



STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

7.30 PM, TUESDAY 5 APRIL 2022

A handwritten signature in black ink, appearing to read 'Emily Scott', is positioned above the printed name.

Emily Scott
General Manager

Waverley Council
PO Box 9
Bondi Junction NSW 1355
DX 12006 Bondi Junction
Tel. 9083 8000
E-mail: info@waverley.nsw.gov.au

Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

Live Streaming of Meetings

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

PD/4.1/22.04	Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 July 2021.....	4
--------------	---------------------------------------------------------------------------------------------------	---

5. Reports

PD/5.1/22.04	Mill Hill Heritage Conservation Area Rezoning.....	10
PD/5.2/22.04	Design and Place State Environmental Planning Policy - Submission.....	17
PD/5.3/22.04	Planning Proposal - Waverley Heritage Policy Implementation.....	61
PD/5.4/22.04	Sustainability Expert Advisory Panel.....	109
PD/5.5/22.04	20 Illawong Avenue, Tamarama	122
PD/5.6/22.04	Oxford Street Mall Upgrade - Pedestrian Activity Monitoring	130
PD/5.7/22.04	NSW Public Spaces Charter.....	157
PD/5.8/22.04	Tamarama Park and Beach Plan of Management - Stage 1 Consultation	185

6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/22.04



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 July 2021

TRIM No: SF21/281

Author: Al Johnston, Governance Officer

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee meeting held on 6 July 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of committee meetings must be confirmed at a subsequent meeting of the committee, in accordance with clause 20.23 of the Code of Meeting Practice.

The Committee's previous meeting was held on 6 July 2021.

Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 6 July 2021 .



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD BY VIDEO CONFERENCE ON TUESDAY, 6 JULY 2021**

Present:

Councillor Steven Lewis (Chair)	Hunter Ward
Councillor Paula Masselos (Mayor)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Acting Director, Community, Assets and Operations
John Clark	Director, Customer Service and Organisation Improvement
Tony Pavlovic	Director, Planning, Environment and Regulatory
Karen Mobbs	General Counsel
Darren Smith	Chief Financial Officer
Evan Hutchings	Executive Manager, Governance and Risk

At the commencement of proceedings at 7.52 pm, those present were as listed above, with the exception of Cr Burrill who arrived at 7.59 pm during item PD/5.1/21.07.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

PD/4.1/21.07 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 8 June 2021 (SF21/281)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Masselos

That the minutes of the Strategic Planning and Development Committee Meeting held on 8 June 2021 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/21.07 Motorcycle and Scooter Parking Strategy and Action Plan (A17/0142)

MOTION

Mover: Cr Keenan
Seconder: Cr Wakefield

That:

1. Council notes that 8.2% of vehicle registrations in Waverley are for motorcycles and that approximately five motorcycle or scooter parking bays can be accommodated in a standard 5.5 m car parking space.
2. Council approves the preparation of a Motorcycle Parking Strategy and Action Plan to increase the provision of designated free parking for motorcycles and scooters in and adjacent to metered areas to an adequate level.
3. The Motorcycle Parking Strategy and Action Plan prioritise the provision of increased motorcycle and scooter parking by (in order of preference):
 - (a) Converting spaces within the regulatory 10 m 'No Stopping' areas at unsignalised intersections as per RMS TTD 2014/005 (Attachment 1 of the report), which allows Councils to convert some of the 'No Stopping' area to a parking space where it is safe and feasible to do so.
 - (b) Converting remnant spaces in lengths of kerbside parking that cannot accommodate a vehicle parking space, which requires a minimum of 5.5 m in length.
 - (c) Providing motorcycle and scooter parking spaces in off-street Council-owned parking stations, in particular making use of currently unused and remnant space.
4. Following the preparation of the draft plan, Council officers prepare a report to Council on the draft plan, including consideration of the potential impact of implementing such a plan upon metered parking spaces including analysis of the potential shift of demand from motorcycles from spaces currently used by cars and longer vehicles.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 4.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That:

1. Council notes that 8.2% of vehicle registrations in Waverley are for motorcycles and that approximately five motorcycle or scooter parking bays can be accommodated in a standard 5.5 m car parking space.
2. Council approves the preparation of a Motorcycle Parking Strategy and Action Plan to increase the provision of designated free parking for motorcycles and scooters in and adjacent to metered areas to an adequate level.
3. The Motorcycle Parking Strategy and Action Plan prioritise the provision of increased motorcycle and scooter parking by (in order of preference):
 - (a) Converting spaces within the regulatory 10 m 'No Stopping' areas at unsignalised intersections as per RMS TTD 2014/005 (Attachment 1 of the report), which allows Councils to convert some of the 'No Stopping' area to a parking space where it is safe and feasible to do so.
 - (b) Converting remnant spaces in lengths of kerbside parking that cannot accommodate a vehicle parking space, which requires a minimum of 5.5 m in length.
 - (c) Providing motorcycle and scooter parking spaces in off-street Council-owned parking stations, in particular making use of currently unused and remnant space.

4. Following the preparation of the draft plan, Council officers prepare a report to Council on the draft plan, including consideration of the potential impact of implementing such a plan upon metered parking spaces including analysis of the potential shift of demand by motorcycles for spaces currently used by cars and longer vehicles.

PD/5.2/21.07 Waverley Street Mall - Lighting and Night-time Activation (SF21/1767)

MOTION

Mover: Cr Burrill
Seconder: Cr Masselos

That Council:

1. Engages a suitable consultant to prepare a design for a lighting installation at Waverley Street Mall.
2. Officers prepare a report to Council once the designs for the lighting installation at Waverley Street Mall have been prepared.
3. Ensures that any future lighting installation in Waverley Street Mall minimises any uplight or light spill and is consistent with Dark Skies Principles.

THE MOVER OF THE MOTION THEN ACCEPTED THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION:

That Council:

1. Engages a suitable consultant to prepare a design for a lighting installation at Waverley Street Mall.
2. Officers engage with local businesses and residents to determine their support for a lighting installation in the Mall.
3. Officers prepare a report to Council once the designs for the lighting installation have been prepared.
4. Ensures that any future lighting installation in the Mall minimises any uplight or light spill and is consistent with Dark Skies Principles.

PD/5.3/21.07 Cycling Advisory Committee Meeting - 24 February 2021 - Minutes (A18/0188)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Copeland

That Council:

1. Receives and notes the minutes of the Cycling Advisory Committee meetings held on 24 February 2021 attached to the report.
2. Notes that the minutes are available on Council's website.

6. Urgent Business

There were no items of urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 8.17 PM.

.....
SIGNED AND CONFIRMED
CHAIR
3 AUGUST 2021

REPORT
PD/5.1/22.04

Subject: Mill Hill Heritage Conservation Area Rezoning

TRIM No: A21/0431

Author: Patrick Hay, Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Does not pursue the rezoning of the Mill Hill Heritage Conservation Area from R3 Medium Density Residential to R2 Low Density Residential.
2. Does not pursue any changes to the permitted uses in the R3 Medium Density Residential Zone in the *Waverley Local Environmental Plan 2012*.

1. Executive Summary

On 20 July 2021, a notice of motion was adopted by Council for officers to consider whether the current zoning of the Mill Hill Heritage Conservation Area (Mill Hill HCA) is appropriate and whether the permissible commercial uses within the R3 Medium Density Residential Zone are appropriate for the needs of the immediate community.

Council officers have responded to this resolution by undertaking an investigation of these matters, taking into account the characterisation of the built form and current uses which occur in the Mill Hill HCA, and whether the existing controls should be revised accordingly.

The findings of this investigation as detailed in this report is that the Mill Hill HCA has a prevailing medium-density character, and that downzoning is not recommended in these circumstances as it would not appropriately reflect the current built form of the area, would unreasonably limit the ability of residents to make alterations and additions to their property, and is inconsistent with recently adopted Council strategies. It has also been concluded that the permissible uses in the R3 Medium Density Residential Zone in the *Waverley Local Environmental Plan 2012* (WLEP) are considered appropriate and therefore no changes are recommended to this effect.

2. Introduction/Background

This report has been prepared in response to a notice of motion adopted by Council at its meeting on 20 July 2021. The resolution required Council officers to review the current land zoning of the Mill Hill HCA and consider whether a change to R2 Low Density Residential Zone from the current R3 Medium Density Residential Zone would be appropriate and whether the currently permitted commercial uses within the R3 Medium Density Residential Zone genuinely service the immediate community. The resolution follows the approval of a development application within the Mill Hill HCA at 2 Birrell Street, Bondi Junction (DA-12/2021). DA-12/2021 proposed a change of use from dwelling house to a medical centre with internal and external alterations, car parking, signage and landscape works and was approved on 23 June 2021 by the

Waverley Local Planning Panel, despite many objections from the community. The resolution also required officers to investigate the appropriateness of the zoning to the character and uses of the area. The Mill Hill Heritage Conservation Area (Mill Hill HCA) takes in the majority of the lots to the south of Oxford Street, east of York Road and St James Road, south of Ebley Street, west of Bronte road and north of Birrell Street in Bondi Junction, and is within a Heritage Conservation Area listed under schedule 5 part 2 (heritage conservation areas) in the *Waverley Local Environmental Plan 2012* (WLEP). The statement of significance on the NSW State Heritage Inventory defines the Mill Hill Heritage Conservation Area as comprising 'streetscapes, residential and retail structures recording the aesthetic character and qualities of late 19th and early 20th Century consolidation of Bondi Junction as a commuter suburb based upon improvements in transport and the rapid expansion of suburban Sydney between 1880 and 1915. The Mill Hill Heritage Conservation area street and subdivision patterns are derived from initial land grants of the 1830's-40's.' The Mill Hill HCA is described as having evolved throughout a number of different periods from the 1840s to the present, with a particular increase toward residential uses following residential subdivisions in the 1880s.

Further specific illustration of the area in question can be seen in the red shaded area within the black borders in Figure 1.

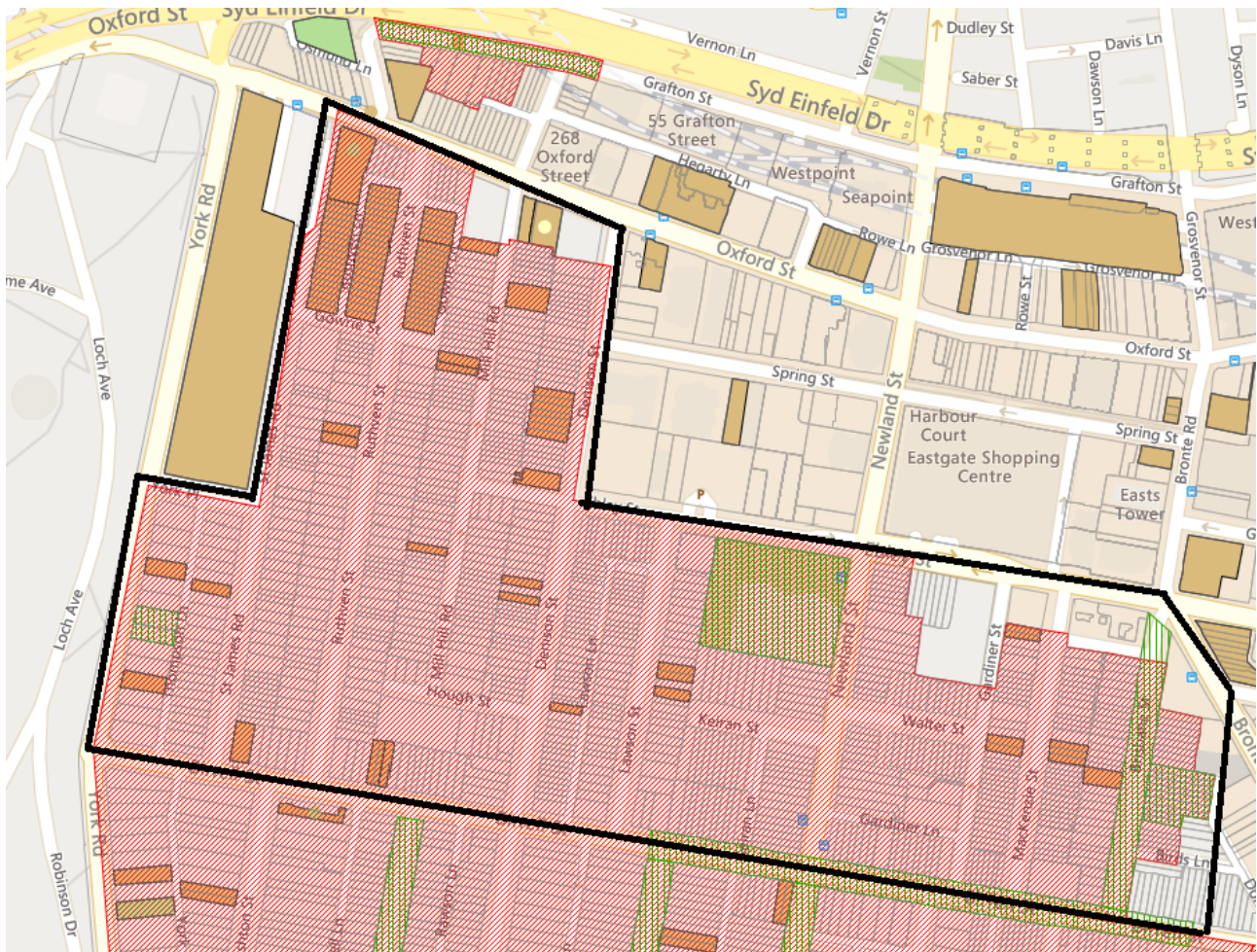


Figure 1. Mill Hill Heritage Conservation Area (Mill Hill HCA).

The Mill Hill HCA is currently zoned entirely R3 Medium Density Residential in the WLEP. The area acts as a transition zone between the area on Bondi Junction zoned as B4 Mixed Use and the R2 Low Density Residential zone south of Birrell Street in Queens Park. A summary of planning controls is outlined in Table 1, with a full list of objectives, permitted and prohibited uses detailed in Table 3.

Table 1. Existing zoning, height and floor space ratio controls.

Zone	Building Height	Floor Space Ratio
R3 Medium Density Residential	9.5 m	0.9:1

While the Mill Hill HCA is predominantly residential, there are a number of other uses that occur on properties within the area. Some examples include: a delicatessen, a service station, a storage facility, childcare facilities, an early education centre, a dry cleaner and health consulting rooms.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 20 July 2021	CM/8.7/21.07	<p>That Council:</p> <ol style="list-style-type: none"> Reviews the zoning classification for the Mill Hill Conservation area from R3 to R2 to better reflect the character and heritage of the local area. If feasible, amends the Waverley Local Environmental Plan to clarify which commercial projects can operate in a R3 zone and that must genuinely service the immediate community. Writes to the NSW Planning and Open Spaces Minister, Rob Stokes, local MPs Dr Marjorie O'Neil and Gabrielle Upton, and LGNSW President, Linda Scott, demanding the return of planning decisions to elected members of local councils, as residents deserve a planning system that protects them. Notes that these changes are necessary as the current planning system takes the power away from residents and locally elected representatives and gives power over planning to developers. Officers report back to Council on the matters raised in clauses 1 and 2 above.

4. Discussion

Appropriateness of the current R3 zone and whether or not the area should be rezoned to R2 Low Density Residential

When considering the appropriateness of the existing zoning of R3 Medium Density Residential, consideration was given firstly to the built form within the Mill Hill HCA, and whether the character fits that of a 'Medium Density Residential Area'.

Density relating to dwellings can be defined in a number of different ways, for the purposes of this analysis, two definitions have been considered. Firstly, the Australian Bureau of Statistics (ABS) defines information collated in the census relating to dwellings into a number of categories. In this definition, 'Medium Density' includes all semi-detached, row, terrace, townhouses and villa units, plus flats and apartments in blocks of one or two storeys, and flats attached to houses. For the purposes of this definition, all sub-areas in which

census data is collected in the Census within the Mill Hill HCA in the 2016 Census were defined either Medium or High Density. In another definition outlined in the 'residential density guide' prepared by Landcom—the NSW Government's land and property development organisation—different levels of density have been defined against a number of dwellings per hectare as displayed in Table 2.

Table 2. Residential densities (Landcom).

Category	Dwellings per hectare
Residential component in mixed use configurations	>66 dwellings per hectare
High-density development	40 dwellings per hectare
Medium-density development	20-40 dwellings per hectare
Low-density development	12.5-20 dwellings per hectare

When considering the above residential density guide in relation to the Mill Hill HCA, dwelling density information contained in the most recently available Census data (2016) shows that the dwelling density is consistently within the medium-density range, with some parts even above 40 dwellings per hectare in the high-density category. This medium density characterisation is consistent with previous assessments of the area and reflective of the current zoning, especially when considering the narrow lot sizes and historical subdivision patterns, which make it difficult to characterise the area as 'low density' by way of either dwelling or population density.

When considering the objectives of the R2 and R3 zones, the R3 zone in the WLEP currently provides for many of the same objectives as the R2 zone. To illustrate the similarities and differences between the zones, the objectives and permitted uses are displayed in Table 3.

Table 3. WLEP land use table extract.

	R2 Low Density Residential	R3 Medium Density Residential
1. Objectives of zone	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
2. Permitted without consent	Home occupations.	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; 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.	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; 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	Any development not specified in item 2 or 3.	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.
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

When considering the comparison between the two, it is evident that there are many similarities between the objectives within the R2 and R3 zones, with the R3 zone containing an additional objective relating 'to provide a variety of housing types within a medium density residential environment'. This objective reflects that it is desirable to have a variety of housing types within the zone, something that is already achieved and consistent within the existing character of the Mill Hill HCA.

When considering the types of structures permitted in the R2 zone, attached dwellings are not listed as permitted with consent, while in the R3 zone it is. It would, considering the substantial number of attached dwellings (many of heritage significance) in the Mill Hill HCA, not be consistent to change the zoning of an area to one in which the permitted uses do not align with the existing structures. Given the area is a HCA, the overall heritage character of the area should be retained, which reflects the pattern of development at a medium density. Accordingly, it is the current and desired future character of the area that the development pattern is maintained. The downzoning of this area to R2 Low Density Residential and commensurate FSR, would likely unreasonably limit the ability of residents to make future alterations and additions to their property.

In addition, it is important to consider that Council has recently completed a comprehensive review of the WLEP as part of the recent Local Strategic Planning Statement Implementation Planning Proposal (LSPS Planning Proposal), which was submitted to the Department of Planning and Environment (DPE) in April 2021. Part of this Planning Proposal included the proposal to rezone Diamond Bay (Diamond Bay Road, Craig Avenue and Isabel Avenue) from R3 Medium Density Residential to R2 Low Density Residential, a position previously endorsed by Council on the 21 April 2020. Council in August 2021 received a conditional Gateway Determination from the DPE with a condition to remove the proposed zone and development standard changes to Diamond Bay, Vaucluse precinct as the downzoning of this area is not supported by the DPE.

Furthermore, the LSPS Planning Proposal identifies that the Waverley Local Housing Strategy, adopted by Council in 2020, demonstrates that under the existing capacity and zoning of the LGA, that no rezoning or intensification is required to meet the NSW Government's housing targets for 2036 (although this position was not endorsed by DPE in their review). Should a decrease in density occur at one location, a different area of the LGA may be required to show an increase in density to meet the housing targets. On balance, as the Mill Hill HCA is well located in close walking distance of the Bondi Junction Transport Interchange and significant open spaces of Centennial and Queens Park, it is strategically important that this location remain a medium-density area for housing to ensure that appropriate housing is provided in areas with high amenity and accessibility. The Mill Hill HCA is an important and ideal location to deliver a mix of medium-density housing types that have high levels of accessibility and amenity, while maintaining the character of the Heritage Conservation Area.

This decision by the DPE not to support the Diamond Bay rezoning highlights that even if Council sought to rezone the Mill Hill HCA from R3 Medium Density Residential to R2 Low Density Residential, that it would very likely not be supported by the DPE, as the proposal is not in keeping with the Waverley Local Strategic Planning Statement or Waverley Local Housing Strategy.

Whether or not the permitted commercial uses in the R3 Zone reflect the genuine needs of the immediate community

When comparing the uses permitted with consent and whether or not they are appropriate, there are also some key findings pertinent to this investigation. These findings are largely that there are many similar commercial uses permitted within both of the zones on various scales, as set out in Table 3. Some of these examples include centre-based childcare facilities, neighbourhood shops and places of public worship, all of which already exist within the zone or have in the past, and all of which have implications to surrounding residential areas by way of the potential for increase in parking demand, traffic movements, waste collection, deliveries and other issues which may result in an intensification of activities in the area.

The R3 zone does, however, provide some more flexibility by way of permitting with consent, 'any other development not specified in item 2 or 4'. This was the case with the recent development application at 2 Birrell Street, Bondi Junction, which proposed a change of use from dwelling house to a medical centre with internal and external alterations, car parking, signage and landscape works. While a medical centre would be prohibited in the R2 zone, 'health consulting rooms' are permitted with consent in the R2 zone. Such an application as was approved at 2 Birrell Street, would still in essence be possible within the R2 zone, albeit on a slightly reduced scale if modified in form to consist of 'health consulting rooms' rather than a medical centre. Health consulting rooms require that they are 'used by not more than 3 health care professionals at any one time'. The approved medical centre has four consult rooms, which is unlikely to be sufficiently different in scale than an otherwise approved health consulting room. It is also important to note that, regardless, if a proposed use is permitted with consent, that provision of consent is still subject to an appropriate assessment of compliance against the WLEP and DCP and merit in the context in which it is proposed. Many of the objections regarding the development at 2 Birrell Street related to potential amenity impacts that would result from the development, rather than the proposed use itself – an issue that may likely have arisen for a similarly scaled 'health consulting room'.

5. Financial impact statement/Time frame/Consultation

As this report is proposing no changes, there is no financial, time frame or consultation impact.

6. Conclusion

As discussed in the report, the current R3 Medium Density Residential zoning of the Mill Hill HCA best reflects the current and desired future character of the area, both in terms of built form and the variety of non-residential uses which presently and previously have occurred within the area. Taking this into account, alongside the fact that Council has recently undertaken a comprehensive review of the WLEP and the Mill Hill HCA area was not identified for rezoning, it is not recommended that any changes to the zoning or permitted uses occur. The Mill Hill HCA remains an important and ideal location to deliver a mix of medium-density housing types that have high levels of accessibility and amenity and maintain the character of the heritage conservation area. The non-residential uses within the R3 zone are recommended to be maintained.

7. Attachments

Nil.

REPORT
PD/5.2/22.04

Subject: Design and Place State Environmental Planning Policy - Submission

TRIM No: SF21/1404

Author: Emma Rogerson, Acting Senior Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council endorses the submission to the NSW Department of Planning and Environment attached to the report (Attachment 1) on the draft Design and Place State Environmental Planning Policy.

1. Executive Summary

The submission details Council's support of the overall notion of elevating the importance of design excellence and place-based design in the planning system. Detailed feedback on the exhibition package has been provided. Refer to Attachment 1 for the submission.

A draft officer submission to the *Design and Place State Environmental Planning Policy* (DP SEPP) following endorsement by the Executive Leadership Team (ELT) was submitted on the submission deadline of 28 February 2022 set by the NSW Department of Planning and Environment (DPE), with a final submission and any associated changes to be sent following Council endorsement.

2. Introduction/Background

The draft *Design and Place State Environmental Planning Policy* intends to put place and design quality at the forefront of development. A shared responsibility to care for Country and sustain healthy, thriving communities underpins the policy. The SEPP applies state-wide to inform the design and sustainability of new master planned areas and precincts, as well as residential apartment development, significant developments, infrastructure, and larger public spaces.

The draft DP SEPP consolidates and replaces the existing *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)* (SEPP 65) and *State Environmental Planning Policy (Building Sustainability Index) 2014* (BASIX SEPP).

This submission to the draft DP SEPP comprises of comments from Council's Urban Planning Policy and Strategy, Development Assessment and Environmental Sustainability teams.

A Council submission was lodged in 2021 in response to the Explanation of Intended Effects (EIE) documentation that was publicly exhibited for the DP SEPP. Council officers made a submission, available in Attachment 2. In addition, Council endorsed and made a submission to changes to the BASIX standards at its meeting on 22 February 2022.

A draft officer submission to the draft DP SEPP following endorsement from ELT was submitted on the submission deadline of 28 February 2022 set by the NSW Department of Planning and Environment (DPE).

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/7.16/22.02	That Council endorses the submission to the NSW Department of Planning, Industry and Environment attached to the report on the BASIX Higher Standards.
Strategic Planning and Development Committee 13 April 2021	PD/5.3/21.04	That Council endorses the submission to the NSW Department of Planning, Industry and Environment attached to the report on the Design and Place State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE).

4. Discussion

The submission details Council's support of the overall notion of elevating the importance of design excellence and place-based design in the planning system. Detailed feedback on the following documents have been provided:

- Draft *Design and Place State Environmental Planning Policy (DP SEPP) 2021*.
- Proposed changes to the *Environment and Planning Assessment Regulation 2021* (EPA Regulation)
- Proposed direction by the Minister under section 9.1 of the *Environmental Planning and Assessment Act 1979* (9.1 Direction).
- Revised Apartment Design Guide (ADG).
- Proposed Urban Design Guide (UDG).
- Updates to residential sustainability (BASIX).
- Design Review Panel Manual for Local Government (DRPM).

Refer to Attachment 1 for the submission to the draft SEPP, and Attachment 2 for the 2021 submission to the EIE.

To prepare the attached draft submission, council officers consulted internally with Sustainability and Planning teams, as well as with other councils in the SSROC group.

5. Financial impact statement/Time frame/Consultation

Resourcing implications are expected as a result of the draft DP SEPP if it were to be finalised in its current form. Impacts would relate largely to assessments and referrals undertaken as part of the development application process to ensure that developments meet the new requirements, accordingly additional staffing resources would be advisable. Training will be required for Development Assessment, Urban Design and Strategic Planning Officers to ensure appropriate skills are in place to meet the assessment requirements under the SEPP. In addition, should the changes proceed, there will be implications for the management of the Design Excellence Advisory Panel which will result in additional costs.

The exhibition package indicates that the DP SEPP is expected to be made in mid-2020, with a six-month transitional period commencing before the DP SEPP is in effect.

6. Conclusion

Council officers are keen to continuously engage with the Department of Planning and Environment and provide detailed input into how the *Design and Place SEPP* progresses and ultimately facilitates good design in NSW.

7. Attachments

1. Submission to the draft Design and Place State Environmental Planning Policy (DP SEPP) [↓](#)
2. Submission to the draft Design and Place State Environmental Planning Policy - Explanation of Intended Effect (EIE) [↓](#) .

**Waverley Council**

PO Box 9, Bondi Junction NSW 1355

DX 12006, Bondi Junction

Customer Service Centre

55 Spring Street, Bondi Junction NSW 2022

ABN: 12 502 583 608

Our ref: A12/0147

23 February 2022

NSW Department of Planning and Environment
GPO BOX 239
SYDNEY NSW 2001
Sent via e-mail to designandplacessepp@planning.nsw.gov.au

**Waverley Council Submission to the draft Design and Place State Environmental Planning Policy
(DP SEPP)**

Thank you for the opportunity to provide feedback on the draft *Design and Place State Environmental Planning Policy* (DP SEPP) and accompanying documentation.

Council officers have attended numerous webinars held by the NSW Department of Planning and Environment on the various aspects of the exhibition package, and have appreciated the efforts taken to provide the public with opportunity to obtain clarity on what is being exhibited.

Council strongly supports the Department's work to date on elevating the importance of design excellence, place-based design and sustainability in the planning system. Providing two separate opportunities to submit feedback on the SEPP is also highly commended, noting that the associated Explanation of Intended Effect (EIE) was placed on exhibition in 2021.

Feedback in this submission is provided where changes are suggested, or where an item is strongly supported or strongly not supported. Absence of discussion on specific content on exhibition is not to be taken as tacit support for an issue.

Feedback provided within the Waverley submission to the associated Explanation of Intended Effect (EIE) for the Design and Place SEPP still stands, and it is requested that DPE review Waverley's previous submission again as part of this exhibition period.

Should you have any questions about the contents of this submission please do not hesitate to contact Emma Rogerson, Strategic Planner (02) 9083 8194.

Regards,

A handwritten signature in black ink, appearing to read "George Bramis", followed by a horizontal line.

George Bramis

A/Director, Planning, Environment and Regulatory

Contact us

Phone: 9083 8000 Fax: 9387 1820

Email: info@waverley.nsw.gov.auWeb: www.waverley.nsw.gov.au**Connect with us**facebook.com/whatsonwaverleytwitter.com/waverleycouncilwww.youtube.com/user/WavCouncil



1. GENERAL FEEDBACK

The DPE is to be commended on the work and consultation that has been completed to date on what is a significant undertaking for the built environment profession. The Country-led and strategic approach to the design of places and buildings is also strongly supported.

The consolidation of SEPP 65 and the BASIX SEPP provides a key opportunity to enable good design to factor into the assessment tool, including passive design to reduce the overall consumption of electricity and water, material design and the minimisation of carparking.

The Principles are aspirational and inspiring with an emphasis on design. The first principle promotes uniqueness and a sense of identity. The second principle focuses on public realm with programmed places for people. The third principle implies integration of transport and mixed use. Sustainability is a common focus throughout the SEPP with the fourth principle. The Waverley Council Local Environmental Plan (WLEP) is considered to capture these qualities.

The breadth of the proposed SEPP is ambitious and should be developed with extensive input from Councils to correctly navigate the intersections of the SEPP with local plans. A key objective of the SEPP is to facilitate place-based planning. This approach is strongly supported; however, it is to be noted that councils have developed place-based planning controls over time to respond to the unique conditions of their established characters. These controls must not be undermined by the application of State policies, which by their very nature cannot provide detail in a place-based manner. Where new areas are being developed, detailed controls or design criteria may be appropriate, however in many established areas of Sydney, standard controls or criteria are unlikely to suit the character of these areas that have developed incrementally over time. Accordingly, it is strongly cautioned that the SEPP should provide a principles-based approach and provide guidance for applicants and councils alike as to how to achieve these principles and objectives, with flexibility allowed for the application of design criteria and controls.

2. DRAFT SEPP

Clause 12 Design Principles and Design Considerations

The intent of Clause 12 is supported, however a simplified approach to the wording and structure is suggested to ensure the clarity of the intent. It is recommended that currently proposed clause 12(2) is renumbered 12(3), and the following text replaces the currently proposed Clause 12(1):

12 Design Principles

(1) The principle for design in New South Wales is as follows:

- (a) to deliver beautiful, healthy and high amenity places for people,*
- (b) to deliver inclusive and inviting places for people,*
- (c) to deliver productive and connected places for people,*
- (d) to deliver sustainable and greener places for people,*
- (e) to deliver resilient, diverse and enduring places for people.*



(2) In this clause places for people means places that:

- (a) create a sense of belonging for people,*
- (b) create public spaces,*
- (c) enhance culture and public life,*
- (d) create engaged communities,*
- (e) enable communities to thrive,*
- (f) ensure the wellbeing of people,*
- (g) create sustainable communities and environments,*
- (h) respond to and support Country and Aboriginal cultural knowledge,*
- (i) are climate responsive and comfortable.*

Clause 13 Consideration of Design Principles and Design Considerations by Consent Authority

The inclusion of 10 Design Considerations with accompanying satisfaction requirements is supported, however, word changes to clauses 13(2) are suggested as follows:

13(2) Development is consistent with the design principles, if the consent authority is satisfied that the design considerations for each design principle have been achieved.

Clause 14 Overall Design Quality

This consideration clause should be strengthened:

Subclause 14(a) should be adjusted to read "the scale, massing and siting of the building respond appropriately to the desired future character of the surrounding area as described in the relevant Local Strategic Planning Statement or Local Character Statement" or the like. Comprehensive research and community consultation has been undertaken by Councils as part of the LSPS and LCS process, which has helped to establish robust desired future character visions for areas in each LGA. Reference to these contemporary local strategic documents should be mandated under Clause 16 to reduce the risk of the subjective misinterpretation of what desired character is.

Architecturally trained persons will be required to consider this clause.

Clause 15 Comfortable, Inclusive and Healthy Places

This consideration clause is supported. Architecturally trained persons will be required to consider this clause.

Clause 16 Culture, Character and Heritage

This consideration clause should be strengthened:

Subclause 16(a) should be adjusted to read "the development detracts from the desired future character of the area as described in the relevant Local Strategic Planning Statements or Local Character Statement" or the like for the same reason as discussed for Clause 14 above.



Subclause (b) should be amended to include that **draft** heritage items and **draft** heritage conservation areas on or near to the site also be incorporated or responded to.

Clause 17 Public Spaces and Public Life

This consideration clause should be strengthened. Mandating a specified increase in public space in particular areas based on dwelling capacity and proximity to public transport will better achieve the identified 'benefit' for 'precinct' scale development. The "no net loss" of public space approach is successful for sites that currently have enough open space, however, sites that currently have very little public space would benefit from a required increase.

Clause 12 refers to this consideration as "public space **for** public life" whereas Clause 17 refers to "public spaces **and** public life". Clarification and consistency should be provided.

Subclause 17(a) should be adjusted to include urban designers, as streets can be designed by urban designers as well as landscape architects.

Clause 18 Vibrant and Affordable Neighbourhoods

This consideration clause should be strengthened. Subclause 18(b) should be adjusted to read "for development for residential purposes – whether the development contributes to the housing needs of the local population **as described in the relevant Local Housing Strategies and Schemes.**" or the like. Linking the definition of 'housing needs' with the information presented in a Council's Local Housing Strategy and Affordable Housing Contributions Scheme will reduce the risk of the subjective misinterpretation of what the areas housing needs actually are.

Furthermore, the requirement for urban design development to support walkability and smart cities should be applied to all applicable development, rather than just those involving subdivision.

Clause 19 Sustainable Transport and Walkability

This consideration clause should be strengthened to require walking routes to be accessible and cater for persons of all abilities and needs.

Also, a new subclause should be inserted to read "**(f) minimises the impact of waste storage and collection on public space**" because on-street waste presentation and collection can create hazards for active travel and pedestrians and detracts from walkability and amenity.

Clause 20 Green Infrastructure

This consideration clause is supported.



Clause 21 Resource Efficiency and Emissions Reduction

This consideration clause should be strengthened by making specific reference to waste management and resource recovery. Subclause (b) should also be rephrased to strengthen the consideration of waste and resource recovery objectives and targets in the *NSW Waste and Sustainable Materials Strategy*.

Subclause (a) should apply to all development as all new gas infrastructure is inconsistent with State Government decarbonization targets.

Update subclause 21(d) to include water use efficiency and read "uses water sensitive urban design and maximises water reuse **and potable water use efficiency.**"

Architects are best placed to assess passive principles, whereas environmental engineers are most suitable for the other matters under this clause.

Clause 22 Resilience and Adapting to Change

This consideration should be strengthened with the following changes:

- The consent authority must be satisfied that the development is resilient to natural hazards by*
- a. incorporating measures to*
 - (i) **anticipate**, avoid or reduce exposure to natural hazards, and*
 - (ii) mitigate and adapt to the risks of natural hazards, including risks of climate change and compounding risks, and*
 - b. mitigating the impact of expected natural hazards through the **material selection**, siting and design of the development, **and considering the design life of the development.***

Overall, the inclusion of this consideration is commended and demonstrates excellent leadership by the NSW Government. It is vitally important that planning builds the capacity for the resilience of new development in NSW, which will assist, but not deliver, resilience outcomes across the Planning System.

A Resilient Planning system should enable adaptability, redundancy, modularity and subsidiarity.. Currently adaptability for resilience over time is not reflected in this Principle and the inclusion of words that *anticipate* exposure, or that reflect the *design life* of a development or *useful life* of materials may serve to ensure resilience is long lasting and does not expire at a certain point.

Clause 23 Optimal and Diverse Land Uses

This clause should be strengthened. Previously the EIE proposed numerical residential density ranges based on the location and transport access for development that falls under the meaning of "urban design development". These density ranges should be further investigated and re-introduced in order to reduce urban sprawl and encourage compact urban development where services and infrastructure can accommodate density done well. The density range figures must consider the importance of open spaces and achieve a balance between providing enough housing on site whilst providing enough open space, both public and private, to combat the trend in floor space prioritisation occurring in higher densities areas near public transport hubs and strategic centres.

**Division 1 Urban Design Development**

This division is supported but strengthened. It is noted that the wording in clause 24(3)(a) is similar to EP&A Act 4.15(3A) regarding evaluation under Development Control Plans. Generally, further guidance needs to be provided on 'flexibility' and 'alternative solutions' to allow applicants and assessors to understand what might be acceptable. Using the NCC framework as a useful comparison, compliance with the design criteria should be considered 'deemed-to-satisfy', however non-compliance should require a comprehensive 'alternative solution' to be demonstrated. This 'alternative solution' pathway should be set out clearly so that both applicant and assessor understand what is required.

Alternative solutions should not be unsubstantiated 'ambit claims' or technical proofs that do not have agreed base principles. The onus should be placed on the applicant to provide sufficient documentation to justify whether the relevant objective is still met. The ADG design guidance should be used to guide 'alternative solutions'. The guidance will need to be increased to do this.

Division 2 BASIX standards for residential development

This division is strongly supported and a separate submission has been made by Waverley Council regarding the BASIX provisions. In addition, Council commends the inclusion of cl29(3)(b) which permits the encouragement of increased performance of buildings through incentive provisions.

Division 3 Residential apartment development

This division is supported.

Part 4 Design Review

This division is supported. Clause 34(a) should be amended to clarify that the clause also applies to modification applications. This was previously required by EP&A 115(3B) in some circumstances.

Part 5 Miscellaneous

This division is supported.

Schedule 1 Energy and water use standards for non-residential development

The energy requirements in this Schedule are supported, but it is unclear how compliance with post construction requirements, such as ensuring that the non-residential buildings purchase Renewable Energy Certificates over the first five years of occupation of building will occur, and if this is the responsibility of Councils.



3. CODES SEPP AND STANDARD INSTRUMENT LEP

Amending the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Standard Instrument—Principal Local Environmental Plan to limit solar absorptance is strongly supported. Guidance as to what the circumstances are that the exemption can be granted, and by whom, is sought.

4. DRAFT REGULATION AMENDMENT

General Feedback

Generally, the proposed amendments to the Environment and Planning Assessment Regulation 2021 (EPA Regulation) are supported. It is understood that the changes accompany and implement the draft DP SEPP.

Clause 99 Electric Vehicle Charging Facilities

Proposed subclause 99(3) relating to charging facilities for electric vehicles should be strengthened to reflect the realistic power supply requirements of future buildings. It is recommended that the DP SEPP has more detail and a higher minimum for single phase amp per eligible lot owner. 12kWh of electricity overnight is the minimum amount of power for a Level 1 type charger. Some people may choose to install a Type 2 7kW charging station and so more power supply may be needed. Please refer to [Waverley Council's DCP](#) page 64 for detail regarding signage of EV charging stations, space and charging points for e-bikes and scooters, and the installation of Level 2 AC fast charging EV charging points for common areas/visitor spaces.

Furthermore, in Waverley, charging in commercial buildings may be the only way that residents can easily charge their personal vehicles (due to low amounts of off and on street parking). It is recommended that in order to meet net zero emissions targets, that 100% of all building types are required to be able to be converted to EV ready parking spaces.

Clause 57D Net Zero Statement

The addition of Clause 57D relating to a net zero statement is particularly commended, however, it should also apply to BASIX affected development.

Requirement for BASIX Certificate

Table 2 of the DP SEPP Overview document clarifies that co-livinghousing will not require a BASIX certificate. It is recommended that boarding houses, seniors housing, a group home or hostel continue to require a BASIX Certificate. It is noted that an equivalent of SEPP 65 4(4) excluding that policy from applying to boarding houses and serviced apartments has not been retained in DP SEPP. This clause should be reinstated, and co-living housing, boarding houses, group home, hostel and seniors housing added.

Waverley Council receives regular development applications for seniors housing. Seniors housing functions in the same way as apartment dwellings, ranging from studio to 4 bedrooms with a kitchen and bathroom.

The current requirements for large boarding houses (to meet the NCC Section J for Thermal Comfort, and a BASIX certificate for Energy and Water) are more stringent than the DP SEPP proposal to just



meet the NCC and the Building Code of Australia for water and energy. However, it is recognised that the BASIX tool was not built specifically for these dwelling types.

It is not clear what sustainability requirements the DP SEPP will be requiring for Class 3 buildings. This should be clarified.

5. DRAFT MINISTERIAL DIRECTION

The draft ministerial direction "Environmental Planning and Assessment (Design Principles and Considerations) Direction 2022" is supported.

6. COST BENEFIT ANALYSIS

There is inadequate detail on exhibition to provide meaningful comment on the Cost Benefit Analysis. Regardless of the Cost Benefit ratio, ensuring good environmental and design outcomes is important for reasons which are harder to quantify and will impact generations to come.

7. APARTMENT DESIGN GUIDE (ADG)

General Feedback

General feedback on the Apartment Design Guide includes:

- Site analysis - needs to mention topography, vegetation, climate, and look beyond the site rather than stopping at the boundary.
- Useful guides on common outdoor areas and indoor areas.
- Good advice on orientation of sun shading louvres according to 30 degrees from North
- Better definition of cross ventilation but still only 60% of units (70% would be preferable).
- Complicated to work out impact of flyscreens on ventilation.
- Good idea to show various design responses.
- The objectives of the responses are a good checklist.
- Site and context analysis check list is good.
- Sun altitude ratios provide a good rule of thumb.
- Furniture schedule is useful, as are the indicative apartment layouts.
- It would be good to have typical plans for the various typologies shown.

Part 1.5 Green Infrastructure

The deep soil design criteria associated with Part 1.5 is strongly supported. Further clarity is requested on what the development pathways for "other" green cover such as green roofs and green walls are.

The tree canopy design guidance associated with Part 1.5 is also strongly supported but should be strengthened. Waverley Council suggests a variation to the wording in Table 1.5.3 'Tree Planting Rates'. Either that 'at least one small tree is **established**' with the implication that if the tree dies, the developer/owner is responsible for ensuring another one is planted OR that at least two small/medium/large trees are planted (in order for one tree to survive and thrive assuming a 50% survival rate). Noting that a small tree, with 6 m diameter will be difficult to achieve in the Waverley area due to space constraints.



It is noted that these are minimum targets and do not preclude additional deep soil or trees being included.

It is requested that the minimum tree canopy targets and tree planting rates are reviewed every 3 years and increased if feasible, based on the experience of local Councils.

Council recommends that local controls reflect variations in character and local context and take precedence where their requirements are greater than these.

Part 2.2 Communal Spaces

There was some talk of BASIX no longer requiring a "Indoor or sheltered clothes drying line (for example a screened line on balcony, line over bath, etc.) or "Private outdoor or unsheltered clothes drying line". It is vital that these options remain in BASIX as a viable alternative to electric clothes dryers. Clothes lines in the ADG should be elevated from Design Guidance to Design Criteria.

Strengthening the language around clothes drying in communal outdoor spaces is recommended as follows: "Communal outdoor spaces ~~can~~ **must** include shared clothes lines and drying courts **or appropriate indoor or sheltered clothes lines**".

Part 2.6 Sunlight, Daylight, Shade and Thermal Comfort

The design criteria under Part 2.6 relating to the below sentence is supported:

Where glazing is greater than 30 per cent of the apartment facade on any individual apartment aspect (when measured on the internal face of the wall), provide external sun shading to a maximum of 30 per cent of the exposed glazing in a wall to block 30 per cent of summer sun.

Part 3.1 Energy Efficiency

The requirements under Part 3.1 relating to energy efficiency are supported. Low carbon low emission materials and processes should sit wholly within BASIX Materials Index (no need for replication).

The all electric apartment buildings design guidance is strongly supported, and should be made consistent with the BASIX tool. The following text change is recommended: '~~Preference electricity~~ **Require electricity** as the **only** power source for all ~~energy requirements associated with normal operations~~ **centralized hot water systems**'.

Language around rooftop solar requirements should be strengthened to require solar energy generation on all viable roof spaces:

- "~~Provide maximum~~ solar energy generation **must be provided** on **all viable** roof spaces ~~that is~~ **are** not allocated to common open space or roof gardens, to reduce ongoing energy costs for residents and the body corporate." (p.86)
- "On low-rise, large-footprint buildings, rooftop solar panels ~~should~~ **must** be provided for each apartment, directly connected to provide power behind the meter" (p.86). This may need a metric allocated via m2.
- "In all other buildings, rooftop solar collection should be connected to the distribution board that supplies common services and be sized to maximise energy contribution to common services while avoiding the need for export" (p86).



There is concern that the electric vehicle charging requirements under this Part of the ADG differ from those in the Planning and Assessment Amendment (Design and Place) Regulation 2021. It is critical that requirements are consistent and clear between documents.

Stormwater Feedback

Page 89 of the draft ADG contains water related provisions and includes objectives and design guidance points. Conceptually the stormwater guidance is supported, subject the following considerations:

- Requiring the location of detention tanks under paved areas, driveways or in basement car parks is problematic as having a detention tank in a basement carpark does not work and would encourage stormwater drainage systems that are not best engineering practice.
- Residents may be adverse to utilising black water treatment in the complex they reside in.
- The UDG should emphasise the use of green infrastructure (e.g. raingardens, bioretention systems) and not grey infrastructure (e.g. filter cartridges).

Waste Feedback

Waste is currently only included in the environmental considerations section of the Apartment Design Guide (Part 3). Waste infrastructure and servicing are often an afterthought when it comes to design and can lead to many issues post construction. It is recommended that waste issues are addressed early in the design process to ensure better outcomes.

It is strongly recommended that waste is included in Part 1, *Designing for the Site* and Part 2, *Building Design*, as follows:

Recommendations for Part 1, *Designing for the Site*:

- For situations where bins are presented on the street for collection, recommend that a waste presentation area is clearly marked on architectural drawings to ensure that:
 - there is space to present bins on the street for collection (along development frontage), which does not impede on vehicle access points or doorways or pedestrian pathways or cycleways
 - the bin presentation area does not impact outdoor dining or residents' casual interaction with public space, pedestrian pathways or cycleways.
- Include public bin infrastructure in the section: *Mixed-use and non-residential interfaces* to minimise negative amenity issues related to litter and offer a place for the community to dispose of their waste
- In *Utilities and building services*, design access route for waste bin manoeuvrability from storage area to point of collection to ensure it does not impact amenity
- Include best practice design for waste storage, including creating space for any equipment related to waste (such as chute systems and compactors) and opportunities to recover additional waste streams.
- Mandate back of house waste storage and collection for commercial precincts. By planning for waste storage and collection at back of house, there is no impediment of cycleways or pedestrian access.



- Under *Vehicle entries*, there is no consideration for designing for onsite waste collection. It is recommended that this information is included as the access for large waste vehicles requires best practice design parameters.
- Include controls around waste and recycling servicing for properties that present bins on the street for collection where there is a cycleway to ensure safe passage of our cyclists.

Recommendations for Part 2, **Building Design**:

- In *External noise and pollution* include noise and amenity prevention through careful planning of bin presentation area
- In *Low-carbon low-emission materials and processes* include recycled content and reuse in construction material.
- Include opportunities for shared waste storage across developments to minimise space required for storage

Recommendations for Part 3 **Environmental Considerations**:

In general,

- Guidelines around waste generation rates for 1, 2, and 3+ bedroom apartment buildings have not been addressed and is vital in ensuring waste storage areas are adequately designed. This information should be included.
- The ADG is silent in recognising that waste service arrangement differs between local government areas, particularly around truck sizes for onsite access. This has implications for truck access to buildings, swept path, etc. The variability around onsite collection and appropriate guidelines for different building types/precincts could be reflected in the ADG.
- Waste chutes have been an ongoing issue in Waverley, with many large buildings closing their chutes due to issues relating to items becoming stuck and cross contamination of bins. The ADG could include more information around chute design.
- In general, what is lacking is more linkages to the NSW Waste and Sustainable Materials Strategy and including circular principles in design.
- Additionally, a couple of points for waste storage in current ADG are missing from draft ADG:
 - Adequately sized waste storage area that meets Council requirements for storage and separation of streams
 - Waste storage area is designed to allow bins to be easily maneuvered within and between storage and collection points”.

Specific suggested amendments include:

- Amend Objective 3.3.1 to include impacts from collection as suggested: *Minimise waste storage and collection impacts on the streetscape, building entries, and amenity of residents after ‘waste storage impacts’ to recognise the significant impacts that on-street waste collection can have on the streetscape and amenity.*
- Amend Objective 3.3.2 – change to reflect other waste streams as suggested: *Minimise occupants’ waste to landfill by providing safe and convenient onsite recovery facilities for organic and inorganic waste, recyclables, and problem wastes such as electronics and bulky household items.*
- Add new Objective 3.3.2. “Provide adequate waste storage capacity and access to ensure that the development can be serviced safely and efficiently and to maximise resource recovery.” This objective would strengthen the need for developers to design waste storage spaces and truck access that can be serviced as part of the standard council service, avoiding



the need for bespoke arrangements, high frequency of servicing and unintended on-street servicing due to access issues.

- Images should be updated to incorporate Australian Standards bin colours (AS4123.7-2006)
- Figure 3.3.1 & 3.3.2 description is not supported. Description should indicate that this is an example of a design solution that meets the requirement for separation of waste, recycling, and organics at the point of disposal. Others include provision of food organics bins within chute rooms or within the waste storage area depending on the point of disposal for recycling proposed. Use of e-diverters with general, organics and recycling could lead to contamination issues and should not be included.
- Figure 3.3.3 According to the NSW EPA Better practice guide for resource recovery in residential developments, a 1.5 m minimum doorway is proposed to allow for easy movement of large waste items, which is sufficient for maneuverability of 240L bins. Should larger bins be utilised, a larger doorway is necessary. This type of information is valuable and could be included in the appendices.
- Appendix 5.2- include all waste, recycling, and waste bins in drawings for apartment types
- Appendix 8 - include under the considerations section: location of waste storage areas and appropriate access for servicing to meet amenity and frontage requirements.

8. URBAN DESIGN GUIDE (UDG)

General Feedback

The Urban Design Guide is a well-intentioned document, with urban design principles that can guide the development of better places for people. Sections about built form and urban grain are useful, and could be supplemented with graphical examples.

There is opportunity to strengthen the UDG, noting that the principles in the document are too broad and general, and seem directed for greenfield and brownfield areas, or any other with the potential to change substantially. There is also concern that the UDG may not be applicable to most development in Waverley, as most Development Applications and Planning Proposals received are small scale and unlikely to trigger mandatory compliance with the Guide. Nevertheless, it will provide a base to solidify Council's positions on the assessment of these applications and inform future internal studies.

Resilience Feedback

The incorporation of Resilience considerations into the Urban Design Guide through Objective 4 is strongly commended. Including references to other hazard related guidance docs (eg Floodplain Management, Bushfire Protection) could strengthen coherence and implementation of this objective

Including examples of design that can build community resilience (such as a shared spaces/commons for interactions) could further align section 4.2 with the DP SEPP design consideration.

It is noted that there is a reference to the '*design for resilience*' template and accompanying guidance. However it appears that no such template was placed on exhibition. The resilience guidance is taken to be <https://www.planning.nsw.gov.au/-/media/files/dpe/reports/policy-and-legislation/resilience-outcomes-for-the-planning-system-2021-12.pdf>. The articulation of Resilience Outcomes is supported and well stated – however the status of this guidance document is unclear.



9. LOCAL GOVERNMENT DESIGN REVIEW PANEL MANUAL

The specifics outlined in the manual of payments, timeframes and what happens on the day of a panel meeting should be left to each organisation, as it depends on staff resourcing and the type and nature of applications being reviewed in each Local Government Area.

Waverley Council has an established Design Excellence Advisory Panel which currently assesses not only applications subject to review against SEPP 65, but additional significant development against the 'design excellence' provisions of the Waverley LEP. The Panel has been set up to operate similarly to the Local Planning Panel, meeting monthly with a panel of 5 members rotating on a roster. This regime has operated successfully for over 2 years and generally in accordance with the draft manual.

It is suggested that the Design Review Panel Manual be a guide only allowing those Councils who currently operate an efficient and effective Panel be permitted to continue operating their respective Panels, with the adjustment of those matters which are 'required' to be reviewed under the SEPP. Enforcing a new regime would interrupt current contract arrangements with Panel members which are in place until 2023.

Clarity is requested on whether it is the intention that the 'Design Review Report' written by the applicant would be presented to Local Planning Panel members to read prior to determination, similar to Clause 4.6 statements.

10. SUSTAINABILITY IN RESIDENTIAL BUILDINGS (BASIX Overview)

Waverley Council supports the NSW Government's commitment to reach Net Zero by 2050 and its leadership in delivering sustainability reform to the residential sector through the DP SEPP. Waverley Council, like many local governments, would like to see these net zero targets for all residential development to be delivered well in advance of 2050. Ensuring new houses maximise greenhouse reductions now is vital and will assist with the task of addressing sustainability in existing housing stock. In that respect, Council supports BASIX to go even further than what is currently being proposed, to ensure the delivery of thermally safe buildings, all electric homes and onsite renewable energy.

Waverley Council supports the proposed Materials Index for BASIX, in order to reduce the embodied emissions of the materials used in constructing new homes. Council supports the decision that the Materials Index standard is a standalone requirement which cannot be offset with a higher result in other indices e.g. operational energy. Council requests that the draft Materials Index methodology is made publicly available before the implementation of the proposed new index.

Regarding the planned introduction of the Merit Assessment Pathway (MAP), Waverley Council strongly supports the requirement for an assessor to have either an architectural, engineering or AIRAH qualification. The generation of BASIX-style commitments through the MAP lodged electronically as part of the DA process and marked on plans is supported. It is recommended that the MAP is delivered as a part of the BASIX system, to avoid confusion and additional complexity that a separate system would bring to Council's DA planners and compliance staff. If the MAP process is



delivered outside of BASIX, it is strongly recommended that it is assessed by DPE staff, due to insufficient resources available to local government to take on assessment of a new system.

As per Waverley Council's earlier submission on the proposed BASIX Higher Standards, it is recommended that:

- **The use of future climate files** be used in NatHERS and BASIX to ensure the delivery of thermally safe homes and workplaces over the lifetime of the dwelling.
- **Gas is disincentivized for all new homes** to ensure that the NSW Government meets its net zero emissions commitment by 2050. This should contribute to a broader plan for how the whole residential sector will meet net zero emissions by 2035.
- **The Greenhouse Emissions Factor is updated annually** rather than a ten-year forecasted average. This will ensure that buildings meet the required carbon reduction standard each and every year.
- **Unified requirements for all dwelling types and locations** are adopted, to ensure adequate, safe and affordable housing standards for all. This includes an increase in thermal comfort and energy efficiency stringency for buildings < 5 storey in line with other multi-units.
- **LED lighting plus efficient controls are mandated** and that fluorescent lamps are removed as an 'efficient' choice for energy and waste related reasons.
- **All calculations in the BASIX Energy section of the tool are reviewed and the BASIX methodology is published** before the 2022 upgrade, to ensure that the calculations behind the tool are reviewed in an open and transparent manner.
- **A BASIX Education and Training package is developed for local government and other stakeholders;** to ensure the successful implementation of BASIX at DA, CC and OC stages, including new requirements for the BASIX Materials Index.
- **A BASIX Monitoring & Evaluation protocol and Auditing & Compliance framework** is established to ensure that homes are built as per their BASIX commitments and to ensure that people are thermal safe in their homes, and that the State's greenhouse and water reduction targets are achieved.

These recommendations for proposed BASIX changes align with the Minister's Planning Principles (2.16, 2.17, 4.1, 4.2, 4.10, 4.11, 6.12, 6.13). Waverley's full submission to the proposed BASIX Higher Standards has been lodged separately with the Department.



WAVERLEY COUNCIL

Waverley Council
PO Box 9, Bondi Junction NSW 1355
DX 12006, Bondi Junction
Customer Service Centre
55 Spring Street, Bondi Junction NSW 2022
ABN: 12 502 583 608

Our ref: A12/0147

15 April 2021

NSW Department of Planning and Environment
GPO BOX 239
SYDNEY NSW 2001
Sent via e-mail to designandplacessepp@planning.nsw.gov.au

Waverley Council Submission to the draft Design and Place State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE)

Thank you for the opportunity to provide feedback on the *Design and Place State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE)*. The EIE, associated brochure and *Frequently Asked Questions* documentation has been reviewed, and Council officers attended the Design and Place SEPP webinar held on 3rd March and workshop on 11 March 2021, and the following comments are provided. This submission has been prepared by Council officers and not the elected Council.

Council strongly supports the Department's work to date on elevating the importance of design excellence and place-based design in the planning system. Providing two separate opportunities to submit feedback on the SEPP is also highly commended.

The Design and Place SEPP Explanation of Intended Effect (EIE) provides a solid foundation in which the draft Design and Place SEPP can be prepared with consideration to. Council officers are keen to continuously engage and provide detailed input into how the Design and Place SEPP progresses and ultimately facilitates good design in NSW.

It is noted that the EIE sets out a vast area for comment, and minimal time for the preparation of submissions. Hence it is made clear that absence of detailed discussion in this submission is not to be taken as tacit support for an issue.

Should you have any questions about the contents of this submission please do not hesitate to contact Emma Rogerson, A/Senior Strategic Planner (02) 9083 8194.

Regards,

A handwritten signature in black ink, appearing to read 'Tony Pavlovic'.

Tony Pavlovic
Director, Planning, Environment and Regulatory

Contact us
Phone: 9083 8000 Fax: 9387 1820
Email: info@waverley.nsw.gov.au
Web: www.waverley.nsw.gov.au

Connect with us
facebook.com/whatsonwaverley
twitter.com/waverleycouncil
www.youtube.com/user/WavCouncil



1. Overall Objective and Integration

The DPIE is to be commended on the work and consultation that has been completed to date on what is a significant undertaking for the built environment. The Country-led and strategic approach to the design of places and buildings is also strongly supported.

The consolidation of SEPP 65 and the BASIX SEPP provides a key opportunity to enable good design to factor into the assessment tool, including passive design to reduce the overall consumption of electricity and water, material design and the minimisation of carparking.

The breadth of the proposed SEPP is ambitious and should be developed with extensive input from Councils to correctly navigate the intersections of the SEPP with local plans. A key objective of the SEPP is to facilitate place-based planning. This approach is strongly supported; however, it is to be noted that councils have developed place-based planning controls over time to respond to the unique conditions of their established characters. These controls must not be undermined by the application of State policies, which by their very nature cannot provide detail in a place-based manner. Where new areas are being developed, detailed controls or design criteria may be appropriate, however in many established areas of Sydney, standard controls or criteria are unlikely to suit the character of these areas that have developed incrementally over time. Accordingly, it is strongly cautioned that the SEPP should provide a principles-based approach and provide guidance for applicants and councils alike as to how to achieve these principles and objectives, with flexibility allowed for the application of design criteria and controls. This approach is already taken in SEPP 65 and the ADG and should be continued.

2. SEPP Application and Development Scales

The application of the SEPP to urban land in NSW, and the acknowledgement of different development scales is supported. Urban and rural land face vastly different challenges and opportunities, so a distinction is important. The same applies to development of different scales, however, the applicability of the three development scales proposed ('precinct', 'significance development', and 'all other development') may need to be reconsidered or expanded to suit the implementation of the SEPP in highly urbanised and established areas such as Waverley.

The Waverley LGA is unlikely to experience 'precinct' and 'significant development' scale projects given the highly established nature of the LGA, the great number of Heritage Items and sites located within Heritage Conservation Areas, and the dense nature of existing development resulting in relatively small lot sizes. For this reason, the proposed SEPP will likely only be applied in an 'all other development' scale in Waverley which as per *Table 1 – Proposed Design and Place Considerations* of the EIE will not be subject to 11 of the 19 *Mandatory Matters for Consideration* (Matters).

It is acknowledged that small scale, minor development such as dwelling house alterations and additions and commercial tenancy fit-outs may not need to consider a number of the *Matters*, however, new higher density development on sites smaller than those defined as 'significant development' will benefit from being subject to *Matters* which they are currently not under the proposed EIE. These new higher density developments may include, but are not limited to, the construction of residential flat buildings or mixed-use multi-storey buildings on sites less than 4,000sqm near local or neighbourhood centres or on sites less than 1,500sqm in Bondi Junction.



As such, introducing a fourth development scale that differentiates between minor alterations and substantial development on a smaller site for high density areas, and applying *Matters* No. 1, 6, 7, 8, 10 and 11 in addition to those that 'all other development' are already applicable for would help to ensure that the important *Matters* are considered as much as possible.

The criteria for the fourth development scale could be development on a parcel of land on a site greater than 1,000sqm in a metropolitan centre, and on a site greater than 2,000sqm anywhere else, in areas where the population density is more than 50 persons per hectare. Any development not classified as 'precinct', 'significant development' or the new category may be considered as 'all other development'.

3. Five Guiding Principles, and Mandatory Matters for Consideration

The intent of the principles is supported, however further detail is to be provided around what constitutes alignment with the principles, and how the principles interact with each other when in conflict, that is, is there a hierarchy by which the principles are to be applied? In their current form they are too broad and vague.

The move towards a principles-led planning system is supported, however it is acknowledged that there are inherent challenges that arise due to the subjective nature of design development and the nature of the assessment and review process in the NSW planning system. The approach taken in the current SEPP 65 and Apartment Design Guide (ADG) is good in principle – providing an overarching objective and design guidance on how to achieve the objective provides sufficient flexibility to apply to an area such as Waverley that has an established character that is contrary to the design criteria set out in the ADG. Accordingly residential design subject to the ADG in Waverley largely aims to meet the principles and objectives of the ADG, however adheres to the place-based guidance already provided in the Waverley Development Control Plan (WDCP), which has been developed over time to respond to the unique character of the place. A key example of this arises with building separation distances, which are unreasonably onerous in the Waverley area if the ADG setbacks are provided, however many residential flat buildings have suitable amenity with much smaller setbacks, and are better able to respond to the distinct character defined during the Inter-War development period.

It is important to acknowledge that the place-based approach which the EIE strongly advocates for, is more likely to be achieved in established areas by following the local council's development standards and controls, as these respond to the unique nature of place, which the ADG currently does not. Accordingly, a similar approach is supported: the principles and objectives are to remain strong and upheld, whilst there is to be flexible application of the design criteria using design guidance and council's controls to achieve the objectives.

Open Space Activation and Liveability

2. Public Space and 14. Impacts on Public Space

Whilst the requirement of no net loss of public space will protect against the replacement of public open space with private building forms, taking this requirement further and mandating a specified



increase in public space from the existing in particular areas based on dwelling capacity and proximity to public transport will better achieve the identified 'benefit' for 'precinct' scale development. This further measure will also facilitate adequate public space in areas that currently have very little, if any, for the "no net loss" to be calculated with.

4. Local Living

The intent behind the Local Living Matter is supported. In Waverley 90% of residents live within a 10 minute walk to a local centre that is able to provide access to essential goods and services, as identified in the Our Liveable Places Centres Strategy. It is important to note that a 20 minute walk is appropriate for able-bodied people, however it is important to consider those with movement impairments as well as carers of children by providing seating and pocketparks, and to ensure adequate shading and rest points on hot days

16. Activation and 15. Impacts on Vibrant Areas

A minimum non-residential activation on frontages of sites facing 'activity streets' is supported, as this aligns with the existing Active Street Frontages Local Environmental Plan clause that Waverley Council, and others currently have in place to encourage ground floor activation. Clarity in this *Matter* should be provided regarding the status of the 'activity streets', for example does this only relate to streets that are currently highly activated, or streets that are not currently activated but identified to have a future opportunity to be. To avoid confusion, an Active Street Frontages-style mapping method should be considered to identify these 'vibrant areas' in conjunction with Councils. The same clarification and coordination with Councils should be provided for identifying 'vibrant areas' used in *Matter* 15.

Accessibility

3. Connectivity

Links between green infrastructure including landscape corridors, recreational walking and cycling networks, and the network of public space are supported in theory, however, further information on what an appropriate connection comprises of should be provided.

12. Transport and Parking

Minimising car parking for the purpose of promoting alternative methods of travel is commended. 'Precinct' and 'significant' development should consider providing car parking based upon the findings of a *Parking and Traffic Report* prepared by a suitably qualified traffic engineer for the specific development site.

Housing

10. Density

The implementation of density ranges based on the location and transport access for 'precinct' and 'significant development' project scales is supported as a strong mechanism to reduce urban sprawl



and encourage compact urban development where services and infrastructure can accommodate it. The density range figures must consider the importance of open spaces and achieve a balance between providing enough housing on site whilst providing enough open space, both public and private, to combat the trend in floor space prioritisation occurring in higher densities areas near public transport hubs and strategic centres.

11. Housing Diversity and 19. Affordable Housing

A requirement to respond to the local housing strategy, local affordable housing scheme and the specific housing types and tenures appropriate for the demographic of the particular area is commended as the housing needs, challenges and opportunities will vary between the LGA's across urban areas within NSW, and a targeted individual approach can best address these factors. The correlating 'benefits' against the two *Matters* are already considered priorities for Waverley Council within current policy. The *Waverley Local Housing Strategy 2020 – 2036* seeks to increase the amount of affordable rental housing. The *Waverley Affordable Housing Contributions Scheme Planning Proposal* similarly seeks to increase the amount of affordable housing by way of proposing a 1% levy on all new residential apartment development, and supporting the minimum 10% levy for sites receiving uplift, calculated in accordance with the market value of residential floorspace around the time of the development.

Sustainability

6. Water Management

This *Matter* is supported overall and should be made relevant for all three development scale types. At a 'precinct' and 'significant development' scale the water quality improvement targets should be supported. At a smaller 'all other development' and lot scale, where the BASIX Water Index currently promotes water reuse through rainwater tanks and stormwater tanks for outdoor/indoor uses, the scalability of water management considerations to lot scale (e.g. use of raingardens) and implementation of water quality improvement targets should be made.

7. Green Infrastructure

The replacement of any moderate/significant trees with at least two trees or precinct DCP/council replacement rate, whichever is higher, should be introduced under this matter for all stages of development and all three scales of development. This *Matter* should also require diverse vegetation structure to support biodiversity, particularly in habitat corridors.

At a lot scale, BASIX currently rewards low water use and indigenous/native plant species. However, this is not resulting in the planting of appropriate large trees/shrubs for shading. Whilst Waverley Council officers strongly support the use of indigenous/native plant species, a focus should be developed to include:

- Developing large canopy trees and shrubs for shade/cooling.



- Developing dense shrub vegetation and other understory species to provide habitat for small bird species and improve biodiversity in urban areas.

See Section (iv) of Table 2 for more detail.

8. Resilience

At a 'precinct' scale there needs to be mandatory consideration of future climate warming for 2030/2050/2070 at a precinct scale. More information is to be provided on the Resilience Toolkit, and Waverley Council welcomes the opportunity to work with the DPIE to develop this.

Further information on the relationship between the Coastal Design Guidelines and Flood Plain Management Program is also required.

This Matter should be applied at a smaller 'all other development' lot scale too and consider the inclusion of a Thermal Safety provision, which could sit either in Principle 4 or 5. This would ensure high Thermal Safety standards are set e.g. BASIX Thermal Comfort cooling caps to ensure that community vulnerability to a warming climate is reduced. This will also result in buildings that minimise their reliance on mechanical cooling, are affordable to keep cool, and that will keep residents safe during a blackout.

17. Emissions and resource efficiency - Matter 17 is not supported in its current form.

Residential

See Section (i) of Table 2 for more detail in terms of residential development.

Commercial

The National Construction Code Section J was updated in 2019, which set much more stringent standards for commercial buildings. As part of the COAG's Energy Council's Trajectory for Low Energy Buildings, the energy efficiency requirements for commercial buildings are being strengthened in 2022, 2025, 2028 and every three years thereafter.

NABERS

It is unclear whether the Design & Place SEPP is advocating a separate pathway to this through NABERS. NABERS is built for use post-occupancy, i.e. after the DA stage. It should also be noted that common areas of apartments are assessed under the BASIX provisions.

NABERS is about measuring the ongoing performance of a building. Whilst Waverley Council supports NABERS as a rating tool for existing buildings, its use as part of a planning control is questionable. For example, if a building locks in a NABERS commitment agreement, the building could purchase Greenpower once operational in order to achieve the required NABERS star rating. This is allowing tradeoff between renewable energy and good building design/energy efficiency.

NABERS is, however, a useful tool for monitoring carbon emissions/water consumption in the existing building stock.



City of Sydney's net zero energy buildings performance standards

The City of Sydney has done a significant amount of modelling work with WSP and consultation with the building industry. Consideration should be given to the City of Sydney's net zero energy buildings performance standards for office, retail, hotels, mixed use and multi-unit residential development. In addition, Waverley Council officers have recommended a faster paced emissions reduction target trajectory outlined in Table 2, section (i) below.

18. Tree canopy

Waverley Council officers support this consideration. Support for the assessment and development of appropriate regulations to enable green roofs and walls in high-density neighborhoods will be needed. Clarity is also needed on the future role of the vegetation SEPP in this context. At a smaller 'all other development' lot scale, currently we are seeing reductions in canopy due to infill development and replacement of large trees with smaller trees. Incentives are needed for larger trees to be planted and stewarded on public and private land.

Urban Design and Heritage

1. Cultural and Built Heritage

The outcome of gaining greater clarity around the steps required for a well-considered response to character, place and culture is supported. The information included is thoroughly prepared on this *Matter* – there were no gaps apparent.

Frequent and ongoing use of a space reinforces a groups connection to the space. Beauty and character can act as an attractor – with economic benefits. There is additional benefit in elevating the purpose of design, ensuring that good design processes and 7 objectives of good design are followed, and addressing context, character and Country.

5. Street Design and 9. Fine-Grain Movement

The information provided in the EIE for these two *Matters* can only be meaningfully commented on once more detail has been provided with the exhibition of the draft Design and Place SEPP document.

13. Attractive Form

The importance of local character and attractive, comfortable human-scaled buildings and spaces is commended; however, more information is required to understand the implications of this *Matter*. Information on the interaction of *Local Character Statements* and this SEPP should be provided.

4. Supplementary Documentation



Revised Apartment Design Guide (ADG)

Amendments to SEPP 65, the ADG and associated transition do have some positive aspects. The increase to 70% cross ventilation is welcome, as is the increased time that Solar Access can be measured. More consideration of amenity of apartments in terms of acoustics, storage and access corridors is also supported. Despite this, there are a number of concerns.

The overall stated objectives of the Design and Place SEPP are provided in the introduction to the document, with the concerning identification of the Design and Place SEPP as the replacement of already established controls and guidelines with 'mandatory considerations'. This poses a potential threat whereby an applicant simply has to establish that they have 'considered' the SEPP not complied with it.

The introductory explanation indicates that all but the smallest elements of development in any growth area, regardless of location, will fall under the determination of remote advisory panels.

A pressing issue relates to the replacement of the existing SEPP 65 principles. The current SEPP 65 '9 principles of good design' relates to specific issues to do with design and are directly related to the Apartment Design Guide (ADG). The new 5 Design and Place SEPP principles replace the existing SEPP 65 principles but are not measurable or logical. It is strongly recommended that the existing SEPP 65 principles are retained for residential apartment development, in addition to the overarching Design & Place SEPP principles.

From a design perspective, other issues are detailed as follows:

- The scope of the new ADG is limited. The revision of this document provides opportunity to increase the scope of applicability and include a larger range of developments, such as boarding houses.
- The requirement to have 40% commercial space in all buildings in R4 and R3 zones is not appropriate in many areas that are uniquely residential. It must be linked to a commercial or retail strategy.
- The requirement to have max 8 units per floor in buildings over 9 storeys is also too restrictive. It depends on the design. The aim to reduce floor plates is good but it depends on the specificities of the site. The 30m setback rule for Towers is also too restrictive. Places like Bondi Junction would not be able to be developed and many centres will see this as stifling development.
- With no substantial or directed improvement for family living, the overall outcome is likely to be a reduction of 'fit for purpose' design where families are required to live in apartments. Requiring a dwelling mix, and minimum standards for children's play areas in any new apartment development may be useful starting points.
- The statement 'greater flexibility' should not provide a basis for lowering of standards.
- Weakening of deep soil provisions is a negative step and is strongly discouraged. This proposal is counter to the increased provision of canopy and deep soil identified elsewhere in the EIE.



- The removal of Part 5 from the ADG fails to address the real issue of delays; namely that understanding of requirements and / or failure to incorporate these is the real problem.
- Incorporating the ADG as 'matters for consideration' is not a strong enough application of the ADG to the assessment process. Combined with the other proposed weakening of criteria this could lead to a return to the poor designs that instigated SEPP65 in the first instance.
- Deletion of the number of design criteria can only be positive if a stronger overriding objective supportive by specific criteria is provided. That is not coming through in this document.

From a sustainability perspective, it is important for the ADG and BASIX to be in alignment. Waverley Council recommends that ideally all greenhouse gas reduction targets/commitments should sit within BASIX. Whilst the ADG should have guidance in relation to carbon that is consistent with BASIX, ideally all mandatory requirements would be clearly housed in the one tool.

BASIX is successfully delivering one of the only carbon reduction targets in Australia. It models greenhouse savings from technologies/design solutions for all new dwellings and major alterations and additions in NSW. Rather than mandating one action e.g. an energy consumption display in all apartments, it takes a metrics-based approach. If an energy educational display was included in BASIX, it would quantify the expected greenhouse gas savings from its installation. This would then show applicants the associated greenhouse savings from this action and give choice as to what actions applicants would find the most appropriate/cost effective in order to reach the BASIX Energy/greenhouse reduction target. This approach encourages evidenced based policy which results in a quantifiable benefit.

The BASIX tool packages design/technology choices into a clear list of conditions of consent. It marks clearly as to what sustainability requirements should be marked on the plan at DA and CC stage. Whilst education around these systems can always be strengthened, the development industry and Councils has been using this system since 2004 and are very familiar with this process. Keeping all sustainability-related requirements in one place is easier for applicants and councils alike.

A further strength of BASIX is that it keeps a record of all of the design decisions that a development makes and stores this data electronically. Recently, Waverley Council has accessed and reported on this data. It also allows the NSW Government to monitor the actual water/energy consumption of new dwellings post occupancy and also to report easily on the greenhouse/water savings for the State.

Potentially the Thermal Comfort provisions for apartments could sit with the ADG.

Currently the BASIX Thermal Comfort tool sets cooling and heating caps that apartments and houses must meet. There are two pathways for Thermal Comfort:

- i) Simulation method
- ii) Deemed to Satisfy (single dwellings only)

It may be practical that the requirements for Thermal Comfort for apartments sit within the ADG. This would then align design guidance around thermal comfort issues e.g. insulation, glazing, shading



requirements with the current ADG advice on solar gain and ventilation requirements. It would engage more architects in this process, which would have improved design outcomes.

New Urban Design Guide

The vagueness of the new Urban Design Guide makes it hard to provide any specific comments. The general direction that is intended for the Guide is supported, however the most meaningful feedback will come when a draft document is available.

The separation of the ADG and UDG makes sense to a certain extent. The Urban Design Guide will be most helpful for Planning Proposals, however the majority of developments within Waverley LGA are Development Applications for 'all other development', rendering the new UDG irrelevant because it is currently only proposed to be applicable for 'precinct' and 'significant development' project scales.

The Urban Design Guidelines are well intentioned, but they assume that all places are the same. All streets are to be of a certain width. This discourages innovation in Urban Design, such as a pedestrian-only centre proposed with a central car space and micro-mobility to dwellings. The future guidelines should not prevent new things from being envisaged. The opportunity to connect design that supports pedestrians and active transport with low-carbon precincts should be highlighted and strengthened.

Additionally, it should be highlighted that the approach used in BASIX could be used in the new Urban Design Guide when setting greenhouse policy on a precinct scale. The Department could:

- Set a benchmark
- Set a clear greenhouse gas and potable water reduction target
- Provides a framework which quantifies actual greenhouse gas/water savings at Precinct level
- Allow flexibility to meet target
- Allow government to set targets high enough that some outcomes will essentially be mandated

New Design Review Guide

Feedback received from Local Government on the matters of the new *Design Review Guide* (DRG) during the next exhibition of the draft Design and Place SEPP should be provided with great weight given the large impact that this Review Guide will have on the day to day processes of Development Assessment officers. As a draft *Design Review Guide* has not been made available at the time of writing this submission detailed feedback cannot be provided. Notwithstanding this, the listed aims and intents of the DRG and the inclusion of additional thresholds for design review are supported at this stage.



5. Sustainability in Residential Buildings

Overarching Sustainability and Resilience Comments

Without targets, it is hard to meaningfully comment on methodologies. The Principles should identify targets of the following form:

- **Principle 1** – Targets or BASIX Index for embodied energy (ie retaining heritage buildings).
- **Principle 2** – Targets of BASIX Index for Waste or circularity.
- **Principle 3** – Targets or BASIX Index for transport (eg fuels gas? EV support?) or walkability.
- **Principle 4** – Retain targets/Indices for Water mgt (onsite retention & reuse) add water quality, canopy, landscaped area and deep soil. Retain and strengthen existing BASIX thermal comfort, energy use. Greenhouse gas emission targets.
- **Principle 5** – Requires place-based climate adjusted hazard data for bushfire, flood, coastal erosion. Could also include drought, SLR and thermal safety. Consider design life targets to promote adaptive designs.

It is extremely hard to comment on Resilience considerations with no information provided on proposed resilience guidance. Notwithstanding this, comments on this topic are provided in Table 1.

Table 1 – Waverley Council suggested Resilience-related inclusions and targets

Proposed Resilience Guidance Item from EIE	Suggested inclusions	Potential performance benchmarks or targets
Toolkit: to guide identification of risks to address resilience, and to assess compliance with the resilience priority, and requirements of the SEPP	<ul style="list-style-type: none"> • Requirements for design solutions based on future climatic condition, not historical data. • Examples of designs that manage increasing intensity and frequency of natural hazards expected to result from a warming climate. • Clear guidance on how vulnerabilities are identified and treated via applicant requirements (see next slide) 	<ul style="list-style-type: none"> • NSW Govt endorsed place based (ie local scale) climate adjusted hazard data for bushfire, flood, coastal erosion. • Suggest include drought, SLR and thermal safety • Harmonise with resilient engineering standards on urban infrastructure eg roads and bridges, water management and energy supply (via State Infrastructure Strategy).
Strategic guide to planning for natural hazards in NSW : to inform the preparation of regional, district and local strategies and proposals to rezone land	Update and harmonization of existing hazard guidance, regulations, data and programs to include future climate conditions for <ul style="list-style-type: none"> • Floodplan Management • Bushfire Protection • Coastal Design • Drought Include Hazard mitigation in LEP and DCP guidance?	<ul style="list-style-type: none"> • Regularly revised hazard lines, data and metrics based on best available science • (Consider) Building Typology design life targets to promote adaptive designs based on place-based future hazards • Thresholds for “retreat, avoid, accommodate” adaptation responses



Resilience considerations should be spatial and temporal, and incorporated into requirements early, especially regarding applicant requirements. See Figure 1 for a draft worked example.

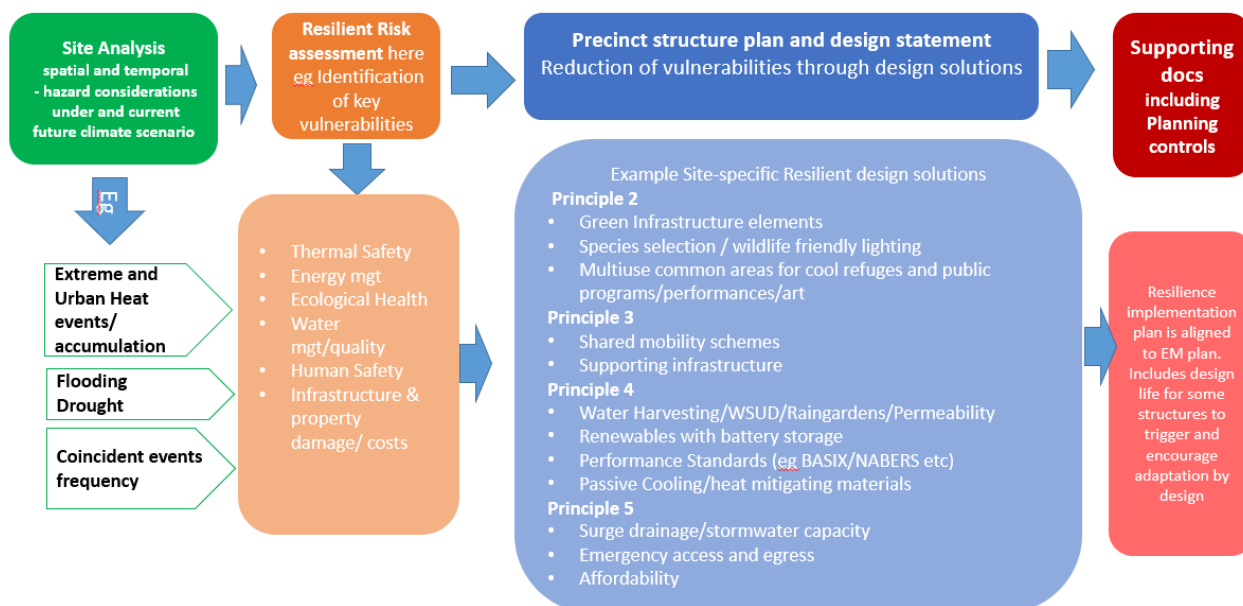


Figure 1 – Draft process of assessment of Resilience consideration through applicant requirements

With regards to meeting the Objects of the *Environmental Planning & Assessment Act 1979* (EP&A Act), the SEPP is expected to clearly and overtly target Object G - to promote good design and amenity of the built environment, through a method for design processes, design evaluation, and design review that is proportionate to the impacts and outcomes that contribute to a well-designed (healthy, responsive, integrated, resilient and equitable) built environment which includes inviting public spaces. Despite this, resilient design outcomes are poorly defined.

A principles-based SEPP may not meet all objectives of the EP&A Act. For example, ‘*Object (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources*’. Assessment in the absence of monitoring of sustainability and resilience is insufficient to ensure ecologically sustainable development. Also, ‘*Object (h). proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*’ cannot be assured through better design alone. The SEPP should also consider existing development and how to increase resilience in established areas.

Proposed Changes to the BASIX SEPP

Table 2 below outlines key concerns on the proposed changes to the Building Sustainability Index (BASIX) SEPP proposed under the Design and Place SEPP.

**Table 2 – Proposed improvements to BASIX and the Waverley Council response**

Design & Place SEPP changes	Waverley Council comments
<p>i) Sustainability targets that are currently embedded in the online BASIX tool will be included in the Design and Place SEPP</p> <p>- Staged and incremental increase in sustainability targets to enable industry to plan for future change and implementation in line with the NSW Government's Net Zero Plan.</p> <p>- By requiring development to contribute to the existing statewide, whole-of-economy target of 35 per cent reduction in construction and operational carbon emissions by 2030 (compared to 2005 levels) and setting future targets to achieve net zero emissions by 2050</p>	<p>Supported with proposed variations.</p> <p>Waverley Council supports both a rigorous review and update to the BASIX Tool as well as an increase in the sustainability targets.</p> <p>Waverley Council is advocating for BASIX Energy Targets and Thermal Comfort Targets to be strengthened and the BASIX Water Targets to be reviewed in light of updated climate data.</p> <p><u>BASIX Energy & Thermal Comfort Background</u></p> <p>As part of our recent <i>Future Proofing Residential Development to Climate Change study</i> (the Study), the sustainability performance of BASIX compliant building designs was modelled against future climate projections for the Eastern Sydney region for 2030 and 2070. Despite a relatively mild climate, all compliant dwellings in the Eastern Beaches failed the Thermal Comfort requirements for cooling by 2030, and by 2070 cooling loads increased on average 308% above the Baseline Year for all building types, based on modelling undertaken by WSP Global.</p> <p>This Study recommended that:</p> <ul style="list-style-type: none"> — The climate files used in the NatHERS software referred to in BASIX are updated to ensure dwellings are designed to withstand future conditions. — Design modifications are investigated for different building types to guide the Thermal Comfort policy setting in BASIX under future climate scenarios. — The Thermal Comfort Heating and cooling load balance in BASIX is reviewed, in particular the cooling cap. — The BASIX heating and cooling calculations for Energy scoring are reviewed. — A review of BASIX Energy scoring targets and provisions for multi-unit developments be undertaken, so that the lower target scores for Energy these attract reflect the inherent efficiency advantages for dwellings in higher density developments while encouraging improved efficiency measures and peak demand reductions from both common areas and individual dwellings. <p><u>In Summary:</u></p> <p>The key recommendation from the Future Proofing study is that NatHERS, BASIX or any other modelling tool eligible for use under the Design and Place SEPP <u>must be</u> grounded on future climate projections (e.g. 2030, 2050 or 2070) to ensure all residential & commercial development approved today is safe for our future, hotter climate.</p> <p>Waverley Council is calling on the DPIE to ensure that the Design & Place SEPP requires the use of future climate files in both the NatHERS Software that BASIX references and the BASIX tool for the 2022 update.</p> <p>If the NCC does not deliver future climate data in its 2022 NCC revision, Waverley Council is advocating for the NSW Government to lead the way.</p>



	<p><u>Implementation mechanisms</u></p> <p>There are two potential implementation mechanisms for updating climate data and ensuring that all NSW housing is built to withstand warmer temperatures.</p> <p><u>Mechanism 1</u></p> <p>The NSW Design & Place SEPP could require all NSW residential development through BASIX Thermal Comfort requirements to use a future climate scenario e.g. 2050 (<i>CSIRO RCP8.5 for Climate Zone 56</i>) in the NatHERS simulation assessment.</p> <p>Notes: 1) It should be noted that the current BASIX Tool is using a NatHERS climate file of 1970-2004. This should be updated to a current climate file immediately, and provisions made for a future climate file for 2022.</p> <p>2) this would require the BASIX Thermal Comfort Deemed-To-Satisfy provisions to be updated.</p> <p><u>Mechanism 2</u></p> <p>If NSW chooses to adhere to the national NCC framework in terms of climate data, then the NSW Government could set <i>more appropriate cooling caps in BASIX Thermal Comfort based on future climate projection data.</i></p> <p>Either of these methodologies would ensure that houses in NSW are built to withstand the increasingly warm climate we are already experiencing.</p> <p><u>Supporting evidence to increase the BASIX Energy Target for high-rise</u></p> <p>i) BASIX buildings are retrofitting their common area lights within 3 years of being built, to a cost of \$60k</p> <p>Waverley Council has analysed a number of BASIX built high-rise buildings through the Building Futures program, a program which supports energy efficiency reductions in common areas. In these buildings, the current BASIX Energy target of 25 was not high enough to drive high performance lighting in common areas, with developers installing fluorescent lights with no lighting controls. It is a common finding that within five years of being built, high-rise buildings are retrofitting their common area lighting (carparks, fire stairs, hallways) (up to a cost of \$60k) in order to save money for the Body Corporate. We are happy to share the energy audit reports of these examples with you.</p> <p>Action: Waverley Council advocates for a rise in the high-rise Energy targets to drive the uptake of the most efficient lighting controls in common areas as well as other energy efficiency technologies, in order to deliver greenhouse emissions reductions as well as financial savings for body corporates.</p> <p>ii) Future Proofing Study found that high-rise buildings find it easier to meet BASIX Thermal Comfort targets</p> <p>The Future Proofing Study found that high-rise buildings have a natural advantage to meet their BASIX Thermal Comfort provisions, due to their inherent design characteristics (insulation from other apartments etc).</p> <p>iii) All building types should contribute to government's Net Zero Plan</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	<p>We support the NSW Government's Net Zero Plan by requiring development to contribute to the existing statewide, whole-of-economy target of 35% reduction in construction and operational carbon emissions by 2030 (compared to 2005 levels) and setting future targets to achieve net zero emissions by 2050.</p> <p>Whilst achieving a 35% reduction in embodied carbon is challenging, achieving a > 35% reduction in operational carbon is not. Currently single dwellings, low rise and mid-rise are already achieving a 35 – 50% reduction in operational carbon emissions through BASIX. High-rise apartments are currently only achieving a 25% reduction in operational carbon emissions through BASIX. There is great opportunity for high-rise buildings to meet higher carbon reduction targets.</p> <p>Waverley Council supports a more ambitious staged Energy target increase supporting our Community Greenhouse Gas Emission Reduction Targets for 2030 and 2050:</p> <ul style="list-style-type: none"> • BASIX Energy targets to BASIX 60 for single dwellings and BASIX 50 for all multi-units by 2022 • BASIX Energy 70 for single dwellings and BASIX 60 for multi units by 2025 • BASIX Energy 80 for <u>all building types</u> by 2030 • BASIX Energy 90 for <u>all building types</u> by 2035 • BASIX Energy 100 for <u>all building types</u> by 2040 <p>Note: These target increases <u>must be supported by</u>:</p> <ul style="list-style-type: none"> • Upgrade the national greenhouse accounts (NGA) factors for the NSW electricity grid in BASIX; and • Update future climate data in BASIX and NatHERS. <p>These BASIX Energy Targets are achievable by:</p> <ul style="list-style-type: none"> • increasing thermal comfort standards (through future climate data or increased BASIX Thermal Comfort/Safety cooling caps), • delivering greater energy efficiency and the increasing improvement in energy efficiency technologies over time, • phasing out of natural gas in line with NSW Government net zero policy, • onsite solar PV • offsite commitment to power purchasing agreements (potentially monitored through NABERS) • the natural benefit to buildings as the grid 'greens' which will result when greenhouse coefficients for electricity are updated regularly. <p><u>BASIX Water</u></p> <p>The <i>Future Proofing Residential Development to Climate Change</i> study recommends:</p> <ul style="list-style-type: none"> — That the BASIX tool is updated with climate data that more accurately represents the near-term and longer-term future drier climatic conditions that these buildings and their occupants will need to withstand. Eg. 2050 NarCLIM data. That the BASIX calculations are retained, reviewed and adjusted in relation to outdoor water consumption (particularly the landscaped irrigation assumptions) given the predicted shifts in rainfall and evaporation for NSW. - Once the climate data is updated and the calculations are reviewed, further testing of different building examples is completed to ensure that all building types can meet the BASIX Water Targets.
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	<p>It is anticipated that when the climate data is updated in the BASIX tool, it may be challenging for <u>some</u> building types to reach the current BASIX Water targets without access to alternate water supply.</p> <p>The NSW Design & Place SEPP could require all new precincts in NSW to provide reticulated recycled water. Additionally, working to achieve this in existing brownfield sites should be a State priority.</p> <p>Through Waverley Council's Building Future's Program, we have witnessed examples of stormwater tanks connected to toilet flushing for high-rise apartment buildings. Whilst some buildings have had positive experiences, other buildings have had some issues. Moving towards larger scale stormwater reuse is something we will likely need to employ more of in the future. Whilst we support larger scale rainwater harvesting projects to be encouraged under the SEPP, all buildings that install a rainwater/stormwater tank connected to internal supply under BASIX should be subject to positive covenants with Council which covers compliance, maintenance and repair. We encourage the Department to survey buildings built under BASIX in relation to stormwater tanks and rainwater tanks, to ensure that systems are being correctly installed and maintained.</p>
ii)	<p>To promote consistency across the State, councils are currently not able to set their own higher or lower BASIX targets. This provision will continue to apply and is proposed to be transferred to the Design and Place SEPP. However, mechanisms to allow councils some flexibility in this area will be explored during development of the Design and Place SEPP.</p> <p>Support Councils requiring higher targets if the target trajectory does not meet their commitments under their LSPS</p> <p><u>Mechanisms to allow Councils to set higher targets in low Carbon precincts</u> Our Local Strategic Planning Statements (LSPS) gives effect to the two planning priorities from the Eastern Sydney District Plan.</p> <ul style="list-style-type: none"> i) Reducing carbon emissions and managing energy, water and waste efficiently (Greater Sydney Region Plan Objectives 33, 34, 35) ii) Adapting to the impacts of urban and natural hazards and climate change (Greater Sydney Region Plan Objectives 36,37,38) <p>The current BASIX targets limits our ability as local government to deliver on these commitments.</p> <p>One option to allow Councils to set higher targets would be:</p> <ol style="list-style-type: none"> 1) Planning commitments in place Recognize Councils who have: <ul style="list-style-type: none"> • nominated low Carbon precincts to set higher BASIX Energy/Water targets in those areas; e.g. the Bondi Junction Green Infrastructure Masterplan; or • LSPS or Greater Sydney District Plans <p>Higher targets could be administered through the BASIX tool on a postcode basis.</p>
iii)	<p>Provide more flexibility in the available assessment pathways to demonstrate a design meets sustainability</p> <p>Waverley Council does not support this.</p> <p>Waverley Council notes that if alternative assessment pathways are introduced this may introduce:</p> <ul style="list-style-type: none"> • a less/greater robustness in policy outcome depending on the tools implemented. • a less robust data set to allow NSW Government to report on sustainability outcomes.



<p>performance requirements</p> <p>C.2.1.1 An independent, merit assessment pathway</p> <p>C.2.1.2 Providing other assessment tools that 'plug in' to BASIX</p>	<ul style="list-style-type: none"> • A huge resource impost on Council's DA planners and • A high resource requirement to train and support staff managing multiple complex systems. <p>If the Design and Place SEPP <u>does</u> introduce alternate pathways, the NSW Government must ensure that they:</p> <ul style="list-style-type: none"> ○ are as robust (or better than) the current BASIX tool, ○ meet clear carbon/water reduction targets, ○ can quantify greenhouse/potable water savings, ○ are built for <u>all</u> residential building sectors, and ○ have the ability to capture and deliver data into the electronic planning system, to allow for the overall review and reporting of the BASIX greenhouse and water reduction targets and thermal comfort requirements. ○ Have a clear and well- resourced educational component and ongoing training for Council's DA planners and private certifiers. <p>It is absolutely essential that there is accountability and transparency in the assessment process. It is our experience that there is a diverse range of skills within the NatHERS assessor community. We have had occasional instances of fraudulent certificates for certificates.</p> <p>However, we also have concerns about the resource impost of multiple tools. If the NSW Government decides to go ahead with 'plug in' assessment tools, Waverley Council strongly advocates that this assessment must go through a non-Council process, such as the NSW DPIE's BASIX Team for assessment, and not through Council's normal DA process. Council does not have the resources to deal with multiple systems.</p> <p>We also advocate for more resources on education and training regarding the primary tool - BASIX. The Future Proofing project identified that the building industry and DA planners still require more support (potentially via educational videos) to ensure DA and CC plans are accurately and consistently marked with BASIX commitments and NatHERS stamps/spec blocks. Additionally, under the BASIX SEPP the certifying authority is required to generate a BASIX Completion Receipt following the final inspection and prior to issuing a final occupation certificate. This process is not always being completed and requires resourcing and potentially linking to the e-planning system as a mandatory requirement.</p>
<p>iv) Align sustainability performance requirements with the principles of the Design and Place SEPP</p> <p>E.g. Expand BASIX to include:</p> <p>* embodied energy – the energy consumed in producing the materials</p>	<p>Waverley Council officers do support this.</p> <p>Waverley Council recommends revising the Thermal Comfort provisions to become a "Thermal Safety" provision, which could sit either in Principle 4 or 5. This would ensure higher Thermal Safety standards are set to ensure that <i>community vulnerability to a warming climate is reduced</i>.</p> <p>This will result in buildings that:</p> <ul style="list-style-type: none"> • minimize their reliance on mechanical cooling, • reduce peak demand, • are affordable to keep cool, and • that will most importantly keep residents safe during a blackout. <p><u>Embodied energy</u></p>



<p>for the construction of the home</p> <p>* green infrastructure – this includes lawns, tree cover and gardens that can cool the site, reduce the energy required for cooling, and retain stormwater</p> <p>* stormwater run-off – the volume of stormwater that leaves the site, which is impacted by the use of rainwater tanks and green infrastructure.</p>	<p>The BASIX Energy index is a greenhouse reduction policy which delivers <u>operational energy efficiency gains</u> for tenants and body corporates and operational carbon reductions.</p> <p>A target which reduces embodied carbon is supported, however it is recommended that it is handled in a separate index of BASIX e.g. A BASIX Materials index. These targets should not be traded for operational carbon reductions. It should be noted that measuring embodied carbon is inherently complicated and that including this index does not simplify the planning process.</p> <p><u>Green infrastructure & Stormwater</u></p> <p>The <i>Future Proofing Residential Development to Climate Change</i> project recommended that:</p> <ul style="list-style-type: none"> the BASIX calculations are reviewed in relation to outdoor water consumption in landscaping <p>Additionally, it is Council's experience that BASIX promotes low water use/indigenous species, however it does not currently encourage shade trees for cooling benefit, or shrubs/ground covers to reduce urban heat loads.</p> <p>In the original conception of BASIX in 2004, it had a Stormwater Index. This could be a solution to implementing some of the green infrastructure / water quality objectives. For example, this could reward use of raingardens to improve stormwater quality or rainwater tanks for stormwater detention. It should be noted that rainwater tanks and stormwater tanks are recognized in BASIX Water Index from a potable water demand angle. More resources are required to ensure that small scale rainwater tanks are being fitted properly by plumbers and maintained by residents. A collaboration between DPIE, Sydney Water and Councils could help to address these challenges.</p> <p>There is also a strong connection between landscaping and stormwater management to resilience/ heat mitigation outcomes for urban environments. Recognising the benefits of landscaping in the BASIX Energy index would be potentially useful to encourage shade trees and ground covers to help mitigate urban heat, improve thermal safety and flood management. Melbourne City also has a Green Factor Tool, which scores urban heat island reduction, biodiversity, stormwater reduction, and other social indices. Developing a similar matrix for BASIX would be useful.</p> <p>Finally, ensuring that landscaping commitments are accurately delivered as part of the Occupation Certificate process is also important for DPIE to support through the provision of training and resources to certifiers.</p>
<p>v) Measure and report on sustainability performance requirements in a consistent way to other jurisdictions</p>	<p>Supported with variation.</p> <p>Waverley Council strongly supports a well-resourced monitoring and evaluation component of the NSW Design & Place SEPP. As per the recommendations in the Future Proofing Study that called for the establishment of a monitoring & evaluation protocol that ensures that:</p> <ul style="list-style-type: none"> — BASIX is reviewed and adapted on a regular basis — Utilities are required to monitor the energy and/or water consumption of BASIX dwellings to support robust data in BASIX



WAVERLEY COUNCIL

		<p>— The BASIX methodology is published to allow for peer review</p> <p>— Ensure that revenue from the BASIX State Environmental Planning Policy (SEPP) is utilised for tool maintenance and enhancement</p> <p>Waverley Council would support:</p> <ul style="list-style-type: none"> • a serious peer-review and major update of the BASIX tool for 2022 • ongoing updates as per NSW Government published schedule, for example: <ul style="list-style-type: none"> ○ minor updates every 6 months ○ a 'moderate review' and upgrade every 2 years in line with target increases. ○ A 'major review' every 5 years based on outcomes from monitoring and evaluation programs. <p>The Design & Place SEPP/BASIX should continue to report on annual greenhouse gas emissions reductions and potable water reductions from the built environment and share this with its national and interstate counterparts.</p> <p>All components of the Design & Place SEPP e.g. the Apartment Design Guide & Urban Design Guide must be updated to the same schedule.</p>
vi)	Improve customer experience in using tools	<p>Supported.</p> <p>Waverley Council strongly supports an update to the existing BASIX website and help notes (as well as the BASIX calculations/policy/technologies).</p> <p>Council requests a better resourced education/training of BASIX to Council sustainability staff, DA planners, compliance staff, as well as industry professionals.</p>
vii)	Promote innovation/recognize emerging technologies	<p>Supported with variation.</p> <p>Waverley Council tentatively supports the update of the BASIX tool with new technologies, however, these technologies must be well established in the market place and have robust and independent studies (preferably by Universities) proving that these technologies meet the advertised greenhouse/water reduction targets.</p>
viii)	Biannual tool update	<p>Supported.</p> <p>See response to v) above</p>
ix)	Transparency	<p>Recommendation.</p> <p>Waverley Council is advocating for a detailed review of calculations and making the methodology publicly available to ensure transparency and to facilitate peer review. At BASIX's inception the methodology was published for a number of years, which developed trust with industry and government.</p> <p>Reporting on the amount of revenue raised by BASIX and the amount spent on maintenance would also show transparency and commitment to maintaining this important State policy.</p>
x)	BASIX Plus	<p>Not supported.</p>



		<p>Waverley Council does not support the development of a 'BASIX Plus' marketing tool. The current BASIX tool already recognizes best practice, it is understood that the higher the BASIX Score, the more energy/ water efficient the development is. E.g. a development that reaches a BASIX Energy Target of 80 is reducing its greenhouse gas emissions by 80% compared to the NSW average benchmark from 2004. Consider investing in educational resources so users clearly understand the current system.</p> <p>A BASIX 100 development has reached net zero operational carbon (based on a 2004 benchmark).</p>
xi)	BASIX benchmarks are reconfigured	<p>Not supported.</p> <p>Waverley Council does not support the BASIX benchmark being reconfigured. The BASIX benchmark is an important framework in delivering a target-based greenhouse/water reduction scheme. Losing these would:</p> <ul style="list-style-type: none"> • Reduce education around good design – without the quantification of carbon/water savings per technology/design feature – developers/building designers would not understand what actions contributed the most to greenhouse/water reduction. • Without the benchmark system, NSW Government will lose the ability to report on actual greenhouse/water savings for the State. <p>Note: as the grid continues to green, and is eventually 100% renewable, then the BASIX Energy index could have a new benchmark based on energy consumed (MJ/person.year) to encourage energy efficiency.</p> <p>Waverley Council strongly advocates for keeping the existing benchmark framework. To achieve a higher greenhouse/water reduction target, then DPIE could both:</p> <ul style="list-style-type: none"> • Increase the BASIX targets • Update climate data and National Greenhouse Accounts (NGA) factors for the NSW electricity grid.
xii)	<p>Allow tradeoff between Thermal Comfort and Energy/Greenhouse gas emissions</p> <p>C.2.1.3 Allowing a tailored approach for thermal comfort and energy performance</p>	<p>Not supported.</p> <p>Waverley Council does not support the trade off between Thermal Comfort and Energy/Greenhouse gas emissions reductions in BASIX.</p> <p>From a Thermal Safety standard, it is essential that thermal comfort provisions are strengthened and met every time by developments.</p> <p>To reach net zero operational carbon (BASIX 100), buildings need to:</p> <ul style="list-style-type: none"> • Achieve Thermal Comfort standards i.e. good building design + • Be energy efficient (i.e. lower carbon emissions and ongoing costs) + • Offset the remainder of their energy needs/carbon emissions with renewable energy (either onsite, through the greening of the grid, or at a last resort offsite PPAs).
xiii)	Alignment of BASIX with NSW Government's Net Zero targets.	<p>Supported.</p> <p>Waverley Council supports the NSW Governments intention to update building and planning controls to align with the NSW Government's net zero targets.</p>



xiv)	Future index - transport	<p>BASIX could be expanded to promote good urban design at a precinct scale by recognizing the greenhouse gas benefits of reducing our transport carbon footprint.</p> <p>Whilst all of the ideas below are currently in Council's DCPs, the advantage of establishing a carbon reduction framework, benchmark and target is that it would allow the NSW Government and councils to report more easily on their transport planning policies.</p> <p>A new BASIX Transport index could set a target for % greenhouse reduction from travel, which could encourage:</p> <ul style="list-style-type: none"> • Installation of EV charger in apartments and residences • Provision of bicycle storage and lockers in all residential development (this is not only an issue for apartments, but also townhouses/villas) • Provision of carshare facilities in large scale multi-unit developments • Recognition of development location to nearest amenity / village centre (i.e. walkability) • Recognition of development location to public transport • Supporting zero or low rates of car parking spaces in areas close to public transport, with consideration of: <ul style="list-style-type: none"> a. Access to frequent public transport services and; b. Inclusion of pickup/drop down spaces for residents within the development to cater for less mobile populations e.g. elderly, disabled, families with young children.
xv)	Future index Waste/ Materials	<p>Supported.</p> <p>Develop a Waste/ Materials index in BASIX to:</p> <ul style="list-style-type: none"> - Lock in best practice for waste & recycling storage areas and signage in common areas of all new residential development. Including: <ul style="list-style-type: none"> o General waste, recycling, less typical waste eg. Textiles/e-waste, bulky waste storage room, storage facilities, ease of access - Lock in best practice for waste vehicle collection access eg. Turning circles etc. - Lock in best practice for waste & recycling storage areas within kitchen design of all new residential development. - Promote organic waste diversion, through onsite or offsite solutions. - Promote recycled content of building materials eg. <ul style="list-style-type: none"> o Reused bricks in new developments o Recycled glass used in common outdoor areas/paved surfaces o Recycled wood/sustainably harvested timber o Recycled plastic o Recycled concrete o Recycled steel o E.g. could set a target that 10% of materials have recycled content during construction o Challenges – this would require third-party certification - Could be developed in line with other BASIX indices with metrics based on per capita waste/recycling targets either during construction or operation of building



xvi)	Recognizing conflicts in sustainability	Some conflicts already exist when delivering sustainable development. For example, a development may prioritise a roof garden and hence not have room for Solar PV. As sustainability indices are expanded within the Design & Place SEPP, some mechanisms need to be designed to cope with any conflicts of use of space to meet both water/energy/transport targets.
xvii)	Importance of focusing on existing houses	<p>The BASIX Alterations and Additions policy needs to be reviewed and strengthened, as it is quite out of date.</p> <p>The Future Proofing Residential Development to Climate Change project has just completed a review of Alts & Adds in the Eastern Suburbs region. It provides some recommendations for a review and update, and calls on the Department to fund a more comprehensive review.</p>

6. Waste

Waste management is a key aspect of sustainability which can make a substantial difference to the way places function. Sustainable waste management practices through design should be implemented as a consideration throughout the *Design and Place SEPP* and its accompanying documentation in accordance with Tables 3 and 4 as follows:

Table 3 – Waste considerations within the *Mandatory Matters for Consideration*.

Matter for Consideration	Waverley Council Comments
4. Local Living	<p>By planning for waste storage and collection at back of house, there is no impediment of cycleways or pedestrian access. When bins are presented on the footpath, it most often leads to obstruction safety issues.</p> <p>Include precinct planning with mandated back of house waste collection where required.</p>
5. Street Design	<p>Ensure streetscape is designed with waste infrastructure storage and servicing planned for at the start to avoid impeding on pedestrian flow and connectivity (by keeping bins off the footpath)</p> <p>Offer incentives for voluntary planning agreements for shared waste storage/servicing access. This has huge benefits for the community as it may mean a reduction in roller doors at street level (for servicing truck access), improves amenity and saves space.</p>
7. Green Infrastructure	Include principles from the <i>Circular Design Guide</i> as a requirement to facilitate product reuse, recycling, and cascading is recommended. Circular design includes: material selection, standardised components, designed-to-last products, design for easy end-of-life sorting, separation or reuse of products and materials, and design-for-manufacturing criteria that take into account possible useful applications of by-products and wastes.
8. Resilience	Incorporate sustainably sourced materials that have longevity and resilience to climate change.
10. Density	Waste servicing in dense communities is challenging, particularly for on-site collection. Often private contractors are engaged as they have smaller vehicles



	which allows for a nicer building design with smaller truck access opening, however this is not desirable as it means an increase in truck movements (carbon emissions) and costs to our community. Controls around waste servicing particularly at a precinct level are recommended.
17. Emissions and Resource Efficiency	<p>Currently there is limited data for measuring waste management efficiency. NABERS exists for office spaces only. There should be best practices targets for waste management. For example:</p> <ul style="list-style-type: none"> • Minimise the generation of unnecessary waste. • Maintain principles of circular economy and reduce waste sent to landfill. • Design for source separation of waste at the point of generation at all stages of development. • Ensure all residents and businesses have access to recycling and reuse systems • Minimise collection vehicle movements

Table 4 – Waste considerations within the revised Apartment Design Guide

ADG Matter	Waverley Council Comments
Best Practice	Best practice waste management needs to be incorporated into the ADG, but it is less clear what best practice refers to. Providing best practice guidelines that have meaningful information to draw from is key.
Potential Waste Targets and Measures	<p>For the environmental assessment (Part 5), <i>waste management</i> (4W) is listed as the measure, however waste management is tricky to measure, and requires design targets for apartment buildings for waste management (as none currently exist). The purpose of these targets is to:</p> <ol style="list-style-type: none"> 1. Minimise the generation of unnecessary waste. 2. Maintain principles of circular economy and reduce waste sent to landfill. 3. Design for source separation of waste at the point of generation at all stages of development. 4. Ensure all residents and businesses have access to recycling and reuse systems 5. Minimise collection vehicle movements
Design Criterion	<p>Similar to <i>design criterion</i> will require development applications to demonstrate, through a landscape maintenance plan, how green infrastructure including tree canopy and green cover, in deep soil and on structures, will be maintained and sustained over the life of a building, introducing a design criterion for (1) waste circularity in construction and (2) waste minimisation, (3) responsible waste management post-construction that includes as a minimum:</p> <p><i>Waste circularity in construction:</i></p> <ol style="list-style-type: none"> 1. Include sustainable, ethically made, and locally sourced materials in the building materials (A materials schedule could be put forth as suggested in the draft SEPP page A25)



	<ol style="list-style-type: none"> 2. Include recycled content in building materials including any road surfaces 3. Include repairability of materials 4. Report carbon footprint of materials <p><i>Waste minimisation in design:</i></p> <ol style="list-style-type: none"> 1. Allow for space to recover problem wastes (e.g. textiles, electronic waste, etc) 2. Allow for space to store all waste and recycling and other wastes generated 3. Design waste storage rooms to ensure residential waste is stored separately to non-residential waste <p><i>Waste Management post-construction:</i></p> <ol style="list-style-type: none"> 1. Location of all waste and recycling storage areas. 2. Responsibilities for cleaning bins, transporting bins to the nominated collection point, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants. 3. Directions for cleaning and maintaining the waste storage areas and bins 4. Signage placement to identify different bin types, where to place bulky household waste and problem waste 5. Bin placement to ensure recycling bins are placed alongside the general waste bins for ease of access and to encourage recycling habits. 6. Measures to ensure that all waste and recycling bins do not remain on public land for extended periods 7. The occupant/body corporate must have one copy of the Waste Management Plan and make this available upon request. 8. Details of ongoing waste management strategy are to be documented within the Waste Management Plan and updated (for example every 5 years or when a change occurs)
Design Criteria	<p>The proposed design criteria (Table A8) for waste management, states "Provide new design guidance: waste facilities for residential and non-residential uses to be separated"</p> <p>In general councils already require separate waste storage rooms for residential vs non-residential waste. To truly improve waste management, increase recycling and circular economy principles, the New Design Guide could incorporate many other principles that align with the NSW 20 Year Waste Strategy and circular economy principles.</p> <p>Referring to best practice (stated earlier) and including the <i>Circular Design Guide</i> as a requirement to facilitate product reuse, recycling, and cascading is recommended. Circular design includes: material selection, standardised components, designed-to-last products, design for easy end-of-life sorting, separation or reuse of products and materials, and design-for-manufacturing criteria that take into account possible useful applications of by-products and wastes.</p>



Missing Waste-Related Information

1. Ensure links to legislation, policy and strategic direction are clearly laid out, for example:
 - a. Link to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) – to offer approval processes for Recycling Equipment and Facilities.
 - b. Link to Infrastructure SEPP – to ensure planning for waste facilities is made available to local councils while transportation to the facilities are optimised to reduce the environmental and social impacts.
 - c. NSW 20 Year Waste Strategy (to be released this year).
 - d. Relevant legislation, e.g. Protection of the Environment Operations Act 1997.
2. Waste data: This summary in Figure 2 below outlines some of the data sources and rational for waste measures that could be employed.

Key jurisdiction-wide waste data collection pathways, requiring the implementation of classification systems	Primary purposes / end-uses of the information
<ul style="list-style-type: none"> Annual Survey of Local Government (waste and resource recovery) Monthly reporting by licensed waste facilities in the Regulated Area (SMA, ERA and RRA)⁵ Annual reporting by licensed waste facilities in non-regulated areas All data from household Chemical Cleanout program Transport certification data on Controlled Hazardous Waste Several reprocessing industry surveys for select material categories in C&I and C&D waste streams (part-funded or undertaken on behalf of OEH) Litter survey (undertaken by Keep Australia Beautiful) 	<p>Primary reasons for data collection:</p> <ul style="list-style-type: none"> Payment of landfill levy under section 88 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) Demonstrating compliance with the conditions of an environment protection licence under Schedule 1 of the POEO Act Tracking hazardous waste within NSW and interstate in accordance with <i>Movement of Controlled Waste NEPM</i> Reporting against NSW <i>Waste Avoidance and Resource Recovery (WARR) Strategy</i> performance indicators in 4 key result areas <i>WARR Act</i> requirements for <i>Extended Producer Responsibility</i> Priority Statements Requirements of the NEPM for used packaging materials <p>Key waste data published for legislative requirements :</p> <ul style="list-style-type: none"> Two-yearly (approx.) report on progress of NSW <i>Waste Avoidance & Resource Recovery Strategy</i>, reported in four key result areas: <ul style="list-style-type: none"> - Resource Recovery - Waste Prevention & Avoidance - Toxicity - Litter & illegal dumping <i>Extended Producer Responsibility</i> Priority Statements (as required)

Figure 2 Data Sources and Waste Measures (source: Hyder, Waste Classification in Australia, 2011).

3. Resources and Decision making tools: For example, The Material Circularity Indicator (MCI) tool allows companies to review products to rigorously measure the circularity of material flows for selected products.

7. Designing for Country

In the first instance, the voice of Aboriginal people must be enshrined in the preamble of the constitution. The statement from the Heart must become something we are all a party to. The Makarrata, or coming together after a struggle, is a truth telling exercise which is what we need if we



are to confront the past and move forward together as a nation. Then we can start to think about what it means for planning.

with the principle of connecting and design for Country is welcomed and strongly supported, however it is difficult to understand how the Design and Place SEPP will facilitate engaging meaningfully with an Aboriginal community that is fractured, sparse and over solicited. In the experience of Waverley Council officers, Aboriginal communities decide what knowledge is to be shared with whom and in what time frame. Building the relationship is takes involvement and time – a larger investment usually than the timeframe of most projects.

Waverley Council officers imagine that ‘to **prioritise country**’ is a kind of environmental respect for natural systems, protecting fragile ecosystems and guarding against natural disasters, maybe even encouraging traditional Aboriginal Land Management methods. It is respect for sacred places that are part of the dreamtime, the everywhen. The places of ritual, women’s places, men’s places, the songlines and web of connections across the continent. It is a whole world view and vast area of knowledge that is only accessible to Aboriginal people, and is vastly removed from a Western planning system. Inclusion of the Connecting to and Designing for Country frameworks in the proposed SEPP is strongly supported, however these principles must be championed by State-led developments and precincts as well. Indeed, in some situations the meaningful consideration of Country may require an adjustment to a Strategic Plan to better incorporate more appropriate land management methods or to accommodate and respect places of significance.

As a Nation, we have not stopped destroying aboriginal Culture and Country since 1788. Since 2016, over 400 applications to impact or harm Aboriginal Heritage sites in NSW have been approved by the NSW Government. 100% of Aboriginal Heritage impact permits have been given formal approval. This was confirmed by Minister Don Harwin at Budget estimates on 25th February 2021.

For the planning, design and developer community to be able to design for Country and engage meaningfully with the Aboriginal community, the State will need to facilitate the engagement process so that the appropriate knowledge and Custodians are involved from the beginning of a strategy or project.

8. Design Skills

The requirement for suitably qualified and experienced design professionals to be designing developments that are three or more storeys, open space over 1000 m2, and precincts and significant development is highly praised. The proposed minimum design skill requirements are expected to increase accountability and better achieve a superior design of the built environment where a project is likely to have a high impact on the environment or community due to its scale or future population.

The introduction of a requirement for involved leading planners to hold minimum qualifications for the same larger developments is recommended too, to ensure that all key professionals involved with a substantial project are adequately suited to provide the best outcome possible. Suitable leading planners should be required to hold tertiary qualifications in a planning related degree and be a full Planning Institute of Australia member.



A minimum experience requirement for both leading designers and planners for these larger developments is also suggested. This may be by way of demonstrating experience on a project of a similar scale in a similar urban context.

9. Application Requirements

The implementation of minimum application requirements is supported; however, they should be further detailed to ensure that they are consistently applied. An example of each of the four application requirements, including a site analysis, a precinct structure plan, a design statement, and precinct planning supporting documents should be provided in the SEPP to ensure that the quality of each document is consistent.

10. Transitional Provisions

Waverley Council officers note that the EIE specifically asks for feedback on the lead time required by stakeholders for the components of this SEPP to inform the making of the identified transitional provisions. For Waverley this means the time needed to “ensure appropriate skills are in place to meet the assessment requirements under the SEPP”. This would largely involve briefing Strategic Planning, Urban Design, Development Assessment, and Sustainability officers on the requirements of any new SEPP and undertake a detailed analysis on key impacts for the Waverley area. In addition, Council would brief the Design Excellence Panel and the Local Planning Panel to ensure a complete understanding of any proposed new framework. Waverley Council officers ask that a timeframe of 3 months is provided to arrange for this.

REPORT
PD/5.3/22.04

Subject: Planning Proposal - Waverley Heritage Policy Implementation

TRIM No: A20/0261

Author: Emma Rogerson, Acting Senior Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Notes that the Waverley Heritage Policy was first adopted by Council on 8 June 2021.
2. Notes that Council requested further consideration of the following matters:
 - (a) Western boundary for the O'Brien Estate Urban Conservation Area (UCA).
 - (b) Western boundary for the Bondi Basin UCA (formerly named the Inter-War UCA).
 - (c) Group local listing for 50–58 Campbell Parade.
3. Adopts the amended Heritage Policy with the inclusion of the following amendments:
 - (a) Add a group local listing for 50–58 Campbell Parade.
 - (b) Amend the western boundaries of the O'Brien Urban Conservation Area and the Bondi Basin Urban Conservation Area (as shown in Attachment 1 – Proposed Heritage Maps).
4. Endorses the inclusion of the entire Waverley War Memorial Hospital site bounded by Birrell, Bronte, Church and Carrington Road as a local Heritage Conservation Area for inclusion as part of the planning proposal.
5. Notes the Waverley Local Planning Panel's advice on the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 2).
6. Supports the Waverley Heritage Policy Implementation planning proposal attached to the report (Attachment 1) being forwarded to the Department of Planning and Environment (DPE) for Gateway Determination.
7. Notes that the planning proposal will implement the changes in the amended Waverley Heritage Policy, as well as the new proposed Waverley War Memorial Hospital Conservation Area. The planning proposal will also update existing item number A541 to rectify a housekeeping error.
8. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway Determination that may be issued by the DPE.

9. Requests the role of local plan-making authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Executive Summary

Council is required to maintain a list of heritage items and heritage conservation areas that are significant to the local area under the Waverley Local Environmental Plan (WLEP) 2012. In 2020, a comprehensive Waverley heritage review occurred resulting in the preparation of the Waverley Heritage Policy, which was adopted on 8 June 2021, with the exception of three components where Council requested that further investigation be carried out. A review of these three components has now been undertaken with a preferred approach formulated.

The Waverley Heritage Policy Implementation planning proposal has been prepared to implement the items and conservation areas listed in the Heritage Policy, including the suggested amendments to the Policy outlined in this report. The changes result in four new UCAs, four amended UCAs, one new Landscape Conservation Area (LCA) and one amended LCA. There are also 44 new heritage items.

This planning proposal will also add a new proposed Waverley War Memorial Hospital Conservation Area and rectify a housekeeping error relating to existing item A541.

2. Introduction/Background

The heritage assessment was undertaken by Council staff over a 2-year period and represents the most comprehensive and detailed study ever undertaken on the heritage of the local government area (LGA). Over 7,000 letters were sent out and consultation was sought through the Council website. An unprecedented number of positive responses was received with over 70% support for the new and modified Heritage conservation areas and new locally listed Items.

A reduction of the number of listed items and the exact boundaries of two of the UCAs identified above were undertaken following the Council meeting of the 8 June 2021, at which various submissions from the community were received. Feedback was also received from Councillors during workshops held on 29 of June 2021 and 8 March 2022. Further consideration was given to the boundaries of the two UCAs which resulted in the modifications to the attached Planning proposal.

Schedule 5 of the *Waverley Local Environment Plan 2012* (WLEP 2012) provides a list of heritage items (Part 1), heritage conservation areas (Part 2), and archaeological sites (Part 3). This list is accompanied by heritage maps that identify the location and boundaries of Conservation Areas and heritage items.

The Waverley Heritage Policy has focused on utilising heritage conservation areas to conserve heritage, where possible. This serves to conserve streetscapes of heritage significance, the character of an area, its architectural history and historic tree canopies.

The proposed amendments include the following:

1. Add four new Urban Conservation Areas (UCA) – General:
 - Avoca Estate.
 - Bondi Road.
 - Bondi Basin.
 - O'Brien Estate.

2. Amend four UCA – General:
 - Charing Cross.
 - Yanko-Lugar Brae (formerly Evans Street).
 - Grafton Street.
 - Palmerston.
3. Add one new LCA:
 - Dickson Estate.
4. Amend one LCA:
 - South Bronte-Calga Headland.
5. Add 44 heritage items, including 43 general heritage items and one landscape heritage item.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 March 2022	CM/7.6/22.3	<p>That Council:</p> <ol style="list-style-type: none"> 1. Supports the planning proposal attached to the report to repeal the <i>Waverley Local Environmental Plan 2012</i> and establish the <i>Waverley Local Environmental Plan 2022</i>, subject to deleting the reference that supports the introduction of the previously proposed land acquisition map (last paragraph of section 2.4, page 87 of Attachment 4 of the report). 2. Notes that the War Memorial Hospital Complex is proposed to be listed as a Heritage Conservation Area in the heritage planning proposal. 3. Notes the matters raised in the submissions made on the public exhibition of the draft <i>Waverley Local Environmental Plan 2022</i> planning proposal. 4. Forwards the submissions, planning proposal and exhibition report to the Department of Planning and Environment, and requests that they take the post-exhibition changes into consideration in the post-Gateway assessment, as set out in Table 1 of the report. 5. Requests the Department of Planning and Environment to exercise the delegations issued by the Minister under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the new Local Environmental Plan. 6. Notifies property owners of Council's decision.

		<p>7. Notes that despite the 10-week consultation period for the <i>Waverley Local Environmental Plan 2022</i>, the 10 weeks occurred during the time of the Council caretaker period, the Council elections of 2021, as well as the six-week Christmas school holiday period, hampering community engagement and the consultation period.</p>
<p>Council 15 February 2022</p>	<p>CM/6.2/22.02</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Declares the setting of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road as a Heritage Conservation Area and includes it in schedule 5 of the <i>Waverley Local Environmental Plan 2012</i>, as recommended in the 5 May 2020 Council report CM/7.5/20.05(1). 2. Includes this amendment in Heritage Policy Implementation planning proposal to be put to Council in April. 3. Writes to Heritage NSW to ask that the State Heritage Listing be expedited.
<p>Strategic Planning and Development Committee 8 June 2021</p>	<p>PD/5.1/21.06</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopts the Heritage Assessment/Policy attached to the report (Attachments 1–3), including the following key recommendations: <ol style="list-style-type: none"> (a) New Urban Conservation Areas (UCAs): <ol style="list-style-type: none"> (i) Avoca Estate UCA. (ii) Bondi Road UCA. (iii) Referring the proposed Bondi O'Brien Estate UCA and Bondi Inter-War UCA to a Councillor workshop. (b) Amended Urban Conservation Area: <ol style="list-style-type: none"> (i) Charing Cross UCA. (ii) Yanko-Lugar Brae UCA (formerly Evans Street). (iii) Grafton Street UCA. (iv) Palmerston UCA. (c) New and amended Landscape Conservation Areas (LCAs) to their boundaries:

		<ul style="list-style-type: none"> (i) Dickson Estate LCA. (ii) South Bronte-Calga Headland LCA. <p>(d) 47 individually listed heritage items on the updated list reviewed by Council's Independent Heritage Expert Panel, subject to:</p> <ul style="list-style-type: none"> (i) Removing 19 Ocean Street North, Bondi, from the list. (ii) Removing 309 and 311 Bondi Road, Bondi, from the list. (iii) Removing 28 and 29 Park Parade, Bondi, from the list. (iv) Referring 50–54, 56 and 58 Campbell Parade, Bondi Beach, to a Councillor workshop to consider their merit for heritage listing. (v) Updating the heritage inventory sheets for 223–227 Bronte Road/94 Carrington Road, Waverley (Lots A and B DP 332733), to list only the façade fronting Bronte Road. <p>(e) One significant historical tree site reviewed by Council's Independent Heritage Expert Panel.</p> <p>2. Prepares a planning proposal to implement the relevant Heritage Assessment/Policy recommendations into the <i>Waverley Local Environmental Plan 2012</i>.</p> <p>3. Prepares Inter-war Design Guidelines to guide future development in Urban Conservation Areas and inter-war buildings in the local government area (LGA). The Guidelines should:</p> <ul style="list-style-type: none"> (a) Encourage the retention of core (internal and external), original and early fabric and streetscapes. (b) Provide appropriate colour palettes to help reinforce the heritage nature of the UCAs. (c) Provide guidance regarding appropriate modifications. <p>4. Supports raising the profile of heritage in the LGA to reflect its status as Australia's second oldest municipality (at 162 years) and in acknowledgement</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>of the significant levels of support for heritage expressed during the public exhibition of the draft Heritage Assessment. Initiatives could include:</p> <ul style="list-style-type: none"> (a) Waverley's thematic history being updated regularly, and detailed histories as included in the State Heritage Inventory sheets for each of Waverley's heritage conservation areas being updated and published on Council's website. (b) Events, heritage walks and open days being held involving items and places of heritage significance. <p>5. Supports further research on matters arising from the public exhibition of the draft Heritage Assessment as part of a future body of work, including:</p> <ul style="list-style-type: none"> (a) Investigating obligations or incentives for owners to maintain heritage buildings to prevent demolition by neglect. (b) Renewed dialogue with the Heritage Office on how the insurance industry responds to conservation areas to reduce premiums for owners. (c) Assessing future listings as individual heritage items. (d) Preparing State Heritage Inventory (SHI) Sheets for new Schedule 5 list items and updating SHI sheets where they exist, and the preparation of new ones where not prepared for the Schedule 5 heritage list to reflect new research. (e) Assessing selected mature trees for inclusion on the significant trees register to preserve the character of the area and act as a heat sink against climate change. <p>6. Supports further investigation of ways to mitigate the negative impact the Codes State Environmental Planning Policy has on heritage fabric across the LGA.</p> <p>7. Notes the requirement to prepare the next phase of historical research on how First Nations people have interacted with the area now known as Waverley.</p>
Council 5 May 2020	CM/7.4/20.05(1)	<p>That Council:</p> <ul style="list-style-type: none"> 1. Publicly exhibits the Waverley Heritage Assessment attached to this report, including the additional work being done to extend the Charing Cross Urban

		<p>Conservation Area, for a period of 42 days, including notifying the owners of each property that is proposed for listing.</p> <ol style="list-style-type: none"> 2. Extends the Charing Cross Urban Conservation Area proposed boundary to include the area bounded by Carrington Road, John Street, Henry Street (both sides of the street) and Victoria Road, and prepares a heritage inventory form reflecting this change prior to being exhibited. 3. Undertakes additional research to establish a more detailed record of Aboriginal associations with the area, with a focus on understanding how Aboriginal people used (and use) Waverley as a place, building on the information already included in the Waverley Aboriginal Cultural Heritage Study.
Strategic Planning and Development Committee 1 December 2020	PD/5.4/20.12	<p>That Council appoints the following panel members to the Independent Expert Panel that will assist with assessing the public feedback on the draft Waverley Heritage Assessment:</p> <ol style="list-style-type: none"> 1. Heritage specialist members: <ol style="list-style-type: none"> (a) Dr Roy Lumby (Tanner Kibble Denton). (b) Kate Denny (Lucas Stapleton Johnson and Partners Pty Ltd). (c) Anita Panov and Andrew Scott (Panovscott Architects). (d) Sharon Veale (CEO – Godden Mackay Logan). 2. Community representative members: <ol style="list-style-type: none"> (a) Steven Thomson. (b) Sylvia Hrovatin. (c) Louise Mitchell. (d) Patrick Flanagan. 3. A representative of a First Nations community group.

4. Discussion

The previous Waverley Heritage Policy was prepared over 15 years ago. In 2020, Council staff reviewed the Waverley Heritage Policy of 2007 and associated Schedule 5 of the WLEP 2012 based upon recent field investigation, increased recognition of Waverley's Inter-War architecture and the improved availability of historic documentation.

Since the last heritage review, some architecture styles have become more celebrated. There is a greater understanding of the role particular types of architecture play in the area's evolution, and how their history connects with their wider social context. Inter-war flat buildings—most of which are nearing 100 years old—are one such example of an architectural type and style now being viewed with growing affection.

Ongoing change and development in Waverley must be well-considered to ensure their significance is preserved. In some parts of the municipality, there has been a loss of particular styles over time, making the surviving examples even more important to preserve. The planning proposal highlights areas and items that are considered significant.

Waverley Local Planning Panel Advice

On 23 June 2021 the Proposal was presented to the Waverley Local Planning Panel (WLPP) for their review and advice. The Panel has considered the information that was circulated to it by Council email on 17 June 2021, which included:

- Summary report.
- planning proposal Waverley Heritage Policy Implementation.
- Waverley Heritage Policy.

The Panel advises Council that the building at 63 Fletcher Street has been demolished and therefore should be removed from the list of proposed heritage items.

The Panel supports the planning proposal for the Waverley Council Heritage Policy to proceed to Gateway determination.

The full minutes of the WLPP meeting is provided in Attachment 2.

Boundary changes to the Bondi Basin and O'Brien Estate UCAs

Bondi Basin UCA

After reviewing the subject areas and considering the heritage qualities of individual buildings and streetscapes, combined with documentary evidence, new boundaries are proposed that take a more fine grain approach in the fringe zones of the UCAs.

In the Bondi Basin UCA, the Wellington Street streetscape south of Curlewis Street was considered to have a streetscape of Inter war and Federation buildings of a consistent scale and quality and should be retained in the UCA. Of particular note is the grouping of inter-War flat buildings on the western side of the street at the northern end. It was considered however, that Simpson Street, north of number 26 had been altered over time such that the heritage consistency was less apparent. This section is proposed to be removed from the UCA.

The area south of and including number 26 Simpson Street contains two sandstone dwellings as well as fine inter-war residential flat buildings. 26 Simpson Street is a significant example and was built in 1934. It is unusual for Bondi as it has larger and more richly decorated apartments than can be generally found in the LGA.

O'Brien Estate UCA

The western Boundary of the O'Brien estate UCA has been truncated to reflect the boundary of the original O'Brien Subdivision. These two blocks do not contain any listed items or other buildings of exceptional significance.

50–58 Campbell Parade

The three inter-war buildings at 50–58 Campbell Parade are to be listed as a group on Schedule 5 of the LEP. The significance of these buildings has been reviewed and as a result it is proposed that the group listing is maintained. The buildings form an intrinsic part of the inter-war backdrop to the nationally significant Bondi Park. Their materiality, form and relationship of solid to void contributes significantly to the character of the Bondi Beach UCA. 58 Campbell Parade is in very good condition and even retains the original windows from 1938.

It should be noted that only six of the owners out of the 16 at 58 Campbell Parade objected to the listing and that no objections were received from owners of 50 and 54 Campbell Parade.

War Memorial Hospital Heritage Conservation Area

This planning proposal will add a new proposed Waverley War Memorial Hospital Heritage Conservation Area to Schedule 5 of the WLEP and the associated WLEP Heritage Map. The new HCA will comprise of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road.

Such decision complements the decision to nominate the War Memorial Hospital Site and its extended heritage curtilage as a State Heritage Item made at the Council meeting on 5 May 2020 (CM/7.5/20.05(1)).

Housekeeping error rectification

Local archaeological heritage item A541 is incorrectly marked on the WLEP Heritage Map and features the wrong written address and property description under Schedule 5 of the WLEP. This is an historical error that has only recently been identified.

The existing WLEP Heritage Map and Schedule 5 associates 85–87 Birrell Street, Queens Park with item number A541, however, 93–97 Birrell Street is meant to be associated with item number A541. As such, this planning proposal seeks to amend this historical error and replace reference to 85–87 Birrell Street with 93–97 Birrell Street in relation to A541. The Heritage Inventory Report for Item A541 correctly relates to 93–97 Birrell Street so does not need to be amended.

5. Financial impact statement/Time frame/Consultation

Financial impact

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with preparing the planning proposal.

Timeframe

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 anticipated that this amendment to WLEP will be finalised by early 2023.

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

Table 1. Tasks and time frames

Tasks	Timeframe
Gateway Determination	April – June 2022
Community Consultation	July – August 2022
Post Exhibition Review	September 2022
Update planning proposal / Report to Council	October 2022
DPIE review of final planning proposal	November 2022
Parliamentary Counsel drafting of LEP	December – January 2023
DPIE to finalise LEP	January 2023

Consultation

Public exhibition will include a newspaper advertisement, a display on the Council's 'Have Your Say' page and written notification to 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. It is recommended that Council requests the role of the local plan-making authority.

6. Conclusion

The Waverley Heritage Policy has been prepared based on extensive research, input from an expert peer review panel and has been overwhelmingly supported by the residents of Waverley. This planning proposal intends to implement the Assessment's recommendations, including various amendments to Schedule 5 and associated map.

The addition of the new War Memorial Hospital Heritage Conservation Area and the rectification of a historical housekeeping error included in this planning proposal also seek to amend Schedule 5 and the WLEP Heritage Map.

7. Attachments

1. Planning proposal and attachments - Heritage Policy Implementation [↓](#)
2. WLPP minutes - 23 June 2021 [↓](#) .



PLANNING PROPOSAL

Waverley Heritage Policy Implementation

Amendments to Schedule 5 of the Waverley Local Environmental Plan 2012

Planning Proposal – *Waverley Heritage Plan Implementation*

Planning Proposal Information

Council versions:

No.	Date	Version
1	29 March 2022	Pre-gateway

Contents

Executive Summary.....	5
INTRODUCTION	6
Background to this Planning Proposal	6
List of Attachments	6
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	7
1.1 Description Statement.....	7
1.2 Intended Outcomes	7
PART 2 – EXPLANATION OF PROVISIONS.....	7
2.1 New Areas Identified as Conservation Areas—General.....	7
2.2 Amended Conservation Areas—General	8
2.3 One New Conservation Area - Landscape	9
2.4 Amended LCA - South Bronte-Calga Headland LCA extension	10
2.5 New individual heritage items	10
2.6 Housekeeping Error Rectification	10
PART 3 – JUSTIFICATION	10
3.1 Strategic Merit	11
Section A – Need for the planning proposal (Strategic Merit).....	11
1. Is the planning proposal a result of any strategic study or report?.....	11
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	11
Section B – Relationship to strategic planning framework.	11
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?.....	11
Strategic Merit Test	12
a) Does the proposal have strategic merit? Is it:.....	12
Consistent with 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	12
Consistent with a relevant local council strategy that has been endorsed by the Department; or...	12
It is consistent with the Waverley Heritage Policy adopted by Waverley Council.	12
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	12
4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	12
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	13

Planning Proposal – Waverley Heritage Policy Implementation

6. Is the planning proposal consistent with applicable SEPPs?	13
7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)? .	13
3.2 Site Specific Merit	14
<i>Site-specific Merit Test</i>	15
b) Does the proposal have site-specific merit, having regard to the following:	15
The natural environment (including known significant environmental values, resources or hazards); and.....	15
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	15
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	15
Any proposed financial arrangements for infrastructure provision.	15
Section C – Environmental, social and economic impact.....	15
8. 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?	15
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	15
10. Has the planning proposal adequately addressed any social and economic effects?	15
Section D – Infrastructure (Local, State and Commonwealth).....	16
11. Is there adequate public infrastructure for the planning proposal?	16
This consideration is not applicable to the Planning Proposal.	16
Section E – State and Commonwealth Interests	16
12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	16
PART 4 – MAPPING	16
PART 5 – COMMUNITY CONSULTATION	16
PART 6 – PROJECT TIMELINE.....	17

Executive Summary

Waverley Council is required to maintain a list of heritage items and heritage conservation areas that are significant to the local area under the Waverley Local Environmental Plan (WLEP) 2012. In 2020, a comprehensive Waverley heritage review occurred resulting in the preparation of the Waverley Heritage Policy, adopted on 8 June 2021. This Planning Proposal seeks to implement the Waverley Heritage Policy, including the amendments to the Policy adopted on 5 April 2022.

A focus has been placed on utilizing heritage conservation areas where possible, rather than individual items. This helps to preserve streetscapes of heritage significance, the character of an area, its architectural history and historic tree canopies. The Planning Proposal proposes the inclusion of additional heritage items, additional heritage conservation areas and amendment to heritage conservation areas on Schedule 5 Environmental Heritage, and the Heritage Map, of the WLEP 2012.

Applying assessment criteria for determining cultural significance established by the NSW Heritage Council, the proposed amendments to the WLEP 2012 Schedule 5 and associated Heritage Maps are as follows:

- Add four new Urban Conservation Areas (UCA) - General:
 - Avoca Estate
 - Bondi Road
 - Bondi Basin
 - O'Brien Estate
- Amend four UCAs - General:
 - Charing Cross
 - Yanko-Lugar Brae (formerly Evans Street)
 - Grafton Street
 - Palmerston
- Add one new LCA:
 - Dickson Estate
- Amend one LCA:
 - South Bronte-Calga Headland
- Add 44 heritage items including 43 general heritage items and one landscape heritage item.

This Planning Proposal will also add a new proposed Waverley War Memorial Hospital Urban Conservation Area and rectify a housekeeping error relating to existing item A541.

INTRODUCTION

Schedule 5 of the Waverley Local Environment Plan 2012 (WLEP 2012) provides a list of heritage items (Part 1), heritage conservation areas (Part 2), and archaeological sites (Part 3). This list is accompanied by Heritage Maps that identify the location and boundaries of heritage conservation areas and heritage items.

A focus has been placed on utilising heritage conservation areas where possible. This helps preserve streetscapes of heritage significance, the character of an area, its architectural history and historic tree canopies. Items of individual heritage significance have also been proposed, selecting through a strict application of the Heritage Council listing criteria.

The proposed heritage conservation areas and heritage items will add to Waverley's 17 existing urban conservation areas, 52 landscape conservation areas, and about 500 heritage items that are already included in Schedule 5 Environmental Heritage. The existing heritage conservation areas are good precedents for understanding the value of the proposed changes.

The proposed heritage list embraces history, character and context – the cornerstones of what makes Waverley unique. A list of the proposed changes is included in Attachment A, Attachment B and Attachment C of this document. The associated maps are included in Attachment D of this document.

Background to this Planning Proposal

It has been over 15 years since the last Waverley Heritage Policy was prepared. In 2020, Council staff reviewed the Waverley Heritage Policy of 2007 and the associated Schedule 5 of the WLEP 2012 based upon recent field investigation, increased recognition of Waverley's Inter-War architecture and the improved availability of historic documentation. Subsequently, the Waverley Council Heritage Policy was produced and adopted by Council on 8 June 2021. Amendments to the Policy were adopted by Council on 5 April 2022.

This Planning Proposal intends to give effect to the amendments proposed in the adopted Waverley Council Heritage Policy.

List of Attachments

Attachment A – Proposed Schedule 5 Part 1 Heritage Items

Attachment B – Proposed Schedule 5 Part 2 Heritage Conservation Areas

Attachment C – Proposed Schedule 5 Part 3 Archaeological Sites

Attachment D – Proposed Heritage Maps

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement

It is the role of heritage interpretation and conservation to tell the stories of the people who lived in, worked in and visited the area. If this is done well, the area's heritage will be embraced and celebrated. These stories can be told, and heritage protected, by creating heritage conservation areas and identifying individual heritage items. To ensure the ongoing protection of heritage in Waverley, the WLEP 2012 is required to be amended.

1.2 Intended Outcomes

Ongoing change and development in Waverley must be well-considered to ensure that what is significant is conserved. In some parts of the municipality, there has been a loss of particular styles, such as Inter-war and Federation-styled architecture over time, making the surviving examples even more important.

The Planning Proposal highlights areas and items that are considered significant. The Planning Proposal intends to provide statutory protection of areas and items of heritage significance by amending Schedule 5 of the WLEP 2012 and associated Heritage Maps.

PART 2 – EXPLANATION OF PROVISIONS

Each of the proposed amendments to the Schedule 5 of the WLEP 2012 is outlined below in plain English and provided in detail in Attachment A – Schedule 5 Part 1 Heritage Items, Attachment B – Schedule 5 Part 2 Heritage Conservation Areas, and Attachment C – Schedule 5 Part 3 Archaeological Sites. The changes to associated Heritage Maps are provided in Attachment D – Heritage Maps.

The Planning Proposal seeks to amend the WLEP 2012 to ensure local heritage is protected as follows:

- Amend Schedule 5 Environmental Heritage (various changes)
- Amend Heritage Maps in accordance with changes in Schedule 5 (various changes).

2.1 New Areas Identified as Conservation Areas—General

The five new Conservation Areas – General include Avoca Estate, Bondi Road, Bondi Basin, O'Brien Estate and the War Memorial Hospital.

Proposed Avoca Conservation Area – General

The proposed **Avoca Conservation Area – General** aims to conserve the consistent Federation-era streetscapes that emerged from the sell-off of large gentlemen's estates whose grounds extended south from Bondi Road around present-day Avoca Street. The proposed heritage conservation area demonstrates the forms and streetscapes of commuter-based housing resulting from subdivision of mid-19th century villa residences. The area has historic, aesthetic and social significance as a demonstration of Waverley's evolution from isolated gentleman's residences to close-set suburban housing. Aesthetically significance streetscapes of cohesive form and scale.

Proposed Bondi Road Conservation Area - General

Planning Proposal – Waverley Heritage Policy Implementation

The proposed **Bondi Road Conservation Area - General** aims to conserve the cohesive Federation and Inter-War streetscapes that emerged from the improved tram transport and speculative land booms of the 1881-1939 period. The extension of the Sydney tram service to Bondi Beach around 1894 resulted in a residential and shopping strip along Bondi Road (formerly Waverley Street).

Proposed Bondi Basin Conservation Area – General

The proposed **Bondi Basin Conservation Area – General** occupies the north-eastern areas of the Bondi basin and demonstrates town planning principles of Inter-War suburban planning, combining broad planted avenues with the emerging residential flat building form. Contiguous rows of speculative semi-detached residences and focal intersections of mixed-use buildings provide visual balance and amenity despite the density. Comparison with development of coastal lands at Merewether in NSW and Sydney harbour-side suburbs demonstrates cohesion of varied forms achieved in Bondi Basin through the combined factors of town planning, variation of building types, consistency of materials, and condensed period construction. The resulting setting retains an ongoing identity in Australian culture.

Proposed O’Brien Estate Conservation Area – General

The proposed **O’Brien Estate Conservation Area – General** is defined by the built forms and streetscapes resulting from initial subdivisions of open land within the Estate nearest to the formed roads of South Head Road and Bondi Road. The subdivision in the Federation period 1890-1919 saw the construction of semi-detached and freestanding residences on the south side of the valley in response to improved tram transport and the emerging aquatic recreation at Bondi Beach. Resulting streetscapes show continued influence of the O’Brien Homestead and grounds, which remained a feature valley to the 1920’s. The subsequent Inter-War period, 1919-1939, saw the emergence of the residential flat building, employed in new subdivisions of the O’Brien Homestead and sites of opportunity.

Proposed War Memorial Hospital Conservation Area – General

The **War Memorial Hospital Conservation Area – General** aims to conserve the significant curtilage surrounding the War Memorial Hospital Site. The new HCA will comprise of the Edina Estate bounded by Bronte Road, Birrell Street, Church Street and Carrington Road, Waverley.

This decision complements the Council decision to nominate the War Memorial Hospital Site and its extended heritage curtilage as a State Heritage Item in May 2020. Despite this request, and a number of follow-up requests from Council, Heritage NSW, whilst, acknowledging that the site did merit State listing, did not deem the listing as a priority. This places any upcoming Development Application on the Edina Estate site at risk of not adequately considering the heritage value of the Estate. While this Conservation Area has not been included within the wider Heritage Policy, because it is considered to be ancillary to the existing listing of Heritage Item’s on site, Council is seeking to strengthen and expedite additional heritage protection by including it in this Planning Proposal.

2.2 Amended Conservation Areas—General

Amendments are proposed for four existing Conservation Areas - General, including Charing Cross Conservation Area—General, Evans Street Conservation Area—General (to be renamed to Yanko-Lugar

Planning Proposal – Waverley Heritage Policy Implementation

Brae Conservation Area—General), Grafton Street Conservation Area—General, and Palmerston Avenue Conservation Area—General.

Proposed Extension to the Charing Cross Conservation Area – General

The existing Charing Cross Conservation Area – General covers Waverley’s oldest and most intact commercial centre, dating from its days as a small service village on the road to Coogee and on to Governor Lachlan Macquarie’s watchtower at La Prouse, erected in 1822.

The proposed extension aims to include a small number of significant buildings of those eras that contribute to and further preserve the heritage streetscapes, which contain two buildings (including Mary Immaculate Church) significant enough to warrant State Heritage listing.

Proposed Extension to the Evans Street Conservation Area—General and Proposed Name Change

The proposed extension to the existing Evans Street Conservation Area – General retains Bronte’s early colonial history of marine villas, which can still be traced in the subdivision patterns, built form and street and family names.

It is also proposed that the name of the Evans Street Conservation Area – General be changed to **Yanko-Lugar Brae Conservation Area – General** to reflect the extension.

Proposed Extension to the Grafton Street Conservation Area—General

The proposed extension to the existing **Grafton Street Conservation Area—General** aims to include and preserve the last remnant of the late Victorian streetscape along Oxford Street that grew along the tramline. It is an important remnant of the visual presentation of Bondi Junction in the late 19th and early 20th century, now abutted by high-rise towers of the modern era. The proposed extension includes the historic streetscape of Victorian terraces on Leswell St and Victorian and Federation shops on Oxford St.

Proposed Reduction to the Palmerston Avenue Conservation Area—General

Current boundaries of the **Palmerston Avenue Conservation Area—General** exceed the area of heritage significance; therefore a reduction is proposed. The Palmerston Estate of 15 acres was marketed in 1865 and in 1872 was purchased by the Sydney merchant John De Villiers Lamb for 6250 pounds. The estate was bounded to the south by Gipps Street and to the east by Dickens Street. Inter-War flat buildings to the corner of Palmerston Avenue and Dickens Street provide a benchmark for the beginnings of stylistic change of the residential flat building from Inter-War to Post-War periods.

2.3 One New Conservation Area - Landscape

Proposed Dickson Estate Conservation Area - Landscape

The proposed landscape conservation area protects consistent streetscapes of *Ficus macrocarpa* var ‘Hillii’ (Fig) trees typical of those created along with the speculative subdivision of later 19th century estates in Waverley. Cohesive groupings of heritage fig street trees, most dating back to Great Depression unemployment relief tree planting programs of the 1930s. The Landscape Conservation Area has historic, aesthetic and social significance as a demonstration of the evolution of Waverley from isolated gentleman’s residences to close-set suburban housing of the Federation and Inter-War periods.

2.4 Amended LCA - South Bronte-Calga Headland LCA extension

Proposed Extension and Name Change to South Bronte Headland Conservation Area - Landscape

The proposed extension to the **South Bronte Headland Conservation Area – Landscape (LCA)** aims to bring the adjacent Calga Reserve into the existing LCA. The LCA already includes Calga Cutting - the former tram corridor that connected Macpherson Street to Bronte Beach - but did not include Calga Reserve parkland. To reflect the extension, it is proposed that the name of this LCA be changed to 'South Bronte-Calga Headland Conservation Area – Landscape'.

2.5 New individual heritage items

The Planning Proposal proposes 44 new individually listed general heritage items and one landscape heritage item to be added to Schedule 5 Environmental Heritage, Part 1 Heritage Items of the WLEP 2012. These items are also to be added to the Heritage Map. See Attachment A for a full list of the items.

Individual heritage items have been recommended because of changing values and because of a loss of good examples of a particular style of architecture, making the remaining examples rarer.

Furthermore, trees with identified heritage values can be listed in Schedule 5 of the Waverley LEP under Part 1 Heritage Items. Listing can include individual trees or groups of trees, such as those that form part of a landscape or garden of a listed heritage property.

It is proposed that palm trees on Rowland Street to be included on Schedule 5 as heritage items.

2.6 Housekeeping Error Rectification

Local archaeological heritage item A541 is incorrectly marked on the WLEP Heritage Map and features the wrong written address and property description under Schedule 5 of the WLEP. This is a historical error that has only recently been identified.

The existing WLEP Heritage Map and Schedule 5 associates 85-87 Birrell Street, Queens Park with item number A541, however, 93-97 Birrell Street is meant to be associated with item number A541. The State Heritage Inventory accessible on the Heritage NSW website (<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2620404>) sits under the address of 85-87 Birrell Street, however, displays an image of 93-97 Birrell Street, includes reference to details at 93-97 Birrell Street within the Statement of Significance, and generally describes the item as "stone houses" which is what 93-97 Birrell Street are. No. 85 consists of an altered Victorian terrace and No. 87 consists of a modernised dwelling house – neither aligning with the features described for item number A541.

As such, this Planning Proposal seeks to amend this historical error which was likely a result of a simple mistyping issue, and replace reference to 85-87 Birrell Street with 93-97 Birrell Street in relation to A541.

PART 3 – JUSTIFICATION

3.1 Strategic Merit

The proposal is considered to have strategic merit because it gives effect to the findings of the Waverley Heritage Assessment.

Section A – Need for the planning proposal (Strategic Merit)

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.

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

The Planning Proposal is a result of the Waverley Heritage Assessment which proposed several amendments to Schedule 5 Environmental Heritage and related maps of the WLEP 2012. The Heritage Assessment was endorsed by Council in June 2021, it has subsequently become the Waverley Heritage Policy.

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

The proposal involves an amendment to Waverley Council's Local Environmental Plan 2012 and therefore, a Planning Proposal is the only means of achieving the objectives and outcomes of the amendment.

Section B – Relationship to strategic planning framework.

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal aligns with the objectives and actions of the Region Plan A *Metropolis of Three Cities* and the *Eastern City District Plan*.

A Metropolis of Three Cities

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:

- Environmental heritage is identified, conserved and enhanced (Objective 13)
- Scenic and cultural landscapes are protected (Objective 28)

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:

- Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)
- Protecting and enhancing scenic and cultural landscapes (Planning Priority E16)

Guide to preparing Planning Proposals

The Planning Proposal meets the Strategic Merit Test, the assessment is presented in Table 2.

Table 1: Assessment of Proposal against Strategic Merit Test

Planning Proposal – *Waverley Heritage Policy Implementation*

Strategic Merit Test	
a) Does the proposal have strategic merit? Is it:	
Consistent with 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	Yes, it is consistent with the Objectives 13 and 28 of the Region Plan <i>A Metropolis of Three Cities</i> . It also aligns with Planning Priority E6 and Planning Priority E16 of the <i>Eastern City District Plan</i> .
Consistent with a relevant local council strategy that has been endorsed by the Department; or	It is consistent with the Waverley Heritage Policy adopted by Waverley Council.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	It responds to the reassessment of the 2007 Waverley Heritage Policy which was based on field investigations, increased recognition of Waverley's Inter-War architecture and the improved availability of historic documentation through recently released digital sources.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Waverley Local Environmental Plan 2012

The Waverley LEP has seven main aims that all Planning Proposals and development should be consistent with where applicable. This Planning Proposal is consistent with the following key aims of the Waverley LEP:

- (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.

Waverley Local Strategic Planning Statement (March 2020)

Table 3 assessed the Planning Proposal against the relevant Planning Priority and actions.

Table 3: Assessment of the Proposal against the Local Strategic Planning Statement

Direction: A city of great places	
Planning Priority 7: Recognise and celebrate Waverley's unique place in the Australian contemporary cultural landscape	
1. Implement the recommendations of the Waverley Heritage Review into Council's LEP and DCP, including stronger enforcements for curtilage and protecting the context of existing items	This Proposal is the implementation mechanism for implementing the recommendations of the Waverley Heritage Policy into Council's LEP.
8. Develop strategies and programs that celebrate and share the local heritage and cultural stories of the Waverley area	The Waverley Heritage Policy which was adopted by Council in June 2021, celebrates Waverley's history and character. It shares cultural stories of the Waverley area with the community. This Proposal implements the recommendations from the Heritage Policy.

Planning Proposal – *Waverley Heritage Policy Implementation*

Waverley Community Strategic Plan 2018-2029

This Planning Proposal aligns with the community vision which states:

“A welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage”.

The Planning Proposal also aligns with the strategies presented in Table 5 below:

Table 4: Assessment of Proposal against Waverley Community Strategic Plan

Goal 1.2: Preserve and interpret the unique cultural heritage of Waverley	
Strategies	Consistency
1.2.1 Maintain the unique cultural value and heritage significance of key landmarks	This Proposal will provide the mechanism that will ensure that local heritage is conserved and celebrated. Several individual heritage items were proposed to be added to Schedule 5 and related maps of the WLEP 2012. By doing so, the heritage significance of key landmarks will be protected.
Goal 5.2: Value and embrace Waverley's heritage items and places	
5.2.1 Protect, respect and conserve items and places of heritage significance within Waverley	This Proposal will provide the mechanism that will ensure that local heritage is conserved and celebrated. Several heritage items and conservation areas were identified and proposed to be added to Schedule 5 and related maps of the WLEP 2012.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant State or regional studies or strategies.

6. Is the planning proposal consistent with applicable SEPPs?

This Planning Proposal is consistent with applicable State Environmental Planning Policies. Table 5 assessed the Planning Proposal against the State Environmental Planning Policies (SEPPs).

Table 5: Assessment of Proposal against the SEPPs

Title	Applicable	Consistent
Housing SEPP	N/A	
Transport and Infrastructure SEPP	N/A	
Primary Production SEPP	N/A	
Biodiversity and Conservation SEPP	N/A	
Resilience and Hazards SEPP	N/A	
Draft Design and Place SEPP	N/A	
Industry and Employment SEPP	N/A	
Resources and Energy SEPP	N/A	
Planning Systems SEPP	N/A	
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	
Codes SEPP	N/A	

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

Ministerial Direction 3.2 Heritage Conservation

The Ministerial Direction 3.2 applies to this Planning Proposal. The Planning Proposal must contain provisions that facilitate the conservation of:

- (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,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (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.*

Minister's Planning Principles – Preserving, conserving and managing NSW's natural environment and heritage

The Planning Proposal must seek to value, protect, conserve and manage the innate value and external benefits of NSW's natural environment and heritage. The Minister's Planning Principle 3.13 applies to this Planning Proposal and states the following:

Heritage protection, conservation and management strategies should be included in strategic and land use planning to avoid or minimise any negative heritage impacts from development, as well as provide innovative opportunities to enhance and celebrate NSW's rich heritage.

Consistency

This Planning Proposal proposes to conserve additional heritage items and conservation areas by amending Schedule 5 and related maps of the WLEP 2012. The proposed amendment does not include additional Aboriginal areas, objects, places or landscapes. As an assessment of Aboriginal heritage was not done as part of the Waverley Heritage Assessment, a separate study will be done in the future to understand Aboriginal heritage.

3.2 Site Specific Merit

This Planning Proposal is considered to have site-specific merit as it gives regard to and is expected to have a positive impact on the natural and built environment, and on the existing uses, approved uses and likely future uses of the land affected.

Guide to preparing Planning Proposals

The Planning Proposal meets the Site-specific Merit Test, the assessment is presented in Table 6.

Table 6: Assessment of Proposal against Site Specific Merit Test

Planning Proposal – *Waverley Heritage Policy Implementation*

<i>Site-specific Merit Test</i>	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant environmental values, resources or hazards); and	This Proposal will not have any impacts on the natural environment, however will serve to protect characteristics of the natural environment such as tree canopy, setbacks and planting that contributes to the character of a heritage area.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	This Proposal will not inhibit development within Waverley. The Proposal will ensure the effective conservation of important heritage values of the area, and will allow reasonable development that supports and retains the heritage.
The services and infrastructure that are or will be available to meet the demands arising from the proposal; and	Not applicable as this Proposal will not result in the increase of infrastructure demand.
Any proposed financial arrangements for infrastructure provision.	Not applicable as this Proposal will not result in the increase of infrastructure demand.

Section C – Environmental, social and economic impact

8. 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?

This Planning Proposal does not propose any physical development and therefore the proposal would not have any adverse impacts on threatened species, populations or ecological communities.

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

There are unlikely to be any other environmental effects as a result of the Planning Proposal.

10. Has the planning proposal adequately addressed any social and economic effects?

No adverse economic or social impact is anticipated.

Local communities value local heritage as it contributes to an area's identity, sense of place and amenity. Local heritage usually relates more closely to people's personal heritage too when compared with national icons. The recently exhibited Design and Place SEPP highlights the importance of heritage for placemaking state-wide within one of its proposed 'design considerations' relating to "culture, character and **heritage**". Past DPE work on local character mirrors this message, seeking to elevate the consideration of elements that make a place special and unique for individuals and communities.

The protection of local heritage can also result in positive economic impacts for local communities and councils. Heritage can encourage visitation and tourism by shaping a place that makes for a desirable temporary visit, or permanent home or workplace. Such attraction can result in economic stimulus. Furthermore, the address of heritage protection at a strategic level (such as the listing of heritage items and heritage conservation areas as per this Planning Proposal) is more cost effective than spending money and resources fighting for heritage consideration and protection at the Development Application stage.

Planning Proposal – *Waverley Heritage Policy Implementation*

Section D – Infrastructure (Local, State and Commonwealth)

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

This consideration is not applicable to the Planning Proposal.

Section E – State and Commonwealth Interests

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

Not applicable at this stage.

PART 4 – MAPPING

This Planning Proposal alters Heritage Maps. The following areas will be identified on the Heritage Maps as Conservation Area – General:

1. Avoca Estate
2. Bondi Road
3. Bondi Basin
4. O'Brien Estate
5. War Memorial Hospital

The boundaries of the following existing areas identified as Conservation Area -General will be modified on the Heritage Maps:

1. Charing Cross
2. Yanko-Lugar Brae (formerly Evans Street)
3. Grafton Street
4. Palmerston

Two changes are proposed for the Conservation Area -Landscape areas:

- Identify Dickson Estate on the Heritage Map as Conservation Area – Landscape
- Extend the boundaries of South Bronte-Calga Headland

In addition, 44 items will be added to the Heritage Maps as Heritage Items, including 43 new general heritage items and one landscape heritage item.

The identification of Item A541 will be moved from 85-87 Birrell Street to 93-97 Birrell Street to rectify a housekeeping error.

The proposed maps are provided in Attachment D.

PART 5 – COMMUNITY CONSULTATION

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

Planning Proposal – Waverley Heritage Policy Implementation

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.

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 2012 will be completed by *January 2023*.

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

Table 2: Project timeline

Tasks	Timeframe
Gateway Determination	April – June 2022
Community Consultation	July – August 2022
Post Exhibition Review	September 2022
Update Planning Proposal / Report to Council	October 2022
DPIE review of final Planning Proposal	November 2022
Parliamentary Counsel drafting of LEP	December – January 2023
DPIE to finalise LEP	January 2023



ATTACHMENT A - PROPOSED SCHEDULE 5 PART 1 HERITAGE ITEMS- GENERAL

Waverley Heritage Policy Implementation

Attachment A – Proposed Schedule 5 Part 1 Heritage Items – General

No. on Heritage Map	Suburb	Item name	Address	Property description	Significance	Heritage Type
New Heritage Items to add to Schedule 5						
1	Bondi	Victorian freestanding double-storey Italianate terrace	22 Bennett Street	Lot 2 DP 913862	Local	Item - General
2	Bondi	Victorian freestanding terrace	27 Bennett Street	Lot 54 DP 561	Local	Item - General
3	Bondi	Inter-war Classical-style shop-top housing	160 Bondi Road	Lot 1 DP 69996	Local	Item - General
4	Bondi	Inter-war two-storey Spanish Mission-style house	25 Denham Street	Lot 1 DP 105041	Local	Item - General
5	Bondi	Inter-war double-storey Mediterranean-style residential building	33 Denham Street	SP 5944	Local	Item - General
6	Bondi	Inter-war Spanish Mission-style freestanding, two-storey residential flat building	8 Fletcher Street	SP 11621	Local	Item - General
7	Bondi	Inter-war freestanding three-storey Art Deco style residential flat building	40 Flood Street	SP 11638	Local	Item - General
8	Bondi	Federation semi-detached dwellings	2-14 King Street	Lots A-E DP 442605, Lots 1-2 DP 210153	Local	Item - General

9	Bondi	Inter-war Functionalist- style flat building	17-17A Ocean Street	SP5012, SP14025	Local	Item- General
10	Bondi	Federation freestanding single-storey bungalow	97 Ocean Street	Lot 21 Sec E DP 3426	Local	Item - General
11	Bondi	Inter-war freestanding three-storey Art Deco-style residential flat building	2b Penkivil Street	SP 10884	Local	Item - General
12	Bondi	Victorian villa, Italianate and Filigree styles with Federation Arts and Crafts overlay	5 Penkivil Street	Lot 1 DP 399558	Local	Item - General
13	Bondi	Palm trees on Rowland Avenue	Rowland Avenue		Local	Item - Landscape
14	Bondi Beach	Inter-war Cenira Mansions	28-30 Campbell Parade	Lot 5 DP 10606	Local	Item - General
15	Bondi Beach	Inter-war Arnotts Flats	32 Campbell Parade	Lot 4 DP 10606	Local	Item - General
16	Bondi Beach	Federation Grenfell Court, Majestic Mansions	72-76 Campbell Parade	SP 15206	Local	Item - General
17	Bondi Beach	Federation Oceanic Mansions	80 Campbell Parade	Lot C DP 33445	Local	Item - General
18	Bondi Beach	Inter-war Ozone Flats	96 Campbell Parade	Lot 5 DP 5953	Local	Item - General
19	Bondi Beach	Inter-war Biltmore Private Hotel	102-106 Campbell Parade	SP 49165	Local	Item - General
20	Bondi Beach	Late Federation Hazel Flats	140-142 Campbell Parade	SP 863	Local	Item - General

21	Bondi Beach	Inter-war four-storey residential flat building	10 Francis Street	SP 30919	Local	Item - General
22	Bronte	Inter-war residential flat building	2 Bayview Street	SP 13046	Local	Item - General
23	Bronte	Federation single-storey bungalow	209 Birrell Street	Lot 1 DP 2456	Local	Item - General
24	Bronte	Federation single-storey bungalow	213 Birrell Street	Lot 3 DP 2456	Local	Item - General
25	Bronte	Inter-war Californian bungalow	3 Blandford Avenue	Lot 19 DP 10213	Local	Item - General
26	Bronte	Inter-war Georgian Revival-style residential flat building	16 St Thomas Street	SP 6120	Local	Item - General
27	Dover Heights	Functionalist single-storey house	17 Douglas Parade	Lot 25 DP 10675	Local	Item - General
28	Dover Heights	Post-Functionalist house	57 Hardy Street	Lot 23 DP 11822	Local	Item - General
29	Dover Heights	Modernist house	14 Lyons Street	Lot 116 DP 11822	Local	Item - General
30	Dover Heights	Post-Functionalist double-storey house	144 Military Road	Lot 77 DP 11822	Local	Item - General
31	Dover Heights	Inter-war double-storey house	7 Napier Street	Lot 6 DP 14080	Local	Item - General
32	North Bondi	Inter-war paired Arts and Crafts-style residential flat buildings	127-129 Hastings Parade	SP 11808, SP 13225	Local	Item - General

33	North Bondi	Inter-war two-storey Art Deco flats	131 Hastings Parade	SP 10488	Local	Item - General
34	North Bondi	Inter-war paired Arts and Crafts flats	133-135 Hastings Parade	SP 7142, SP 13666	Local	Item - General
35	North Bondi	Inter-war Spanish Mission-style freestanding residences	165-171 Hastings Parade	SP 66653, SP 30066, Lot 31 DP 654606, Lot 1 DP 522571	Local	Item - General
36	North Bondi	Inter-war Art Deco-style flats	181 Hastings Parade	SP 18687	Local	Item - General
37	North Bondi	Inter-war Bondi Lawn Bowling Club	1-3 Warners Avenue	SP 9166	Local	Item - General
38	Rose Bay	Inter-war double-storey residence	70 Liverpool Street	Lot 13A DP 319298	Local	Item - General
39	Tamarama	Inter-war Art Deco-style four storey flats	1 Alexander Street	SP 33060	Local	Item - General
40	Tamarama	Inter-war Art Deco-style three-storey flats	69 Fletcher Street	SP 11361	Local	Item - General
41	Tamarama	Inter-war Art Deco-style flats	1 Silva Street	SP 30488	Local	Item - General
42	Tamarama	Inter-war Spanish Mission-style three-storey residential flat building	7-9 Wonderland Avenue	Lot B DP 329513, SP 15634	Local	Item - General
43	Waverley	Victorian freestanding paired terraces	65-67 Albion Street	Lot 1 DP 72866, Lot 1 DP 68420	Local	Item - General
44	Waverley	Inter-war two storey shop-top housing	94 Carrington Road	Lots A-B DP 332733	Local	Item - General
45	Bondi Beach	Inter-War shop-top housing and	50-58 Campbell Parade	SP 13459, SP 30493	Local	Item - General

		residential flat buildings		and SP 2723		
--	--	-------------------------------	--	----------------	--	--



ATTACHMENT B - PROPOSED SCHEDULE 5 PART 2 HERITAGE CONSERVATION AREAS

Waverley Heritage Policy Implementation

Attachment B – Proposed Schedule 5 Part 2 Heritage Conservation

Areas

Description	Identification on Heritage Map	Significance	Proposed amendment
Conservation Areas - General			
Bondi Road	Shown by a blue outline with blue hatching on the proposed Heritage Map – Sheet HER_004 and Sheet HER_004A	Local	New addition
Avoca Estate	Shown by a blue outline with blue hatching on the proposed Heritage Map – Sheet HER_004 and Sheet HER_004A	Local	New addition
O'Brien Estate	Shown by a blue outline with blue hatching on the proposed Heritage Map – Sheet HER_003, Sheet HER_004 and Sheet HER_004A	Local	New addition
Bondi Basin	Shown by a blue outline with blue hatching on the proposed Heritage Map – Sheet HER_003, Sheet HER_004, and Sheet HER_004A	Local	New addition
War Memorial Hospital	Shown by blue outline with blue hatching on the Heritage Map – Sheet HER_001 and HER_001A	Local	New addition
Palmerston	Shown by a blue outline with blue hatching on the proposed Heritage Map – Sheet HER_004B	Local	Reduction of the boundaries
Charing Cross	Shown by a blue outline with blue	Local	Extension of the boundaries

	hatching on the proposed Heritage Map – Sheet HER_001, Sheet HER_004 and Sheet HER_004B		
Yanko-Lugar Brae (formerly Evans Street)	Shown by a blue outline with blue hatching on the proposed Heritage Map - Sheet HER_004 and Sheet HER_004B	Local	Extension of the boundaries Renaming to 'Yanko-Lugar Brae'
Grafton Street	Shown by a blue outline with blue hatching on the proposed Heritage Map – Sheet HER_001 and Sheet HER_001A	Local	Extension of the boundaries
Conservation Areas - Landscape			
South Bronte Headland – Calga (formerly South Bronte Headland)	Shown by a purple outline with purple hatching on the proposed Heritage Map - Sheet HER_004 and Sheet HER_004B	Local	Extension of the boundaries Renaming to 'South Bronte Headland - Calga'
Dickson Estate	Shown by a purple outline with purple hatching on the proposed Heritage Map – Sheet HER_004 and Sheet HER_004A	Local	New addition



ATTACHMENT C - PROPOSED SCHEDULE 5 PART 3 ARCHAEOLOGICAL ITEMS

Waverley Heritage Policy Implementation

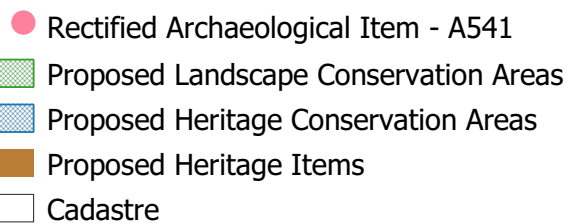
Attachment C – Proposed Schedule 5 Part 3 Archaeological Items

No. on Heritage Map	Suburb	Item name	Address	Property description	Significance	Heritage Type
Amendment to Item A541 under Part 3 of Schedule 5						
-	Queens Park	Stone houses	93-97 Birrell Street	Lot A DP 437935, Lot B DP 437935, and Lot C DP 437935	Local	Item – Archaeological A541



ATTACHMENT C- PROPOSED HERITAGE MAPS

Waverley Heritage Policy Implementation

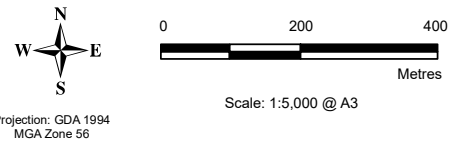
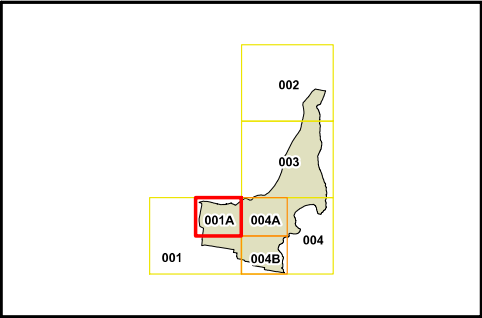




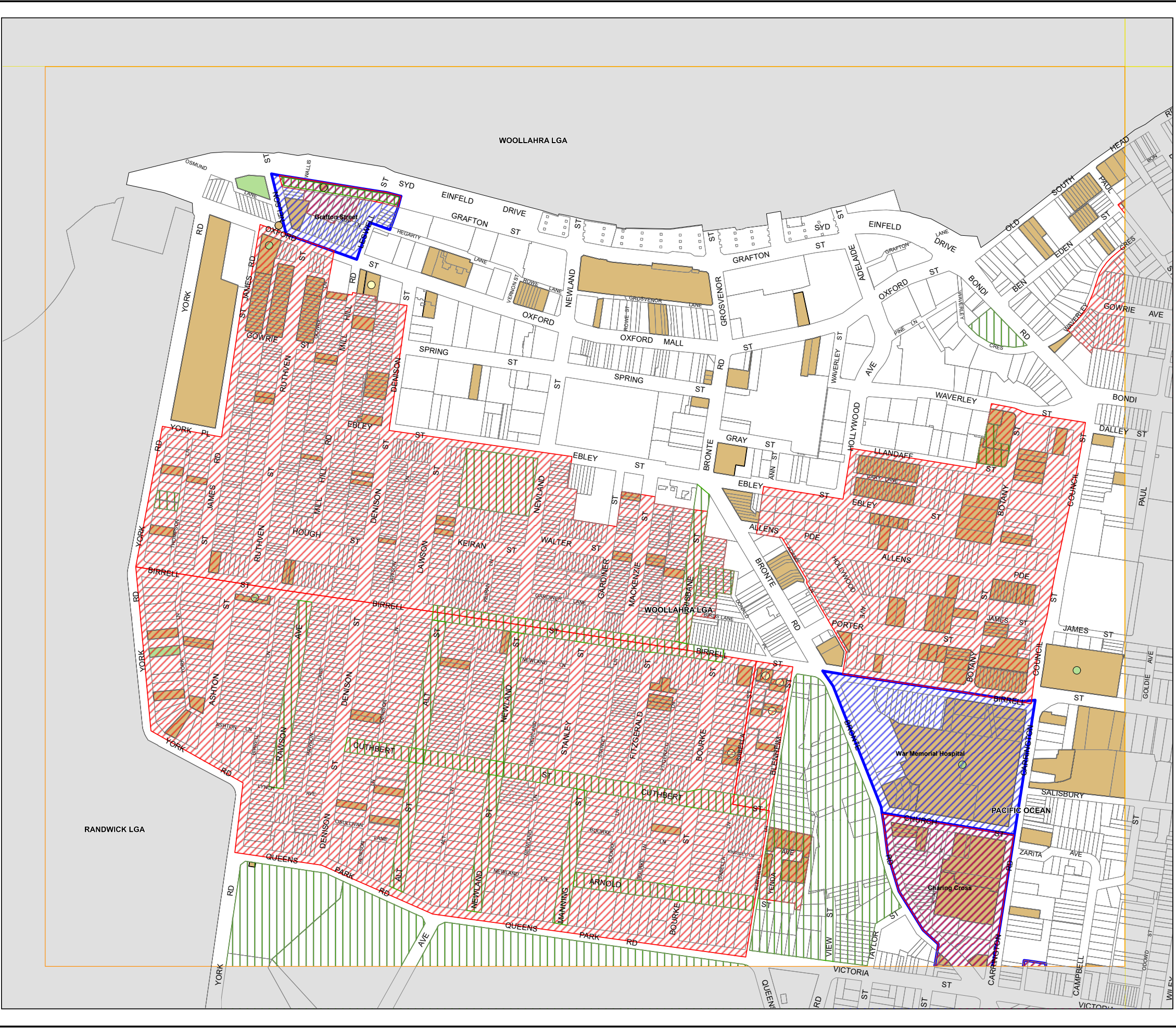
Waverley Local
Environmental
Plan 2022

Heritage Map - Sheet HER_001A

- Heritage**
- Conservation Area - General
 - Conservation Area - Landscape
 - Item - General
 - Aboriginal Object
 - Item - Archaeological
 - Item - Landscape
- Cadastre**
- Cadastre 30/03/2022 © Waverley Council
- Proposed Heritage**
- Proposed Conservation Area - General
 - Proposed Conservation Area - Landscape
 - Proposed Items









Map Identification Number:
8050_COM_HER_001A_005_20220330






Heritage Map - Sheet HER_001




Heritage

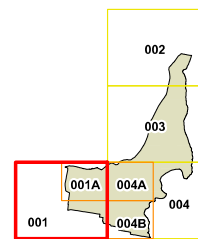
- | | |
|-----------------------------------------------------------------------------------|-------------------------------|
|  | Conservation Area - General |
|  | Conservation Area - Landscape |
|  | Item - General |
|  | Aboriginal Object |
|  | Item - Archaeological |
|  | Item - Landscape |

Cadastre

 Cadastre 30/03/2022 © Waverley Council

Proposed Heritage

-  Proposed Conservation Area - General
 Proposed - Conservation Area - Landscape
 Proposed Items

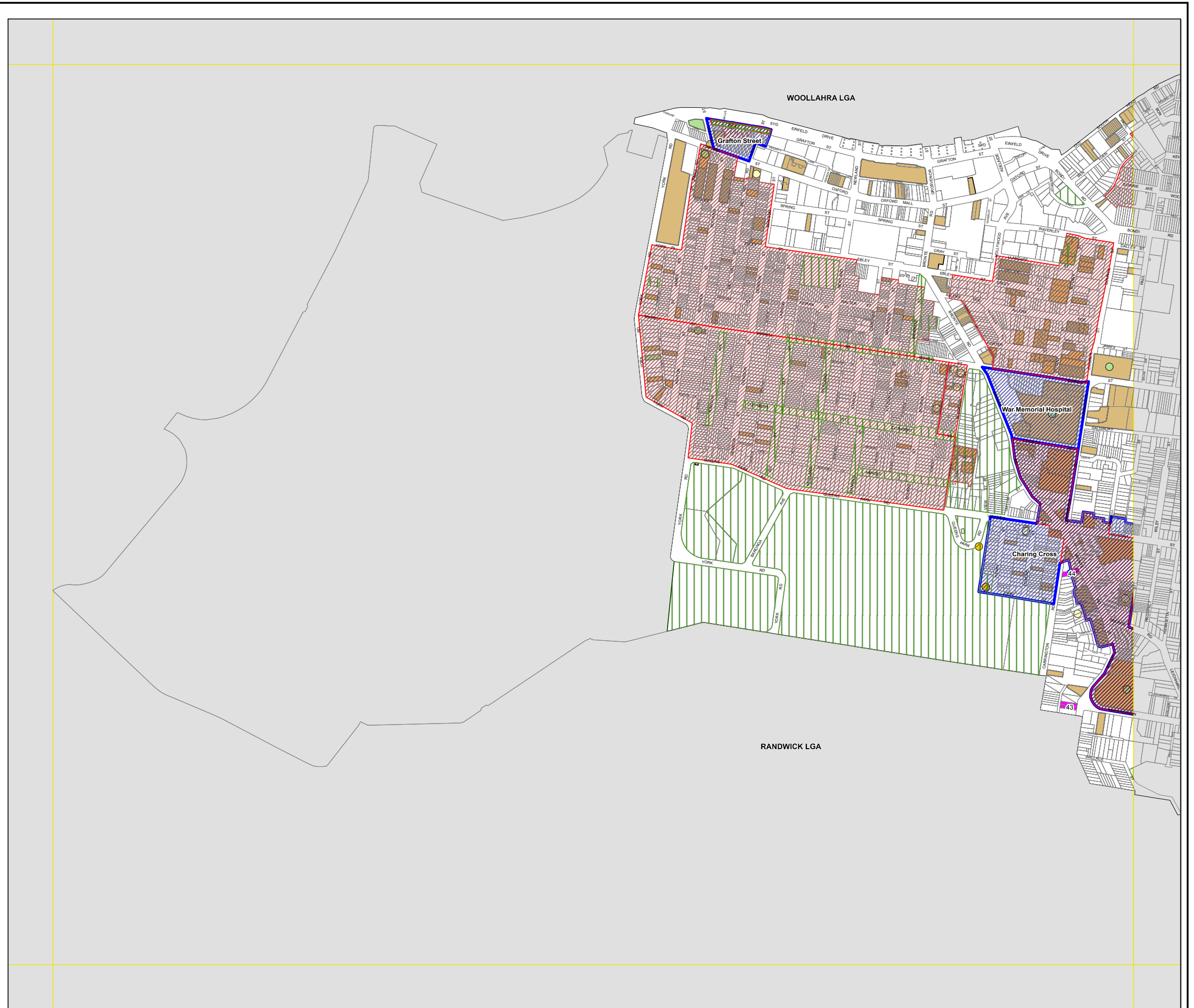


Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

Map Identification Number:

8050_COM_HER_001_010_20220330





Waverley Local
Environmental
Plan 2022

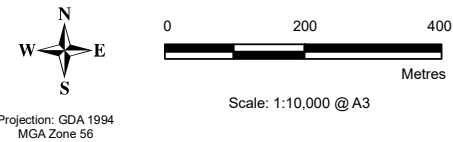
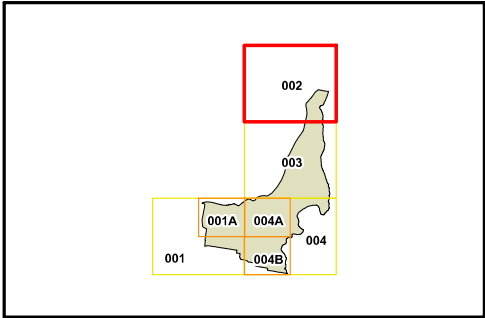
Heritage Map - Sheet HER_002

- Heritage**

 - Conservation Area - General
 - Conservation Area - Landscape
 - Item - General
 - Aboriginal Object
 - Item - Archaeological
 - Item - Landscape
- Cadastre**

 - Cadastre 30/03/2022 © Waverley Council
- Proposed Heritage**

 - Proposed Conservation Area - General
 - Proposed Conservation Area - Landscape
 - Proposed Items



Projection: GDA 1994
MGA Zone 56

Map Identification Number:
8050_COM_HER_002_010_20220330

WOOLLAHRA LGA

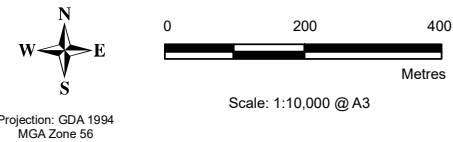
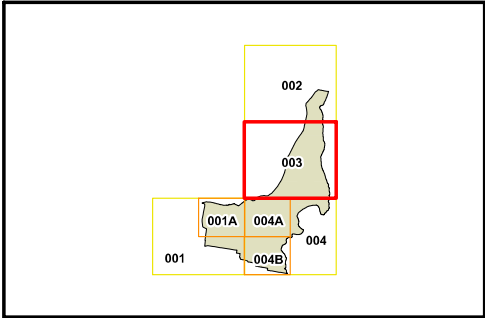
PACIFIC OCEAN



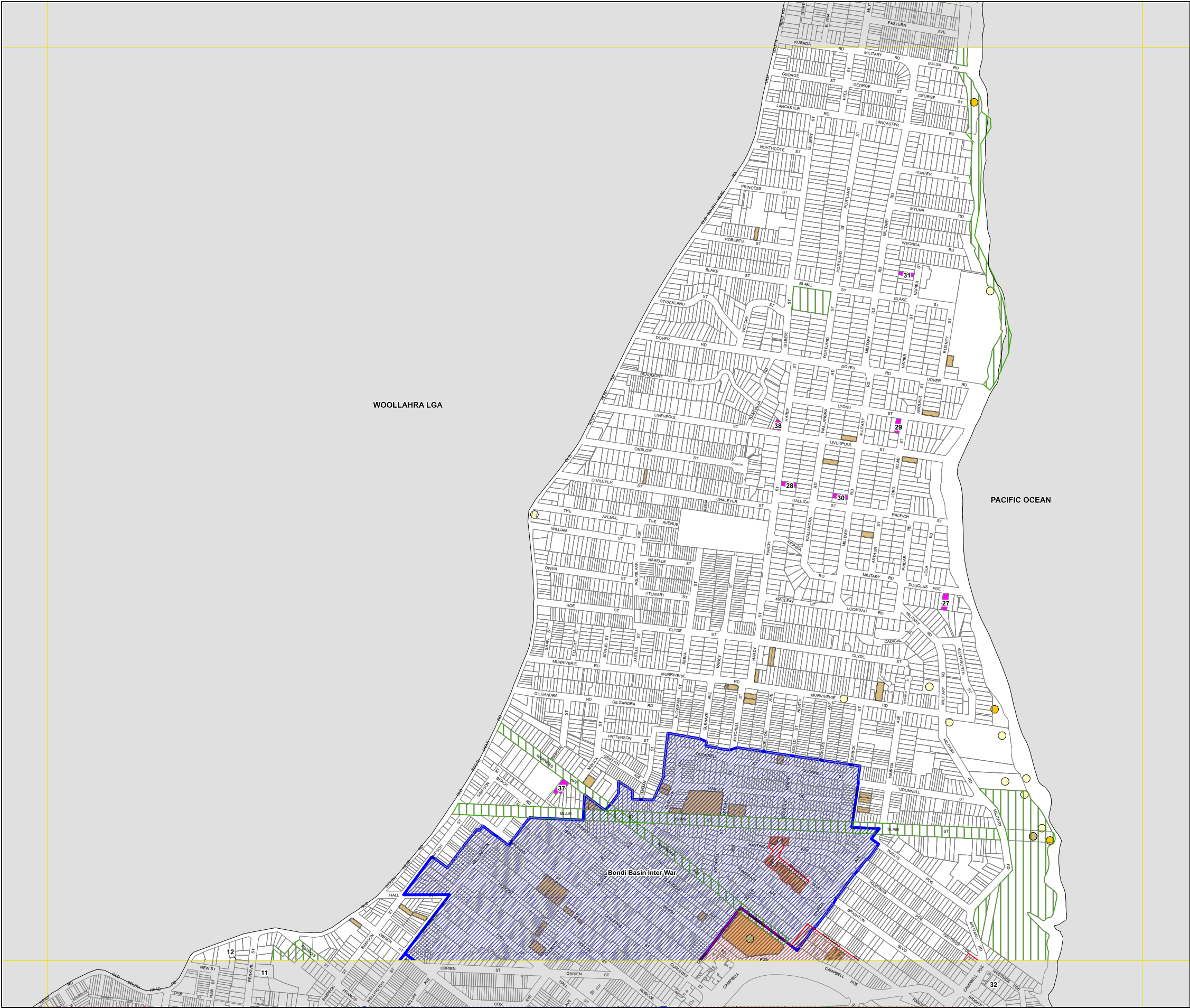
Waverley Local
Environmental
Plan 2022

Heritage Map - Sheet HER_003

- Heritage**
- Conservation Area - General
 - Conservation Area - Landscape
 - Item - General
 - Aboriginal Object
 - Item - Archaeological
 - Item - Landscape
- Cadastre**
- Cadastre 30/03/2022 © Waverley Council
- Proposed Heritage**
- Proposed Conservation Area - General
 - Proposed Conservation Area - Landscape
 - Proposed tems



Map Identification Number:
8050_COM_HER_003_010_20220330





Waverley Local Environmental Plan 2022

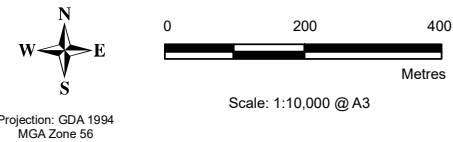
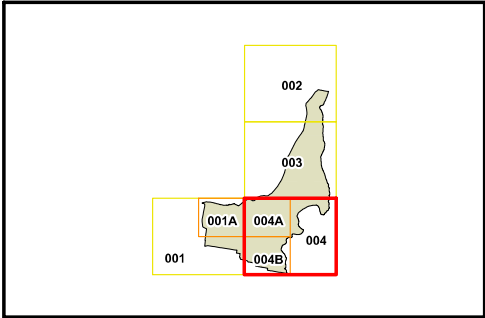
Heritage Map - Sheet HER_004

- Heritage**

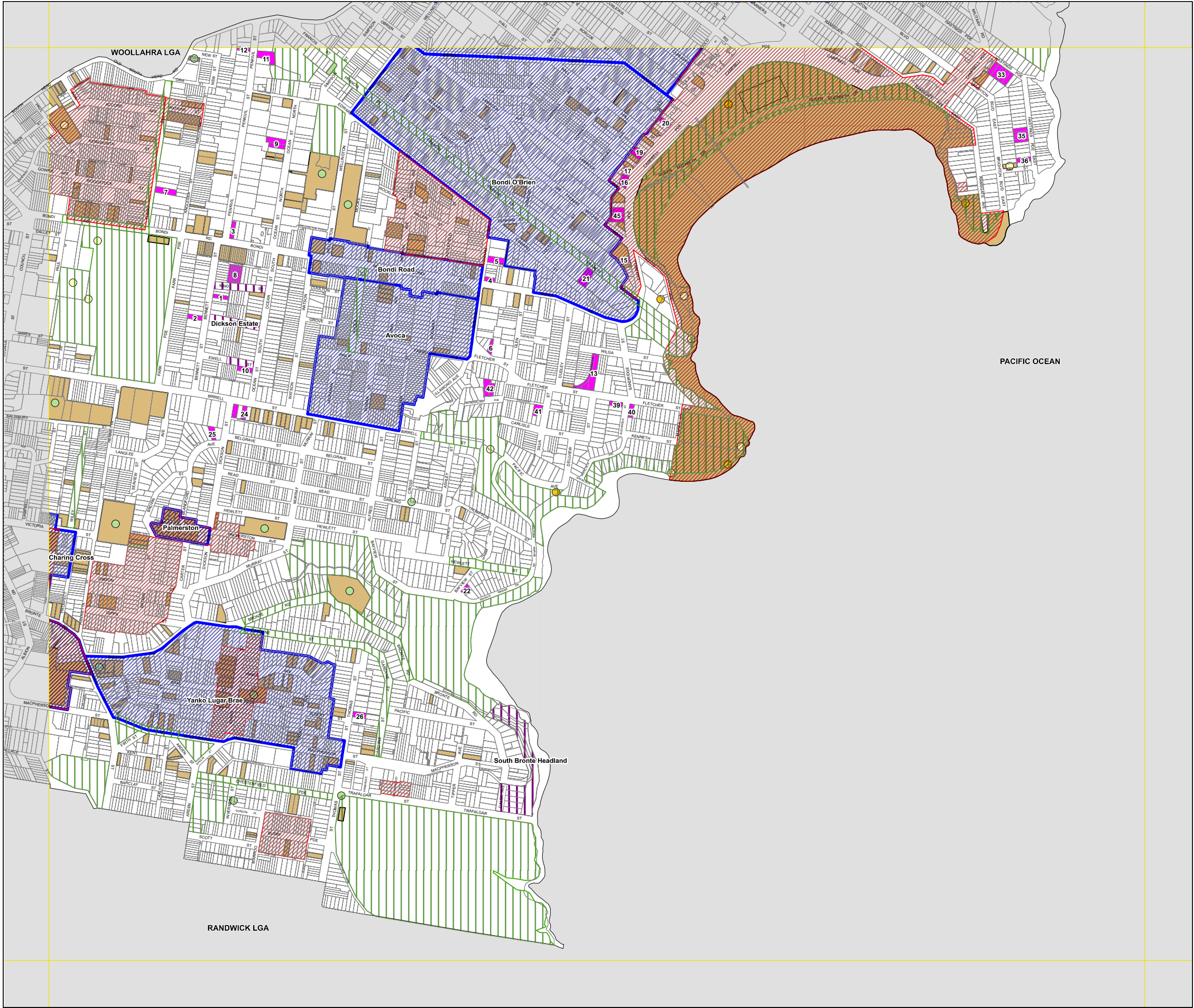
 - Conservation Area - General
 - Conservation Area - Landscape
 - Item - General
 - Aboriginal Object
 - Item - Archaeological
 - Item - Landscape
- Cadastre**

 - Cadastre 30/03/2022 © Waverley Council
- Proposed Heritage**

 - Proposed Conservation Area - General
 - Proposed Conservation Area - Landscape
 - Proposed Items



Map Identification Number:
8050_COM_HER_004_010_20220330



ADVICE OF THE WAVERLEY LOCAL PLANNING PANEL
Waverley Heritage Policy Implementation Planning Proposal
23 June 2021

SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979 (NSW)

Panel members:

Hon. Paul Stein (Chair)
Jan Murrell
Peter Brennan
Sandra Robinson (Community Rep)

Declarations of Interest

No Panel members declared a conflict of interest

Site visit and briefing

A formal site visit was not required given the applicability of the Planning Proposal across several areas of the Waverley LGA.

The following Council Officers from the Urban Planning Policy and Strategy team were present during the meeting to answer any questions:

Tim Williams	Manager, Urban Design and Heritage
Fleur Mellor	Strategic Planner (Heritage), Urban Design and Heritage
Jaime Hogan	A/Manager, Strategic Town Planning
Tina Wang	Strategic Planner, Strategic Town Planning
Patrick Hay	Strategic Planner, Strategic Town Planning

Following the briefing, the Panel discussed the PP and provided advice on the PP on 23 June 2021 under Schedule 2, Part 5, Item 26 of the Environmental Planning and Assessment Act 1979.

The Panel has considered the information that was circulated to it by Council email on 17 June 2021, which included:

- Summary Report and Recommendations
- Waverley Heritage Policy Implementation Planning Proposal
- Attachment A – Proposed Schedule 5 Part 1 Heritage Items
- Attachment B – Proposed Schedule 5 Part 2 Heritage Conservation Areas
- Attachment C – Proposed Heritage Maps
- Attachment D – Waverley Heritage Policy 2021 Part 1
- Attachment E – Waverley Heritage Policy 2021 Part 2

Resolution

The Panel advises Council that the building at 63 Fletcher Street has been demolished and therefore should be removed from the list of proposed heritage items.

The Panel supports the Planning Proposal for the Waverley Council Heritage Policy to proceed to Gateway determination.

The resolution provided by the Panel was unanimous.

Waverley Local Planning Panel – Planning Proposal – Waverley Heritage Policy Implementation Planning Proposal

REPORT
PD/5.4/22.04

Subject: Sustainability Expert Advisory Panel

TRIM No: A10/0022

Author: Sam McGuinness, Executive Manager, Environmental Sustainability

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Changes the name of the Environmental Sustainability Advisory Committee to the Sustainability Expert Advisory Panel.
2. Adopts the terms of reference for the Sustainability Expert Advisory Panel attached to the report.
3. Invites expressions of interest for the appointment of community sustainability experts to take place in April 2022.

1. Executive Summary

Since 2008, the Environmental Sustainability Advisory Committee has been assisting Council to deliver its environmental targets in an efficient and effective manner. The committee was reviewed in January 2022. An updated draft Terms of Reference (ToR) that includes a change of name, quorum and other minor amendments has been prepared. This report proposes to adopt the updated ToR to commence the recruitment of new community SEAP members.

2. Introduction/Background

Council's Environment Sustainability Advisory Committee (ESAC) has met since 2008. The Committee initially assisted setting Council's environmental targets and focus areas for the first Environmental Action Plan. The Sustainability Committee will now be called the Sustainability Expert Advisory Panel (SEAP), and like ESAC, it will consist of Councillors and community sustainability experts.

This report and the updated Terms of Reference propose that SEAP be established for this Council term (approximately 2.5 years) starting in 2022. The aim of the Panel is to assist Council in translating its strategic vision as outlined in the Waverley Community Strategic Plan and Council's Environmental Action Plan (EAP) in an efficient and effective manner. The focus of SEAP would be the key areas of climate resilience, water, biodiversity and waste.

The proposed structure for SEAP is:

- Up to four Councillor representatives, one of whom is the Mayor or the Mayor's nominee.
- Up to six local sustainability professionals with applied expertise in the areas of climate resilience, water, biodiversity and/or waste. These professionals are to be selected through a public expression of interest (EOI) process.

- Additional sustainability professionals or experts to be invited to specific meetings as per the Terms of Reference.
- Other participants in the Panel would be experts and key stakeholders on the discussion issue at the Panel as well as key relevant Council staff.
- Council staff would continue to support the Panel by recording meeting minutes that would be reported to Council.
- Small administrative changes have been made to the Terms of Reference to ensure it stays current.

Council officers reviewed and made amendments to the ESAC Charter to draft the Panel's Terms of Reference. The draft ToR will provide a contemporary and clear framework and structure for the Panel and will be consistent with other Advisory Committees and Panels of Council. The Terms of Reference are attached to this report.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/7.1/22.02	<p>EXTRACT</p> <p>That Council:</p> <p>...</p> <p>3. Appoints Councillors/delegates to the following committees/organisations until the next mayoral election on 19 September 2023:</p> <p>Environmental Sustainability Advisory Committee</p> <p>Crs Keenan (Chair), Masselos (Deputy Chair), Fabiano and Nemesh.</p>

4. Discussion

Since 2008, the Sustainability Committee has been assisting Council to deliver its environmental targets in an efficient and effective manner. The committee is reviewed every two years with the last review taking place in 2019. The new name, Sustainability Expert Advisory Panel, is to reflect the expertise of community Panel members as well as the Panel's role as an advisory body to Council.

The most recent iteration of the Environmental Sustainability and Advisory Committee (ESAC) has supported Council to improve its environmental performance and provide in depth feedback on specific topics. It has operated in a workshop format whereby participants are able to take a 'deep dive' into environmental issues.

The advice of the Committee has supported Council to achieve the following:

- Council purchased carbon offsets in 2020–21 to become climate neutral. The Committee provided input as to the benefits of becoming climate natural and the type of offsets that can be purchased.
- The Electric Vehicle Transportation Policy was workshopped with the Committee before being drafted by Council Officers and placed on public exhibition.
- The Climate Change Risk Framework for Council is being implemented following feedback from the Committee.
- The Biodiversity Action Plan – Remnant Sites was prepared using input from the Committee.

- Providing feedback on long term greenhouse gas emission targets for both Council and the community which can be incorporated into the next Environmental Action Plan.

Updating the Panel's Terms of Reference provides clear guidance around the purpose and function, roles and responsibilities for Council and SEAP members. The updated version provides:

- A clear explanation on the key functions and structure of SEAP, including meetings, reporting, protocols and staff resourcing.
- Purpose and aims of SEAP.
- Membership and responsibilities.
- Inclusion of section on decision-making.
- Inclusion of information about the Panel's limited authority.
- Timeframes for review of terms of the Terms of Reference and membership.

If supported Council, officers will commence recruitment of new community SEAP members in March 2022.

5. Financial impact statement/Time frame/Consultation

Financial impact

There are no financial implications in adopting the proposed SEAP Terms of Reference. Officers' involvement in facilitating and supporting meetings as described in the document will be covered within operational budgets. Recommendations from the SEAP relating to specific projects or large-scale events may be considered by Council on a case-by-case basis to determine resource allocations.

Time frame

The SEAP ToR will take effect upon adoption by Council. The expression of interest to recruit SEAP members will be advertised once the ToR is endorsed by Council. Members will be appointed by May 2022. The first SEAP meeting of the year will be scheduled following the appointment of members. A total of three meetings will be held in 2022-2023. SEAP will be reviewed at the end of this Council term which is expected to be in 2024.

Consultation

Community and Councillor members of the ESAC Committee were consulted on the updated SEAP Terms of Reference.

6. Conclusion

The Sustainability Expert Advisory Panel, previously known as ESAC and before that, the Sustainability Committee has been operating at Council since 2008. Following a review of the Terms of Reference, small amendments were made to it to provide a contemporary and clear framework and structure for the Panel.

This report recommends that the updated ToR is adopted and that Council authorises for the recruitment of community sustainability experts to take place in March 2022 for the period of the next Council term.

7. Attachments

1. Sustainability Expert Advisory Panel - Terms of Reference [↓](#) .



Sustainability Expert Advisory Panel

Terms of Reference



Sustainability Expert Advisory Panel Terms of Reference

Policy owner	Executive Manager, Environmental sustainability
Approved by	Council
Date approved	
Commencement date	
TRIM Reference	SF19/1191
Next revision date	2024
Relevant legislation/codes	Waverley Code of Conduct for Council Committee Members and Other Council Officials Waverley Code of Meeting Practice
Related policies/procedures/guidelines	Environmental Action Plan Community Strategic Plan
Related forms	Sustainability Expert Advisory Panel Expression of Interest Form

Table of Contents

Acknowledgement	4
1. Objective.....	4
2. Purpose Statement	4
3. Authority.....	4
4. Membership.....	4
4.1 Appointment of Councillor members	5
4.2 Appointment of community members	5
4.3 Chair of the Panel.....	5
4.4 Non-voting Invitees.....	6
4.5 Vacancies.....	6
5. Term of Office	7
6. Member Responsibilities	7
6.1 Code of Conduct.....	7
6.2 Conflict of Interests	7
6.3 Confidential and Personal Information.....	8
6.4 Media Protocol.....	8
6.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors.....	8
7. Review of the Terms of Reference.....	8
8. Administrative Arrangements	9
8.1 Administrative Support	9
8.2 Meetings	9
9.3 Agendas and Minutes	9
8.3 Remuneration	10

Acknowledgement

The Panel acknowledges the Bidjigal and Gadigal people who traditionally occupied the Sydney Coast, and Aboriginal Elders both past and present.

1. Objective

The aim of the Panel is to assist Council in translating its strategic vision as outlined in *the Waverley Community Strategic Plan* and Council's *Environmental Action Plan* (EAP) in an efficient and effective manner.

2. Purpose Statement

The role of the Sustainability Expert Advisory Panel (SEAP) will be to:

- a. Work with Council to promote sustainable practices, focusing on the Waverley Community Strategic Plan and Environmental Action Plan.
- b. Assist Council and the community to implement and achieve the environmental targets of the EAP.
- c. Assist Council to integrate environmental sustainability into Council policy, plans and operations.

The Panel will operate in a collaborative manner and convene to workshop environmental problems and solutions to improve the environmental sustainability of Council and the Waverley community more broadly.

3. Authority

The Panel is an advisory body to Council that assists the Council to fulfil its functions. It does not have any delegated authority to act on behalf of Council. The advisory status of the Panel means that it may provide input to Council officers and make recommendations to Council or its Standing Committees.

The Panel is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Panel membership will comprise:

- The Mayor (or Mayor's nominee) and three Councillors.

Waverley Council

- Up to six local community sustainability professionals.
- Should the Mayor decline membership of the Panel, a Councillor nominated by the Mayor shall be appointed to the Panel for the councillor term.

A community member is to be appointed as an individual member of the community and not as a representative of an organisation, business, advocacy body, or stakeholder group.

4.1 Appointment of Councillor members

The Mayor, or the Mayor's nominee, and the three councillor members must be appointed by resolution of the Council.

Council may resolve to appoint an alternate Councillor member to attend Panel meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Appointment of community members

The community members may only be appointed to the Panel by resolution of the Council.

The six community members shall be sought by way of public advertisement inviting expressions of interest for assessment by a selection panel comprising the Executive Manager Environmental Sustainability and two Council officers.

An Easy Read version of the Expression of Interest form will be made available.

The selection panel will evaluate the candidates against the following criteria:

- Live or work in the Waverley local government area
- Have the capacity to contribute views and perspectives that represent, as far as is possible, a diverse range of environmental issues.
- Have significant professional experience in environmental sustainability.
- Have specific expertise relevant to Waverley Council such as in the areas of climate resilience, water, biodiversity or waste.
- Be available to attend meetings out of business hours.

The selection panel will recommend the community membership to Council for its determination.

4.3 Chair of the Panel

The Chair of the Committee or the Chair's delegate is the Chair of the Panel.

The Chair is to have precedence over the control and management of the meetings. In relation to any procedural matter, the ruling of the Chair shall be final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

Should the Chair be unable to chair a meeting or part of a meeting, prior to the meeting the Chair will nominate a councillor member or a suitable Council Officer.

4.4 Non-voting Invitees

The Panel will issue a standing invitation to the following people to attend meetings of the Panel as non-voting invitees:

- All non-member Councillors
- The General Manager

Other Council staff may be invited by the Chair of the Panel or the Executive Manager Environmental Sustainability to attend meetings as observers, advisors or to provide information and presentations as required.

The Panel may also invite other external parties to provide expert advice, information or presentations as the Panel deems necessary. This will be facilitated by the Director of Planning, Environment and Regulatory Services and the Executive Manager of Environmental Sustainability.

Councillors who are not Panel members may attend meetings of the Panel. However, they are not entitled to:

- Give notice of business for inclusion on the agenda of the meeting;
- Move a motion at the meeting; or
- Vote at the meeting.

4.5 Vacancies

A vacancy for a community member of the Panel will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 5 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.

Following an expression of interest process for community membership of the Panel, Council may establish a pool of suitable candidates to fill vacancies on the Panel. A candidate may be a member of the pool for a maximum period of 36 months.

Where no pool of suitable candidates is established, vacant community member positions on the Panel must be filled by way of public advertisement inviting expressions of interest

for assessment by the selection panel, who will recommend a new member to Council. This will occur as soon as practical within the period of two Panel meetings.

5. Term of Office

Councillor members of the Panel shall hold office for one Council term

Community members shall hold office for one Council term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.

An individual member will cease to be a member of the Panel if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

A review of the panel will be completed every Council term.

6. Member Responsibilities

It is the responsibility of Panel members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Panel.
- Contribute the time needed to study and understand the papers/information provided
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Panel.
- Perform tasks agreed by the Panel that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Panel e.g. site visits.

6.1 Code of Conduct

Members of the Panel must comply with Council's Code of Conduct for Council Committee Members and Other Council Officials in carrying out their functions as Panel members.

6.2 Conflict of Interests

Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Panel members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate that they be excused from Panel deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Panel are not 'designated persons'.

6.3 Confidential and Personal Information

In the course of their work on the Panel, Panel members may be entrusted with sensitive or confidential information about Council's operations.

Panel members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct for Council Committee Members and Other Council Officials*.

Should a Panel member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the Executive Manager Environmental Sustainability immediately.

6.4 Media Protocol

Panel members must not make public comment, including to the media and on social media, on any matter related to Waverley Council. The Mayor or the Chairperson of the Panel are the only persons permitted to speak to the media on behalf of the Panel.

6.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 6.1-6.4 of this Terms of Reference.

7. Review of the Terms of Reference

The Panel will review its Terms of Reference at least every Council term to ensure it remains current, relevant, and accurately reflects the Panel's composition, role, and responsibilities.

The Panel may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

8. Administrative Arrangements

8.1 Administrative Support

- Administrative support will be provided by Council Officers from the Environmental Sustainability Department.
- Council's main contact for the Panel will be the Executive Manager, Environmental Sustainability.

8.2 Meetings

- Meeting will be in a workshop format and take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote.
- Meetings of the Panel will be held at least three times per year.
- Meetings will be held outside of business hours.
- Meetings may be held in person, online, or both.
- Meetings of the Panel are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Panel at the discretion of the Chair.
- Additional meetings may be required outside the regular meetings to complete the requirements of the Panel. The purpose of these meetings will not be to make recommendations to Council but to complete actions of the Panel.
- Where these Terms of Reference do not address the conduct of a meeting, Council's Code of Meeting Practice will apply.

9.3 Agendas and Minutes

- Council officers will provide agenda items and reports for Panel meetings in consultation with the Chair of the Panel.
- The assigned support officer will ensure meeting agendas and associated documents will be issued to Panel members, all councillors and non-voting invitees at least seven days before the meeting.
- Members may raise specific matters that they believe are within the Panel's Terms of Reference for discussion, comment and consideration. Where practicable, members should notify the Executive Manager Environmental Sustainability of items of general business that they would like to discuss in the meeting at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda. Agenda items put forward must be aligned with the Waverley Environmental Action Plan and Waverley Community Strategic Plan. Where there is insufficient time to discuss an item of general business, whether raised before or at the meeting, consideration will be given to placing it on the agenda of the next meeting or dealing with the matter out of session.

- The Executive Manager Environmental Sustainability, through the assigned support officer, will record minutes of the of Panel. The minutes must record:
 - The date and start time of meetings, attendees and any apologies.
 - Any conflict of interests declared at the meeting.
 - The confirmation of the minutes from previous the meeting.
- The draft minutes must be approved by the Chair of the Panel. The assigned support officer will then circulate the draft minutes to all Panel members, Councillors and relevant staff within 10 business days of the meeting being held.
- Draft minutes are not publicly available.
- The draft minutes must be confirmed by the Panel at the next available Panel meeting, and subsequently reported to Council for noting and published on Council's website.
- If the Panel wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Panel's recommendation for Council's consideration.

8.3 Remuneration

Involvement in the panel is on a volunteer base only, there is no remuneration for participating on the Panel.

REPORT
PD/5.5/22.04

Subject: 20 Illawong Avenue, Tamarama

TRIM No: SF22/866

Author: Jaime Hogan, Senior Strategic Planner

Director: George Bramis, Acting Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council does not pursue a planning proposal to amend the zoning at 20 Illawong Avenue, Tamarama, for the following reasons:

1. The development standards and controls in place will likely ensure that any development application being submitted will be appropriate for the streetscape, regardless of the existing zoning.
2. The planning proposal process is not seen as the best avenue to ensure appropriate development would occur on site, due to the long-time frame associated with the planning proposal process in the context of the submission of any future development application.
3. Notwithstanding clauses 1 and 2 above, rezoning the parcel to the adjacent zoning would result in a relatively minor difference to height and floor space ratio standards, with a height reduction of 1 m and a floor space ratio reduction of 0.1:1.

1. Executive Summary

This report has been prepared to respond to a Council resolution made on 22 February 2022 regarding the parcel of land forming part of 20 Illawong Avenue, Tamarama, which has been advertised for sale. This report sets out the various options available to Council and recommends that no action be taken and that Council awaits a development application for the subject site, before taking further into account any impacts that any specific proposed development may have.

2. Introduction/Background

A 368 sqm rectangular-shaped parcel of land currently forming part of 20 Illawong Avenue, Tamarama, identified informally and interchangeably as 7B and 5 Tamarama Street (legal description being Strata Plan 1737) with its western boundary being Tamarama Street, known as the 'subject lot', has been advertised for sale, as identified in Figure 1. To support the sale the agent for the proposed sale commissioned the preparation of a town planning report prepared in December 2020 by Creative Planning Solutions as part of sale documentation provided to potential buyers.

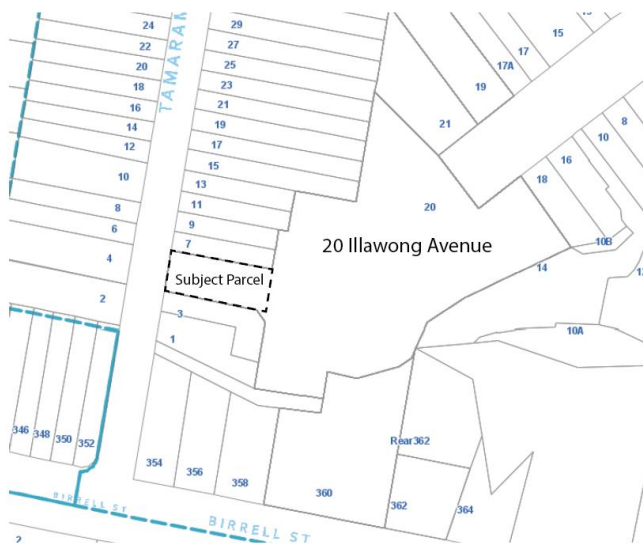


Figure 1. Subject 'parcel' portion of 20 Illawong Avenue.

Concern has been raised by members of the community about the potential for a new residential flat building (RFB) to be developed on the land, with residents believing that this would be an overdevelopment of the site. It is currently supported by WLEP characteristics that include R3 zoning, maximum height of 9.5m, and maximum floor space ratio of 0.6:1, which could be subject to a clause 4.6 variation application that may lead to an even greater height and gross floor area.

It is perceived that the maximum envelope under the current WLEP zoning would present a bulk and scale that would be out of character with the streetscape and other properties in Tamarama Street and could easily present undue impacts to neighbouring properties—noting that the rest of Tamarama Street has a maximum height limit of 8.5m and FSR control of 0.5:1.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 15 February 2022	CM/8.3/22.02	<p>That Council:</p> <ol style="list-style-type: none"> Notes that the 368 sqm rectangular-shaped parcel of land currently part of 20 Illawong Avenue, Tamarama, identified informally and interchangeably as 7B and 5 Tamarama Street (legal description being Strata Plan 1737) with its western boundary being Tamarama Street, referenced by this motion as the 'subject lot', has been advertised for sale. Notes that a town planning report prepared in December 2020 by Creative Planning Solutions is available from Sotheby's, the agent for the proposed sale, as part of sale documentation provided to potential buyers. Notes that the town planning report indicates the site is approved for subdivision to create the subject lot, but that this subdivision is yet to be registered and the land still forms part of 20 Illawong Avenue. Notes that the subject lot has different Waverley Local

		<p>Environment Plan (WLEP) characteristics to all other properties in Tamarama Street, including that the zoning is R3 rather than R2, maximum height is 9.5 m rather than 8.5 m and maximum floor space ratio is 0.6:1 rather than 0.5:1.</p>
		<p>5. With some urgency, investigates matters for the subject lot, including:</p> <ul style="list-style-type: none"> (a) The status of the subdivision referred to in the Creative Planning Solutions town planning report. (b) To what extent the floor space ratio (FSR) of the subject lot has been used in the development of 20 Illawong Avenue. (c) An avenue by which to prevent 'double-dipping' of any FSR of the subject lot that was found to be utilised in the development of 20 Illawong Avenue. (d) Confirmation, or otherwise, that a Torrens title subdivision has been approved for the subject lot. (e) Advice on whether Council should initiate a planning proposal for the subject lot if the subdivision is ratified.
		<p>6. Receives a report on the above matters as soon as possible, with an interim report to the March 2022 Council meeting with any progress achieved.</p>

4. Discussion

Subdivision

A development application (DA-125/2012) sought alterations and additions to the multi-storey residential flat building on 20 Illawong Avenue, including two new penthouses, underground carparking, new three storey block of five apartments and land subdivision to create two new lots. The DA sought the subdivision of the subject parcel of land (Lot 1), as identified as shaded in Figure 2.

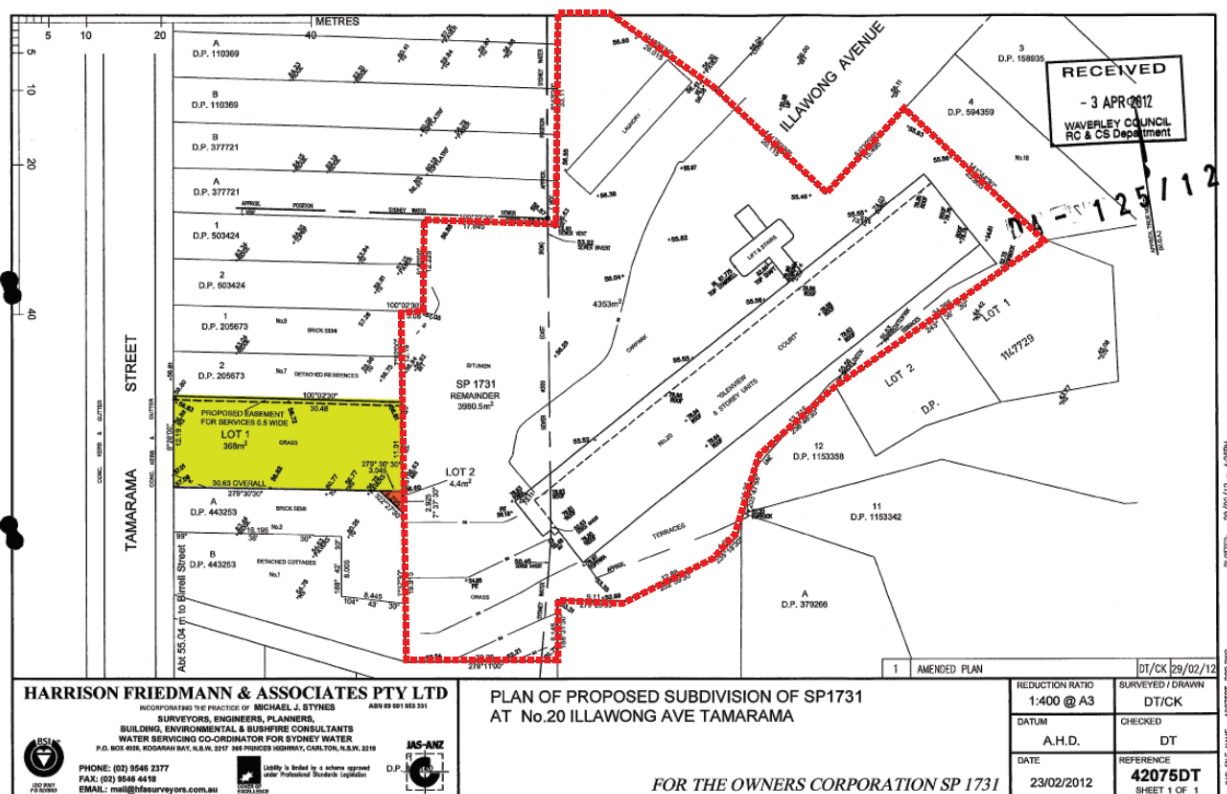


Figure 2. Proposed Subdivision Plan Lots 1, 2 and 3 of 20 Illawong Avenue.

The DA was approved and has since been activated. A subdivision certificate was lodged with Council on 4 March 2022 (SC-8/2022).

Floor space ratio usage

Given the large apartment development housed on the site at 20 Illawong Avenue, questions have been raised regarding whether or not the FSR from the subject parcel has already been 'used' towards the redevelopment sought in DA-125/2012. Council officers can confirm that DA-125/2012 sought to subdivide the site into three Lots, and that the relevant FSR of the subject parcel (Lot 1) was not utilised in the DA.

The DA sought to further exceed the FSR of the main parcel of the site (Lot 3). Figure 3 was submitted as part of the DA package and identifies the FSR of the main parcel of the site (Lot 3) before subdivision (1.32:1) and after subdivision (1.45:1), as well as the proposed FSR as a result of the DA before subdivision (1.59:1) and after subdivision (1.74:1). Accordingly, it is clear that the subject parcel (Lot 1) was not included in the FSR calculations for the works to the existing residential flat building, nor the newer residential flat building which was proposed under the DA.

Existing site area	4353m ²
Proposed site area after subdivision	3980.5m ²
Existing Gross Floor Area	5755m ²
Existing Floor Space Ratio before subdivision	1.32:1
Existing Floor Space Ratio after subdivision	1.45:1
Proposed Gross Floor Area	6924m ²
Proposed Floor Space Ratio before subdivision	1.59:1
Proposed Floor Space Ratio after subdivision	1.74:1
Additional floor space	1169m ²
Building A	595m ²
Building B	574m ²
Existing maximum building height	27.06m (RL 82.64)
Proposed maximum building height	27.145m (RL 82.725)
Setbacks	
Northeast	4.5m
Northwest	3m
Southeast	3.7m
Southwest	19m
Existing car parking spaces	58
Proposed car parking spaces	87
Existing Landscape Area	1271m ²
Proposed Landscape Area	1189m ²

Figure 3. Numerical overview of DA-125/2012.

Options available to Council

The subject parcel (Lot 1) presents to Tamarama Street and is inconsistent with the general height and FSR controls of the remainder of Tamarama Street, as identified in Figures 5-6. The following discussion outlines the available options to Council to address the matter.

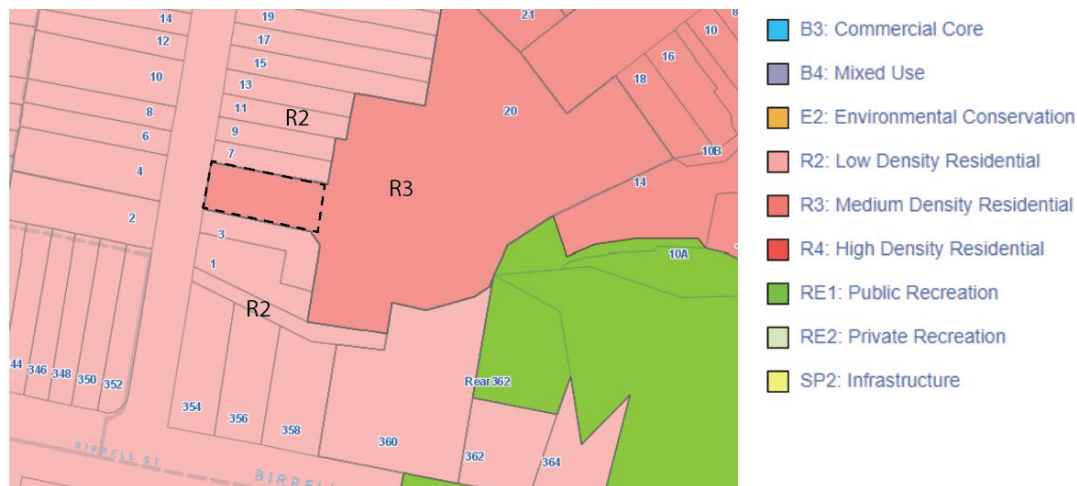


Figure 4. Land use zoning map.

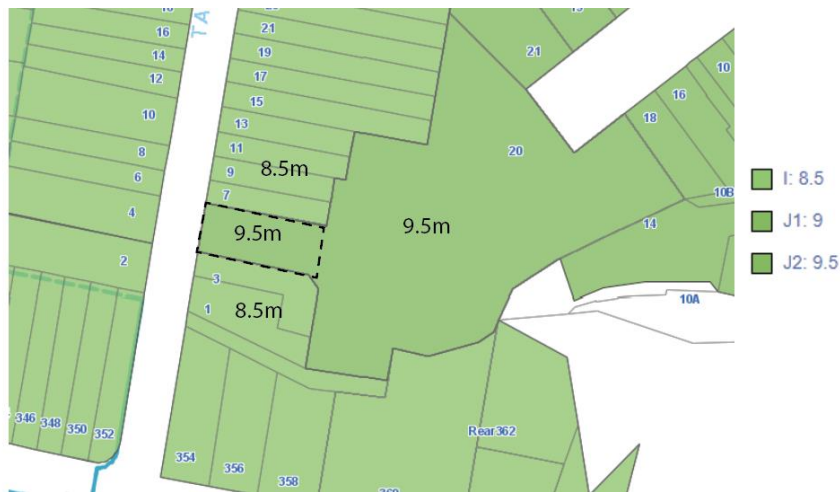


Figure 5. Height of building map.

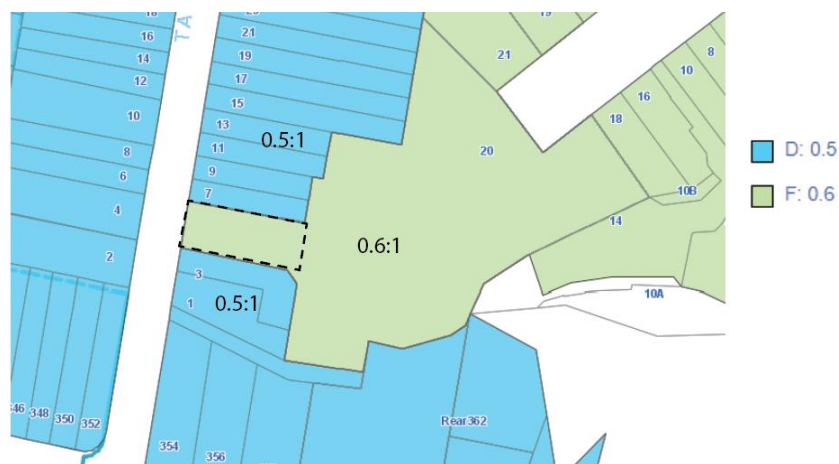


Figure 6. Floor space ratio map.

To amend the *Waverley Local Environmental Plan* and make a change to the land use zone, height of building or floor space ratio map, a planning proposal would be required. The difference in development capacity of the site under the current or changed controls is outlined in Table 1. It is noted that there may be a perception from the community that a building of the scale of the existing 20 Illawong Avenue residential flat building will be permissible and able to be built on the Lot 1 parcel. This is not the case, as the existing building is a legacy building which far exceeds the maximum Height or FSR controls available on the site in the *Waverley Local Environmental Plan* (as identified in Figure 3 previously). The difference between the controls in the R3 zone to R2 zone is comparatively minor.

Table 1. Development capacity of the site.

	Land Use Zoning	Height of Building	Floor Space Ratio
Current Lot 1 Parcel Conditions	R3 – residential flat buildings and manor homes permissible	9.5m	0.6:1 = 220sqm maximum gross floor area
Lot 1 parcel conditions if changed to match Tamarama Street	R2 – residential flat buildings and manor homes not permissible	8.5m	0.5:1 = 184sqm maximum gross floor area

Option A – Include an amendment to *Waverley Local Environmental Plan 2022*

This matter could be included in the *Waverley Local Environmental Plan 2022* (WLEP2022); however, given the stage of the WLEP2022, the proposal would have to be re-exhibited as it may result in the de-valuation of property which has not been publicly exhibited, nor notified to the relevant landowners. The re-exhibition of the WLEP2022 would jeopardise Council meeting the NSW Government imposed deadline. Accordingly, Option A is not recommended.

Option B – Site specific planning proposal (Council initiated)

It is possible that Council could seek to include the matter in a future house-keeping amendment planning proposal; however, this would likely take longer than a site-specific planning proposal, which would have a 'faster' turnaround time under the new LEP Making Guidelines that have been implemented by the NSW Government. Council could initiate a planning proposal, which would require that a Motion be put to Council to do so.

Option C – Site-specific planning proposal (owner-initiated)

The owner of the site could initiate a planning proposal to change the zoning, height and FSR development standards of the site, however given that this would potentially result in a loss of value for the property this is not probable.

Option D – Await a development application

A development application (DA) for a development on this site would be subject to the existing development standards and controls in the *Waverley Local Environmental Plan* and Development Control Plan. It is also noted that various provisions of NSW Government planning policies also apply to the site including:

- *State Environmental Planning Policy (Housing) 2021* – regarding the development of boarding houses, seniors housing, and affordable housing.
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* – regarding the development of dual occupancies or manor homes.
- *State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)* - regarding the development of a residential flat building.

In addition to the general compliance with the above provisions, many development applications are subject to design advice from Council's Design Excellence Panel and determination by the Local Planning Panel, both of which observe the existing and desired future character of a local area. It is highly likely that a residential flat building would not be able to be accommodated on the site, given the constraints of the site itself, in combination with the low-rise character of the surrounding streetscape of Tamarama Street. There may however be other development types such as a small boarding house, co-living housing, or a manor home, which may be more appropriately scaled, that would nonetheless be required to meet the general character of Tamarama Street, regardless of the type of development.

Option D is recommended.

5. Financial impact statement/Time frame/Consultation

Should Council resolve to prepare a planning proposal, Council officers will need to prepare the planning proposal and submit this to the Department of Planning and Environment for a Gateway determination. This has no direct financial implications, however this option does have resourcing implications for the Strategic Town Planning team to prepare and prioritise against other current Council priorities.

Should any planning proposal receive a Gateway approval from the DPE, a public exhibition period would be prescribed in the Gateway.

The time frame of a planning proposal is likely to be Gazetted within 320 days, by which time a development application may already have been lodged for the site.

6. Conclusion

Given the available options to Council, Option D is recommended as, on balance, it is likely that the many development standards and controls in place, combined with the Design Excellence Panel and the Local Planning Panel, will likely result in a development application that is appropriate for the streetscape.

7. Attachments

Nil.

REPORT
PD/5.6/22.04

Subject: Oxford Street Mall Upgrade - Pedestrian Activity Monitoring

TRIM No: A14/0404

Author: John Coudounaris, Manager, Economic Development
Nikolaos Zervos, Manager, Asset Systems and Planning
Timothy Williams, Manager, Urban Design and Heritage

Director: Sharon Cassidy, Acting Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Notes the activity monitoring of Oxford Street Mall, as set out in Table 1 of the report.
2. Approves the short-term infrastructure upgrades of Oxford Street Mall, as set out in the report, to be undertaken in the 2022–23 and 2023–24 financial years.
3. Undertakes a preliminary strategic audit and scoping exercise of Oxford Street Mall, reviewing the 2004 Graham Jahn masterplan for Oxford Street Mall, with a report on the findings to be prepared to Council.

1. Executive Summary

Council officers undertook activity monitoring of Oxford Street Mall to assess activity levels over two Christmas periods: one in a pre-COVID restriction context and one in a post-COVID restriction period. Results indicate a range of insights into how the mall is used and the volume of people. Initial upgrades to existing infrastructure on Oxford Street Mall have been identified and outlined in this report. Further, it is recommended that Council Officers undertake a preliminary scoping into the renewal and upgrade of Oxford Street Mall.

2. Introduction/Background

Oxford Street Mall was originally constructed in 1979 and was subsequently renewed in 2004. Malls traditionally have a renewal cycle of 20 years, which means that Oxford Street Mall is due for renewal approximately in 2024.

Council's allocation of \$6 million in the LTFP is adequate to undertake like-for-like replacement of the paving, shade structures, lighting, and street furniture within the mall; \$1 million is allocated in 2022–23 and \$5 million post-2026. Any additional betterment or uplift is not currently budgeted for. The current condition of the mall is considered 'Fair', with works predominantly required to revitalise lighting, furniture and shade structures. The paving within the mall is in overall 'Good' condition with localised failures requiring rectification. The current allocation of \$1 million in 2022–23 was designated for the critical upgrades of the lighting and shade structures. The Asset Systems and Planning team is progressing with the establishment of the Public Place Co-ordination function for the greater local government area. Part of the

responsibilities include management of the mall to ensure infrastructure is fit for purpose and encourages use and activation of the area.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 9 November 2021	CM/8.5/21.10	<p>That Council:</p> <ol style="list-style-type: none"> Requests officers to monitor the level of activity in Bondi Junction over the Christmas period and report to Council in February 2022, at which stage Council is to undertake the following: <ol style="list-style-type: none"> Consult residents, businesses and other stakeholders to develop a master plan for the re-creation of Oxford Street Mall with a vision for the centre to become an attractive, flourishing destination for day and evening activities. Seek new funding sources for the upgrade and revitalisation of the Oxford Street Mall that would enable the re-creation project to be brought forward with an accelerated timetable. Address the replacement of shade structures and improvements to the paving. Expedite safety measures, such as cyclist prevention, with a report to come to Council as soon as possible. Notes that the upgrade of the Oxford Street Mall is listed on the Long Term Financial Plan (LTFP) for \$6 million over 10 years, with \$1 million in 2022–23 and the balance falling in 2026–2032. Notes that there is no current strategy or plan for the upgrade of the Mall and the shade structures are in very poor condition and are overdue for replacement. Notes that new garden structures and bike parking is planned to be installed at both ends of the Mall in 2021–22.

4. Discussion

Activity monitoring of Oxford Street Mall

In response to the Council resolution to monitor the level of activity in Bondi Junction over the Christmas period, staff undertook a study using current data analytics technology. Two time periods were assessed, December 2019–February 2020 (pre-COVID) and December 2021–February 2022 (post-COVID). This enabled the assessment of activity levels of Oxford Street Mall in a pre- and post-COVID context as restrictions and closure of international borders heavily impacted the volume of people moving through

Oxford Street Mall. The data available to Council in the current market has grown significantly. In addition, the internal capabilities of generating analytics within Waverley Council has matured to translate data into meaningful insights that contribute to more evidence-based decision making. The data analytics in this report relied on over 500,000 smart devices and their GPS location and has an accuracy of less than 1m. The results of the analytics have been summarized below with more detailed information available in Attachment 1.

Table 1. Oxford Street Mall data analytics (source: Near and Waverley Council).

Query	Data Analytics <i>Period 1 – 15 December 2019 to 16 February 2020 (pre-Covid)</i> <i>Period 2 – 15 December 2020 to 16 February 2021 (post-Covid)</i>
Daily Volume – number of visitors	Period 1 <ul style="list-style-type: none"> ○ 282,000 people total ○ peak day was 15 January 2020 at over 6000 people Period 2 <ul style="list-style-type: none"> ○ 170,000 people total ○ peak day on 23 December 2021 at over 3,500 people.
People Movement - heat map – concentration of visitor movements	The primary differences between both periods show a decrease in people using both the Rowe St connection and the western end of the mall (Newland St). This was attributed to a reduction in public transport use during covid and temporary closure of Oxford Street Mall markets.
Busiest Hour – Weekday (Top 3 busiest hours)	Period 1 <ul style="list-style-type: none"> ○ Thursday 2pm – 410 people/ hour ○ Thursday 4pm – 360 people / hour ○ Friday 1pm – 350 people / hour Period 2 <ul style="list-style-type: none"> ○ Friday 4pm – 305 people/ hour ○ Tuesday 4pm – 270 people / hour ○ Tuesday 3pm – 265 people / hour
Busiest Hour – Weekend (Top 2 busiest hours)	Period 1 <ul style="list-style-type: none"> ○ Saturday 1pm – 280 people/ hour ○ Saturday 11am – 275 people / hour Period 2 <ul style="list-style-type: none"> ○ Saturday 12pm – 210 people/ hour ○ Saturday 2pm – 205 people / hour
Volume – 4am to midnight	Period 1 peak hourly volume of people: <ul style="list-style-type: none"> ○ Monday – Sunday (except Tue) – 12 – 2pm ○ Tuesday – 10am – 12pm Period 2 peak hourly volume of people: <ul style="list-style-type: none"> ○ Monday to Friday – 2 – 4pm ○ Saturday – 12 – 2pm ○ Sunday – 10am – 12pm
Daily Trend Analysis Morning (6am-11am) Afternoon (12-5pm)	Period 1: <ul style="list-style-type: none"> ● Mornings were least busy, followed by night-time and most busy between 12-5pm.

Night (6pm-midnight)	Period 2: <ul style="list-style-type: none"> ○ The same pattern as above was maintained except overall numbers were lower.
Origin of Visitors to Oxford Street Mall – 1 to 10+km	During both periods, total unique visitors to mall lived within: <ul style="list-style-type: none"> ○ 1km = 14.1% ○ 1-5km = 46.6% ○ 5-10km = 10.9% ○ 10+ km = 28.3%
Origin of Visitors 2-hrs prior and 2-hrs after visiting Oxford Street Mall	Both periods: <ul style="list-style-type: none"> ○ Waverley LGA ○ City of Sydney LGA ○ Randwick LGA ○ Woollahra LGA ○ Bayside LGA
Top 10 suburbs by visitor origin volume – place of residence (Outside of Waverley LGA)	Top 5 suburbs according to postcode: <ul style="list-style-type: none"> ○ 2031 – Randwick and North Randwick ○ 2021 – Paddington and Moore Park ○ 2000 – Sydney CBD, Haymarket and the Rocks ○ 2011 – Potts point and Woolloomooloo ○ 2036 – Malabar, La Parouse, Chieflly
People movement within Oxford Street Mall	Both periods indicated the top 3 access points for the mall were Bronte Rd, Rowe St, pedestrian access points across private property from Spring St. Retail businesses on the southern side of the mall also had much high visitation than ones on the opposite (norther side) of the mall.
Dwell time (seconds) in Oxford Street Mall – Daily (Average)	Period 1: <ul style="list-style-type: none"> ○ 146 seconds (2 minutes, 26 seconds) Period 2 <ul style="list-style-type: none"> ○ 120 seconds (2 minutes)
Dwell time (seconds) in Oxford Street Mall – Day of the week	Period 1 <ul style="list-style-type: none"> ○ Wednesday and Saturday had the highest dwell time Period 2 <ul style="list-style-type: none"> ○ Thursday and Saturday had the highest dwell time
Origin and volume of international visitors (Top 5 countries)	Period 1 <ul style="list-style-type: none"> ○ USA, South Africa, Philippines, New Zealand, Hong Kong Period 2 <ul style="list-style-type: none"> ○ France, UK, USA, South Africa, Singapore
Origin and volume of inter-state visitors (Includes Waverley residents) (Top 3 states)	Period 1 <ul style="list-style-type: none"> ○ NSW, QLD, TAS Period 2 <ul style="list-style-type: none"> ○ NSW, QLD, ACT

Further to the above analytics, an intercept survey was undertaken with pedestrians moving through Oxford Street Mall (see Attachment 2). This was to offer an initial insight into thoughts on Oxford Street

Mall. The survey is not statistically relevant with 44 respondents yet provides some insight. The key results were:

- A majority of participants were either walking through the mall or arrived there for shopping or business needs.
- Most visited daily or weekly of which half lived within the Waverley LGA.
- Over 40% having walked to the mall while another 40% arrived via public transport.
- The overall visual appearance of the mall scored 4.4 out of 10 while functionality rated higher at 6.5 out of 10.
- The top 3 things rated by participants that would make them spend more time in the mall included landscaping, entertainment and at an equal stated amount, food choices, markets, seating and shade.
- The respondents ranged in age from 18-80 years of age with the bulk being 21-30, 41-50 and 61-70 years of age.

Short-term infrastructure renewal works for Oxford Street Mall

The Oxford Street Mall streetscape and landscaping works were completed in 2004 and will not reach the end of their useful life for several years including paving, artworks and interpretive elements as well as landscaping. However, the shade structures and lighting are both in need of urgent attention.

Some short-term uplift and renewal works are required to ensure the functionality of the space continues, reaching the end-of-life period expected in 2026–27.

Works are already procured to build raised garden beds with trees and install bollards with new paving at the two ends of the mall. These works will also facilitate new bike parking and seating to activate the ends of the mall. These works are expected to be completed by September 2022.

In the 2022–23 and 2023–24 financial years (over the winter period of 2023), works will be undertaken to revitalise the space without undertaking full renewal prior to the optimised renewal cycle of 2026–27. These works include:

- Replace/renew the lighting and shade structures through the mall.
- New street furniture including seats and bins.
- Paving restorations and surface treatments.
- Active treatments to reduce cyclist movements within the mall.
- Additional hanging baskets.

The design of the existing shade structures is such that they block views along Oxford Street and reduce the amount of daylight in the mall considerably. They also block the light from the catenary lights above them. A review of the existing shade structures is required to assess if repairs are possible or if they need to be removed and that an alternative lighter weight shade structure be investigated and potentially positioned higher in the mall so that the facades of the buildings on the Mall can be seen.

If replacement of the shade structures is required, concepts will be developed and presented to the community and Council in line with normal capital works consultation processes.

Future master planning for Oxford Street Mall precinct

A larger holistic review is required to assess the uses of the mall and what design principles are required to inform the design.

Since the last overall masterplan for Oxford Street Mall was undertaken about 15 years ago, much has changed in and around the mall and many of the assumptions made in that masterplan are no longer valid. The use of Spring Street as a cycle way, the development associated with Roscoe Street and proposals around the Bronka Arcade site suggest that a new Masterplan that considers the whole Oxford Street Mall site on both sides be undertaken. This should consider the existing build form and usage, access and transport, the climatic conditions including sun angles, Development potential on both sides and the social, economic and environmental impacts. This study should be done in two stages, a. a scoping stage which develops a brief for consultant(s) to undertake the study and b. the study itself. Once this is done it will be time to include the findings in the LEP, DCP and design a fully refreshed Oxford Street Mall.

With access to the bus and rail interchange and proximity to Westfield shopping centre, the Oxford Street Mall is a natural open-air shopping, dining and cultural centre of Bondi Junction. Over 50,000 people are known to pass through the mall daily, so to beautify and invigorate this area as a priority. The Mall is not included in the Complete Streets Plan to upgrade Bondi Junction and now that Spring Street and other public spaces have been upgraded it is looking very tired and overdue for an upgrade.

5. Financial impact statement/Time frame/Consultation

The raw data used to monitor the mall was bought by Council at cost of approximately \$5,000. All analytics were undertaken by staff at no additional cost.

The proposed short-term renewal works for 2022–23 and 2023–24 are budgeted in the draft 2022–23 CAPEX and the LTFP 6 which are due to be presented to Council in April. The funding allocations are \$500,000 for each financial year.

Once the preliminary scoping exercise for Oxford Street Mall precinct has been completed the funding required to complete the study will be included in the report to Council on next steps.

6. Conclusion

That Council endorse the proposal to undertake short term infrastructure renewal works in the upcoming two financial years providing the necessary infrastructure to ensure the mall reaches its expected overall useful life of 2026–27.

Furthermore, endorses the strategic audit and scoping of the new Oxford Street Mall Masterplan also reviewing the 2004 Graham Jahn Masterplan and having the findings of this presented to Council.

7. Attachments

1. Oxford Street Mall - Data Analytics Report - March 2022 [↓](#)
2. Oxford Street Mall - Intercept Survey Results - March 2022 [↓](#) .

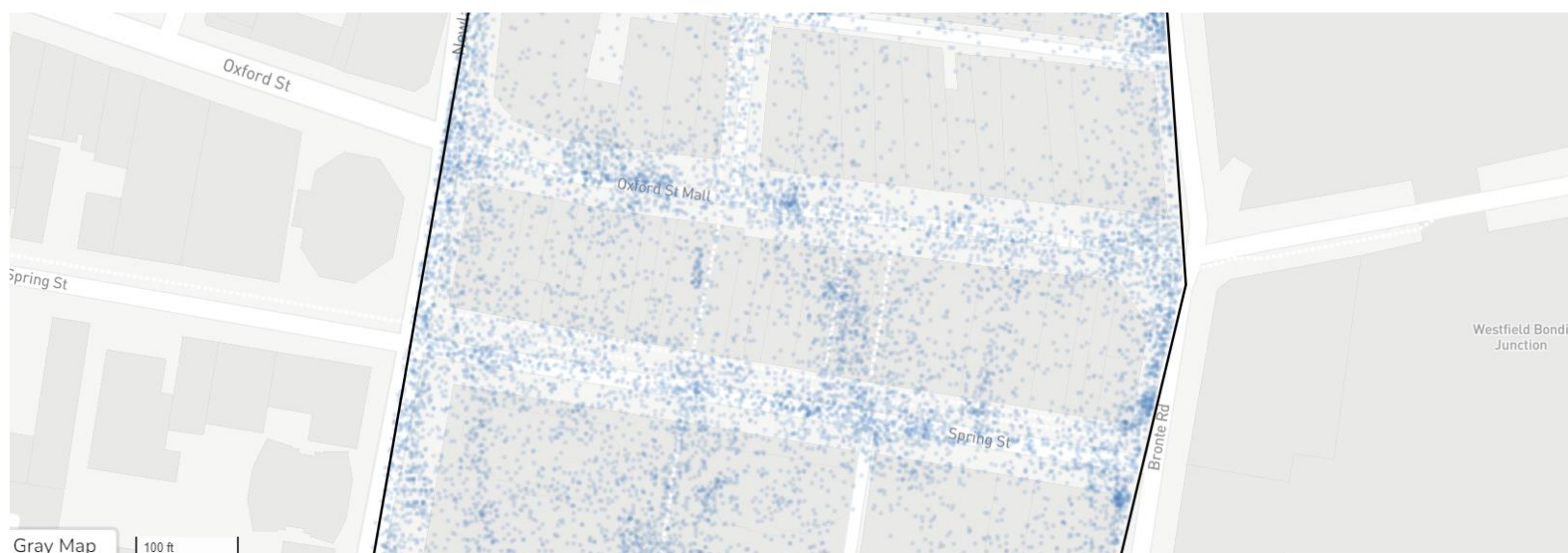


Oxford St Mall – Data Analytics Report

Study period 1 – 15 December 2019 to 16 February 2020

Study period 2 – 15 December 2021 to 16 February 2022

March 2022



Prepared by:

- Near (data supplier)
- Waverley Council (E-solutions)
- Waverley Council (Economic Development)



Waverley Council staff engaged a data supplier to buy data within two specific time periods. The data was then unpacked and analysed. The questions sought to be answered through the data included:

1. Daily Volume – number of visitors
2. People Movement - heat map – concentration of visitor movements
3. Busiest Hour – Weekday – 24-hr time format
4. Busiest Hour – Weekend – 24-hr time format
5. Volume – Weekday – 4am to midnight
6. Volume – Weekend – 4am to midnight
7. Daily Trend Analysis – Morning (6am-11am), Afternoon (12-5pm), Night (6pm-midnight) 2019/20
8. Daily Trend Analysis – Morning (6am-11am), Afternoon (12-5pm), Night (6pm-midnight) 2021/22
9. Origin of Visitors to Oxford Street Mall - 1km < 5km < 10km
10. People Movement – Origin of Visitors 2-hrs **prior** to visiting Oxford Street Mall
11. People Movement – Destination of Visitors 2-hrs **after** visiting Oxford Street Mall
12. People Movement within Oxford Street Mall
13. Dwell time (seconds) in Oxford Street Mall – Daily
14. Dwell time (seconds) in Oxford Street Mall – Day of the week
15. Origin and volume of international visitors
16. Origin and volume of inter-state visitors
17. Top 10 suburbs by visitor origin – place of residence

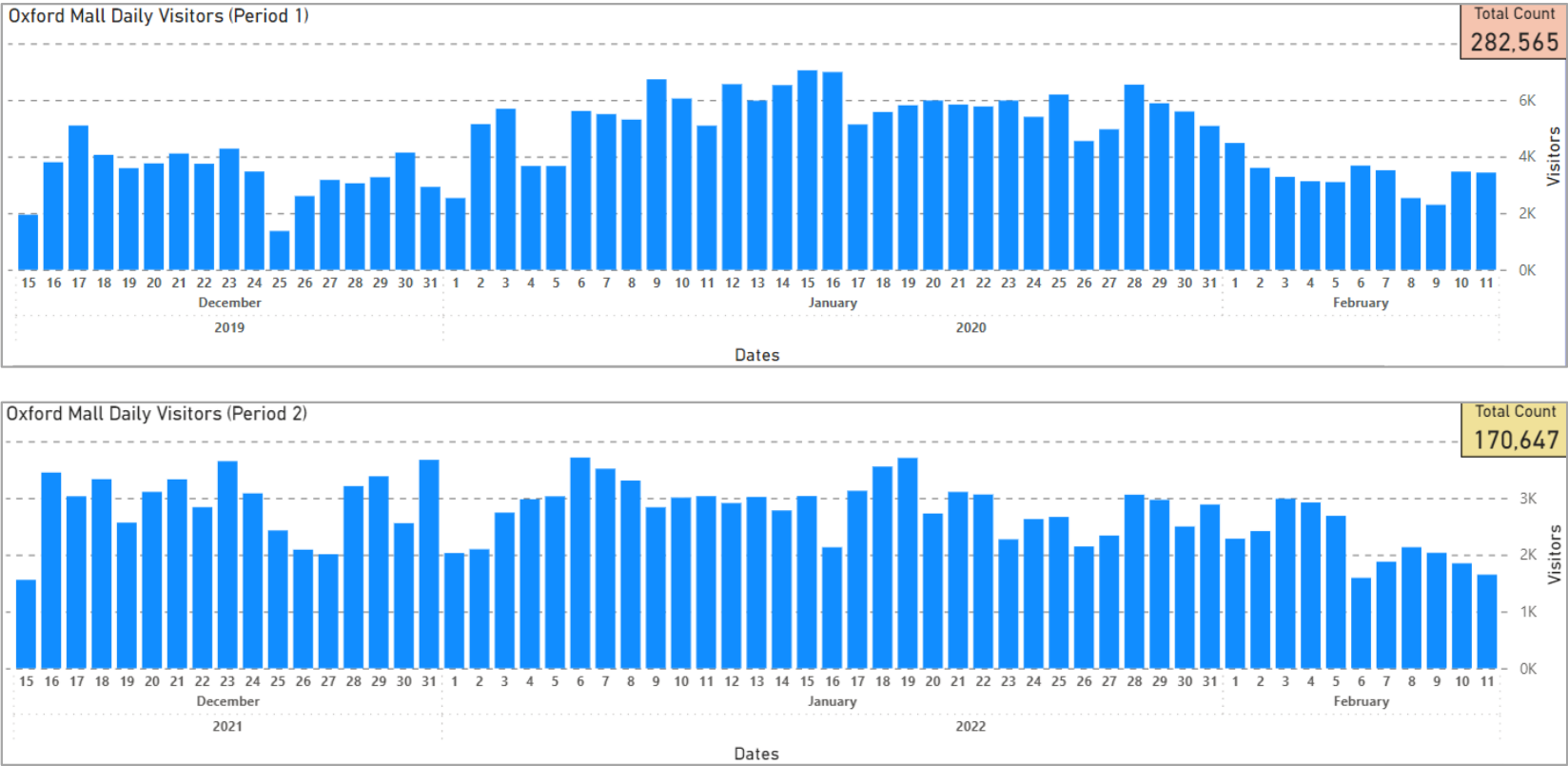
Note:

A Power BI dashboard that provides some of the insights requested. Oxford Street Mall dashboard available here:

<https://app.powerbi.com/view?r=eyJrljoiODhhZGUxNDYtZGU1YS00ZGY4LTg0YjctOWY4NzdhZjdjOWVlIiwidCI6IjM5ZTUyMTdjLTU4YTgtNGM5Yy04OTgwLWlxNjZlZDFkZjUwZSJ9>

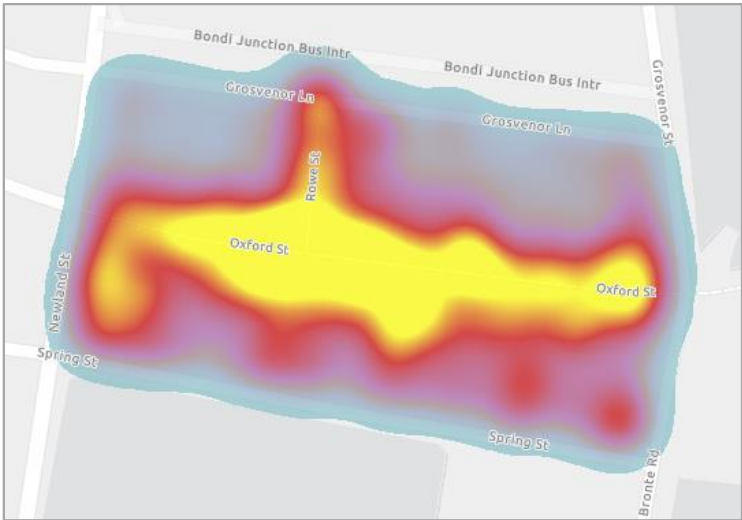


1. Daily Volume – number of visitors – Period 1 (19/20) vs Period 2 (21/22)

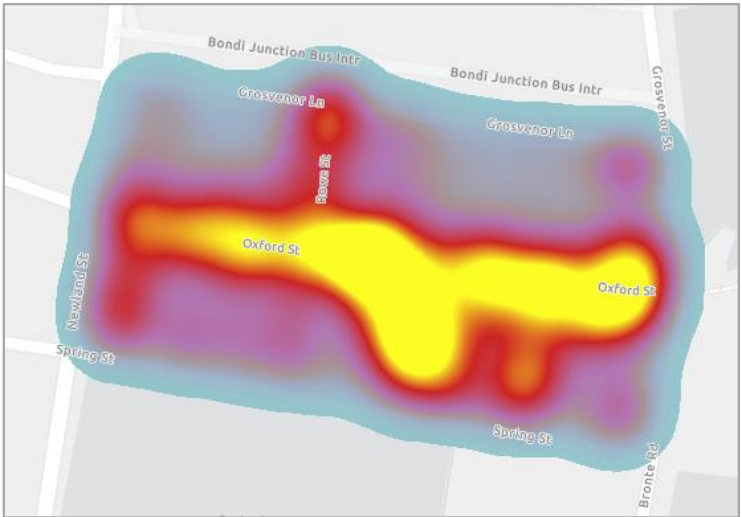




2. People Movement - heat map – concentration of visitor movements – Period 1 (19/20) vs Period 2 (21/22)



Period 1 (2019/2020)

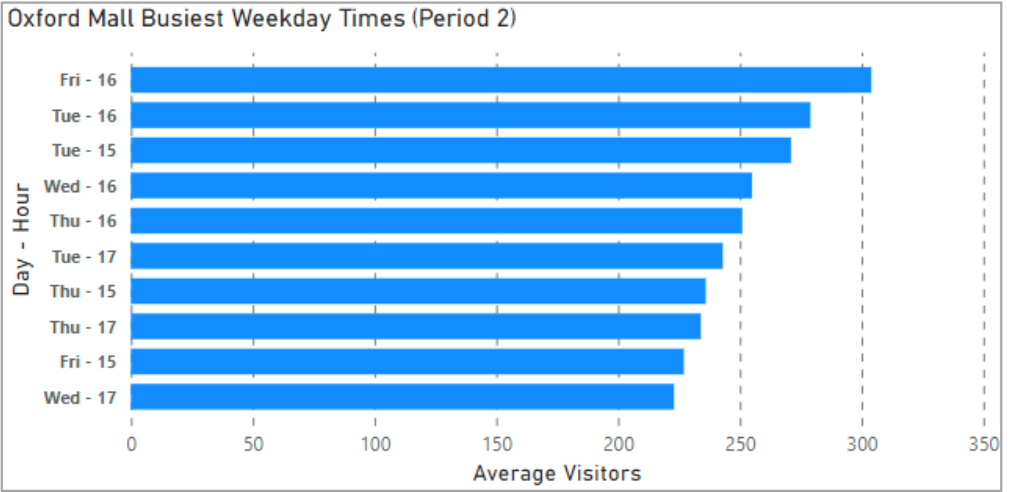
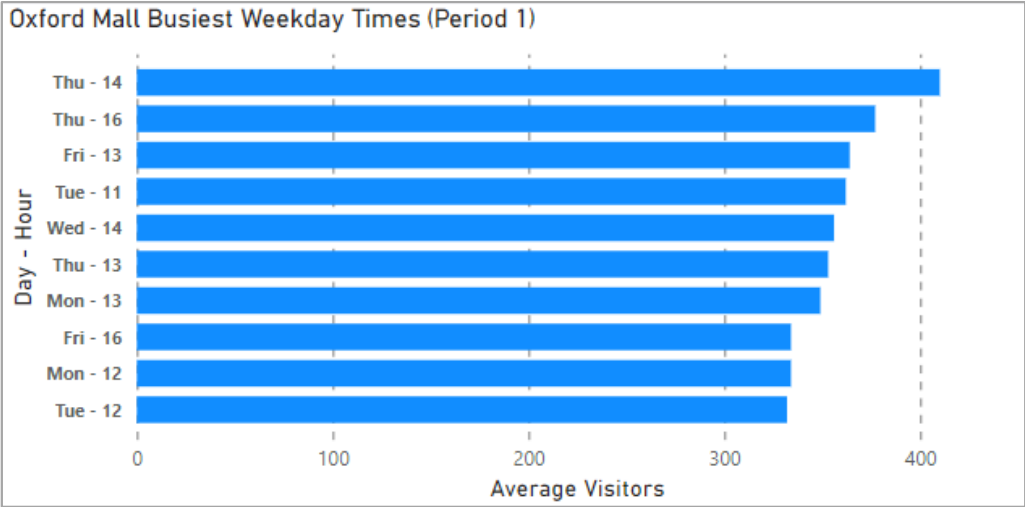


Period 2 (2021/2022)

Oxford St Mall Data Analytics – March 2022

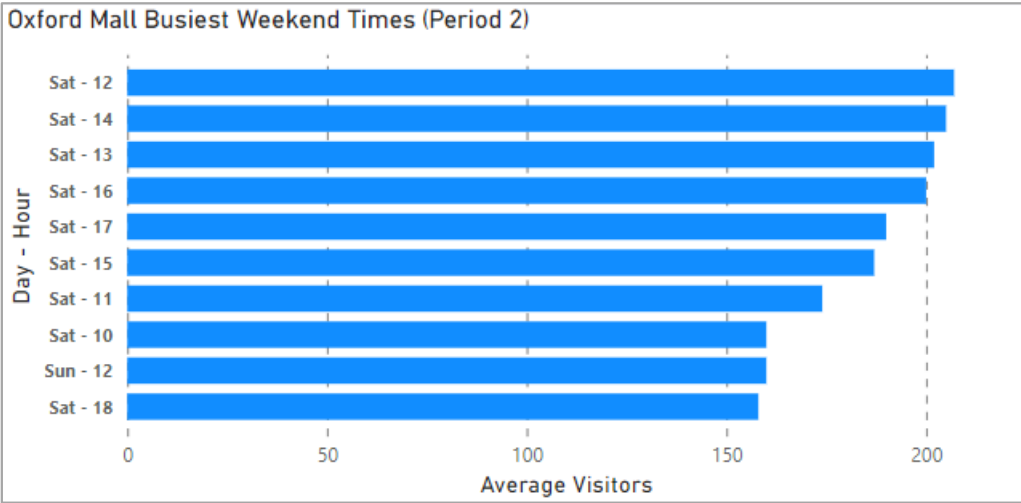
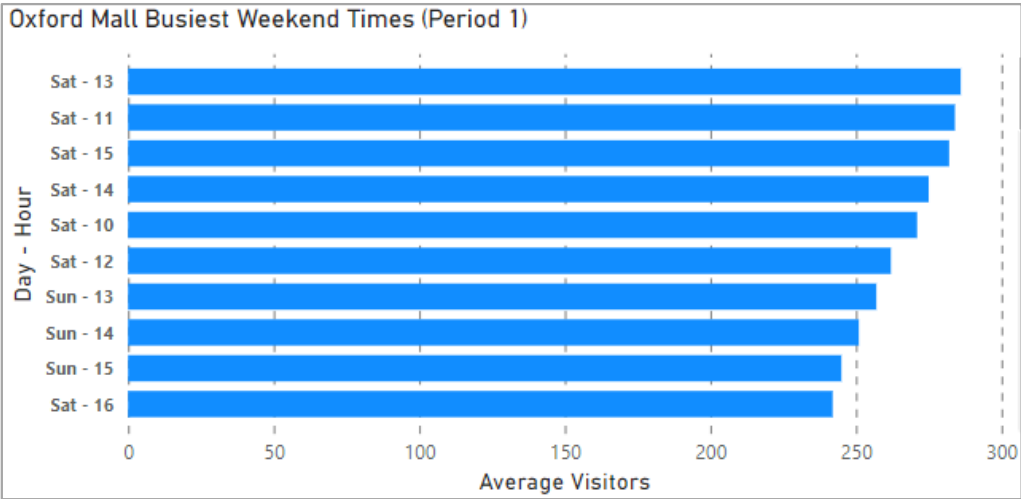


3. Busiest Hour – Weekday – 24-hr time format – Period 1 (19/20) vs Period 2 (21/22)



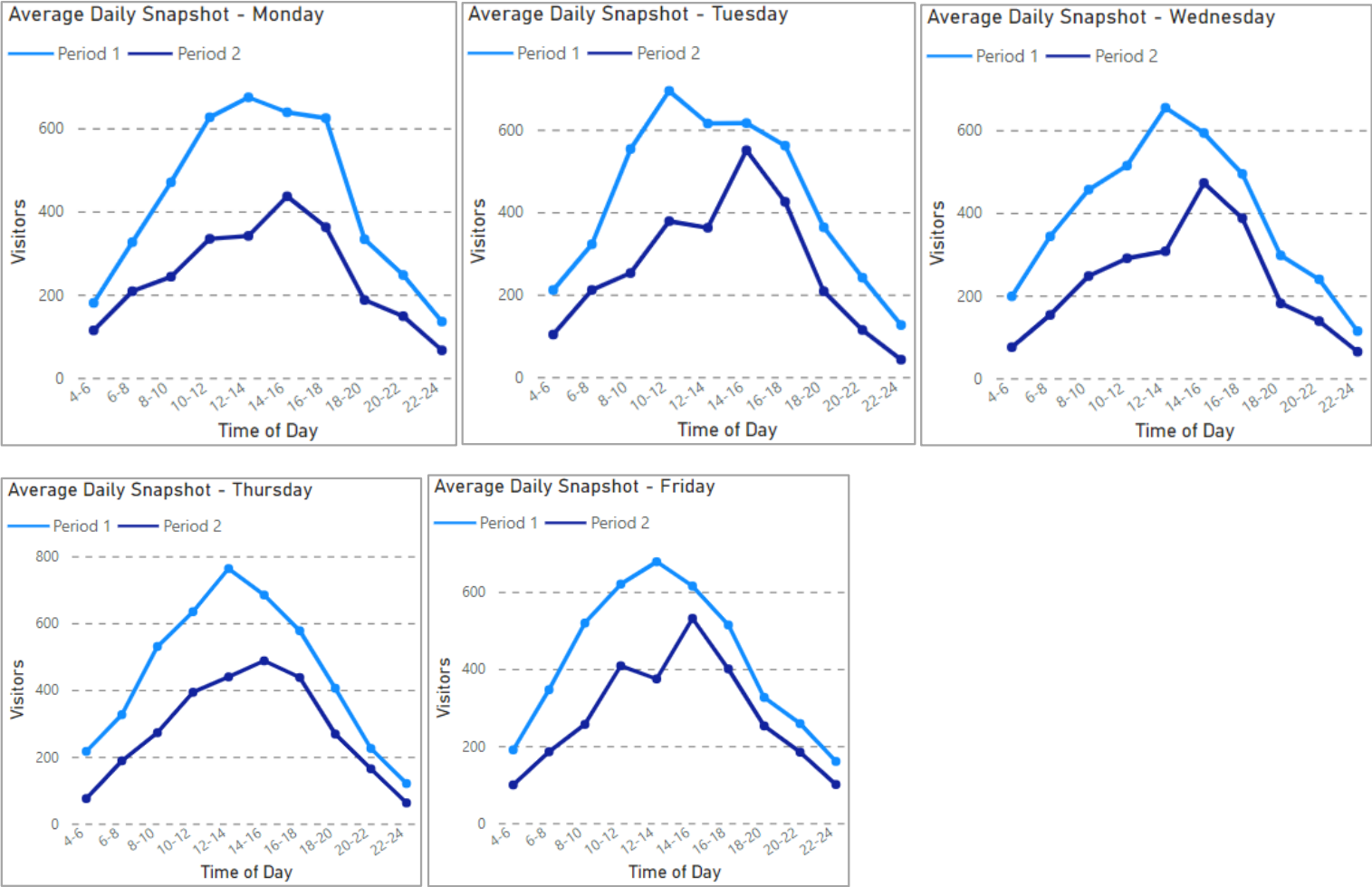


4. Busiest Hour – Weekend – 24-hr time format – Period 1 (19/20) vs Period 2 (21/22)



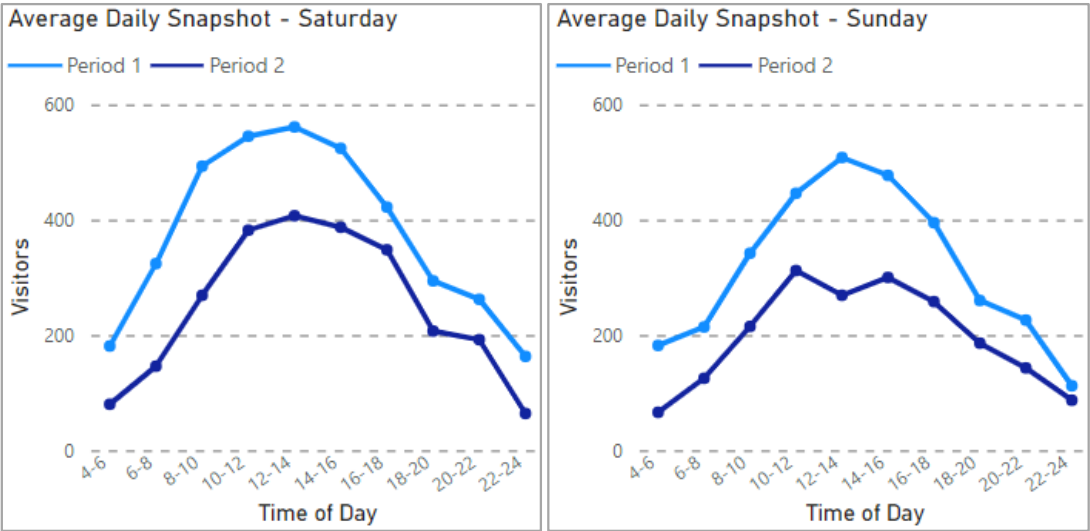


5. Busiest Hours - Weekday – 4am to midnight set at 2-hour intervals



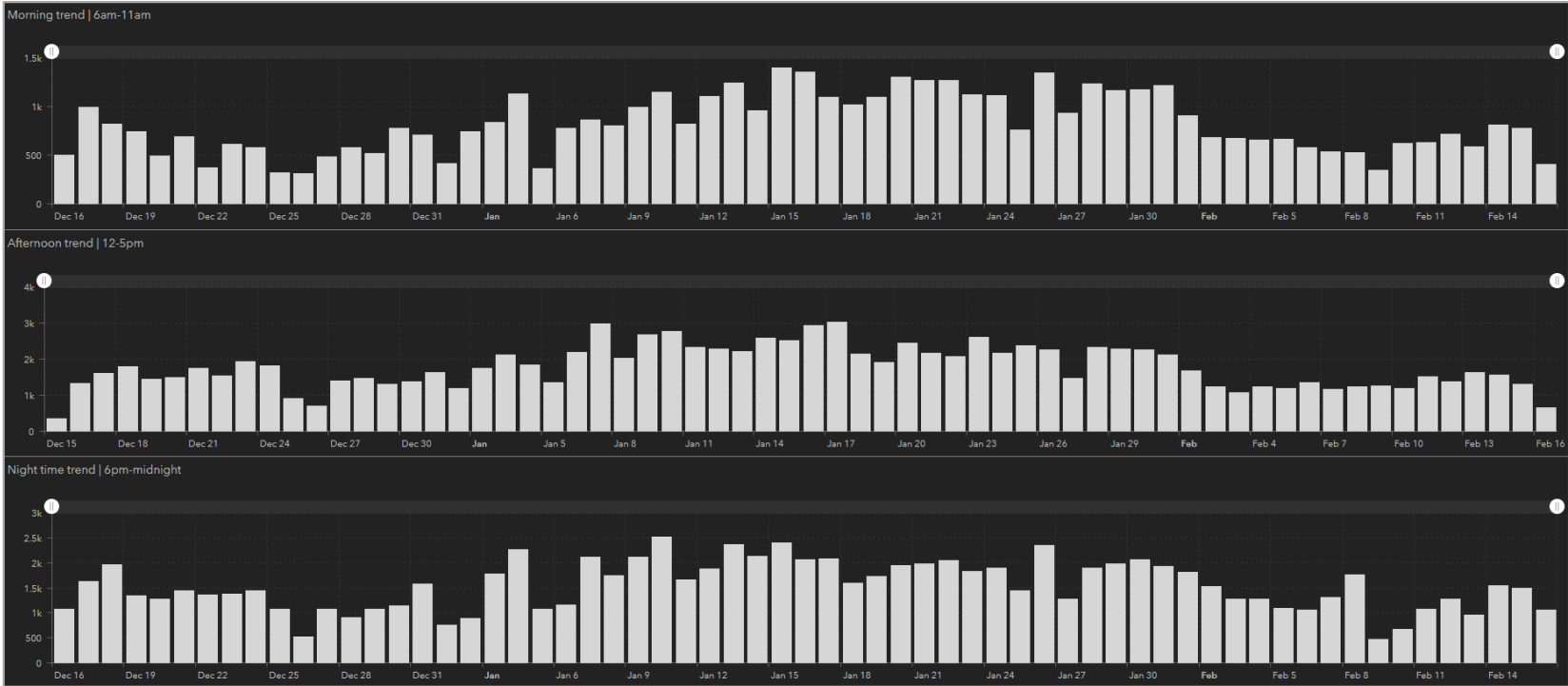


6. Busiest Hours - Weekend – 4am to midnight set at 2-hour intervals



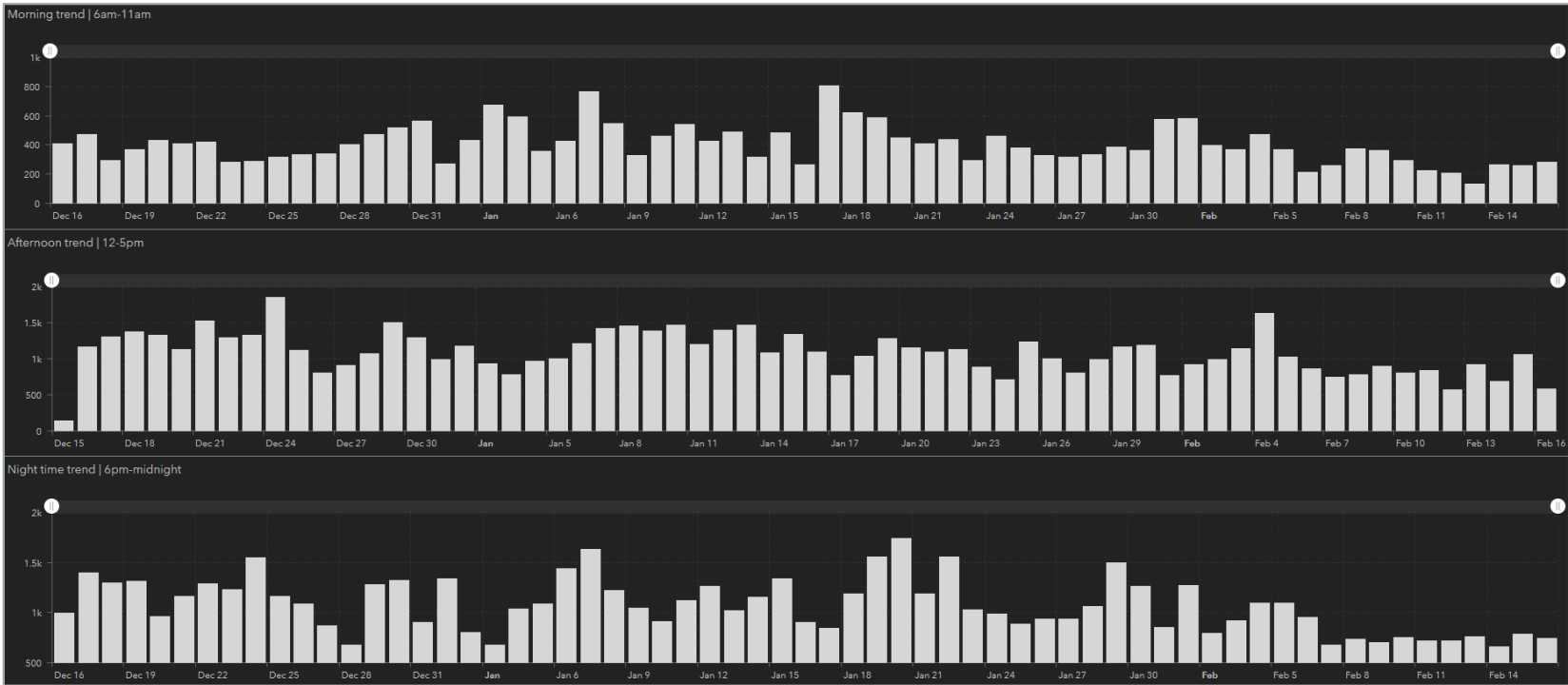


7. Daily Trend Analysis – Morning (6am-11am), Afternoon (12-5pm), Night (6pm-midnight) – Period 1 (19/20)



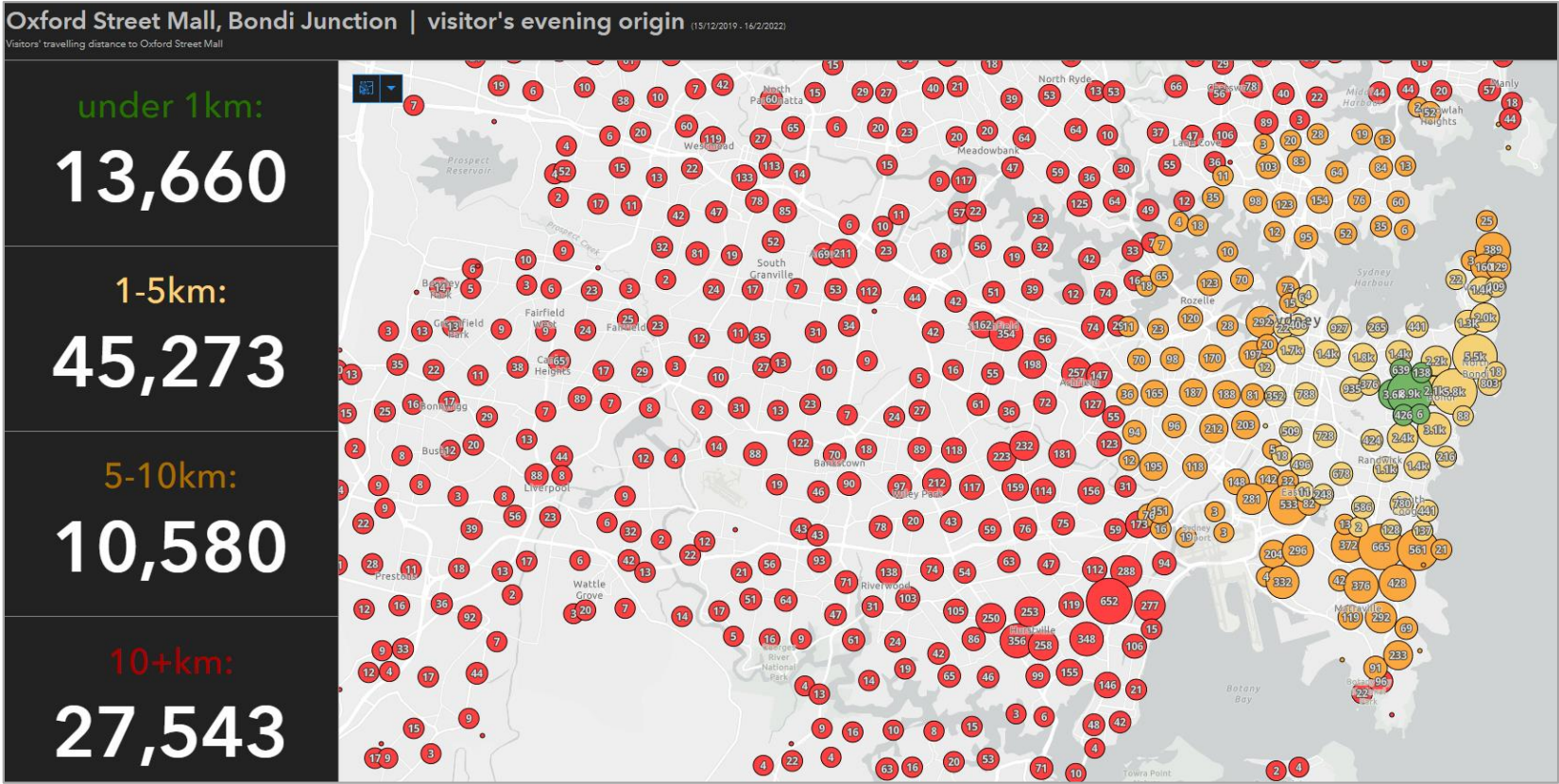


8. Daily Trend Analysis – Morning (6am-11am), Afternoon (12-5pm), Night (6pm-midnight) – Period 2 (21/22)



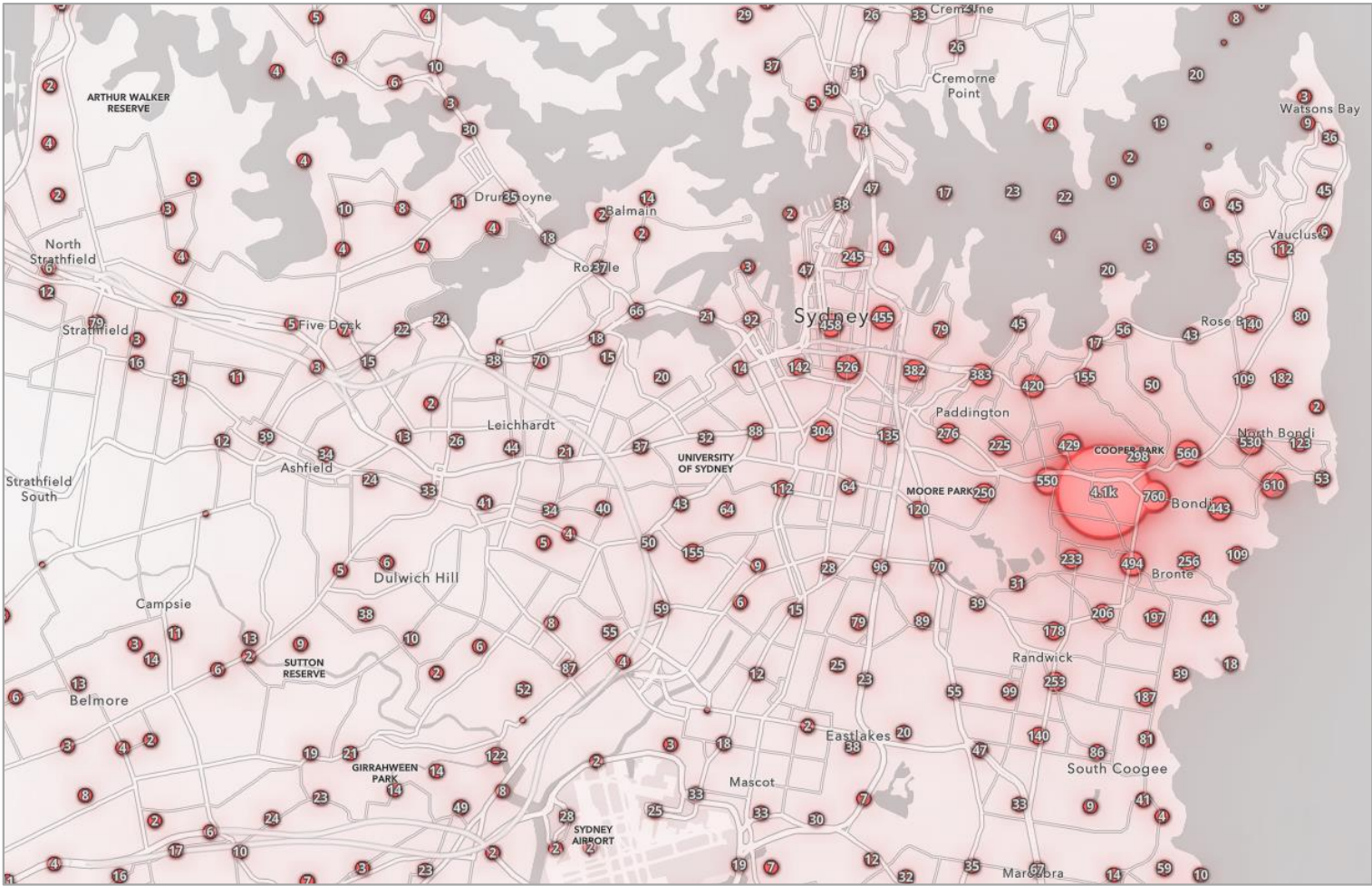


9. Origin of Visitors to Oxford Street Mall - 1km < 5km < 10km - total time period





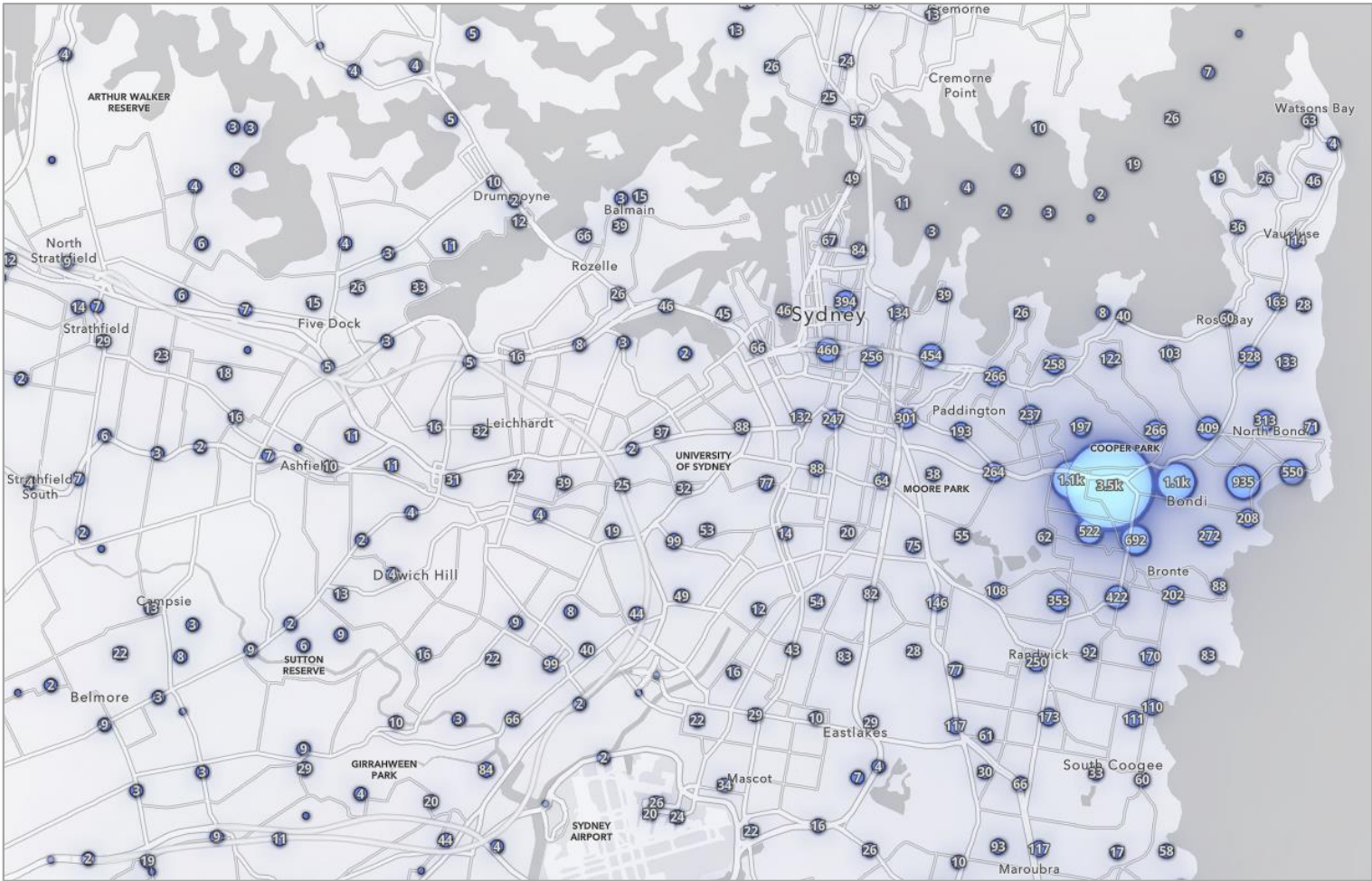
10. People Movement – Origin of Visitors 2-hrs prior to visiting Oxford Street Mall – total time period



Oxford St Mall Data Analytics – March 2022



11. People Movement – Destination of Visitors 2-hrs **after** visiting Oxford Street Mall – total time period



Oxford St Mall Data Analytics – March 2022



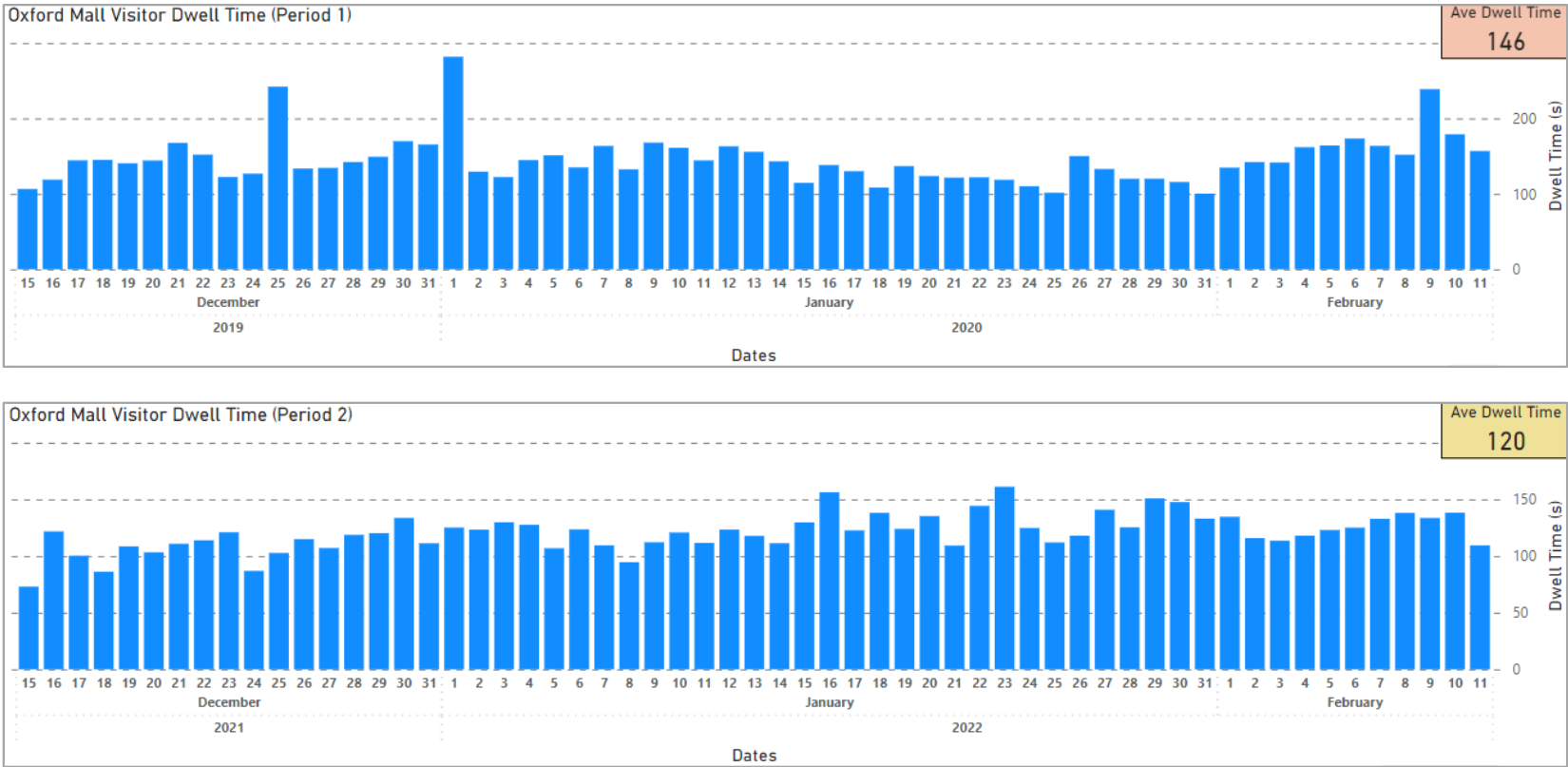
12. People Movement within Oxford Street Mall – total time period



Oxford St Mall Data Analytics – March 2022

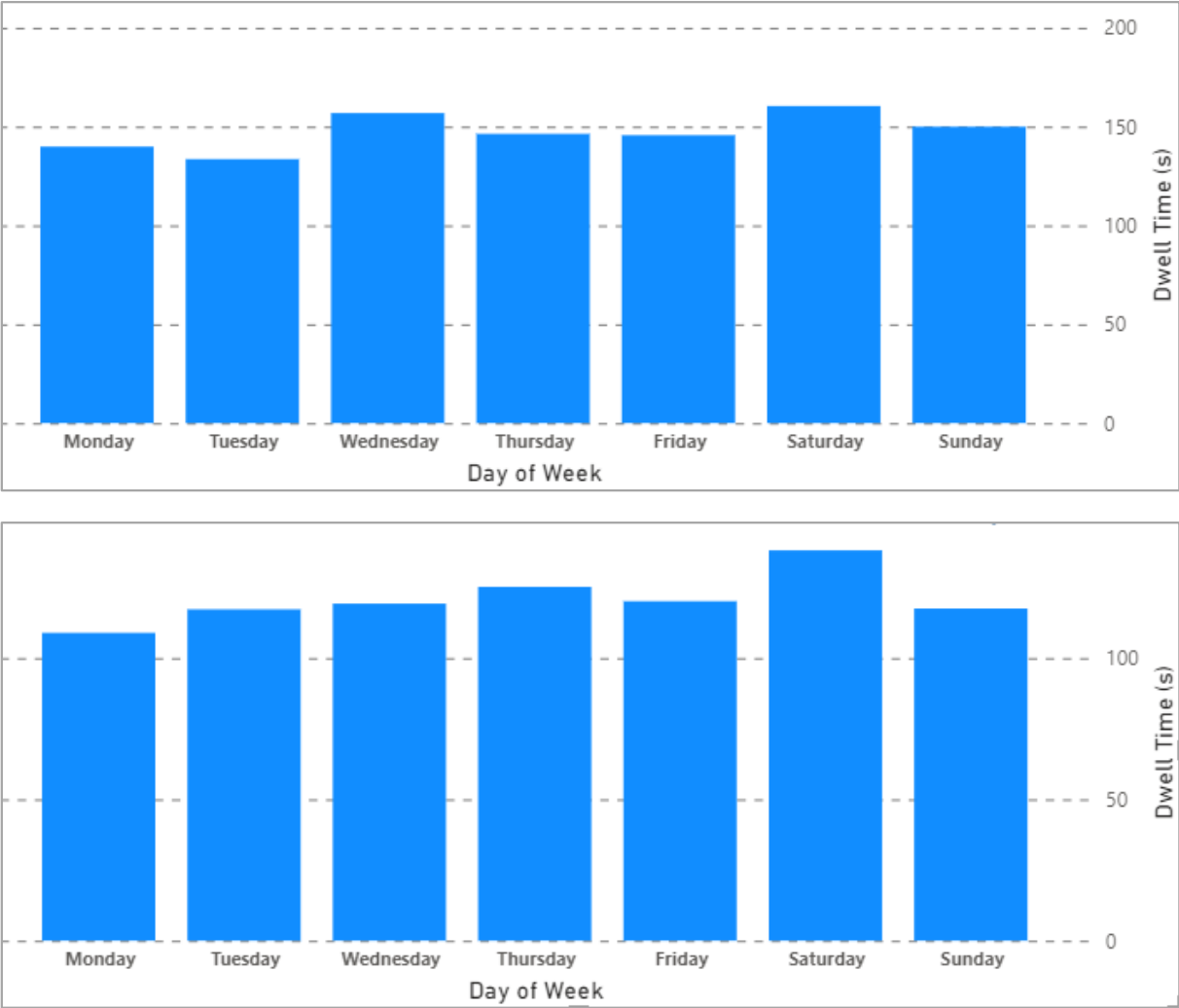


13. Dwell time (seconds) in Oxford Street Mall – Daily – Period 1 (19/20) vs Period 2 (21/22)





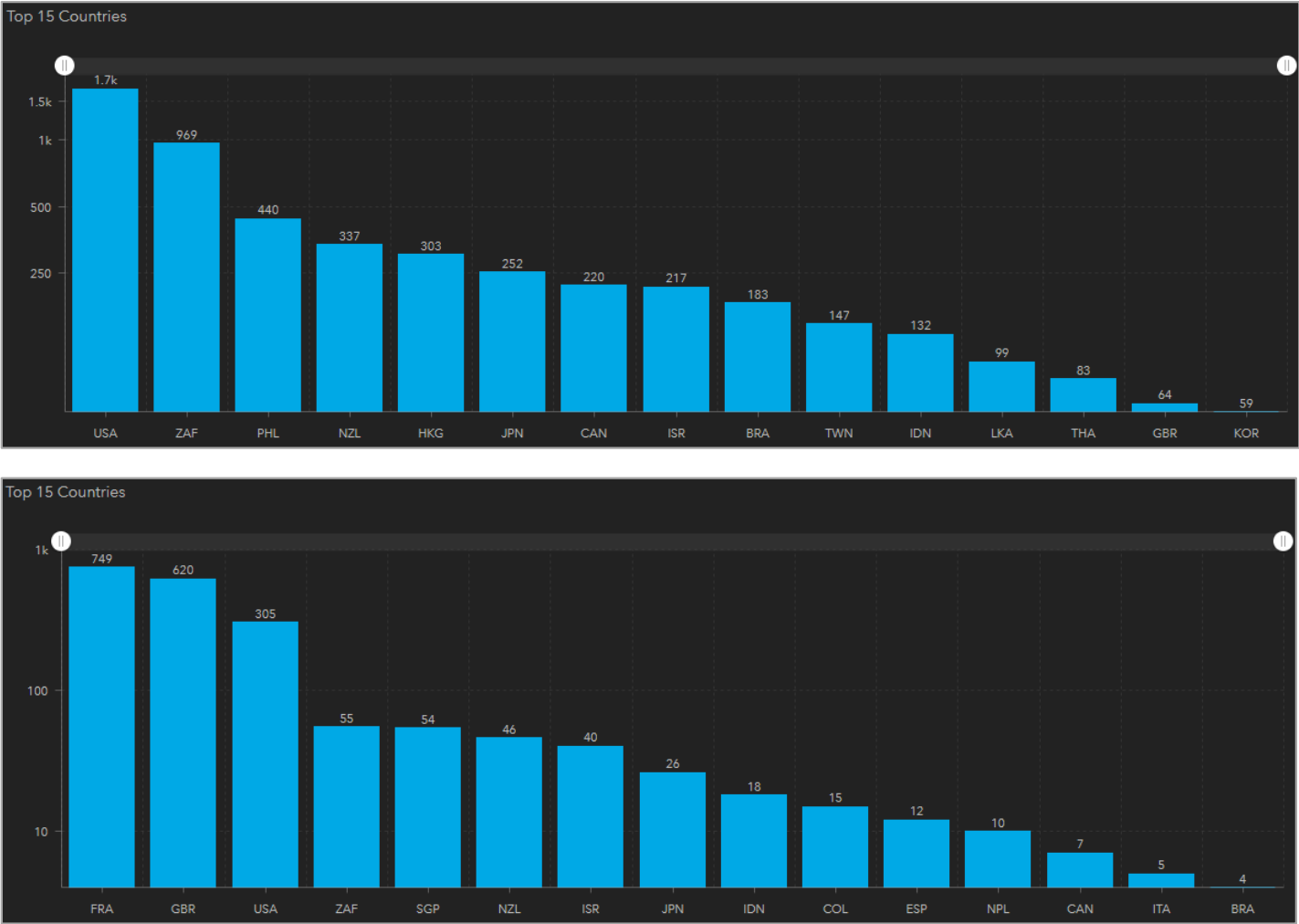
14. Dwell time (seconds) in Oxford Street Mall – Day of Week – Period 1 (19/20) vs Period 2 (21/22)



Oxford St Mall Data Analytics – March 2022



15. Origin and volume of International Visitors – Period 1 (19/20) vs Period 2 (21/22)



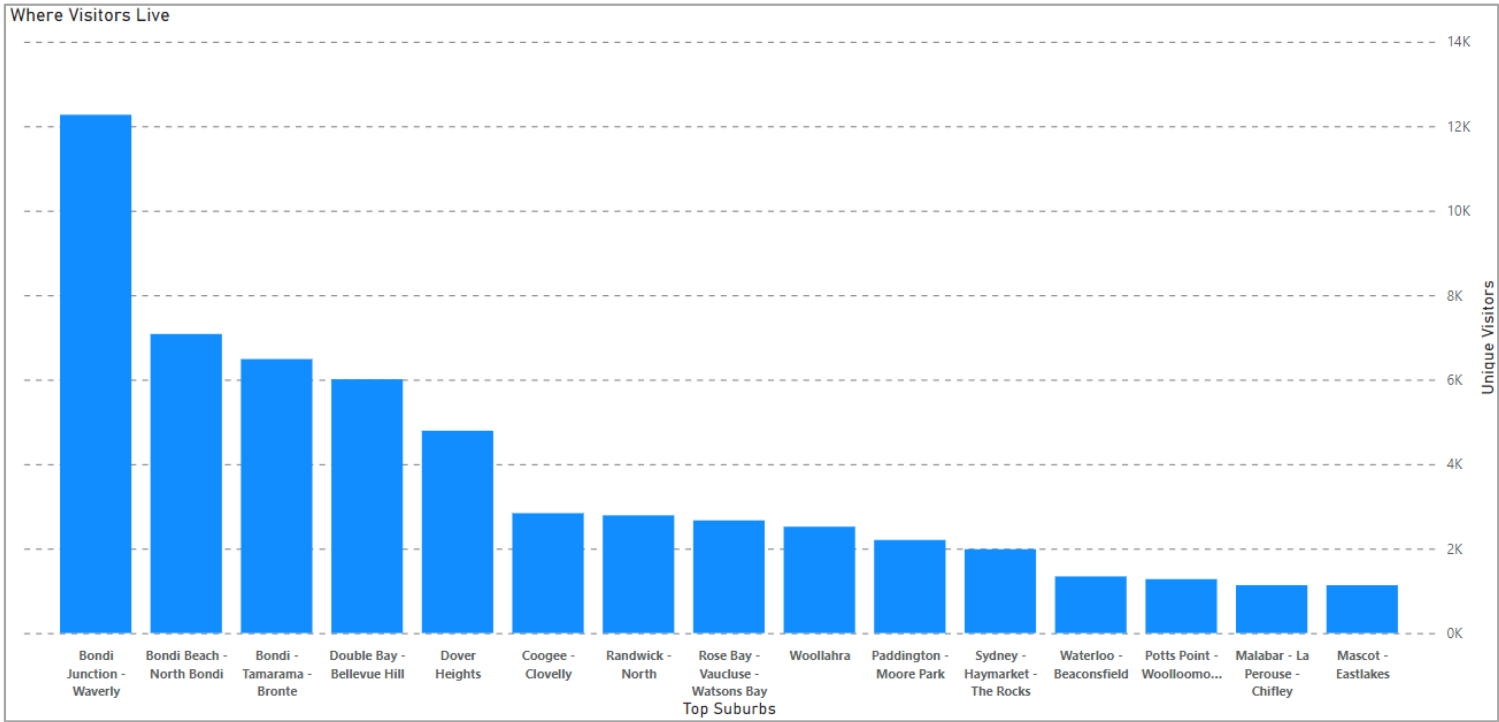


16. Origin and volume of Interstate Visitors – Period 1 (19/20) vs Period 2 (21/22)





17. Top 10 suburbs by visitor origin – place of residence





Results - Oxford Street Mall Intercept Survey

Total: 44 responses (15 March 2022)

1. Why did you visit today ?
<p>In order of preference:</p> <ul style="list-style-type: none"> • 25% - Walking through • 22% - Shopping • 13% - Operating a business • 9% - food or café • 9% - working • 7% - social • 7% - other • 2% - cinema
2. How often do you visit this mall?
<ul style="list-style-type: none"> • 65% - daily • 25% - weekly • 4.5% - monthly
3. How did you arrive here?
<ul style="list-style-type: none"> • 43% - walked • 25% - bus • 20% - train • 16% - drove
4. How would you rate the Mall in terms of functionality for your needs ?
<ul style="list-style-type: none"> • 6.5 out of 10
5. How would you rate the mall in terms of visual appearance?
<ul style="list-style-type: none"> • 4.4 out of 10
6. What things do you feel would want to make you spend more time in mall ?
<ul style="list-style-type: none"> • 48% - Landscaping • 30% - Entertainment • 14% - Food and Café choices • 14% - Public markets • 14% - Seating
7. What is your age group ?
<ul style="list-style-type: none"> • 4.5% - 11-20 • 31.8% - 21-30



<ul style="list-style-type: none">• 15.9% - 31-40• 18.2% - 41-50• 6.8% - 51-60• 18.2% - 61-70• 2.3% - 71-80• 0% - 81+
8. Do you live in the Waverley LGA ?
<ul style="list-style-type: none">• 50% - Yes• 45% - No

--- END ---

REPORT
PD/5.7/22.04

Subject: NSW Public Spaces Charter

TRIM No: A22/0067

Author: Neal Ames, Recreation and Open Space Planner

Director: Sharon Cassidy, Acting Director, Community, Assets and Operations

RECOMMENDATION:

That Council becomes a signatory to the NSW Public Spaces Charter attached to the report (Attachment 1).

1. Executive Summary

The NSW Government has requested that all NSW councils become signatories to the NSW Public Spaces Charter. This report provides the background to the charter, how it aligns to Council's policies and strategies and recommends Council become a signatory to the Charter.

2. Introduction/Background

The NSW Government, through the Department of Planning, Industry and Environment, has developed a charter that provides guidance to land managers and planners on what to consider in the management and development of Public Open Space. The Charter relates to all public open space including Crown Land, community land (under the *Local Government Act 1993*), public facilities and streets. The Department is requesting that all NSW councils sign the charter to demonstrate their commitment to the 10 principles which make up the backbone of the Charter.

3. Relevant Council Resolutions

Nil.

4. Discussion

The NSW Government has developed the NSW Public Spaces Charter. The Charter has been developed to support the planning, design, management and activation of public spaces in NSW. It identifies ten principles for quality public space, developed through evidence-based research and discussions with public space experts and community members. The Charter aligns with the outcomes of the Crown Land Management Act (2016), which Waverley Council are responsible for as land managers of crown land in Waverley.

The Charter reflects and responds to consultation with diverse stakeholders including state agencies, councils, non-government organisations, community, environmental and recreational groups, as well as targeted engagement with Aboriginal peoples, including Elders, Knowledge Holders, representatives from Local Aboriginal Land Councils, councils, Aboriginal community organisations and professionals from the public and private sector.

The Charter has been developed to be used by land managers and anybody involved in the planning, design, delivery or management of public space. The backbone of the Charter is the 10 Principles for Public

Space in NSW. These principles are contained in Attachment 2. These principles are generic in nature and are designed to align with current obligations that rest with land managers and to assist land managers in the planning and management of public open space.

The NSW Government is encouraging organisations and practitioners to become signatories to the Charter, especially local government authorities who are the main managers of crown land. The NSW Government states, “In becoming a signatory to the NSW Public Spaces Charter, an organisation or individual is showing a commitment to embed the 10 principles when they plan for, design, manage or activate public spaces.” It is demonstrated below that Waverley Council is already aligning its planning mechanisms with the intent of the principles.

It is anticipated that local government authorities will become signatories to the Charter, and therefore it is recommended that Waverley become a signatory to the Charter.

Council context

For the purposes of strategically aligning Council planning and management of public open space with the Charter it is important to note that the custodianship of public open spaces falls across several Council departments, so it is important to note that support of the Charter involves all Council departments, all of which need to be supportive of the Charter. To confirm this collaborative approach the Open Space team has sought review of the Charter from other departments.

It is also important to note that there are a number of public open spaces in our portfolio that are owned by Council and are not Crown Land. It's true that Crown Land own our larger parks but Council also has a large role to play as land owner, as well as manager.

Open Space & Recreation Strategy

The Charter Principles align with Waverley's Open Space and Recreation Strategy outcomes, including the vision and objectives of the strategy. The OSRS identified key areas of focus and is based on a number of key outcomes, that align with the Charter Principles. They are:

- Playing and relaxing.
- Design and setting.
- Getting to and around the parks.
- Enhancing the environment.
- Community, culture and heritage.
- Management and maintenance.

The principles also align with the guiding principles developed in the draft Waverley Park Management Plan. These draft guiding principles set out the values of our public open spaces, how the community interacts with them, and how they should be managed in the future. These draft guiding principles will be included in all management plans in the future. The Charter Principles and the draft management plan guiding principles are aligned.

Other Council policies and strategies that the Charter aligns with:

- Community Strategic Plan.
- Disability Action Plan.
- Inclusive Play Strategy.
- Communication and Engagement Policy.
- Events Policy.
- Individual Management Plans.

- Waverley Cultural Strategy.
- Environmental action Plan.
- Tourism and Visitor Management Policy.
- Reconciliation Action Plan.
- Open Space and Rec, and Local Strategic Planning Statement.

5. Financial impact statement/Time frame/Consultation

There are no resource implications for Council signing the Charter.

6. Conclusion

This is a unique opportunity for Council to demonstrate to the NSW Government and to our community, Council's commitment to manage our high-quality open spaces in a sustainable way, whilst also ensuring that the community benefits from those spaces, and that the community and council will work collaboratively in managing those spaces for future generations.

7. Attachments

1. NSW Public Spaces Charter [↓](#)
2. Charter infographic [↓](#) .



NSW Public Spaces Charter

Ten principles for public space in NSW



**NSW Department of Planning,
Industry and Environment**

October 2021





Acknowledgement of Country

The Department of Planning, Industry and Environment acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future.

We recognise Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society. NSW is Aboriginal land, so throughout this document Aboriginal peoples are referred to specifically, rather than First Nations, or Torres Strait Islander peoples.

Aboriginal peoples take a holistic view of land, water and culture and see them as one, not in isolation to each other. The NSW Public Spaces Charter is based on the premise upheld by Aboriginal peoples that if we care for Country, it will care for us.

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

NSW Public Spaces Charter

Image on front cover: Noreuil Park, Albury. Courtesy of Destination NSW.

Artwork (left) by Nikita Ridgeway.

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Ministerial foreword

As the first NSW Minister for Public Spaces, it's clear to me that public space is everyone's business. This is why it's a priority of the NSW Government to increase access to quality, green public spaces, and why we have developed the NSW Public Spaces Charter.

The charter provides ten principles for quality public space that have been designed to maximise the social, cultural, environmental and economic benefits that public space delivers.

The charter has been more than a year in the making and is based on deep and broad engagement. It's truly a community-led tool, designed in collaboration with practitioners and reflecting what communities love about public spaces and what they tell us should be improved.

In November 2021 the NSW Government released survey results showing almost half of respondents were using public spaces and parks more than ever before.

Indeed, our love for public spaces has never been more in focus. It's no secret that the pandemic has emphasised the inherent need we have for safe and welcoming public space. At the height of COVID-19, many of us experienced newfound joy and delight in public spaces that we may have previously taken for granted. This showed how much we need them on a physical, emotional and psychological level.

The Government is responding to the community with this new charter. We're setting the bar to help change how people think about, view, and engage with great public spaces.

This unifying set of principles, based on solid evidence and research, will underpin the creation and improvement of high-quality public spaces across NSW.

All our public spaces should reflect the values, needs and aspirations of the communities they serve, including those who are vulnerable and hard-to-reach. Ensuring public spaces are

equitable and inclusive will lead to the creation of a more just State. Making public spaces that enable social interaction in beautiful places is an amazing vision that I believe everyone can share.

I encourage every organisation that creates, cares for, and uses public spaces in NSW to sign up to the charter. Let's work together to bring forth a new legacy for public space. Let's use these principles to transform how we think about and deliver quality public spaces that help all NSW communities love the places they live.



The Hon. Rob Stokes, MP
Minister for Planning and Public Spaces
Minister for Transport and Roads



Statement of Country

*Barangaroo Reserve.
Photographer: Alison Page
and Nikolas Lachajczak*

Country is a holistic worldview that incorporates humans, non-humans, more-than-humans and all the complex networks and systems that connect them. Country is known to be alive and sentient, and continually communicating. Country is not constrained by boundaries, lines on a map, or edges of a site. Instead, Country soars high into the atmosphere, plunges far into the ocean, and deep into the earth's crust. Country has diverse and distinct ways of expressing and being understood depending on the people, place, and context. Country is associated with Aboriginal people's cultural groups, it is where their ancestors still walk, and the places to which they belong. But it is much more than this. Country is known in physical, spiritual, and cultural ways. Tangibly it might include the flora, fauna, geology, elements, and waters. Intangibly Country includes expressions about place, spirit, narratives, identity, cultural practice, Law, lore, languages, and customs. Country holds all these individual aspects together harmoniously, storing knowledges like an eternal library.

While it may not have been built in the way it is currently understood, Aboriginal people have always designed and managed the environment, in collaboration with Country. The built environment is part of Country and needs to be cared for and designed as such. Likewise, relating to Country through public spaces enables those

spaces to embody the spirit of place as story, culture and life are celebrated there. Because Country communicates and holds all knowledges, Country can guide what it needs to be healthy, and how it must be designed and managed, including in public spaces. Being in and activating public spaces as an extension of Country is part of caring for Country. Allowing Country to be lead designer or planner ensures the inclusion of all who access spaces, not just humans, as Country is inherently inclusive. Knowledge Holders of Country are descended from Country and know it best. Working together with them is key to understanding how to connect with and care for Country. Everyone is responsible for caring for Country as we all live, learn, work, and play on Country.

With thanks to the Elders, Knowledge Holders, kin, and family who have generously shared their knowledges and means of connecting to Country. With thanks to Country for providing these words and understandings.

Dr Danièle Hromek

Dr Hromek is a Budawang woman of the Yuin nation. She works as a cultural designer and researcher considering how to Indigenise the built environment by creating spaces to substantially affect Indigenous rights and culture within an institution.



Western
Sydney Parklands.
Courtesy of Greater
Sydney Parklands

Contents



Ministerial foreword	PAGE 3	Community focused	PAGE 14
Statement of Country	PAGE 4	Culture and creativity	PAGE 15
Contents	PAGE 5	Local character and identity	PAGE 16
Introduction	PAGE 6	Green and resilient	PAGE 17
The purpose of the charter	PAGE 7	Healthy and active	PAGE 18
Who should use the charter	PAGE 10	Local business and economies	PAGE 19
Using the charter	PAGE 11	Safe and secure	PAGE 20
10 Principles	PAGE 12	Designed for place	PAGE 21
Open and welcoming	PAGE 13	Well-managed	PAGE 22

Introduction

Public space is where public life happens.

It guides and shapes our experience of the places where we live, work and visit, filling them with vibrancy and energy as we connect, interact and share with others. It begins the moment you leave your front door and connects us to both work and leisure, and public and personal life. It includes the streets we walk or cycle in, the town squares we socialise in, libraries we learn in, community halls we gather in and parks, playgrounds and sport fields where we relax or play. It provides a wealth of social, cultural, economic and environmental benefits that are critical to the health, wellbeing and prosperity of communities.

People are at the heart of public space. The way they use it transforms it into a meaningful place with layers of shared experiences, collective memories and a mixture of identities. When people feel attached to public space, they are more likely to adopt, use and care for the space themselves and have a more powerful sense of belonging to their community.

*Greek Festival of Sydney, Darling Harbour.
Courtesy of Placemaking NSW*

Public spaces are all places publicly owned or of public use, accessible and enjoyable by all for free and without a profit motive. They include:



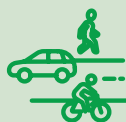
PUBLIC OPEN SPACES

parks, gardens, playgrounds, public beaches, riverbanks and waterfronts, outdoor playing fields and courts, and bushland that is open for public access



PUBLIC FACILITIES

public libraries, museums, galleries, civic/community centres, showgrounds and indoor public sports facilities



STREETS

streets, avenues and boulevards; squares and plazas; pavements; passages and lanes, and bicycle paths

The quality of public space is just as important as its accessibility, as quality makes people feel safe, welcome and included. The quality of a public space is reflected not only in its physical form—how it's designed, maintained and integrated with its environment—but also through the activities it supports and the meaning it holds. It can be evaluated by asking:

- Am I able to get there?
- Am I able to play and participate?
- Am I able to stay?
- Am I able to connect?



The purpose of the charter

The NSW Department of Planning, Industry and Environment has developed the NSW Public Spaces Charter to support everyone in NSW to have access to high-quality public space that allows them to enjoy and participate in public life. The charter identifies 10 principles for quality public space that distil and reflect evidence-based research, best practice and consultation with Aboriginal peoples, community members and representatives from state and local government, industry, the business and cultural sectors and a diverse range of public space experts.

The charter's principles are premised on the understanding that there isn't a one-size-fits-all approach to public space. Every public space has its own unique history, heritage, context and is supporting the different needs and uses of a specific community. There are significant and important differences in landscape, climate, amenity, population density and social and cultural demographics across Greater Sydney and regional and rural New South Wales. All these factors influence where and how people use public space and what the priorities are for their community. There are no set rules as to where and how the charter applies – it could apply to the management of a national or regional scale parkland, just as it could to the design of a new pocket park.



*Wagga Beach,
Wagga Wagga.
Courtesy of Wagga
Wagga City Council*

The 10 principles

The charter identifies 10 principles for quality public space, to support all those who advocate on behalf of, provide advice on, make decisions about, or plan, design, manage and activate public spaces in NSW.



The values

The charter is also built on the following core values that resonate strongly across all the principles. These values should always be considered when applying the principles.

Courtesy of Destination NSW



Connection to Country

All public space in NSW is on Country, which is at the core of every Aboriginal person's identity and sense of belonging. It is the place from which Aboriginal languages and cultures are derived, which determine families, kinship and communities. Aboriginal peoples are the Traditional Custodians of all public space in New South Wales. Acknowledging and valuing Aboriginal peoples and cultural knowledge when public space is planned, managed and delivered can promote and strengthen connection to Country and create healing for both Aboriginal communities and non-Aboriginal peoples too.

Courtesy of Adam Hollingworth

Equity and inclusion

Public space is a community asset that should support a society in which everyone can participate, prosper, and reach their potential. Inclusion in public spaces and in the processes to plan, design, manage and activate them is central to creating equitable public spaces and ensuring all people can access the benefits they provide.



Community engagement

Engaging the community as active participants in decision-making processes when planning, designing, managing and activating public space will help ensure that it reflects their values, needs and aspirations. Participatory processes, collaboration and co-design in public space projects help build trust, which then increases people's use of and attachment to the space. Ensuring that vulnerable and hard-to-reach communities are engaged in these processes leads to more welcoming and inclusive public space.

Kids on Q, Campbelltown.

Courtesy of Campbelltown City Council



Who should use the charter

The charter can be used by any organisation or practitioner involved in the planning, design, delivery, management or evaluation of public space. Becoming a signatory to the NSW Public Spaces Charter will help your organisation to provide or advocate for better public spaces. It will also allow your organisation to access the charter's community of practice, one-on-one support from the department, promotional opportunities and data sharing. Examples of how the charter can be used are outlined below.



The community can use the 10 principles to understand the value and benefits of quality public space. The charter will help the community to participate in the conversation about how public spaces should be planned, designed, managed and activated.



Local businesses and chambers of commerce can use the 10 principles to better understand how they can leverage public spaces for their business and advocate for public spaces in their area.



Public space managers can use the 10 principles to inform plans of management and the policies and programming that respond to the needs of their users.



Development professionals such as architects, heritage specialists and arborists can use the 10 principles to inform the design and delivery of a public space.



Strategic and statutory planners can apply the 10 principles as they develop planning proposals, local planning instruments and plans for precincts, local government areas, districts or regions.



Industry bodies can use the 10 principles to inform and support members involved in the planning, design, delivery, management or evaluation of public space.



Public policy makers can incorporate the 10 principles within policy and advice that informs NSW Government and council investment priorities.



Developers can draw from the 10 principles to plan for and provide quality public spaces within their developments.



To become a signatory to the charter, register your interest by emailing Public.Space@planning.nsw.gov.au

Using the charter

We have developed the charter to support all those who advocate on behalf of, provide advice on, make decisions about, or plan, design, manage and activate public spaces in NSW.

It is intended to align with other government and non-government strategies and policies for creating great places, where people can easily access a diversity of public spaces to enjoy the outdoors, interact with others or just relax.

The charter can also be used by the community to understand what quality public space is and to inform their participation when they are engaged in decisions about how public space is planned, designed, managed and activated.

Practitioner's guide

An accompanying practitioner's guide supports the charter. We have developed this to help practitioners understand the charter and how they can embed it into their work. The guide also explains the 10 charter principles and how practitioners should apply these when planning, designing, managing and activating public space.

For each of the 10 principles, the guide:

- explains the principles
- describes what the principle will look like in action
- provides practitioner tips to support how the principle can be followed as public space is planned, designed, managed and activated

- provides relevant examples
- links to relevant, supporting policies or plans.

Great Public Spaces Toolkit

The charter and practitioner's guide are also supported by the [Great Public Spaces Toolkit](#), which provides in-depth case studies and free resources to support local government, state agencies, industry and the community. The toolkit includes the Great Public Spaces Guide and the Evaluation Tool for Public Space and Public Life, which can be used by anyone who wants to better understand the strengths and areas for improvement in a public space.

Become a signatory

While we have developed the charter for use by anybody involved in the planning, design, delivery or management of public space, the Department of Planning, Industry and Environment encourages organisations and practitioners to become signatories to it. In becoming a signatory to the NSW Public Spaces Charter, an organisation or individual is showing a commitment to embed the 10 principles when they plan for, design, manage or activate public spaces.

Signatories to the charter will be supported with advice from the NSW Public Spaces Charter project team on how to develop an action plan to implement the Charter in their organisation or practice. They will also have access to a community of practice, delivered quarterly. The community of practice will be focused on building the capacity of signatories to apply the charter, by connecting them to public space experts and providing opportunities for information and data sharing and for promoting their own public space projects or practice.

To register your organisation's interest in becoming a signatory to the charter, email PublicSpace@planning.nsw.gov.au

While the department does not intend to subject the charter to regular review, we may update it as required to reflect contemporary practice and emerging research.



*Unity Place, Burwood.
Courtesy of Burwood Council*

10 PRINCIPLES



*Stirling Brown,
Mavis Feirer, Queenie
Walker, Janelle Brown
and Robyn Bancroft in
Market Square, Grafton
Photographer: Alison Page
and Nikolas Lachajczak*

PRINCIPLE #1

Open and welcoming



Everyone can access public space and feel welcome, respected and included.



Prince Alfred Square, Parramatta. Courtesy of Destination NSW

Public space should be inclusive of all people, regardless of their gender, age, sexuality, race, ethnicity, religion, cultural background, socioeconomic status, ability and/or personal values, so social, cultural, environmental and economic benefits are shared equitably.

For public space to be inclusive, it must be culturally, physically and socially accessible, and perceived by the community to be so. They should be places where everyone feels safe, welcome and able to participate in public life. They should offer a diversity of uses and well-designed experiences that are free of charge regardless of income, ability or where they live. Amenities such as seating, shade and shelter, end-of-trip facilities, accessible toilets and inclusive play spaces that anyone can use and enjoy should be provided.

The physical design of a space, how people get there and move through and between public spaces, is critical. Public space should be designed and maintained to ensure the highest possible level of accessibility, so that people of all ages and with differing cognitive, sensory, physical, or developmental abilities can use them with dignity and ease. They should have

clear entrances and exits, open sightlines, visible wayfinding and clear navigation. They should be well integrated with surrounding land uses and public transport options, and easy to walk or cycle to.

Individual public spaces can have distinct purposes and functions, and may not be able to cater to every need. Planning public spaces to be linked and equitably distributed can create a more connected network of spaces that work together, and support each other.

Creating open and welcoming public spaces requires early and ongoing engagement with communities regarding how they are planned, designed, managed and activated. Including diverse groups of people, including Aboriginal peoples, young people, people with disability, people experiencing homelessness and culturally and linguistically diverse people in shaping public spaces can help create more accessible, inclusive and welcoming public spaces for everyone. It is especially important to have strategies in place to engage community members and groups who have historically felt excluded from these processes.

PRINCIPLE #2

Community focused



Public space brings people together and builds strong, connected and resilient communities.

Public spaces are the meeting and gathering places where we socialise with friends and loved ones and experience social connections that are fundamental to individual and community health and wellbeing.

Public space is important because it can bring us side-by-side with people whom we don't know, to share space and experiences with others who are different from us. This can create mutual understanding, empathy and trust, which over time strengthens the social capital of communities. Social capital is what makes communities cohesive and resilient, providing them with the relationships and networks of support that they need to withstand and adapt to broader economic and social shifts.

A key outcome when planning, designing, managing and activating a public space should be how it facilitates formal and informal social interaction and fosters social connectedness amongst diverse people, cultural communities, age groups, religious groups, families and friends.

Public spaces must also be places that promote equity, inclusion, social justice and democracy. They should allow free expression, collective action, public debate and opportunities for people of all backgrounds to participate in civic life.

Public space that is community-led, with a strong foundation of inclusive and equitable engagement, collaboration and co-design is more likely to meet the desires, expectations, traditions and needs of its community. Involving the community, including diverse, under-represented and hard-to-reach groups, in decisions about how public space is planned, designed, managed and activated builds trust and ultimately a sense of belonging and attachment to place.

*Kerrabee Soundshell, Moama.
Courtesy of Murray River Council/Rebecca Pilgrim*



PRINCIPLE #3



Culture and creativity

Public space provides a platform for culture and creative expression that makes places more colourful, animated and thought-provoking.

All public space is on Country, which is deeply embedded with knowledge and memories that are the starting point for considering the culture of a place. Aboriginal peoples have always used ceremony, rituals and storytelling to engage with the spirit of a place, activate memories and connect with Country.

It's important that Aboriginal peoples can access public spaces for cultural practices, which incorporate any practice that connects them to their culture, Country and Dreaming. Cultural practices may involve caring for Country activities and are not restricted to traditional practices.

By listening to Aboriginal peoples and sharing the stories of Country, we can all strengthen our understanding of, and connection to, place and to each other. In being sites for truth-telling about our history and the impacts of colonisation, public spaces can also become places of reconciliation and healing.

Culture and creativity are powerful tools for communities to create a positive narrative about who they are and what they want their futures to look like. Arts and culture brings people together, allowing them to share experiences that powerfully builds community. Places with a rich and exciting cultural and creative offering are more liveable and distinct, with people more likely to want to live, work and spend time there.

Public space can embed arts, music, literature, screen, performance and cultural experiences, public art and events directly into the heart of communities. Supporting local opportunities for cultural and creative expression in public spaces encourages more diverse and equitable participation for audiences and artists.

The rich cultural diversity of NSW brings an exciting energy into our public spaces, making them places of cultural interaction and exchange. Programming and events such as concerts, festivals, storytelling, and ceremonies can reflect local histories, cultures and traditions. They can foster social inclusion and intercultural dialogue among diverse communities.



*Manning Regional Art Gallery, Taree.
Courtesy of MidCoast Council*

Public spaces such as libraries, parks, laneways and plazas can provide flexible and informal space that supports ephemeral, temporary and permanent creative works to be more visible, valued, distinctive and accessible. The spaces around and in between public facilities such as libraries, museums, galleries and community centres are especially well-placed locations for planning creative and cultural projects and activities. Place-based approaches that involve local artists and creative organisations can build on the unique identity of a local area and community to activate public spaces.

PRINCIPLE #4

Local character and identity



Public space reflects who we are and our diverse stories and histories.

Public space contains layers of built and natural heritage that cut across time and provide communities with a specific sense of character, place and identity. This heritage can be tangible or intangible, embedded in built form and landscapes or living in stories, memories and oral histories.

Country is the foundation of a place's identity. Public space should acknowledge and reflect Aboriginal languages, place names, and histories. It should provide space for Aboriginal cultures to be practised and shared, as this helps people feel more connected to Country and place. Public spaces such as parks, libraries, community centres, plazas, and sports grounds have aesthetic, historic, scientific, social or spiritual value that enriches our lives and make us feel deeply connected to our community and our landscape.

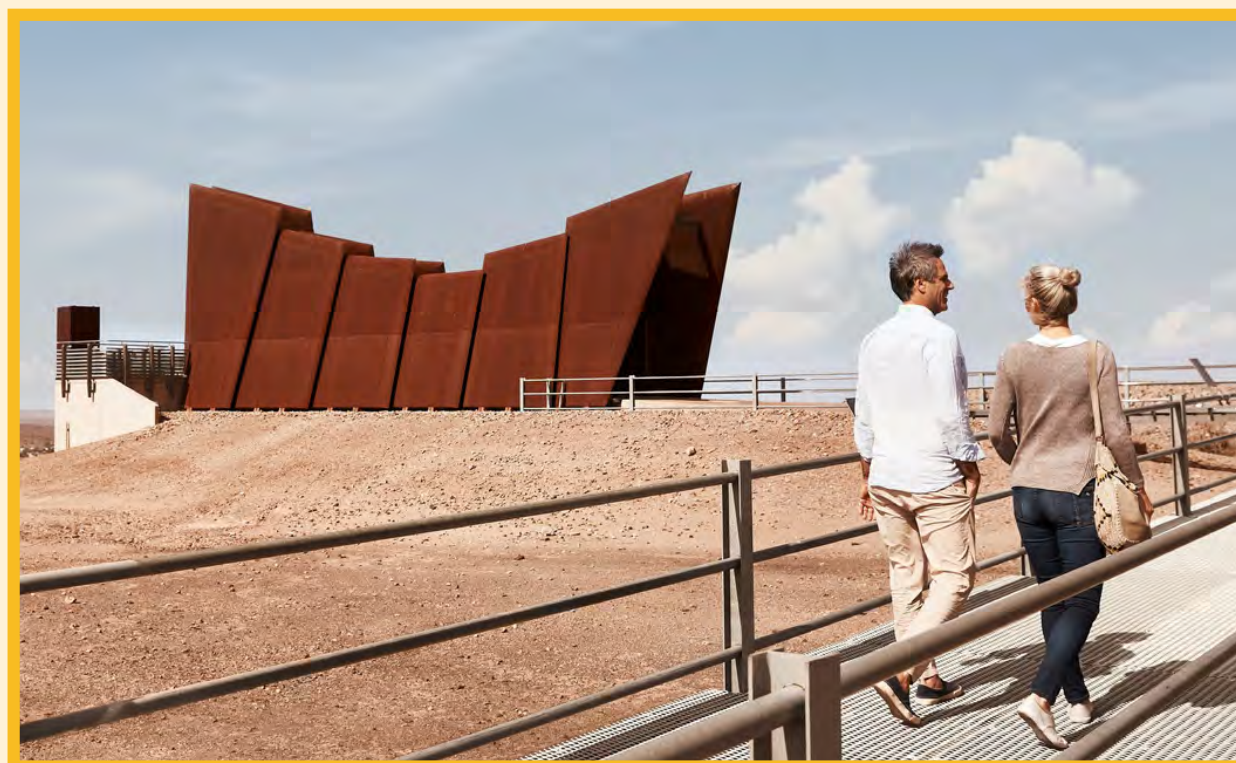
The character and quality of heritage in public spaces should be carefully managed and maintained, to promote local identity and to pass it on to the future generations. New public spaces should be sympathetic to the history and heritage

of the site and to the communities who live and have lived there, especially in urban renewal and brownfield developments. Adaptive re-use of heritage buildings such as town halls, fire stations and hospitals can provide new and exciting public spaces and uses that build on the history and connection that communities have to these places.

Supporting local artists and creatives to work collaboratively with communities can deliver public art and creative placemaking programs that respond to place and celebrate local stories, cultures and histories.

Communities are the best experts for recognising and valuing the local character and identity of a place and should be engaged early in the process of planning, designing and activating public space. Engaging communities meaningfully and effectively will ensure that diverse voices, cultures and histories can be reflected in the character of public space and everyone feels a more powerful sense of pride and belonging.

*Line of Lode Miners Memorial, Broken Hill
Courtesy of Destination NSW*



PRINCIPLE #5



Green and resilient

Public space connects us to nature, enhances biodiversity and builds climate resilience into communities.



Great River Walk, Penrith. Courtesy of Destination NSW

Public space supports the natural flows and cycles of the environment, by connecting ecological systems and networks of green space, waterways, bushland, riparian landscapes and wildlife corridors. Wildlife relies on public space for food and refuge, and their use and needs should be considered and protected. Native trees and vegetation should be prioritised in public space as these provide animals with their natural habitats, and are more suited to Australian climate and soil conditions.

By respecting, valuing and being guided by Aboriginal knowledge and land management practices in how we care for public space, we can help to support the health and wellbeing of Country. The planning, design, management and activation of public space can also support them to be sites for education about caring for Country's health and wellbeing and their role in supporting biodiversity and broader ecosystems.

Public space should be integrated with green infrastructure to ensure that urban and regional communities have equitable access to the social, environmental and economic benefits of quality green space. Green infrastructure is the network of green spaces, natural systems and semi-natural systems that supports sustainable communities.

It includes waterways, bushland, tree canopy and green ground cover, parks, and green open spaces that are strategically planned, designed and managed to support a good quality of life in the urban environment.

Public space that has quality green infrastructure, including tree canopy cover, can increase the long-term removal and storage of carbon, provide relief from urban heat and heatwaves, improve air and water quality, increase natural shade and the walkability of neighbourhoods, reduce noise pollution and the likelihood of flooding and sewage overflow.

Through careful planning and design, public spaces can build climate resilience into urban and regional communities. This includes using sustainable materials and integrating green walls and roofs into the built environment, providing green fire breaks between natural and built environments and flood mitigation zones in flood-prone areas. Planning and designing adaptable community facilities that are capable of changing use as refuge spaces and distribution points will ensure critical social infrastructure is available in the time of crisis and disaster.

PRINCIPLE #6

Healthy and active



Public space allows everyone to participate in activities that strengthen our health and wellbeing.

Public space plays a crucial role in building sustainable and healthy communities by supporting social interaction and connection and providing play and active recreation opportunities, green and natural environments, access to local healthy foods and safe routes to walk and cycle.

Public space that is well-designed, connected and inclusive can support everyone to build walking, exercise and physical activity into our everyday lives, helping prevent chronic disease such as cancer, heart disease, diabetes and depression. Increased availability and equitable distribution of accessible public open space can improve the opportunities for active and passive recreation, such as walking, running, cycling, team sports, picnicking and playing.

By providing access to cool, green spaces and connecting people to natural landscapes, such as nature trails, river and coastal walks and bushland, public space powerfully improves our mental health, reducing depression, anxiety and stress and improving memory and concentration. It should encourage and support social interaction and connection, which is important to our social wellbeing, and can help to reduce social isolation and loneliness. People should have access to a mix and balance of comfortable, tranquil spaces with places to sit and relax as well as space for higher-intensity activities such as sport and recreation, prioritising appropriate uses for different spaces.

Public space that is safe, well connected and high-quality encourages a culture of walking and cycling. Wider contiguous footpaths, tree canopy and shaded corridors, barriers between traffic and people, well-designed lighting, frequent crossings and lower traffic speeds

can all contribute to increased walkability. Using a movement and place lens to plan, design and manage streets can help to ensure these dual functions are supported. Street environments should be considered as places to attract people to visit and stay, not just as places to move through. They should contribute to the network of public space within a location, where people can live healthy, productive lives, meet each other, interact, and go about their daily activities.

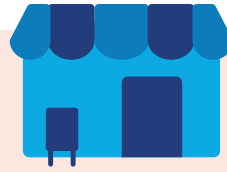
The quality of public space is crucial in shaping the physical, cognitive and social development of children. Their needs, as well as that of their families, should always be considered. Supporting inclusion in the processes that shape public space will facilitate a broad range of healthy activities and behaviours and enable more people to have equitable access to the health benefits they provide.

*Sydney Olympic Park.
Courtesy of Sydney Olympic Park
Authority/Fiora Sacco*



PRINCIPLE #7

Local business and economies



Public space supports a dynamic economic life and vibrant urban and town centres.

The public space network supports lively high streets, outdoor dining and cafés, and popular tourist destinations, as well as providing low-barrier commercial opportunities, such as markets, food vans and live performance.

The way that we value buildings and places is strongly linked to people's experience of these places and whether it includes spaces that meet their needs. Locations with high-quality, well-designed and well-managed public places attract residents, customers, employees and services, which in turn attracts business and investment. To deliver a high-quality experience, public space should have a strong vision and layers of activities to attract different groups of people and helps them form a connection to place.

Privately-owned spaces and commercial activity can complement and activate public space, but this should not compromise their primary function of delivering public benefit. Active facades, building edges and podiums can create economic activity and vitality that draws people into an area, while public space attracts diverse groups of people and connects them to retail and business. Town centres and retail precincts that are supported with quality public spaces where people can sit, rest and connect with each other are more likely to thrive.

Using streets as public spaces can create more vibrant and dynamic retail and hospitality precincts and attract higher foot traffic. Activating streets and laneways with creative



Blak Markets, La Perouse. Courtesy of Destination NSW

placemaking and programming can breathe life and energy into public space that turns neighbourhoods into destinations, spurs innovation and improves land and property value.

Activating public spaces such as parks, plazas, libraries, museums and community centres in a safe and welcoming way after dark is critical for a more diverse and vibrant night-time economy. Understanding the rhythm and patterns of how public space is used at different times of the day can inform a strategic and place-based approach to programming and activation that supports the local economy at all hours.

PRINCIPLE #8

Safe and secure



Everyone feels safe to access and use public space at all times of the day.

Perceptions of personal safety influence how public spaces are accessed and used. Public space feels safer when it is well-used and inclusive, and people can see and interact with others. It should encourage a diverse mix of intergenerational and intercultural users, and recognise children as active users of the space. It should be activated with a mix of uses at all times of the day and people-oriented lighting at night, especially along pedestrian and cycle routes.

Incorporating crime-prevention strategies such as the Crime Prevention Through Environmental Design principles when planning and designing public space can reduce crime and anti-social behaviours, making places and spaces feel safer, which in turn can enhance the physical, mental and social wellbeing of community members. It's important, however, that strategies and approaches to designing and managing safe public spaces don't strip them of their

distinctiveness and public amenity, or cause marginalised groups to be excluded.

Risk assessments and safety audits are valuable tools for understanding if there are safety issues in a public space and what measures could be put in place to address these. Consulting diverse groups of people, including women and vulnerable or marginalised groups, is important to understand their experience of accessing and using public space and their perception of its safety.

Feeling culturally, physically and spiritually safe when accessing public spaces is especially important for Aboriginal peoples and communities. Involving Aboriginal communities, at all stages of public spaces development and its continuing management, is key to creating and maintaining culturally safe places.

*Inner West Fest - Baludarri.
Courtesy of Inner West Council/Daniel Kukec*



PRINCIPLE #9



Designed for place

Public space is flexible and responds to its environment to meet the needs of its community.



Leagues Club Park, Gosford.

Courtesy of Hunter & Central Coast Development Corporation

The way that public space is designed can directly or indirectly affect the way that it is used, and who uses it. Public space should provide open space and facilities that are multi-purpose, connected and flexible enough to support a broad range of uses, activities and experiences throughout the day and night. It should respond to its environment and the diversity of its users, incorporating universal design principles so that everyone can enjoy it, regardless of age, ability and mobility.

Public space that is co-located with other uses, such as education, health, cultural facilities and other public spaces, can help create a sense of place and community. For example, co-locating libraries within community centres or open space near schools can diversify the use of these spaces and provide more equitable access. Planning for place across the whole lifecycle of a project, from concept, to design, delivery and implementation will lead to more successful public spaces.

Every public space is unique and has its own specific context, community and environment. It should be fit-for-purpose, designed with an understanding of how it will be used and who will use it. It should be capable of adapting to

changing uses and demands. It should encourage formal and informal interaction and provide people with different levels of engagement so that they don't have to interact with the space in the same way. It should have complementary uses whenever possible and be well-connected to surrounding areas and other public space to provide a richer experience for its users.

The connectivity of public space to the ground floor of buildings and the way they work together to support each other is important. Planning, designing and activating ground planes that support surrounding streets, laneways and open spaces encourages vibrant public life and provides a continuous network of pathways and experiences that makes it easier and safer for people to move around.

Aboriginal Knowledge Holders, organisations and communities should be engaged at an early stage of the design process for public space, to ensure that knowledge about Country is considered. This could include identifying stories or narratives connected to a place that can inform its design, or to understand if there are key movement paths or Songlines that can direct how people move in and through the public space.

PRINCIPLE #10



Well-managed

Well-managed and maintained public space functions better and invites people to use and care for it.

All public spaces require some form of management so that they can continue to fulfil their various roles and provide a safe and welcoming environment. There are often multiple and diverse stakeholders whose involvement, activities and relationships can affect the quality of a public space and who have their own concerns and needs for how the space should be maintained. Public space management and governance agreements, strategies and frameworks that define roles and responsibilities, support collaboration and consider sustainable funding models can deliver better place quality outcomes.

Public space should be managed in a way that encourages and is considerate of users. Rules governing public space should only restrict activities and behaviours that are unsafe and shouldn't target user groups who have historically been excluded from public space, including young people, Aboriginal peoples and people experiencing homelessness.

Public spaces should be designed with consideration of their financial sustainability, and how long-term operating and maintenance costs can be minimised. Smart infrastructure, systems and technology can also improve the ways that public space is monitored and managed. Cleaning, maintenance and repairs of public space and its amenities should be carried out in line with their levels of use to maintain a welcoming environment.

Aboriginal people are experts in land management practices that ensure the health and wellbeing of Country. Valuing and respecting Aboriginal cultural knowledge and working with Aboriginal peoples should be a priority in managing public space. This will also ensure that culturally significant places are respected and protected, and there is access for cultural practice.

Flexible community-led design, inclusive processes and capacity-building can also

foster more efficient and dynamic models of stewardship to emerge. When power and responsibility for managing public space is shared with the community, people feel more invested and are more willing to maintain, program, beautify, and advocate for those spaces. Volunteer groups such as scouts and girl guides, local schools, sports and surf lifesaving clubs, bush care groups or citizen science networks can provide valuable community partnerships for managing public space.

*Royal Botanic Gardens Sydney's Aboriginal Education
& Engagement Manager Renee Cawthorne
Courtesy of Royal Botanic Gardens and Domain Trust*





dpie.nsw.gov.au

NSW Public Spaces Charter



Principle 1 - Open and welcoming

Everyone can access public space and feel welcome, respected and included.

Principle 2 - Community focused

Public space brings people together and builds strong, connected and resilient communities.

Principle 3 - Culture and creativity

Public space provides a platform for culture and creative expression that makes places more colourful, animated and thought-provoking.

Principle 4 - Local character and identity

Public space reflects who we are and our diverse stories and histories.

Principle 5 - Green and resilient

Public space connects us to nature, enhances biodiversity and builds climate resilience into communities.

Principle 6 - Healthy and active

Public space allows everyone to participate in activities that strengthen our health and wellbeing.

Principle 7 - Local business and economies

Public space supports a dynamic economic life and vibrant urban and town centres.

Principle 8 - Safe and secure

Everyone feels safe to access and use public space at all times of the day.

Principle 9 - Designed for place

Public space is flexible and responds to its environment to meet the needs of its community.

Principle 10 - Well-managed

Well-managed and maintained public space functions better and invites people to use and care for it.

REPORT
PD/5.8/22.04

Subject: Tamarama Park and Beach Plan of Management - Stage 1 Consultation

TRIM No: A21/0475

Author: Ingrid Cheng, Senior Landscape Architect

Director: Sharon Cassidy, Acting Director, Community, Assets and Operations

RECOMMENDATION:

That Council:

1. Commences stage 1 consultation on the draft Tamarama Park and Beach Plan of Management for a minimum 28 days.
2. Officers prepare a report to Council following stage 1 consultation, summarising the consultation outcomes.
3. Note that the draft Plan of Management will be reported to Council prior to public exhibition, which is stage 2 of the consultation.

1. Executive Summary

This report provides details on the first stage of consultation for the development of the draft Tamarama Beach and Park Plan of Management (Tamarama PoM) and provides information on the preliminary ideas for improvements proposed for consultation.

This report seeks Council endorsement to commence consultation.

2. Introduction/Background

Council's Community Strategic Plan 2018-2029 details the following goals for our open spaces:

- 3.1 – Improve health and quality of life through a range of recreational opportunities and quality open spaces.
- 3.2 – Expand the network of parks and open spaces, sporting and recreational facilities.

Council's open spaces are planned for, and managed through, the Open Space and Recreation Strategy (OSRS) and parks plans of management. A plan of management is a document that defines the value, use, management practices, and intent for the public purpose for which the land has been reserved.

Tamarama Beach and Park Plan of Management was adopted in 2007. Over the last 15 years the Action Plan contained within the Tamarama POM has been implemented, with new stormwater recycling system, kiosk and service building, storage building for surf club and lifeguards, lower park picnic area upgrades, seating along the promenade, continued improvements to remnant vegetation and landscape upgrades.

Since Council's adoption of the Tamarama POM 2007, Crown Lands updated the *Crown Land Management Act 2016* (CLM Act), which came into effect in June 2018. This legislation requires Council to update all our plans of management by June 2023. In October 2020, Council resolved to update a priority list of Plans of Management (PoM) to comply with the new CLM Act. To meet Council's obligations for Crown Land, and the 15 year time lapse since the last version, it is now time to update the Tamarama POM to reflect the needs and aspirations of the community and management of the park.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 22 June 2021	CM/7.14/21.06	<p>That Council:</p> <ol style="list-style-type: none"> Continues to support beach volleyball at Tamarama and Bondi Beaches based on the revised rules of play outlined in the report. Increases the number of courts permitted at Bondi Beach from three to four. Ensures that the layout and rules of play are prominently displayed at each beach within close proximity of the volleyball courts for reference and enforcement purposes. Officers enforce the layout and rules of play through regular visits to Tamarama and Bondi beaches and prompt response to issues raised by the community. Officers use their discretion to ensure fair, balanced and safe beach use for all beach users by limiting the number of courts below that approved and other relevant actions, especially during the summer months, at weekends and public holidays, and at high tide.
Council 20 April 2021	CM/7.6/21.04	<p>That Council:</p> <ol style="list-style-type: none"> Notes the feedback received on the draft Open Space and Recreation Strategy during the public exhibition period between September and November 2020. Adopts the Open Space and Recreation Strategy attached to the report (Attachment 1) subject to the following amendment: <ol style="list-style-type: none"> Page 216 of the attachments under separate cover, after the first paragraph – Insert the following: <p>'Section 2 of the NSW <i>Constitution Act 1902</i> recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and have made, and</p>

		continue to make, a unique and lasting contribution to the identity of the State.'
Council 20 October 2020	CM/7.6/20.10	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to section 3.23 of the <i>Crown Lands Management Act 2016</i>, gives notice to the Minister administering the <i>Crown Lands Management Act 2016</i> of the initial categorisation of Bondi, Bronte, Tamarama and Waverley Parks Crown Reserves as detailed in Attachment 1 of the report. 2. Authorises the General Manager to approve any minor amendments to the initial categorisations that may be required by Crown Lands. 3. Notes that plans of management prepared prior to 2018 are required to be updated to comply with the new <i>Crown Lands Management Act 2016</i>. 4. Updates the plans of management as prioritised in the report. 5. Notes that the plans of management listed as a priority will be updated concurrently, and that the General Manager may reprioritise plans of management to respond to Crown Lands requirements if they change. 6. Writes to the Crown Lands Area Manager requesting them to: <ol style="list-style-type: none"> (a) Appoint Council as Crown Land Manager for Gaerloch Reserve, Eastern Reserve, Raleigh Reserve and Clarke Reserve, which are devolved lands. (b) Formally confirm the earliest permissible time for the lodgement/assessment of the development applications for the Bondi Surf Life Saving Club and Bronte Surf Life Saving Club. 7. Notes that there are capacity issues in completing all the requirements by the current deadline and that there are discussions underway with Crown Lands in relation to a possible extension of deadline and programming of work. 8. Investigates options for recognising the cultural significance of land to First Nations people in NSW within plans of management.
Council 18 Feb 2020	CM/8.13/20.02	<p>That:</p> <ol style="list-style-type: none"> 1. Council investigates measures to mitigate privacy and

		<p>noise impacts on residents at 21, 23 and 25 Gaerloch Avenue, Tamarama, from the adjacent, upgraded Tamarama fitness station located on the coastal walk close to the Tamarama Surf Life Saving Club, including, but not limited to, changing the height, style and location of the current fitness equipment.</p> <ol style="list-style-type: none"> 2. Council officers consult the above adjoining neighbours and other interested parties on the matter. 3. Council receives recommendations in a formal report. 4. The investigation also cover the issue of potential non-compliance with a development consent condition at 21 Gaerloch Avenue, Tamarama, in relation to how it might improve the privacy and noise impacts of the fitness station.
<p>Council 1 May 2018</p>	OC/5.3/18.05	<p>That Council:</p> <ol style="list-style-type: none"> 1. Undertakes an Asset Condition Assessment Report, including cost estimates for repair or replacement, of the existing staircase and footpaths in Tamarama Park upper gully in 2018/19 in accordance with the Tamarama Plan of Management. 2. Includes the upper waterfall access trail and lookout project in the future Tamarama Park Master Plan and future Long Term Financial Plans for implementation, following completion of other priority/critical footpath and stairway upgrades in the gully. 3. Recommences investigations to implement upstream Gross Pollutant Traps to control litter, sediment and waterborne contaminants from entering the Tamarama gully waterfall area, and a report be submitted to Council on the findings. 4. Undertakes bush regeneration works in the waterfall area and continues to maintain and record historical access trails uncovered during works to inform future trail design. 5. Further advice on another path from the Birrell Street pathway to the upper lookout be provided.
<p>Council 21 August 2018</p>	CM/8.5/18.08	<p>That Council investigates the introduction of a pedestrian crossing and speed calming measures near the intersection of Tamarama Marine Drive and Pacific Avenue, Tamarama.</p>

4. Discussion

The goal of the stage 1 consultation is to ascertain how the community is using the park and to test key ideas that will inform the action plan within the PoM. This will help Council understand how the community uses the space, what they like and don't like and their level of satisfaction with the park today

Key ideas will be presented as Opportunities and Constraints which were developed through the Open Space Strategy, as well as detailed analysis on Tamarama Park and Beach and input from internal Council Officers providing subject matter expertise on a Council Project Control Group (PCG). Refer to Attachments 1 and 2.

Through this stage 1 consultation process, Council will be able to understand which ideas are supported or need further work. It also provides an opportunity to further define the brief for the works and for the community to be involved in this process.

To provide further details, the key ideas to be presented are referenced below with corresponding actions from Council's strategies.

Table 1. Key ideas and supporting strategies.

Tamarama PoM key ideas	Supporting Council strategies
Provide a footpath between playground, picnic setting/s and BBQs to improve accessibility for all users.	Inclusive Play Space Study. Reference page 79 <ul style="list-style-type: none"> Provide a continuous path of accessible travel to the play space from adjacent footpaths, accessible carparking spaces and amenities block. The path should connect all facilities, including picnic tables in shelters, and signage. Gathering space: link play space to nearest picnic shelter
Improve arrival and wayfinding experience	Open Space and Recreation Strategy (2021-2031). <ul style="list-style-type: none"> Action C3.2 Develop a wayfinding strategy to ensure routes are adequately signed and easy to navigate for: Tamarama Park and Gully
Improving pedestrian entries and pathway connections	Open Space and Recreation Strategy (2021-2031). <ul style="list-style-type: none"> Action C1 Provide for easy navigation and access throughout the open space network and within parks. C1.1 Ensure entrances are clearly marked at popular open spaces, through signage and wayfinding for pedestrians and cyclists, public transport users and drivers. Action C4 Ensure all parks are designed and upgraded in line with universal design principles
Widen path adjacent SLSC to improve pedestrian circulation along Coastal Walk	
Provide universal access to BBQs	
Provide additional lighting (bollards) to improve path at Birrell Street stair access	Open Space and Recreation Strategy (2021-2031). Reference page 7 <ul style="list-style-type: none"> Improve the pedestrian environment around open and recreation spaces and way-finding for walking routes
Provide seats and picnic settings to lawn area in the Gully near Tamarama Marine Drive	Open Space and Recreation Strategy (2021-2031). <ul style="list-style-type: none"> Action A7 Provide more areas for passive recreation activities including areas of quiet contemplation
Provide new seating along Birrell Street stairs landings	
Provide a single designated dog off-leash area in the Gully Park	Open Space and Recreation Strategy (2021-2031). <ul style="list-style-type: none"> Action A1.3 Increase provision and capacity of dog-off leash areas

Provide heritage interpretation in the Gully (Maori, European and Aboriginal Heritage)	Open Space and Recreation Strategy (2021-2031). <ul style="list-style-type: none"> A6.1 Develop a place story strategy that educates a visitor on the environment, heritage, archaeological, and social significance of Waverley's parks and reserves. D1.1 Continue to engage the La Perouse Local Aboriginal Land Council in the management and maintenance of spaces and seek opportunities to integrate traditional land management practices to build environmental and cultural resilience
Provide buffer planting between properties and fitness station	As per Council resolution CM/8.13/20.02.
Upgrade Birrell Street accessway with new steps, ramps, footpaths, retaining walls and associated landscape works including connections to Ashley Street and the upper gully.	As per Council resolution OC/5.3/18.05.
Formalise lookout at Tamarama Waterfall with ocean views	
Improve old sandstone step path in Tamarama Gully	

5. Financial impact statement/Time frame/Consultation

Financial impact statement

The PoM development is expected to be completed within the allocated budget. Several projects will result from the Action Plan that will be developed as part of the PoM. These projects will be funded from future capital works budgets and will be identified accordingly in the Long-Term Financial Plan. Other actions are expected to be funded by Council's operational budget. Some projects are suitable for a range of Federal and State grant programs and the Plan of Management will provide weight to these applications.

Time frame

The time frame for development of the Tamarama POM is outlined in the following table:

Table 2. Milestones and time frames.

Action	Time frame
Tamarama Beach and Park Plan of Management, start up and background studies	July–Sept 2021
Council report on engagement	5 April 2022
Stage 1 consultation	Apr-May 2022
Council report on consultation results	June 2022
Report to Council on draft PoM for public exhibition	Aug 2022
Draft to Crown Land to approve for public exhibition	Sept 2022
Draft Plan of Management engagement (public exhibition – stage 2 consultation)	Oct-Nov 2022
Integrate feedback changes into final management plan	Dec 2022 – Jan 2023
Final management plan to Council for endorsement	Feb 2023
Endorsed management plan to Department and Minister	Mar 2023

Consultation

The following action plan has been developed for the first stage of consultation:

- Promote consultation to all Precincts.
- Consult residents, users of the park and beach, hirers, SLSC and businesses.
- Update project specific page on Council's website.
- Recurring posts on all of Council's social media outlets.
- Advertise in Waverley Weekly e-newsletter and Have Your Say e-newsletter.
- Survey on Council's Have Your Say page.
- Advert in *The Beast* and *Wentworth Courier*.
- Letterbox drop to properties within a 500 m radius of the park.
- Install signage on-site.
- One online community information session.
- One Have Your Say Day at the park.

The second stage of consultation will be undertaken in October and November 2022, with engagement on the draft PoM being undertaken.

6. Conclusion

It is recommended that Council endorses stage 1 consultation for Tamarama Beach and Park to meet Crown Land's deadline to have the PoM updated and endorsed by June 2023.

7. Attachments

1. Tamarama Park Plan of Management - Opportunities and constraints [↓](#)
2. Tamarama Park Plan of Management - Current works [↓](#) .

Opportunities and Constraints



Current Works

