



New South Wales

Waverley Local Environmental Plan 2012 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

AMANDA HARVEY

As delegate for the Minister for Planning

Waverley Local Environmental Plan 2012 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Waverley Local Environmental Plan 2012 (Amendment No 24)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Waverley Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Waverley Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Waverley Local Environmental Plan 2012

[1] Clause 1.2 Aims of Plan

Omit clause 1.2(2)(b). Insert instead—

- (b) to strengthen the viability and vitality of Bondi Junction as a strategic centre for investment, cultural and civic activity, retail, health care and entertainment, and to promote Bondi Junction as a centre for investment and employment opportunities in the knowledge and innovation sector,

[2] Clause 1.2(2)(ca)

Insert after clause 1.2(2)(c)—

- (ca) to encourage the development of a variety of housing on land close to public transport, essential goods and services and open space,

[3] Clause 1.2(2)(d)

Omit “the commercial”.

[4] Clause 1.2(2)(g)–(n)

Omit clause 1.2(2)(g). Insert instead—

- (g) to identify, conserve and enhance the cultural, environmental, natural, aesthetic, social and built heritage, and existing scenic and cultural landscapes of Waverley, including the curtilage of Centennial Park, for current and future generations,
- (h) to acknowledge and recognise the connection of Aboriginal people to Waverley and to protect, promote and facilitate Aboriginal culture and heritage,
- (i) to achieve high quality public domain with significant tree canopy and accessible open space,
- (j) to promote energy conservation, water cycle management, incorporating water conservation, water reuse, water catchment management, stormwater pollution control and flood risk management, and water sensitive urban design,
- (k) to promote waste avoidance, waste minimisation and resource recovery,
- (l) to improve connectivity and accessibility in Waverley and prioritise development that enables walking, cycling and the use of public transport,
- (m) to enhance the amenity and quality of life of local communities, including through the provision of adequate social infrastructure, services and public art.

[5] Clause 2.1 Land Use Zones

Insert in appropriate order under the matter relating to **Business Zones**—

B2 Local Centre

[6] Land Use Table

Insert at the end of item 1 in Zone R2 Low Density Residential—

- To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.

[7] Land Use Table, Zone R2, item 3

Insert “Attached dwellings;” in alphabetical order.

[8] Land Use Table, Zone R3

Insert at the end of item 1—

- To increase or preserve residential dwelling density.
- To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.
- To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.

[9] Land Use Table, Zone R4

Insert at the end of item 1—

- To increase or preserve residential dwelling density.
- To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.
- To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.

[10] Land Use Table, Zone B1

Insert at the end of item 1—

- To maintain existing commercial floor space.
- To encourage the supply of affordable housing.
- To provide active ground floor uses to create vibrant centres.
- To provide a range of other uses, including light industries, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.

- To provide equitable access to essential goods and services.

[11] Land Use Table, Zone B1, item 3

Insert “Horticulture;” and “Light industries;” in alphabetical order.

[12] Land Use Table, Zone B1, item 4

Omit “Recreation facilities (indoor);”.

[13] Land Use Table, Zone B2

Insert after the matter relating to Zone B1 Neighbourhood Centre—

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 encourage the supply of affordable housing.
- To provide a range of other uses, including light industries, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.
- To enable residential development that integrates 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 adjoining and nearby residential zones.
- To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.

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; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; 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

[14] Land Use Table, Zone B3

Insert at the end of item 1—

- To promote employment opportunities and health-related uses within Bondi Junction to reinforce the status of Bondi Junction as a strategic centre within Greater Sydney.

[15] Land Use Table, Zone B3

Insert “Horticulture;” in alphabetical order in item 3.

[16] Land Use Table, Zone B4

Insert at the end of item 1—

- To encourage the supply of affordable housing, including diverse types of affordable housing.
- To prioritise employment opportunities and health-related uses to reinforce the status of Bondi Junction as a strategic centre within Greater Sydney.
- To provide a range of other uses, including light industries, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.

[17] Land Use Table, Zone B4

Insert “Horticulture;” in alphabetical order in item 3.

[18] Land Use Table, Zone RE1

Insert at the end of item 1—

- To provide accessible links between and through open spaces.

[19] Clause 4.3 Height of buildings

Omit clause 4.3(1)(a)–(d). Insert instead—

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,
- (b) to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,
- (c) to maintain satisfactory solar access to existing buildings and public areas,

- (d) to establish building heights that are consistent with the desired future character of the locality.

[20] Clause 4.6 Exceptions to development standards

Insert after clause 4.6(8)(caa)—

- (cab) clause 6.12,

[21] Clause 6.2 Earthworks

Insert “and structural integrity” after “amenity” in clause 6.2(3)(d).

[22] Clause 6.5, heading

Omit “in the Bondi Junction Centre”.

[23] Clause 6.5(1)

Omit the subclause. Insert instead—

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones—
 - (a) Zone B1 Neighbourhood Centre,
 - (b) Zone B2 Local Centre,
 - (c) Zone B3 Commercial Core,
 - (d) Zone B4 Mixed Use.

[24] Clause 6.9 Design excellence

Omit clause 6.9(2)(a). Insert instead—

- (a) is on land—
 - (i) shown coloured light green, light pink or brown on the Key Sites Map, or
 - (ii) in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, and

[25] Clause 6.9(3)

Omit “considers that”. Insert instead “is satisfied”.

[26] Clause 6.9(4)

Omit “considering”. Insert instead “determining”.

[27] Clause 6.9(4)(d)(iv) and (v)

Omit the subparagraphs. Insert instead—

- (iv) the relationship of the development with other existing or proposed buildings on the same site or in the vicinity of the site in terms of height, bulk, separation, setbacks, modulation, amenity and urban form,

[28] Clauses 6.14 and 6.15

Insert after clause 6.13—

6.14 Waste minimisation and recycling

- (1) The objective of this clause is to ensure residential development has the highest standard of waste and recycling management for the environment and community health and well-being.

- (2) This clause applies to the erection of a building for the following purposes—
 - (a) mixed use development,
 - (b) residential flat buildings,
 - (c) shop top housing.
- (3) In deciding whether to grant development consent for development to which this clause applies, the consent authority must be satisfied—
 - (a) the development maximises opportunities, through design and integration, to provide waste and recycling storage and collection facilities, and
 - (b) all waste and recycling storage and collection facilities are appropriately sized to meet the waste generated by the occupants, and
 - (c) the development provides for safe and equitable access to waste and recycling storage and collection facilities.

6.15 Stormwater management

- (1) The objectives of this clause are as follows—
 - (a) to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters,
 - (b) to protect, maintain and restore waterway health,
 - (c) to enhance community well-being through improved urban stormwater management.
- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone R4 High Density Residential,
 - (d) Zone B1 Neighbourhood Centre,
 - (e) Zone B2 Local Centre,
 - (f) Zone B3 Commercial Core,
 - (g) Zone B4 Mixed Use.
- (3) In deciding whether to grant development consent for development to which this clause applies, the consent authority must be satisfied the development—
 - (a) is designed to maximise the use of water permeable surfaces on the land, considering 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, groundwater or river water, and
 - (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or, if the impact cannot be reasonably avoided, minimises or mitigates the impact.

[29] Dictionary

Insert in alphabetical order—

urban heat island effect means the effect resulting from conditions that contribute to high temperatures in urban areas, including—

- (a) the use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and
- (b) activities that generate heat, including waste air from mechanical cooling systems, and
- (c) a reduction in the network of green spaces, natural systems and semi-natural systems that support sustainable communities, including waterways, bushland, tree canopy and green ground cover, parks and open spaces, that are strategically planned, designed and managed to support a good quality of life in an urban environment.

water cycle management means the handling of water and water resources in a way that considers the whole of the hydrological process, including—

- (a) the quality and quantity of water from its various sources, and
- (b) the use and transport of water in the natural and built environment.