



ATTACHMENT A - DISCUSSION OF PROPOSED CHANGES

Waverley Local Environmental Plan 2022

Local Strategic Planning Statement Implementation

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Advisory Note

Advisory note: The draft clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation.

Part 1 Aims

1.1 Existing WLEP Aims

Proposal

Amend the existing aims of the WLEP to better implement the intent of the Local Strategic Planning Statement and other recently adopted environmental strategies.

Background and rationale

To ensure that housing is provided near appropriate services and amenities, an amendment to Aim (c) is proposed, as well as a minor amendment to (d) that seeks to clarify this applies to all centres, not just the land zoned 'commercial centre'. In addition (b) is proposed to strengthen the wording to ensure that new development in Bondi Junction provides primarily commercial, health related and cultural uses. This is in accordance with the role of the Bondi Junction Strategic Centre as outlined in the Waverley LSPS to support the Randwick health and education precinct by providing employment, entertainment, retail and commercial opportunities, as well as health related uses.

Proposed amendments

(1) *This Plan aims to make local environmental planning provisions for land in Waverley in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*

(2) *The particular aims of this Plan are as follows—*

- a. *to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
- b. *to ~~maintain and reinforce~~ strengthen the viability and vitality of the Bondi Junction strategic centre ~~as the primary~~ by providing primarily commercial, health related and cultural uses, ~~centre in Sydney's eastern suburbs,~~*
- c. *to provide for a range of residential densities and range of housing types close to transport, essential goods and services, and open space, to meet the changing housing needs of the community,*
- d. *to provide an appropriate transition in building scale around the edge of ~~the commercial~~ centres to protect the amenity of surrounding residential areas,*
- e. *to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,*
- f. *to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,*
- g. *to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.*

Scenic and Cultural Protection

Proposal

To include an additional aim to ensure that Waverley's scenic and cultural landscapes are protected.

Background and rationale

Waverley forms an important scenic and cultural element of the Eastern Harbour City, containing many scenic and cultural assets such as the Centennial Parklands, coastline, and beaches. One of the actions in the LSPS is to "identify and protect views of scenic and cultural landscapes from the public realm through Council's LEP and DCP". This new aim intends to protect Waverley's scenic and cultural landscapes.

Proposed new aim

- *to conserve and enhance Waverley's existing scenic and cultural qualities, for current and future generations, including the curtilage of Centennial Park*

Aboriginal Culture and Heritage Protection

Proposal

To include an additional aim to ensure aboriginal culture and heritage are protected and promoted in Waverley.

Background and rationale

Waverley Council acknowledges that Aboriginal and Torres Strait Islander Peoples are the first people of this land and were dispossessed by the European occupation more than two centuries ago. Waverley is home to almost 300 Aboriginal and Torres Strait Islander people. This new aim aligns with Waverley's vision for reconciliation that is for Waverley to be a vibrant, resilient, caring, and inclusive community where Aboriginal and Torres Strait Islander peoples;

- Practice and celebrate their culture and heritage proudly
- Are honoured for their survival and resilience, and supported to continue to overcome adversity
- Are respected and acknowledged as First Nations peoples with the right to determine their own futures

This new aim implements the liveability directions in the LSPS.

Proposed new aim

- *to acknowledge and recognise the connection of Aboriginal people to Waverley and to protect, promote and facilitate the Aboriginal culture and heritage*

Resilience / Climate Change

Proposal

To include an additional aim to take a holistic approach to the management of biodiversity, green space, and adaptation and resilience to climate change.

Background and rationale

With global temperatures projected to rise by 2.5°C in the next century, residential buildings and homes will need to become more resilient to withstand hotter temperatures, drier climates and more extreme weather events. This anticipated change in climate is a key consideration for all levels of government, and commitments are being made at local and international levels to address the impacts of climate change. This includes the need to better understand climate change and its impacts on current building design practices and regulations.

This new aim intends to highlight the importance of environmental sustainability and resilience, it corresponds to the proposed additional local provision that seeks to promote urban resilience. This new aim implements the sustainability directions in the LSPS.

Proposed new aims

- *to promote environmental sustainability and community resilience in the planning and development process*

Urban Greening

Proposal

To include an additional aim to promote urban greening and plan for canopy tree planting and accessible open space.

Background and rationale

Wellbeing is greatly influenced by the amenity of our urban areas, including air quality and noise. Air quality can be improved through tree planting and reduction of traffic. Wellbeing is also associated with quality open space that promotes recreational activities. This new aim implements the liveability directions in the LSPS.

Proposed new aim

- *to achieve a high-quality public domain with significant tree canopy and accessible open space*

Public Value

Proposal

To include an additional aim that states the overarching intention of the WLEP is to ensure public value for our community, as provided by environmental, social and economic sustainability.

Background and rationale

This new aim aligns with one of the guiding principles for councils in the *Local Government Act 1993* No 30 which states that “Councils should carry out functions in a way that provides the best possible value for residents and ratepayers”.

Proposed new aim

- *to ensure public value for the community as provided by environmental, social and economic sustainability*

Waste and Water

Proposal

To include an additional aim that promotes energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management), water sensitive design, waste avoidance and resource recovery.

Background and rationale

Waverley is envisioned to become a leading sustainable destination. One of the key moves in the LSPS is to “deliver precinct-based waste, energy and water outcomes in key centres by working with key stakeholders”. This new aim aligns with Waverley’s sustainability vision for 2036 that “the Waverley Community is resilient, environmentally sustainable and produces zero waste and carbon emissions”.

Proposed new aim

- *to promote ecologically sustainable developments that consider energy conservation, water cycle management, water sensitive design, waste avoidance and resource recovery*

City serving corridor and active transport

Proposal

To include an additional aim that retains key routes for public transport, and always prioritises active transport, public transport and then vehicles; ensures land that provides critical transport infrastructure can continue to support efficient public transport services.

Background and rationale

Waverley has the highest population densities in Australia, after the City of Sydney. This is, and should continue to be, supported by high frequency public transport, and quality walking and cycling infrastructure. The LSPS identified “the desire for increased public transport and improved infrastructure for cycling” as one of the key issues that the Waverley community raised. Furthermore, some areas of Waverley such as Randwick to Bondi Junction City-serving Corridor and Bondi Road City-Serving Corridor require urgent attention to address congestion, particularly for the purposes of being able to facilitate the movement of buses along these corridors.

This new aim intends to ensure that land use planning prioritises public transport infrastructure and active transport.

Proposed new aim

- *to ensure that the patterns of land use and density in Waverley prioritise walking, cycling and the use of public transport*

Culture and Public Art/ social infrastructure

Proposal

To include an additional aim to increase public art in the public domain and ensure crucial social and cultural infrastructure for Waverley is provided.

Background and rationale

Social and cultural infrastructure including public art provides crucial services that support and enhance the Waverley community, such as schools, libraries, churches, community centres and halls, hospitals, and cultural facilities.

Recent population increases have resulted in greater demand for family friendly places and access to a mix of educational facilities. The population is not only growing but also ageing, which places additional pressure on the existing infrastructure related to ageing in place, access to support facilities, and social wellbeing. This new aim ensures that adequate social infrastructure and services are to be provided for the current and future population. Furthermore, this new aim ensures that public art which forms an important part of Waverley's character and has cultural significance will continue to be facilitated.

Proposed new aim

- *to enhance the amenity and quality of life of local communities through the provision of adequate social infrastructure, services and public art*

Knowledge and innovation jobs

Proposal

To include an additional aim to promote Bondi Junction as a centre for knowledge and innovation jobs.

Background and rationale

Bondi Junction's existing health and education businesses, highly educated workforce and growing population meant that there is an opportunity for more jobs in the knowledge and innovation sector. Council is working with land owners and stakeholders to develop a Knowledge and Innovation Hub to support existing businesses, facilitate economic activity and diversify the employment potential of Bondi Junction.

This new aim intends to achieve the community vision for Bondi Junction that is "to be the key centre of the Eastern Suburbs for people to visit for retail, health care and other services. The centre will also continue to provide a range of employment opportunities".

Proposed new aim

- *to promote and support Bondi Junction as a centre for employment opportunities in the knowledge and innovation sector*

1.2 Proposed Part 1 Aims

(1) This Plan aims to make local environmental planning provisions for land in Waverley in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

- aa. to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- a. To implement the Planning Priorities and Actions of the Waverley Local Strategic Planning Statement,*
- b. to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
- c. to ~~maintain and reinforce~~ strengthen the viability and vitality of the Bondi Junction strategic centre as the primary commercial and cultural centre in Sydney's eastern suburbs,*
- d. to provide for a range of residential densities and range of housing types ~~close to transport, essential goods and services, and open space~~, to meet the changing housing needs of the community,*
- e. to provide an appropriate transition in building scale around the edge of ~~the commercial~~ centres to protect the amenity of surrounding residential areas,*
- f. to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,*
- g. to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,*
- h. to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley*
- i. to conserve and enhance Waverley's existing scenic and cultural qualities, for current and future generations, including the curtilage of Centennial Park*
- j. to acknowledge and recognise the connection of Aboriginal people to Waverley and to protect, promote and facilitate the Aboriginal culture and heritage*
- k. to promote environmental sustainability and community resilience in the planning and development process*
- l. to achieve a high-quality public domain with significant tree canopy and accessible open space*
- m. to ensure public value for the community as provided by environmental, social and economic sustainability*
- n. to promote ecologically sustainable developments that consider energy conservation, water cycle management, water sensitive design, waste avoidance and resource recovery*
- o. to ensure that the patterns of land use and density in Waverley prioritise walking, cycling and the use of public transport*
- p. to enhance the amenity and quality of life of local communities through the provision of adequate social infrastructure, services and public art*
- q. to promote and support Bondi Junction as a centre for employment opportunities in the knowledge and innovation sector*

Part 2 Land Use Table

2.1 General Discussion

Horticulture – Urban Agriculture

Proposal

The proposal relates to the inclusion of horticulture in the R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre, and B4 Mixed Use zones in order to help to facilitate urban agriculture, which is currently prohibited in these zones.

Background and rationale

With the effects of climate change and a global pandemic highlighting some of the issues relating to the reliance on a predominantly rural food supply in Australia, urban agriculture and localised food production has been identified as one area which can help to enable our cities to become more resilient in the future.

By growing in cities closer to the end consumer, many of the transport or storage requirements are reduced or eliminated. The freshness and nutritional profile of produce is also higher, and there is opportunity to sell direct-to-consumer, meaning farmers can capture more, or all of the retail value in a sale.

Currently, ‘agriculture’ is prohibited in R2, R3, R4, B1, B3 and B4 Zones in Waverley. Agriculture is the umbrella term for a range of different types of food production, including ‘horticulture’ which includes ‘urban agriculture’, which, as a result, prohibits any urban agriculture activity in these zones.

Specifically, the type of urban agriculture which could potentially be fit for purpose in the Waverley LGA is Controlled Environment Agriculture (CEA). CEA refers to the process of growing crops within a growing structure (generally a building or greenhouse) which is aided by technology to optimise environmental conditions and facilitate intensive growing with maximum yields. CEA has three key growing methods; hydroponics, aquaponics and aeroponics, all of which are water efficient, capable of high-yield production in small spaces and soil-less, making them ideal for urban environments.

The proposal seeks to include horticulture as a permitted use with consent in these zones, in order to enable commercial urban agriculture in Waverley. To effectively ensure that any urban agriculture which would take place is conducted in a way which is appropriate for the Waverley LGA, further controls will be prepared for the WDCP.

Proposed new clause

Include the use ‘*horticulture*’ in the Permitted with consent land use tables for the, R2 Low Density Residential, R3 Medium Density, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre and B4 Mixed Use zones.

Affordable housing objective

Proposal

To add 'to encourage the provision of affordable housing' to the objectives of relevant zones including R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, and B4 Mixed Use zones.

Background and rationale

The *Waverley Local Housing Strategy* identified the need for more affordable rental housing. Waverley Council has had a longstanding commitment to the provision of affordable housing. As at 2016, 3,438 households needed affordable rental housing because they were either a very low, low- or moderate-income household spending 30% or more of their household income on rent. The current supply of affordable rental housing is only meeting 57% of demand, more affordable rental housing is needed in Waverley.

Currently, the LEP zone objectives do not include affordable housing. It is proposed that an objective that encourages affordable housing to be added to zones where residential flat buildings and shop top housing are permissible to help to meet the demand for affordable housing. This approach aligns with Action H3.1 from the *Waverley Local Housing Strategy* where an affordable housing contribution scheme for all new apartment developments is proposed.

Proposed new clause

The following objective is to be added at the end of each of the objectives of zone for R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, and B4 Mixed Use zones:

- *To encourage the provision of affordable housing.*

Seniors housing objective

Proposal

The proposal relates to updating the objectives in the R2, R3 and R4 zones to encourage seniors housing within areas zoned residential and to ensure that any development of both seniors housing and boarding housing is appropriate with the local character of the surrounding areas.

Background and rationale

The Housing for Seniors or People with a Disability SEPP allows development for the purpose of seniors housing to be carried out 'despite the provisions of any other environmental planning instrument'. As a result of this, development of seniors housing can often occur on land otherwise zoned for purposes other than housing, for example - public recreation. One recent example where this has occurred is the former Waverley Bowling Club in Waverley, which was previously used exclusively as a bowling club, however following a judgement of the Land and Environment Court, will be redeveloped, with a vast portion of the site being devoted to seniors housing.

In order to try and protect areas zoned for other purposes being developed as seniors housing, it is proposed to update the objectives in the R2, R3 and R4 zones to encouraging senior housing in areas zoned as residential. This approach is in line with what has occurred in other LGAs around Sydney and this particular objective has been adapted from the Sutherland Shire LEP.

An additional objective is also proposed, applicable to seniors housing and boarding housing. This objective is proposed to help to ensure these types of developments occur in a way that is appropriate in relation to the character of the zone in which any development of this type occurs. The proposed objective is also inclusive of boarding housing as boarding housing is the other predominant form of development which can occur in residential zones alongside seniors housing.

Proposed new clause

- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with a disability.*
- *To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of boarding housing or seniors housing.*

2.2 Draft Land Use Tables

R2 Low Density Residential

Proposal

To include additional objectives in the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential land use zones to ensure development is sensitive to the character of the area, provide for greater urban resilience and encourage affordable housing.

Background and rationale

The addition of the proposed objectives aims to provide for development that is compatible with the character and amenity of the surrounding neighbourhood and is another means of ensuring incoming development remains sensitive to the surrounding area. There is minimal ambiguity in determining whether development achieves this objective as there is an existing built form to base assessment off. Adding this objective will help to reinforce the existing objectives of the R2 Low Density Residential Zone and help in ensuring proposed development is sensitive to the existing area.

Encouraging housing affordability is in line with the recommendations of the Local Housing Strategy. The objective can be amended slightly to read '*to encourage the provision of affordable housing in any new development or major alterations and additions to an existing development*'.

As per the discussion on Urban Agriculture, the use 'horticulture' is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Advisory note: It is acknowledged that the Department of Planning, Industry and Environment has exhibited the draft *State Environmental Planning Policy (Housing) 2021* which proposed to remove the 'boarding house' land use from the R2 Low Density Residential land use table of the Standard Instrument LEP. Waverley Council has requested that the use 'boarding house' remain a permissible with consent use within the R2 Low Density Residential land use table in the Waverley LEP. This is supported to encourage the delivery of true affordable housing across the Waverley LGA.

Proposed new clause

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To promote climate responsive landscape design in residential development to support thermal comfort and reduce the urban heat island.
- To improve the urban tree canopy by providing high levels of deep soil planting and landscaping.
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with a disability.
- To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of boarding housing or seniors housing.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Horticulture; Hostels; Information and education facilities; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

R3 Medium Density Residential

Proposal

To include additional objectives in the R3 Medium Density Residential zone to ensure development is sensitive to the character of the area, provide for greater urban resilience and encourage affordable housing.

Background and rationale

The addition of the proposed objectives aims to provide for development that is compatible with the character and amenity of the surrounding neighbourhood and is another means of ensuring incoming development remains sensitive to the surrounding area. There is minimal ambiguity in determining whether development achieves this objective as there is an existing built form to base assessment off. Encouraging housing affordability is in line with the recommendations of the Local Housing Strategy.

As per the discussion on Urban Agriculture, the use 'horticulture' is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Proposed new clause

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide housing that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To encourage the provision of affordable housing.*
- *To promote climate responsive landscape design in residential development to support thermal comfort and reduce the urban heat island.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and landscaping.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with a disability.*
- *To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of boarding housing or seniors housing.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; **Horticulture**; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat

launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

R4 High Density Residential

Proposal

To include additional objectives in the R4 High Density Residential zone to ensure development is sensitive to the character of the area, provide for greater urban resilience and encourage affordable housing.

Background and rationale

The addition of the proposed objectives aims to provide for development that is compatible with the character and amenity of the surrounding neighbourhood and is another means of ensuring incoming development remains sensitive to the surrounding area. There is minimal ambiguity in determining whether development achieves this objective as there is an existing built form to base assessment off. Encouraging housing affordability is in line with the recommendations of the Local Housing Strategy

As per the discussion on Urban Agriculture, the use 'horticulture' is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Proposed new clause

Zone R4 High Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide housing that is compatible with the desired future character and amenity of the surrounding neighbourhood.*

- *To encourage the provision of affordable housing.*
- *To promote climate responsive landscape design in residential development to support thermal comfort and reduce the urban heat island.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and landscaping.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with a disability.*
- *To ensure the dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of boarding housing or seniors housing.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Home industries; [Horticulture](#); Kiosks; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

B1 Neighbourhood Centre

Proposal

To include additional objectives in the B1 Neighbourhood Centre zone to encourage vibrant centres, to increase community resilience through the provision of equitable access to goods and services, and to provide for other appropriate uses.

Background and rationale

Providing active ground floor uses will help to create vibrant centres that will provide for the day to day uses of surrounding residents to neighbourhood centres. This will provide residents with retail centres that are closer to their homes and will reduce dependency on trips to Bondi Junction. Encouraging active ground floor uses in neighbourhood centres will also help to ensure the viability of Waverley's neighbourhood centres through improved economic viability for the areas. In addition, all the Active Street Frontage map is proposed to be updated to include all centres, as identified in the *Our Liveable Places Centres Strategy*.

The addition of an objective encouraging a range of other uses, including light industrial, ensures key services such as mechanics can be developed in Waverley's neighbourhood centres. There are few remaining services such as these within Waverley and as such residents will be required to travel further to get these services. If it can be proven that the service can exist without impacting on the amenity of the adjoining uses it will be crucial to allow for these uses to ensure Waverley still can provide these uses for residents.

In addition an objective that speaks to the need to retain commercial floor space to ensure that the zone prioritises the role of the centre, rather than residential opportunities.

Light industries have been added to the permitted with consent section as they promote a diversity of uses within the LGA and provide a key service to surrounding residents. Waverley encourages the provision of urban services in its business zones as it helps to provide economic productivity and means residents do not have to travel to other LGAs to access these services.

As per the discussion on Urban Agriculture, the use 'horticulture' is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Advisory note: It is acknowledged that the Department of Planning, Industry and Environment has exhibited a proposal to replace the existing Business (B) and Industrial (IN) zones with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP). This proposal is known as the *Employment Zones Reform* work. Based on the *Employment Zones Reform* exhibition package, the B1 Neighbourhood Centre zone would likely align with the exhibited 'E1 Local Centre' zone.

Proposed new clause

Zone B1 Neighbourhood Centre

1 Objectives of zone

- *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 and activities, transport, traffic generation and the car parking capacity of local roads.
- 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 local retail hierarchy.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain existing commercial floor space so that the zone favours commercial development over residential to promote employment growth.
- To encourage the provision of affordable housing.
- To provide active ground floor uses to create vibrant centres.
- To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.
- To increase community resilience by providing equitable access to essential goods and services.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Group homes; Home industries; Horticulture; Hostels; Light industries; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Recreation facilities (indoor); Respite day care centres; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Plant nurseries; Pond-based aquaculture; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Signage; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

B2 Local Centre

Proposal

A new B2 Local Centre zone is proposed to provide a clear hierarchy across centres, and to create zone objectives that more adequately protect the local character and nature of medium sized centre.

Advisory note: It is acknowledged that the Department of Planning, Industry and Environment has exhibited a proposal to replace the existing Business (B) and Industrial (IN) zones with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP). This proposal is known as the *Employment Zones Reform* work. Based on the *Employment Zones Reform* exhibition package, the B2 Local Centre zone would likely align with the exhibited 'E1 Local Centre' zone, and the B4 Mixed Use zone with the 'MU1 Mixed Use' zone.

Background and rationale

This zone is generally intended for centres that provide a range of commercial, civic, cultural and residential uses that typically service a wider catchment than a neighbourhood centre. Such a mix of uses will increase walking, cycling and public transport options for more people by making more activities available in one location, therefore the objectives of the zone need to reflect this.

The first three objectives are a part of the Standard Instrument and will be added into the B2 Local Centre Zone objectives.

Attracting new business and commercial opportunities will set this zone apart from the surrounding residential zones it will service. Business and commercial opportunities will also help to ensure the viability of these centres. Adding the objective of providing for a range of services such as light industrial will also ensure a variety of uses can be found here to service the day to day needs of surrounding residents. This will also align with the objectives of the B1 Neighbourhood Centre.

Adding the objective to ensure that development is of a height and scale that achieves the desired future character will help to ensure that development is sensitive to existing development and the proposed future character of an area. This can help give effect to the *Our Liveable Places Centres Strategy* and the future Local Character Statements. The objective to minimise the impact of development and protecting the amenity of residents in the zone and surrounding residential areas will help to achieve development in line with the desired future character.

The Land Use Table for the B2 Local Centre Zone is directly from the Standard Instrument. Home occupations have been added to permitted without consent as they are permitted without consent in each of Waverley's residential and mixed-use zones.

Light industries have been added to the permitted with consent section as they promote a diversity of uses within the LGA and provide a key service to surrounding residents. Waverley encourages the provision of urban services in its business zones as it helps to provide economic productivity and means residents do not have to travel to other LGAs to access these services.

Veterinary hospitals have been added to the permitted with consent section as they are a use that services a wide variety of residents within the community and are a use that can remain sensitive to surrounding uses. Veterinary hospitals are permissible in the B2 zones of surrounding LGAs such as Randwick, City of Sydney and Woollahra.

As per the discussion on Urban Agriculture, the use 'horticulture' is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Proposed new clause

Zone B2 Local Centre

1 Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- *To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- *To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.*
- *To encourage the provision of affordable housing.*

Land Use Table

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Horticulture; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Veterinary hospitals

B3 Commercial Core

Proposal

Include a new objective in the B3 Commercial Core zone to ensure commercial uses are maintained as a key feature in these types of zones and include the land use 'horticulture' in the Permitted with consent section.

Background and rationale

The objective could read as '*to ensure uses support the viability of Bondi Junction as a Strategic Centre*'. This is a direct connection to the Eastern City District Plan and will help give greater attention to the requirement to retain a minimum of 10,000 jobs in Bondi Junction to maintain its status as a Strategic Centre. This would help to provide another objective that strengthens the requirement for commercial uses in any mixed-use development and is in line with the Bondi Junction Strategic Centre Planning Proposal (BJSCPP) which has been gazetted (see Clause 6.12 of the WLEP2012).

The objective discouraging quasi-residential uses and promoting long term employment growth is also in line with the objectives of the Eastern City District Plan in retaining Bondi Junction's status as a Strategic Centre. This will help the B3 zone to remain as the one wholly commercial zone as opposed to all other B zones acting as residential zones with a requirement for minor commercial development offerings. Unfortunately due to the recent changes to the State Environmental Planning Policy (Affordable Rental Housing) 2009, Build to Rent residential uses are now permitted in the B3 Commercial Core zone, and stand to undermine the intent of this zone to provide the only commercial offering in Waverley that has remained undegraded by residential development.

Bondi Junction has experienced significant change in the past several years, with residential towers emerging on the landscape and more to come in the supply pipeline. Residential development pressure is set to continue in Bondi Junction with recent development interest and formal Planning Proposals to further reduce the B3 Commercial Core zone.

At the same time, there are a number of economic development challenges and opportunities for Bondi Junction. These include increasing the competitiveness and diversity of employment generating uses in Bondi Junction to ensure that local residents have access to the broadest range of goods and services. A further economic development priority for Bondi Junction is to improve access to a diversity of employment opportunities including highly skilled jobs in the knowledge industries. In order to maintain Bondi Junction's status as a Strategic Centre as identified in the Eastern City District Plan, the centre needs to have a minimum of 10,000 jobs, which requires a sufficient amount of floor space to accommodate these jobs. The recent development history of Bondi Junction has seen a trend of large-scale residential towers replacing the existing non-residential floor space with residential floor space; resulting in a loss of non-residential floor space and therefore employment floor space.

The proposed changes to the objectives in Zone B3 Commercial Core and Zone B4 Mixed Use are intended to strengthen commercial development in Waverley and in particular – Bondi Junction, to ensure that these diversity of land uses remains, to provide appropriate accessible employment, retail, entertainment and community opportunities for the local population into the future.

The updated objective for Zone B3 Commercial Core also supports the proposed amendment to the WLEP of Clause 6.12 Development on certain land in Bondi Junction, which seeks to ensure that “development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the non-residential gross floor area of the building will be the same as or greater than the total non-residential gross floor area of all buildings on the site on 1 January 2021.”

As per the discussion on Urban Agriculture, the use ‘horticulture’ is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Proposed new clause

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- ~~To encourage appropriate employment opportunities in accessible locations.~~
- To prioritise employment opportunities and health related uses to ensure Bondi Junction can fulfill its role as a Strategic Centre within Greater Sydney.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Bondi Junction Centre as a major commercial centre and ensure that commercial uses dominate.
- To provide direct, convenient, and safe pedestrian links between the Bondi Junction bus concourse, rail station and Oxford Street Mall and reinforce the bus and rail interchange as a major passenger transport facility.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Horticulture; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities

(major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Serviced apartments; Sewage treatment plants; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

B4 Mixed Use

Proposal

To include additional objectives to prioritise employment and health related uses, provide for affordable housing and to include the use 'horticulture' in the in the Permitted with consent section.

Background and rationale

This objective should be added with greater clarification added for commercial uses within the B4 Mixed Use Zone. The objective could read as '*to ensure uses support the viability of Bondi Junction as a Strategic Centre*'. This is a direct connection to the Eastern City District Plan and will help give greater attention to the requirement to retain a minimum of 10,000 jobs in Bondi Junction to maintain its status as a Strategic Centre. This would help to provide another objective that strengthens the requirement for commercial uses in any mixed use development and is in line with the Bondi Junction Strategic Centre Planning Proposal (BJSCPP) which has been gazetted (see Clause 6.12 of the WLEP2012).

The *Waverley Local Housing Strategy* identified a need for more affordable rental housing. Waverley Council has had a longstanding commitment to the provision of affordable housing. As at 2016, 3,438 households needed affordable rental housing because they were either a very low, low or moderate income household spending 30% or more of their household income on rent. The current supply of affordable rental housing is only meeting 57% of demand, more affordable rental housing is needed in Waverley.

Currently, the LEP zone objectives do not include affordable housing. It is proposed that an objective that encourages affordable housing to be added to zones where residential flat buildings and shop top housing are permissible to help to meet the demand for affordable housing. This approach aligns with Action H3.1 from the *Waverley Local Housing Strategy* where an affordable housing contribution scheme for all new apartment developments is proposed.

The addition of the objective allowing a range of other uses, including light industrial, ensures key services such as mechanics can be developed in Waverley's neighbourhood centres. There are few remaining services such as these within Waverley and as such residents will be required to travel further to get these services. If it can be proven that the service can exist without impacting on the amenity of the adjoining uses it will be crucial to allow for these uses to ensure Waverley still can provide these uses for residents.

At the same time, there are a number of economic development challenges and opportunities for Bondi Junction. These include increasing the competitiveness and diversity of employment generating uses in Bondi Junction to ensure that local residents have access to the broadest range of goods and services. A further economic development priority for Bondi Junction is to improve access to a diversity of employment opportunities including highly skilled jobs in the knowledge industries. In

order to maintain Bondi Junction's status as a Strategic Centre as identified in the Eastern City District Plan, the centre needs to have a minimum of 10,000 jobs, which requires a sufficient amount of floor space to accommodate these jobs. The recent development history of Bondi Junction has seen a trend of large-scale residential towers replacing the existing non-residential floor space with residential floor space; resulting in a loss of non-residential floor space and therefore employment floor space.

The proposed changes to the objectives in Zone B3 Commercial Core and Zone B4 Mixed Use are intended to strengthen commercial development in Waverley and in particular – Bondi Junction, to ensure that this diversity of land uses remains, to provide appropriate accessible employment, retail, entertainment and community opportunities for the local population into the future.

The updated objective for Zone B3 Commercial Core also supports the proposed amendment to the WLEP of Clause 6.12 Development on certain land in Bondi Junction, which seeks to ensure that "development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the non-residential gross floor area of the building will be the same as or greater than the total non-residential gross floor area of all buildings on the site on 1 January 2021."

As per the discussion on Urban Agriculture, the use 'horticulture' is proposed to be included. It is noted that the horticulture land use requires the premises to be growing food for commercial purposes.

Proposed new clause

Zone B4 Mixed Use

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*
- *To provide for diverse types of affordable housing.*
- *To prioritise employment opportunities and health related uses to ensure Bondi Junction can fulfill its role as a Strategic Centre within Greater Sydney.*
- *To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.*
- *To encourage the provision of affordable housing.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Horticulture; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Oyster aquaculture; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors

housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

RE1 Public Recreation

Proposal

Include a new objective in the RE1 Public Recreation zone that seeks to provide links between open space areas.

Background and rationale

Adding this objective will help give effect to Waverley's green links strategies and will provide a public benefit for residents and visitors alike. This will also help encourage green modes of transports such as walking and cycling.

Proposed new control

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To facilitate and manage public access to and along the coastline for all.*
- *To provide accessible links between open space areas.*

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor);

Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Part 3 Maps

3.1 Active Street Frontages

Proposal

To increase the number of active street frontages across the Waverley LGA where needed in some additional sites in Bondi Junction, Local Centres and Neighbourhood Centres in order to encourage commercial floor space, improve the liveliness of a street, and create a people focussed place.

Background and rationale

The *Our Liveable Places Centres Strategy* identified a demand for more commercial floor space. An Active Street Frontage requires all ground floors of buildings identified on the ASF map to be used for the purposes of business or retail which will assist to encourage commercial floor space in areas that will also benefit from increased street liveliness.

The current Active Street Frontages clause is exclusive to Bondi Junction. By increasing the scope of the application of active street frontages to other centres in the Waverley LGA, local and neighbourhood centres can increase their activation and commercial prevalence.

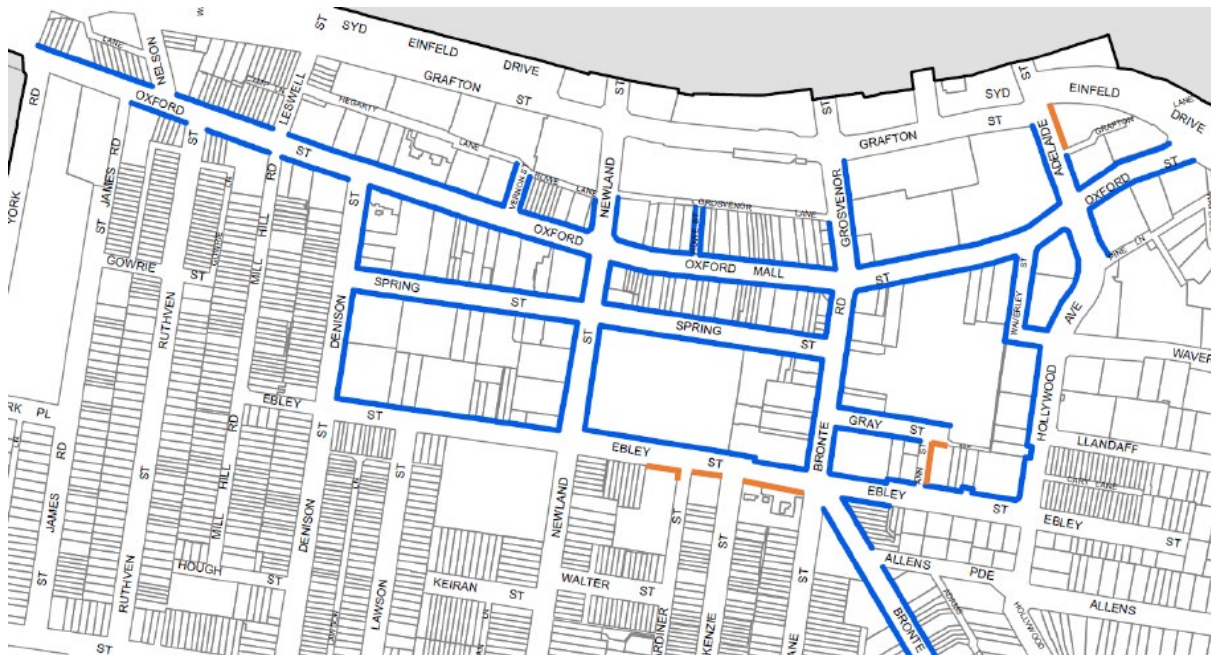
It is acknowledged that B1 Neighbourhood Centre and B2 Local Centre zones are not explicitly considered suitable for Active Street Frontage application, however, in the context of the Waverley LGA it is considered appropriate to apply Active Street Frontages to parts of streets within B1 and B2 zones where a concentration of business and/or retail is encouraged, and where they will not constrain uses able to respond to changing economic drivers.

The decision to increase the scope of the Active Street Frontage clause to these zones aligns with the findings of the *Our Liveable Places Centres Strategy* which details the communities desire to protect and strengthen current lively centres. Furthermore, the majority of sites within the proposed B1 and B2 land use zones with proposed Active Street Frontages already contain commercial uses on the ground floor, many of which are already considered activated with seating and window transparency. This means that the application of the Active Street Frontage clause to these sites is not going to result in large change, but rather protect the existing activation in these areas.

The centres proposed as B1 Neighbourhood Centres, specifically the Flood Street, Vaucluse, Seven Ways, North Bondi, OSH Road at O'Brien Avenue, and Wairoa Avenue centres are relatively small and already feature largely activated frontages. The streetscape analysis presented within the *Our Liveable Places Centres Strategy* identifies the existing active street frontages across all neighbourhood and local centres. Given their small size there is greater concern that the removal of an already activated ground floor premises will have a substantial impact on the liveliness of the street and economic prosperity of these smaller localities when compared to the larger centres seen within the other business zones.

Furthermore, the importance of the role of the non-residential uses in these centres is paramount to the ongoing resilience of the Waverley community, as outlined in the *Our Liveable Places Centres Strategy*, p10-13. Both the uses provided by active street frontages, as well as the activity and social interaction are supportive of community resilience, and underpin Waverley's strategic planning approach for the future.

New sites in Bondi Junction Strategic Centre are proposed to be included on the ASF map 002 to ensure consistency in approach across the centre. These new sites are shown below in orange, contrasted with the existing in blue. See Attachment I for a list of the properties shown in orange.



The centres proposed to have Active Street Frontages include:

- Bondi Junction Strategic Centre
- Bronte Road, Bondi Junction
- Charing Cross
- Flood Street
- Rose Bay South
- Rose Bay North
- Murrivier Road
- Vacluse
- Bondi Road
- Bondi Beach
- Seven Ways
- North Bondi
- Wairoa Avenue

Proposed new clause

6.5 Active street frontages ~~in the Bondi Junction Centre~~

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in *Zone B1 Neighbourhood Centres, Zone B2 Local Centres, Zone B3 Commercial Core and Zone B4 Mixed Use in the Bondi Junction Centre and local and neighbourhood centres in Waverley.*

(2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

- (a) entrances and lobbies (including as part of mixed-use development),*
- (b) access for fire services,*
- (c) vehicle access.*

(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

Maps

Draft Active Street Frontages Maps have been prepared, refer to Attachment B Proposed Mapping.

Affected Properties

Refer to Attachment B for map of affected properties.

3.2 Acid Sulfate Soils Map

No changes proposed under this Planning Proposal.

3.3 Terrestrial Biodiversity Map

No changes proposed under this Planning Proposal.

3.4 Flood Planning Map

The current WLEP Flood Planning Maps are being repealed under this Planning Proposal, as per the instruction of the NSW Department of Planning, Industry and Environment (DPIE). The Flood Planning Maps will be moved to the Waverley Development Control Plan 2012 instead.

Councils were required by the DPIE to identify land where the flood planning mandatory standard instrument LEP clauses apply, through an amendment to clause 7A of Schedule 4 to the Environmental Planning and Assessment Regulation 2000 (the Regulation) and a revised local planning direction regarding flooding issued under section 9.1 of the Environmental Planning and Assessment Act 1979 (the Act);

Flood Planning Area is the area of land at or below the flood planning level. The DPIE asked Councils to define their Flood Planning Areas in their DCPs. Multiple Flood Planning Areas could be identified based on the flood risk identified and the land use type.

The proposed maps identify the Flood Planning Areas and their associated flood risks. These maps are proposed to be used in conjunction with the flood related controls and land use risks to identify appropriate controls for flood-prone areas.

As with other maps in the Waverley DCP, the maps will be located on Council's online mapping tool Discovery, which better enables the community to review the maps, and determine their property affectations.

3.5 Floor Space Ratio Map

No changes proposed under this Planning Proposal.

3.6 Height of Buildings Map

No changes proposed under this Planning Proposal.

3.7 Heritage Map

No changes proposed under this Planning Proposal.

3.8 Land Application Map

No changes proposed under this Planning Proposal.

3.9 Land Reservation Acquisition Map

Proposal

The proposal seeks to amend the Land Reservation Acquisition Map to identify lots throughout the Local Government Area (LGA) as being reserved for potential future acquisition.

Background and rationale

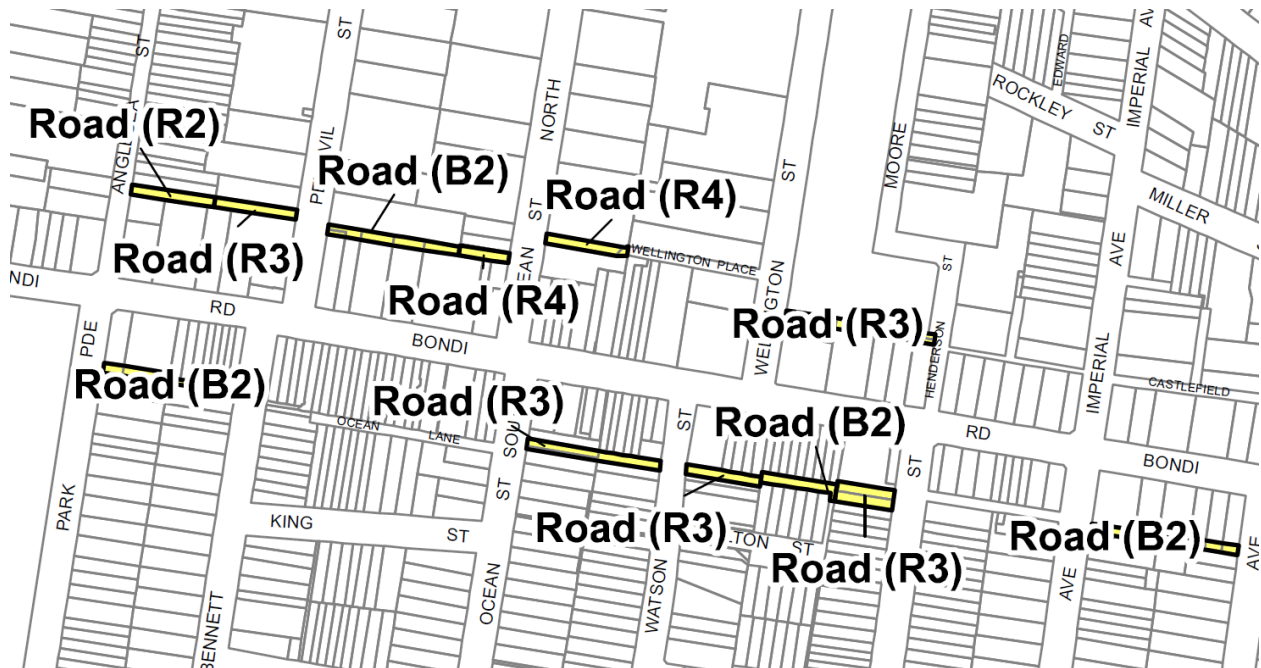
The *Our Liveable Places Centres Strategy* identified a number of key potential future transport links throughout the LGA, specifically related to this proposal, a number of future potential bicycle links and shared zones (pedestrian and bicycle links) have been identified which would require the acquisition of either part of whole parcels. The areas affected are located around the Bondi Road corridor.

The purpose of the inclusion of the areas reserved for acquisition is to ensure the relevant locations are identified in the Local Environment Plan and to ensure transparency in the potential future investigation of these routes with both the local community and owners of the affected lots.

Any further investigation surrounding acquisition of the affected sites would be subject to the appropriate due processes related to the acquisition of land by Council.

Maps

The affected parcels are highlighted below. Refer to Attachment H for the parcel descriptions of affected properties.



3.10 Land Zoning Map

B4 Mixed Use, R2 Low Density Residential and R3 Medium Density Residential to B1 Neighbourhood Centre B2 Local Centre

Proposal

To rezone select B4 Mixed Use land in medium sized centres to enable more specific objectives appropriate to the size and role of a local centre, and to ensure the retention of existing commercial uses in centres through the rezoning of existing commercial uses from a residential zone (typically R2 Low Density Residential or R3 Medium Density Residential) to the relevant business zone of the centre being either B1 Neighbourhood Centre and B2 Local Centre.

Background and rationale

B2 Local Centre

The B2 Local Centre is proposed to be included in the Waverley LEP. The Waverley LEP currently does not utilise the Local Centre zoning because the sub-categories of Village Centres outlined by a previous Sub-Regional Strategy used in the Waverley Development Control Plan 2012 (DCP) did not align with the B2 Local Centre land use zone.

The sub-categories have since been superseded by the Region Plan and the District Plan. The new Plans utilise the following centre classifications: Metropolitan Centre (i.e. Sydney CBD), Strategic Centre, and Local Centre. The Plans establish a new framework which do align with the use of the B2 Local Centre land use zone, and this Strategy proposes an updated centres hierarchy for Waverley of:

- Strategic Centre (i.e. Bondi Junction),
- Local Centre,
- Neighbourhood Centre.

The value in changing the zoning of some centres from B4 Mixed Use to B2 Local Centre is that there would be a clear distinction in the zone objectives that will apply to the Bondi Junction Strategic Centre and the zone objectives of the local centres. This means that the zone objectives of the B2 Local Centre zoning can be targeted towards ensuring a greater diversity of businesses, retain a human scale of development, and ensure that the primary role of the centre is to provide services, goods and employment opportunities for locals.

To not restrict any current development rights on any site, it is noted that the permitted and prohibited uses of the B4 Mixed Use Zone will be used to form the basis of the B2 Local Centre zone. New objectives have been prepared to reflect the scale and role of a local centre and have been based on those of neighbouring councils for consistency.

The centres that are proposed to be changed from a B4 Mixed Use zone to a B2 Local Centre are Bondi Road, Charing Cross, Bondi Beach, Rose Bay North and South, and Curlewis Street/Old South Head Road centre.

Zone Rationalisation

The OLP Centres Strategy identified commercial floor space in numerous centres that is currently on land zoned for residential uses. Waverley's centres are important as they play an important role in the liveability of the area and the resilience of the community by providing walkable opportunities to shop for groceries and to run regular errands. They also provide local opportunities for employment, whether that is casual work at a cafe or shop, or the ability to open a small office space to grow a business. To ensure that centres continue to provide equitable access to essential goods and services, these sites are proposed to be rezoned to a business use. For clarity, a business use will require the ground floor to provide a commercial use and does permit residential development above.

Changing B4 and residential zones to B1 and B2 can protect and encourage the increase of commercial floor space.

Proposed new land use

New land use zone B2 Local Centre. For complete explanation of the new land use table for B2 Local Centre, refer to Part 2 Land Use Tables.

Maps

Draft Land Use Zoning Maps have been prepared, refer to Attachment B Proposed Mapping.

The below figures show excerpts of the existing and proposed maps, with existing above and proposed below, or existing to the left and proposed to the right.

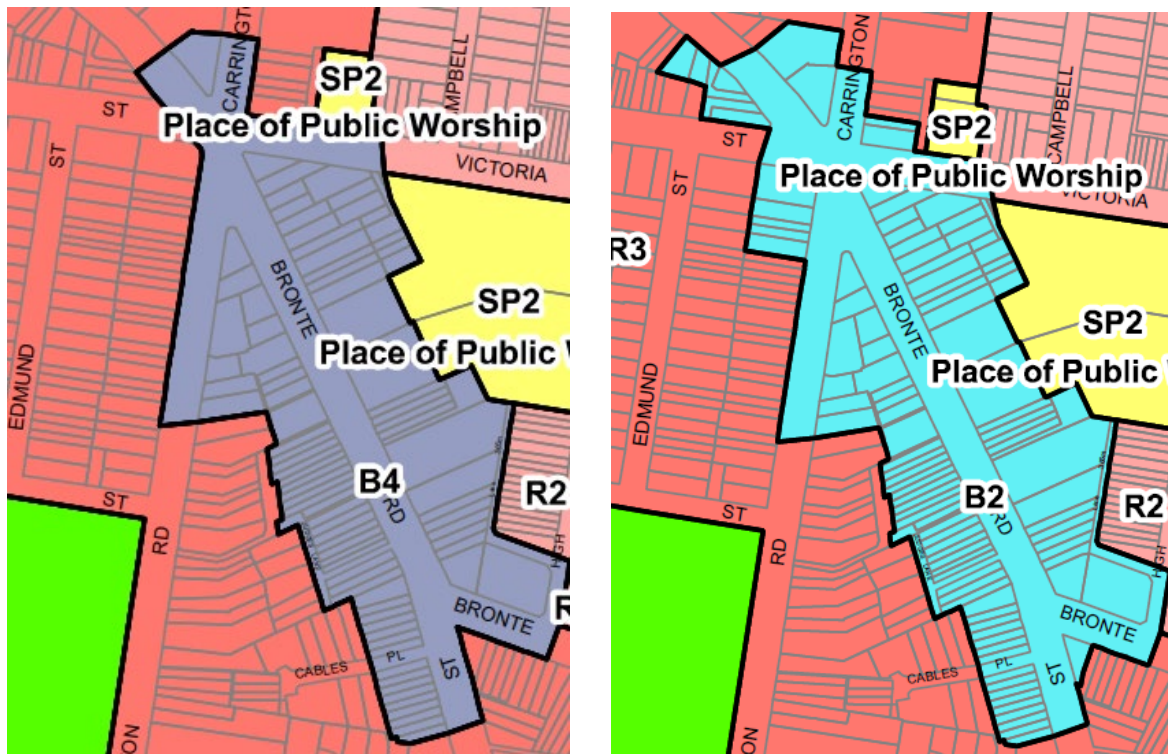


Figure 2 – Existing and proposed Charring Cross



Figure 3 – Existing and proposed Flood Street

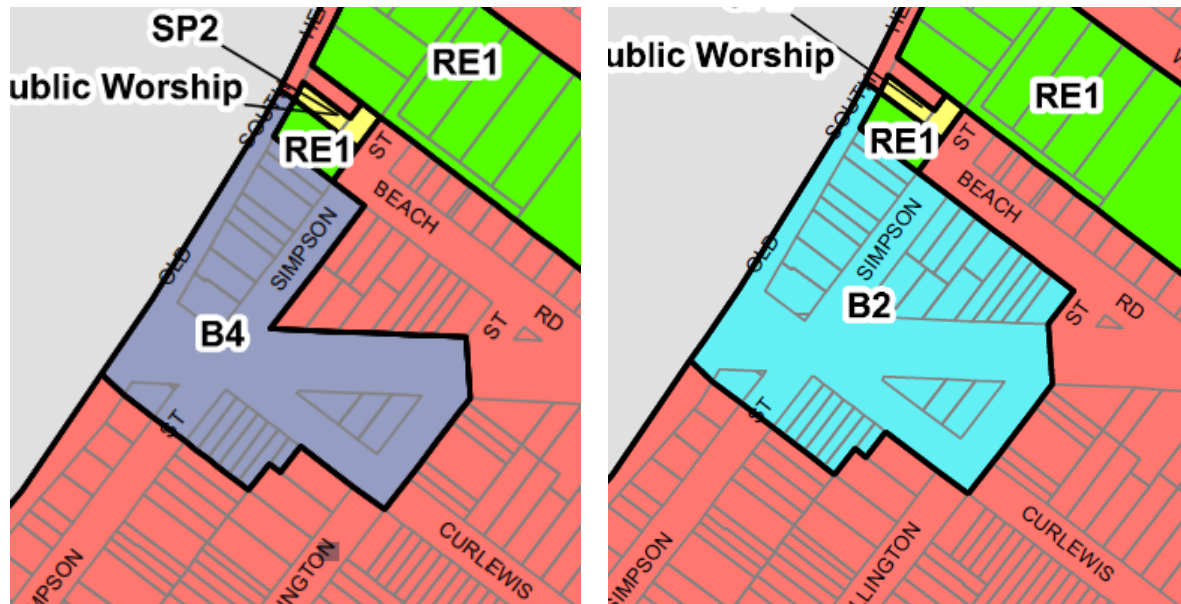


Figure 4 – Existing and proposed Curlew Street

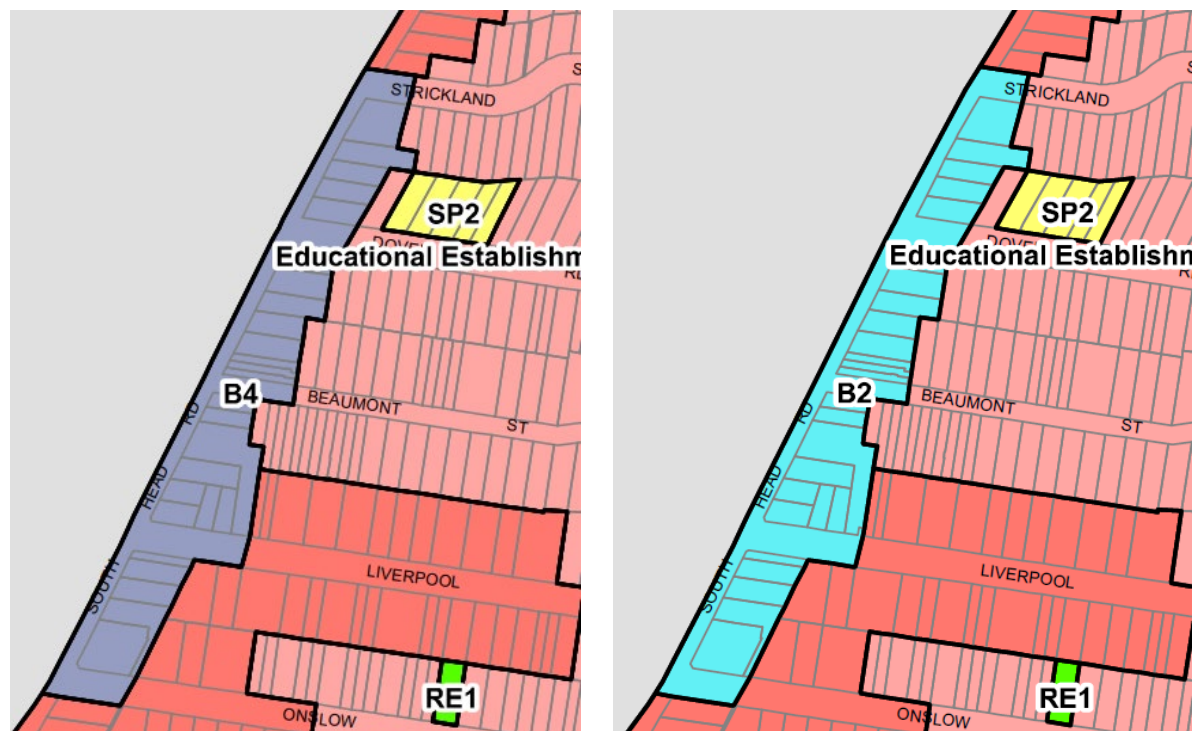


Figure 5 – Existing and proposed Rose Bay South

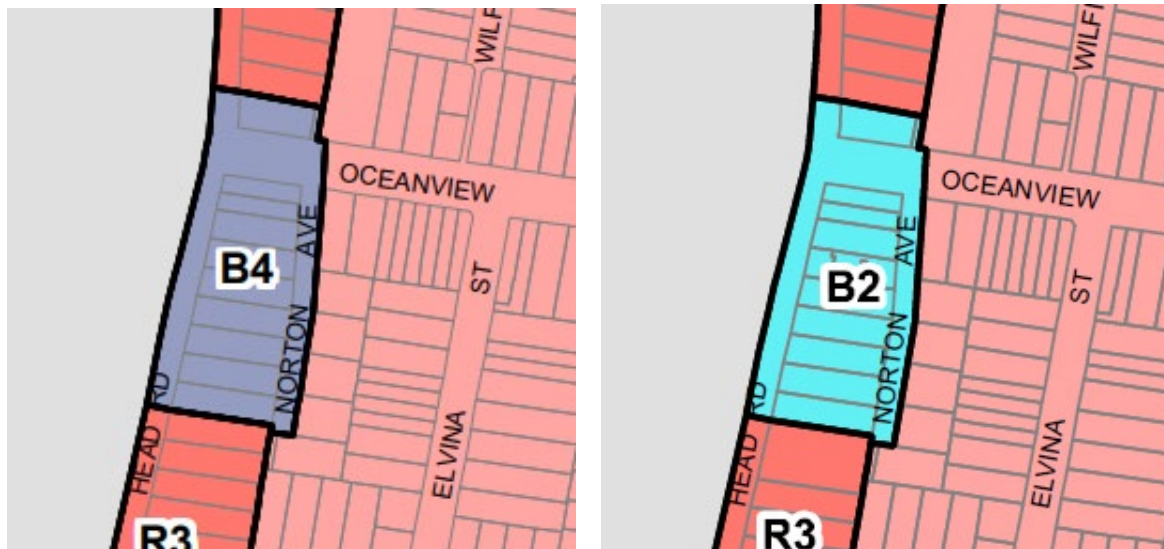


Figure 6 – Existing and proposed Rose Bay North

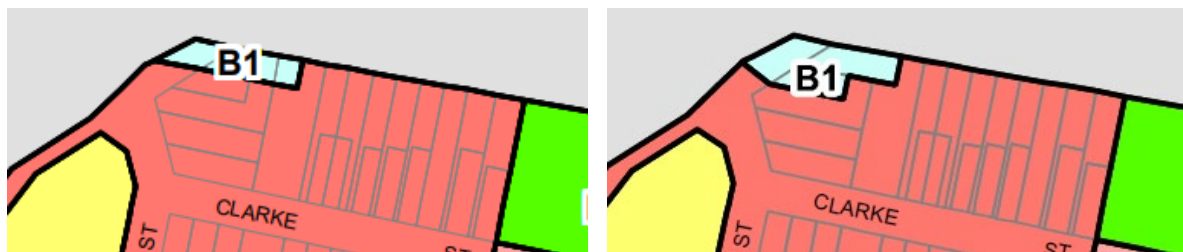


Figure 7 – Existing and proposed Vacluse



Figure 8 – Existing and proposed Bondi Road

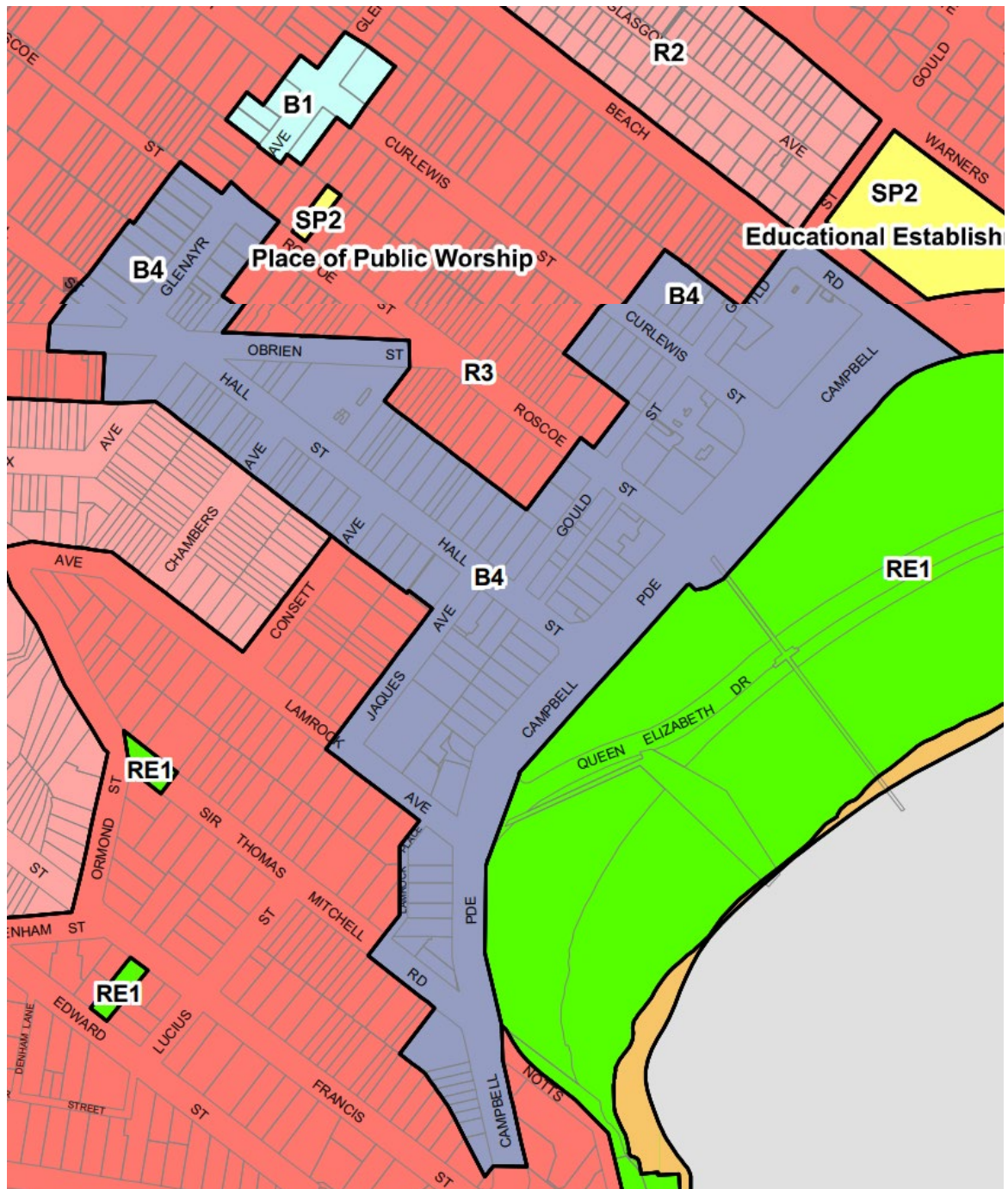


Figure 9 – Existing Bondi Beach

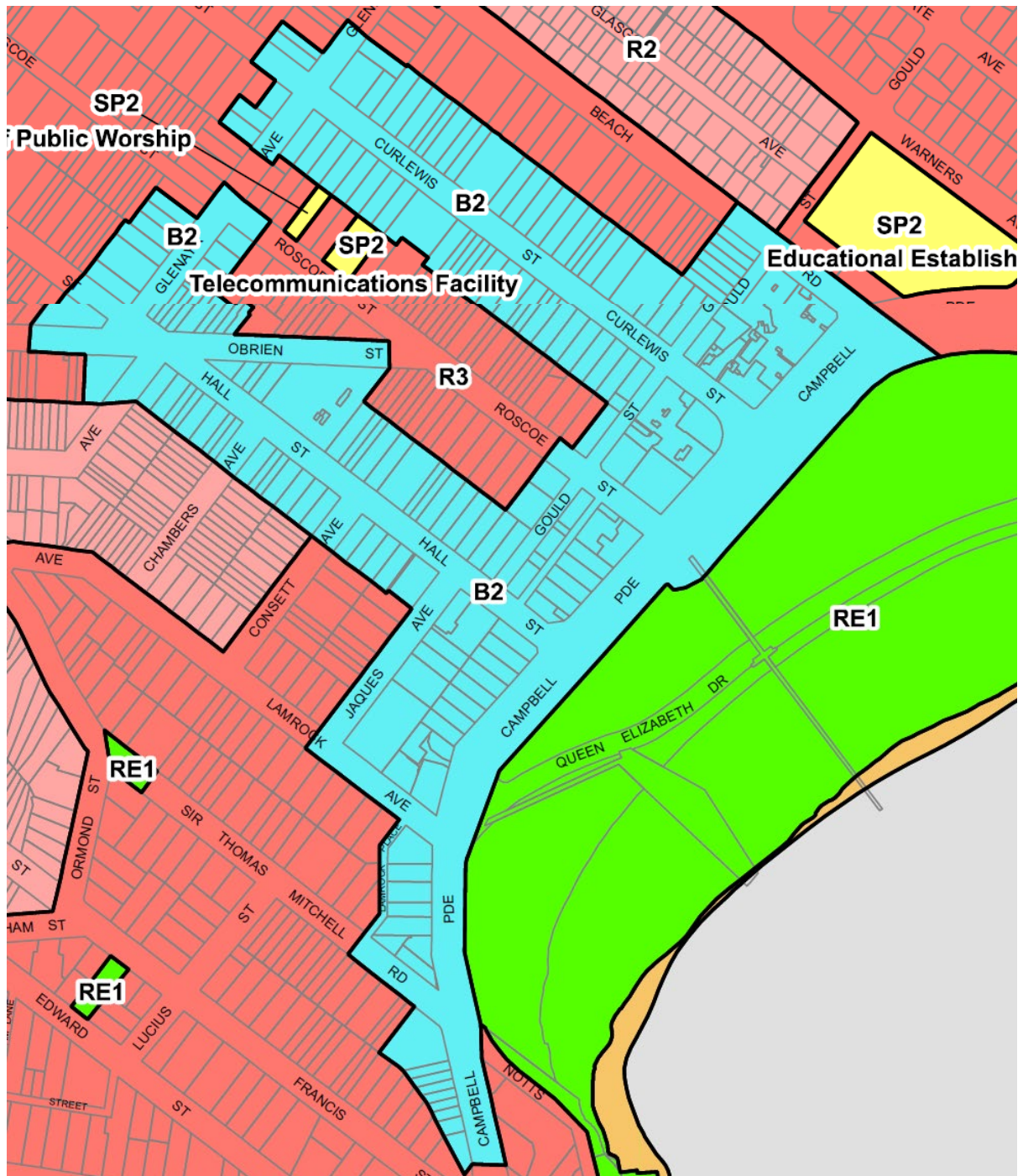


Figure 10 – Proposed Bondi Beach

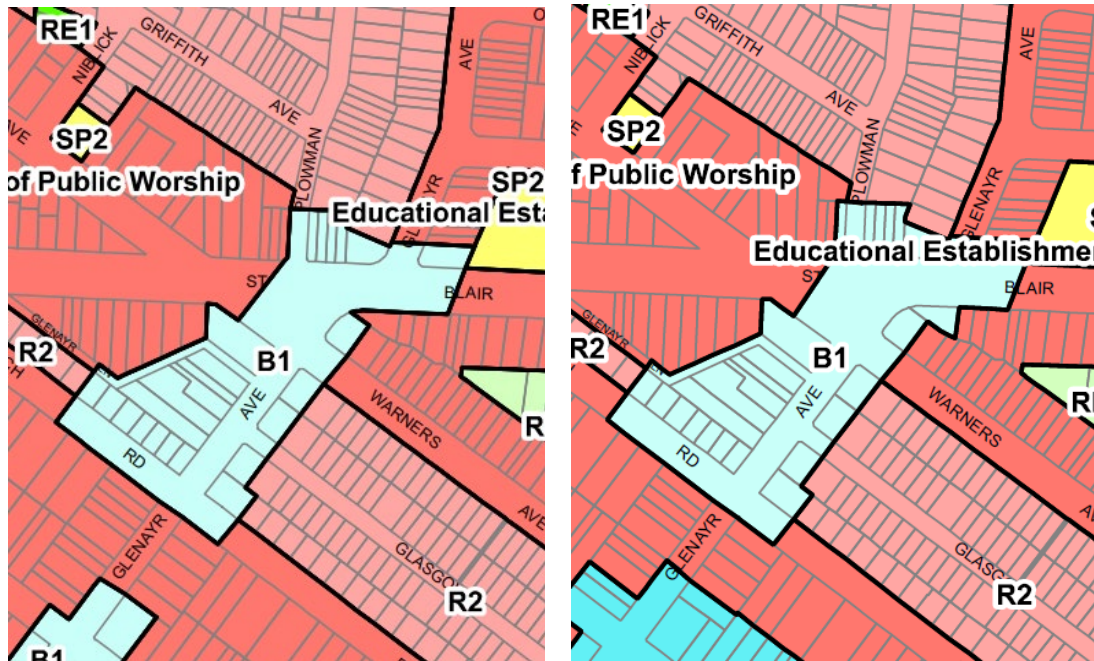


Figure 11 – Existing and proposed Seven Ways

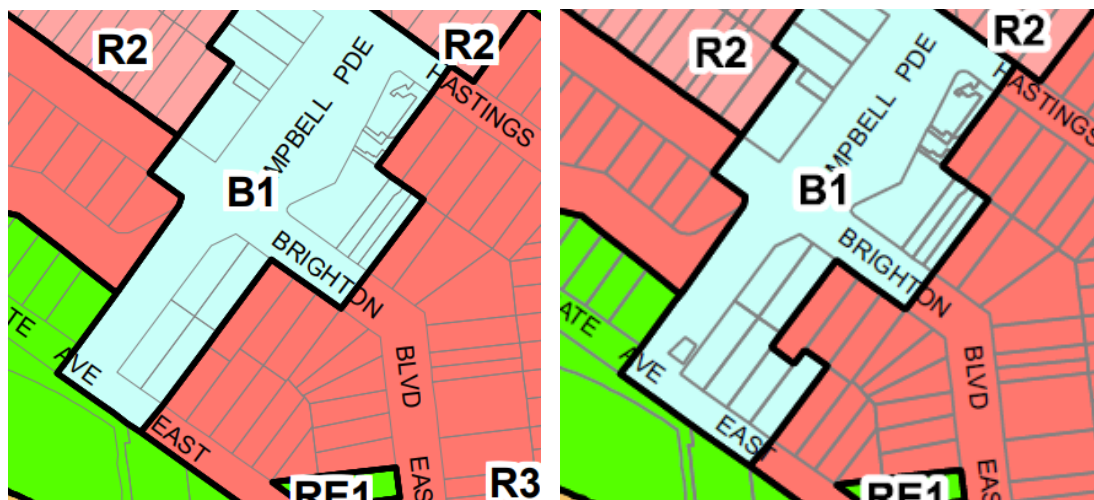


Figure 12 – Existing and proposed North Bondi

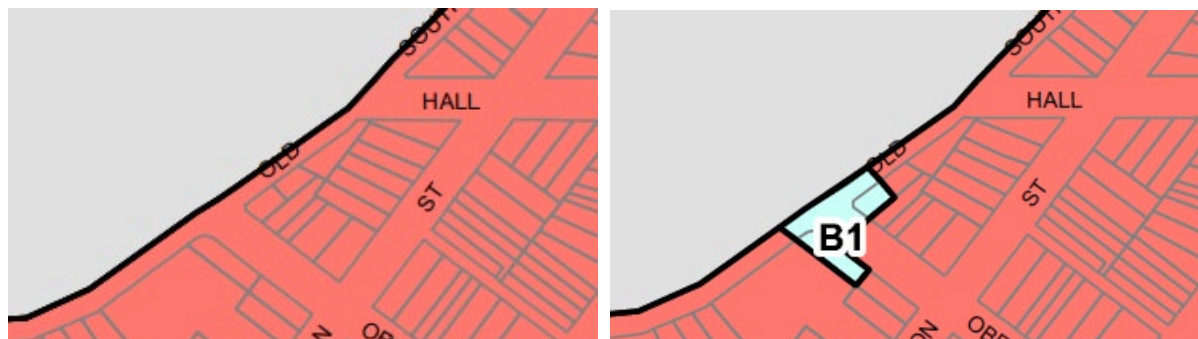


Figure 13 – Existing and proposed OSH Road, at O'Brien Avenue

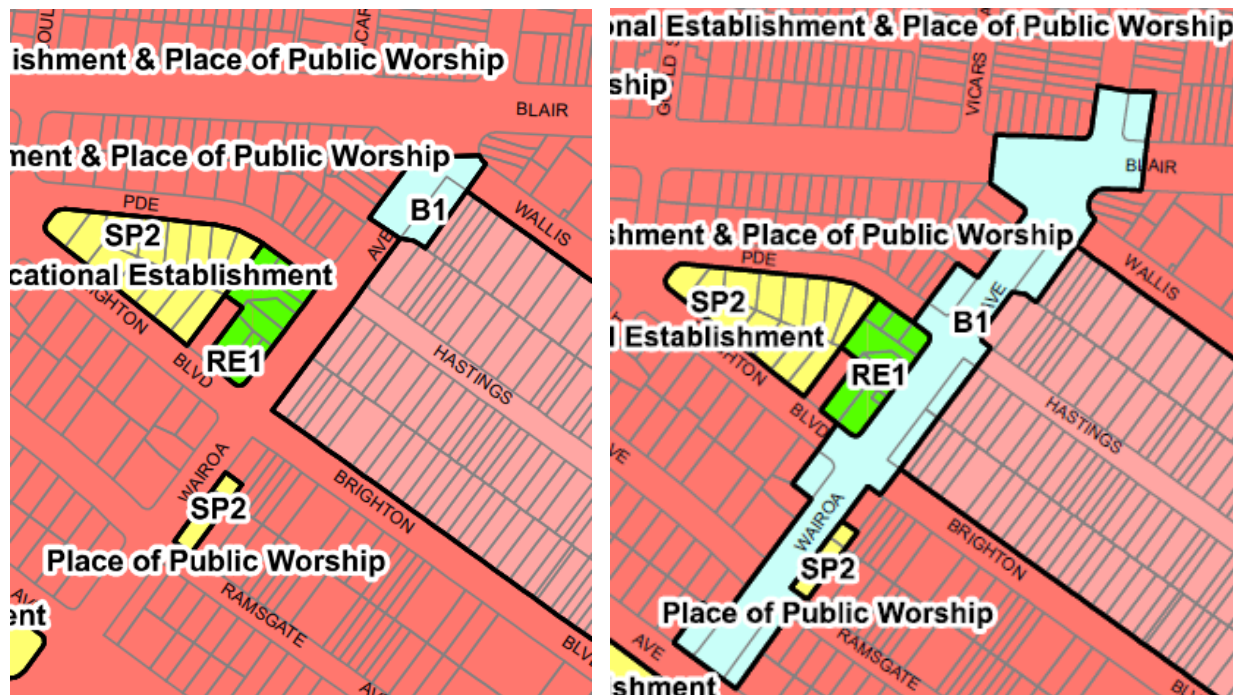


Figure 14 – Existing and proposed Wairoa Avenue

R3 Medium Density Residential to SP2 Special Infrastructure

Proposal

The proposal seeks to rezone the property at 62-64 Roscoe Street from R3 – Medium Density Residential to SP2 – Special Infrastructure (Telecommunications Facilities).

Background and rationale

The property at 62-64 Roscoe Street, Bondi Beach is presently used by Telstra as the Bondi Exchange facility. Historically the site has been utilised as the district telephone exchange, but now incorporates hard-wired internet exchange points, servers, computers, data switches, hubs, routers and other network equipment within or on the subject building. The facility provides high-speed internet and wireless telephone services to Bondi and the surrounding coastal sub-districts in Waverley. It is telecommunications infrastructure which has been identified by Telstra as a critical

piece of the south-east network to be retained for operational purposes for the longer term. The site is largely un-manned but includes ancillary offices utilised by service technicians and staff on occasion to undertake maintenance and upgrades to the infrastructure.

The site is currently zoned R3 Medium Density Residential. The objectives and permissible uses in this zoning are not best-fit / reflective of the infrastructure use as it has existed and is proposed to continue to operate. The current zoning is not considered appropriate for the following reasons:

- The zoning does not acknowledge or properly identify the importance and purpose of the site for telecommunications infrastructure.
- The zoning unnecessarily complicates the planning approval pathways available to Telstra in undertaking future upgrades to the infrastructure / building in the future. Given the age of the facility and the planned future continuation of the infrastructure operation it is anticipated that upgrades and possible expansion of the building will be required. The zoning and applicable provisions in residential zones under the LEP and DCP will apply irrelevant controls to any future proposal for infrastructure improvements.
- The zoning is one component of measures which underpins the rates and land taxes payable for the site. The site is not a development site, and whilst it has some residential redevelopment potential under the current zoning, no such redevelopment is proposed as the infrastructure need continues to exist. Accordingly, the application of the current zoning is adversely impacting on the rates payable and do not reflect the current land use / status of the land.

A rezoning of the site to SP2 Infrastructure (Telecommunications Facilities) will have the following benefits:

- Applying a more appropriate set of objectives and flexibility under permissible land use/ development activities to support the ongoing future infrastructure use
- Applying a zoning which better reflects and identifies the use (improvement from an administrative perspective)
- Reducing the rates payable to reflect the continued use for an essential infrastructure purpose as opposed to a residential development site.
- This approach is also consistent with the recent actions of infrastructure providers such as Sydney Water who have sought to rezone their essential infrastructures sites to SP2.

Proposed new control

Rezoning of the property at 62-64 Roscoe Street from R3 – Medium Density Residential to SP2 – Special Infrastructure (Telecommunications Facilities).

Map

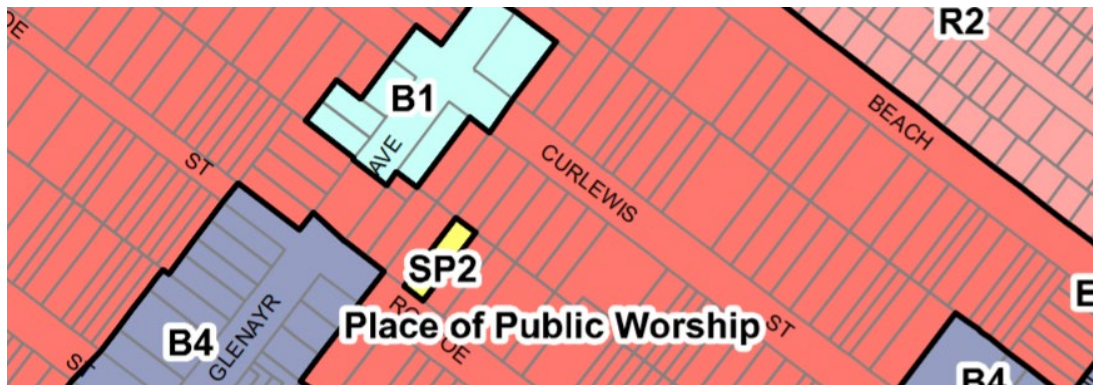


Figure 15 – Existing Telstra Building

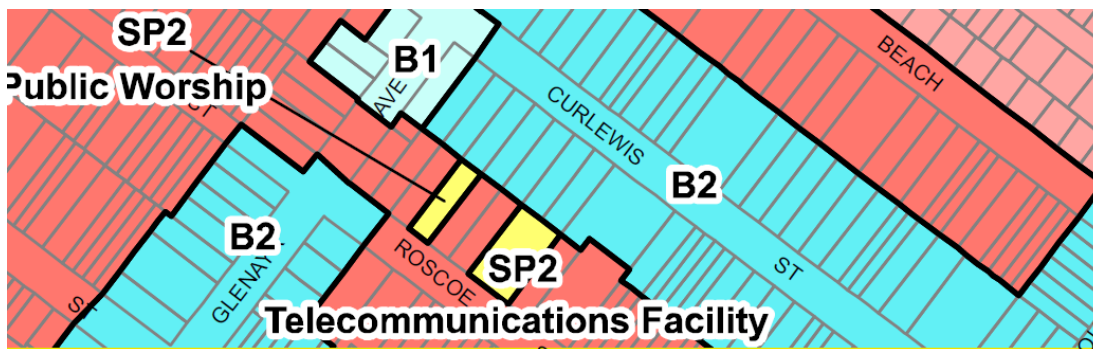


Figure 16 – Proposed Telstra Building

Note: For further discussion regarding the other proposed rezoning displayed in these maps, please refer to figures 9 and 10.

3.11 Lot Size Map

No changes proposed under this Planning Proposal.

3.12 Key Sites Map

No changes proposed under this Planning Proposal.

Part 4 Principal Development Standards

4.1 Clause 4.3 Height of buildings

Proposal

The proposal relates to the updating of the objectives relating to Height in Part 4 – Principal development standards

Background and rationale

To provide greater clarity on the purpose of the height controls, amendments are proposed to the objectives of Clause 4.3 Height of buildings. Recent court cases in the Waverley area have had the existing objectives challenged due to the subjective interpretation of some words, such as ‘locality’. Accordingly the existing objective (d) is proposed to be removed, and replaced with an objective that speaks to the desired future character of the neighbourhood, which typically takes a broader area into consideration.

In addition, it is proposed that objective (b) be deleted, as this was an objective included in the 2012 WLEP, when the height and FSR of the Bondi Junction Strategic Centre were significantly increased. Given that much of the development potential has been realised, this objective is no longer relevant to the height of buildings, however the intent does play out in other development standards in the WLEP such as 6.12 Development on certain land in Bondi Junction.

Proposed amendment

4.3 Height of buildings

(1) *The objectives of this clause are as follows—*

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

~~*(b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*~~

~~*(c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*~~ *establish a transition in scale between zones to protect local amenity,*

(c) to minimise the loss of solar access to existing buildings and open space,

~~*(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.*~~

(d) to establish building heights that are consistent with the desired future character of the neighbourhood,

(e) to protect the amenity of the public domain by providing public views of the city, harbour, ocean and surrounding areas.

4.2 Clause 4.6 Exceptions to development standards

Proposal

Include Clause 6.12 in Clause 4.6(8) to ensure that Clause 6.12 is not interpreted as a development standard that can be varied.

Advisory note: It is acknowledged that the Department of Planning, Industry and Environment has exhibited an Explanation of Intended Effect (EIE), “Varying Development Standards: A Case for Change”, which proposes that councils will no longer be able to exclude provisions from the operation of clause 4.6. Whilst this Planning Proposal is inconsistent with the exhibited EIE, until the changes

described under the EIE are enforced there is no inconsistency between state and local government planning instruments.

Background and rationale

Amendment 20 to the WLEP created *Clause 6.12 Development on certain land in Bondi Junction*, which seeks to retain the existing amount of commercial floor space in Bondi Junction, as the first of two-stages with the second aiming to grow the provision of commercial floorspace across the Strategic Centre. For abundant clarity and to ensure that commercial floorspace is protected in Bondi Junction, this proposal seeks to include Clause 6.12 in Clause 4.6(8) to ensure that Clause 6.12 is not interpreted as a development standard that can be varied.

Proposed amendment

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (ca) clause 4 of Schedule 1,*
- (d) clause 6.12.*

Part 5 Miscellaneous Provisions

5.1 Relevant acquisition authority

Proposal

To amend the table in subclause (2) to reflect the additional properties added to the Land Reservation Acquisition Map under this Planning Proposal.

Background and rationale

To amend the table in subclause (2) to reflect the additional properties added to the Land Reservation Acquisition Map under this Planning Proposal.

Proposed amendment

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).*
- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).*

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone R2 Low Density Residential and marked "Classified Road"	Transport for NSW
Zone R3 Medium Density Residential and marked "Classified Road"	Transport for NSW
Zone B4 Mixed Use and marked "Road"	Council
Zone R2 Low Density Residential and marked "Road"	Council
Zone R3 Medium Density Residential and marked "Road"	Council
Zone R4 High Density Residential and marked "Road"	Council
Zone B2 Local Centre and marked "Road"	Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.*

5.1A Development on land intended to be acquired for public purposes

Proposal

To amend the table in subclause (3) to reflect the additional properties added to the Land Reservation Acquisition Map under this Planning Proposal.

Background and rationale

To amend the table in subclause (3) to reflect the additional properties added to the Land Reservation Acquisition Map under this Planning Proposal.

5.1A Development on land intended to be acquired for public purposes

(1) *The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.*

(2) *This clause applies to land marked on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.*

(3) *Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.*

Column 1	Column 2
Land	Development
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zone B4 Mixed Use for the land shown on the Land Reservation Acquisition Map and marked "Road"	Roads
Zone R2 Low Density Residential for land shown on the Land Reservation Acquisition Map and marked "Classified Road"	Roads
Zone R3 Medium Density Residential for the land shown on the Land Reservation Acquisition Map and marked "Classified Road"	Roads
Zone R2 Low Density Residential for the land shown on the Land Reservation Acquisition Map and marked "Road"	Roads
Zone R3 Medium Density Residential for the land shown on the Land Reservation Acquisition Map and marked "Road"	Roads
Zone R4 High Density Residential I for the land shown on the Land Reservation Acquisition Map and marked "Road"	Roads
Zone B2 Local Centre for the land shown on the Land Reservation Acquisition Map and marked "Road"	Roads

Part 6 Additional Local Provisions

6.1 Clause 6.2 Earthworks

Proposal

To amend subclause (d) of Clause 6.2 Earthworks to include the words ‘and structural integrity’.

Background and rationale

Since the beginning of 2021, several structural issues have occurred in Waverley due to the excavation of neighbouring development, with the most severe cases resulting in buildings that have collapsed.

At its meeting on 16 March 2021, Council resolved to include provisions in the Waverley Local Environmental Plan that consider the structural integrity of adjoining buildings. It is proposed that an amendment is made to Clause 6.2 Earthworks to implement this.

This approach is in line Clause 6.2 Earthworks from the Sutherland Shire LEP.

Proposed amendment

Part 6 Additional local provisions

6.2 Earthworks

- (1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) *Development consent is required for earthworks unless—*
 - (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) *Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity **and structural integrity** of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

6.2 Clause 6.9 Design Excellence

Proposal

The proposal seeks to amend the wording of clause 6.9 Design Excellence.

Background and rationale

Clause 6.9 relates to ensuring the highest standard of sustainable architectural and urban design is achieved in any development which occurs within Waverley Council.

The wording in the clause currently relies heavily on the ‘consideration’ of design excellence by Council during the assessment process, rather than Council being satisfied that the development meets the design excellence objectives and criteria listed in the LEP.

The proposed changes to the clause look to replace the words relating to ‘considers’ with ‘satisfied’ to ensure that Council is satisfied that any proposed development has exhibited design excellence.

In addition, the matters of height and bulk in (v) have been consolidated into (iv) as these also relate to the matters of separation, setbacks, amenity and urban form listed in (iv).

Proposed amendment

6.9 Design excellence

(1) *The objective of this clause is to deliver the highest standard of sustainable architectural and urban design.*

(2) *This clause applies to development that—*

(a) is on land shown coloured light green on the Key Sites Map, and

(b) involves the erection of a new building, or external alterations to an existing building, that has (or, as a result of the development, would have) a building height equal to, or greater than, 15 metres.

(3) *Development consent must not be granted to development to which this clause applies ~~unless the consent authority considers~~ unless the consent authority is satisfied that the development exhibits design excellence.*

(4) *In ~~considering~~ determining 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,

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on public and private view corridors,

(d) how the development addresses the following matters—

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

- (iii) heritage issues and streetscape constraints,*
- (iv) the relationship of the development with other development (existing or proposed) on the same site or in the vicinity ~~on neighbouring sites~~ in terms of height, bulk, separation, setbacks, amenity and urban form,*
- ~~*(v) bulk, massing and modulation of buildings,*~~
- (vi) street frontage heights,*
- (vii) environmental impacts such as overshadowing, wind and reflectivity,*
- (viii) the achievement of the principles of ecologically sustainable development,*
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*
- (x) the impact on, and any proposed improvements to, the public domain,*
- (xi) the quality and integration of landscape design.*

6.3 New Clause - Urban Resilience

Proposal

A new additional local provision that seeks to promote urban resilience is proposed. The aim of this provision is to identify key elements of urban resilience that require additional guidance and protection to ensure the successful operation of the larger urban system and the safety of the community. This will include provisions for waste minimisation and recycling, water management and future ready development, and a network of centres to promote urban resilience, ensuring equitable access to essential services. Whilst the overarching aims and objectives are proposed to be included in the LEP, detailed provisions will be provided in the DCP.

Additional research is required to be prepared for subsections of this clause relating to the resilience network of centres, and water management, however it is the intention that these subclauses would also be able to subsequently be included in this Urban Resilience additional local provision.

6.4.1 Urban Resilience Future Proofing Development

Background and rationale

With global temperatures projected to rise by 2.5°C in the next century, residential buildings and homes will need to become more resilient to withstand hotter temperatures, drier climates and more extreme weather events. This anticipated change in climate is a key consideration for all levels of government, and commitments are being made at local and international levels to address the impacts of climate change. This includes the need to better understand climate change and its impacts on current building design practices and regulations.

The *Future Proofing Residential Development to Climate Change* research is one of a growing number being carried out to help inform improved building design policies, by taking into account predicted future climate scenarios. The homes we build today need to be designed to be energy and water efficient, thermally comfortable, safe to live in and inexpensive to cool, to ensure that everyone has equitable access to a cool home as our climate warms. In addition, residential buildings can play a significant role in addressing rising temperatures by assisting local, state and federal governments to achieve climate change mitigation targets and commitments.

The *Future Proofing Residential Development to Climate Change* research (the Study) has modelled the performance of BASIX compliant building designs against future climate projections for the Eastern Sydney region (Randwick, Woollahra and Waverley councils), to determine the effects of climate change on building thermal performance, energy consumption, greenhouse gas emissions and water demand.

The Study has identified actions to enhance the climate resilience of residential housing within the Eastern Beaches region, and that may have applications within other jurisdictions. These actions will complement existing regulatory controls with council-led initiatives to improve indoor thermal comfort, reduce energy consumption, greenhouse emissions and potable water use. It is hoped that these results will allow for significant improvement in the design of buildings across NSW.

The Study makes key recommendations regarding Regulatory Tools (i.e. BASIX and NatHERS), Local Government Considerations, and NSW Government considerations.

RECOMMENDATION 2: LOCAL GOVERNMENT CONSIDERS A NUMBER OF OPPORTUNITIES

1. *Prepare Development Control Plan / Local Environment Plan (DCP/LEP) clauses to strengthen non-BASIX sustainability initiatives e.g. transport, urban heat island effect, rainwater tanks for pools < 40kL.*
2. *Improve BASIX and NatHERS compliance through educational videos for built environment professionals.*
3. *Provide education to homeowners and tenants around water security e.g. rainwater tank maintenance, raingardens.*
4. *Provide education to existing homeowners and tenants around keeping your home cool e.g. external shading, shading with landscaping, resilient species etc.*

This proposed additional local provision seeks to implement Recommendation 2.1 to strengthen non-BASIX sustainability initiatives and ensure that new development in Waverley is future ready development by being prepared for future climate projections. This proposed additional local provision does not contravene the current requirements under *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, as the purpose of this clause is to ensure the future readiness of buildings, and does not seek to reduce the consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, or to improve the thermal performance of a building beyond the current BASIX requirements. The clause intends to ensure the appropriateness and safety of building and site design for the year 2050.

Proposed new clause – Future Ready Development

Additional Local Provision – Increasing Urban Resilience

Future Ready Development

- 1) *The objective of this clause is to ensure development is designed to respond to climate projections for the Waverley area to 2050 to ensure that dwellings remain thermally safe for occupants in a warming climate and future reliance on mains water and mechanical cooling is reduced i.e. that community vulnerability to a warming climate is reduced.*
- 2) *This clause applies to all new residential development, excluding alterations and additions.*

- 3) *Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that:*
- (a) The development is designed to meet the BASIX Thermal Comfort targets by using the [CSIRO Climate File for 2050](#) for Climate Zone 56 in the NatHERS simulation method to respond to the unique climate of the Waverley area.
 - (b) That the development incorporates landscaping that provides canopy and vegetation for cooling to provide resilience during hot and dry periods.
 - (c) The development can collect, reuse and optimise water to support onsite vegetation for cooling during hot and dry periods.

6.4.2 Urban Resilience – Waste Minimisation and Recycling

Background and rationale

Waste and recycling are considered essential services provided by Local Government and have a key impact on the safety, health, amenity, and wellbeing of the community.

Competing demands on constrained sites in the Waverley LGA is currently resulting in poor urban design outcomes for large residential flat building, shop top housing and mixed-use developments. These poor urban design outcomes often result in poor waste management outcomes where insufficient space is provided to ensure the appropriate separation and management of waste can occur on-site. In addition, poor integration of waste management into building design also has an affect on the public domain when large quantities of bins are presented for collection at the kerbside, presenting walking hazards for pedestrians and also resulting in increased street clutter. The effects of poor integration of waste management into building design has lasting consequences and repeatedly results in additional time and costs for both Council and the community in trying to rectify issues which become prevalent after development is completed.

Alongside these issues, this proposed clause also has broader strategic merit and alignment with both the District Plans and Greater Sydney Regional Plan. The District Plans prepared in response to *A Metropolis of Three Cities* clearly identify waste and recycling as an important component of Sydney's growth, in terms of urban development and waste facility infrastructure protection and provision. The *Eastern City District Plan* (District Plan), identifies planning priorities, objectives and actions, focused on managing waste efficiently, highlighting the need for innovative solutions to reduce the volume of waste and reduce waste transport requirements, as well as protecting and identifying new locations for waste recycling and management.

The incorporation of the proposed inclusion of Waste Minimisation and Recycling into the LEP will specifically 'give effect' to a number of Planning Priorities at both a local and district level.

At a local level, the proposal gives effect to two Planning Priorities identified in Waverley Council's Local Strategic Planning Statement:

- Planning Priority 14 – Achieve net zero carbon emissions in the built environment.
- Planning Priority 15 – Achieve zero waste in the built environment.

At a district level, the proposal gives effect to District Plan Planning Priority E19 – Reducing carbon emission and managing energy, water and waste efficiently.

In addition to the proposed clause giving effect to a number of key planning priorities both at a local, district and metropolitan level, improving waste and recycling outcomes also directly links with *Goal - 9.2 Facilitate best practise in waste management to increase recycling and recovery* in the *Waverley Community Strategic Plan 2018-2030 (CSP)* and also aligns with targets set out for waste and recycling in the *Waverley Environmental Action Plan 2018-2030*.

The inclusion of the proposed clause in the WLEP will play a key role in strengthening the consideration of waste and recycling design requirements early in the development assessment process to provide the best opportunity for quality integration of waste and recycling infrastructure and to ensure that future operational waste management is appropriately incorporated into the development.

Proposed new clause – Waste Management

Additional Local Provision – Increasing Urban Resilience

Waste Minimisation and Recycling

- 1) The objective of this clause is to ensure all residential development has the highest standard of waste and recycling management for the environment, and community health and wellbeing.*
- 2) This clause applies to all residential flat buildings, shop-top housing, and mixed-use developments.*
- 3) Development consent must not be granted for the erection of a building on land to which this clause applies unless the consent authority is satisfied that the building will have:*
 - a. a high standard of design integration has been achieved for waste and recycling storage and collection facilities,*
 - b. all waste and recycling storage and collection facilities are appropriately dimensioned to meet the expected demand imposed by the development,*
 - c. safe and equitable access available to all waste and recycling storage and collection facilities,*
 - d. an appropriate Waste Management Plan that clearly demonstrates the management of all waste and recycling during the demolition of any existing structures, construction of the new building and ongoing operational management requirements,*
 - e. an ongoing operational management arrangement that meets the relevant collection contractual standard of the council to which this Plan applies.*

6.4.3 Urban Resilience – Stormwater Management

Background and rationale

This Planning Proposal seeks to introduce a clause relating to stormwater management to ensure the impacts of urban stormwater runoff is minimised to protect and improve the environmental health of the LGA's waterways. This is a new local provision that is proposed to be applied to all new developments and substantial redevelopments across the LGA. If a development is proposed to which this clause applies, consideration must be given to the impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system and incorporate design measures to maximise on-site infiltration of water and on-site stormwater detention or retention to reduce the development's reliance on mains supplied water if practicable. Development consent will not be granted for development which is likely to significantly affect the environment or if discharge from the site cannot be accommodated within the existing stormwater

infrastructure. It should be noted that this LEP clause will be supported by Council's Water Management Technical Manual which is currently being reviewed. This Policy provides detailed information in relation to on-site stormwater management, and design requirements for developments on both public and private land and measures to improve the water quality of natural watercourses. The drafting of the local provision is based on clause 6.4 Stormwater management of the Sutherland Local Environmental Plan 2015.

Proposed new clause – Stormwater Management

Stormwater management

(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

(2) This clause applies to all land in Residential and Business Zones

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, and*
- c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*