



## PLANNING PROPOSAL

Waverley Local Environmental Plan 2022  
*Local Strategic Planning Statement Implementation*

## **Planning Proposal Information**

Council versions:

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1	19 March 2021	Pre-gateway – for Waverley Local Planning Panel 24 March 2021
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## EXECUTIVE SUMMARY

The *Local Strategic Planning Statement Implementation Planning Proposal* (the Proposal) seeks to establish the new Waverley Local Environmental Plan 2022. The Proposal culminates Phases 1 (Health Check), Phase 2 (Local Strategic Planning Statement) and Phase 3 (Supporting Environmental Strategies) of the Planning in Waverley project and begins the implementation into Phase 4 by establishing two new plans: the Waverley Local Environmental Plan 2022 (WLEP) (this Proposal) and a supporting Waverley Development Control Plan 2021 (WDCP).

The new WLEP is required under cl3.8(3) of the Environmental Planning & Assessment Act to give effect to the district strategic plan, by way of implementing the Planning Priorities and Actions of the *Waverley Local Strategic Planning Statement* (LSPS). The Proposal aims to implement the housing and employment targets as identified in the LSPS and *Waverley Local Housing Strategy* (LHS), as well as key recommendations from the *Bondi Junction Urban Design Review Update 2020* (BJUDR Update) and the *Our Liveable Place Centres Strategy* (OLP). In addition, other recently completed research and studies are implemented to improve environmental amenity and increase community resilience, such as the *Future Proofing Residential Development to Climate Change* study.

The Proposal also provides updated aims and zone objectives to ensure that development that occurs in the Waverley area is proposed and assessed in accordance with the strategic intent of the LSPS and provides greater certainty and clarity for the community.

## INTRODUCTION

This Planning Proposal seeks to repeal the Waverley Local Environmental Plan (WLEP) 2012 and create the Waverley Local Environmental Plan 2022. It commences the implementation of the Waverley Local Strategic Planning Statement (LSPS), giving effect to the Eastern Sydney District Plan. Council intends to implement the LSPS as a series of planning proposals, this being the first.

The proposed WLEP amendments relate to:

- Implementation of new aims to facilitate the planning priorities of the LSPS.
- Implementation of partial elements of the *Waverley Local Housing Strategy* (LHS).
- Implementation of recommendations of the *Our Liveable Places Centres Strategy* (OLP).
- Implementation of the *Bondi Junction Urban Design Review Update 2020* (BJUDR).
- Implementation of a recommendation of the *Future Proofing Residential Development to Climate Change* (Future Proof Study).

The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and addresses the requirements of cl 3.8 (3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with relevant Department of Planning, Industry and Environment Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

## Attachments and Supporting Documentation

Accompanying this Planning Proposal are the following supporting documents.

- Attachment A – Discussion of Proposed Amendments
- Attachment B – Proposed Mapping
- Attachment C – Local Strategic Planning Statement Implementation Progress
- Attachment D – Council Minutes Excavation
- Waverley Local Strategic Planning Statement
- Waverley Local Housing Strategy
- Our Liveable Places Centres Strategy
- Bondi Junction Urban Design Review Update 2020
- Future Proofing Residential Development to Climate Change

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

### 1.1 Description Statement

The objective of the planning proposal is to amend the Waverley Local Environmental Plan (WLEP) 2012 to give effect to the Eastern City District Plan; to commence the process of implementing Council's Local Strategic Planning Statement (LSPS); and to make various housekeeping amendments.

This planning proposal responds to the requirement to implement housing and employment targets within the WLEP.

#### *Housing Targets*

Council undertook extensive community consultation to understand housing needs, as well as ABS Census data, Profile ID, DPIE projections and housing supply data and supporting academic research to establish the evidence base for the LHS. The LHS was prepared in line with DPIE's Local Housing Strategy guidelines and was based on evidence. The LHS identifies a projected demand for 2500 dwellings to the year 2036, and that the latent capacity under the existing controls would provide for 3400 dwellings. Accordingly, no changes are proposed to facilitate additional capacity in the LGA, but rather an approach of incremental infill across the LGA. To support this infill approach, subsequent planning proposals that seek to identify the existing and desired local character of areas, and identify planning mechanisms to increase development capacity on character sites through the modification of existing character buildings are proposed.

It is also noted that significant increases in infrastructure capacity, particularly that of public transport and schools, is required to be able to support additional growth. As part of the ongoing discussion with the Department of Planning, Infrastructure and Environment (DPIE), Council is committed to working together with State Agencies to ensure the increased provision of these essential infrastructure services for the community.

This Proposal seeks to support the actions in the LHS that would require changes to the WLEP, including:

- Investigate including zone objectives in the LEP to encourage seniors housing and that it is consistent with desired future character.
- Update relevant zone objectives to encourage the provision of affordable housing.

Further changes to the LEP will be proposed in a subsequent planning proposal, taking into consideration feedback from DPIE on the LHS.

#### *Employment Targets*

To ensure that the WLEP is able to facilitate the delivery of employment targets in Bondi Junction, and to provide employment opportunities more broadly across the LGA, this Proposal seeks to implement changes that relate to employment targets as follows: and grow and protect Local and Neighbourhood centres across the LGA to provide local employment opportunities.

### 1.2 Intended Outcomes

The objectives or intended outcomes of the proposed amendments to the WLEP are as follows:

1. Include new aims, objectives and provisions within the WLEP that implement the planning priorities of the *Waverley Local Strategic Planning Statement* and facilitate the achievement of housing and employment targets.

2. Maintain and protect local and neighbourhood centres to provide equitable access to essential goods and services.
3. Ensure boarding houses and seniors housing developments are consistent with local character and provide adequate amenity.
4. Ensure operational Telstra sites are appropriately zoned to support key urban infrastructure.
5. Ensure the ongoing role of Bondi Junction as a strategic centre and prioritise employment generating uses.
6. Promote urban resilience through improved waste management, ensuring future ready development, and enabling urban agriculture.
7. Implement the Council resolution to strengthen clause 6.2 Earthworks to prevent structural damage as a result of excavation.
8. Identify sites for long-term acquisition to be able to deliver new bike paths parallel to Bondi Road.
9. Enable uses in local and neighbourhood centres to better serve the local community and changing technologies.



## PART 2 – EXPLANATION OF PROVISIONS

Each of the proposed amendments to the WLEP is outlined below in plain English and provided in detail in Attachment A – Discussion of Proposed Changes.

### 2.1 New Aims

Amendments to the existing aims of the WLEP and proposed new aims seek to implement the intent of the Local Strategic Planning Statement and other recently adopted environmental strategies. Key proposed themes include to:

- Ensure that Waverley’s scenic and cultural landscapes are protected.
- Ensure aboriginal culture and heritage are protected and promoted in Waverley.
- Promote environmental sustainability and community resilience.
- Increase urban greening through urban canopy and open space.
- Promote public value through the lens of environmental, social and economic sustainability.
- Promote energy conservation, water cycle management, water sensitive design, waste avoidance and resource recovery
- Ensure Bondi Road and other ley routes can respond to its role as a City serving corridor and that active transport and public transport are prioritised.
- Increase public art in the public domain and ensure crucial social and cultural infrastructure for Waverley is provided.
- Ensure Bondi Junction can serve its role as a Strategic Centre with a focus on knowledge and innovation jobs.

### 2.2 New B2 Local Centre Zone

The inclusion of the 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. The centres that are proposed to become B2 Local Centre zones, are currently predominantly B4 Mixed Use zones. To ensure no loss of developable rights, the uses that are currently in the B4 Mixed Use zone have been replicated in the B2 Local Centre zone.

### 2.3 New zone objectives

Zone objectives are proposed to be updated to more appropriately interface State Environmental Planning Policies with local character. This includes objectives in the R2 Low Density Residential, R3 Medium Density Residential, and R4 High Density Residential zones to ensure that seniors housing and boarding houses are to be integrated into the existing and desired future local character of a residential area. In addition to promote uses that prioritise employment rather than residential development in the Bondi Junction Strategic Centre B4 Mixed Use and B3 Commercial Centre zones.

To recognise the important role that smaller centres have in providing resilience in the community, additional zone objectives are proposed for the B2 Local Centre and B1 Neighbourhood Centre zones. These objectives will ensure that centres continue to provide a range of local employment opportunities, are accessible to support equitable access to essential goods and services and offer places for community cohesion.

Recognising the need for affordable rental housing, zone objectives are proposed to be updated to support the provision of affordable housing. This includes objectives in the R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, and B4 Mixed Use to encourage the supply of affordable housing.

In addition, a new zone objective is proposed for RE1 Public Recreation, to provide accessible links between open spaces to provide greater accessibility to public spaces.

## 2.4 Local and Neighbourhood Centres

It is proposed to extend clause 6.9 Design Excellence clause and active street frontages to apply to all Local and Neighbourhood centres. This together with the new zone objectives is proposed to protect and enhance the character and function of the centres.

The OLP identified opportunities in some centres to further secure additional employment floorspace. These typically were properties on the fringe of the current zoning, which have a residential (typically R2 or R3 zoning) that currently have a commercial use on the ground floor. It is proposed to rezone these properties to the adjacent business zone (B2 Local Centre or B1 Neighbourhood Centre) to ensure the continued provision of an employment generating use at the ground floor. This is important to continue to provide local employment opportunities that can enable more localised living.

To improve active transport, new bike lanes have been identified in the OLP, which require land to be acquired by Council. This is a long-term strategy and accordingly these lots have been identified on the proposed Land Acquisition Map. It is important to note that landowners are under no obligation to sell the land to Council, it is a choice when and if the landowner chooses to sell.

## 2.5 Retention of land for infrastructure

Telstra has identified an infrastructure site to be rezoned from the existing residential zone (R3) to an infrastructure zone (SP2 Infrastructure Telecommunications) to ensure the continued and ongoing use of this site for the purposes of infrastructure.

## 2.6 Protecting the role of Bondi Junction Strategic Centre

Additional objectives in the B3 Commercial Core and B4 Mixed Use zones are proposed to promote cultural uses, employment activities, and the prioritisation of Bondi Junction as a Strategic Centre that serves the norther portion of the Eastern Suburbs. To ensure the continued function of the centre as a key hub for employment, retail, health-related uses and entertainment, it is vital that development is consistent with these proposed objectives.

It is proposed that Clause 6.12 is to be referenced in subclause (8) of *Clause 4.6 Exceptions to development standards*. It is noted that the Department of Planning, Infrastructure and Environment is currently undertaking a review of Clause 4.6, and this inclusion is subject to change as a result of the review.

## 2.7 Enable Urban Agriculture

Increasing pressures are placed on our urban systems to be able to provide fresh food for residents within metropolitan areas, whilst increasingly more wildlife habitat is cleared for farmland. To help to enable the production of food in urban areas, it is proposed to add the land use 'horticulture' as a permitted with consent land use within 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. This use would be permitted as an outdoor use or indoor use as is increasingly common using hydroponic technology. Additional controls to manage any environmental impacts of horticulture will be provided through the DCP.

## 2.8 Inclusion of indoor recreation in B1 Neighbourhood Centre

It is proposed to include the use 'indoor recreation facility' as permitted with consent within the B1 Neighbourhood Centre. This is to enable the use of premises in these centres as gyms, health studios and the like. It is noted that Amendment 19 of the WLEP implemented this in one Neighbourhood Centre as an additional permitted use.

## 2.9 Increasing urban resilience

A new additional local provision that seeks to promote urban resilience is proposed. Resilience is a measure of the ability of a system to adapt and respond to changes in the environment. Accordingly, 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. This will include provisions for waste collection, water collection and future ready development, and a network of centres to promote urban resilience. Whilst the overarching aims and objectives are proposed to be included in the LEP, detailed provisions will be provided in the DCP.

This Proposal seeks to establish the new additional local provision 'Urban Resilience' and include three subclauses relating to Future Ready Development, Waste Minimisation and Recycling, and Stormwater Management. Future planning proposals will seek to implement minimum deep soil zone provisions, as well as additional water management improvements.

## 2.10 Excavation

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. The Agenda and Minutes of the Council meeting are included in Attachment E – Council Minutes Excavation.

## PART 3 – JUSTIFICATION

### 3.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

This section establishes the need for a planning proposal in achieving the key outcomes and objectives. The set questions address the strategic origins of the proposal and whether amending the WLEP is the best mechanism to achieve the aims of the proposal. The Proposal commences the implementation of the Waverley Local Strategic Planning Statement (LSPS), meeting obligations under 3.33 of the *Environmental Planning & Assessment Act* (EP&A Act). The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and addresses the requirements of cl 3.8 (3) of the EP&A Act ‘on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan’. It is also in accordance with relevant Department of Planning, Industry and Environment Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

#### 3.1.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is consequential to the Waverley LSPS, which is supported by community consultation. In addition, several evidence-based strategic studies provide further guidance behind this planning proposal, including:

- *Waverley Local Housing Strategy*
- *Our Liveable Places Centres Strategy*
- *Bondi Junction Urban Design Review*
- 
- *Future Proofing Residential Development for Climate Change*

The Waverley LSPS was made by Council in March 2020.

#### 3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means to achieve the intended outcomes as amendments to WLEP are required. The WLEP provides the legislative framework required to be able to implement many of the recommendations of the strategies listed in 3.1.1.

### 3.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.

#### 3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

Waverley’s LSPS responds to the objectives and actions of the Greater Sydney Region Plan (RP) and Easter City District Plan (DP). This planning proposal seeks to implement key components of the LSPS, and other strategies prepared concurrently with the LSPS. This planning proposal is therefore consistent with the objectives and actions of the RP and DP.

#### *Assessment Criteria – Strategic Merit*

*Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*

- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

#### *Greater Sydney Region Plan*

The planning proposal has strategic merit and is consistent with the Greater Sydney Region Plan in that it will help to implement the following Objectives:

- Greater Sydney's communities are culturally rich with diverse neighbourhoods (Objective 8).
- Investment and business activity in centres (Objective 22)
- More waste is re-used and recycled to support the development of a circular economy (Objective 35)
- People and places adapt to climate change and future shocks and stresses (Objective 36)

Separate future planning proposals will follow as amendments to this one and assist to implement the following additional Objectives of the Region Plan:

- Housing is more diverse and affordable (Objective 11) – Housing PP
- Consistency with the principles for housing strategies and housing targets published in the District Plans, recognising the distinctive and valued combination of characteristics that contribute to local identity (Action 3) – Housing PP
- Great places that bring people together (Objective 12) – Local Character PP
- Environmental heritage is identified, conserved, and enhanced (Objective 13) – Heritage Review PP
- Industrial and urban services land is planned, retained and managed (Objective 23) – Urban and Retail Services PP
- Urban tree canopy cover is increased (Objective 30) – Urban Resilience PP

#### *Eastern City District Plan*

The planning proposal has strategic merit and is consistent with the Eastern Sydney District Plan in that it will help to implement the following Planning Priorities:

- Provide services and social infrastructure to meet people's changing needs (Planning Priority E3).
- Foster healthy, creative, culturally rich and socially connected communities (Planning Priority E4).
- Create and renew great places and local centres and respect the District's heritage (Planning Priority E6).
- Protect and improve the health and enjoyment of Sydney Harbour and the district's waterways (Planning Priority E14).
- Grow investment, business opportunities and jobs in strategic centres (Planning Priority E11)
- Reduce carbon emissions and managing energy, water and waste efficiently (Planning Priority E19).
- Adapt to the impacts of urban and natural hazards and climate change (Planning Priority E20).
- Prepare Local Strategic Planning Statements informed by local strategic planning (Planning Priority E21).

Separate future planning proposals will follow as amendments to this one and assist to implement the following additional Planning Priorities of the District Plan:

- Provide housing supply, choice and affordability, with access to jobs, services and public transport (Planning Priority E5) – Housing PP

- Deliver the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities, by recognising the distinctive and valued combination of characteristics that contribute to local identity (Action 16) – Housing PP
- Facilitate an Affordable Rental Housing Target Scheme following development of implementation arrangements (Action 17) – Housing PP
- Retain and manage industrial and urban services land (Planning Priority E12) – Urban and Retail Services PP
- Increase urban tree canopy cover and deliver Green Grid connections (Planning Priority E17) – Urban Resilience PP
- Deliver high quality open space (Planning Priority E18) – Urban Resilience PP
- Protect and enhance bushland and biodiversity (Planning Priority E15) – Urban Resilience PP

The planning proposal also responds to the changing demographic profile of the LGA, which is described and quantified in the Local Housing Strategy.

#### *Assessment Criteria – Site-Specific Merit*

Does the proposal have site specific merit, having regard to the following?

- The natural environment (including known significant environmental values, resources or hazards) and
- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The planning proposal has site specific merit in that:

- It ensures that important uses such as commercial uses and infrastructure are retained throughout the area to continue to provide for the increasing population.
- It encourages development to be future ready and efficient as part of a functioning urban system.

### **3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

#### *Local Strategic Planning Statement*

The planning proposal is also in accordance with Council's LSPS as it is consistent with actions under the Planning Priorities outlined below. For a detailed review of the Implementation Progress for the LSPS, refer to Attachment C – Local Strategic Planning Statement Implementation Progress.

- Planning Priority 1: Deliver public and active transport projects to achieve the 30-minute city
- Planning Priority 4: Ensure the community is well serviced by crucial social and cultural infrastructure
- Planning Priority 5: Increase the sense of wellbeing in our urban environment
- Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community
- Planning Priority 7: Recognise and celebrate Waverley's unique place in the Australian contemporary cultural landscape
- Planning Priority 8: Connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport

- Planning Priority 9: Support and grow Waverley's local economy with a focus on wellbeing, knowledge and innovation
- Planning Priority 11: Facilitate Bondi Junction as a lively and engaging strategic centre with a mix of employment, entertainment and housing options
- Planning Priority 12: Conserve our water resources and protect our coasts and beaches
- Planning Priority 13: Protect and grow our areas of biodiversity and connect people to nature
- Planning Priority 14: Achieve net zero carbon emissions in the built environment
- Planning Priority 15: Achieve zero waste in the built environment
- Planning Priority 16: Plan for and manage our assets and urban environment, and support our community to adapt and be resilient to a changing climate

#### *Waverley Community Strategic Plan 2018-2029*

This Planning Proposal implements the following Strategies from the Waverley Community Strategic Plan:

- *4.2.1 Enhance the commercial core of Bondi Junction to increase employment*
- *5.1.1 Facilitate and enable a range of housing options and other land uses*
- *5.1.2. Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods*
- *5.1.3. Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of neighbours or the wider community*
- *5.1.3. Ensure new development provides a high standard of design quality and does not adversely impact on the amenity of neighbours or the wider community*
- *5.3.2. Encourage creativity and innovation in the planning, design and delivery of new buildings and public places upgrades*
- *8.1.3 Plan and respond to the impacts of climate change*

#### *Waverley Local Housing Strategy*

The Waverley Local Housing Strategy which was adopted by Council in June 2020 contains the following priorities:

- *Priority H1 Manage housing growth sustainably and in the right locations*
- *Priority H2 Encourage a range of housing options to support and retain a diverse community*
- *Priority H3 Increase amount of affordable rental housing and social housing*
- *Priority H4 Improve liveability, sustainability and accessibility through high quality residential design*
- *Priority H5 Ensure new development is consistent with desired future character*

This Planning Proposal is consistent with all of the priorities by:

- Proposing no increase to the development standards across the LGA, as the projected demand of 2,500 dwellings to 2036 is easily accommodated within the existing capacity of the area which can provide for 3,400 dwellings.
- Including objectives in the R2 Low Density Residential, R3 Medium Density Residential, and R4 High Density Residential zones to ensure that seniors housing and boarding houses are to be integrated into the existing and desired future local character of a residential area
- Including objectives in the R3 Medium Density Residential, R4 High Density Residential, B2 Local Centre, and B4 Mixed Use zones that encourage the provision of affordable housing

### *Our Liveable Places Centres Strategy*

The Our Liveable Places Centres Strategy was adopted by Council in November 2020 and contains several key policy changes to be able to support the effective functioning of Waverley's centres. This planning proposal implements the following key policy changes as recommended by the Our Liveable Places Centres Strategy:

- Rezone some centres from B4 Mixed Use to B2 Local Centre to be able to better target objectives in the LEP towards the scale of these centres and distinguish their role as separate from Bondi Junction. These centres are Bondi Road, Charing Cross, Bondi Beach, Rose Bay North, Rose Bay South, Curlewis Street.
- Seek to rationalise the zoning of commercial premises from current residential zones (R2 or R3) to the appropriate Business zone (B1 or B2). This is to ensure the ongoing provision and competition of commercial uses within the centre.

This planning proposal also intends to increase the scope of the application of active street frontages to other centres in the Waverley LGA, as identified by the Our Liveable Places Centres Strategy so that local and neighbourhood centres can increase their activation and commercial prevalence. In addition, new sites in Bondi Junction Strategic Centre are proposed to be included on the ASF map to ensure consistency in approach across this centre as well.

Separate future planning proposals will follow as amendments to this one and assist to implement the following additional key policy changes of the Our Liveable Places Centres Strategy:

- Seek to include additional centre-specific local objectives within the LEP to better guide development within each centre – Housekeeping PP
- Seek to implement a minimum non-residential floor space requirement across all centres to ensure a minimum quantity of usable commercial floorspace – Urban and Retail Services PP
- Further investigate an appropriate planning mechanism to support the retention of urban services throughout the LGA, including automobile services (mechanics, petrol stations, etc) as well as some larger format retailers (storage, hardware, etc) – Urban and Retail Services PP
- Further investigate a maximum floor space for supermarkets across all centres (B1 and B2) to support local competition – Urban and Retail Services PP

### *Bondi Junction Urban Design Review*

The Bondi Junction Urban Design Review Update was adopted in September 2020 and contains 12 recommendations relating to public domain amenity, development potential, planning policy and design, and edge area controls. The recommendations relevant to this Planning Proposal include:

- Maintain the current LEP controls for the West Oxford Street area and do not allow for increased development standards in order to respect the existing low scale built form and amenity of the area.
- Maintain the existing LEP controls along the Bronte Road corridor.
- Maintain the LEP controls on Ebley Street to ensure that development in these edge areas remains transitional to reduce the impact on surrounding areas.

This Planning Proposal is consistent with the relevant recommendations because the LEP height of buildings and floor space ratio controls are not being altered for any sites in Bondi Junction, including the Bronte Road corridor, Ebley Street and West Oxford Street.



### 3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

<b>Table 1 – Consistency against State Environmental Planning Policies</b>		
<b>SEPP</b>	<b>Title</b>	<b>Consistency</b>
19	Bushland in Urban Areas	NA
21	Caravan Parks	NA
33	Hazardous and Offensive Development	NA
36	Manufactured Home Estates	NA
47	Moore Park Showground	NA
50	Canal Estate Development	NA
55	Remediation of Land	NA
64	Advertising and Signage	NA
65	Design Quality of Residential Apartment Development	Yes
70	Affordable Housing (Revised Scheme)	NA – a future amendment to the WLEP will address the Waverley Affordable Housing Scheme
--	(Affordable Rental Housing) 2009	Yes
--	(Aboriginal Land) 2019	NA
--	(Activation Precincts) 2020	NA
--	(Building Sustainability Index: BASIX) 2004	Yes
--	(Concurrences and Consents) 2018	NA
--	(Coastal Management) 2018	Yes
--	(Educational Establishments and Childcare Facilities) 2017	Yes
--	(Exempt and Complying Development Codes) 2008	Yes
--	(Gosford City Centre) 2018	NA
--	(Housing for Seniors or People with a Disability) 2004	Yes
--	(Infrastructure) 2007	Yes
--	(Koala Habitat Protection) 2020	NA
--	(Koala Habitat Protection) 2021	NA
--	(Kosciuszko National Park - Alpine Resorts) 2007	NA
--	(Kurnell Peninsula) 1989	NA
--	(Mining, Petroleum Production and Extractive Industries) 2007	NA
--	(Major Infrastructure Corridors) 2020	NA
--	(Penrith Lakes Scheme) 1989	NA
--	(Primary Production and Rural Development) 2019	NA
--	(State and Regional Development) 2011	Yes
--	(State Significant Precincts) 2005	NA
--	(Sydney Drinking Water Catchment) 2011	NA
--	(Sydney Regions Growth Centres) 2006	NA
--	(Three Ports) 2013	NA
--	(Urban Renewal) 2010	NA

--	(Vegetation in Non-Rural Areas) 2017	Yes
--	(Western Sydney Employment Area) 2009	NA
--	(Western Sydney Parklands) 2009	NA
--	(Western Sydney Aerotropolis) 2020	NA

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 2 documents Ministerial Directions that are relevant to the proposal. Overall the proposal is consistent with the applicable s.9.1 Directions as available on the DPE website.

<b>Table 2 – Relevant Ministerial Directions</b>	
<b>Ministerial Directions</b>	<b>Comment</b>
<b>1.1 Business and Industrial Zones</b> <i>(1) The objectives of this direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones,</i> <i>and</i> <i>(c) support the viability of identified centres.</i> <i>(4) A planning proposal must:</i> <i>(a) give effect to the objectives of this direction,</i> <i>(b) retain the areas and locations of existing business and industrial zones,</i> <i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i> <i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i> <i>(e) ensure that proposed new employment areas are in accordance with a strategy.</i>	The Proposal is consistent with this Direction.
<b>2.3 Heritage Conservation</b> <i>(1) Objectives</i> <i>(a) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i> <i>(4) A planning proposal must contain provisions that facilitate the conservation of:</i> <i>(a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> <i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> <i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>	The Proposal is consistent with this Direction.

<p><b>2.6 Remediation of Contaminated Land</b></p> <p><i>(1) The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p><i>(2) This direction applies to:</i></p> <ul style="list-style-type: none"> <li><i>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</i></li> <li><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></li> <li><i>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</i> <ul style="list-style-type: none"> <li><i>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></li> <li><i>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></li> </ul> </li> </ul> <p><i>(3) This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).</i></p> <p><i>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <ul style="list-style-type: none"> <li><i>(a) the planning proposal authority has considered whether the land is contaminated, and</i></li> <li><i>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></li> <li><i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></li> </ul> <p><i>(5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</i></p>	<p>The Proposal is consistent with this Direction.</p>
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<p><i>Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the Environmental Planning and Assessment Act 1979.</i></p>	
<p><b>3.1 Residential Zones</b></p> <p>(1) <i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></li> <li>(b) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></li> <li>(c) <i>to minimise the impact of residential development on the environment and resource lands.</i></li> </ul> <p>(4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <ul style="list-style-type: none"> <li>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></li> <li>(b) <i>make more efficient use of existing infrastructure and services, and</i></li> <li>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></li> <li>(d) <i>be of good design.</i></li> </ul> <p>(5) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <ul style="list-style-type: none"> <li>(a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></li> <li>(b) <i>not contain provisions which will reduce the permissible residential density of land.</i></li> </ul>	<p>The Proposal is consistent with this Direction as no reductions to existing floor space ratio and maximum building height development standards which typically control density are proposed.</p> <p>Whilst the Proposal seeks to rezone some residentially zoned sites to business zones, a general reduction in the availability of housing is not expected. This is because the sites identified for this particular rezoning mostly already contain business uses, so the land use zone is simply being rationalised to reflect what is currently on site, and considered suitable for continuation.</p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>(1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <li>(a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li>(b) <i>increasing the choice of available transport and reducing dependence on cars, and</i></li> <li>(c) <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li>(d) <i>supporting the efficient and viable operation of public transport services, and</i></li> <li>(e) <i>providing for the efficient movement of freight.</i></li> </ul> <p>(4) <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <ul style="list-style-type: none"> <li>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></li> <li>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></li> </ul>	<p>The Proposal is consistent with this Direction. The rationalisation of zones to reflect existing commercial uses and the addition of sites to the Land Reservation Acquisition Map for the purposes of a future cycleway will assist to protect the economic opportunity in Waverley's centres and support cycling infrastructure.</p>
<p><b>4.3 Flood Prone Land</b></p> <p>(1) <i>The objectives of this direction are:</i></p>	<p>The Proposal is consistent with this Direction.</p>

<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>(4) <i>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</i></p> <p>(5) <i>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i></p> <p>(6) <i>A planning proposal must not contain provisions that apply to the flood planning areas which:</i></p> <ul style="list-style-type: none"> <li><i>(a) permit development in floodway areas,</i></li> <li><i>(b) permit development that will result in significant flood impacts to other properties,</i></li> <li><i>(c) permit a significant increase in the development of that land,</i></li> <li><i>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure, or services, or</i></li> <li><i>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</i></li> </ul> <p>(7) <i>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i></p> <p>(8) <i>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i></p>	
<p><b>5.10 Implementation of Regional Plans</b></p> <p>(1) <i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p>(4) <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i></p>	<p>The Proposal is consistent with this Direction.</p>
<p><b>6.1 Approval and Referral Requirements</b></p>	<p>The Proposal is consistent with this Direction. The new aims and objectives</p>

<p>(1) <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	<p>seek to improve the assessment of development.</p>
<p><b>6.2 Reserving Land for Public Purposes</b></p> <p>(1) <i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to facilitate the provision of public services and facilities by reserving land for public purposes, and</i></li> <li>(b) <i>to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></li> </ul> <p>(4) <i>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p> <p>(5) <i>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <li>(a) <i>reserve the land in accordance with the request, and</i></li> <li>(b) <i>include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</i></li> <li>(c) <i>identify the relevant acquiring authority for the land.</i></li> </ul> <p>(6) <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <li>(a) <i>include the requested provisions, or</i></li> <li>(b) <i>take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</i></li> </ul> <p>(7) <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i></p>	<p>The Proposal is consistent with this Direction.</p>
<p><b>6.3 Site Specific Provisions</b></p> <p>(1) <i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i></p> <p>(4) <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <ul style="list-style-type: none"> <li>(a) <i>allow that land use to be carried out in the zone the land is situated on, or</i></li> </ul>	<p>The Proposal is consistent with this Direction. No additional site-specific provisions are proposed under this Planning Proposal.</p>

<p>(b) <i>rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i></p> <p>(c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></p> <p>(5) <i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p>	
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### 3.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

#### 3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed changes do not seek to alter the existing protection for critical habitat for threatened and endangered species.

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

The proposed changes are minor or administrative in nature and are unlikely to result in adverse environmental effects. Where the rezoning of land is proposed, this seeks to protect and maintain existing uses on the sites, and further enhance the character and quality of the development.

#### 3.3.3 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal seeks to secure employment floorspace and protect the role of centres, whilst ensuring local amenity and character is preserved. The proposed changes are intended to support the community and are unlikely to result in any adverse social or economic effects.

### 3.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

#### 3.4.1 Is there adequate public infrastructure for the planning proposal?

This proposal is unlikely to have any impacts on public infrastructure provision as the proposed changes seek to maintain and protect existing important uses.

#### 3.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

## PART 4 – MAPPING

Proposed mapping for the new WLEP is provided in Attachment B – Proposed Mapping. Whilst changes have not been made to all maps, all maps are provided here to support the creation of a new WLEP 2021.

The Maps with proposed changes are:

- Land Use Zone Map
- Active Street Frontages Map
- Land Reservation Acquisition Map

## PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a newspaper advertisement, a display on the Council's website and written notification to affected landowners. The Gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

For the purposes of identifying existing and proposed mapping changes, it is proposed to direct the community via the Have Your Say page to Council's online mapping tool, which is an interactive and user friendly tool to be able to view existing and proposed LEP Maps. The existing maps and proposed maps will be clearly identified and provided within a specific 'Draft Waverley LEP' setting. To view the existing maps as an example, please refer to:

<https://planning.waverley.nsw.gov.au/connect/analyst/mobile/#/main?mapcfg=Planning>

## PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by June 2022.

The detail around the project timeline is expected to be prepared following the referral to DPE for a Gateway Determination.

Tasks	Timeframe
Submit Planning Proposal to Council for endorsement	April 2021
Gateway Determination	August 2021
Public Authority Consultation	October-November 2021
Community Consultation	October-November 2021
Post Exhibition Review	November 2021 - February 2022
Update Planning Proposal / Report to Council	March 2022
DPE review of final Planning Proposal	March 2022
Parliamentary Counsel drafting of LEP	April 2022
DPE to finalise LEP	May 2022