



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 1 MAY 2018

A handwritten signature in black ink, appearing to read 'Peter Monks', is shown on a light blue background.

Peter Monks
Acting General Manager

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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

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5. Reports

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PD/5.2/18.05	Bondi Junction Evening, Culture and Entertainment Strategy	18
PD/5.3/18.05	Sydney Region Plan, District Plans, Transport Plan and Infrastructure Plan - Final Versions	24
PD/5.4/18.05	Low Rise Medium Density Housing Code and Design Guide	32
PD/5.5/18.05	Waverley Development Assessment Panel - DA Referral Criteria	54

6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/18.05



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 March 2018

TRIM No.: SF18/246

Author: Richard Coelho, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee meeting held on 6 March 2018 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 the Strategic Planning and Development Committee meeting must be submitted to Strategic Planning and Development Committee for confirmation, in accordance with clause 266 of the *Local Government (General) Regulation 2005*.

The Strategic Planning and Development Committee meeting scheduled for 10 April 2018 was cancelled.

Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 6 March 2018



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 6 MARCH 2018**

Present:

Councillor Paula Masselos (Chair)	Lawson Ward
Councillor John Wakefield (Mayor)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi 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 Steven Lewis	Hunter Ward
Councillor Will Nemesh	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

Staff in attendance:

Peter Monks	Acting General Manager
Linda Bathur	Acting Director, Waverley Life
George Bramis	Acting Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 8.00 pm, those present were as listed above with the exception of Cr Nemesh who arrived at 8.02 pm.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair 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

Apologies were received and accepted from Cr Keenan.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Goltsman declared a less than significant non-pecuniary interest in Item PD/5.1/18.03 – Planning Proposal – Dover Heights Synagogue and Shule, Napier Street, Dover Heights, and informed the meeting that he attends some of the events held by the Shule.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item PD/5.1/18.03 – Planning Proposal – Dover Heights Synagogue and Shule, Napier Street, Dover Heights and informed the meeting that he has been involved in lessons held by the Shule.

3. Addresses to Council by Members of the Public

- 3.1 T Ryback – PD/5.1/18.03 – Planning Proposal – Dover Heights Synagogue and Shule, Napier Street, Dover Heights.
- 3.2 B Meyerson (applicant) and M Donaldson (Urbis) – PD/5.1/18.03 – Planning Proposal – Dover Heights Synagogue and Shule, Napier Street, Dover Heights.

4. Confirmation of Minutes

PD/4.1/18.03 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 February 2018 (SF18/246)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Copeland

That the minutes of the Strategic Planning and Development Committee Meeting held on 6 February 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/18.03 Planning Proposal - Dover Heights Synagogue and Shule, Napier Street, Dover Heights (PP-2/2016)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Nemesh

That Council:

1. Notes the matters raised in the submissions made on the planning proposal at the Dover Heights Shule/Synagogue, Napier Street, Dover Heights.
2. Recognises residents' concerns about the impact on parking, especially in Napier Street, and traffic management, should the planning proposal proceed.
3. Supports the planning proposal lodged by Dover Heights Shule/Synagogue to amend the Waverley Local Environmental Plan 2012 (WLEP 2012) in respect of the Dover Heights Shule/Synagogue, Napier Street, Dover Heights.
4. Supports making the amendments to the WLEP 2012 outlined in the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning and Environment.
5. Notifies property owners of Council's decision.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Nil.

T Ryback (objector) and B Meyerson and M Donaldson (for the applicant) addressed the meeting.

PD/5.2/18.03 Waverley Architectural Mapping Project (A17/0636)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr O'Neill

That:

1. Council acknowledges Council staff will be carrying out the Waverley Architectural Mapping Project. It will be funded by a grant of \$42,828 awarded by the Office of Environment and Heritage as part of the Heritage Near Me incentives program.
2. The Mayor, on behalf of Council, writes to the NSW Environment and Heritage Minister, Gabrielle Upton MP, to thank and express appreciation on granting Council monies to carry out the project.

**PD/5.3/18.03 Amendments to the Environmental Planning and Assessment Act 1979
(A03/0117)**

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Burrill

That Council:

1. Notes the changes to the Environmental Planning and Assessment Act 1979.
2. Notes the circular from the Department of Planning & Environment regarding Clause 4.6 'Exceptions to Development Standards'.
3. Officers provide Councillors with a comparative table showing what exists now and what has changed, and the impacts of those changes.

6. Urgent Business

There were no items of urgent business.

7. Meeting Closure

THE MEETING CLOSED AT 8.36 PM

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SIGNED AND CONFIRMED
CHAIR
10 APRIL 2018

REPORT
PD/5.1/18.05

Subject: Waverley Destination Management Plan

TRIM No: A16/0608

Author: Peter Morris, Manager, Economic Development

Director: George Bramis, Acting Director, Waverley Futures

RECOMMENDATION:

That Council:

1. Endorses the draft Waverley Destination Management Plan attached to this report for the purposes of public exhibition and community consultation.
2. Publicly exhibits the draft Waverley Destination Management Plan for a period of 28 days.

1. Executive Summary

The purpose of this report is to provide an overview of the Waverley Destination Management Plan (WDMP) and to respond to the issues raised in the Councillor workshop held earlier this year.

This plan was previously presented to Council in 2017 through a facilitated workshop by The Stafford Group, Waverley's consultancy agency for this project. An additional Councillor workshop was facilitated by the Economic Development team on 27 February 2018. This draft WDMP consolidates all recommendations and comments submitted to date.

The WDMP represents the first such plan for the Waverley Local Government Area that focuses on the management of tourism, in addition to balancing community needs. The objective of this report is to seek Council endorsement for the WDMP for the purposes of public exhibition and community consultation.

Its key objectives are to:

- Grow Waverley's share of higher-yielding visitor markets.
- Support the NSW Visitor Economy Industry Action Plan to achieve its goal of doubling overnight visitor expenditure by 2020.
- Support tourism product that generates a sustainable commercial return to the local area.
- Integrate tourism effectively within the community and mitigate the negative impacts of tourism on local amenity.

This WDMP provides a number of opportunities and addresses challenges in the visitor economy with Council having a key role to play as the facilitator and enabler. It also proposes initiatives aimed at delivering sustainable tourism outcomes for Waverley, further promoting and protecting Bondi, and future-

proofing areas to better manage the diverse needs of residents and the visitor economy.

2. Introduction/Background

State and Federal Governments identified the visitor economy as a priority best managed through destination management plans. This was highlighted in the NSW Visitor Economy Industry Action Plan, which is currently under mid-term review.

A destination management plan represents a business plan for managing the visitor economy in a specific destination. It captures and presents information, research and possible actions, which can support stakeholders to manage and invest in the area. A DMP is not a 'to do' list; its purpose is to build a higher level picture of opportunities that, when tested for feasibility, will support the objectives outlined above.

In the context of Sydney and Australia, Bondi plays a significant role in the visitor economy well beyond its borders. Its significance is underlined as being one of the most visited destinations in Australia, reinforced by its presence online, the volume of annual visitors and concentration of retail turnover in the local economy, most of which are small businesses.

Some examples of this significance include:

1. National Heritage Item – iconic status of Bondi Beach.
2. Destination NSW Bondi Profile.
3. Bondi to Coogee Coastal Walk – second most visited destination in NSW according to TripAdvisor.

Waverley LGA attracts approximately 2.5 million visitors each year, which contributes significantly to Waverley's economy. This figure does not include an additional 4.3 million local visits from residents and neighbouring LGAs within a 25 km radius. An infographic on the importance of tourism to Waverley is attached (Attachment 2).

This WDMP draws on the best practice model established by Destination NSW. The five-year plan considers the uniqueness of Bondi as an organically grown brand, the requirements for Waverley and balancing community priorities to leverage from this high visitation.

The WDMP is a framework that ensures opportunities across the Waverley economy for investment, job creation and potential income sources are well-managed and that key cultural and natural heritage assets are maintained.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Operations and Community Services Committee Meeting	PD/5.6/18.02	That this item be deferred.

Managing Waverley's visitor economy effectively has been an ongoing item for Council. Waverley Council has always taken an active role in working with the community and business sector to understand and manage the impact of high visitation. This was reflected in the Visitor and Tourism Management Strategy in 2002 and the Visitor Management Strategy Action Plan in 2009/10.

The WDMP was originally reviewed by Councillors in July 2017. An additional workshop was facilitated on 27 February 2018. This workshop provided a summary of WDMP and discussed the strategy in more detail. A summary of the main Councillor comments is noted in Attachment 3.

Reviewing the workshop comments collectively, it is clear that Council wanted a stronger emphasis on community needs and for the negative impacts of tourism to be noted and unpacked within the DMP Action Plan. Above all, growth of visitation should not be used as a measure of success within the DMP, the focus should therefore be to improve; governance, marketing, infrastructure and product for the purpose of:

- Growing visitor yield.
- Protecting coastal, heritage and Aboriginal assets.
- Limiting adverse impacts on social, economic and physical environment.

4. Discussion

Internal staff, Councillors, and external stakeholders were engaged during the preparation of the WDMP including; neighbouring Councils, retailers, tourist operators, the Chamber of Commerce, Destination New South Wales and Screen Australia.

Issues raised to Council on a regular basis from the community consultation conducted under Bondi Junction 'Heartbeat of the East', Bondi Junction Needs Analysis and Bondi Pavilion Redevelopment, provided additional information in understanding the community's attitudes and issues regarding the local visitor economy. Central to these issues is the need to clearly identify and protect what makes destinations within Waverley appealing to visitors, ensuring that these areas are protected. It is also essential to avoid negative impacts to residential areas and consolidate tourism activities to key hubs within the LGA.

After the second Councillor workshop, the Economic Development team conducted a range of research into current and previous Council policies, Council strategies and hosted a range of interviews with Council teams. The outcomes of this research is presented as a new chapter within the DMP, 'Sustainable Tourism and the Community'. This chapter consolidates the WDMP's community research and presents the issue of *overtourism*. Overtourism can be defined as: 'destinations where hosts or guests, locals or visitors, feel that there are too many visitors and that the quality of life in the area or the quality of the experience has deteriorated unacceptably'. Research into the negative impacts of tourism on local amenity is presented as tables in 'Supporting Documentation, Chapter 10.8'. The tables address four key areas: anti-social behaviour, transport, cost of visitation and tourist accommodation. Each area unpacks a range of issues with a current analysis, current Council actions and possible opportunities to mitigate these issues further in future.

The WDMP organises opportunities under four main themes including: infrastructure; governance; marketing; and product development. These four priorities look to deliver a vision that includes the following focus area actions, with outcomes from the most recent research falling under governance:

Theme	Focus Areas
Infrastructure Development & Planning Initiatives	Accessibility – Improve transport accessibility
	Tourism hubs – Reinforce tourism hubs within the <u>LGA</u> * (particularly Bondi Junction and Beach)
	Building design – Enhance areas designated as current or potential tourism hubs or precincts by improving their streetscape
Governance (management of the visitor economy)	Establish Tourism Industry Working Group to strengthen visitor economy, and recognise the need for Council to become an enabler for sustainable tourism growth
	Mitigate negative impacts of tourism on local amenity through a range of Council initiatives.
Marketing Initiatives	Strategy – Create a Destination Marketing Strategy focusing on sustainable tourism via the Hello Bondi brand
	Online information – Develop and promote online visitor information through the Hello Bondi website.
	Community engagement – Raise awareness of the value of the visitor economy throughout the community and ensure community values are communicated to visitors.
Product Development	Accommodation supply – Identify possible opportunities for boutique accommodation and introduce product packages (such as encouraging overnight stays)
	Facilities – Possible mixed use hotel/conference centre at Bondi Junction
	Events – Assess potential to introduce more Waverley community and Council inspired events and festivals
	Cultural facilities – Assess potential for public art gallery, studios, performance spaces at Bondi Junction. Consider new day and night time markets; improved landscaping and lighting; promoting the rich history and culture of the <u>LGA</u> and its people (e.g. history of Tamarama's Wonderland)

Table 1. Summary of WDMP Action Plan.

* A hub is defined as: a central point of activity within an LGA

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	L2 Visitors and tourists are welcomed and make a positive contribution to the community and economy.
Strategy:	L2a Develop and implement tourism initiatives to benefit both the local economy and community.
	L2b Ensure visitor-related activities contribute positively to the local economy and community.
Deliverable:	Visitor information promotes shopping, dining and recreational experiences.

6. Financial impact statement/Timeframe/Consultation

Financial impact

The WDMP was prepared by the Stafford Group, a specialist Tourism Consultant with considerable experience in preparing destination management plans. The consultant was appointed in October 2016. The fee for this work was \$41,000 and was funded through the Shaping Waverley Operational budget.

While individual actions listed in the WDMP 'Action Plan' have not been budgeted, the Action Plan requests key work plan objectives to be implemented by the Economic Development Team's Tourism Business Coordinator (Shaping Waverley). The Long-Term Financial Plan (LTFP) allocates budget for Tourism projects and the WDMP will be implemented within the financial and resource constraints that exist. Subsequent to

the WDMP's adoption, actions will be prioritised and resources allocated accordingly for project implementation.

Timeframe

Short-term strategies are to be implemented within the next two years (2018-2020), medium-term within the following three years (2020-2023) and long-term includes those to be undertaken after five or more years (2023 onwards), but likely commence in the medium-term. The most immediate piece of work is surrounding the Hello Bondi website, and this is already well underway.

Consultation



Project timeline

Internal Stakeholders
Cultural Programs
Events
Waverley Councillor workshop – 9 May 2017
Staff from various Council departments
External Stakeholders
Bondi Chamber of Commerce
Destination NSW
Federal Government agencies; Screen Australia
Tourist operators
Various local businesses

Table 2. Internal and External Stakeholders for WDMP.

Extensive consultation has been undertaken with internal staff, Councillors and external stakeholders, including government agencies such as Destination NSW. It is now a suitable time to present this strategy to the broader community and to gauge their feedback on the proposed action plan.

7. Conclusion

This report seeks Council's endorsement of the draft Waverley Destination Management Plan for the purposes of public exhibition and community consultation. The WDMP can be delivered through a collaborative approach between Council, community and industry to ensure Waverley can support and manage its visitor economy.

The draft WDMP focuses activities across four core areas including; product development, marketing, governance and infrastructure development. The plan presents a number of opportunities and addresses key challenges within Waverley's visitor economy. Sustainable outcomes form the cornerstone to all recommendations, further protecting and enhancing Waverley as a destination.

8. Attachments

1. Waverley Destination Management Plan - Draft (under separate cover)
2. Tourism Matters Infographic
3. Councillor Workshop - Destination Management Plan - 27 February 2018 - Session comments and feedback

TOURISM MATTERS

How tourism benefits our local community

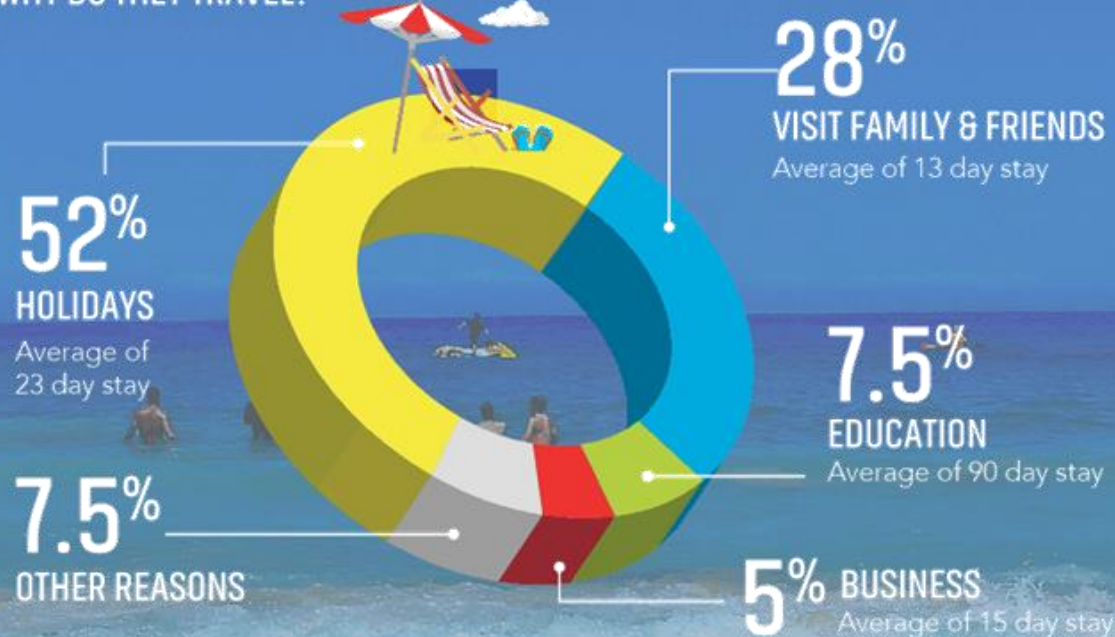


WHERE DO THEY COME FROM?

1. Australia
2. United Kingdom
3. United States
4. Germany
5. France
6. Canada
7. Brazil
8. Sweden
9. Japan
10. Italy

2.5m TOURISTS VISIT
WAVERLEY EACH YEAR

WHY DO THEY TRAVEL?



ECONOMIC IMPACT



TOURISM'S EFFECT
ON EMPLOYMENT

4,000 **1 in 7**
jobs brought to
Waverley by tourism
Waverley jobs
depend on tourism



TOURISM'S EFFECT
ON REVENUE

\$974m
spent by tourists in
Waverley each year



Tourism dollars are
often reinjected
back into the local
economy.
Businesses pay
salaries and source
goods and services
locally.

TOURISM ALLOWS FOR INFRASTRUCTURE
IMPROVEMENTS AND FACILITY UPGRADES,
BENEFITTING BOTH TOURISTS AND LOCALS.



Bondi Beach
picnic shelters



Tamarama
toilet blocks



Campbell Parade
Design Review

611
LOCAL
HERITAGE LISTINGS

including
Cottages
Beaches
Parks
Conservation areas

17
STATE
HERITAGE LISTINGS

including
Waverley Cemetery
Indigenous rock carvings
Ben Buckler
Bronte House
Bondi Pavilion

1
NATIONAL
HERITAGE LISTING
Bondi Beach



LOCAL BUSINESSES

can create new services and
products, that wouldn't be
sustainable without the
tourism segment.

+ EVENTS AND EXHIBITIONS FOR ALL TO ENJOY!

Councillor Workshop 27 February 2018 – Destination Management Plan – Session Comments and Feedback

Councillor Workshop – 27 February 2018 – Destination Management Plan

Introduction

A second Councillor workshop was facilitated on the 27 February 2018. This workshop provided a summary of Waverley's Destination Management Plan (WDMP) and discussed the strategy in more detail.

The following *Summary of Councillor Comments*, groups Councillor's feedback under separate themes, which are introduced and referenced within the WDMP. The ideas presented here fall under the Governance section within the WDMP Action Plan.

Summary of Councillor Comments

1. Topic: Negative Impacts of Tourism and the Community

Councillor Comments:

Minimise negative impacts of tourism (Cr. Wakefield)

Tourism capacity – when have we had enough? In some localities they are putting a cap on tourism? Look at how the plan could address this aspect of Destination Management? (Cr. Burrill)

Community feedback – can we have a stronger emphasis on what the community want – can we highlight this more throughout the document – too much focus on businesses and product development. (Cr. O'Neill)

Reference: p. 76-86, Chapter 8, Sustainable Tourism and the Community; p. 89. Table 14, Action Plan, Governance; p.132 -134, Supporting Documentation, 10.8.

Reviewing the workshop comments collectively, it is clear that Council wanted a stronger emphasis on Community needs and for the negative impacts of tourism to be noted and unpacked within the DMP action plan. Above all, growth of visitation should not be used as a measure of success within the DMP, the focus should therefore be to strengthen the opportunities of; governance, marketing, infrastructure and product for the purpose of:

- growing visitor yield;
- protecting coastal, heritage and Aboriginal assets; and
- limiting adverse impacts on social, economic and physical environment

The Economic Development team conducted a range of research into current and previous Council policies, Council strategies and hosted a range of interviews with Council teams. The outcomes of this research is presented as a new chapter within the DMP, Sustainable Tourism and the Community. This chapter consolidates the DMP's community research and presents the issue of overtourism. Overtourism can be defined as; "destinations where hosts or guests, locals or visitors, feel that there are too many visitors and that the quality of life in the area or the quality of the experience has deteriorated unacceptably".

Councillor Workshop 27 February 2018 – Destination Management Plan – Session Comments and Feedback

Research into the negative impacts of tourism on local amenity is presented within tables available in; *Supporting Documentation, Chapter 10.8*. The tables address four key areas; anti-social behaviour, transport, cost of visitation and tourist accommodation. Each area unpacks a range of issues with a current analysis, current Council actions and possible opportunities to mitigate this issues further in the future.

2. Topic: Tourist Accommodation

Councillor Comments:

Illegal backpackers impacting residential amenity (Cr. Masselos)

Consider tourism issues in relation to AirBNB (Cr. Masselos)

Have we looked at our Development Applications relating to Tourism? Are we approving additional backpacker accommodation? What do we need here? (Cr. Masselos)

Reference: **p.132 -134, Supporting Documentation, 10.8.**

Illegal backpackers have long been an issue for Council. The ‘mushrooming’ of illegal backpackers can be traced back as far as 1990, due to the quantity of short-term budget travellers flocking to the LGA.

Statistically, Waverley is in a much stronger position than it used to be back in 2002/2003, where 119 complaints were recorded by residents of alleged illegal backpacker activity. Over the past year, 24 cases were recorded within the Council’s Merit system. A key issue highlighted is the misuse of Boarding Houses as illegal Backpackers outlets, which fall under the State Environmental Planning Policy (SEPP – Affordable Rental Housing).

Ideas have been proposed by various Council teams on how we can improve control on this topic in future, some of which are noted below:

- Boarding House audit
- Review of Management Plan specifications, with recommendation to include a Community Commitment section and Community Liaison personnel
- Additional educational information to be distributed directly to tourist accommodation outlets on community activities
- Actively seek options for possible hotel sites (this was noted within the most recent Community Strategic Planning sessions with the community, March 2018)
- Continue to lobby for planning regulations to be changed at state and local level to manage short-term holiday letting effectively. Setting limits and regulations on hosts

Councillor Workshop 27 February 2018 – Destination Management Plan – Session Comments and Feedback

3. Topic: Sustainable Tourism

Councillor Comments:

Sustainable Local Economy – Answer only addressed relieving seasonality issues for businesses, so that they don't have peaks and troughs -need to provide more clarity here (Cr. Kay)

Seasonality issues – residents like the seasonality – only time they get to have a quiet beach (Cr. Burrill)

Budget Tourism – how do we get around this to promote a higher yielding visitor? (Cr. Copeland)

Reference: **p. 76-86, Chapter 8, Sustainable Tourism and the Community; p. 89. Table 14, Action Plan, Governance; p.132 -134, Supporting Documentation, 10.8.**

The visitor economy is essentially Waverley tourism industry. Tourism is worth over \$974 million in revenue each year to the Waverley LGA. In addition to this, 1 in 7 Waverley jobs depend on tourism, so without question, sustaining and improving the local economy is vital for owners and local employees.

Waverley has an extremely high turnover of commercial space. The majority of business models are not resilient to seasonality and depend heavily on fine weather conditions to survive.

The DMP's focus is to increase visitor yield and move away from simple seaside businesses that cannot sustain seasonality and support further employment. A sustainable local economy is one that supports a defined level of economic production indefinitely.

To bring these aspects together, Sustainable Tourism looks at how local business models can achieve consistent annual visitation, whilst contributing to the economic, social and environmental values of the LGA. The business models listed below for example, benefit community, visitors and residents, and are resilient to seasonality.

Ideas promoted within the DMP focus on

- all weather businesses that celebrate Waverley's history such as a surf museum on Bondi Beach;
- heritage walks celebrating Tamarama's Wonderland history,
- art/culture evening events; and
- walking trails to ease congestion.

Councillor Workshop 27 February 2018 – Destination Management Plan – Session Comments and Feedback

4. Topic: Communications

Councillor Comments:

Stronger communication to visitors on how we do things around here and how we want them to act. (Cr. Betts)

Reference: **p. 76-86, Chapter 8, Sustainable Tourism and the Community; p. 89. Table 14, Action Plan, Governance; p.132 -134, Supporting Documentation, 10.8.**

As noted within the introduction, further research warranted a new section to be developed within the WDMP, specifically focusing on the community and how to achieve a balance between the needs of residents, businesses and visitors. Chapter 8 discusses the necessity to commence work on a Destination Marketing Strategy as soon as possible that splits communications across all three stakeholder groups.

Outward communication opportunities

- Council has access to a range of statistics that can further support stakeholders; WIFI stats, people counters and access to key economic research. Council should track and report on visitation trends to prepare businesses, the community and Council for any possible increase in community issues. This puts Council on the front foot of growth and supports resource planning.
- Increase the flow of community information through to visitor accommodation outlets via a community liaison officer or another point of contact.
- Hello Bondi, Council's tourism brand, will need to achieve a balance of content for each of the stakeholder groups and provide key community messages for visitors; #travel.enjoy.respect.
- A visitor information centre to centralise and organise activities for visitors and a local tourism volunteer group to integrate tourism effectively within the community.
- Consider additional fines and restrictions available in problem zones; i.e. Crown Lands Act.

Inward communications opportunities

- Improving communications surrounding reporting of community issues is recommended here to Council's Merit customer service system. Other methods are also suggested to improve the flow of information inward; i.e. Send, Snap and Save technology, promotion of RID online reporting and Community Justice Support Services.

REPORT
PD/5.2/18.05

Subject: Bondi Junction Evening, Culture and Entertainment Strategy

TRIM No: A16/0262

Author: Hugh Johnston, Urban Designer

Director: George Bramis, Acting Director, Waverley Futures

RECOMMENDATION:

That Council adopts the Bondi Junction Evening, Culture and Entertainment Strategy attached to this report.

1. Executive Summary

The Bondi Junction Evening, Culture and Entertainment Strategy (the Strategy) provides the strategic means to develop Bondi Junction over the next 10 years as an evening destination that is economically viable, culturally exciting and safe. The Strategy establishes a framework, guiding principles and objectives for a co-ordinated approach to night time activation in Bondi Junction, which has the potential to be applied to the broader Waverley Local Government Area (LGA).

The Strategy has been prepared in response to the Bondi Junction community's request for a greater diversity of activities to be provided in the evening coupled with more activity and personality at street level, improved safety and accessibility and more arts and culture based uses. The Strategy focuses on moving away from an emphasis on alcohol based evening culture, instead focussing on the demand for activities that attract families, young children and the elderly. This is vital to ensure that Bondi Junction is a safe, productive and well-loved place.

The Strategy aligns with the Greater Sydney Commission's strategic vision to strengthen the commercial activities, health services, and cultural vibrancy of Bondi Junction by improving and diversifying the night-time economy offerings. Importantly, one action raised in the Eastern District Plan specifically mentions the night-time economy of Bondi Junction and the need to improve and diversify the night-time offerings to achieve a strong, diverse, creative and engaging night-time economy. The Strategy also aligns with similar local governments' development of comparable night-time economic strategies. In addition, Waverley Council is a member of the Night-Time Economy Council Committee (NTECC) in collaboration with Local Government NSW (LGNSW). The purpose of NTECC is to encourage the ongoing development of the night-time economy across local government areas in NSW.

The draft Strategy was exhibited from 11 September to 2 October 2017 and a series of small demonstration projects titled 'After Dark in the Junction' were undertaken concurrently. After Dark in the Junction provided an opportunity for stakeholders and the community to engage with, test and provide feedback on multiple recommendations from the draft Strategy. The demonstration projects focussed on increasing the diversity of evening activities in the Bondi Junction commercial centre and targeted a range of stakeholders including children, families and the elderly. The public response to the demonstration project and Strategy was overwhelmingly positive in support of the strategy. The key findings and priorities from the community engagement have been considered in the final Strategy now presented to Council.

Although there is much work required to realise the full potential of the night-time vision for Bondi Junction, a significant amount of work is already underway in an effort to create a strong, diverse, creative and engaging night-time economy. Initiatives such as public domain upgrades throughout Bondi Junction, the draft Creative Lighting Strategy and accompanying pilot project 'Parabolic Lovecloud', and the ongoing review of the Commercial Activities in Public Spaces policies demonstrate that Waverley Council is already in the process of developing a strong basis for the night-time economy.

Throughout this process, it has become apparent that the role of the Place Curator for Bondi Junction is a vital component for the success of the night-time economy. The Place Curator would lead the strategy; coordinating and collaborating with internal and external stakeholders to realise the vision of strategy, while ensuring the stakeholders remain accountable. This role could be expanded to other village centres within the LGA.

The Strategy, with direction from a Place Curator, will provide the opportunity to coordinate events and cultural programs, economic development actions and urban design initiatives to help Bondi Junction evolve into an active, engaging and safe place for families, youth and the elderly to meet and enjoy into the evening. In the meantime, staff have been co-ordinating actions through the Shaping Waverley Urban Design Team.

2. Introduction/Background

The Bondi Junction Evening, Culture and Entertainment Strategy was created in response to previous strategic recommendations from both the Bondi Junction Complete Streets Project (2013) and the Waverley Economic Development Strategy (2015), as well as extensive community feedback from previous engagement processes including Bondi Junction Visioning 2015.

Since the draft Strategy was reported to Council on 12 April 2017, it was launched as part of the 'After Dark in the Junction'—a programme of activities and temporary physical installations focusing on food, live music and entertainment, outdoor fitness and lighting. JOC Consulting and Cred Consulting were engaged to develop and facilitate the events and community engagement. In collaboration with Waverley Council staff, the team developed the After Dark in the Junction programme consisting of four events and one installation. Engaging business partners during planning stages helped shape each activation, with the intention of building upon existing strengths and local knowledge. Business owners provided valuable insights into logistics, event locations, suppliers and partners. Each demonstration was planned and designed to ensure a combination of general and site specific actions from the draft Strategy. This allowed an 'engagement through experience' approach that maximised the volume and quality of community feedback received. In addition, the demonstrations were targeted towards demographics and activities currently excluded from evening activities in Bondi Junction. This included families and children as well as al fresco dining, live music and public art. The exhibition of the Strategy reached a total audience of 167, while the demonstration events reached over 390 people.

The 'After Dark in the Junction' demonstration series was designed to maximise opportunities for engagement on the Draft Strategy. JOC Consulting ensured each method was flexible in responding to a range of audiences, while also delivering comprehensive feedback on Strategy actions. A range of print, online and social media was designed to appeal to a wide audience, complimenting face-to-face engagement. Community engagement methods were designed to provide digestible content, be adaptable to dynamic outdoor events and non-intrusive to participants enjoying the demonstrations.

The findings from the community engagement demonstrated an overwhelming support for the Strategy; there was no negative feedback from the community or questioning of the purpose and intention of the Strategy. Engagement further identified the need for, and support of, more activities and initiatives after dark. As such, it is supported by the community with interest from local businesses to help realise the objectives of the Strategy. Local business collaboration at each demonstration project was recognised and

praised by the local community. Further engagement with local businesses is encouraged but longer lead-times for involvement in future demonstrations is recommended in the future.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting 12 April 2017	CM/7.8/17.04	That Council: 1. Notes amendments to the draft Bondi Junction Evening, Culture and Entertainment Strategy, additional information provided and further stakeholder engagement undertaken, as per the Operations Committee resolution on 7 February 2017. 2. Authorises the public exhibition of the Draft Bondi Junction Evening, Culture and Entertainment Strategy for a period of 28 days, subject to additional amendments to the Strategy. 3. Approves that the public exhibition of the Draft Bondi Junction Evening, Culture and Entertainment Strategy will be launched with a pilot project titled 'After Dark in the Junction', subject to some conditions. 4. Notes that a report will be presented to Council following the public exhibition period, which summarises the outcomes of the public exhibition and includes a revised Bondi Junction Evening, Culture and Entertainment Strategy for formal adoption.
Operations Committee Meeting 7 February 2017	OC/5.2/17.02	That Council: 1. Defers the public exhibition of the Draft Bondi Junction Evening, Culture and Entertainment Strategy pending a review of the draft Strategy. 2. Consults with the Bondi Junction Mill Hill Precinct and the Liquor Accord and Club Bondi Junction RSL about the overall themes of the Strategy at the next precinct meeting and their input be incorporated into the new report. 3. Officers prepare a very short project brief for each of the 'After Dark in the Junction' proposed launch events. 4. Officers prepare a report detailing the amendments made to the Draft Bondi Junction Evening, Culture and Entertainment Strategy, and presenting the additional details for the proposed "After Dark in the Junction" events, for Council to consider and endorse at a future Council meeting.
Operations Committee Meeting 7 July 2015	OC/5.2/15.07	That Council adopt the Draft Waverley Economic Development Strategy 2015.
Operations Committee Meeting 4 February 2014	OCRD.3/14	That Council endorse the Bondi Junction Complete Streets Project Report.

4. Discussion

Strategic Context

Eastern City District Plan, Greater Sydney Commission

The Future of the Eastern City District is envisaged as becoming;

...more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs from the Asia Pacific Region. The vision will improve the District's lifestyle and environmental assets.

The night-time economy is positioned as a key component in achieving this vision. The plan acknowledges the strengths of the district's existing night-time economies but highlights the need to stimulate and diversify the night-time offerings. The core principles for the night-time economy is to focus on a culturally rich and diverse range of activities that contribute to both the sense of place and the local economy. The Planning Priorities illustrate the various ways in which the night-time economy can contribute to the cultural vibrancy of the centre and enhance the social and recreational needs of the community. Importantly, one action raised in the plan specifically mentions the night-time economy of Bondi Junction and the need to improve and diversify the night-time offerings to achieve a strong, diverse, creative and engaging night-time economy.

Night-Time Economy Council Committee

In February 2018, the Night-Time Economy Committee was established with Waverley Council as a founding member. The purpose of the Committee is to encourage the ongoing development of the night-time economy across NSW local government areas. The objectives of the Committee include: the sharing of knowledge and information on best practice approaches and contemporary issues to build knowledge and Council capabilities to shape vibrant, safe and sustainable night-time economies; the establishment a network of night-time economy policy practitioners across NSW councils; and to promote the value and benefits of taking a proactive approach to the development and management of the NTE and the work being done in this area.

Committee for Sydney

In March 2018, the Committee for Sydney released a report detailing the findings of their 10 month-long investigation into the night-time economy in Greater Sydney. The objective of the commission was to explore and define the economic, social, cultural and civic potential of Greater Sydney as a 24-hour city. The report acknowledges that a successful night-time economy requires the coordination of multiple agencies and actors, effective planning and good governance and regulation. The recommendations from the report focuses on: expanding the diversity of night-time activities; effective governance and regulation; an integrated approach to planning to transport; and promoting Sydney as a global 24-hour city. In many respects, these recommendations align with the Vision, Objectives and Actions of the Strategy and demonstrates that Waverley Council is utilising contemporary best practice for the night-time economy.

Relationship to other Council policies and strategies

Draft Destination Management Plan

The draft Destination Management Plan (pending) identifies the significant lack of night-time experiences in Waverley and more broadly Sydney. Similar to the Strategy, the Destination Management Plan will aim to promote and support the development of a range of family-friendly activities and events to improve and diversify the night-time economy offerings. In this way, the two document will complement each other and strive to achieve similar aspirations of an evening destination that is economically viable, culturally exciting and safe.

Final Report

The draft Strategy has been amended to capture the community feedback compiled by JOC Consulting and Cred Consulting in the Community Consultation Report (Attachment 2). The following changes were made to the document:

- The Methodology was updated to include references to the pilot projects.
- The General Actions were rearranged based on the popularity of the action. The actions were revised to incorporate feedback from the community. In addition, observations from the consultation process were included into the Strategy to illustrate key insights gained during the engagement process.
- The Specific Actions were rearranged based on observations made during the engagement process. The specific actions were revised to incorporate feedback from the community. Observations from the consultation process were included into the Strategy to illustrate key insights gained during the engagement process. In addition, specific actions that have been achieved were included to demonstrate some of the recent achievements of this Strategy and the draft Creative Lighting Strategy.

The revised Strategy provides a document which promotes the coordination of events and cultural programs, economic development actions and urban design initiatives to help Bondi Junction evolve into an active, engaging and safe place for families, youth and the elderly to meet and enjoy into the evening.

Next Steps

Action Plan

An Action Plan has been developed as part of the Strategy. It details the key actions and implementation priorities needed to achieve the Vision, Objectives and Actions outlined in the Strategy. It identifies indicative costs, timeframes and responsibilities for delivery of the Strategy's recommendations. It is split into two sections; General Actions and Site Specific Actions. The General Actions are broad place making projects and policy adjustments that will influence outcomes across the entire Bondi Junction precinct. The current status of the General Actions has been assessed and a proportion of them are underway. The Site Specific Actions will require a greater level of coordination and collaboration to achieve these outcomes.

It is necessary that the Action Plan be reconsidered when work plans and budgets are being formulated for the coming years to fully realise the desired outcomes of the Strategy. During the preliminary stages of executing the Action Plan, there will be a degree of experimentation in the delivery of events, realisation of policies and development of relationships due to the complicated and interrelated nature of the night-time economy. This process will provide valuable feedback and potentially inform changes to the strategy, in a similar way by which the community engagement process informed the final Strategy.

Place Curator

Throughout the development of the strategy and process of engagement, it has become apparent that a Place Curator for Bondi Junction is a vital component for the success of the delivery of the strategy and improving the night-time economy. The Place Curator would lead the strategy; coordinating and collaborating with internal and external stakeholders to realise the vision of the strategy, ensuring the stakeholders remain accountable.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: L1 Waverley's economy is vibrant and robust and supports the creation of a variety of jobs and business opportunities.
- Strategy: L1a Reinforce Bondi Junction's role as a regional centre and a focus for retail, hospitality, business, commercial and professional services and entertainment activities.
- Deliverable: Bondi Junction Complete Streets study adopted recommendations implemented.

6. Financial impact statement/Timeframe/Consultation

An Action Plan has been developed as part of the Strategy. It details the key actions and implementation priorities needed to achieve the Vision, Objectives and Actions outlined in the Strategy. It identifies indicative costs, timeframes and responsibilities for delivery of the Strategy's recommendations. The current status of the General Actions has been assessed and a proportion of them are underway. The Site Specific Actions will require a greater level of coordination and collaboration to achieve these outcomes. It is necessary that the Action Plan be reconsidered when work plans and budgets are being formulated for the coming years to fully realise the desired outcomes of the Strategy.

The role of the Place Curator or place maker for Bondi Junction or the wider LGA is a vital component for the success of the Bondi Junction night-time economy. The creation of this position will involve the consideration of the role in future organisational structures and budgets.

7. Conclusion

The Strategy is consistent with state and local government aspirations and actively seeks to strengthen Bondi Junction by improving and diversifying the night-time offerings to achieve a strong, diverse, creative and engaging night-time economy.

Based on the discussion above, it is recommended that Council endorse and adopt the Bondi Junction Evening, Culture and Entertainment Strategy.

8. Attachments

1. Bondi Junction Evening, Culture and Entertainment Strategy - Final (under separate cover)
2. Bondi Junction Evening, Culture and Entertainment Strategy - Community Engagement Summary Report (under separate cover)

REPORT

PD/5.3/18.05



Subject: Sydney Region Plan, District Plans, Transport Plan and Infrastructure Plan - Final Versions

TRIM No: A16/0717

Author: Jaime Hogan, Senior Strategic Planner

Director: George Bramis, Acting Director, Waverley Futures

RECOMMENDATION:

That Council receives and notes this report.

1. Executive Summary

The purpose of this report is to inform Council that the NSW Government has finalised and released the following significant strategic framework documents that affect Waverley Council and Greater Sydney:

- *A Metropolis of Three Cities: Connecting People*, Greater Sydney Commission.
- *Eastern City District Plan*, Greater Sydney Region Plan.
- *Future Transport 2056*, Transport for NSW.
- *Building Momentum: State Infrastructure Strategy 2018-2038*, Infrastructure NSW.

This report does not provide detailed information on the content of each of the plans. However, it provides an overall summary of the changes that have occurred in the last iteration to arrive at the final plans. This report also details the next steps that Council will have to undertake in conjunction with the Greater Sydney Commission (GSC) and the Department of Planning & Environment (DPE).

The Plans have not been included or attached to this report, but the following links can be used to access the online PDF and interactive copies of the reports.

- *A Metropolis of Three Cities: Connecting People*
<https://www.greater.sydney/greater-sydney-region-plan>
- *District Plans*
<https://www.greater.sydney/district-plans>
- *Future Transport 2056*
<https://future.transport.nsw.gov.au/>
- *Building Momentum: State Infrastructure Strategy 2018-2038*
<http://insw.com/sis-2018>

2. Introduction/Background

In 2015 the GSC was established as an Act of Parliament with specific roles and responsibilities for planning for the Greater Sydney Region. The GSC were charged with a Statement of Priorities to achieve between January 2016 – October 2018 including the preparation of a new Metropolitan Region Plan (the Region Plan) to update *A Plan for Growing Sydney (2014)*, and five new district plans to support the delivery of the

Region Plan and provide greater detail at a localised level. Waverley Council falls within the *Eastern City District Plan* (EDP).

Concurrently to this process, Transport for NSW and Infrastructure NSW have also prepared new strategies to align with the Region Plan and District Plans. This is the first time that a coordinated approach across intergovernmental agencies has occurred, and has resulted in a strategic plan, transport strategy and infrastructure strategy that largely support and reference each other. To achieve this, Common Planning Assumptions were used across agencies to ensure alignment of the relevant data, policies and assumptions. The GSC played an important role in bringing together all state government agencies to work from Common Planning Assumptions.

These assumptions include rapid and sustained population growth from a population of 4.7 million to 8.3 million residents by 2056, the priorities of collaboration, liveability, sustainability and productivity, as well as a shared vision for 'Three Cities,' outlined in the discussion below. The GSC undertook extensive consultation with Councils and the community to prepare numerous drafts and revisions of the Region Plan and the District Plans. Waverley Council prepared a submission to each of the draft plans and actively cooperated and collaborated with the GSC to ensure that our research and evidence is referenced and supported in the Plans. As well, we ensured that Waverley's community vision and strategic plan was correctly represented in the Plans.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting 12 December 2017	CM/7.12/17.12	That Council: 1. Endorses the submission on the 'Draft Greater Sydney Region Plan' and 'Revised Draft Eastern City District Plan'. 2. Notes the submission made on 'Future Transport 2056' and advises whether there are any additional issues to be added to the submission.
Council Meeting 12 April 2017	CM/7.6/17.04	That Council endorses the draft submission to the Greater Sydney Commission on the draft Central District Plan and 'Towards our Greater Sydney 2056'.
Council Meeting 21 March 2017	CM/7.3/17.03	That: 1. Council defers consideration of the draft submission to the Greater Sydney Commission on the Draft Central District Plan and 'Towards our Greater Sydney 2056' pending a Councillor workshop to be held on 28 March 2017 to discuss issues in the draft submission. 2. If Council cannot for any reason hold the workshop, that the Director, Waverley Futures, be delegated to lodge the attached submission on behalf of Council.

4. Discussion

A Metropolis of Three Cities: Connecting People

The Region Plan outlines a vision of Three Cities: the Eastern Harbour City, the Central River City and the Western Parkland City (refer to Figure 1). The aim of the Three Cities is to redistribute resources more fairly and to improve access to jobs and services throughout Greater Sydney. It aims to mitigate the existing

inequality that occurs with most of Sydney's jobs being located in the eastern part of Sydney. The GSC propose to do this by providing a '30 minute city' for the majority of residents in Sydney. This means that a resident would generally have access to one of the three major metropolitan centres within a 30 minute commute from their home increasing access to employment, services, education and recreation, but also improving their quality of life by reducing the average commute time.

The plan sets forward a 40-year vision (to 2056) and establishes a 20-year plan divided into four areas of focus: Infrastructure and collaboration, Liveability, Productivity, and Sustainability and Ten Directions with objectives and indicators.

The Region Plan informs the District Plans, Local Environmental Plans, and the assessment of planning proposals. The Region Plan also assists infrastructure agencies to plan and deliver social and physical infrastructure with a focus on place-based outcomes, and informs the private sector and wider community of these intentions. Figure 2 outlines the relationship of the Plans in the Strategic Planning framework.

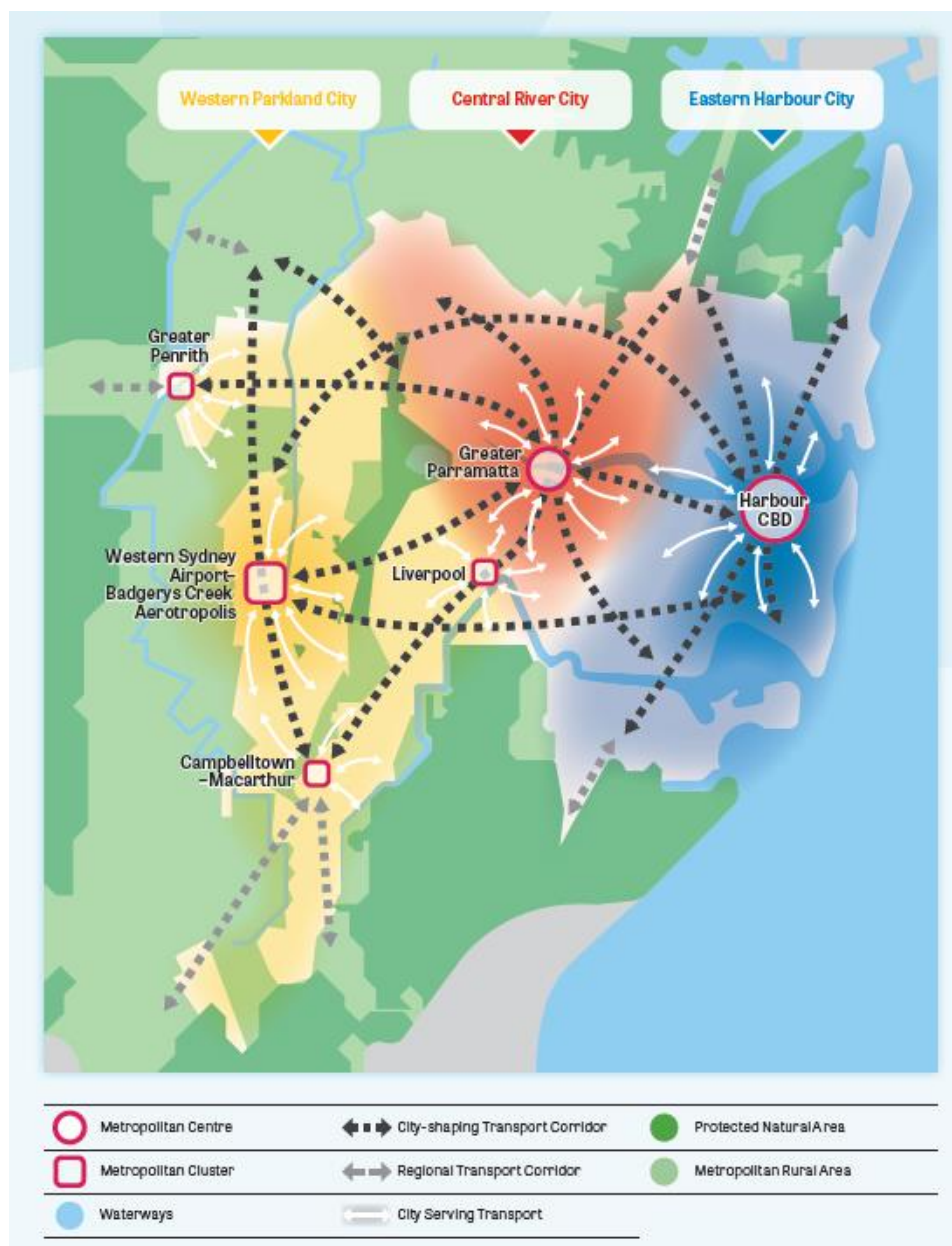


Figure 1. The Three Cities.

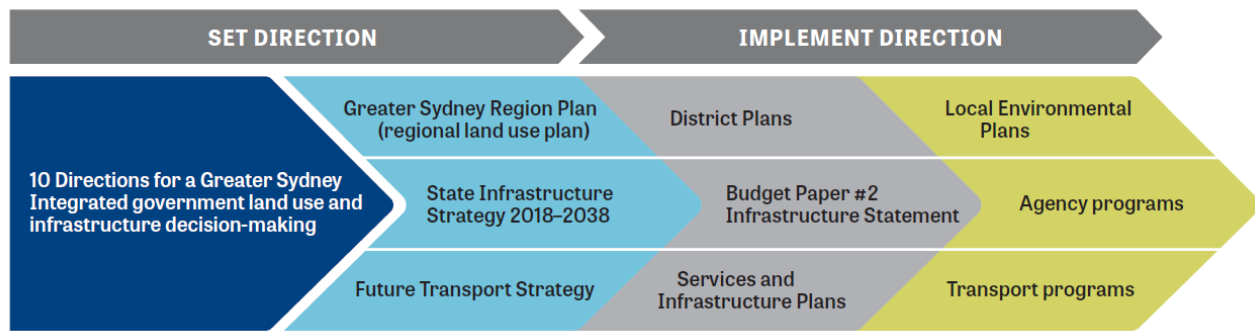


Figure 2. Greater Sydney Strategic Planning Framework.

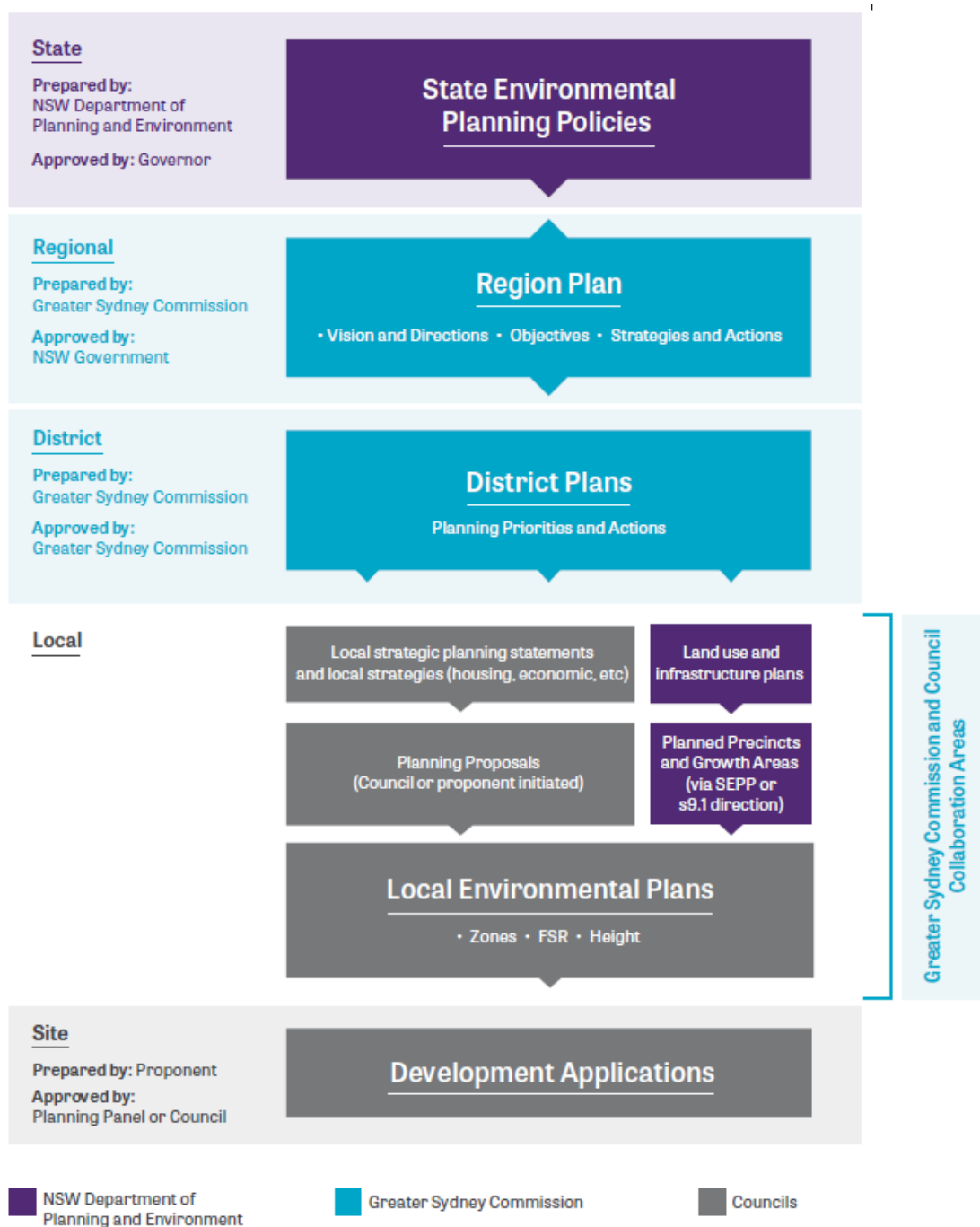


Figure 3 – Planning Hierarchy

Each of the Ten Directions has a Potential Indicator to measure the progress of the Direction, as well as Objectives, Strategies to achieve the Objectives, and Actions to be taken. An overview of the Ten Directions is presented in Figure 4. For more information refer to pages 22-23 of the Region Plan.

Some of the key takeaways from the new Region Plan include:

- A focus on place-based planning with adequate social and physical infrastructure.
- The introduction of the Sydney Green Grid, linking and expanding green corridors and open spaces throughout the city.
- The introduction of targets to be developed including Affordable Housing Targets and Urban Tree Canopy targets.
- Transit Oriented Development principles that co-locate any increase in density with existing or proposed mass transit corridors.

Directions for Infrastructure and Collaboration

- **A city supported by infrastructure**

Potential indicator:

- Increased 30-minute access to a metropolitan centre/cluster

- **A collaborative city**

Potential indicator:

- Increased use of public resources such as open space and community facilities.

Directions for Liveability

- **A city for people**

Potential indicator:

- Increased walkable access to local centres

- **Housing the city**

Potential indicators:

- Increased housing completions (by type);
- Number of councils that implement Affordable Rental Housing Target Schemes

- **A city of great places**

Potential indicator:

- Increased access to open space

Directions for Productivity

- **A well-connected city**

Potential indicators:

- Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/cluster;
- Percentage of dwellings located within 30 minutes by public transport of a strategic centre

- **Jobs and skills for the city**

Potential indicator:

- Increased jobs in metropolitan and strategic centres

Directions for Sustainability

- **A city in its landscape**

Potential indicators:

- Increased urban tree canopy; Expanded Greater Sydney Green Grid

- **An efficient city**

Potential indicators:

- Reduced transport-related greenhouse gas emissions; Reduced energy use per capita

- **A resilient city**

Potential indicator:

- Number of councils with standardised state-wide natural hazard information

Figure 4 – The Ten Directions and Potential Indicators

Eastern City District Plan

The Eastern City District Plan (the District Plan) applies to the local government areas of Bayside, Burwood, City of Canada Bay, City of Sydney, Inner West, Randwick, Strathfield, Waverley and Woollahra. The District Plan sets out Planning Priorities and Actions for the district to give effect to the Ten Directions of the Region Plan. For more information, refer to pages 12-13 of the District Plan.

Given the overarching strategy for the Three Cities to direct the majority of new commercial and residential development more towards the Central River City and the Western Parklands City, development indicated for Waverley LGA is relatively minimal. Accordingly the focus of the Plans for the Waverley LGA is:

- Environmental improvement and protection.
- Place-making.
- Supporting centres through retail and employment and night time activation strategies.
- The development of housing and affordable housing strategies for the area.

The District Plan sets out five year housing targets to 2021 – based on existing approvals and current Development Applications – for which Waverley is on track to achieve (1,250 new dwellings). The District Plan outlines that councils are to work with the DPE to develop a housing target for 2026 and 2036 that is appropriate to the area, as well as an Affordable Rental Housing Target. To inform this target, councils are required to undertake a review of the relevant existing Local Environmental Plan, and prepare a Housing Strategy and Affordable Housing Strategy. This work is required to be undertaken within the next two to three years. Council has already prepared a *Housing Issues Paper* and it is anticipated that this will assist in our preparation of the Housing Strategy and Affordable Housing Strategy.

The Region Plan and the District Plan both set out Planning Priorities and Actions that support centres, including Metropolitan, Strategic and Local centres. Waverley has a number of identified Local Centres including Rose Bay North, Rose Bay and Bondi Beach. Bondi Junction has retained the Strategic Centre status despite discussions about its demotion to a District Centre in the Draft District Plans (this centre categorisation no longer exists). The retention of the Strategic status of Bondi Junction is due to Council's submissions to and collaboration with the GSC throughout the process. It results in the opportunity for Council to access increased funding for infrastructure projects, as well as to ensure that the health and retail functions of the centre are retained to provide local employment to our residents.

Action 46 of the District Plan provides key steps to strengthen the Bondi Junction Strategic Centre:

- (a) Protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre.
- (b) Consider potential options for future public transport connections to the south east of the District to accommodate forecast population and employment growth, and better connect the District.
- (c) Expand the centre's function and type of land uses, and knowledge-intensive jobs.
- (d) Improve access from the centre of Bondi Junction to nearby open space and recreation facilities such as Queens Park, Centennial Park, Moore Park and Bondi Beach.
- (e) Recognise the centre's health attributes to support the Randwick health and education precinct and mechanisms for increasing floor space for health uses, including a health-focused business incubator.
- (f) Investigate opportunities to improve and diversify night-time economy offerings.
- (g) Promote place making initiatives to improve the quality of public spaces.

Council staff have also prepared an issues paper that reviews the current state of play regarding commercial office floor space in Bondi Junction (the *Bondi Junction Commercial Centre Review*), which will inform the review of the WLEP2012 against the Plans. The *Bondi Junction Commercial Centre Review* highlights that achieving Action 46 (a) will be a key challenge.

Actions to protect the coastline, water quality, improve tree canopy and ecological corridors are also included in the plan. The expansion and delivery of high quality open space that is aligned with recreational needs and the density in the area is also required, with new accessibility targets to ensure that all residents are within walking distance to open space. The provision of cycling links and the improvement of walking paths to encourage active transport are also required. The Great Coastal Walk and the Eastern Beaches Walk have been identified in the Eastern City District Green Grid Priorities as Projects (6) and (10) respectively.

Two 'City Servicing Transport Links' have been identified on the District Plan within the Waverley LGA, which will be investigated further collaboratively with Council and other NSW Government agencies to ensure that improved transport services result in areas with great amenity and connectivity, and not increased congestion and pollution.

Future Transport 2056 and Building Momentum: State Infrastructure Strategy 2018-2038

Future Transport 2056 (the Strategy) is the NSW Government's update of the 2012 Long Term Transport Master Plan, and sets the 40 year vision, direction and outcomes framework for customer mobility in NSW, which will guide transport investment over the longer term. In addition to this, Transport for NSW (TfNSW) has also updated the *Greater Sydney Infrastructure & Services Plan*. The three overarching themes within the Strategy are connectivity and mobility, place-based planning, and technologically supported transport. Connectivity and mobility is crucial to the Strategy to support and deliver the directions that comprise the Region and District Plans including a 30 minute city, and access to a range of employment opportunities and services. If the population of Sydney is to grow to levels that are predicted in the NSW Government's suite of plans, then reducing congestion, improving public transport and increasing active transport are vital to the success of the plans and the City. The Movement and Place framework is a place-based plan that shifts the focus away from individual modes of transport, toward integrated solutions that are place and community specific. The Strategy outlines a number of opportunities and actions to harness rapidly changing advancements in technology and innovation to improve the customer experience and boost economic performance across NSW.

Building Momentum, the State Infrastructure Strategy (SIS), is a 20 year infrastructure investment plan for the NSW Government that places strategic fit and economic merit at the centre of investment decisions. The SIS assesses infrastructure problems and solutions, and provides recommendations to best grow the State's economy, enhance productivity and improve living standards for the NSW community. The SIS sets out strategic directions including integrating land use and infrastructure, developing resilience and digital connectivity and technology.

The plans prepared by the NSW Government begin to address the need for environmentally and socially sustainable planning and infrastructure, as well as communities and infrastructure that are able to adapt to a changing climate. The significance of the three agencies working together is an encouraging step towards a more integrated Sydney that is well connected and able to adapt to a rapidly changing future.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction:	L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.
Strategy:	L5a Ensure planning building controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected.
Deliverable:	Comprehensive local environment plan (LEP) updated annually in line with Council's Land Use Strategy and the requirements of the NSW Department of Planning & Infrastructure.

6. Financial Opportunities, Timeframe and Next Steps

To give effect to the Region and District Plans Council has to deliver the following over the next two to three years:

Local Strategic Planning Statement

A key component of the Greater Sydney Strategic Planning Framework is the local strategic planning statement (LSPS), which leads the local response to the higher-level changes and trends, and is required to be consistent with any strategic plan for the area as set out in the *Environmental Planning and Assessment Act 1979* (EPA Act). The LSPS is also required to be consistent with a Council's Community Strategic Plan prepared under the *Local Government Act 1993*. The role of the LSPS is to provide an effective alignment between regional plans and local plans and leads the local response to the higher-level changes and trends.

Local Housing Strategy and Affordable Housing Strategy

Two housing strategies are to be prepared by councils for an LGA or District and are given effect through amendments to Local Environmental Plans. To deliver coordinated outcomes the development of the housing strategies are to be aligned with Councils' Community Strategic Plan and to inform the LSPS and WLEP2012.

Local Environment Plan (LEP) review and update

The WLEP2012 will need to be reviewed and updated to align with the District and Region Plans within three years. Funding will be provided to select Councils to assist with an LEP review and update to be undertaken in two years. There is \$2.5million to be allocated for select Councils. Six Western Sydney Councils around the Western Sydney Airport have been identified for this funding and an additional five Councils can apply for this funding. Discussions with the GSC indicate that there will be an opportunity for Councils to apply for this funding assistance subject to selection criteria which is yet to be released.

7. Conclusion

The release by the NSW Government of the coordinated land use, transport and infrastructure plans provides a clear strategic planning framework at the Region and District levels, and is the first step to delivering a Greater Sydney Region that is more environmentally and socially conscious. As part of the legislative changes enacted on 1 March 2018 and the Region and District Plans, Council is required to review the WLEP2012 in line with the Plans, and where appropriate to prepare an update to the WLEP2012 to achieve the outcomes of the plans. A Local Strategic Planning Statement will also be developed to support the Community Strategic Plan and the Region and Eastern City District Plan, as well as housing strategies and other supporting strategies to inform the review of the WLEP2012.

8. Attachments

Nil.

REPORT
PD/5.4/18.05**Subject:** Low Rise Medium Density Housing Code and Design Guide**TRIM No:** A18/0202**Author:** Jaime Hogan, Senior Strategic Planner**Director:** George Bramis, Acting Director, Waverley Futures

RECOMMENDATION:

That Council receives and notes this report.

1. Executive Summary

The Department of Planning & Environment (DPE) has prepared and legislated the *Low Rise Medium Density Housing Code* (the Code), which will commence on 6 July 2018. Low rise medium density development contains two or more dwellings and is no more than two storeys in height.

The new Code will permit one and two storey dual occupancies, manor houses and terraces, as well as associated subdivision to be carried out under a fast track complying development approval. The new Code facilitates faster housing approvals and delivers a greater range of housing options. The Code is accompanied by the Medium Density Design Guide (the Guide), which sets design criteria and guidance for the design of the buildings, and requires a Design Verification Statement to be provided with the application.

The Code will create new land use definitions and permit new typologies of buildings to be fast tracked through the planning system. The Code and the Guide are available on the DPE's website.

2. Introduction/Background**Low Rise Medium Density Design Guide**

The DPE publicly exhibited a Draft Medium Density Design Guide and Explanation of Intended Effects for a proposed new Medium Density Housing Code from 12 October 2016 to 23 December 2016. Council made a submission to the consultation, attached to this report at Attachment 1. To promote and test the design criteria in the draft Low Rise Medium Density Design Guide and proposed new Code, the Government Architect's Office ran a design competition. The outcomes of the Design Competition, together with feedback from councils, industry and community, were used to shape and refine the final Code and Design Guide.

On 6 April 2018, the DPE legislated the revised *Low Rise Medium Density Housing Code*, which will commence on 6 July 2018. The new Code will permit one and two storey dual occupancies, manor houses and terraces, as well as associated subdivision to be carried out under a fast track complying development approval. The new Code supports the NSW Government's commitment to facilitate faster housing approvals and deliver a greater range of housing options. If the application complies with all of the relevant requirements of the Code within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), it can be approved by a council or an accredited certifier within 20 days.

The Code aims to:

- Increase the supply of housing across NSW, especially in Sydney.
- Better meet the needs of our changing population by providing a broader range of housing options to suit different lifestyle needs.
- Help to maintain the local character of neighbourhoods with a storey height limit. This will ensure the size and scale of development will fit into established streetscapes and new release areas.
- Ensure a consistent approach to the good design of medium density housing across NSW.

Legislative changes are required to implement the Code, including:

- An amendment to the *Environmental Planning and Assessment Regulation 2000* to allow an applicant to lodge a complying development certificate for medium density housing and concurrent subdivision, as well as requiring the submission of a Design Verification Statement from the Building Designer.
- An amendment to the *Standard Instrument – Principal Local Environmental Plan* will introduce two new terms (*manor houses* and *multi dwelling housing (terraces)*) and amend the existing definition of multi dwelling housing.
- Updates to sixteen local environmental plans to add the two new terms and ensure they are permitted in zones where medium density housing is allowed.

New Land Use Definitions

The new land use definitions are as follows and will be included in the R3 Medium Density Residential zone:

manor house means a building containing 3 or 4 dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

Note. *Manor houses* are a type of *residential flat building*.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land where:

- (a) each dwelling has access at ground level, and
- (b) no part of a dwelling is above any part of any other dwelling, and includes multi dwelling housing (terraces).

Note. *Multi dwelling housing* is a type of *residential accommodation*.

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

Note. Multi dwelling housing (terraces) are a type of *multi dwelling housing*.

Medium Density Design Guide

To support the Code, the *Medium Density Design Guide* (the Guide) has been prepared to encourage good design outcomes. This document has a similar relationship to that of *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65) and the supporting *Apartment Design Guide* (ADG). The Guide has been developed in partnership with the Government Architect's Office and is intended to ensure a consistent approach to the design and delivery of medium density housing by addressing key considerations including layout, landscaping, private open space, light, natural ventilation and privacy.

An amendment has also been made to the *Environmental Planning and Assessment Regulation 2000* with a requirement that a qualified designer (registered architect) or building designer that has been accredited by the Building Designers Association of Australia:

- Submit a Design Verification Statement verifying that they have designed, or directed the design of the development.
- Verify that the design of the development is consistent with the design criteria contained within the Guide.

3. Relevant Council Resolutions

Nil.

4. Discussion

Application of the Code and Guide

Low rise medium density housing as complying development is only allowed in the R1, R2, R3 and RU5 zones where medium density development is already permitted under a council's Local Environmental Plan. Certain areas will be excluded for complying development under the State Policy. For example, complying development cannot be carried out in:

- State or locally listed heritage items and heritage conservation areas.
- Land reserved for public purposes.
- Environmentally sensitive areas and areas excluded by Councils based on local circumstances (such as acid sulphate soils, biodiversity conservation areas, subsidence, etc.).

The Code introduces controls for each development type in the form of development standards that a proposal must meet to be complying development. The development must meet the minimum lot size requirements under the relevant council LEP.

- For a *dual occupancy*, the size of the lot being developed must meet the minimum lot size requirement to build a dual occupancy under the relevant council LEP. If the LEP does not specify a minimum lot size, then the Code applies a minimum 400 m² lot size.
- For *manor houses*, a minimum 600 m² lot size requirement applies.
- For *terraces*, the size of the lot being developed must meet the minimum lot size requirements to build multi dwelling housing (a minimum of three dwellings) under the relevant council LEP. If the LEP does not specify a minimum lot size, then the Code applies a minimum 600 m² lot size (to ensure that each terrace would receive a minimum lot size of 200 m² if subdivided).

A summary of the controls of each development typology is provided in Attachments 2, 3 and 4.

Implications for Waverley

The following section outlines the implications of the Code and Guide on the Waverley area. For a detailed spreadsheet that compares Waverley's existing controls with the new Code controls, refer to Attachment 2.

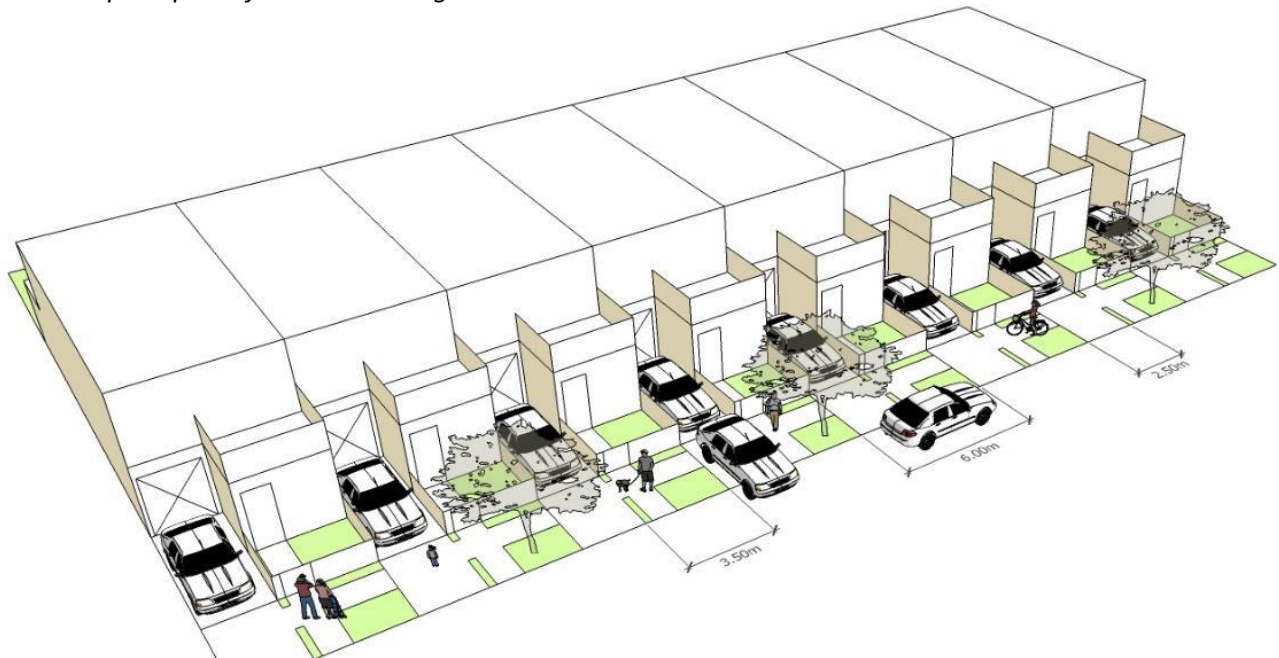
Character of Waverley

Waverley LGA has one of the highest densities in Australia due to the proliferation of this low rise medium density typology that was carried out through the early development of the LGA. Many character-filled streets within Waverley are lined with terrace houses, manor houses and dual occupancies or semi-detached dwellings that have the same presentation to the streetscape.

This typology in the past was often delivered without car parking, or with rear-lane car parking, which resulted in streetscapes that have significant mature planting and minimal vehicle crossings. These streets have a distinct urban character, with regular rhythm and harmony. Moreover, they are safer and more pleasant for pedestrians and result in more eyes on the street due to sites having garages at the rear of the property, or not at all (Figure 1).

Figure 1. Vehicle crossing impact on streetscape.

Streetscape impact of vehicle crossings



Streetscape without vehicle crossings



Source: Waverley Council.

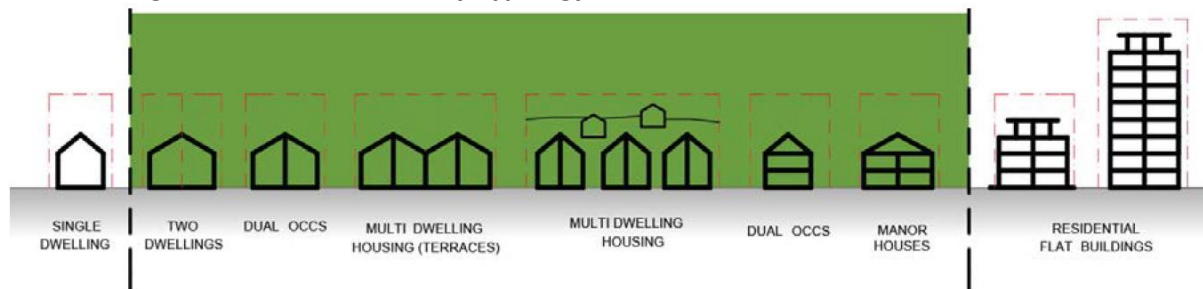
Figure 2 illustrates the various typologies that are included in the new Code. Accordingly, the character of the streetscape in many areas of the LGA is likely to be continued, provided any new buildings designs are sympathetic to their surrounds. Unfortunately due to the fast-track nature of this process, if a building design is not sympathetic to the context, there are less avenues and opportunities for Council and the

public to provide input into the outcomes. This may potentially result in developments that comply with the code, however may not be appropriate to the streetscape and character of the area.

The minimum lot widths prescribed by the code are not dissimilar from those existing in Waverley, and largely support the existing subdivision patterns within the LGA. This would mean that the subdivision pattern of terraces or dual occupancies are unlikely to impact significantly on the existing streetscape pattern.

Nevertheless the impacts of the car parking controls may have streetscape implications. This is discussed further in 'Urban Design and Streetscape Implications.'

Figure 2. 'Missing Middle' Medium Density Typology.



Source: Low Rise Medium Density Design Guide.

Permissibility

The legislative changes to the *WLEP 2012* will permit new uses within the R3 Medium Density Residential zone as outlined in Table 1. This means that applicants will be able to apply for a Complying Development Certificate (CDC) under the Code, or submit a Development Application (DA) in areas where the Codes SEPP does not permit complying development. When submitting a CDC, the controls of the Codes SEPP must be met as well as the provisions of the Guide. The *WDCP 2012* will apply to any DA for these typologies.

Table 1. Changes of Permissible Uses.

Zone	Currently Permitted	MDHC Permitted
R2	Dual occupancies	Dual occupancies
R3	Dual occupancies Attached dwellings Multi dwelling housing	Dual occupancies Attached dwellings Multi dwelling housing Multi dwelling housing (terraces) Manor houses

In addition to the new building typologies, subdivision will also be able to be carried out with an application for a CDC for medium density housing or as a result of any CDC for medium density housing, as outlined in Table 2.

Table 2. Changes of Permissible Subdivision.

MDHC Permitted Typology	Subdivision		
	Currently Permitted under WLEP 2012	Permitted under updated WLEP 2012	Permitted under Code
Dual occupancies	Torrens	Strata Torrens	Strata Torrens (with reduced lot size)
Multi dwelling housing	-	Strata	Strata

(terraces)		Torrens	Torrens
Manor houses	-	Strata	Strata

Minimum lot sizes for development

The Code sets minimum lot sizes for the complying development typologies prior to any subdivision. These minimum lot sizes are outlined in Table 3.

Table 3 –Minimum Lot Size for Complying Development

Typology	Minimum Lot Size (sqm)
Manor houses	600
Multi dwelling housing (terraces)	600 (to provide 200 per dwelling if Torrens subdivision occurs later)
Dual Occupancy	400 (as none specified in WLEP2012)

Minimum lot sizes for Torrens subdivision

For a Torrens title subdivision, a minimum resulting lot size is set to ensure that each dwelling is provided with sufficient space and amenity. Each resulting lot is also required to satisfy the provisions of the Code.

Waverley has three minimum resulting lot sizes as identified on the *WLEP Lot Size Map*. This minimum requires that any lot that results from a Torrens subdivision must achieve the minimum lot size. These sizes are 232 m², 325 m² and 500 m² as identified on the *WLEP Lot Size Map*. The new subdivision provisions of the Code (Part 6 of the Code) permits Torrens title subdivision of dual occupancies with a minimum lot size of at least 60% of the minimum lot size in the relevant Council LEP (Table 4). This effectively reduces the permissible minimum lot sizes for new Torrens title subdivision as outlined in Table 4.

Table 4 –Minimum Lot Size for Torrens Title Subdivision – Dual Occupancies

WLEP2012 Resulting Minimum Lot Size (sqm)	Code Resulting Minimum Lot Size (sqm)*
232	139
325	195
500	300

*Applying the 60% rule.

This policy change only applies in areas subject to complying development that are not heritage items or conservation areas, environmentally sensitive areas, or land reserved for public purposes. Due to Council's existing minimum lot size control, and the relatively small lot sizes across the LGA, many lots cannot be subdivided further through a Development Application or a Complying Development Certificate.

Minimum lot sizes for strata subdivision

Strata subdivision will also be permissible for the new typology manor houses and terrace houses. The Code permits strata subdivision of dual occupancies to be carried out if strata subdivision of a dual occupancy is permitted in the existing LEP. The strata subdivision of a dual occupancy is permissible under the existing *WLEP 2012*. A strata subdivision of a dual occupancy (side by side) or terrace house will be required to provide a minimum of 180 m² per dwelling. Strata subdivision of a dual occupancy (one above the other) or a manor house has no minimum size requirements.

Other development standards

Maximum Floor Space Ratio (FSR), maximum building height and minimum setback and landscaped area provisions are also set out under the new Code. Many of the provisions require minimum landscaped areas that are less than the *WDCP 2012* controls. The height controls are capped at two storeys, with 8.5m for manor houses and dual occupancies, and 9m for multi dwelling housing (terraces). The current *WLEP 2012* height controls vary between 8.5m, 9m and 12.5m. The Code is consistent with the current controls. If applicants wish to build to three storeys in a 12.5m area, they would be required to submit a Development Application to Council.

The FSR controls vary depending on the zoning and building typology. In many cases the FSR permitted by the Code is greater than that provided by the *WLEP 2012*. This combined with the landscaping control may result in an adverse outcome of greater building footprints and less landscaped areas. The Code sets out front and side setbacks, and the maximum height that will result in a streetscape that is similar to that in Waverley LGA given the large proportion of these development typologies existing already.

Urban design and streetscape implications

The Code requires one off-street car parking space per dwelling, which varies to the current *WDCP 2012* parking controls. For the subject development typology, currently the *WDCP 2012* sets maximum parking rates and permits a zero minimum rate where the character of the streetscape will be impacted, or where the provision of the car parking will have an adverse effect (Table 5).

Table 5. Existing Car Parking Rates in WDCP 2012.

Part C1.11.1 Parking Rates [for Dwelling Houses, Dual Occupancies, Secondary Dwellings, Semi-detached Dwellings and single Terrace Development]
<ul style="list-style-type: none"> a. For new dwellings, car parking should not exceed: <ul style="list-style-type: none"> i. 1 space for dwellings with 2 or less bedrooms. ii. 2 spaces for dwellings with 3 or more bedrooms. b. Notwithstanding the above, a reduced rate (or no parking) may be required in the following circumstances, where: <ul style="list-style-type: none"> i. Parking may have a detrimental impact on the character of the streetscape, heritage item or heritage conservation area, or health of a significant tree. ii. A driveway cannot comply with maximum gradients and design standards required by the Australian Standards. iii. Vehicle entry and exit may have a detrimental impact on pedestrian and traffic movements and safety or nearby services or infrastructure. iv. The access to the on-site car parking will result in the loss of more than 1 on-street car parking space. v. There is low on-street parking availability and no net car parking public benefit.

Where a rear lane is provided, car parking may be able to be provided at the rear, maintaining the street frontage. The provision of new driveways and reduced landscaping, as well as reduced on-street car parking may impact upon the urban environment. The current approach to new vehicle crossings in Waverley is that they are not permitted where vehicle crossings are inconsistent with the street pattern and character as outlined in C1.11.1 above. The new complying development controls will permit new vehicle crossings to be carried out and will impact the amount of on-street parking available in areas. As Council will not have control over the number of CDCs, this may affect Council's ability to mitigate congestion and parking issues, as well as maintaining the aesthetic character of the Waverley area.

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

- Direction: L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.
- Strategy: L5a Ensure planning building controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected.
- Deliverable: Strategic Land Use policies and plans reviewed regularly .

6. Financial impact statement/Timeframe/Consultation

There is no direct financial impact to Council. The NSW Government policy has been legislated and will begin on 6 July 2018. The NSW Government undertook public consultation in the development of this policy.

7. Conclusion

The Low Rise Medium Density Housing Code and the Low Rise Medium Density Design Guide provide a means to fast-track development that is of a similar typology to much of the existing building stock in the Waverley LGA. The Code and Guide put forward a number of controls and design criteria that aim to achieve quality design and reduce impacts on residential amenity. However, there may be a number of issues that arise with regards to the streetscape impact of these developments. Given the nature of the controls of the Code, many sites within the Waverley LGA will not be able to carry out this form of development as the existing lot sizes are too small.

8. Attachments

1. Submission to Draft MDDG (Codes SEPP)
2. Dual Occupancies
3. Manor House Dual Occupancies
4. Terraces



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

9 December 2016

The Director
Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Re: Submission on the Draft Medium Density Design Guide (State Environmental Planning Policy - Exempt and Complying Development)

Dear Sir / Madam

We wish to thank the Department of Planning and Environment (DPE) for providing an opportunity for Waverley Council (Waverley) to make a submission on the Draft Medium Density Design Guide (MDDG) that will form part of the State Environmental Planning Policy Exempt and Complying Development (Codes SEPP). This submission is the opinion of Council Officers and not that of the elected Council.

Overview

As DPE may be aware, Waverley is one of Sydney's most densely populated local government areas. In principle we support the encouragement of medium density housing, however, would like to raise the following comments in regards to the MDDG. This submission forms three parts:

1. Relevance of the MDDG to Waverley;
2. The effectiveness of the MDDG's ability to increase housing supply in NSW; and
3. Offers assistance to DPE by making general comments on the Medium Density Design Guide.

Relevance of the MDDG to Waverley

As mentioned above, Waverley is one of the most densely populated local government areas in Sydney. Less than 20% of residents live in detached houses, around 20% live in housing such as terraces and duplexes, and the remaining 60% live in flats, units or apartments (ABS 2016). Waverley's diverse range of medium to high density housing ranges from single story terrace

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houses to high rise residential flat buildings. In fact, the proposed “Manor Home” housing type (which is intended to be inserted as a new term into the dictionary of the Standard Instrument Principal Local Environmental Plan) is already a common form of housing in Waverley.

The MDDG will achieve little of its intended effect (to increase the supply of medium density housing) in the Waverley Local Government Area. The MDDG may assist in increasing medium density housing in other areas, however, for the following reasons the MDDG will have a limited effect on Waverley:

1. The MDDG only applies to the R3 Zone. Most of our R3 Zone already contains existing medium density housing as well as provisions in our Local Environment Plan (LEP) for residential flat buildings.
2. The MDDG requires terraces and duplexes to be 6 metres wide. Side set back requirements in the MDDG are 1.2 metres. Most of the lots in Waverley contain traditional 40 foot frontages (12 metres). This means the majority of our lots are too narrow for the MDDG to apply, unless lots are amalgamated. The likelihood of high land value lots (such as those in Waverley) being amalgamated to construct dwellings with low yields (such as those in the MDDG) is unlikely.
3. There are a number of restrictions on R3 zoned land in Waverley. For instance, 39% of R3 zoned land is located within heritage conservation areas or contains heritage items. The MDDG does not allow an approval under the Codes SEPP to occur in these areas.
4. When taking into account constraints in the MDDG / Codes SEPP and likely redevelopment scenarios, modelling suggests approximately 100 – 200 lots might have medium density developments approved by a certifier. These lots already allow medium density development, and in most instances actually allow for greater density than is permitted in the MDDG.

As a consequence, at this stage it is unlikely that Waverley Council would adopt the MDDG into our DCP.

The Effectiveness of the Medium Density Design Guide’s ability to Increase Housing Supply in NSW

Concern is raised regarding the Medium Density Design Guide’s ability to increase housing supply in NSW. The fact the Medium Density Design Guide only applies to R3 zones, which already allow medium density development, means it does little to increase density and therefore in real terms, it does not increase housing supply.

There is a belief that ‘codes’ approvals are faster than the standard Council Development Assessment (DA) process. However, the slight increase in the time it takes to approve development via the much more appropriate, flexible and merit based DA process is not of

such a significance that it is causing housing supply issues. The development assessment process only forms a small fraction of the entire development process timeframe (from design through to occupation).

Waverley supports the aims of the MDDG (to improve design outcomes for medium density housing). Support is also given to the introduction of a Design Verification Statement to be required by the building's designer. However, it should be noted that this procedure will add additional time to the overall development process timeline (mostly at the design stage which is pre DA / CDC).

General Comments on the Medium Density Design Guide to Assist the Department of Planning and Environment

The below comments on the MDDG are general and not specific to the Waverley Local Government Area:

1. Design guides for all types of development (not just Medium Density) that can be approved under the Codes SEPP should be updated to ensure consistency.
2. Waverley supports the clear referencing of the Principle Controls (Part 2, A B C) in Part 3 as it ensures certifiers can clearly see the requirements needed for a development to be approved under the Codes SEPP.
3. Waverley understands that the subjective elements of the MDDG (Part 2) are to be evaluated with a Design Verification Statement (DVS) provided by the "designer of the building". The non-subjective elements of the MDDG (Part 3) are to be evaluated via a certifier's interpretation. Certifiers are registered professionals and misinterpretation or falsely approved certificates can result in deregistration. Building designers are not always registered professionals meaning there is no recourse if a false or misleading DVS is signed off. This raises two serious questions. Firstly, are certifiers responsible for ensuring the accuracy of Design Verification Statements? Secondly, if this is the Certifiers' responsibility, there could be serious issues regarding their ability to assess matters like urban design (of which they are not qualified).
4. Waverley supports the concept of a Design Verification Statement in improving urban design outcomes for medium density dwellings that are approved under the Codes SEPP, however, concern is raised regarding the lack of clarity on who will be providing these statements to Certifiers. Only registered Architects should be able to prepare such statements, or at least sign off on them in collaboration with the building's designer. This opinion is based on the following;
 - a) The registration of Architects is governed by NSW Law under the *Architects Act 2003 No 89*. Part 3 of this Act sets out rigorous controls related to the registration process of Architects. Part 3 also links this piece of legislation to other Acts which further

embeds the Architectural registration process in NSW law. Architecture is one of the few Professions that has such a rigorous registration process enshrined by law;

- b) Despite other professions having the qualifications to interpret design they are not legally registered in the same way and therefore their statements have no legal weighting, essentially delegating their Design Verification Statements to subjective promises of good design with no ramifications for illegal or poorly written statements. The objectives of the *Architects Act 2003 No 89* are listed under Part 1 Section 3:

“The objects of this Act are: (a) to ensure that architects provide services to the public in a professional and competent manner, and (b) to provide mechanisms to discipline architects who are found to have acted unprofessionally or incompetently, and (c) to ensure that the public is appropriately informed about the qualifications and competence of individuals or organisations holding themselves out as architects, and (d) to promote a better understanding of architectural issues in the community”.

Objectives A and B (above) ensure that Design Verification Statements prepared by Registered Architects will be competent and carry legal weighting, as they do for the Apartment Design Guide (SEPP65).

- c) If only registered Architects are able to prepare Design Verification Statements then the Medium Density Design Guide (in the Codes SEPP) will have similar requirements to those in the Apartment Design Guideline (in SEPP65) making it easier for developers to understand the process.

If the Department allows other professionals to prepare Design Verification Statements then they should be registered in the same way and limited to professionals with qualifications in Architecture, Urban Design or Urban Planning. As a bare minimum, Design Verification Statements should be limited to a Registered Architect if a development consists of ‘five or more dwellings’ (manor homes and terraces cannot be built in groupings of more than four dwellings) to ensure a high quality built form in housing estates / new release areas where consecutive dwellings can be approved under a single Complying Development Certificate.

The above points raise serious questions regarding the lack of enforceable regulation to prevent poor urban design outcomes if Design Verification Statements are allowed to be created by unregistered / unqualified individuals.

- 5. As DPE may be aware many Councils, including Waverley, continue to have ongoing issues where certifiers have illegally issued construction certificates for low density developments approved under the Codes SEPP. The impact of illegally issued construction certificates for medium density developments approved under the proposed changes to the Codes SEPP would be far more substantial. The implications of an illegally issued construction certificate for a medium density development further strengthens the argument that only Registered Architects should be able to sign off on Design Verification Statements.

6. There are several inconsistencies between the MDDG and controls in the Waverley Development Control Plan (WDCP) for similar dwellings. One key inconsistency worth raising is the fact that Waverley uses the predominant building line (the average of the whole street) rather than an average of only the adjacent neighbours (as per the MDDG) to determine the front set back of proposed buildings. We believe using the predominant building line to determine front setbacks provides greater consistency of built form on the street frontage.
7. Duplexes, Terraces and Manor Homes could be permitted in the R2 zone in the Standard Instrument LEP to encourage medium density development, but be subject to a DA assessment only. This would significantly increase the opportunity for and diversity of housing choice for a greater proportion of home owners and respond to the changing demographics and challenges of housing affordability.
8. The MDDG allows for front garages to be permitted if they are a “recessive element on the street” (p 50, *Medium Density Design Guide*). Garages at the front of dwellings are often poorly designed and create a highly undesirable and unsafe streetscape. Front gardens with deep soil and open space have many benefits including water infiltration, adequate sightlines for casual surveillance and pedestrian safety. Allowing front garages will result in poor urban design outcomes. There are more practical solutions to front garages when rear lanes cannot be provided (see point 9 as well as diagrams 1 and 2).
9. To create a healthy and sustainable city, Sydney’s streets should be designed to promote active travel and public transport. Design guidelines that promote car dependency are not best practice for our city. The minimum requirement of one car space per dwelling, as per the MDDG is not supported. There is ample opportunity for zero minimum car spaces to be provided in the following circumstances that could be easily codified;

“(a) when a dwelling is within an 800 metre radius of a train station and/or (b) when a car park plan shows adequate on-street space in front (or within 30 metres) of the dwelling for 1 vehicle and 0.2 visitor vehicles (but only where a secondary laneway does not exist or cannot be built) to provide secondary laneway garage access”.

There are four justifications behind our above parking recommendations:

- a) Research shows that households who live in apartments and medium density houses own less cars than those dictated by most Development Control Plans. Two thirds of households in semi-detached, row or terrace house, townhouse, etc. own one or less cars (ABS 2011). Households who live in denser housing (such as flats, units or apartments) are even less likely to own a car. In outer ring suburban areas (where the MDDG is likely to be applied) 85-89% (Blacktown 89%, Penrith 88%, Campbelltown 88%, Camden 86% and Liverpool 85%) of households, who live in this type of housing, own one or less cars (P 8, Dean Brodie and Tom Longworth 2016).

- b) It is difficult to provide parking to terraces and this limits their viability in an environment where this development is being encouraged.
- c) Research shows that people are driving less (BITRE 2015) and autonomous vehicles may maximise efficiency of both road space and parking space in the future (OECD 2016).
- d) Finally and most importantly, driveways at the front (where an alternative secondary laneway does not exist or cannot be built) sterilises the opportunity for guest parking and in real terms reduces the number of overall spaces that would otherwise be available due to the width of the driveway and the fact it is illegal to block a driveway or footpath (see Diagrams 1 and 2 below).

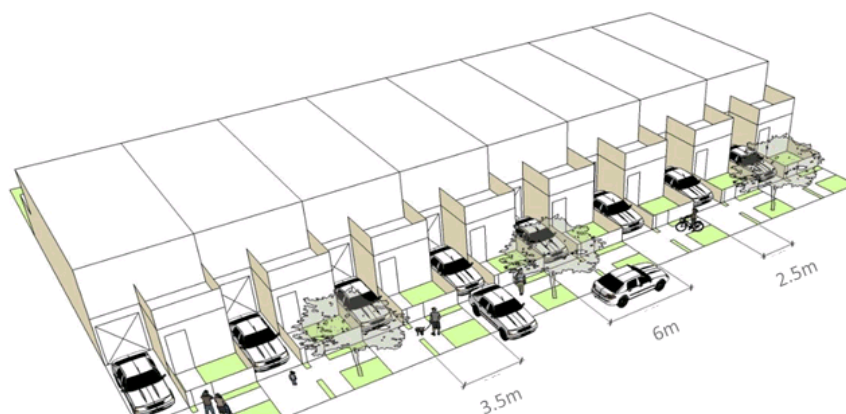


Diagram 1 (above)

The standard width of a driveway, the standard width of the MDDG's proposed terrace housing and the required set back of garages creates a streetscape dominated by cars. This streetscape is unpleasant for pedestrians, encourages multiple car ownership and sterilises the street for on street parking. Note measurements in diagram.



Diagram 2 (above)

Developers should have an option to provide parking on streets in new release areas to encourage better pedestrian environments and allow for a greater number of flexible parking spaces overall.

The above considerations improve urban design outcomes (when compared to providing front garages), improve parking space efficiency, provide more parking (when compared to providing front garages) and considers forecast trends related to car ownership and use. The above recommendations give flexibility to the developer to make market driven choices.

10. Waverley, and other Local Government Areas, will need to update their LEPs and DCPs to contain provisions for the new dwelling type Manor Home which is proposed to be inserted into the dictionary of the Standard Instrument Principal Local Environmental Plan. Updating these plans and controls will take some time. Local Government Areas who choose not to adopt the MDDG “in its entirety” will take more time to update their DCP’s as they will likely need to review their controls and seek approval by their respective Councillors.

Should you wish to discuss any of the matters in this submission, please contact Adrian Ellis (Strategic Planner) on (02) 9083 8057 during normal business hours.

Best regards,

A handwritten signature in black ink, appearing to be 'GB', followed by a horizontal line.

George Bramis
Executive Manager, Shaping Waverley

References:

Australian Bureau of Statistics Census Data 2016

Vehicle kilometre travelled (VKT) per person is decreasing:

BITRE Yearbook 2015

https://bitre.gov.au/publications/2015/files/BITRE_yearbook_2015_full_report.pdf

Autonomous vehicles will take up less road space:

OECD 2016, International Transport Forum: Shared Mobility: Innovation for Liveable Cities

<http://www.itf-oecd.org/shared-mobility-innovation-liveable-cities>

Summary of Low Rise Medium Density Development Standards

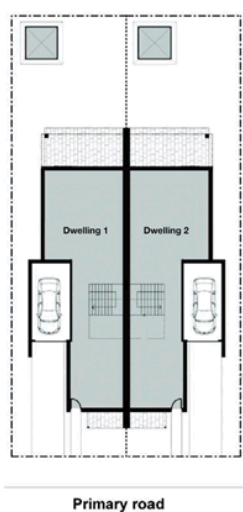
Dual Occupancies (side by side)

March 2018

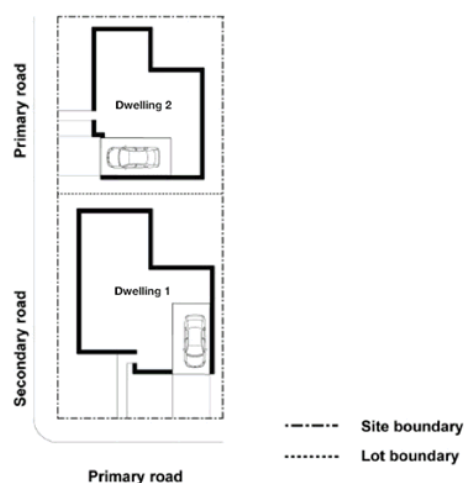
This Summary Table is intended as a guide to the erection of or alteration to a dual occupancy (side by side) as complying development in Zones R1, R2, R3 and RU5.

Dual occupancy means a dual occupancy (attached) or a dual occupancy (detached):

- **Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
- **Dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.



Example of a Dual Occupancy (attached)



Example of a Dual Occupancy (detached)

Important Notes

1. Development standards for excavation, fill, retaining walls and structural supports, drainage, protected tree requirements and protection of adjoining walls associated with the development are provided under Division 6.
2. Development standards for development on bush fire prone land and flood control lots are provided under Clause 3B.4 and 3B.5.
3. This Summary Table must be read in conjunction with all clauses under the Low Rise Medium Density Housing Code.

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Summary of Low Rise Medium Density Development Standards

Dual Occupancies (side by side)

Clause	Development Standard	Dual Occupancies (side by side)		
3B.1 (3)	Permissibility	Permitted in R1, R2, R3 and RU5 zones. Dual occupancies will be permitted where the dual occupancies are permitted under the relevant council Local Environmental Plan (LEP).		
3B.8 (1)	Minimum Lot Size	Minimum lot size specified for dual occupancies in a LEP, or 400m ² , if no minimum lot size specified in LEP.		
3B.8 (2)	Minimum Lot Width	12m (measured at the building line)		
3B.9	Maximum Building Height	8.5m		
3B.10	Maximum Gross Floor Area (All Buildings)	Lot Area	Maximum GFA	
		400m ² -2000m ²	25% of lot area + 300m ²	
		>2000m ²	800m ²	
3B.15	Minimum Landscaped Area	50% of the lot area minus 100m ² 25% of area forward of building to be landscaped 1.5m minimum length and width		
3B.18	Car Parking	At least one off-street parking space for each dwelling		
6.3 (Torrens) 6.1 (2) (strata)	Concurrent Subdivision	Torrens title subdivision is only allowed for dual occupancies if the Council allows subdivision in its LEP. Torrens title subdivision is permitted under the Code and the minimum lot size must be: <ul style="list-style-type: none">at least 60% of the minimum lot size in the relevant council LEP.if the LEP does not specify a minimum lot size, it is 200m². If strata subdivision for dual occupancies is permitted under the relevant council LEP, then the strata subdivision of the dual occupancy is permitted under the Code. The strata area of a dual occupancy is not less than 180m ² . Dual occupancy development and subdivision may be approved concurrently under one complying development certificate.		
3B.11 (1), (2) & (3)	Primary Road Setback	Where existing dwelling houses or dual occupancies are on the same side of the road and within 40m of the development – average of the two closest dwelling houses or dual occupancies. If no dwelling houses or dual occupancies are within 40m of the development then:		
		Lot Area	Setback	
		400m ² -900m ²	4.5m	
		900m ² -1500m ²	6.5m	
		>1500m ²	10m	
3B.11 (4)	Side Setbacks	Lot width at the building line	Building height	Minimum required setback from each side boundary
		12m-24m	0m-4.5m	0.9m
			>4.5m-8.5m	= (building height - 4.5m) ÷ 4 + 0.9m
		>24m-36m	0m-4.5m	1.5m
			>4.5m-8.5m	= (building height - 4.5m) ÷ 4 + 1.5m
>36m	0m-8.5m	2.5m		
3B.11 (5)	Rear Setback	Lot area	Building height	Minimum required setback from rear boundary
		400m ² -900m ²	0m-4.5m	3m
		400m ² -900m ²	>4.5m-8.5m	8m
		>900m ² -1500m ²	0m-4.5m	5m
		>900m ² -1500m ²	>4.5m-8.5m	12m
		>1500m ²	0m-4.5m	10m
		>1500m ²	>4.5m-8.5m	15m

Summary of Low Rise Medium Density Development Standards

Manor houses and dual occupancies (one above the other)

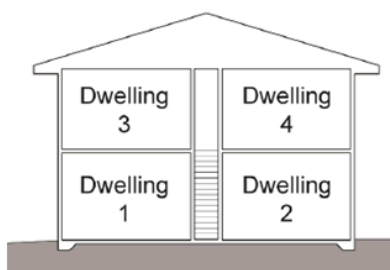
March 2018

This Summary Table is intended as a guide to the erection of or alteration to a manor house or dual occupancy (one above the other) as complying development in Zones R1, R2, R3 and RU5.

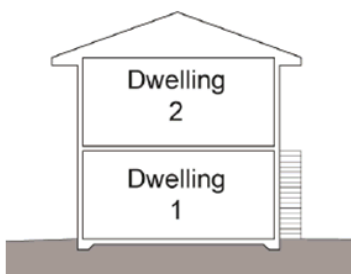
Manor house means a building containing 3 or 4 dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.



Example of a Manor House



Example of a Dual Occupancy (attached)

Important Notes

1. Development standards for excavation, fill, retaining walls and structural supports, drainage, protected tree requirements and protection of adjoining walls associated with the development are provided under Division 6.
2. Development standards for development on bush fire prone land and flood control lots are provided under Clause 3B.4 and 3B.5.
3. This Table must be read in conjunction with all clauses under the Low Rise Medium Density Housing Code.

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Summary of Low Rise Medium Density Development Standards
Manor houses and dual occupancies (one above the other)

Clause	Development Standard	Manor Houses and Dual Occupancies (one above the other)		
3B.1 (3)	Permissibility	Permitted in R1, R2, R3 and RU5 zones. Manor houses will be permitted where either multi-dwelling housing or residential flat buildings are permitted under the relevant council Local Environment Plan (LEP). Dual occupancies will be permitted where dual occupancies (attached) are permitted under the relevant council LEP.		
3B.21 (a) 3B.21 (b)	Minimum Lot Size	Manor house – 600m ² Dual occupancies: <ul style="list-style-type: none">• minimum lot size specified for dual occupancies in a LEP, or• 400m², if no minimum lot size specified in LEP.		
3B.21 (c)	Minimum Lot Width	15m (measured at the building line)		
3B.22	Maximum Building Height	8.5m		
3B.23	Maximum Gross Floor Area (All Buildings)	25% of the lot area + 150m ² to a maximum of 400m ²		
3B.27	Minimum Landscaped Area	50% of the lot area minus 100m ² 50% of area forward of building to be landscaped 1.5m minimum length and width		
3B.30	Car Parking	One off-street parking space for each dwelling		
6.1 (2)	Concurrent Subdivision	Strata subdivision of manor houses is permitted under the Code. If strata subdivision for dual occupancies is permitted under the relevant council LEP, then the strata subdivision of the dual occupancy is permitted under the Code.		
3B.24 (1), (2) & (3)	Primary Road Setback	Where existing residential accommodation is on the same side of the road and within 40m of the development – average of the two nearest residential accommodation buildings. If no residential accommodation is within 40m of the development then:		
		Lot Area		Setback
		400m ² -900m ²		4.5m
		900m ² -1500m ²		6.5m
		>1500m ²		10m
3B.24 (4) & (5)	Side Setbacks	A manor house or a dual occupancy (one above the other) must have a minimum side setback of 1.5m. For any part of a manor house or dual occupancy (one above the other) that is more than 10m behind the building line and is more than 4.5m above the existing ground level, the minimum side boundary setback is: $s = h - 3m$ where, 's' is the minimum setback in metres, and 'h' is the height of the part of the building in metres.		
		Lot area	Building height	Minimum required setback from rear boundary
3B.24 (6)	Rear Setback	400m ² -1500m ²	0m-4.5m	6m
		>1500m ² -	0m-4.5m	10m
		400m ² -1500m ²	>4.5m-8.5m	10m
		>1500m ² -	>4.5m-8.5m	15m

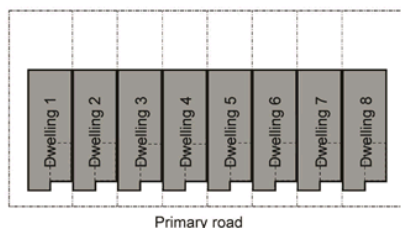
Summary of Low Rise Medium Density Development Standards

Terraces

March 2018

This Summary Table is intended as a guide to the erection of or alteration to multi dwelling housing (terraces) as complying development in Zones R1, R2, R3 and RU5.

Multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.



Multi dwelling housing (terraces) on a standard lot



Multi dwelling housing (terraces) with a rear lane



Multi dwelling housing (terraces) on a parallel lot

Examples of Terraces

Important Notes

1. Development standards for excavation, fill, retaining walls and structural supports, drainage, protected tree requirements and protection of adjoining walls associated with the development are provided under Division 6.
2. Development standards for development on bush fire prone land and flood control lots are provided under Clause 3B.4 and 3B.5.
3. This Table must be read in conjunction with all clauses under the Low Rise Medium Density Housing Code.

Disclaimer: The information provided, including summary tables, is intended to be general information only and does not constitute professional advice and should not be relied upon as such. No liability is accepted for reliance on any information that is provided. You should seek independent professional advice and refer to the relevant legislation, including the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 before taking action, by [visiting this link](#).

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Summary of Low Rise Medium Density Development Standards

Terraces

Clause	Development Standard	Multi Dwelling Housing (Terraces)		
3B.1 (3)	Permissibility	Permitted in R1, R2, R3 and RU5 zones. Multi dwelling housing (terraces) will be permitted where multi dwelling housing is permitted under the relevant council LEP.		
3B.33 (1)	Minimum Lot Size	Minimum lot size specified for multi dwelling housing in a LEP, or 600m ² , if no minimum lot size specified in LEP.		
3B.33 (2)	Minimum Lot Width	18m (measured at the building line)		
3B.34	Maximum Building Height	9m		
3B.35	Maximum Gross Floor Area (All Buildings)	Zone	Maximum GFA	
		R1, R2 & RU5	60% of lot area	
		R3	80% of lot area	
3B.40	Minimum Landscaped Area	Zone	Landscaped Area	
		R1, R2 & RU5	30% of lot area	
		R3	20% of lot area	
3B.43	Car Parking	At least one off-street parking space for each dwelling		
6.3 (Torrens) 6.2 (2) (strata)	Concurrent Subdivision	Torrens title subdivision is permitted under the Code to a minimum of 200m ² for each lot (terrace). Multi dwelling housing (terraces) are permitted to be strata subdivided, this may occur in instances where basement parking or common areas are provided. The strata area of a dual occupancy is not less than 180m ² . Multi dwelling housing (terraces) development and subdivision may be approved concurrently under one complying development certificate.		
3B.36 (1), (2) & (3)	Primary Road Setback	Where existing dwelling houses, dual occupancies or multi dwelling housing (terraces) in R1, R2 or RU5 zones are on the same side of the road and within 40m of the development – average of the two nearest dwelling houses, dual occupancies or multi dwelling housing (terraces). If no dwelling houses, dual occupancies or multi dwelling housing (terraces) are within 40m or are located in a R3 zone – 3.5m.		
3B.36 (4)	Side Setbacks	Multi dwelling housing (terraces) must have a minimum side setback of 1.5m.		
3B.36 (5)	Rear Setback	Lot area	Building height	Minimum required setback from rear boundary
		600m ² -900m ²	0m-4.5m	3m
		600m ² -900m ²	>4.5m-8.5m	8m
		>900m ² -1500m ²	0m-4.5m	5m
		>900m ² -1500m ²	>4.5m-8.5m	12m
		>1500m ²	0m-4.5m	10m
		>1500m ²	>4.5m-8.5m	15m

REPORT
PD/5.5/18.05

Subject: Waverley Development Assessment Panel - DA Referral Criteria

TRIM No: A13/0414

Author: Mitchell Reid, Executive Manager, Building Waverley

Director: George Bramis, Acting Director, Waverley Futures

RECOMMENDATION:

That Council:

1. Notes the new types of development that must be referred to the Waverley Development Assessment Panel for determination as a result of new legislation.
2. Notes and reaffirms the existing types of development that will also be referred to the Waverley Development Assessment Panel for determination under existing delegations to the Waverley Development Assessment Panel.

1. Executive Summary

The purpose of this report is to inform Council of the development application types that must now be referred to the Waverley Development Assessment Panel (WDAP) as a result of the new legislation in the Environmental Planning and Assessment Act and Regulations for local planning panels.

The NSW Minister for Planning has issued a direction under section 9.1 of the Environmental Planning and Assessment Act that specifies the development application (DA) types that must be referred to the newly formed local planning panels for determination.

As Waverley already had a panel in place with associated delegations and DA referral criteria, there is no need to implement or alter existing delegations by Council to the General Manager in respect to the panel.

The legislative DA referral criteria will be added to the existing Waverley-specific DA referral criteria.

This may result in an increase in the matters that have previously been referred to the WDAP for determination and the possible increase in panel meetings. The amount of this increase is not currently known and may be capable of being accommodated within the existing 'one meeting/month' structure.

2. Introduction/Background

New legislation mandating the creation of independent planning panels for all Sydney councils came into effect on 1 March 2018. Just prior to this, the NSW Minister for Planning issued a direction under section 9.1 (previously section 117) of the *Environment Planning and Assessment Act* that specified the types of development applications that must be determined by the new panels.

The effect of this is that all DAs in any of the councils specified under the legislation will be determined by either staff under delegation, the new local panel or the relevant regional panel.

The legislation also specifies that if a council has not delegated the function of determining other types of DAs to an officer, then those applications must also be referred to the panel for determination.

Waverley Council has already specified that certain types of DA must be referred to our existing panel as staff do not currently have delegation to approve a variety of types of development.

3. Relevant Council Resolutions

Council or Committee Meeting and Date	Minute No.	Decision
Council Meeting 20 February 2018	CM/7.9/18.02	<p>That Council:</p> <ol style="list-style-type: none"> Notes that decision-making Independent Hearing and Assessment Panels (IHAPs) will become mandatory from 1 March 2018 for all Sydney councils, and that the current Waverley Development Assessment Panel (WDAP) will continue under its current name and transition to the new model on that date. Notes the appointment of The Hon. Paul Stein as the Chair and The Hon. Angus Talbot and Ms Annelise Tuor as alternate Chairs of the WDAP by the NSW Minister for Planning and Environment. Endorses the appointment of Annelise Tuor, Peter Brennan, Michael Harrison, Professor Helen Lochhead, Stuart McDonald, Gabrielle Morrish, Jan Murrell, and Ian Stapleton as the expert members of the new Waverley Development Assessment Panel. Notes that Council may need to update: <ol style="list-style-type: none"> Its delegations to the WDAP and to the General Manager when the new referral criteria are released by the Minister under section 117 of the <i>Environmental Planning and Assessment Act</i>. The WDAP Charter. Prepares a submissions policy for approval by Council and referral to the Secretary of the Department of Planning and Environment for approval. Expresses its in-principle opposition to the removal from the elected Councillors powers to determine development applications and directs the Mayor to write to the Premier, the Minister for Local Government and the Minister for Planning to convey this decision, and inform Local Government NSW of our opposition.

4. Discussion

Waverley has had a panel in place since 2013 with associated delegations and DA referral criteria. These were adopted by the Council when the WDAP was formed and are reflected in the existing delegations to the General Manager and, subsequently, Council's planning staff.

To ensure operational continuity and ongoing community confidence in the way in which development applications are determined in Waverley, it is considered appropriate to continue with the existing DA referral types (Waverley-specific), as well as those referral types specified by the new legislation.

There will likely be an increase in the number of matters referred to the panel as a result of the new legislation. It is not possible to accurately predict the quantity of this increase and if this will necessitate any increase in the number of panel meetings, which is currently just one per month. This will need to be assessed over an initial three-month period to determine if additional resources are required or if any budgetary implications arise.

When combined, the types of development that will be referred for determination to the new WDAP will be as below (existing/Waverley-specific shown in black; new legislation shown in red):

1. Conflict of Interest.

Development for which the applicant or land owner is:

- a) the council,
- b) a councillor,
- c) a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979,
- d) a member of Parliament (either the Parliament of New South Wales or of the Commonwealth),
- e) a relative of a person referred to in (b) to (d)

But not development for the following purposes:

- internal alterations and additions to any building that is not a heritage item,
- advertising signage,
- maintenance and restoration of a heritage item,
- minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, sun shading devices and the like).

2. Contentious Development

Development that:

- a) is for Class 1 and 10 buildings that receive 4 or more *unresolved objections**,
- b) is for class 2-9 buildings that:
 - have a value greater than \$3m, or
 - have received more than 6 *unresolved objections*
- c) is the subject of 10 or more *unique submissions*** by way of objection,

*Unresolved Objections - means an objection that directly relates to an impact caused by non-compliance with a *development standard* and has not been overcome by way of a proposed condition of consent.

**Unique submissions has not been defined but is taken to mean - an individual submission from a single person or on behalf of more than one person who owns or resides in a property that may reasonably be impacted by the development.

3. Departure from Development Standards

Development that contravenes a development standard imposed by a planning instrument by more than 10% or non-numerical standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the Panel can delegate these applications to council staff to determine.

4. Sensitive development

- a) Designated development
- b) Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
- c) Development involving the demolition of a heritage item.
- d) Development for the purpose of sex services and restricted premises
- e) Development applications for which the developer has offered to enter into a planning agreement.
- f) Development for the purposes of new licenced premises that will require one of the following licences :
 - A club licence under the Registered Clubs Act 1976,
 - A hotel (general bar) licence under the Liquor Act 2007, or
 - An on-premises licence for public entertainment venues under the Liquor Act 2007.

5. Reviews, Modifications and other Applications

- a) Applications for review of a decision of the Panel to refuse an application.
- b) Applications for modification of a condition specifically made or imposed by the Panel that the General Manager or other Council officer believe should be referred to the Panel (excludes modification applications under Section 455 (1) and (1A) of the Act*).
- c) Applications for review of a decision to refuse an application made by the Development and Building Unit (DBU).
- d) Any other application that, in the opinion of the General Manager or other Council officer should be determined by the Panel

*Section 4.55 (1) relates to modifications involving minor error, misdescription or miscalculation
Section 4.55 (1A) relates to modifications involving minimal environmental impact

5. Relationship to Waverley Together 3 & Delivery Program 2013-17

The relationship to *Waverley Together 3* and *Delivery Program 2013-17* is as follows:

Direction: L5 Buildings are well-designed, safe and accessible and the new is balanced with the old.
Strategy: L5a Ensure planning building controls for new buildings and building upgrades deliver high quality urban design that is safe and accessible, in which heritage and open space is recognised, respected and protected.
Deliverable: Approved developments achieve high quality urban design outcomes

6. Financial impact statement/Timeframe/Consultation

There may be additional financial implications if the new DA referral criteria results in the need for additional WDAP meetings being scheduled beyond the current one meeting/month. This will only be known after an initial assessment period.

7. Conclusion

The new legislation requiring the formation of local planning panels and associated DA referral requirements has had minimal impact on the way in which DAs are assessed and determined in Waverley. This is primarily due to Waverley already having such a panel in place since 2013 and the new legislation closely aligning with practices for our existing panel.

There are a number of new types of development that must now be referred to the WDAP as a result of the new legislation, and it is appropriate that the existing Waverley-specific types also be added to these. This will not require any changes to the existing delegations to the General Manager as these already exist.

The relevant operational guidelines, charter and other documents that relate to the WDAP will be changed to reflect the new legislation.

8. Attachments

Nil.