



PLANNING PROPOSAL

Waverley Local Environmental Plan 2012

Housekeeping Amendment (updated)

1. OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The overarching objective of the proposed local environmental plan 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 Local Environmental Plan 2012 will be an improved environmental planning instrument in its application and operation.

2. EXPLANATION OF THE PROVISIONS TO BE INCLUDED IN THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The intended provisions to be included in the proposed local environmental plan relate to a number of housekeeping matters that have been identified below:

- (a) Introduction of a new design excellence clause to improve the sustainability, functionality, amenity and aesthetic appearance of buildings.
- (b) Additional consideration of view loss in the objectives of Clause 4.3 – Height of buildings.
- (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’.
- (e) Additional consideration of view loss in the objectives of Clause 5.6 – Architectural roof features.
- (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.
- (g) Amend Schedule 5 – Environmental Heritage (and associated heritage maps) as follows:
 - i. Remove 21 Brown Street, Bronte, from Schedule 5 as 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.
 - iv. Update the property address for 32–34 Wallangra Road, Dover Heights, to 34 Wallangra Road, Dover Heights.
- (h) Reclassify drainage reserve of the laneway at 2–8 Dickson Street, Bronte, from community to operational. *(Subject to a separate planning proposal)*

These matters are further detailed in the following sections of this planning proposal.

(a) Introduction of design excellence clause

Well-designed buildings are an asset to the community not only in terms of their aesthetic appearance but also their functionality and inclusion of environmentally sustainable features. In order to further improve the quality of design, the concept of design excellence has been investigated as part of this housekeeping LEP amendment.

Provisions to achieve design excellence have been introduced by a number of Councils to varying degrees. Provisions can apply to all forms of development or to specific sites or localities or can be triggered when a development will be above a certain size, height or value of development. Generally the objective is to deliver the highest standard of sustainable, architectural, landscape and urban design. Design excellence is achieved when a development, among other things:-

- Responds to its location, neighbours and utilises appropriate materials;

- Promotes sustainable design principles;
- Exhibits a high standard of architectural design and detailing;
- Interacts positively at its interface with and improves the quality of the public domain;
- Addresses heritage matters whether on the same site or in the vicinity of the development site;
- Respects the needs of pedestrians and cyclists as well as catering for vehicles and service access.

Due to the status of Bondi Junction as a Strategic Centre, Bondi Beach being an internationally renowned location and established residential and conservation areas, it is considered that Waverley can benefit from the introduction of a Design Excellence provision to apply to all developments. Introducing the Design Excellence heads of consideration into the LEP can be achieved in this housekeeping amendment.

The proposed clause is included below:

“6.9 - Design Excellence

- (1) The objective is to deliver the highest standard of sustainable, architectural, landscape and urban design.*
- (2) Development consent must not be granted to development involving the construction of a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and*
 - (b) whether the building promotes sustainable design principles in terms of Management of the design and building operation processes; Indoor environmental quality; Energy use, Water use and Emission minimisation; Contribution towards sustainable transport; Material selection; Improvement of ecological values; and Innovation., and*
 - (c) the bulk, massing and modulation of buildings, and*
 - (d) whether the form and external appearance of the development will improve the quality and amenity of the public domain and achieve appropriate interfaces at ground level between the proposed building and the public domain, and*
 - (e) the contribution of the proposed development towards the maintenance of a consistent street rhythm particularly in terms of street frontage heights, street walls and the proportions of the street, and*
 - (f) the manner in which pedestrians have been catered for particularly in regards to the developments’ contribution towards the permeability of the locality and provision of direct access to key locations, and*
 - (g) the ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
 - (h) whether the development encourages passive surveillance and social activity in public places, streets, laneways and plazas, and*
 - (i) the extent to which the development promotes the sharing of views where existing view corridors will be interrupted, and*

- (j) *whether the development detrimentally impacts on any land protected by solar access controls established in Clause 6.7 and the Waverley Development Control Plan, and*
- (k) *the requirements of the Waverley Development Control Plan, and*
- (l) *the suitability of the land for the proposed development and whether any streetscape constraints have been adequately addressed, and*
- (m) *whether any heritage matters relating to the development site or in the vicinity of the development site have been adequately addressed, and*
- (n) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, and*
- (o) *the manner in which landscaping has been integrated into the overall design."*

(b) Additional consideration of view loss in Clause 4.3

Many properties in Waverley have iconic views to Sydney Harbour, the Harbour Bridge, Opera House, and Bondi, Bronte and Tamarama Beaches. Clause 4.3 'Height of buildings' currently includes four objectives that broadly cover environmental amenity, development capacity within Bondi Junction, heritage conservation and the scale and bulk of buildings. Objective (a) relates to establishing height limits for the purposes of preserving the "environmental amenity" of neighbouring properties. The proposed amendment includes a requirement to consider views with specific regard to the height of buildings development standard. The concept of view sharing is proposed to be introduced to objective (a) of Clause 4.3 – 'Height of Buildings', as set out below:

*"(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties **and if appropriate the sharing of views,**"*

- (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 of particular importance in cases where Council receives applications for the alteration or redevelopment of buildings that already exceed the height of building standard. In such cases, it has generally been the practice to permit buildings to develop up to, but not exceed, the height plane of the non-compliant building. These buildings are generally viewed as anomalies within the built environment and are incompatible with the current scale and character of a locality.

The inclusion of a desired future character clause 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 the height development standard. It is therefore proposed to amend objectives 4.3(1)(d) and 4.4(1)(c) to replace the word "existing" with "desired future". The amendment will provide Council with a stronger basis for enforcing compliance with both the height of building and floor space ratio development standards. The proposed objectives are included below:

4.3 Height of Buildings

(1)...

(d) to ensure that buildings are compatible with the height, bulk and scale of the *desired future character* of the locality and positively complement and contribute to the physical definition of the street network and public space.

4.4 Floor Space Ratio

(1)...

(c) to ensure that buildings are compatible with the bulk, scale, streetscape and *desired future character* of the locality,

(e) Additional consideration under Architectural roof elements

Many Councils have taken up Clause 5.6 – ‘Architectural roof features’ which is an optional clause in the Standard LEP template. The objective of the clause is to encourage varied and aesthetically pleasing skylines, quality roof designs and the integration of roof design into the overall design of the building.

The provisions of Clause 5.6 are identical in all LEPs. The only variations are in the wording of the objectives which were left up to individual Councils to draft. Four Councils have objectives which require consideration of views including North Sydney, Canada Bay, Ashfield and Wollongong.

Amending the objectives of Clause 5.6 provides an appropriate trigger for applicants when preparing a DA and formalises the current practice of assessing view loss and view sharing by the Building Waverley sub-program. Below is a comparison of the current and proposed amendment to the Clause 5.6 objectives. Objectives (a) and (b) are a rewording of existing objectives and (c) is new. Objective (d) remains the same.

Current: “(1) The objectives of this clause are as follows:

- (a) to encourage the creation of a varied and aesthetically pleasing skyline,
- (b) to encourage quality roof designs that contribute to the aesthetic and environmental design and performance of buildings and allow for individuality of architecture,
- (c) to encourage the integration of the design of the roof into the overall facade, building composition and desired contextual response,
- (d) to encourage plant and lift over runs to be placed in the basement.”

Proposed: “(1) The objectives of this clause are as follows:

- (a) to encourage the creation of a varied and aesthetically pleasing skyline and allow for individuality of architecture,
- (b) to encourage quality roof designs that integrate into the overall facade, building composition and desired contextual response and contribute to environmental design and performance of buildings,
- (c) to require consideration of the impact on solar access and view corridors and promote sharing of existing views,
- (d) to encourage plant and lift over runs to be placed in the basement.”

(f) Amend objectives of B1 Neighbourhood Centre zone

The objectives of the B1 Neighbourhood Centre zone are not preserving the small-scale intensity of neighbourhood centres. Providing additional clarity within the objectives will preserve the current and desired future character of neighbourhood centres from site amalgamation and the creation of large floor plate retail uses.

The objectives of the B1 Neighbourhood Centre zone are proposed to be strengthened to relate more closely to the centres hierarchy established in the Draft East Subregional Strategy. At least two other Council's being the cities of Newcastle and Penrith have objectives in their Neighbourhood Centre zones that require consideration of the centres classification in relation to the established centres hierarchy. Suggested amendments to the objectives are as follows:

- *"To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood."*
- *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises **having regard to building design, operation, activities and traffic generation.***
- *To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.*
- ***To provide retail facilities and business services for the local community commensurate with the centre's role in the centres hierarchy established by the local subregional strategy."***

(g) Amendment of heritage listings

The planning proposal seeks an amendment to correct a number of errors in Schedule 5 and the associated Heritage Maps. Council has either identified or been notified of some incorrect listings that were generated out of the previous heritage LEP, Waverley LEP 1996 (Amendment No 33) which was gazetted in December 2011.

The following properties will require amendment as follows:

Item Number	Address	Description	Action	Reason
I198	16-26 Mill Hill Road, Bondi Junction	Church and hall building	Remove No 26 Mill Hill Road, Bondi Junction from Schedule 5 and heritage map. New address to be 16 Mill Hill Road, Bondi Junction.	The property is listed for the "Church and hall building" and is known as 16 Mill Hill Road, Bondi Junction. The listing has incorrectly been applied to the adjoining dwelling at 26 Mill Hill Road, Bondi Junction.
I281	21 Brown Street, Bronte	Inter-war style dual occupancy development	Remove listing from Schedule 5 and the heritage map.	A development application (DA-555/2013) was approved on 17 December 2013 for the demolition of the heritage listed building and

				construction of a dual occupancy development.
I370	32-34 Wallangra Road, Dover Heights	1950s style houses	Remove No 32 Wallangra Road, Dover Heights from Schedule 5 and heritage map. New description to only refer to No. 34.	A building application (BA 241/97) was approved for the demolition of the heritage listed building at No. 32 and construction of a 2 storey dwelling. The amendment will remove reference to No. 32 as a heritage item from Schedule 5 and the heritage map.
I455	245-277 Bronte Road, Waverley	Late nineteenth century commercial terraces	Switch map identifiers; and,	The map identifiers are located on the incorrect properties.
I456	254 Bronte Road, Waverley	Victorian style commercial terrace houses	Update address of 254 to 252-254 Bronte Road, Waverley. I455 to refer to 252-254 Bronte Road, Waverley. I456 to refer to 245-277 Bronte Road, Waverley.	254 Bronte Road should be listed as 252-254 Bronte Road.

Note: Refer to Figures 1-3 of Part 4 – Mapping, for the relevant maps.

3. JUSTIFICATION FOR THOSE OBJECTIVES, OUTCOMES AND PROVISIONS AND THE PROCESS FOR THEIR IMPLEMENTATION

A. Need for the planning proposal

1. Is the planning proposal the result of any strategic study or report?

The planning proposal is a housekeeping amendment and therefore has not been prepared as a result of a specific strategic study or report.

The proposed amendments to Schedule 5 and the Heritage Maps are required to correct minor errors in heritage listings and associated heritage maps. The changes will align the relevant listings with the recommendations of the Waverley Heritage Policy 2007.

The proposed amendments to the objectives for specific clauses have been included in response to extensive testing through the development assessment process particularly through cases in the Land and Environment Court.

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 best means of achieving the objectives as the LEP cannot be amended any other way.

B. Relationship to Strategic Planning Framework

3. Is the Planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The objectives and actions contained in the Plan for Growing Sydney 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 considered minor administrative, mapping and objective amendments which remain consistent with the Plan for Growing Sydney, ESDSS and priorities of the Central District.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Waverley Council's current Community Strategic Plan, "Waverley Together 3" covers the period 2013-2025. The plan was designed to focus Council's attention on what the community really wants; provide guidance on achieving these things sustainably; and help maximise efforts to speed up attainment of the vision.

The plan is structured according to the “Quadruple Bottom Line”. The planning proposal is consistent with the strategies and is directly relevant to 3 of the strategies representing 2 of the 4 bottom line elements:

- Sustainable Living which supports the liveability of Waverley:

L4 The unique physical qualities and strong sense of identity of Waverley’s villages is respected and celebrated.

L5 Buildings are well designed, safe and accessible and the new is balanced with the old.

Response – This planning proposal aims to protect the urban physical qualities and strong sense of identity within the neighbourhood centres of Waverley. Furthermore, the amendments to the objectives for height and floor space ratio will assist in guiding good design that is safe, accessible and balances the needs of the community.

- Sustainable Governance which supports the “governance” framework for Waverley:

G2 Our community is actively engaged in well informed decision processes.

Response: The Gateway Determination will specify the minimum consultation requirement for this planning proposal and Council will comply fully with these requirements affording an opportunity for community engagement on all aspects of this planning proposal.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with all relevant State Environmental Planning Policies (refer to Attachment 2).

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. The planning proposal is consistent with all relevant Ministerial Section 117 Directions (refer to Attachment 2).

C. Environmental, Social and Economic Impact

7. 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 minor and administrative nature of the planning proposal will not have any impact upon critical habitat or threatened species, populations or ecological communities or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The minor and administrative nature of the planning proposal will have no direct environmental effect. There are no proposed changes in development standards that would trigger further consideration of this matter.

9. How has the planning proposal adequately addressed any social and economic effects?

The amendments in the planning proposal will not alter the development potential of any land and will therefore have no economic effect. Requiring developments to comply with design excellence criteria and consider the established centres hierarchy and the sharing of views will have a positive social effect.

D. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The amendments will permit the continuation of existing land uses and therefore will not have any impact on public infrastructure.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gate way determination and have they resulted in any variations to the Planning proposal?

At this stage, no consultation with State or Commonwealth Public Authorities has occurred in relation to this planning proposal. Consultation with relevant authorities including Sydney Water will occur in accordance with the Gateway Determination.

4. MAPPING

16-26 Mill Hill Road, Bondi Junction (Lot 18 SecB DP 976168)

Action: Remove brown fill from No. 26 Mill Hill Road, Bondi Junction (identified with green hatching)

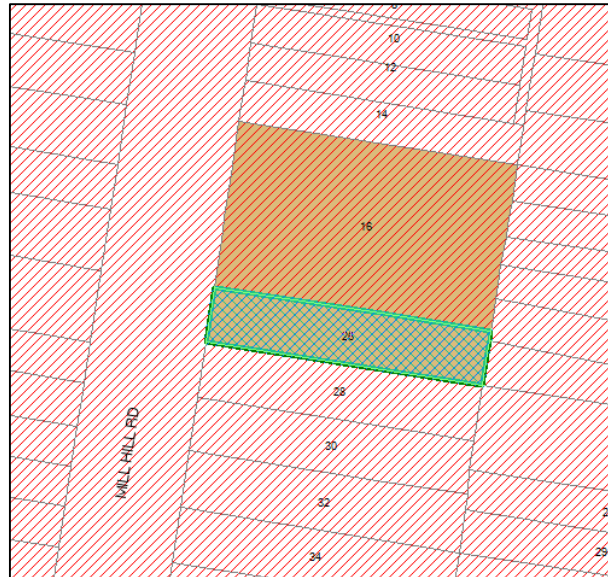


Figure 1 – Existing heritage map extract of 16-26 Mill Hill Road, Bondi Junction

21 Brown Street, Bronte (Lot A DP 371579)

Action: Remove brown fill from No. 21 Brown Street, Bronte (identified with green hatching)

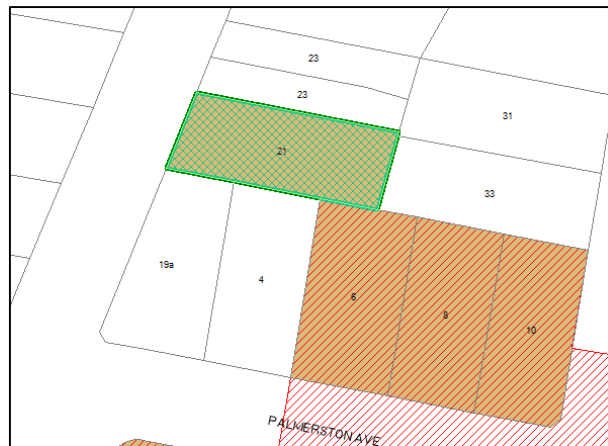


Figure 2 - Existing heritage map extract of 21 Brown Street, Bronte

32 Wallangra Road, Dover Heights (Lot 66 DP 11822)

Action: Remove brown fill from No. 32 Wallangra Road, Dover Heights (identified with green hatching)

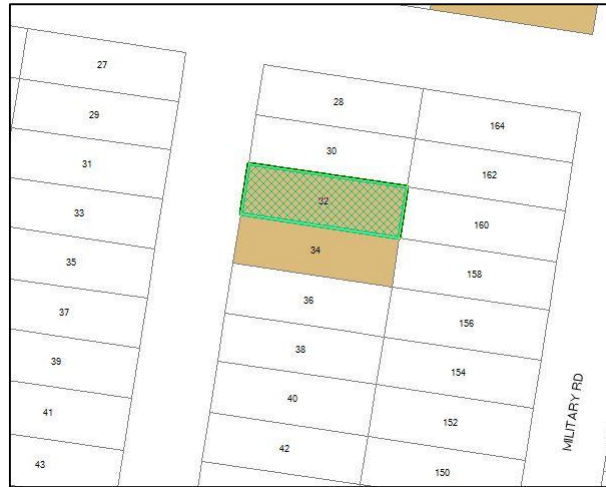


Figure 3 - Existing heritage map extract of 32 Wallangra Road, Dover Heights

5. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Future community consultation will occur in accordance with the Gateway Determination and will include:

- A public notice 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 being sent to all adjoining and affected property owners at Council's discretion.

6. PROJECT TIMELINE

	STEPS	February	March	April	May	June
1	Anticipated commencement date (date of Gateway determination)	19 February				
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)	N/A				
4	Commencement and completion dates for public exhibition period	2 March - 31 March				
5	Dates for public hearing (if required)	N/A				
6	Timeframe for consideration of submissions		31 March - 14 April			
7	Report to Council re: public exhibitions and submissions				3 May Operations Committee	
8	Timeframe for the consideration of a proposal post exhibition	N/A				
9	Finalise plan (drafting, editing, mapping)				3 May - 31 May	
10	Anticipated date RPA will make the plan (if delegated)					10 June
11	Anticipated date RPA will forward to the department for notification (if delegated).					10 June

7. LIST of ATTACHMENTS

1. Information Checklist.
2. Table demonstrating consistency with State Environmental Planning Policies and Section 117 Directions.
3. Council Resolution of 20 October 2015 Meeting.