

Waverley Housekeeping Amendments 2016

Proposal Title : **Waverley Housekeeping Amendments 2016**

Proposal Summary : **This planning proposal seeks to introduce a design excellence clause, make policy amendments to the objectives of the architectural roof features, height of buildings, floor space ratio and the B1 Neighbourhood centre zone and correct the description of several heritage items.**

PP Number : **PP_2016_WAVER_001_00**

Dop File No : **16/0000**

Proposal Details

Date Planning : **29-Jan-2016**

LGA covered : **Waverley**

Proposal Received :

Region : **Metro(CBD)**

RPA : **Waverley Council**

State Electorate : **VAUCLUSE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Various**

DoP Planning Officer Contact Details

Contact Name : **Lauren Templeman**

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RPA Contact Details

Contact Name : **Ben Gresham**

Contact Number : **0290838139**

Contact Email : **ben.gresham@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

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

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

DELEGATION OF PLAN MAKING FUNCTIONS

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

Given the policy related nature of the amendments proposed in this proposal, it is recommended delegation not be granted in this instance and the Department manage the finalisation process.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the proposal is to address a range of housekeeping matters that have been identified by Council in the past 12 months.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal:**

(a) introduces a new design excellence clause to improve the sustainability, functionality, amenity and aesthetic appearance of buildings;

(b) provides additional consideration of view loss in the objectives of Clause 4.3 – Height of buildings;

(c) amends Clause 4.3 – Height of buildings objective (1)(d) to replace the word ‘existing’ with ‘desired future’;

(d) amends Clause 4.4 – Floor Space Ratio objective (1)(c) to replace the word ‘existing’ with ‘desired future’;

(e) enables additional consideration of view loss in the objectives of Clause 5.6 – Architectural roof features;

(f) amends the objectives of the B1 Neighbourhood Centre zone to ensure any proposed non-residential use or building is of the small-scale intensity envisaged under the centres hierarchy; and

(g) amends Schedule 5 – Environmental Heritage (and associated heritage maps) as follows:

i. remove 21 Brown Street, Bronte, from Schedule 5 because a development application was approved for the demolition of the item;

ii. update the property address for 16–26 Mill Hill Road, Bondi Junction, to 16 Mill Hill Road, Bondi Junction;

iii. switch the heritage map identifiers for items at 252–254 Bronte Road, Waverley, and 245–277 Bronte Road, Waverley; and

iv. update the property address for 32–34 Wallangra Road, Dover Heights, to 34 Wallangra Road, Dover Heights.

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

2.3 Heritage Conservation

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Exempt and Complying Development Codes) 2008

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is considered to be consistent with all SEPPs and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is considered adequate for the purposes of public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of June 2016. The Department considers a 12 month project timeline for completion is adequate.

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 :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

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

Assessment Criteria

Need for planning proposal : **The proposal is a housekeeping amendment and has not been prepared as a result of a specific strategic study or report. The proposal is the best means of achieving an update and refinement of the LEP provisions.**

The following is a brief assessment of each proposed housekeeping amendment with Department comments:

(a) Introduction of a new design excellence clause to improve the sustainability, functionality, amenity and aesthetic appearance of buildings.

Council proposes to introduce a design excellence clause into the Waverley LEP that will function as a heads of consideration. There are numerous examples of design excellence clauses in other metropolitan LEPs that apply to specific developments types or sites.

The clause as drafted in the proposal is considered satisfactory, however, Council should amend the clause to clearly identify which land the clause applies to, prior to public exhibition.

(b) Additional consideration of view loss in the objectives of Clause 4.3 – Height of buildings.

Council is seeking to amend the objectives for clause 4.3 to require the

consideration of view sharing with specific regard to the height of buildings development standard.

The Department considers these amendments satisfactory, however, the final wording will be subject to Parliamentary Counsel legal drafting.

(c) Amend Clause 4.3 – Height of buildings objective (1)(d) to replace the word ‘existing’ with ‘desired future’.

(d) Amend Clause 4.4 – Floor Space Ratio objective (1)(c) to replace the word ‘existing’ with ‘desired future’.

The desired future character of a locality is important when Council receives applications for the alteration or redevelopment of buildings that already exceed the height of building standard.

Council advises the inclusion of a desired future character objective for both the height of buildings and floor space ratio development standards will trigger a more in-depth consideration of the broader built form and reinforce the importance of these development standards.

The Department considers these amendments satisfactory.

(e) Additional consideration of view loss in the objectives of Clause 5.6 – Architectural roof features.

Clause 5.6 – Architectural roof features is an optional standard instrument clause that encourages varied and aesthetically pleasing skylines, quality roof designs and the integration of roof design into the overall design of the building.

North Sydney, Canada Bay, Ashfield and Wollongong Councils have additional objectives which require consideration of views. By amending the objectives of Clause 5.6, development applications will need to consider and assess view loss and view sharing.

The Department notes the precedence set by other LEPs and considers this amendment to be satisfactory.

(f) Amend the objectives of the B1 Neighbourhood Centre zone to ensure any proposed non-residential use or building is of the small-scale intensity envisaged under the centres hierarchy.

Council advises both Penrith and Newcastle LEPs have objectives in their Neighbourhood Centre zone that require consideration of the centres classification in relation to an established centres hierarchy.

The Department notes the precedence set by other LEPs and the intent of this amendment is supported. However, it is not appropriate to reference other documents from an LEP. Council should remove any reference to sub-regional strategies, prior to public exhibition.

(g) Amend Schedule 5 – Environmental Heritage (and associated heritage maps) as follows:

These amendments are minor in nature and are supported.

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Consistency with strategic planning framework :

The objectives and actions contained in the Metropolitan Plan for Sydney 2036 were addressed during the preparation of Waverley LEP 2012. The amendments contained in this proposal are considered minor administrative, mapping and objective amendments which do not affect the consistency with A Plan for Growing Sydney. The proposal is consistent with several objectives of Council's current "Waverley Together 3" Community Strategic Plan.

Environmental social economic impacts :

This proposal will not have any impact upon critical habitat or threatened species, populations or ecological communities or their habitats, and will have no direct environmental effect. The proposal will not alter the development potential of any land and will therefore have no economic effect.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation :

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage**

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

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

If no, provide reasons :

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
Planning Proposal 290116 v2.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
4.1 Acid Sulfate Soils
4.3 Flood Prone Land

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6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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Additional Information :

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

1. Prior to public exhibition, Council is to update the planning proposal to clearly identify which land the new design excellence clause will apply to and remove any reference to sub-regional strategies in the proposed B1 Neighbourhood Centre zone objectives.

2. The planning proposal be publicly exhibited for a period of not less than 28 days.

3. Council is to consult with Office of Environment and Heritage.

4. A public hearing is not required.

5. The planning proposal is to be finalised within 9 months from the date of the gateway determination.

Supporting Reasons :

The intended outcome of this proposal is an improved environmental planning instrument in its application and operation.

Signature:



Printed Name:

Sandy Chappel

Date:

7.3.16

