Bramis, Executive Manager, Shaping Waverley, and Peter Monks, Director, Waverley Futures

Recommendation

That Council:

1. Supports the Planning Proposal to amend Clause 6.7 Solar access to public spaces in Bondi Junction and the Height of Buildings map in the Waverley Local Environmental Plan 2012 (WLEP);
2. Agrees to place the Planning Proposal on public exhibition in accordance with the Gateway Determination when required; and
3. Resolves to make the amendment to the WLEP if supported at the Gateway.

1. Executive Summary

The recent introduction of Clause 6.7 – Solar access to public places in Bondi Junction (the clause) into WLEP has unintentionally and unreasonably restricted development potential on key sites in Bondi Junction. Sites fronting Oxford Street Mall and Rowe Street are unable to achieve any additional height above existing buildings where Council has envisaged significant future public domain works including an upgrade to the Bondi Junction Interchange. Sites north of Norman Lee Place have also been severely constrained.

A Planning Proposal has been prepared to correct this by amending the clause in relation to three items: Oxford Street Mall, Rowe Street, and Norman Lee Place. The amendment will enable development up to height standards prescribed in the WLEP and disallow any variation to these heights in these particular areas.

In conjunction, the proposal seeks to amend the LEP height standards on Rowe St and on sites north of Norman Lee Place to ensure solar access is maintained to these important public places. Height standards will be stepped back at an angle which ensures solar access is maintained to the public places at midday in midwinter.

Oxford Street Mall will retain significant solar access as a height plane has already been carefully determined for this public place. The clause will retain solar access to the other public places listed in the clause.

2. Introduction/Background

A Planning Proposal was drafted for the 19 August 2014 Council meeting to amend Clause 6.7 but was deferred to determine the implications of amending the clause. The original proposal was drafted as the clause created unintended constraints on land surrounding some of the public places listed in the clause, particularly Oxford Street Mall, Rowe Street, and Norman Lee Place. A

workshop and walking tour of the public places of Bondi Junction was held with Councillors on 11 October 2014 in order to understand the existing situation and determine the best way to resolve problems caused by the current wording of Clause 6.7.

Previous Council Resolutions

Council or Committee Meeting & Date	Resolution No.	Resolution
1. Council Meeting 16 September 2014	CRD.63/14	Extract from a motion in response to the exhibition of WDCP 2012 (Amendment 3): <i>"That the Bondi Junction Town Square proposal as described in Waverley Local Environmental Plan 2012 and Waverley Development Control 2012 (Part E1 Bondi Junction) not be pursued any further and a report be presented to the Operations Committee for consideration and to identify the amendments required to be made to remove any references to the future creation of the Town Square."</i>
2. Council Meeting 19 August 2014	CRD.57/14	Motion made in response to a previous proposal to amend Clause 6.7: <i>"That Council defer this item to hold a workshop with Councillors and Officers to consider overshadowing drawings for any development scenario that may impact on any of the sites listed under Clause 6.7 at present."</i>
3. FESP Meeting 5 March 2012	F-1303.5	Extract from a resolution to adopt the Bondi Junction Urban Design Review Report: <i>"That Council:</i> 1. Adopt the final report for the Bondi Junction Urban Design Review by City Plan Urban Design included as Attachment 1 (pages 54 to 152). 2. Adopt the following recommendations and incorporate them into an amendment of Waverley Comprehensive Local Environmental Plan 2012: ...2.3. Add the following clause – Part 6 - Additional Local Provisions: <i>Clause 6.7 Solar Access to public spaces in Bondi Junction</i> (1) The objective of this clause is to ensure that buildings maximise sunlight access to the public places set out in this clause. (2) The consent authority must not grant development consent to development on land to which this clause applies unless the consent authority is satisfied that there is no additional shadow impact at 12 noon on 21st June on Clementson Park, Waverley Street Mall, Eora Park, Norman Lee Place (Boot Factory), Oxford Street Mall and Rowe Street (between Oxford Street Mall and Grosvenor Lane). (3) Development on land to which this clause applies may not be able to be developed to permitted maximum floor space ratio or height of building shown for the land on the Floor Space Ratio Map and Height of Buildings Map..."

3. Discussion

Objective of the Planning Proposal

The first objective of the Planning Proposal is to amend Clause 6.7 – Solar access to public places in Bondi Junction (the clause) of Waverley Local Environmental Plan 2012 (WLEP) which imposes onerous development constraints for properties along the northern side of Oxford Street Mall in Bondi Junction and the northern side of Spring Street opposite Norman Lee Place.

Secondly, the proposal seeks to amend the Height of Buildings (HOB) map of the WLEP to be consistent with the amendment to Clause 6.7 and its objectives. This will change the height permitted for buildings on Rowe Street on the north side of the mall, as well as properties north of Norman Lee Place, to allow for development on these sites while maintaining solar access to the public places south of these sites (Oxford Street Mall and Norman Lee Place).

This planning proposal has been prepared to correct an anomaly arising out of the drafting process of Amendment 2 which was gazetted on 13 June 2014. The planning proposal seeks to correct this anomaly by amending the clause and changing the HOB map to facilitate reasonable development on sites which are considered strategically critical to the role of Bondi Junction as a Major Centre.

Explanation

Clause 6.7 unreasonably inhibits the growth of Bondi Junction and will result in parts of the Centre left undeveloped in locations where Council envisages critical improvements to public amenity and accessibility such as the upgrade planned for the Bondi Junction Transport Interchange.

Oxford Street Mall

The clause as it currently stands severely restricts development on land to the north of Oxford Street Mall (the Mall). Solar access to the Mall has already been addressed by the LEP building heights that step back on its northern side to create a height plane. As an east-west running street, any development on the north side of Oxford Street Mall will overshadow the Mall to some extent. The building heights have been set so that the shop fronts on the south side of the Mall will still receive sunlight in midwinter (see Attachment 1).

It is unreasonable to completely restrict development along Oxford Street Mall, especially considering the public benefits associated with the envisaged improvements to access for the Bondi Junction Transport Interchange. The clause should therefore be amended to permit development up to the LEP height standards. As these have been determined to allow a certain amount of solar access in midwinter, the clause should remain as a prohibition, allowing no variation to height standards in this area.

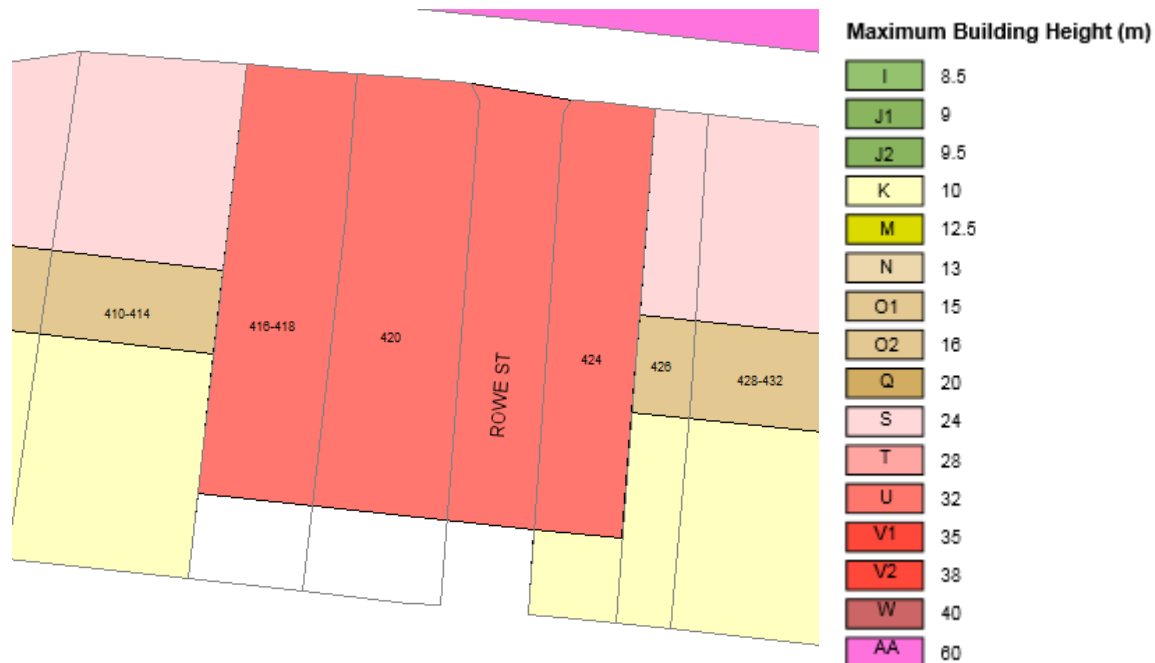
Rowe Street

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. Under WLEP the land is zoned B3 Commercial Core and has a height limit of 32m, but as a result of Clause 6.7, no additional height can be achieved as any development proposed would overshadow the area. This is an unintended sterilization of the site's development potential.

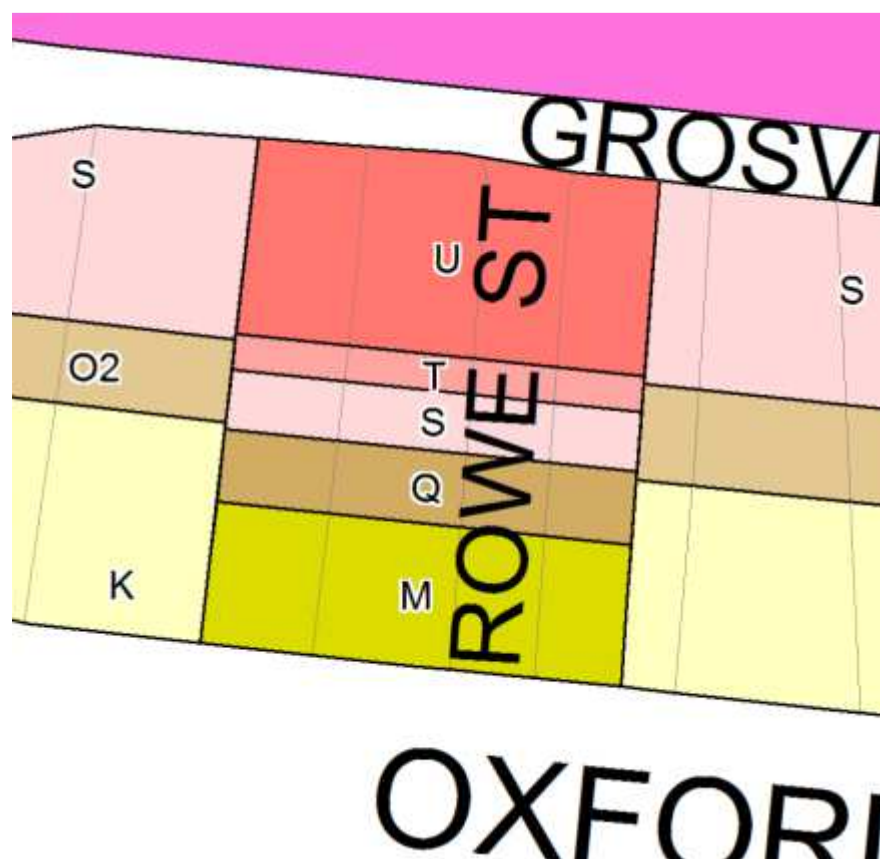
The clause should therefore be amended to enable development in line with the LEP HOB map. However, unlike the other properties along Oxford Street Mall, the height development standards do not include a height plane to maintain adequate solar access (see Attachment 2). Therefore, the HOB map should be amended to ensure that development is stepped back to maintain solar

access for the Mall. The heights should be amended to range from 12.5m at the front of the Mall up to the current 32m at the northern rear boundary (pictured below). This will generally align with the current Waverley Development Control Plan (WDCP) 2012 controls. The current setback from the Mall is considered unnecessary with the new height standards and should be removed.

Extract of current HOB map for Rowe Street:



Proposed change to HOB map for Rowe Street:



Norman Lee Place

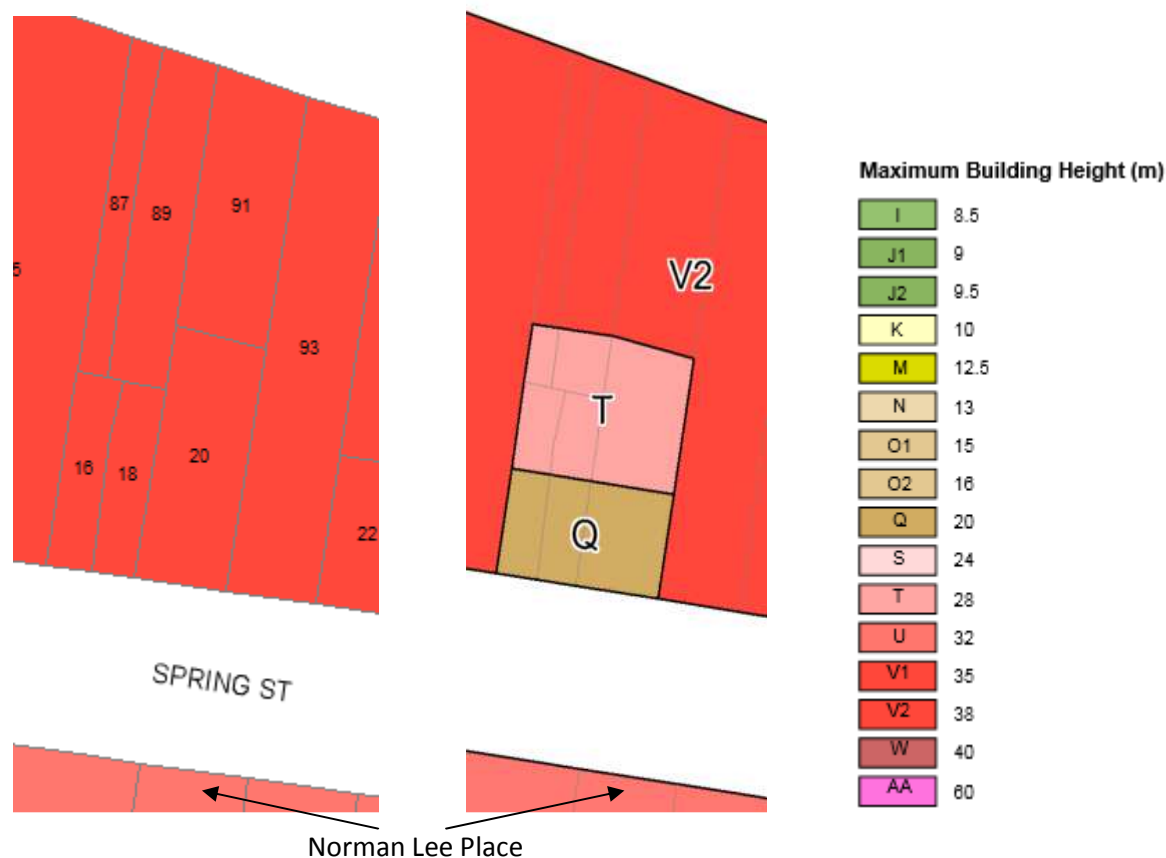
The sites to the north of Norman Lee Place have also been significantly constrained. While the height limit is 38m and the Floor Space Ratio is 5:1, these sites can currently only achieve roughly 3 storeys at the front of the site and slightly more further away from the street. This is particularly restrictive as the lots are very small.

The WLEP should therefore be amended to allow development to occur on these sites while maintaining significant solar access to Norman Lee Place. This can be achieved by amending Clause 6.7 to allow buildings up to LEP height standards and prohibiting any variation beyond that, similar to what is proposed for Oxford Street Mall and Rowe Street.

The HOB map should also be amended for sites north of Norman Lee Place concurrent to an amendment to Clause 6.7 as height development standards here have not been planned with regard to maintaining solar access to Norman Lee Place. The height prescribed for these sites will be reduced to 20m for the first 12m of the sites and then to 28m for another 15m (pictured below). This will allow development up to six storeys at the front of the site, in keeping with WDCP controls for street frontage, before being set back according to the angle of solar access at midday in midwinter (32 degrees). This will result in roughly 70% direct solar access being maintained for Norman Lee Place at midday in midwinter while allowing the sites to achieve development in line with the rest of Spring Street (see Attachment 3).

Extract of current HOB map for Norman Lee Place:

Proposed change to HOB map for Rowe Street:



Proposed amendment to Clause 6.7

The proposed changes to Clause 6.7 are:

Clause 6.7 Solar access to public spaces in Bondi Junction

(1) The objective of this clause is to ensure that buildings are designed to maximise sunlight access to the public places set out in this clause.

(2) Despite any other provisions of this Plan, development consent must not be granted unless the consent authority is satisfied that there is no additional shadow impact between 12 noon on 21 June on the following:

(a) Clemenston Park,

(b) Waverley Street Mall,

(c) Eora Park,

~~(d) Norman Lee Place (Boot Factory),~~

~~(e) Oxford Street Mall (between Bronte Road and Newland Street),~~

~~(f) Rowe Street (between Oxford Street Mall and Grosvenor Lane).~~

(3) In this clause **additional shadow impact** means any overshadowing caused by the proposed development that is additional to the amount of shadow cast by existing buildings as at the date of commencement of this provision.

~~(4) In addition, despite any other provision of this Plan, development on land specified below is prohibited if the development results in any part of a building on that land projecting above the height specified on the height of buildings map:~~

~~(a) The area bounded by Oxford Street Mall, Grosvenor Street, Grosvenor Lane and Newland Street (including Rowe Street);~~

~~(b) The following properties north of Norman Lee Place (Boot Factory):~~

- ~~• 16 Spring Street, Bondi Junction (lot 3, DP 975587);~~
- ~~• 18 Spring Street, Bondi Junction (lot 4, DP 975587);~~
- ~~• 20 Spring Street, Bondi Junction (SP 31260);~~
- ~~• 87 Oxford Street, Bondi Junction (lot 1, DP 975587); and~~
- ~~• 89 Oxford Street, Bondi Junction (lot 9, DP 656476).~~

4. Conclusion

Clause 6.7 of the WLEP is significantly restraining growth in Bondi Junction around the sites mentioned. Facilitating the growth of the centre, especially through improving access to the Bondi Junction Interchange, will strengthen its role as a key major centre, a focal point for commercial and retail activity, and a destination for tourists. Therefore, it is important this proposal is approved so that the clause can be amended in conjunction with an amendment to the LEP HOB map. Oxford Street Mall will retain significant solar access as a height plane has been accounted for through LEP height standards. Rowe Street and Norman Lee Place development height standards will also be stepped back so that solar access is maintained to Norman Lee Place and the Oxford Street Mall. The clause will retain solar access to the other public places listed in the clause.

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: L1 Waverley's economy is vibrant and robust and supports the creation of a variety of jobs and business opportunities.

Strategy: L1a reinforce Bondi Junction's role as a regional centre with a mix of residential, retail, hospitality, business, commercial, professional services and entertainment activities.

Deliverable: Well utilised, integrated and welcoming public and private domains in Bondi Junction achieved through the development approval process, and
Initiatives implemented to encourage visitation and stimulate economic activity

6. Financial impact statement/Timeframe/Consultation

There will be no direct financial impact for Council as a result of this Planning Proposal.

Future community consultation will occur in accordance with the Gateway Determination. Notwithstanding this, 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. Council also suggests that:

- Notice be given 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 be sent to all affected property owners and adjoining property owners at Council's discretion.

Should Council approve this report, the planning proposal will be forwarded to the Department of Planning and Environment and should receive a Gateway Determination in February 2015. Public exhibition would then take place in March and it is envisaged that the LEP amendment will be gazetted by the end of June 2015.

7. Attachments:

Attachment 1: Shadow Analysis of Rowe Street and Oxford Street Mall

Attachment 2: Current WLEP Height of Buildings Extract – Rowe Street and Oxford Street Mall

Attachment 3: Shadow Analysis of Norman Lee Place (Boot Factory)

CM/7.7/14.11

**Planning Proposal to amend the Waverley Local Environmental Plan
2012 (Overshadowing Clause and Height of Buildings) (PP-1/2014)**

MOTION / DECISION

Mover: Cr Burrill

Seconder: Cr Cusack

That Council:

1. Supports the Planning Proposal to amend Clause 6.7 Solar access to public spaces in Bondi Junction and the Height of Buildings map in the Waverley Local Environmental Plan 2012 (WLEP);
2. Agrees to place the Planning Proposal on public exhibition in accordance with the Gateway Determination when required; and
3. Resolves to advise the Department of Planning that it accept the delegation to make the amendment to the WLEP if supported at the Gateway.

Cr Kanak asked that it be recorded in the minutes that he voted against the Motion.