



W A V E R L E Y  
COUNCIL

## **STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE will be held at the  
Boot Factory, Spring Street, Bondi Junction at:

**7.30 PM, TUESDAY 5 AUGUST 2025**

A handwritten signature in black ink, appearing to read 'Emily Scott'.

Emily Scott  
**General Manager**

Waverley Council  
PO Box 9  
Bondi Junction NSW 1355  
DX 12006 Bondi Junction  
Tel: 9083 8000  
Email: [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

## Delegations of the Waverley Strategic Planning and Development Committee

On 18 March 2025, Waverley Council delegated to the Strategic Planning and Development Committee the authority to determine any matter other than:

1. The matters in s 377(1) of the *Local Government Act 1993*, 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.

## **Statement of Ethical Obligations**

Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under Council's code of conduct to disclose and appropriately manage conflicts of interest.

## **Live Streaming of Meeting**

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

#### 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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#### 6. Urgent Business

#### 7. Closed Session .....174

The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:

PD/7.1/25.08	CONFIDENTIAL REPORT - Rowe Street Project - Update
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8.   **Resuming Open Session .....176**

9.   **Meeting Closure**

## CONFIRMATION OF MINUTES PD/4.1/25.08



**Subject:** Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 1 July 2025

**TRIM No:** A25/0079

**Manager:** Richard Coelho, Executive Manager, Governance

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### RECOMMENDATION:

That Council confirms the minutes of the Strategic Planning and Development Committee meeting held on 1 July 2025 as a true record of the proceedings of that meeting.

### Introduction/Background

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

### Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 1 July 2025



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON  
TUESDAY, 1 JULY 2025**

**Present:**

Councillor Michelle Stephenson (Chair)	Bondi Ward
Councillor Will Nemesh (Mayor)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson Ward
Councillor Dominic Wy Kanak	Bondi Ward

**Staff in attendance:**

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Tanya Goldberg	Acting Director, Community, Culture and Customer Experience
Fletcher Rayner	Director, Planning, Sustainability and Compliance

*At the commencement of proceedings at 7.30 pm, those present were as listed above, with the exception of Cr Spooner who arrived at 7.40 pm during item PD/5.2/25.07.*

*Crs Fabiano, Lewis, Masselos, Merten, Spooner, Townsend, Westwood and Wy Kanak attended the meeting by audio-visual link.*

## **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**

There were no apologies.

### **2. Declarations of Pecuniary and Non-Pecuniary Interests**

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

### **3. Addresses by Members of the Public**

There were no addresses by members of the public.

### **4. Confirmation of Minutes**

**PD/4.1/25.07                      Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 6 May 2025 (A25/0079)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson

Seconder: Cr Nemesh

That Council confirms the minutes of the Strategic Planning and Development Committee meeting held on 6 May 2025 as a true record of the proceedings of that meeting.

### **5. Reports**

**PD/5.1/25.07                      Investment Policy – Adoption (A24/0590)**

#### **MOTION / DECISION**

Mover: Cr Nemesh

Seconder: Cr Spicer

That Council adopts the Investment Policy attached to the report.

*Cr Wy Kanak requested that his vote against the motion be recorded in the minutes.*

**PD/5.2/25.07 Trade Debtors Policy - Adoption (A24/0597)****MOTION / DECISION**

Mover: Cr Nemesh  
Seconded: Cr Townsend

That Council adopts the Trade Debtors Policy attached to the report.

*Cr Wy Kanak asked that his vote against the motion be recorded.*

**PD/5.3/25.07 Simpson Street, Bondi Beach - Renumbering (A23/0818)****MOTION / UNANIMOUS DECISION**

Mover: Cr Stephenson  
Seconded: Cr Frazer

That Council:

1. Does not change the address of 299 Old South Head Road, Bondi Beach, to 299 Simpson Street, Bondi Beach, as it would not comply with the NSW Address Policy and User Manual and Council's Street Numbering Guidelines.
2. Does not change the numbering in Simpson Street at this time.
3. Informs the resident of 299 Old South Head Road of Council's decision.

**Division**

**For the Motion:** Crs Fabiano, Frazer, Lewis, Masselos, Merten, Nemesh, Spicer, Spooner  
Stephenson, Townsend, Westwood and Wy Kanak.

**Against the Motion:** Nil.

**PD/5.4/25.07 Rose Bay Shops (North) - Streetscape Upgrade (A25/0272)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconded: Cr Frazer

That Council:

1. Publicly exhibits the following concept designs for the Rose Bay Shops (North) Streetscape Upgrade, as set out in the report, for 28 days:
  - (a) Option 1 – Upgrade with kerb extensions on Old South Head Road, ensuring no impact on traffic travelling southbound behind a vehicle turning right into Towns Road.
  - (b) Option 2 – Upgrade within the existing kerb line of Old South Head Road.
2. Publicly exhibits the provisional multi-function pole package, as set out in the report and which can be added to any of the options, to underground overhead wiring and deliver smart LED lighting.
3. Officers prepare a report to Council no later than September on the outcome, the preferred

option, an updated cost plan and the proposed funding and delivery plan.

**PD/5.5/25.07          Diamond Bay, Vacluse - Local Street Network Review (A20/0069)**

**MOTION**

Mover:      Cr Nemesh

Seconder: Cr Frazer

That Council:

1. Retains two-way traffic in Diamond Bay Road, Craig Avenue, and Isabel Avenue, Vacluse, as the introduction of a one-way traffic route:
  - (a) Does not have clear support from local residents.
  - (b) Would lead to higher vehicle speeds and safety concerns.
  - (c) May affect driver expectations and cause compliance issues with the one-way direction.
  - (d) Would lead to increased travel distance for residents.
2. Does not pursue the following alternative options at this time:
  - (a) Shifting the kerb line.
3. Investigates improvements to traffic flow through:
  - (a) Widening the travelway at the intersection of Isabel Avenue and Diamond Bay Road.
  - (b) Installing passing bays with identification signage including at locations between:
    - (i) 28–30A Diamond Bay Road.
    - (ii) 12–16 Diamond Bay Road.
    - (iii) 5–7 Isabel Avenue.
4. Continues to monitor transport conditions in the area.
5. Informs the Vacluse/Diamond Bay Precinct of this resolution and consults the Precinct on the proposed investigation.
6. Officers prepare a report to Council no later than September on options and costings.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE 3(c).

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

**UNANIMOUS DECISION**

That Council:

1. Retains two-way traffic in Diamond Bay Road, Craig Avenue, and Isabel Avenue, Vacluse, as

the introduction of a one-way traffic route:

- (a) Does not have clear support from local residents.
  - (b) Would lead to higher vehicle speeds and safety concerns.
  - (c) May affect driver expectations and cause compliance issues with the one-way direction.
  - (d) Would lead to increased travel distance for residents.
2. Does not pursue the following alternative options at this time:
- (a) Shifting the kerb line.
3. Investigates improvements to traffic flow through:
- (a) Widening the travelway at the intersection of Isabel Avenue and Diamond Bay Road.
  - (b) Installing passing bays with identification signage including at locations between:
    - (i) 28–30A Diamond Bay Road.
    - (ii) 12–16 Diamond Bay Road.
    - (iii) 5–7 Isabel Avenue.
  - (c) Widening Isabel Avenue with preference to the southern side by the use of culverts similar to the works done on the Military Road widening.
4. Continues to monitor transport conditions in the area.
5. Informs the Vaucluse/Diamond Bay Precinct of this resolution and consults the Precinct on the proposed investigation.
6. Officers prepare a report to Council no later than September on options and costings.

**PD/5.6/25.07                      Bourke Street Upgrade, Queens Park - Design Enhancements (A23/0400)**

**MOTION / UNANIMOUS DECISION**

Mover:     Cr Townsend  
Seconder: Cr Westwood

That Council:

- 1. Approves the design enhancements to the intersection of Bourke Street and Cuthbert Street, Queens Park, as set out in the report and as part of the approved and funded Bourke Street Upgrade project, including:
  - (a) Pedestrian crossings and continuous footpath treatments to improve pedestrian safety.
  - (b) Green paint and line marking for cyclists through the roundabout to improve cyclist safety.
- 2. Authorises the Executive Manager, Infrastructure Services, to modify the design should on-site

circumstances warrant changes.

**6. Urgent Business**

There was no urgent business.

**7. Meeting Closure**

**THE MEETING CLOSED AT 8.00 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**5 AUGUST 2025**

## REPORT

### PD/5.1/25.08



**Subject:** Sustainability and Transport Expert Advisory Panel Meeting - 22 April 2025 - Minutes

**TRIM No:** A24/0996

**Manager:** Sam McGuinness, Executive Manager, Environmental Sustainability

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

### RECOMMENDATION:

That Council notes the minutes of the Sustainability and Transport Expert Advisory Panel meeting held on 22 April 2025 attached to the report.

#### 1. Executive Summary

This report provides information about the minutes of the Sustainability and Transport Expert Advisory Panel (STEAP) meeting held on 22 April 2025 for Council's noting. The minutes are attached to the report.

#### 2. Introduction/Background

The objective of the Sustainability & Transport Expert Advisory Panel is to provide advice and assist Council to implement its strategic vision and targets related to environmental sustainability and transport as outlined in Council's Community Strategic Plan, Environmental Action Plan (EAP), Peoples, Movement and Places Strategy in an efficient and effective manner.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 26 November 2024	CM/7.7/24.11	<p>That Council:</p> <ol style="list-style-type: none"> <li>Adopts the terms of reference for the Sustainability and Transport Expert Advisory Panel attached to the report.</li> <li>Appoints Cr Westwood (Chair), Cr Merten (Deputy Chair), Cr Fabiano and Cr Townsend to the Committee until the next mayoral election on 15 September 2026.</li> <li>Invites expressions of interest for 28 days for up to six community experts in sustainability and/or transport to be appointed to the Committee.</li> </ol>

**4. Discussion**

The draft minutes were distributed by email to members of the STEAP for confirmation and will be published on Council's website.

**5. Risks/Issues**

Nil.

**6. Attachments**

1. STEAP - 22 April 2025 - Minutes [↓](#)

# Sustainability and Transport Expert Advisory Panel (STEAP) Minutes



Tuesday 22 April 2025  
6:00pm to 7:15pm

Waverley Council  
Cloud Room, Boot Factory  
Level 2, 27-33 Spring St, Bondi Junction

**Councillors**

- Cr Westwood (Chair)
  - Cr Merten (Deputy Chair)
  - Cr Ludovico Fabiano
  - Cr Lauren Townsend
- (note all Councillors invited)

**Panel members**

- Mark Worthington
- Peter McCue
- Ben Peacock
- Wendy Adam
- Warren Salomon
- Dr Mathieu Pernice

**Staff**

Fletcher Rayner	Director, Planning, Sustainability and Compliance
Simon Mueller	Manager, Integrated Transport
Sam McGuinness	Executive Manager, Environmental Sustainability
Hao Wu	Senior Transport Planner

**Agenda**

	Item	Presenter	Minutes
	Acknowledgement of Country	Chair	Waverley Council would like to acknowledge the Bidjigal, Birrabirragal and Gadigal people who traditionally occupied the Sydney Coast.  We would also like to acknowledge Aboriginal Elders both past and present.

<b>1</b>	<b>Panel member introductions</b>	All	<p>Each panel member gave a brief overview of themselves and interest:</p> <ul style="list-style-type: none"> <li>• Clr Katherine Westwood (Chair) and career working in food, interested in waste/packaging and bike riding</li> <li>• Fletcher Rayner (staff) – Draft EAP and Director PSC</li> <li>• Sam McGuinness (staff) – Facilitating sustainable cities</li> <li>• Clr Margaret Merten – Bondi resident and sustainability</li> <li>• Warren Solomon – retired sustainable transport</li> <li>• Clr Ludovico Fabiano – Sustainable cities</li> <li>• Mark Worthington - waste, heritage, sustainability, president of BIKEast and bike advocacy</li> <li>• Peter McCue – Policy in state govt, PCAL and academic research in active transport</li> <li>• Hao Wu (staff) – transport planner</li> <li>• Simon Mueller (staff) – Manager of Integrated Transport</li> <li>• Mathieu Pernice – Professor at UTS, Climate Change Cluster as a scientist and bridging the gap between community and sustainability</li> </ul>
<b>2</b>	<b>Terms of Reference</b>	Chair	<p>Discussion on the terms of reference, the purpose of this group and how best to achieve the objectives of the TOR. Discussion points included:</p> <ul style="list-style-type: none"> <li>• The difficulty of this Panel being focussed when the objectives are very broad.</li> <li>• Role of the Panel to assist Council and staff decision making.</li> <li>• The Panel provides an opportunity to assist Council target key issues at State and federal govt.</li> <li>• Enables new ideas to be raised and discussed openly</li> <li>• Contentious issues can be raised such as parking which are raised in other areas but are key to transport and sustainability.</li> <li>• Panel can provide technical input and then support and advise on how to implement this and manage community and political issues.</li> </ul>
<b>3</b>	<b>Environmental Sustainability Overview</b>	Sam McGuinness	<p>Presentation on the scope of environmental sustainability and the upcoming reports to Council:</p> <ul style="list-style-type: none"> <li>• Draft Environmental Action Plan - 2025-2035</li> <li>• Draft Resource Recovery and Waste Strategy</li> </ul>
<b>4</b>	<b>General Transport Overview</b>	Simon Mueller	<p>Presentation on transport in Waverley and key transport challenges.</p>

## Sustainability and Transport Expert Advisory Panel (STEAP)

			<p>Discussion:</p> <ul style="list-style-type: none"> <li>• The connection between the Long Term Financial Plan (LTFP) and the implementation of transport priorities</li> <li>• The management of e-bikes as an emerging and key issue, safety and inclusion in crash data.</li> </ul>
5	<b>Draft Waverley Walking Strategy</b>	Hao Wu	<p>Hao Wu, Senior Transport Planner, delivered a presentation on the development of the Draft Walking Strategy which is planned to go on public exhibition following the May Council meeting, subject to Council approval and adoption of the Draft Strategy.</p> <p>Discussion included:</p> <ul style="list-style-type: none"> <li>• Signalisation and pedestrian priority is vital and the Walking Strategy could be used to engage and approach with Transport for NSW, such as to have diagonal (scramble) pedestrian crossing and always-on and pedestrian signal.</li> <li>• This Strategy focuses both on walking for transport, and on the recreational side of walking.</li> <li>• The Walk 21 Charter could be used as a framework and be adopted by Council as a commitment to walking</li> <li>• Support for the Strategy which provides a clear intent, but it is important for Council to implement on ground works with the correct design and well-informed practitioners. This is particularly important with changes to Transport for NSW's delegation to Councils and greater implementation powers of Council.</li> </ul>
6	<b>Draft Waverley Bike Strategy</b>	Simon Mueller	<p>Simon Mueller, Manager Integrated Transport, delivered a presentation on the development of the Draft Bike Strategy which is planned to go on public exhibition following the May Council Committee meeting, subject to approval.</p> <p>This outlined the consultation up to this point, development of the Strategy and the proposed network.</p> <p>Discussion included:</p> <ul style="list-style-type: none"> <li>• The role of the network map such as the BJ to BB route and the need for this to ensure future state government support.</li> <li>• Good to celebrate the wins shown by the delivery of the BJ cycleway.</li> <li>• Worthwhile to focus on the potential quick wins as some of the harder to reach users will be</li> </ul>

			<p>more difficult and will require much bigger projects.</p> <ul style="list-style-type: none"><li>• Focus on building on the existing networks and growing them such as the BJ to City route.</li><li>• Important to include and cater for the interaction between bikes and other mobility devices.</li></ul>
7	General Business	All	Thankyou from the Chair with the meeting closing at 7:20pm

Meeting Schedule

Tuesday 9 July 2025 7:50 to 9pm  
Tuesday 23 October 2025 7:30 to 8:45pm

**REPORT**  
**PD/5.2/25.08**

**Subject:** **Waverley Development Control Plan 2022  
(Amendment No. 5) and Solar Panels and Heritage  
Guidelines - Adoption**

**TRIM No:** A25/0317

**Manager:** George Bramis, Executive Manager, Urban Planning Policy and Strategy

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Adopts the Waverley Development Control Plan 2022 (Amendment No. 5) attached to the report (Attachments 1–6), to take effect when notified on Council’s website.
2. Adopts the Solar Panels and Heritage Guidelines attached to the report (Attachment 7), to take effect when published on Council’s website.

**1. Executive Summary**

Draft Amendment No. 5 to the Waverley Development Control Plan (DCP) 2022 includes a range of housekeeping amendments and introduces new requirements for solar panels and heritage.

Public exhibition occurred between 5 June and 18 July 2025, with four submissions received. Three submissions supported the proposed changes, and one objected. This report outlines post-exhibition refinements and recommends the relevant documents be adopted by Council.

**2. Introduction/Background**

A DCP contains detailed planning and design guidelines, for specific uses or areas, which complement the development standards contained in local environmental plans (LEPs). DCPs cannot contradict objectives, or the development standards set out in LEPs. Other documents such as guidelines support the planning controls in the Waverley DCP and LEP.

This report discusses the outcomes of the exhibited updates to the Waverley DCP and proposed Solar Panels and Heritage Guidelines.

**3. Relevant Council Resolutions**

Meeting and date	Item No.	Resolution
Council 20 May 2025	CM/7.9/25.05	That Council:  1. Publicly exhibits the draft Waverley Development Control Plan 2022 (Amendment No. 5) attached to the report (Attachments 1–5) in accordance with section 3.43 and clause 5 of schedule 1 of the <i>Environmental</i>

		<p><i>Planning and Assessment Act 1979.</i></p> <ol style="list-style-type: none"> <li>2. Publicly exhibits the draft Solar Panels and Heritage Guidelines attached to the report (Attachment 6) for 28 days.</li> <li>3. Officers prepare a report to Council following the exhibition period.</li> </ol>
Strategic Planning and Development Committee 6 May 2025	PD/5.1/25.05	That Council defers this item to the Council meeting on 20 May 2025 due to a rescission motion having been received in relation to item CM/8.5/25.04.

#### 4. Discussion

##### Consultation

Consultation occurred between 5 June 2025 and 18 July 2025, with documents made available for review on Council's Have Your Say page. Promotion occurred through Council's digital media and the Precincts were also notified. Four submissions were received during the exhibition period, two submissions relating to both the Guidelines and the draft DCP and two submissions relating exclusively to the Guidelines. One submission was also received from a Councillor, raising the question around additional changes relating to solar panels, outside the exhibition period.

Of the public submissions, three were in support of the proposed changes and one did not support the changes, with feedback outlined in Table 1.

*Table 1. Issues raised and responses.*

Feedback	Response
Supportive of the proposed introduction of the guidelines.	Support is noted.
Does not agree with changes and believes that precincts should be consulted first and developed with the community in mind.	Objection is acknowledged; however, the Precincts were notified and invited to comment.
Minor suggested improvements to controls in draft DCP.	These have been considered and are incorporated in Table 2.
Suggested changes to the Solar Panels and Heritage Guidelines.	These have been considered and are responded to in Table 3.
Suggestion to include a control in the DCP to ensure solar panels do not block views (Councillor submission).	While the concern about view loss is understood, the majority of solar panel installations are classified as 'exempt development' under the Transport and Infrastructure State Environmental Planning Policy (SEPP). This means they do not require development consent and cannot be regulated through the DCP in most circumstances.

	<p>The proposed Solar Panels and Heritage Guidelines have been specifically developed to address the limited circumstances where Council has assessment powers—namely, in heritage conservation areas where exempt development provisions do not apply. Even within this narrower scope, controls around visual impacts and design compatibility are included, particularly where solar infrastructure is visible from the public domain.</p> <p>Importantly, attempts to control view impacts via the DCP would have limited practical effect, as most property owners can lawfully install solar panels without triggering Council approval. Introducing such a control could create confusion about Council’s authority and risk misrepresenting the regulatory framework under State legislation.</p> <p>For these reasons, the suggested DCP control is not supported. However, broader concerns about cumulative visual impacts, amenity, or solar placement can be flagged for consideration as part of future reviews of the SEPP or through Council’s advocacy to the State Government.</p>
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Feedback was also provided with regards to potential improvements for EV charging provisions in the DCP. This is out of scope of the current amendment but will be considered and explored in further detail as part of the next update to the DCP.

In response to feedback provided during the exhibition, including internal feedback, a number of post-exhibition refinements are proposed. These are summarised in Table 2 and Table 3 and shown in purple in Attachments 1-6.

*Table 2. Summary of key post exhibition refinements – WDCP 2022.*

Section	Change
Definitions	Insert new definition for ‘existing ground level’ to reinforce LEP approach and court outcomes.
Part B1 Waste	Including an exemption to proposed bin storage area ramp grade requirement to allow for use of bin-moving devices or tugs. This change has been made in response to a submission raising this point.
Part B1 Waste	Additional control to encourage (where practical) waste storage and collection sharing for commercial premises to reduce bin storage area requirements and bins on footpaths.
Part B1 Waste	Aligning bin capacity provision with that of the domestic waste charge for units.
Part B7 Transport	Minor refinements to the way the proposed changes are written.
Part C Residential	Not proceed with the clarification of wall height measurements in the controls section and instead insert clarification into ‘Definitions’ section of DCP.

Table 3 – Summary of key post exhibition refinements – Solar Panels and Heritage Guidelines.

Issue	Change
Properties that originally had slate roofs should be excluded from the Heritage Exemption Pathway.	This suggested change is not supported on the grounds that in most circumstances, it will be difficult to ascertain whether a property previously had a slate roof and may overcomplicate the desired simplification of installation of solar panels for most types of properties in conservation areas.
Consideration of solar tiles as an alternative to solar panels.	For the purposes of interpretation, solar tiles would be considered solar panels also. As such, there is already flexibility in considering the use of solar tiles in place of traditional larger panels. Solar tile technology is very much in its infancy in Australia and there is unlikely to be significant uptake for some time.
Minor clarifications	Various minor clarifications regarding: <ul style="list-style-type: none"> <li>• State Heritage Listed Items.</li> <li>• The time period for which Heritage Exemption Certificates are valid.</li> <li>• Primary street frontages for corner blocks.</li> </ul>

### Timeframe

It is anticipated that the proposed DCP amendments will be combined with the proposed changes arising from the Footpath Seating Policy review. If both are adopted, they will collectively form Amendment No. 5 of WDCP 2022. The changes will take effect within 14 days after publication on Council's website, in accordance with the *Environmental Planning and Assessment Regulation 2021*.

## 5. Financial Impact

All activities related to the project have occurred within existing Council budgets.

## 6. Risks/Issues

There are no risks or issues considered to arise from the adoption and finalisation of the changes to the WDCP2022 and Solar Panels and Heritage Guidelines.

## 7. Attachments

### 8.

1. DCP - Part B - General Provisions [↓](#)
2. DCP - Part C - Residential Development [↓](#)
3. DCP - Part D - Commercial Development [↓](#)
4. DCP - Part E - Site Specific Development [↓](#)
5. DCP - Part F - Development Specific [↓](#)
6. DCP - Definitions [↓](#)
7. Solar Panels and Heritage Guidelines [↓](#)

**PART B            GENERAL PROVISIONS**

## Waste B1

## B1 WASTE

This Part applies to all works requiring a development application (DA) and is to be read in conjunction with the waste minimisation and recycling clause in the Waverley Local Environmental Plan 2012 alongside Council's relevant policies and guidelines.

**General Objectives**

- (a) To support the delivery of the targets and outcomes of the adopted Council environmental action plan, relevant waste and resource recovery strategy, Waste Avoidance and Resource Recovery Act 2001 and Protection of the Environment Operations Act 1997. ~~Environmental Action Plan, the Waste and Sustainable Materials Strategy 2020-2041, and the Waste Avoidance and Resource Recovery Act 2001 and the Protection of the Environment Operations Act 1997.~~
- (b) To reduce the amount of waste generated and maximise resource recovery during the demolition, construction and ongoing management of a property.
- (c) To facilitate safe and efficient waste and recycling collection from all premises.
- (d) To ensure waste management, removal and disposal is in accordance with the relevant State Government Legislation.
- (e) To support innovative and circular solutions for avoiding waste to landfill in the built environment.
- (f) Minimise ongoing operational waste management costs to property owners, occupants, and the Council.
- (g) Minimise developments' waste management and collection service impacts on occupants and surrounding areas.
- (h) Reduce other impacts on occupants and surrounding areas related to waste management such as traffic congestion, truck movements, greenhouse gas emissions, noise from frequent collections.

**General Controls**

- (a) The *Site Waste & Recycling Management Plan* (SWRMP) is to be submitted in accordance with the *Waverley Development Application Guide*.

## 1.2 ONGOING MANAGEMENT

**Objectives**

- (a) To ensure new developments and changes to existing developments are designed to minimise waste generation and maximise resource recovery.
- (b) To encourage waste storage facilities that are designed to enable the reuse of materials and source separation ~~for to facilitate appropriate recycling recovery~~
- (c) To ensure waste and recycling systems are easy to use and complement Council's waste and recycling services.
- (d) To promote safe practices for storage, handling and collection of waste and recycling.
- (e) To prevent stormwater pollution that may result from poor waste and recycling storage and management practices.
- (f) To ensure waste storage areas have sufficient volume, are easily accessible, safe, hygienic and are aesthetically incorporated into the design of the development.

**Waste B1**

- (g) To prevent impacts to the environment that may result from the incorrect use of bins, litter, excess waste and illegal dumping.
- (h) To minimise impacts of waste and waste bins presented on public land for collection on pedestrian and vehicle access, safety and amenity.
- (i) To provide flexibility to expand or reconfigure waste separation systems, so that owners and occupants have options to access a range of waste and recycling services.

**Controls**

- (a) Development for the purposes of any of the following must comply with Part B1.3:
  - Dwelling houses;
  - Dual occupancies;
  - Secondary dwellings;
  - Semi-detached dwellings;
  - Attached dwellings;
  - Multi-dwelling housing.
- (b) Development for the purposes of any of the following must comply with Part B1.4:
  - All other residential accommodation not listed in (a) above;
  - Tourist and visitor accommodation;
  - Commercial development; and
  - Any other development not listed in (a).

**Waste B1****1.3 LOW DENSITY RESIDENTIAL DEVELOPMENT**

This section applies to development for the purposes of Dwelling houses; Dual occupancies; Secondary dwellings; Semi-detached dwellings; and/or Attached dwellings.

**1.3.1 General Controls**

- (a) Details of ongoing waste management strategy are to be documented within a *Site Waste & Recycling Management Plan (SWRMP)*.
- (b) A waste and recycling storage area for each dwelling must be located on the relevant lot in a position convenient for both users and waste collection personnel.
- (c) Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.
- (d) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the *Local Government Act 1993*.
- (e) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (f) Council will supply and service 140L and 240L bins.
- (g) Organic waste should be either treated in a composting or worm farming system or ~~collected separately stored~~ in a Council approved bin or skip (refer to Annexure B1-5).
- (h) Incineration devices are not permitted.

**1.3.2 Amenity**

- (a) Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- (b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.
- (c) All waste and recycling receptacles must be put out for kerb-side collection no earlier than the previous evening.
- (d) All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service.

**1.3.3 Ongoing Management**

- (a) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (b) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.

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**1.4 ALL OTHER DEVELOPMENT**

This section applies to development for the purposes of the following: all residential accommodation not affected by *1.3 Low Density Residential Development* above; Tourist and visitor accommodation; Commercial development; and/or any other development.

Please note that:

- Backpacker accommodation is a commercial property use and requires a commercial waste service.
- Boarding houses/time shares/co-living housing, serviced apartments, retirement village, and independent living are residential uses and require a domestic waste service, incurring a Domestic Waste Charge.

**1.4.1 Waste Storage Areas****1.4.1.1 GENERAL CONTROLS**

- (a) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years (or earlier when needed) to employ updated waste reduction strategies and technologies.
- (b) Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment. Minimum waste and recycling generation rates for various commercial and residential developments are provided in Annexure B1-2.
- (c) Ensure bins can be placed side-by-side and can be easily manoeuvred (no stacking).
- (d) Bin-carting route from the storage area to the collection point is safe and convenient with no steps or steep gradients.
- (e) Waste storage rooms or areas are to be easily accessible by residents and users of the waste system (<30 m from collection point).
- (f) Waste rooms are not to be used for any purpose other than the storage of waste and/or waste infrastructure.
- (g) Where a door or gate opens inwards, no bins are stored within the arc of the swinging door. Where a door or gate opens outwards, the gate does not block the pathway for moving bins out to the collection point.
- (h) Waste and recycling receptacles must be stored at all times within the boundary of the site and concealed from the public and commercial domains unless otherwise approved by Council under Section 68 of the *Local Government Act 1993*.
- (i) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (j) Council will supply and service 140L, 240L and 660L bins. The use of 660L bins will only be considered where:
  - (i) The collection point has enough space to present 660L bins without impacting pedestrian access to the footpath and/or driveway of the development;
  - (ii) The collection point is level; and,
  - (iii) Council waste collection vehicle can access the collection point either within the property boundary or at the kerb-side and the collection point meets requirements in Annexure B1-3.

## Waste B1

- (k) For developments with 20 dwellings or more, or mixed-use developments with more than 200sqm of commercial floor space and a minimum of 10 residential dwellings, advice must be obtained from a waste management consultant to incorporate optimal waste storage and management solutions that recover as much material as possible. Such solutions can be in the form of compactors, chute systems, and/or problem waste storage and collections. Strategies for waste minimisation, and the reduction of waste storage space are to be outlined in the SWRMP.
- (l) Additional space in the bin room is required for waste compactors, chutes, and other infrastructure to easily manoeuvre bins.
- (m) Any volume reducing equipment must be installed in accordance with the manufacturer's design specifications and have a space between the unit and the walls to enable easy access for cleaning and maintenance. Compaction rates must not be set higher than 2:1.
- (n) Organic waste should be either treated in a composting or worm farming system or collected separately stored in a Council approved bin or skip (refer to Annexure B1-5).
- (o) Incineration devices are not permitted.
- (p) Waste and recycling storage rooms must be:
  - (i) Enclosed to prevent noise, odour and visual impacts;
  - (ii) Designed to store the entire set fleet of bins plus 0.2m between bins to allow adequate manoeuvrability;
  - (iii) Designed with a 1.8m unobstructed clearance zone between the stored bins and the entrance for access and manoeuvrability;
  - (iv) Designed with suitable door and corridor access to enable bin movement;
  - (v) Constructed of concrete or other approved materials at least 75mm thick;
  - (vi) Finished with a smooth even surface to be easily cleaned;
  - (vii) Coved at the intersection with walls and plinths with a ramp to the doorway where necessary;
  - (viii) Graded and drained to the sewerage system and approved by Sydney Water;
  - (ix) Fitted with a close fitting and self-closing door that can be opened from within the room;
  - (x) Designed with adequate lighting and natural/mechanical ventilation;
  - (xi) Fitted with smoke detectors in accordance with the relevant Australian Standards.
  - (xii) Equipped taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency;
  - (xiii) Designed to include a clear and easy-to-read "NO STOPPING" sign and "DANGER" sign on the external face of waste storage rooms where appropriate;
  - (xiv) Designed to ensure waste-water from the cleaning of the waste storage area and bins, is not to drain into the stormwater system; and
  - (xv) Fitted with childproof compactors or mechanical devices where used in the storage of waste.

## 1.4.1.2

## ADDITIONAL CONTROLS RELATING TO RESIDENTIAL COMPONENTS OF DEVELOPMENT

## Waste B1

- (a) A room or caged area with a minimum floor space of 4m<sup>2</sup> must be provided for the storage of discarded bulky items, awaiting collection. The doorway of this storage area must be at least 1.5m. The following minimum floor space requirements apply:
  - (i) Between 6 and 20 units: 4m<sup>2</sup>
  - (ii) Between 21 and 40 units: 4m<sup>2</sup> + 1m<sup>2</sup> for every 10 additional units above 20 units
  - (iii) Between 41 and 100 units: 8m<sup>2</sup> + 1m<sup>2</sup> per 20 additional units above 40 units
  - (iv) Over 101 units: 12m<sup>2</sup> + 1m<sup>2</sup> per 50 additional units above 100 units
- (b) Additional space is required for recycling problem waste such as textiles or electronic waste. The minimum floor space required is 1 m<sup>2</sup> per 50 units to a maximum 2m<sup>2</sup>. This space should be within or attached to the waste storage area.
- (c) Developments containing more than 3 habitable storeys must:
  - (i) Provide a system for convenient transportation of waste and recyclable material to the communal waste and recycling storage area; Provide a waste and recycling compartment/area on each floor with sufficient capacity to store at least 1 day volume of waste and recycling likely to be generated on that floor; and
  - (ii) Where a chute system is provided, ~~the both~~ waste chute for garbage material, and an area for bins relating to bins for separated recycling and organic materials must be located stored together in an allocated communal waste and recycling area on each floor.
- (d) Waste, recycling and ~~garden~~ organics receptacles must be stored at all times within a building in a designated storage room. Exceptions can be made:
  - (i) Where storage space is available at the side or back of the building, away from public accessibility, and the area can be screened from public and commercial domains; or
  - (ii) Where the storage area at the front of the property is completely enclosed with no risk of public accessibility.
  - (III) If a waste storage area is outside of the building, the design must complement the primary building and the storage location must be >1m from windows and balconies.

## 1.4.1.3

## ADDITIONAL CONTROLS RELATING TO COMMERCIAL COMPONENTS OF DEVELOPMENT

- (a) ~~All~~ new developments are to provide adequate storage for waste to accommodate future change of use, including increased waste generation rates and grease traps.
- (b) If the commercial use of the property is undecided, minimum waste and recycling generation rates must be applied as per Annexure B1-2.
- (c) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and general waste in separate receptacles.
- (d) A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor.
- (e) A minimum of 2m<sup>2</sup> floor space for developments under 100m<sup>2</sup> and 4m<sup>2</sup> floor space for developments over 100m<sup>2</sup> must be allocated within the building for the

## Waste B1

storage of reusable items such as crates and pallets, and bulk waste such as cardboard or soft plastics.

- (f) Separate space must be allocated for the storage of trade wastewater (within the building where applicable). Trade wastewater must be managed in accordance with a Sydney Water permit and any pre-treatment equipment such as grease traps must meet Australian standards and be properly installed and maintained.
- (g) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (h) Waste cooking oil must be stored in sealed containers and stored in a bunded area (an area where leaking oil can't escape). Space must be allocated to store the waste cooking oil and the location must be in an area easily accessible to the oil recycler for servicing.
- (i) For commercial premises that generate 20% or more food waste, or other waste which is considered by Council to have potential amenity impacts, a daily general waste or organic<sup>1</sup> collection is required (depending on timing in relation to the State Government mandate), unless an alternative is agreed upon with Council.
- (j) For premises that use 660L bins or larger bins, the bins must be lockable and have wheels with working brakes.
- (k) All commercial kitchens in cafes and restaurants or similar must include space for a dishwasher to ensure plates, cutlery and crockery can be washed to reduce reliance on single use items.
- (l) All relevant commercial businesses subject to the requirement of the separation and collection of organic materials, must abide by the relevant State Government mandate per the Protection of the Environment Operations Act 1997-(FOGO Recycling Bill 2025).
- (k)(m) To minimise collection vehicle movements within the local traffic network, where practical, developments with multiple commercial tenancies should seek to facilitate shared waste disposal, storage and collection.

### 1.4.1.4 ADDITIONAL CONTROLS RELATING TO ALL MIXED-USE DEVELOPMENT

- (a) In addition to the relevant application of controls from B1.3.3, this section also applies to any mixed use development.
- (b) There must be at least two separate waste and recycling storage rooms or areas, one for commercial waste and recycling, and one for residential waste and recycling. Storage rooms are to be self-contained and have separate keys and locking systems. A separate bulky waste storage room is also to be provided for residents that is inaccessible to commercial premises.
- (c) Mixed-use developments that require the equivalent of 20 x 240L of Mobile Garbage Bins to store their waste and recycling must organise onsite collection or a wheel in/out service.

### 1.4.2 Access and Collection

#### 1.4.2.1 GENERAL CONTROLS

- (a) Waste and recycling storage areas must be located in a position convenient for both users and waste collection personnel.

<sup>1</sup> Pending the rollout of the NSW Government FOGO mandate for Waverley Council.

## Waste B1

- ~~(b)~~ — The path for bins between the waste and recycling storage area and the vehicle collection point must be free of steps, narrow gates, vegetation, stepping-stones, loose material, ~~and~~ kerbs, and not exceed a grade of 1:14 at any point, unless using an appropriate bin tug device, which must be stored within the waste storage area or adjacent area.
- ~~(e)~~(b) Multi-residential and mixed-use development with more than 20 residential units must accommodate an on-site domestic waste collection service.
- ~~(e)~~(c) Access roads must comply with the Building Code of Australia, all relevant Australian Standards and *Annexure B1-3*.

#### 1.4.2.2 ADDITIONAL CONTROLS RELATING TO ON SITE WASTE COLLECTION

- (a) On-site waste collection is to be accommodated within a basement or at grade within the building from a dedicated collection point or loading bay that does not impede pedestrian, cycleway, or vehicle movement.
- (b) The on-site waste collection must be designed to allow collection vehicles to enter and exit the property in a forward direction and must have adequate vehicle clearance. Exceptions may be considered where the collection vehicle can back into a driveway safely without impeding pedestrian or vehicle access.
- (c) The on-site waste collection loading point is to comply with the provisions of *Annexure B1-3*.
- (d) The on-site waste collection point may be the same as, or separate to, the waste storage room. Unimpeded and level access is to be provided between the waste collection point and the loading bay.
- (e) The on-site waste collection point is to be of a sufficient size to store all bins to be collected without interruption to the functioning of the development.
- (f) The on-site waste collection point must include a bulky household waste collection point separate (or next to) to the bin collection point.

#### 1.4.2.3 ADDITIONAL CONTROLS RELATING TO WHEEL-IN AND WHEEL-OUT COLLECTION SERVICE

A wheel-in and wheel out service is subject to approval by Council and will only be approved where on-site collection is deemed not feasible for the premises. Council will consider providing wheel-in, wheel-out collection service for residential bins and bulky household waste under the following (but not limited to) circumstances:

- (a) The presentation of the bins at the property would impact on pedestrian access or other safety issues;
- (b) A roller door or similar to access the bin room or a temporary holding area is available on the boundary of the property where the bins would be collected from;

## Waste B1

- (c) There is a maximum of **158m** between the designated Council waste collection vehicle access point and designated collection point;
- (d) Collection point is accessible from the street, including from a driveway or a designated parking area;
- (e) The waste collection point does not impede traffic or pedestrian flow whilst engaged in the collection of bins/bulky waste;
- (f) Council waste collection vehicle access is available either within the property boundary or street access and meets requirements in Annexure B1-3; and,
- (g) The path for bins between the designated bin storage area and the vehicle collection point must have a flat surface and be free of steps, narrow gates, vegetation, stepping-stones, and loose material.

### 1.4.3 Amenity

#### 1.4.3.1 GENERAL

- (a) Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- (b) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.
- (c) All waste and recycling receptacles must be put out for kerb-side collection no earlier than the previous evening.
- (d) All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service.

### 1.4.4 Management

#### 1.4.4.1 GENERAL CONTROLS

- (a) A current copy of the approved SWRMP is to be ~~stored on-site and~~ available to the building manager and owner's corporation at all times.
- (b) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (d) Where a change of use, change of tenant or change in waste management practices will result in a variation to the SWRMP, an application is to be made to Council to revise the approved SWRMP.
- (e) The SWRMP must identify responsibility for:
  - (i) cleaning of waste receptacles and storage areas
  - (ii) for transfer of bins within the property, to the collection point and back to the storage areas.
  - (iii) regular monitoring of bins for contamination and educating residents on how to use the waste and recycling services

## Waste B1

- (iv) inspect, maintain and repair all waste management equipment, such as chutes, bin lifts, compactors and other equipment
- (v) liaising with the council or the collection contractor on waste management issues and service requests.
- (f) Clear and easy to read signs identifying the different waste receptacles and where in the storage area these should be positioned must be displayed.
- (g) The building manager or owner's corporation is to review every 5 years (or earlier when needed) the methods for waste storage, treatment and collection and implement any relevant changes to reduce waste and increase recycling.

#### 1.4.4.2 ADDITIONAL CONTROLS RELATING TO COMMERCIAL COMPONENTS OF DEVELOPMENT

- (a) All businesses must have written evidence, ~~held on site,~~ of a valid and current contract with a licensed collector of waste and recycling.
- ~~(a)(b)~~ The evidence must include details of each bin size and frequency of collection of each waste stream.
- ~~(b)(c)~~ The ~~management of~~ waste and recycling ~~management~~ (including organic collection and/or composting) and any collection system for other waste material, along with allocated responsibilities should be clearly outlined in contracts with cleaners, building managers and tenants, along with allocated responsibilities, and included in the SWRMP.

## Ecologically Sustainable Development B2

### B2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

This Part applies to all development in the Waverley LGA.

Waverley Council is committed to the highest standards of environmental performance and stewardship of our local area. Council has established long-term environmental targets for Council and Community, covering greenhouse emissions, transport, climate resilience, urban ecology, water management and the sustainable management of waste and materials. Our targets are informed by the best available science and support Ecologically Sustainable Development (ESD) through the following objectives:

- Reducing greenhouse gas emissions to net zero;
- Increasing the use of renewable energy sources;
- Conserving water resources;
- Reducing reliance on mains water supply through the collection and treatment of rainwater and greywater;
- Adapting and responding to climate change to reduce community vulnerability to local climate change impacts and managing climate risks;
- Reducing waste during construction and the ongoing use of the building;
- Increasing recycling of waste and use of recycled products;
- Reducing the environmental impact from building materials through the reduction, re-use and recycling of materials, resources and building components;
- Protecting and improving local biodiversity of sites and surrounding areas.

#### Residential Development and BASIX

State Environmental Planning Policy *(Sustainable Buildings) 2022* ~~*(Building Sustainable Index: BASIX) 2004*~~ applies to residential developments only and aims to ensure homes or apartments are designed to minimise potable water usage and energy usage.

An applicant is required to lodge a BASIX certificate with their development application with Council for:

- New residential buildings;
- Alterations and additions to existing residential buildings where the estimated construction cost of the work is more than \$50,000 and where development approval is required; and
- New swimming pool (or pool and spa) with a capacity of 40,000 litres or more.

More information is available at the following link:  
<https://www.planningportal.nsw.gov.au/development-and-assessment/basix>

#### Mandatory Commercial Building Disclosure

In 2010 the Australian Government implemented a Mandatory Commercial Building Disclosure program under the [Building Energy Efficiency Disclosure Act \(2010\)](#). This program applies to commercial buildings with a net lettable floor area of 1,000sqm or more, and requires owners to disclose energy efficiency information to purchasers and lessees when the space is to be sold, leased or subleased. More information is available from the Australian Government's Department of Industry, Science, Energy and Resources (or equivalent).

## Ecologically Sustainable Development B2

### Objectives

- (a) To encourage applicants to apply principles and processes that contribute to ecologically sustainable development (ESD) in Waverley.
- (b) To ensure that the design, construction and operation of development minimises adverse impacts on the natural and built environment.
- (c) To improve the quality of life, health and wellbeing of residents and workers.
- (d) To ensure that all development will reduce water consumption and can reduce greenhouse gas emissions to net zero.
- (e) To encourage the replacement of intensive carbon power sources with low carbon and renewable energy.
- (f) To improve indoor air quality.
- (g) To ensure that waste will be reduced and to increase the use of products from recycled sources
- (h) To reduce the environmental impact from building materials through reduction, re-use and recycling of materials, resources and building components
- (i) To reduce urban heat island effect by maintaining and increasing tree canopy, permeable surfaces and deep soil.
- (j) To reduce greenhouse gas emissions from the construction of developments.
- (k) To respond to and prepare for changes in the climate and resource consumption.
- (l) To ensure that development can adapt to climate change.
- (m) To improve local biodiversity.
- (n) To accommodate changing technologies in the design of developments that will provide sustainability outcomes in the built environment for future users.

### Controls

- 1) A Statement of Environmental Effects is required to outline how the objectives of ecologically sustainable development will be achieved

## Ecologically Sustainable Development B2

### 2.2 WATER CONSERVATION

Council is strongly committed to conserving water and improving water quality, in order to enhance water security under climate change, protect our waterways and support cooling and greening in Waverley.

Residential developments should implement measures to actively reduce potable water consumption. Residential water conservation measures are required under the State Environmental Planning Policy (Building Sustainable Index: BASIX) 2004.

#### Objectives

- (a) To encourage sustainable water use practices.
- (b) To reduce the use of potable water.
- (c) To encourage on-site water detention to prevent wastewater and runoff from entering waterways.

#### Controls

- (a) Rainwater tanks connected to outdoor use and toilets and laundry are strongly encouraged for all residential developments.
- (b) Rain tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
- (c) Rain tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and
- (d) Leaf-shedding grills fitted over gutters and downpipes to increase efficiency of rainwater collection are encouraged, and
- (e) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and
- (f) Pumps attached to the development must be housed in an enclosure that is soundproofed, and
- (g) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- (h) Rain tanks must have a sign affixed to it stating the water in it is rainwater

#### Design Guidance

For more information about rainwater tanks and water conservation refer to:

<https://www.basix.nsw.gov.au/iframe/>  
<http://www.yourhome.gov.au/water/rainwater>  
<http://yourenergysavings.gov.au/water>

## Ecologically Sustainable Development B2

### 2.4 RENEWABLE ENERGY AND ENERGY EFFICIENCY

Waverley Council has set an ambitious target to reduce community greenhouse emissions to net zero by 2035. In order to meet this reduction target, all new homes are required to have future capacity to be an all-electric building, powered only by renewable energy.

To achieve net zero by 2035, installing natural gas appliances in new developments is not recommended.

Fluorescent and compact fluorescent lamps contain small amounts of mercury, a highly toxic agent which bioaccumulates in the environment. Recycling rates of fluorescent lamps are as low as 2% (Environment Victoria, 2022). For this reason, Waverley Council supports energy efficient alternatives to fluorescent lamps, such as Light Emitting Diodes (LEDs).

Energy efficiency measures for new residential developments are stipulated under the State Environmental Planning Policy (Building Sustainable Index: BASIX) 2004. Commercial energy efficiency measures are stipulated under the National Construction Code Section J.

#### Objectives

- (a) To enable all development to contribute to net zero greenhouse emissions by 2035.
- (b) To reduce the energy demand of all developments.
- (c) To ensure a building can be 100% powered by renewable energy.
- (d) To encourage the installation and use of renewable energy technologies to reduce greenhouse emissions and peak demand.
- (e) To ensure development takes into consideration neighbouring solar technologies in the design of the building.

#### Controls

##### Solar photovoltaic system and battery

(a) The installation of photovoltaic panels with battery storage is strongly encouraged in all developments.

~~(a)(b)~~ Developments proposing to install photovoltaic panels in heritage conservation areas must refer to the Heritage on Solar guidelines on Council's website.

##### Domestic hot water

~~(b)(c)~~ An electric hot water system is strongly encouraged in all developments. Recommended systems include:

- Electric heat pump (most efficient)
- Solar thermal with electric boost (most efficient)
- Electric storage

## Ecologically Sustainable Development B2

Where a gas hot water system is proposed, specific inclusions shall be provided so that an electric hot water system can be easily retrofitted in the future. See **Design Guidelines** below for recommended requirements for different building types.

### Swimming pool heating

~~(e)~~(d) Recommended swimming pool heating systems include:

- Solar thermal only
- Solar thermal boosted with electric heat pump
- Electric heat pump

### Gas cooking and space heating

~~(e)~~(e) Gas cooktops, gas ovens and gas space heating systems are not permitted in residential development as outlined in WDCP *Part 2.3 Indoor Air Quality*.

### Solar access

~~(e)~~(f) Shading from nearby buildings and canopy trees should maintain solar access to existing photovoltaic solar panels and solar hot water heaters.

### Lighting

~~(f)~~(g) Recommended lighting systems include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

For more information about renewable energy and energy efficiency refer to:

<http://www.yourhome.gov.au/energy>

<http://yourenergysavings.gov.au/energy>

[http://www.waverley.nsw.gov.au/environment/energy\\_and\\_climate\\_change](http://www.waverley.nsw.gov.au/environment/energy_and_climate_change)

## Design Guidelines

### Class 1 building (Single dwellings) – inclusions for future electric system

If a gas instantaneous or gas storage domestic hot water system is proposed then the following inclusions shall also be provided, so that an electric hot water system can be easily retrofitted in the future:

- i) A suitable location to place the future electric hot water system, assuming the relevant setback requirements in Section C2 Low Density Residential 2.3.2 are adhered to.
- ii) An additional electrical circuit and breaker for an electric hot water system rated at a minimum of 20 Amps shall be installed at the switchboard.
- iii) Appropriate electrical cabling in situ from the existing electrical switchboard to the future electric hot water system.

### Class 2 building (Multi-unit development) – inclusions for future electric system

## Ecologically Sustainable Development B2

If multiple gas instantaneous hot water systems or a centralised gas storage hot water system is proposed then the following inclusions shall also be provided, so that an electric hot water system can be easily retrofitted in the future:

- i) A suitable location and sufficient space for the future electric hot water system(s) to meet the hot water demand of the residents. This must meet all current Australian Standards for electrical and plumbing installation.
- ii) The existing capacity of the electrical switchboard can meet the electrical demand of the future hot water systems.
- iii) Appropriate electrical cabling is in situ from the existing electrical switchboard to the future electric hot water systems.

## Water Management B5

### B5 WATER MANAGEMENT

This Part contains planning controls relating to the management of all aspects of the water cycle in an integrated and consistent manner. The planning controls promote the need for long-term sustainable social, ecological and economic outcomes.

This Part is to be read in conjunction with Council's *Water Management Technical Manual* (Technical Manual) which provides further details on controls outlined in this Part. For more detailed information on flood related risks, refer to the *Waverley LGA Flood Study 2021*.

This Part applies to all development (excluding minor alterations and additions, retro-fits, and the like).

#### 5.1 STORMWATER MANAGEMENT AND WSUD

For information on how to implement WSUD refer to the Sydney Metropolitan Catchment Management Authority website, accessible at the following link: [www.wsud.org](http://www.wsud.org).

##### Objectives

- (a) To promote the implementation of Water Sensitive Urban Design (WSUD).
- (b) To minimise the impacts of development upon the water cycle.
- (c) To encourage sustainable development through the integration of stormwater management systems into the landscape.
- (d) To ensure that development considers flooding, coastal water and groundwater protection, habitat creation and improves visual amenity.
- (e) To integrate water sensitive urban design with landscape and building design.
- (f) To reduce the volume of stormwater run-off.
- (g) To promote increased on-site stormwater retention, detention, and recycling.
- (h) To improve catchment water quality.
- (i) To minimise the impacts of urban development upon water balance and surface and groundwater flow regimes.
- (j) To promote infiltration within the "Infiltration zone" and reduce stormwater run-off (refer to Annexure B in the *Water Management Technical Manual*).
- (k) To encourage the use of soft landscaping and permeable paving as an alternative to impervious surfaces.
- (l) To prevent stormwater from overflowing into basement garages of residences.
- (m) To protect existing natural groundwater flows and downstream properties from seepage.

##### Controls

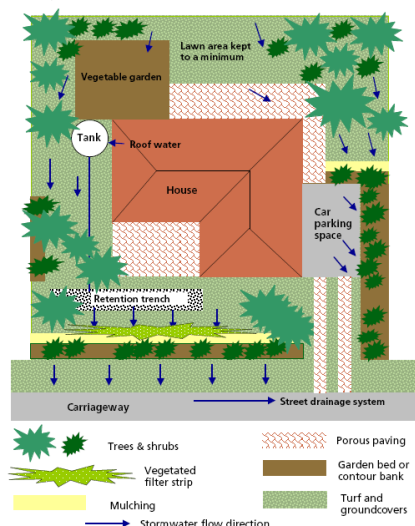
- (a) A stormwater management plan is required to be submitted with all development applications (except minor alterations, retrofits and the like).
- (b) WSUD principles are to be integrated into the development through the design of stormwater drainage, on-site detention and landscaping and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge (refer to Figure 1).

## Water Management B5

- (c) WSUD measures are to be employed to prevent contamination of stormwater.
- (d) Development is to be sited and built to minimise disturbance of the natural drainage system.
- (e) WSUD elements should be located and configured to maximise the impervious area that is treated.
- (f) On site detention is to be designed, installed and maintained in accordance with the *Water Management Technical Manual*.
- (g) Council consent is required for temporary/permanent dewatering and groundwater extraction and use prepared in accordance with the *Water Management Technical Manual*. The proposal is assessed on merits and where appropriate, referred by Council to the relevant Government department for an access licence.
- (h) Applications for roof water and stormwater harvesting and reuse and grey water or black water treatment systems will be assessed on merit in accordance with the WM Technical Manual.
- (i) Methods of disposal of stormwater from the site must be provided using one or a combination of the following:
  - (i) Infiltration;
  - (ii) Gravity connection to Council's stormwater system;
  - (iii) Charged system; and / or
  - (iv) Pump system.

**Note:** A stormwater system must be constructed in accordance with AS/NZS 3500.3:2021 Plumbing and drainage ~~AS/NZS 3500:2003 National Plumbing & Drainage and Water Management Technical Manual~~.

- (j) Depending on the extent of disturbed area, the following plans to manage erosion and sedimentation must be submitted with the development application:
  - (i) For areas of disturbance less than 250m<sup>2</sup>, a marked up plan of proposed works and control measures is required;
  - (ii) For disturbed areas between 250m<sup>2</sup> and 2,500m<sup>2</sup>, an erosion and sediment control plan is required; and
  - (iii) For disturbed areas greater than 2,500m<sup>2</sup> soil and water management plan is required.



**Figure 1** Example of an integrated stormwater strategy for a dwelling

## Accessibility and Adaptability B6

### B6 ACCESSIBILITY AND ADAPTABILITY

This section applies to all development excluding dwelling houses and other low-density residential development.

#### Livable Housing Design Guidelines

Livable Housing Australia drives industry best practice through the *Livable Housing Design Guidelines*. A livable home is designed and built to meet the changing needs of occupants across their lifetime. Livable homes include key easy living features that make them easier and safer to use for all occupants including: people with disability, ageing Australians, people with temporary injuries, and families with young children.

#### Disability Discrimination Act 1992 (DDA 1992)

The *DDA 1992* makes it unlawful to discriminate against a person with a disability in regards to the provision of access to public buildings for the provision of goods and services, accommodation and employment unless this would cause 'unjustifiable hardship'.

Where an applicant believes that complying with the DCP would cause "unjustifiable hardship," or detract from the significance of a Heritage Item, an application can be made to be exempted from a particular provision or to provide access for people with disabilities in some other way than provided for in the DCP. It is the responsibility of the applicant to ensure that the development meets the requirements of the *DDA 1992*.

#### Access to Premises - Australian Standards

Access to Premises - Australian Standards provides the technical specifications for access design requirements in the built environment. The Australian Standards clarify the accessibility requirements for premises as implied under the *DDA 1992* and are incorporated within the National Construction Code (NCC) Building Code of Australia (BCA).

## Accessibility and Adaptability B6

### 6.1 ACCESSIBILITY

#### Objectives

- (a) To ensure that buildings and public spaces provide for equitable access for all, including people with a disability, ageing people with mobility difficulties, parents with prams, and other people with temporary disabilities.
- (b) To provide an accessible, continuous path of travel to all developments.
- (c) To provide equitable access within all developments.
- (d) To ensure major alterations and additions to existing buildings provides upgraded levels of access and facilities for all people.
- (e) To establish accessible dwelling standards for easy modification to cater for occupants with a disability or impairment.
- (f) To ensure that the siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises.

#### Controls

##### *All Development*

- (a) Access is to meet the requirements of the *DDA 1992*, the relevant Australian Standards and the BCA-NCC.
- (b) Accessible parking for people with a disability must be provided in accordance with the BCA-NCC and *AS/NZS 2890.1: 2004 Parking Facilities – Off Street Parking*, AS2890.6:2009 Off Street Parking for People with Disabilities and *AS 1428: Set 2003* including *AS 1428.1:2009 Design for Access and Mobility*.
- (c) An Access Management Plan for alterations and additions to existing buildings only, may be required as a means of helping to provide services or facilities to people who would be unable to gain access to the premises.

##### *Commercial Development*

- (a) The main entrance should provide direct, level access from the street and from any parking area.
- (b) A lift must be provided at ground floor to upper floors in developments with three or more storeys and where aggregate floor area above the ground floor is 400m<sup>2</sup> or greater.

## Accessibility and Adaptability B6

### 6.4 UNJUSTIFIABLE HARDSHIP

It is the responsibility of the applicant to ensure that the development meets the intent of the *DDA 1992*, and the requirements of the Premises Standards and this DCP. However, it is recognised under the *DDA 1992* that in some circumstances the provision of access may cause unjustifiable hardship by being unreasonable, impractical or uneconomical.

Where a developer believes that compliance with the provisions of this DCP and intent of the *DDA 1992* would cause unjustifiable hardship, an application can be made to Council to be exempted from a particular provision, or to provide access in some other way than that specified in this DCP. The information that must be supplied by the applicant is set out in detail under the Controls section of this Part.

In accordance with the *DDA 1992*, Council's assessment of an application for exemption will consider the extent to which people will benefit or be detrimentally affected by non-compliance with this DCP, the cost of compliance and the ability of the developer to meet the cost. Each claim will be considered by Council on its merits as there is no general formula that can be applied to guide what might be considered to be Unjustifiable Hardship.

It must be emphasised that there is always a requirement to provide whatever access is possible up to the point of unjustifiable hardship.

#### Objectives

- (a) To have public buildings accessible to all people, consistent with requirements under the *DDA 1992* and the [BCANCC](#).

#### Controls

- (a) Claims of unjustifiable hardship will be considered on a case by case basis and on the merit of the case put forward by the applicant.
- (b) Unjustifiable hardship is not supported in new developments.
- (c) An application of unjustifiable hardship must be accompanied by a statement that includes the following information:
  - (i) The nature of the benefit or detriment likely to occur or be suffered by any persons in relation to the proposed development;
  - (ii) Two independent quotes from tradespeople or suppliers for the cost of works to meet the principles of the *DDA 1992*;
  - (iii) The space required to carry out works and the effect this may have upon the viability of the proposed work;
  - (iv) The impact on the heritage significance of the premises or conservation area (where applicable) and details of the work required to provide access;
  - (v) Typographical, technical, operational and safety issues;
  - (vi) Details of investigations into different ways in which the space could be configured or used so as to comply with the applicable access requirements; and
  - (vii) Details of investigations into design alterations so that future works to improve access are not compromised.

Transport **B7****B7 TRANSPORT**

Car parking is one of the most critical planning and transport issues in Waverley. Wherever possible, Council strongly encourages the use of alternative modes of transport such as walking, cycling and public transport and continues to work towards providing better transport connections to the area.

The provision of private (on-site) and public (on-street) parking must be managed in an equitable and environmentally sensitive manner that benefits the community as well as the individual. Where objectives may conflict, Council has a duty to consider broader community benefits in the provision of parking.

*Waverley's People, Movement and Places*

This Part has been prepared in the context of the Waverley Transport Plan 2017 'Waverley's People, Movement and Places.' The aim of *Waverley's People, Movement and Places* is to:

- Create a transit hierarchy for movement in the LGA that prioritises pedestrians and active transport, followed by public transport, service vehicles, shared mobility and private motor vehicles;
- Identify signature projects to invest in; and
- Identify short, medium, long term actions that Council can undertake.

**Objectives**

- (a) To prioritise trips taken by pedestrians, bicycles and other forms of active transport, followed by public transport, and private vehicles.
- (b) To ensure that new development promotes active and public modes of transport through car share facilities, end of trip facilities, and effective links to public transport.
- (c) To encourage reduced rates of car parking where adequate modes of public or active transport are available.
- (d) To ensure that parking and access do not dominate or adversely impact upon the character of the streetscape, landscape and the development.
- (e) To prioritise and maintain pedestrian amenity and safety.
- (f) To ensure on-street parking supply is protected by minimising impacts of additional vehicular kerb crossings.
- (g) To encourage on site car parking that considers flexibility in the design to allow easy transition to alternate uses in the future.
- (h) To discourage podium or above ground car parking.
- (i) To prevent on street car parking being utilised by occupants with allocated car parking bays.
- (j) To provide convenient and accessible parking that is appropriately designed and located.
- (k) To achieve a high standard of urban design and contribute to the amenity of streetscapes and landscapes.

Transport **B7****7.1 STREETScape****Objective**

- (a) To ensure the provision of off-street parking is subject to considerations of urban design, streetscape and heritage conservation.
- (b) To balance car parking provision and access with urban design and amenity outcomes.

**Controls**

- (a) A Streetscape Analysis is to be submitted in accordance with the *Waverley Development Application Guide*.
- (b) Where off street parking is not characteristic of the streetscape, vehicular access from the street is not permitted.
- (c) Car parking and vehicular access must not dominate the streetscape. Landscaping is to be used to soften the impact of such structures/areas.
- (d) Car parking and driveway design is to preserve mature or significant trees and vegetation on the site and in the surrounding streetscape. A significant tree refers to a tree identified on the Waverley Significant Tree Register, or a tree or vegetation that forms part of a Heritage Item or is within a Heritage Conservation Area.
- (e) Existing natural rock faces and heritage listed sandstone walls must not be removed for the purpose of car parking.
- (f) Entry gates and structures for car parking should be an open design to allow for improved security by way of street surveillance and to reduce any impact on the streetscape.
- (g) Parking structures are to maximise natural light and ventilation.
- (h) Separate and clearly differentiate pedestrian and vehicle access to the site.
- (i) Basement parking areas and structures:
  - (i) In Bondi Junction must not protrude above the level of the adjacent street or public domain;
  - (ii) In other areas, must not protrude more than 1.2m above the level of the adjacent street or public domain.
- (j) Where visible, basement structures and vent grills are to be integrated into the building and landscape design. Ventilation grills are to block views into basement areas and where possible be screened by landscaping in garden beds with a minimum soil plan depth of 1m.

7.2 ON-SITE PARKING

Waverley is divided into two Parking Provision Zones based on proximity to existing public transport services, proximity to services and where the provision of parking is constrained. These zones are summarised in Table 3 and available via Council’s Online Mapping Tool.

Waverley Online Mapping Tool			
<a href="https://planning.waverley.nsw.gov.au/connect/analysthttps://discover.waverley.nsw.gov.au/">https://planning.waverley.nsw.gov.au/connect/analysthttps://discover.waverley.nsw.gov.au/</a>			
Map Configuration	Planning		
Layer	Parking Provision Zone		

Parking Zone	Description	Location	Rate of Provision
1	High accessibility to public transport and services, high density and prone to traffic congestion.	Within 800m of Bondi Junction railway station where multi-residential development is permissible.	Low
2	Good to fair accessibility to public transport and services, mainly low and medium density, with some high density, and varied on-street parking pressures.	Properties outside Zone 1.	Moderate

Table 3 Parking Provision Zones

Objectives

- (a) To ensure on-site parking is usable, safe and integrated into the design of the building.

Controls

- (a) Car park design must be in accordance with relevant Australian Standards.
- (b) Car space dimension, driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standards. ~~Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Car parking spaces are not to unduly exceed typical widths in Australian Standards.~~
- (c) Vertically stacked parking is only permitted where site constraints (such as horizontal dimensions or vertical relief) prevent full provision of conventional parking.
- (d) Stacked parking spaces are to comply with the dimensions for individual spaces and are not acceptable for visitor parking. The templates provided in Australian Standards indicate the paths swept by maneuvering vehicles and must be used by applicants to design access to parking and loading facilities. A minimum clearance of 300mm between the swept path and any building and obstruction is to be maintained.
- (e) Consolidate basement car parking areas under building footprints to maximise the area available for soft landscaping.
- (f) Design parking structures that minimise reliance on artificial lighting and mechanical ventilation.

## Transport B7

- (g) Provide marked pedestrian pathways with clear lines of sight and safe lighting.
- (h) Parking areas must not be located within the front building setbacks for new development.

### 7.2.1 Vehicle Access

#### Objectives

- (a) To prioritise pedestrian movements and the public domain over vehicular access.
- (b) To design vehicle access to required safety and traffic management standards.
- (c) To minimise the impact of vehicle access points and driveway crossovers to retain streetscape continuity and reinforce a high quality public domain.
- (d) To ensure vehicle entry points are integrated into building design and contribute to high quality architecture.
- (e) To integrate vehicle access with site planning and local traffic patterns.
- (f) To minimise potential conflict between vehicles and pedestrians.
- (g) To minimise the size and quantity and visual intrusion of vehicle access points.

#### Controls

- (a) One vehicle access point per development (including any access for service vehicles and parking for non-residential uses within mixed use developments) is permitted.
- (b) Vehicle access is to be from lanes and secondary streets where available, and not from primary street fronts or streets with major pedestrian activity.
- (c) Vehicle access points are to be integrated into the building design.
- (d) Vehicle access is to be designed to minimise the impact on the street, site layout and the building façade design.
- (e) Doors to vehicle access points are to be tilting doors fitted behind the building façade and to be of materials that integrate with the design of the building and contribute to a positive public domain.
- (f) Vehicle entries are to have high quality finishes and detailing. No service ducts or pipes are to be visible from the street.
- (g) Vehicle access may not be required for, or may be denied to some heritage buildings, and developments where this is uncharacteristic of the streetscape.
- (h) New developments are to utilise existing vehicle access points in adjoining developments where possible, and provide shared access where they are being concurrently developed.
- (i) New developments are to provide vehicle access points that are capable of underground shared access at a later date. Internal on-site signal equipment is to be used to allow for safe shared access.
- (j) Vehicle access should be:
  - (i) Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees and adhere to any required clearances.
  - (ii) Located a minimum of 10m from the intersection of the two tangent points of the intersecting kerb faces of any two roads and otherwise not located within any exclusion zone per Australian Standards perpendicular of any intersection of any two roads.
  - (iii) Locate vehicle access a minimum of 3m from pedestrian entrances.
- (k) Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 3.0m ~~2.7m~~ over the footpath, and perpendicular to the kerb alignment. In

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exceptional circumstances, a double lane crossing with a maximum width of 5.4m may be permitted for safety reasons.

- (l) Driveway widths must comply with the relevant Australian Standards.
- (m) Car space dimension, driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standards. ~~Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%).~~
- (n) Vehicle access ramps parallel to the street frontage will not be permitted.
- (o) Vehicular access must not ramp along boundary alignments edging the public domain, streets, lanes parks, water frontages and the like.
- (p) Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.
- ~~(q) Access ways and driveways are to enable vehicles to enter the parking space in a single movement, and to leave the space in a maximum of two turning movements.~~

### 7.2.2 Car Parking Provision Rates

#### Objectives

- (a) To provide car parking rates which reflect the proximity of development to existing public transport, services and the availability of on-street parking.
- (b) To balance the need to meet parking demand on site with the need to contain parking and promote sustainable transport.
- (c) To establish controls for parking that reflect the characteristics of the area in terms of urban form, land use and proximity to public transport.

#### Controls

- (a) Approval for on-site parking will only be granted where the site and locality conditions permit.
- (b) Car parking must be designed to complement the design of the building and streetscape to which it relates and incorporate a range of appropriate materials and design.
- (c) Car parking structures are to be located behind the front building line to reduce visual impact upon the streetscape.
- (d) Driveways and vehicular access should be designed to minimise the loss of on-street parking wherever possible.
- (e) Car park access is to be provided from secondary streets or lanes where possible.
- (f) Adjacent properties are to share driveways and vehicle crossings where possible to minimise service entries and increase safety for pedestrians.
- (g) Where a DA involves a change of use, the parking rate for the new use is to be calculated as the difference between the parking rates required for both the present and proposed uses (under this Part). Council reserves the right to require a parking provision rate based on the total requirement for the use if, in its opinion, the DA involves a re-construction of the building.
- (h) When calculating the provision of parking spaces or loading facilities, the following method is to be applied:
  - (i) The number of spaces for each use on the site is to be calculated separately; and

## Transport B7

- (ii) The total number of facilities or spaces to be provided is to be rounded to the nearest whole number, i.e. 2.15 spaces equals a requirement for 2 spaces and 2.50 spaces equals a requirement for 3 spaces.

Car parking rates developed in line with the most recently published Transport for New South Wales guidelines relating to transport impact assessment, are based on the RMS Guide to Traffic Generating Developments, and are provided in Table 4.

- (i) For developments requiring more than 50 car parking spaces, a maximum of 2% of the required parking spaces may be specified as "small car spaces", with a minimum length of 5 metres. Such spaces are to be indicated on the plans submitted and clearly indicated when completed.
- (j) Council may also require on-site parking provision be reduced or removed for development fronting secondary streets or laneways in Centres to achieve the relevant objectives of *Part E Site Specific Development*. The exact reduction in on-site parking provision will be determined by Council on a case-by-case basis. Developments that have a single frontage to a primary street will not be permitted on-site parking.

**Note:** Gross Floor Area is defined as per the definitions in the WLEP, with 'car parking' and 'access to that car parking' in the WLEP definition referring to the minimum dimensions and access required in order to comply with requirements of AS2890 and the National Construction Code (NCC) – Building Code of Australia (BCA). Car parking spaces above the 'maximum' stated in the below table, and components of parking and access areas greater than the minimum dimensions required to meet the AS2890 and the NCC BCC/BCA will contribute to the Gross Floor Area calculation.

Land Use	Parking Zone 1	Parking Zone 2
<b>Private Vehicle Parking</b>		
<i>Low Density Residential parking space rate per dwelling</i>	≤2 Bedrooms – <i>Maximum 1</i> ≥3 Bedrooms – <i>Maximum 2</i>	≤2 Bedrooms – <i>Maximum 1</i> ≥3 Bedrooms – <i>Maximum 2</i>
<i>Medium density residential (3-19 dwellings) parking space rate per dwelling</i>	<i>Minimum - 0</i>  <i>Maximum</i> Studio 0 1 bedroom 0.4 2 bedroom 0.7 3 bedroom + 1.2	<i>Minimum - 0</i>  <i>Maximum</i> 0 1.0 1.2 1.5
Visitor	<u>3-6 Units – 0 spaces</u> <u>7+ Units – 1 space per 7 units</u> <u>1 space per 7 units</u>	<u>3-4 Units – 0 spaces</u> <u>5+ Units – 1 space per 5 units</u> <u>1 space per 5 units</u>
<i>High density residential (20+ dwellings) parking space rate per dwelling</i>	<i>Minimum - 0</i>  <i>Maximum</i> Studio 0 1 bedroom 0.4 2 bedroom 0.7 3 bedroom + 1.2	<i>Minimum - 0</i>  <i>Maximum</i> 0 0.6 0.9 1.4
Visitor	1 space per 7 units <u>3-6 Units – 0 spaces</u> <u>7+ Units – 1 space per 7 units</u>	1 space per 5 units <u>3-4 Units – 0 Spaces</u> <u>5+ Units – 1 Space per 5 units</u>
<i>Business and office premises</i>	Minimum 0 Maximum 0.66/100m <sup>2</sup> GFA	Minimum 0 Maximum 1.0/100m <sup>2</sup> GFA
<i>Retail premises</i>	Minimum 0	Minimum 0

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	Maximum 2.0/100m <sup>2</sup> GFA	Maximum 3.3/100m <sup>2</sup> GFA
<b>Other Parking</b>		
<i>Motorcycles</i>	1 motorcycle parking bay per 3 car parking bays (including visitor)	
<i>Car Share</i>	<p>A minimum of 1 car share space is to be provided for every 90 residential units.</p> <p>A minimum of 1 car share space be provided for every 50 commercial car parking spaces.</p> <p>1 car share space can be provided in lieu of 4 car spaces.</p>	
<i>Accessible Car Parking Spaces</i>	<p>A minimum of 1 accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.</p> <p>For non-adaptable residential units, if car parking spaces are provided, then a minimum 10% of all car spaces need to be accessible car parking spaces.</p>	

**Table 4** Car Parking Rates

### 7.2.3 Variations to Parking Rates

- (a) Variations to the relevant parking standards will only be accepted where the applicant can demonstrate that the requirement cannot be reasonably achieved (provision of less than the standard); or that exceeding the standard is in the public interest.
- Matters that the Council may consider in assessing variations include, but are not limited to, any of the following as are relevant:
- Particular site design requirements such as setbacks, landscaping, solar access and streetscape controls.
  - Site and building constraints such as the physical and topographical nature of the site.
  - Impacts of any increased building bulk on the streetscape or adjoining land, including overshadowing and loss of views.
  - Compliance with deep soil landscape area requirements (side and rear boundary setbacks).
  - Impacts of excavation, including land form, structural integrity of buildings and structures on adjoining land, and stability of land on the subject site and adjoining sites.
  - Impacts from any increase in hard surface driveways and the building footprint on the availability of water permeable ground spaces.
- (b) Variations to the car parking standards will only be supported where the applicant can demonstrate that the development is unlikely to create significant additional demand for on-street car parking in surrounding streets.
- When a development application seeks to vary the car parking provisions, the following priority is to be adopted:
1. Residential parking
  2. Visitor parking
  3. Commercial Parking (i.e. business, office, retail).

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### 7.2.4 Parking for Low Density Residential Development

#### Controls

- (a) For new dwellings, car parking should not exceed the rates outlined in Table 4.
- (b) Notwithstanding the above, a reduced rate (or no parking) may be required in the following circumstances, where:
  - (i) Parking may have a detrimental impact on the character of the streetscape, heritage item or heritage conservation area, or health of a mature or 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 or equivalent available kerb space, as measured cumulatively along the entire block.
  - ~~(iv)~~(v) The streetscape has limited existing off-street vehicular access and/or consists of a narrow carriageway that does not facilitate efficient vehicular turning movements into off street car parking areas (three ~~two~~ or less movements).
  - ~~(v)~~(vi) There is low on-street parking availability and no net car parking public benefit.
- (c) Where an applicant proposes to provide more than the number of on-site car spaces specified in (a) the additional spaces will contribute to the Gross Floor Area calculation and additional justification must be provided to cover matters such as, but not limited to the impact of:
  - (i) Parking compared to alternatives such as landscaping;
  - (ii) Any increased building bulk on the streetscape;
  - (iii) Any increased building bulk on the amenity of adjoining properties;
  - (iv) The loss of existing on-street parking illustrating existing and proposed off street parking;
  - (v) The level and impact of any excavation; and
  - (vi) Access to public transport.

### 7.2.5 Motorcycle parking

#### Objectives

- (a) To encourage alternative forms of transport.
- (b) To ensure the quantity of motorcycle parking available is enough to meet growing demand.

#### Controls

- (a) Motorcycle parking spaces are to have dimensions of 1.1m x 2.5m.
- (b) Motorcycle parking is to be provided in accordance with Table 4.
- (c) Motorcycle spaces are to be indicated on the plans submitted, and clearly identified for motorcycle use only when the development is completed.

Transport **B7****7.2.6 Bicycle Parking**

This part should be read in conjunction with *AS2890.3.2015 Parking Facilities – Part 3: Bicycle parking* and the *Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management*.

**Objectives**

- (a) To provide safe and convenient end of trip facilities for residents as well as commuters and employees.
- (b) To ensure the quantity of bicycle parking available is sufficient to meet growing demand.
- ~~(c)~~ To promote cycling as a healthy and environmentally friendly way to make commuter, shopping and recreational trips.
- ~~(d)~~ To prioritise the location and design of bicycle parking facilities within as part of parking areas in developments.
- ~~(e)~~ To balance ease of use and convenience with security.
- ~~(e)(f)~~ To promote innovative approaches to providing high-quality and attractive bicycle facilities.

**Controls**

- (a) Parking for bikes is to be provided at the minimum rates outlined in Table 4, except where an apartment in a residential building has a basement storage area on title that is large enough to accommodate a Class 1 bike locker.
- (b) Areas for bicycle parking will not be included as part of gross floor area or gross leasable area (GLA) for the purpose of calculating car parking provision.
- (c) Council reserves the right to require a greater provision of bicycle parking than indicated in Table 5, where in Council's opinion, the particular nature of the development will generate an increased demand for bicycle parking. This is a particular consideration in areas located close to the bicycle network, and areas of higher density.
- ~~(d)~~ Bicycle parking is to be provided in accordance with requirements for layout, design and security as set out in the Australian Standard AS 2890.3-2015- Part 3: Bicycle Parking, and with regards to the appropriate Security Class, ensuring the required parking space envelope is provided for all Security Levels. Security Class B spaces must be shown on architectural plans, and provide:
  - ~~(i)~~ A secure room(s) or structures (s).
  - ~~(ii)~~ Convenient entrance/exit doors, such as sliding doors.
  - ~~(iii)~~ Indicative parking layouts including aisles and parking configurations, and the overall area allocated.
- ~~Bike parking is to be provided in accordance with requirements for layout, design and security as set out in the Australian Standard AS 2890.3-1993 Parking facilities – Bicycle parking facilities, including:~~
  - ~~(i)~~ Security Class 1 bike lockers for occupants of residential buildings;
  - ~~(ii)~~ Security Class 2 bike enclosures for staff/employees of any land use; and
  - ~~(iii)~~ Security Class 3 bike rails/ racks for visitors of any land use.
- ~~(d)(e)~~ Bicycle parking is to be located:
  - (i) Close to street level entry/exit points; and

Transport **B7**

(ii) Subject to security camera surveillance where such security systems exist.

~~(ii)(iii)~~ In visible, easily accessible areas of the building, and at ground level or the first level of any multilevel car parking in its entirety.

~~(e)(f)~~ A safe path of travel from bike parking areas to entry/exit points is to be marked.

~~(f)(g)~~ Access to bike parking areas are to be:

(i) A minimum of 1.8m wide to allow pedestrians and bikes to pass each other (access ways can be shared with vehicles within buildings and at entries to buildings, for larger developments a dedicated ramp may be required);

(ii) Accessible via a ramp;

(iii) Clearly identified by signage; and

(iv) Accessible via appropriate security / intercom systems.

~~(g)(h)~~ Bicycle parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.

~~(h)(i)~~ For retail premises provide ~~minimum 50% of~~ the required bicycle parking at an accessible location near the entry to the retail premises.

~~(i)(j)~~ For non-residential uses, the following additional end-of-trip facilities are to be provided at the following rates:

(i) 1 personal locker for each bike parking space;

(ii) 1 shower/change cubicle for up to 10 bike parking spaces;

(iii) 2 shower/change cubicles for 11 to 20 bike parking spaces are provided;

(iv) 2 additional showers/cubicles for each additional 20 bike parking spaces or part thereof.

~~(k)~~ Locker, change room and shower facilities are to be located close to the bike parking area, entry/exit points, and within an area of security camera surveillance where there are such building security systems.

~~(j)(l)~~ Where innovative parking approaches are proposed, including those for cargo bikes or e-bikes, Council may consider variations to bicycle and/or other parking provisions.

Land Use	Bicycle Parking Rates	
	Long-stay / resident/ employee	Short-stay/ Visitor
Residential Development	<p><i>All residential development</i></p> <p><del>1 space per dwelling</del></p> <p><u>A minimum of 1.25 spaces per 1 bedroom dwelling and an additional 0.25 spaces for each additional bedroom in each dwelling (rounded up to the nearest whole number for residential flat buildings and shop top housing).</u></p> <p><u>A maximum of 30% may be vertical or tiered/stacked spaces or be supplied by Security Level A spaces</u></p>	<p><i>Medium and High Density (3+ dwellings)</i></p> <p><del>1 space per 510 dwellings</del></p> <p><u>(Security Level C)</u></p>
Office	<p><i>Employee</i></p> <p><del>0.545</del> spaces per 100m<sup>2</sup> GFA</p>	<p><i>Visitor</i></p> <p><del>1.25</del> space per 2000m<sup>2</sup> GFA</p>
Retail	<p><i>Employee</i></p>	<p><i>Visitor</i></p>

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	0. <del>24</del> spaces per 100m <sup>2</sup> NFA	0.4 spaces per 100m <sup>2</sup> GFA
Education (primary, secondary, tertiary)	<i>Employee</i> 0. <del>43</del> spaces per staff	<i>Student</i> 0. <del>53</del> spaces per student
Tourist Accommodation	<i>Staff and Long Stay</i> 0.1 spaces per staff / long stay visitor	<i>Visitor</i> 1 space per 10 units
Places of assembly / sports facilities / community centres	<i>Staff</i> 0.1 <del>5</del> spaces per staff	<i>Visitor</i> 0.1 <del>5</del> spaces per seat ( <u>Security Level C</u> )
Food and drink premises	<i>Staff</i> 0.1 <del>5</del> spaces per staff	<i>Visitor</i> 0.1 <del>5</del> spaces per seat ( <u>Security level C</u> )
Healthcare, Childcare, Other	<i>Staff</i> 0.1 <del>5</del> spaces per staff	<i>Visitor</i> 0. <del>105</del> spaces per visitor ( <u>Security Level C</u> )

Table 5 Bicycle parking rates

## Heritage B8

**B8 HERITAGE**

This Part applies to all land identified, and land adjacent to site identified, under Schedule 5 of WLEP where development consent is required.

Applicants are advised to refer to the *Waverley Heritage Policy*.

Where there are inconsistencies between this Part and other Parts of this DCP, this *Part B8 Heritage* will prevail. For development within the Charing Cross and Queens Park Heritage Conservation Areas, also refer to Annexures B8-1 and B8-2.

This DCP is consistent with the Australia International Council on Monuments and Sites (ICOMOS) Charter for Conservation of Places of Cultural Significance (The Burra Charter). In the event of any inconsistencies between the Burra Charter and this DCP, this DCP will prevail.

*State Heritage Listing*

The State Heritage Register maintained by the NSW Department of Planning and Environment Heritage Branch includes items of Local and State Significance. Works to items identified as being of State Significance require a submission to the NSW Heritage office in conjunction with submission of a Development Application to Council.

*Listings with the National Trust of NSW*

Where a building or conservation area is also listed by the National Trust, it is Council's practice to refer applications to the Trust for comment. Council will consider submissions made by the National Trust however; Council is not obliged to follow the Trust's advice.

*National Heritage Register*

Where a place or object is included in the Register of the National Estate, Council is the designated consent authority for all identified buildings.

**General Objectives**

- (a) To provide a framework for heritage and conservation planning in Waverley.
- (b) To provide detailed guidelines to manage change and ensure the preservation of history and heritage in Waverley.
- (c) To ensure that appropriate heritage documentation is provided to inform the assessment of development.
- (d) To ensure that Aboriginal heritage and archaeology are taken into consideration, and respectfully incorporated where appropriate.
- (e) To ensure that development enhances the character and significance of any heritage item, conservation area, artefact or place.
- (f) To ensure development reflects and promotes an understanding and appreciation of heritage significance.
- (g) To promote sustainable development through the retention and repurposing of existing building stock.

Heritage B8

8.19 SOLAR PANELS

For specific guidance on solar panels in heritage conservation areas, refer to the Solar Panels and Heritage Guidelines and part B2 Ecological Sustainable Development of this [DCP](#).

Annexures

Annexure B1-2  
Waste and Recycling Generation Rates

This section provides waste and recycling generation rates for different types of developments. In cases where a mixed-use development is proposed, developments should use each sections generation rates for the residential and commercial components of the building.

Residential Generation Rates

Based on a survey of waste and recycling generation rates used across Sydney and Melbourne Councils in 2018, and NSW EPA Best Practice Resource Recovery in Residential Developments (2019) the minimum waste and recycling generation rates for residential dwellings are as follows:

Waste generation rates apply to all types of residential development unless specifically listed in the tables below (for example boarding houses).

A NSW State Government mandate applies from 1 July 2030 requiring local government to collect organic materials (food and garden waste) from residential premises. Waste generation rates in this section are structured in a way to future proof new development and to facilitate this mandate in relation to current (Non-FOGO) and future (FOGO) waste generation rates.

New development must demonstrate that they can provide for adequate storage waste capacity, based on the specified waste generation rates for current and future services, as outlined below.

Non-FOGO gGeneration rRates				
Dwelling type	General Waste (L/week)	Container Recycling (L/week)	Paper and cardboard Recycling (L/week)	Garden Organics Recycling (L/week)
Single Unit Dwelling (House)	120	60	60	50-60
1 bedroom or studio	80	40	40	10
2+ bedroom unit All units	120	60	60	20 10

FOGO generation rates				
Dwelling type	General Waste (L/week)	Container Recycling (L/week)	Paper and cardboard Recycling (L/week)	Organics (Food and Garden) Recycling (L/week)
Single Unit Dwelling (House)	120	60	60	25-120
1 bedroom or studio	80	40	40	25

## Annexures

2+ bedroom unit All units	120	60	60	25-60
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The following types of land uses ~~properties are~~ considered residential under the *Local Government Act 1993*: Boarding houses/Time shares, Serviced apartments, Retirement village, and Independent living, and as such require a domestic waste service, incurring a Domestic Waste Charge. Co-living housing is also considered residential. Appropriate waste generation rates are provided below for a number of these types of land uses.

Generation Rates				
Dwelling type	General waste L/unit/week	Container Recycling L/unit/week	Paper and cardboard recycling L/unit/week	<u>Organics (Food and Garden) Recycling (L/week)</u>
Boarding House/co-living housing/ Time Share studios with kitchen	60/apartment	30/apartment	30/apartment	<u>20/apartment</u>
Boarding House/co-living housing/ Time Share studios without kitchen	50/apartment	20/apartment	20/apartment	<u>15/apartment</u>
Serviced Apartments	35/apartment	20/apartment	20/apartment	
<del>Retirement Village</del>	<del>60/apartment</del>	<del>30/apartment</del>	<del>30/apartment</del>	
<del>Independent Living</del>	<del>80/apartment</del>	<del>40/apartment</del>	<del>40/apartment</del>	

Use the figures above to quantify the total waste and recycling and food/garden organics generation over a week and recycling generation over a fortnight. This will assist you to calculate the number of bins and hence the storage space required.

### Commercial Generation Rates

Waste generation rates for commercial development are to be calculated using the rates below. Floor space includes patron usage area such as seating (indoor and outdoor). To ensure building flexibility for future uses, Council may require a higher generation rate than the proposed use. Where type of premises is not listed, consideration will be given on a case by case basis.

A NSW Government Mandate applies that businesses must provide for an organics collection service over a phased timeline up until July 2029, depending on the level of waste generation. Commercial businesses must comply with the mandate and new development must be designed in a way to facilitate compliance with the mandate.

## Annexures

Note: The generation rates for food organics were extracted from the City of Melbourne Guidelines published in 2021. Appropriate case study/empirical data may be used in place of generation rates below.

Type of Premises	<del>Garbage</del> <u>General Waste Generation</u>	<u>Food Organics Generation</u>	Recycling Generation
<b>Food Premises</b>			
Restaurants <u>(Including food component of licensed premise).</u>	<del>660</del> <u>528</u> L*/100m <sup>2</sup> floor area/day	<u>132L/100m<sup>2</sup> floor area/day</u>	200 L/100m <sup>2</sup> floor area/day
Supermarkets	<del>660</del> <u>528</u> L*/100m <sup>2</sup> floor area/day	<u>132L/100m<sup>2</sup> floor area/day</u>	240 L/100m <sup>2</sup> floor area/day
Greengrocer/ <u>Wholefoods store</u>	<del>620</del> <u>60</u> L*/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u> N/A	120 L/100m <sup>2</sup> floor area/day
Convenience Store	<del>240</del> <u>300</u> L/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u> N/A	150 L/100m <sup>2</sup> floor area/day
Café	<del>300</del> <u>240</u> L/100m <sup>2</sup> floor area/day	<u>60L/100m<sup>2</sup> floor area/day</u>	200 L/100m <sup>2</sup> floor area/day
Take away/Café (pre-packaged)	<del>150</del> <u>20</u> L/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u>	150 L/100m <sup>2</sup> floor area/day
Butcher	<del>300</del> <u>240</u> L/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u>	50 L/100m <sup>2</sup> floor area/day
Delicatessen	<del>240</del> <u>300</u> L/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u> N/A	50 L/100m <sup>2</sup> floor area/day
Fish shop	<del>240</del> <u>300</u> L*/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u>	50 L/100m <sup>2</sup> floor area/day
Minimum generation when no food business type is specified	150 L/100m <sup>2</sup> floor area/day	<u>30L/100m<sup>2</sup> floor area/day</u>	50 L/100m <sup>2</sup> floor area/day
<b>Non Food Premises</b>			
Education and training	5L/100m <sup>2</sup> floor area/day or 0.5L/student/week		5L/100m <sup>2</sup> floor area/day or 0.5L/student/week
Offices	10L/100m <sup>2</sup> floor area/day		10L/100m <sup>2</sup> floor area/day
Shop (less than 100m <sup>2</sup> floor area)	50L/100m <sup>2</sup> floor area/day		25L/100m <sup>2</sup> floor area/day
Shop (greater than 100m <sup>2</sup> floor area)	50L/100m <sup>2</sup> floor area/day		50L/100m <sup>2</sup> floor area/day
Showroom	40L/100m <sup>2</sup> floor area/day		10L/100m <sup>2</sup> floor area/day
Warehouse	10L/100m <sup>2</sup> floor area/day		10L/100m <sup>2</sup> floor area/day
Childcare	80L/100m <sup>2</sup> floor area/day		80L/100m <sup>2</sup> floor area/day
Gym	10L/100m <sup>2</sup> floor area/day		10L/100m <sup>2</sup> floor area/day 50L (Penrith)

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Hairdresser/Beauty Salon	60L/100m <sup>2</sup> floor area/day		60L/100m <sup>2</sup> floor area/day
<b>Accommodation</b>			
Student housing/Backpacker	40L/occupant/week		40L/occupant/week
Guesthouse	60L/occupant/week		60L/occupant/week
Hotel/Motel/Licensed club	5L/bed/day 50L/100m <sup>2</sup> bar area/day 400L/100m <sup>2</sup> dining area/day		5L/bed/day 50L/100m <sup>2</sup> bar area/day 280L/100m <sup>2</sup> dining area/day
Minimum generation when no non-food business type is specified	10L/100m <sup>2</sup> floor area/day		10L/100m <sup>2</sup> floor area/day

~~\*Decrease by half when organics recycling is implemented and i~~ Increase by 10% if waste oil is generated (from deep frying).

For commercial waste streams that are not outlined above, supporting documentation is required to validate the proposed volumes for the respective waste streams.

The generation rates for food organics were extracted from the City of Melbourne Guidelines published in 2021. Appropriate case study/empirical data may be used in place of generation rates above.

~~The above generation based on Randwick City Council's Waste Management Plan Guidelines, City of Melbourne Council's Guidelines for Waste Generation Rates Management Plans (2015/2021), Penrith City Council's Commercial Waste Generation Rates Guideline, and the NSW EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (2012)~~

~~For commercial waste streams that are not outlined above, supporting documentation is required to validate the proposed volumes for the respective waste streams.~~

#### **Mixed-Use Developments**

~~Waste generation rates for mixed-use developments should use the above generation rates to estimate the combined waste generation from the residential and commercial components of the building.~~

Annexures

Annexure B1-3  
Design Specification for Council Waste Collection Vehicles

**Onsite Waste Facility Design Requirements** For residential or mixed developments proposing on-site collection, the site entry point, vehicle route of travel and manoeuvring envelopes shall comply in general with the requirements of Australian Standard AS 2890.2 Parking Facilities Part 2: Off Street Commercial Vehicle Facilities (AS 2890.2).

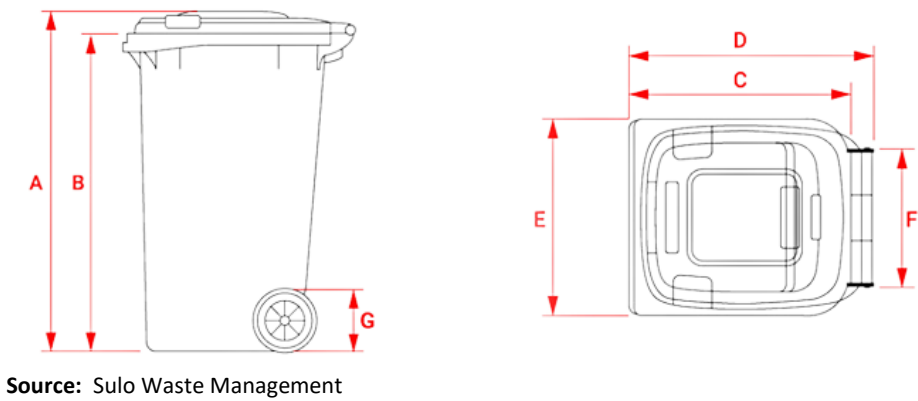
The onsite waste facility shall cater for the following:

Design Vehicle	Requirement
Overall Length (m)	10.5
Operational Length (m)	12.5
Design Width (m)	2.8
Design Height (m)	3.7
Clearance (travel height) (m)	4.5
Weight Fully Loaded (tonnes)	22.5
Capacity (m <sup>3</sup> )	24
Front Chassis Clearance	13°
Rear Chassis Clearance	16°

Annexures

Annexure B1-4  
Council Supplied Bin Dimensions

Bin Type	80L	140L	240L	660L
A (TOTAL HEIGHT)	840mm	915 mm	1060 mm	1220 mm
B (BIN HEIGHT)	795mm	870 mm	990 mm	1090 mm
C (BIN DEPTH)	480mm	550 mm	660 mm	740 mm
D (TOTAL DEPTH)	510mm	615 mm	730 mm	780 mm
E (WIDTH)	450mm	535 mm	585 mm	1210 mm
F (HANDLE WIDTH)	300mm	395 mm	400 mm	980 mm
G (WHEEL DIAMETER)	200mm	200 mm	200 mm	200 mm



Source: Sulo Waste Management

## Annexures

### Annexure B1-5

#### Composting and Worm Farming Guidelines

A composting facility must be provided in all residential use developments. Such facility may comprise either:

- A dedicated area on the site for the accommodation of a sufficient number of commercially available compost bins or worm farms, or
- A purpose designed compost area incorporated in the landscaped (low waste garden) area of the site.

#### Location

Conveniently accessible from all dwellings and reasonably close to the waste storage area. The facility should be located so as not to cause any nuisance to the occupants of the building on this or neighbouring sites.

#### Size

The capacity of compost bins for single dwellings is discretionary and will depend on the circumstances in the individual case. In new dwelling houses, an area of 1000mm x 1000mm should be provided.

In multi-residential buildings, provision should be made for:

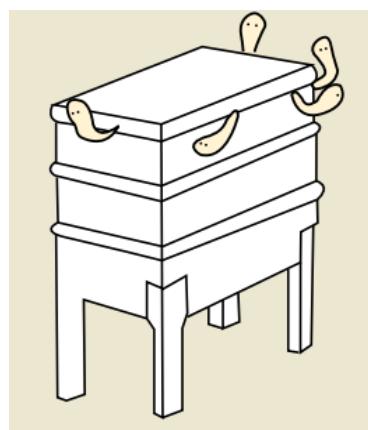
- A dedicated area to accommodate sufficient compost bins having a minimum capacity of 30 litres for each dwelling unit; or
- A purpose designed compost structure having a minimum capacity of 1 cubic metre for every 6 dwelling units or part thereof.

#### Construction

A permanent compost facility may be three-sided, two-compartment structure made of solid timber or masonry, with a cover for weather protection.



Compost Bin



Worm Farm

Examples of composting and worm farming containers and structures

**Note:** More information is available at <http://compostrevolution.com.au/>

Where outdoor space is unavailable, smaller indoor composting systems are encouraged to be utilised within dwellings, and disposed of via Council's organic waste collection service.

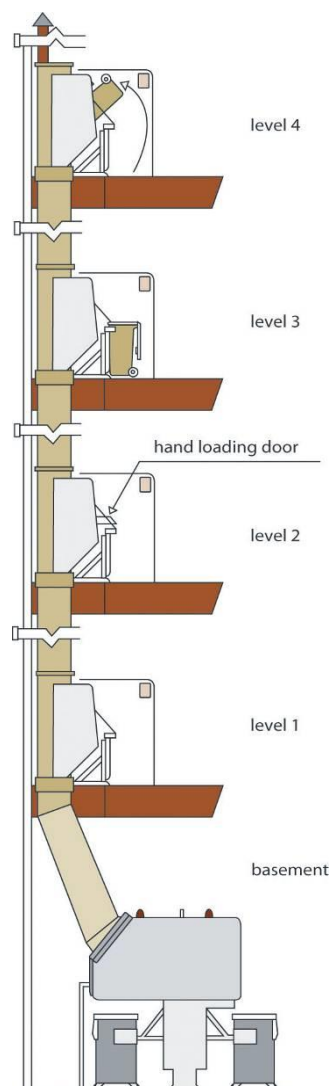
## Annexures

**Annexure B1-6****Garbage Chutes, Compactors and Service Lifts Guidelines****Garbage chute design**

- Garbage chutes must be constructed in accordance with the requirements of the ~~Building Code of Australia (BCA)~~ *National Construction Code*.
- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and should have a diameter of at least 500mm.
- There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of a chute should extend above the roofline of the building.
- The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

**Garbage chute service room design**

- The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute are to be no more than 1m long.
- Each service room must include containers for the storage of recyclable materials. Signage regarding the materials that can be recycled should be displayed near these containers.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.



**Figure 34** Example of a garbage chute system

## Annexures

### Management

- Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings.
- Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices.
- Arrangements must be in place for the regular transferal of recyclable materials (which are stored in service rooms) to the main waste/recycling storage room.

### Service Lifts

- A service lift (or service elevator) may be appropriate in place of a waste chute in developments where a caretaker is to be employed.
- A service lift is a dedicated elevator system for the transport of waste and recycling containers and other equipment required for the operation of the development.
- A waste service compartment must be provided on each floor of the development to allow residents to store waste and recyclables.
- Residents place their waste and recyclables in bins provided and these are transported daily by the caretaker to the waste storage room.
- Each service room must be designed with sufficient space for the storage of two days waste and recycling for all residents on that level.
- Applicants will need to check with Council whether this option is acceptable.

### Compactors

- Compactors are used to compress the waste (or recyclables) into smaller collection containers.
- The compaction ratio is typically set at around 2:1. Higher ratios are not used as they may result in heavier bins, causing OH&S problems, mechanical damage and breakage of recyclable materials.
- Best practice compaction systems compact directly into a 240 litre bin or a skip, reducing the requirement of manually loading the compacted waste into bins or skips.
- Compactors are extremely useful for mixed garbage, if used for recyclables extreme care must be taken not to cross contaminate the recycling streams.
- Compactors are less useful for steel containers and should not be used for glass.
- Compactors require regular maintenance. In particular, systems fed from a chute can be prone to blockages or failure of the “electronic eye”, which can result in garbage overflowing or backing up the chute. As a result if the 2:1 compaction ratio, the requirement for garbage storage bins is halved. This information was sourced from: Resource NSW (The Department of the Environment and Conservation), “Better Practice Guide for Waste Management in Multi-Unit Dwellings”, 2002.

Source: *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC, 2008.

## Annexures

### Annexure B1-7

#### Placing a Waste Storage Container in a Public Place

To place a waste storage container (skip) in a public place, such as on a roadway or footpath, a Building Waste Container Company registered with Council must be used.

For the purposes of this Part, a waste storage container means a bulk container, commonly known as a skip, that is used for the temporary storage and transportation (by a registered vehicle) of waste and recycling materials generated by building demolition and construction activities, as well as general household rubbish. Also for the purposes of this Part, a public place means the whole of a public roadway, including any footway and grass verge, but does not include a public park or reserve which is land used for public recreation and like purposes.

A waste container may be placed in a public place, only where there is no suitable space available on the user's premises. Council permits this to encourage source separation and recycling of waste materials. Council encourages the use of multiple containers or careful scheduling of single container collections to enable separation of re-useable and recyclable materials. Details of the container must be marked on the plans presented to Council when applying for a construction certificate.

#### Approval Requirements

Permission to supply and locate a building waste container / skip is granted subject to compliance with the following conditions:

1. The Company holds a current Council permit to place a waste storage container in a public place;
2. The Company have lodged an appropriate security deposit with Council to cover the costs for repair of any damage caused to public property;
3. Containers will be positioned in conformity with the "Interim Guidelines for the Placement of Building Waste Containers" as prepared by the Roads and Traffic Authority of N.S.W;
4. Containers shall not exceed a width of 2.5m;
5. No containers shall be located in a public reserve without the prior approval of Council;
6. Containers shall not be left on a roadway longer than seven (7) days;
7. Containers shall bear the name and telephone number of the supplier;
8. Suppliers agree that the site where containers are being placed will be left in a clean and tidy condition with all spillage removed from the area;
9. Suppliers are to be responsible for any incidence of damage arising from poor placement of containers or spilt debris; and
10. Suppliers are to agree in writing to indemnify Council against any public liability claim arising from the placement of containers on Council's roadways and such insurance cover to indemnify Waverley Council for a minimum amount of \$10,000,000.

When placing a waste storage container / skip in a public place the following provisions must be complied with:

1. Public safety and convenience must be preserved;
2. The container will not cause any damage to public property;
3. The container is a size appropriate to the location;
4. The container is clearly identifiable;
5. The container is clearly visible to traffic;
6. The container does not restrict or obstruct traffic visibility;
7. The container does not disturb or obstruct the free flow of pedestrian or vehicular traffic; and
8. The container does not disturb normal stormwater flow.

**PART C            RESIDENTIAL DEVELOPMENT**

## Low Density Residential C1

### C1 LOW DENSITY RESIDENTIAL DEVELOPMENT

This Part applies to any type of low density residential development proposing a new building or alterations and additions to an existing building or buildings in the Waverley LGA. For the purposes of *Part C1 Low Density Residential Development* the term lower density residential accommodation includes the following types of development:

- Dwelling house;
- Dual occupancy;
- Semi-detached dwelling;
- Attached dwelling (terrace styled development); and
- Secondary dwelling.

Each type of lower density residential accommodation is defined in the WLEP.

Development is to comply with the provisions of this part, as well as all other relevant parts of the WDCP. Parts C1.1 – C1.12 are general controls, and Parts C1.13 – C1.16 of this Part apply to specific development types, in addition to the general controls.

**Low Density Residential C1****1.1 HEIGHT**

The WLEP outlines the maximum permissible building height of a site. Achieving the maximum building height may not be appropriate in all cases and should not be considered as prescribed or allowable regardless of circumstance. Amenity or streetscape impacts may require a lower height or additional setbacks. Nothing in this part restricts Council's ability to require the height of a building to be less than the maximum height as specified in the LEP.

**Objectives**

- (a) To provide appropriate building heights for flat or pitched roof forms for lower density residential accommodation.
- (b) To ensure the height and scale of development relates to the topography and street character.
- (c) To ensure the height and scale of development does not unreasonably impact on views enjoyed by neighbouring and nearby properties.
- (d) To ensure that the height and scale of development does not result in unreasonable overshadowing of neighbouring and nearby properties.
- (e) To minimise loss of views from, and overshadowing of, public places.
- (f) To ensure development in excavation areas does not add to the overall visual bulk of the dwelling.

**Controls**

- (a) For a building with a pitched roof the maximum wall height is 7m above existing ground level (refer to Figures 4 and 5), except as determined in Control (b) below.
- (b) For a building with a flat roof, the maximum wall height is 7.5m above existing ground level.
- (c) Where it is permissible for buildings to be built to a height greater than 9.5m under WLEP, the wall height will be determined by a merit assessment of the design of the building and its relationship to adjoining dwellings.
- (d) Buildings on steep sites are to be stepped down to avoid high columns, elevated platforms and large undercroft areas.
- (e) The maximum building height (LEP) is calculated from beneath the basement floor for sites with an existing basement. This is typically 200mm beneath the finished floor level when there is a concrete slab, or 300mm beneath the finished floor level for timber floored properties (such as terraces). The maximum external wall height only includes the portion of wall above ground.

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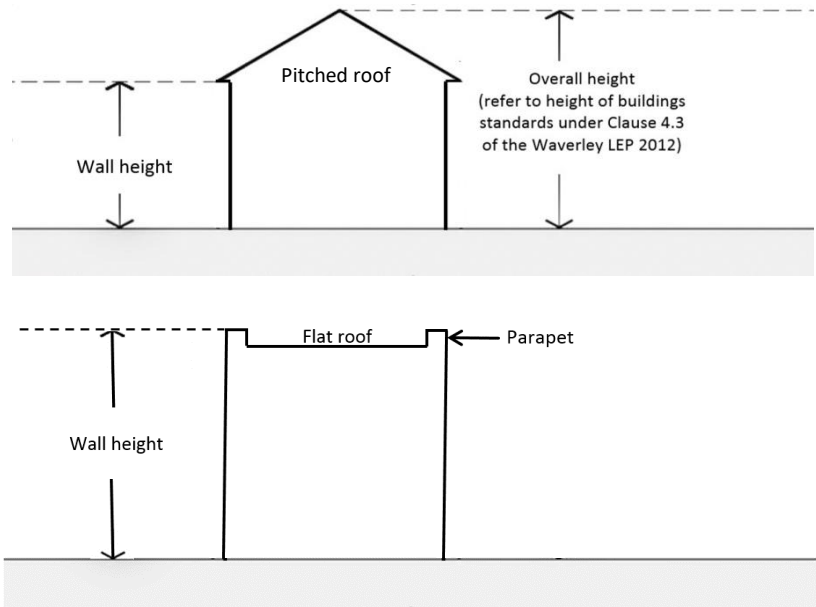


Figure 4 How to measure wall height for dwellings with pitched and flat roofs

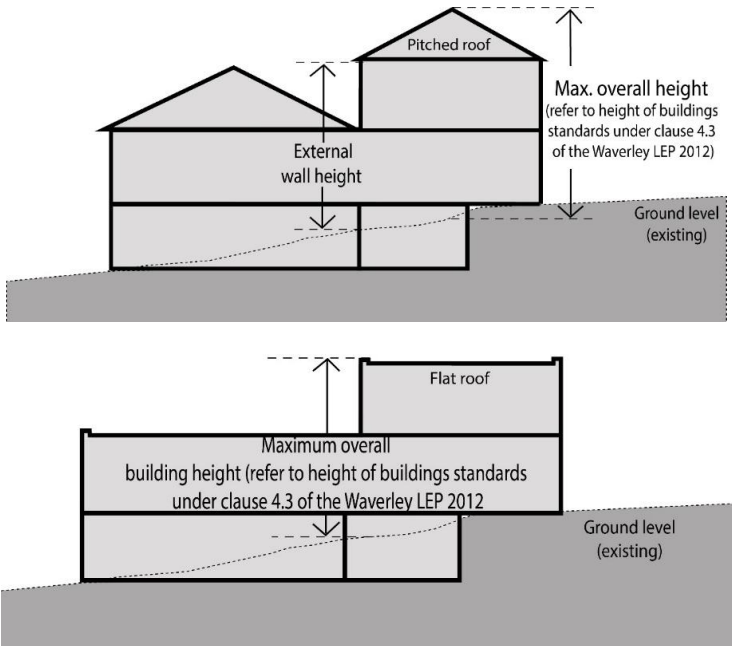


Figure 5 How to calculate height on sloping land

**Note:** The maximum building height (LEP) is calculated from the basement floor for sites with an existing basement. The maximum external wall height only includes the portion of wall above ground.

## Low Density Residential C1

### 1.2 SETBACKS

#### Objectives

- (a) To ensure that the bulk and appearance of the proposed development is appropriate to the streetscape.
- (b) To set a rhythm and character to residential streets.
- (c) To ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.
- (d) To ensure that the amenity of rear yards, their function as private open space, and their visual and landscape contribution to the surrounding area is protected and enhanced.
- (e) To accommodate flexibility in the siting of buildings, where appropriate.
- (f) To ensure the front and rear setbacks of buildings are consistent with surrounding buildings and do not visually detract from the streetscape.
- (g) To ensure significant views and view corridors available from the public domain and existing properties are considered as part of the local context of any development. Refer to *Part C1.10 Views*.
- (h) To ensure buildings on corner lots are consistent with the predominant building lines of adjoining sites.

#### Controls

##### 1.2.1 Front and rear building lines

- (a) New buildings and extensions to existing buildings are to extend no further than the front and rear predominant building lines (refer to Figures 6 and 7). The predominant building line can be considered to be the three adjacent neighbours on either side.
- (b) The predominant rear building line is determined separately for each floor level. Notwithstanding (a) above, development at first floor level and above shall be set back from the rear building line of the ground floor level in order to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties (refer to Figure 6).
- (c) The siting of dwellings on corner lots should take reference from the setbacks of dwellings on adjacent sites.
- (d) Where it is proposed to build beyond the predominant front and/or rear building line at any level, or where there is no predominant front and/or rear building line, or where it is not possible to setback from the rear building line at first floor level, then greater consideration must be given to the following;
  - (i) Compliance with applicable development standards, including Floor Space Ratio and Building Height;
  - (ii) Compliance with the landscaped and open space controls;
  - (iii) Compliance with side setback controls;
  - (iv) Emergence of a new front and/or rear building alignment beyond the dwellings either side of the subject site (note that any reliance on an emerging front and/or rear building alignment as a precedent can only be justified where the emerging alignment is itself based on compliant development with respect to building height, FSR and side setback controls);
  - (v) Location and retention of existing significant vegetation;

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- (vi) Visual aspect of the bulk and scale as viewed from the private open space and living areas of adjoining properties;
- (vii) Acceptability of amenity impacts on adjacent properties with regard to solar access, and visual and acoustic privacy;
- (viii) Views available from the subject site and adjoining properties including an assessment against the Land and Environment Court Views Planning Principle in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 at 25-29;
- (ix) In areas of heritage significance, the importance of preserving the front portion of the building by providing an additional setback from the front building line.

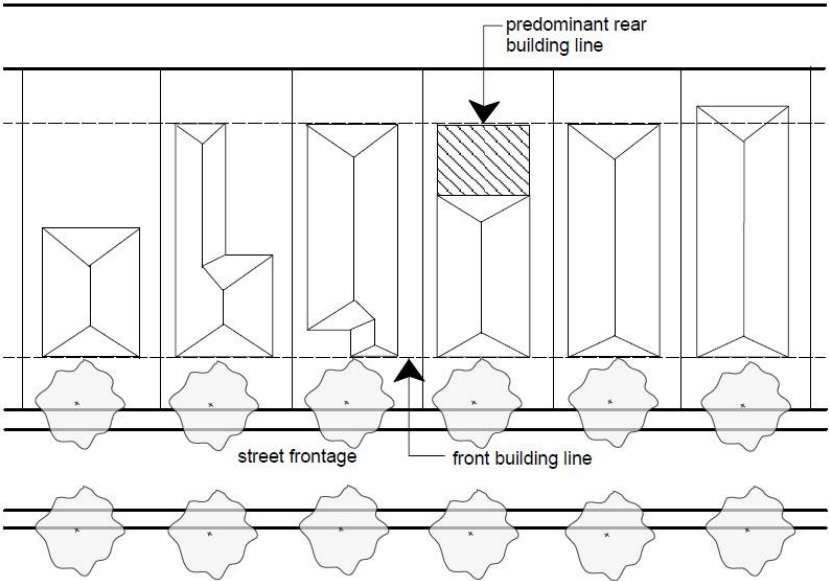


Figure 6 Example of front and rear predominant building lines on regular shaped lots

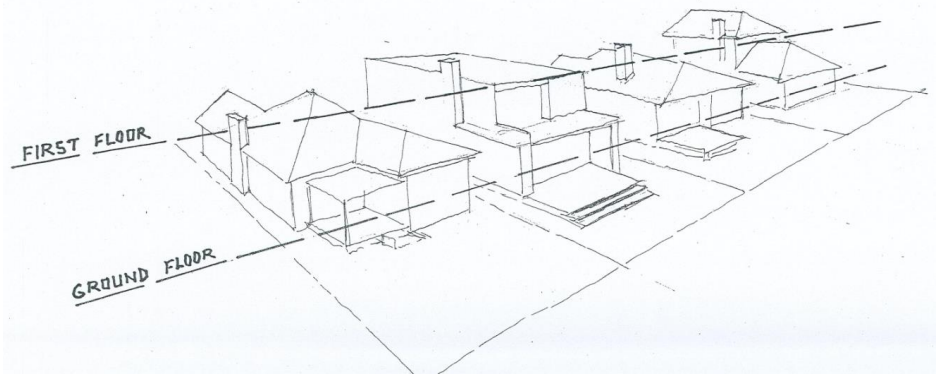


Figure 7 Example of ground and first floor level predominant rear building lines

1.2.2 Side Setbacks

Controls

- (a) Comply with the minimum setbacks as follows:

Location of proposed works	Side setback (min.)
Ground Floor	0.9m
First Floor	0.9m

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Second Floor	1.5m
Third Floor	On merit

Table 1 Minimum side setbacks

**Note:**

- (b) The side setbacks may be reduced if the proposed dwelling or alteration adjoins another dwelling without a setback along the shared boundary. This applies only to that section of the boundary which the neighbouring dwelling is built.
- (c) The 'ground floor' is considered the lowest floor on site when considering which side setback floor to apply. Where a site slopes, the ground floor should be taken from the lowest floor on the site from each end of the site.
- (d) Greater side setbacks may be required to achieve compliance with Parts C1.3, C1.5, C1.6, C1.7 and C1.9 of this DCP.
- (e) Side setbacks for components of existing buildings being retained do not need to be changed to comply with Table 1, however, new works proposed to an existing building do need to be changed to comply.
- (f) Where a brand new three storey structure is proposed, all floors must be setback by 1.5m.

**Low Density Residential C1****1.3 STREETScape AND VISUAL IMPACT****Objectives**

- (a) To enhance the built form by encouraging quality design that corresponds harmoniously with the surroundings.
- (b) To encourage and facilitate lower density residential accommodation of a high architectural and aesthetic standard, that acknowledges and responds to the architectural style, scale, materials and character of the existing built environment.
- (c) To ensure development provides a clear distinction between private and public space and encourages casual surveillance of the street.
- (d) To ensure views to and from a public place including parks, reserves, beach or the ocean are preserved.

**Controls**

- (a) New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area.
- (b) When replacing existing windows, the style is to complement the style and proportions of the existing dwelling when viewed from the street.
- (c) Contemporary alterations and additions should include windows characteristic of the style of the addition.
- (d) Development must not dominate or erode the character of the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean.
- (e) New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained.
- (f) Existing verandahs and balconies fronting the street are not to be enclosed.
- (g) Porticos above a fence or entrance way are to minimise bulk and are only appropriate where it can be demonstrated that they are consistent with the existing street character.

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### 1.8 CAR PARKING

#### Objectives

- (a) To provide convenient and accessible parking that is appropriately designed and located.
- (b) To achieve a high standard of urban design and retain the visual quality of lower density residential accommodation, streetscapes and landscapes.
- (c) To protect the amenity and safety of pedestrians.
- (d) To ensure that car parking accommodation does not dominate or adversely impact on the existing built or landscape character of the street.
- (e) To encourage the use of alternative modes of transport in areas well serviced by public transport.
- (f) To ensure on-street parking supply is protected by minimising impacts of additional vehicular kerb crossings.

#### Controls

#### 1.8.1 Design Approach

- (a) Approval for on-site parking will only be granted where the site and locality conditions permit.
- (b) Car parking must be designed to complement the design of the building and streetscape to which it relates and incorporate a range of appropriate materials and design.
- (c) Car parking structures are to be located behind the front building line to reduce visual impact upon the streetscape.
- (d) Driveways and vehicular access should be designed to minimise the loss of on-street parking wherever possible.
- (e) Access to car parking and car parking structures are to be provided from secondary streets or lanes where possible.

#### 1.8.2 Parking Rates

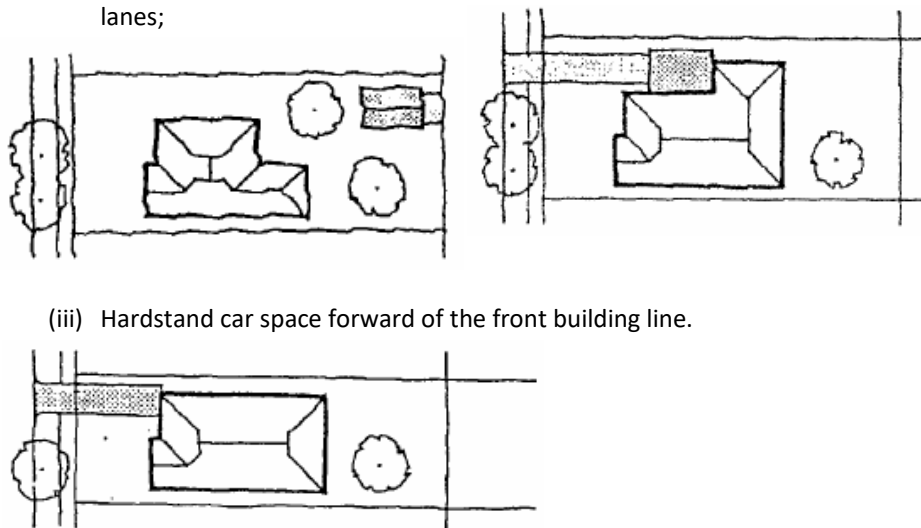
- (a) Development is to comply with the provisions of Table 4 in *Part B7 Transport*.
- (b) Notwithstanding the above, a reduced rate (or no parking) may be required in the following circumstances, where:
  - (i) Parking may have a detrimental impact on the character of the streetscape, heritage item 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 or equivalent available kerb space, as measured cumulatively along the entire block.

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- (v) The streetscape has limited existing off-street vehicular access and/or consists of a narrow carriageway that does not facilitate efficient vehicular turning movements into off street car parking areas (two three or less movements).
- (vi) There is low on-street parking availability and no net car parking public benefit.
- (c) Where an applicant proposes to provide more than the number of on-site car spaces specified in (a), additional justification must be provided to cover matters such as, but not limited to the impact of:
  - (i) The visual impact of parking accommodation compared to alternatives such as landscaping;
  - (ii) Any increased building bulk on the streetscape;
  - (iii) Any increased building bulk on the amenity of adjoining properties;
  - (iv) The loss of existing on-street parking illustrating existing and proposed off street parking;
  - (v) The level and impact of any excavation; and
  - (vi) Access to public transport.

### 1.8.3 Location

- (a) For new dwellings all on-site car parking is to be located behind the front building line.
- (b) For existing development, car spaces should be sited having regard to the following hierarchy (refer to Figure 11):
  - (i) Hardstand, carport or garage located at the rear of the site with access from secondary streets or lanes;
  - (ii) Hardstand, carport or garage located at the side of the dwelling behind the building alignment; or



**Figure 11** Hierarchy of preferred car parking locations

- (c) Garages on rear lanes must not create conflict with parking in the lane and result in the loss of laneway parking for any property other than the subject site.

## Low Density Residential C1

- (d) A hardstand (in the form of wheel strips) or carport forward of the building line may be permitted where:
  - (i) There is no rear access;
  - (ii) The site is of sufficient width where the car space will not dominate the existing building (i.e. does not exceed 45% of the width of the site frontage);
  - (iii) It is no greater than a single car space;
  - (iv) The distance between the building and the front property boundary is a minimum of 5.4m so as to provide sufficient space for a standard car;
  - (v) Public views would not be adversely affected;
  - (vi) There is a predominance of this form of off street car parking in the immediate vicinity of the site;
  - (vii) It is designed so that it does not detract from the heritage significance of the building or area;
  - (viii) There is limited availability to public transport;
  - (ix) The safety of vehicles, pedestrians and cyclists is maintained; and
  - (x) There is adequate bin storage space other than on the hardstand.
- (e) Where an allotment is subdivided to create a "battleaxe" shaped allotment, the access "handle" is to have a minimum width of 3.5m.
- (f) On-site car parking (other than from rear lanes) is not acceptable in heritage conservation areas where it will:
  - (i) Break a consistent building line;
  - (ii) Introduce uncharacteristic elements within an established streetscape; and/or
  - (iii) Adversely impact on the integrity of the listed or contributory building or setting.

### 1.8.4 Design

- (a) All car parking should be designed to complement the style, massing and detail of the dwelling to which it relates.
- (b) Car parking is to be sympathetically integrated into the design of residences and to be secondary in area and appearance to the primary residence and related site.
- (c) No element of the street façade/frontage of a building, including verandahs and window awnings are to be removed or demolished in order to accommodate car parking.
- (d) Car parking is to preserve the natural features of the site and incorporate substantial screen planting to both the surrounds and any structure facing the street.
- (e) Exposed natural rock faces and heritage listed sandstone walls must not be removed for any car parking.
- (f) Vehicle access is not to remove existing street planting without consent. Any street tree approved for removal is to be replaced with two like mature species or Council- approved alternate species, where practicable in front of the subject site. If only one replacement tree is practicable in front of the subject site, the second replacement tree is to be planted preferably in another Council determined location in the street, or on the site itself.
- (g) Where parking is provided for dual occupancies parking is to utilise shared access ways. Parking to dual occupancies is to be located behind the front

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- building line and to utilise open spaces between residences preferably screened from the street.
- (h) Where existing retaining walls form part of the streetscape any new garage is to have single vehicle width entries. Entry set within stone faced exterior walls of matching stone work to that in the streetscape. Stone facing to new garages is to incorporate whole stone return corners and not mitred or butt jointed veneer.
  - (i) Where gates are proposed they should have an open design to allow for improved security by way of street surveillance and are not to open over the footpath, public nature strip or pedestrian path to the front door.
  - (j) All parking accommodation is to be constructed or installed so that any roof or surface water is disposed of into the existing stormwater drainage system.
  - (k) The surface and slope of driveways must be designed to facilitate stormwater infiltration on site such as the use of wheel strips or alternatively porous materials.

### 1.8.5 Dimensions

- (a) Hardstand spaces, carports and garages should have minimum dimensions of 5.4m x 2.4m per vehicle.
- (b) All car spaces are to accommodate the vehicle within the site without the vehicle or vehicle appendages overhanging the public domain.
- (c) Internal sliding or hinged gates are to be provided to hardstands/carports to ensure enclosure of the vehicle within the site.

### 1.8.6 Driveways

- (a) Where possible driveways to off-street car parking should be located so they may provide vehicle access to adjacent properties.
- (b) Provide a maximum of 1 vehicle crossing per property. Properties with more than 1 dwelling, are required to share a vehicle crossing to reduce the impact to street parking and allow more space for street trees.
- (c) Driveways are to be 3.0m wide at the gutter (excluding ~~any the~~ splay) and may splay to the property boundary on a case-by-case basis ~~as required~~.
- (d) Vehicle crossings will not be permitted where one off street parking space will result in the loss of two or more on street parking spaces.
- (e) A street analysis is required illustrating the number of on-street spaces provided before and after the proposed vehicle crossing.

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### 1.13 SEMI-DETACHED DWELLINGS & TERRACE STYLE DEVELOPMENT

Semi-detached dwellings form a significant percentage of Waverley's existing housing stock and are being increased in numbers in the form of dual occupancies. Examples of semi-detached dwellings dating from the 1850's to the present are characterised by the principle of providing cohesive residences having the appearance of a more substantial single dwelling.

This section of the DCP predominantly relates to alterations and additions for semi-detached dwellings & terrace style development. New builds (such as knockdown rebuild) should refer to controls outlined in previous sections of this chapter.

#### Objectives

- (a) To ensure alterations and additions visually read as a cohesive part of the existing dwelling from the streetscape.
- (b) Materials and detailing of design elements such as roof features are to be of a high quality and reference existing architectural style and features.
- (c) To maintain the original style, form and detail of development to provide cohesion between semi-detached or attached buildings.
- (d) To maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values.
- (e) To retain the ability of the adjoining residence to undertake comparable cohesive additions.
- (f) To ensure that additions present as an extension of the historic form of the existing building envelope.
- (g) To ensure that the design of first floor additions provides for cohesion, both at the interface of dwellings resulting from additions to one dwelling and the overall form resulting from additions to both adjoining semi-detached dwellings.
- (h) To ensure that development affecting common or shared walls upholds the integrity and quality of the walls on all properties affected.

#### Controls

##### 1.13.1 Built Form

- (a) To protect the street frontage of the pair of semi-detached dwellings, demolition of one semi-detached dwelling of a semi-detached dwelling pair is not supported.
- (b) Where demolition of the building is required due to structural inadequacy or the like, the replacement building is to be a semi-detached dwelling and complement the character of its pair.
- (c) To protect the street frontage of the pair of semi-detached dwellings, the demolition of one existing semi-detached dwelling must not be carried out for the front 6m of the dwelling, or forward of the roof ridge line (whichever is greater).
- (d) The style of the built form must be identified and maintained across the pair or group of buildings.
- (e) The existing original style of the subject semi-detached dwelling is to form the basis of additions visible from the street.
- (f) The use of an attic room in the existing roof void of a semi-detached dwelling is permitted provided:
  - (i) Design controls for dormers are met;

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- (ii) No external balconies are proposed for the attic room;
- (iii) The attic room maintains the existing roof form as the dominant aspect of the street frontage;
- (iv) New works do not exceed the existing ridge height; and
- (v) New works remain cohesive with the existing roof form, pitch and finish.
- (g) Alterations to front verandahs are to be minimal and to maintain the existing verandah form, detail and finish and the relationship of the verandah to the front verandah of the adjoining semi-detached dwelling.

### 1.13.2 First Floor Additions to Semi-detached Dwellings

- (a) First floor additions are to be complementary to the overall building size and style.
- (b) Any first floor addition is to be set back 6m or behind the roof ridge line (whichever is greater) from the principal street frontage in order to maintain a substantial portion of the existing front roof slope and any front verandah.
- (c) Where an existing roof incorporates a main gable oriented to the street, frontage additions are to be located a minimum of 1000mm behind the main gable front.
- (d) Where an existing roof has a principal transverse ridgeline, the bulk of the additions are to be located behind the ridgeline with the exception of secondary dormers or gables set into the front roof slope.
- (e) Where first floor additions extend forward of the existing ridgeline or apex of a hipped roof:
  - (i) The width of additions is limited to no more than 50% of the existing roof of the subject dwelling; and
  - (ii) Architectural elements of semi-detached dwellings are to be retained; and
  - (iii) The extent of the existing roof form is to be contiguous with the attached dwelling.
- (f) The bulk of any first floor addition is to be located to the rear areas of the dwelling.
- (g) Flat roof forms should only be employed where not seen from the street or surrounding an important viewing position in Heritage Conservation Areas.
- (h) Uncharacteristic roof forms and details are not considered appropriate if these impact on the streetscape character of adjoining or nearby semi-detached dwellings.
- (i) Roof forms which contribute excessively to the visual bulk of the building such as high skillion roof forms will not be permitted.
- (j) First floor additions are to limit the rise of walls at the interface with the adjoining semi-detached dwelling to a height of 600mm.
- (k) Any raised party wall is to be set behind the principle ridge line and / or mitigated by detailed design.
- (l) Contemporary roof forms to the rear of traditional semi-detached dwellings may be acceptable if the visual impact to the street and the adjoining dwelling is minimised.
- ~~(m) Where first floor additions exist to the adjoining semi-detached dwelling, the original style and form of the semi-detached dwelling is to form the basis of first floor additions.~~
- ~~(m) Where first floor additions exist to the adjoining semi-detached dwelling, the style and form of the adjoining first floor addition is to form the basis of any new first floor additions~~
- (n) Where symmetry or asymmetry is the dominant aspect of the original semi-detached dwelling pair, this is to be acknowledged in first floor additions.

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### 1.13.3 Material Finishes and Detail for Semi-detached Dwellings

- (a) Additions are to be cohesively integrated with the finishes and detail of the existing building.
- (b) The style, pitch, profile and colour of roofs to proposed additions are to match and complement the existing roof form of the dwelling.
- (c) Historic features of the existing roofscape are to be identified and where appropriate be incorporated into the proposed addition.
- (d) Dormer roof forms are to be used in a manner characteristic of the original style of the subject dwelling.
- (e) New roofing is to match the original roofing in material colour and profile. Where roofs of adjoining semi-detached dwellings are currently different to each other, new additions are to match the roofing of the adjacent semi-detached dwelling.
- (f) Windows to first and ground floor additions are to be in scale and proportionate to the original windows in the semi-detached dwelling.
- (g) Upper wall finishes are to reflect the style and character of the original building finishes.

### 1.13.4 Side setback and courtyard design controls for terraces

- (a) The common (or party) wall between a pair of terraces can be built with no side setback along the common boundary where it abuts an existing wall to the neighbouring property or where it can be reasonably expected that a wall to the neighbouring property would be constructed in the future.
- (b) The outer side wall of the building (i.e. the wall that is not a shared wall or party wall), should be set back a minimum of 900mm from the outer side boundary (refer to Figure 12).
- (c) Part of the outer side wall may be built to the outer side boundary to create an internal courtyard. The wall on this boundary should generally be a maximum of 2.1m in height. Refer to Figure 12.
- (d) Internal courtyards must have a minimum 1.5m dimension depth and should be the same width as the outrigger projection (Figure 12).
- (e) No openings are permitted for walls built to the side boundary.  
The extension should not encroach beyond the predominant rear building line (refer to Figure 12).

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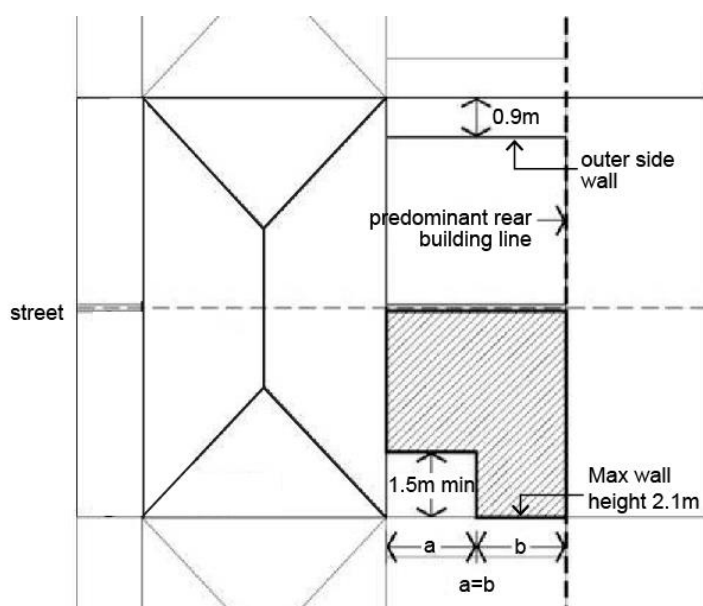


Figure 12 Example of rear extension to terrace.

### 1.13.5 Streetscape and visual impact controls for terraces

- (a) Where there is a mix of 1 and 2 storey terrace style dwellings within a terrace group, additions to one of the single storey terrace style dwellings may be acceptable if the new storey reflects the character and detail of the ground floor facade.
- (b) Extensions to the rear of an existing single storey terrace dwelling are to be no higher than the existing ridge.
- (c) In the case of attic conversions, the main roof envelope of the existing dwelling should remain intact and any dormers should be proportional in size and scale with the existing roof.
- (d) For further guidance, refer to *Part C1.3 Streetscape and Visual Impact*.

### 1.13.6 Common or shared party walls

- a) Subject to appropriateness on heritage grounds, where a previously interior party wall with no cavity becomes exterior then an appropriate second skin, and damp-proof course and waterproofing treatment will be required at the expense of the applicant.
- b) Where new common walls are constructed, they should be constructed as cavity walls with a damp-proof course.

## 1.14 DUAL FRONTAGE DEVELOPMENT

For the purposes of this section, the following definitions apply:

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### *Dual frontage development*

Where a lot has two frontages the development is dual frontage development.

### *Laneway development*

Laneway development is a type of dual frontage development, and comprises a lot that has one primary frontage, and a secondary frontage to a lane where the predominant use of that lane is vehicle access and waste collection.

### Objectives

- (a) To ensure dual frontage development addresses the character of both frontages appropriately.
- (b) To maintain and improve the key function of a lane being the provision of access to and from a site.
- (c) To ensure bulk, scale and form of dual frontage development does not have a detrimental impact on the established character of Heritage Conservation Areas.
- (d) To activate rear laneways:
  - (i) Through improved passive surveillance;
  - (ii) Through improved quality of construction and design; and
  - (iii) By establishing opportunities for improved landscaping.
- (e) To maintain and enhance aesthetic qualities of Conservation Areas.
- (f) To maintain the amenity of all existing residences, ~~within the Conservation Area.~~

### Controls

#### 1.14.1 General Controls

- (a) In the case of a single occupancy on a dual frontage lot, the development is to nominate the primary and secondary frontage. Where the secondary frontage is to an otherwise primary road, consideration is to be given to the design and proposed uses of the development to maintain and improve amenity for the surrounding properties.
- (b) The proposed use of development on a dual frontage or laneway development is to be specified. Any proposal for the development to be used as a separate occupancy must comply with the relevant provisions for this type of use.
- (c) Detached dual occupancy development and detached secondary dwelling development is to locate built forms appropriately to each frontage.
- (d) Ancillary structures including garages are to contribute to the predominant streetscape of the surrounding area.
- (e) Orientation of ridgelines is to consider and minimise impact upon neighbours' amenity.
- (f) Dormer or other roof projections are to be set a minimum of 600mm from outer garage walls and to be set a minimum of 300mm below the garage ridgeline (refer to Figure 14).
- (g) Dormers or other roof projections are to have a maximum combined width not exceeding 50% of the associated roof width.
- (h) Dormers or other roof projections and openings to gable ends are to be detailed to minimise overlooking of neighbours properties.
- (i) To maintain neighbours privacy and amenity, windows and glazed doors to above garage accommodation and storage areas are to incorporate privacy screening,

## Low Density Residential C1

- translucent glazing, offset windows or other discrete detailing, cohesive to the design of the building and setting.
- (j) Single width garage doors should incorporate an adjacent pass door for pedestrian usage.
  - (k) Pass doors should incorporate off street enclosure for waste bin storage.
  - (l) Garage studios and rear lane garage developments are to incorporate landscape planting. Landscaping is to include but not be limited to:
    - (i) Inset pockets for tree, shrub or vine planting;
    - (ii) Overhanging planters;
    - (iii) Setback planters; and
    - (iv) Green walls utilising mesh supported climbers or vertical emphasised tree or shrub species.

### 1.14.2 Laneway design provisions

- (a) The external wall height of laneway development shall not exceed 3.6m and maximum height to the roof ridge shall not exceed 6m (refer to Figure 13).
- (b) Gabled roof ends facing side boundaries are only appropriate where the impact on neighbours is considered acceptable in terms of solar access, bulk and scale, and visual and acoustic privacy impacts.
- (c) Laneway development is to be designed with simple built forms, built at or very close to the lane alignment and is not to be seen from the primary street frontage (refer to Figures 14 and 15).
- (d) Laneway development design should incorporate a pitched roof. Skillion roofs located behind parapets may be acceptable in some instances where the prevailing laneway development is consistent with such an approach and where it will result in fewer impacts to the amenity of adjacent properties.
- (e) Development along lanes is to maintain the prevalence of mature, regularly spaced street trees and bushes, as well as mature and visually significant trees on private land. Laneway development should not occur if it will result in a significant alteration to the landscape character of the laneway.
- (f) External stairs are not acceptable in order to protect the visual and acoustic privacy of adjoining properties and to maintain an appropriate aesthetic quality of the development.
- (g) Rear lane garages are to employ gable ended and hipped roof forms with continuous roof pitch from outer walls to ridgeline.

### 1.14.3 Development in Heritage Conservation Areas

#### Garage Articulation

- (a) Garage doors are to be limited to single vehicle widths, with central divide to double vehicle garages (refer to Figure 14).
- (b) Roof forms are to reflect those of the Conservation Area in pitch and modulation.
- (c) Garage/studio finishes are to reflect the finishes and proportions of traditional construction in the Conservation Area.
- (d) Proportions of openings to studios are to maintain the proportions and voids to solid ratios of traditional construction in the Conservation Area.
- (e) Windows to above garage studios are to be designed to minimise overlooking of surrounding properties both adjacent to the site and on opposing sides of

## Low Density Residential C1

laneways. Outlook is to be directed into the associated property or into the rear lane.

- (f) Treatment of windows and glazed openings to studios is to incorporate privacy screening to or from neighbouring sites including but not limited to obscure glazing, window hoods, awnings and recessed window planes.
- (g) Garage studio structures are to be visibly separate from the associated residence. Yard areas and private open space areas are not to be roofed.
- (h) The massing and roof line of garage/studio structures are to align with garage/studios on neighbouring sites. Box gutters on side boundaries are to be avoided. Solar collection panels are to be located to inner roof slopes facing the associated residence or to roof slopes facing side boundaries.



**Figure 13** Maximum overall and external wall height for laneway development



**Figure 14** Example of acceptable designs for laneway development

Low Density Residential C1



Figure 15 Laneway development should not be visible from the primary street frontage

Other Residential Development **C2****C2 OTHER RESIDENTIAL DEVELOPMENT**

Development is to comply with the provisions of this part, as well as other relevant parts of this DCP. Where there are inconsistencies, the provisions of this Part shall prevail to the extent of the inconsistency. This Part applies to the residential components of:

- Boarding Houses;
- Co-living housing;
- Group homes;
- Hostels;
- Manor Houses;
- Multi dwelling housing;
- Multi dwelling housing (terraces);
- Residential flat buildings;
- Seniors housing;
- Serviced apartments;
- Shop top housing; and
- Student accommodation.

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP).*

For the purposes of 'Low Rise Medium Density' development as permitted through Part 3B of the Code SEPP, this Part is to be considered in the design and assessment of manor houses and multi dwelling housing (terraces). Refer to the Code SEPP for the land use definitions of manor houses and multi dwelling housing (terraces).

*State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design of residential apartment development (Housing SEPP)*

Development that is subject to Chapter 4 of the Housing SEPP is required to address the provisions of the Apartment Design Guide (ADG), in addition to this part of the DCP. As per Clause 149 of the Housing SEPP, if a DCP contains provisions that specify requirements, standards, or controls in relation to the following, those provisions are of no effect:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

Where this is the case, a notation has been placed next to the relevant section of this Part. Given the nature of the existing and desired future character of Waverley, in many cases where the above provisions of the ADG cannot be achieved, the provisions of the relevant Part of this DCP are intended to provide additional guidance in achieving the relevant objectives.

Other Residential Development C2

2.2 HEIGHT

Objectives

- (a) To ensure future development responds to the desired scale and character of the street and local area.
- (b) To minimise the impact of attics and basement car parks on the overall building height.
- (c) To provide good residential amenity for dwellings.

Controls

- (a) The maximum building height is as set by Clause 4.3 of the WLEP and the Height of Buildings Map.
- (b) Development must comply with the maximum external wall height (refer to Figures 16 - 18), as set in Table 2 below:

Zoning	WLEP Height	Max external wall height
R3	9.5m	7m
R3	12.5m	9.5m
R4	20m	17m
R4	28m	25m

Table 2 Height requirements

- (c) Council may consider a varied wall height where the following matters are addressed:
  - (i) Compliance with Floor Space Ratio development standard;
  - (ii) Compliance with Height development standard;
  - (iii) Compliance with side setback controls;
  - (iv) Visual aspect of the bulk and scale, as viewed from the private open space and living areas of adjoining properties;
  - (v) Amenity of adjacent properties with regard to sunlight, visual and acoustic privacy and views; and
  - (vi) A high design quality is achieved.

~~(f)(d) The maximum building height (LEP) is calculated from beneath the basement floor for sites with an existing basement. This is typically 200mm beneath the finished floor level when there is a concrete slab, or 300mm beneath the finished floor level for timber floored properties (such as terraces). The maximum external wall height only includes the portion of wall above ground.~~

Other Residential Development C2

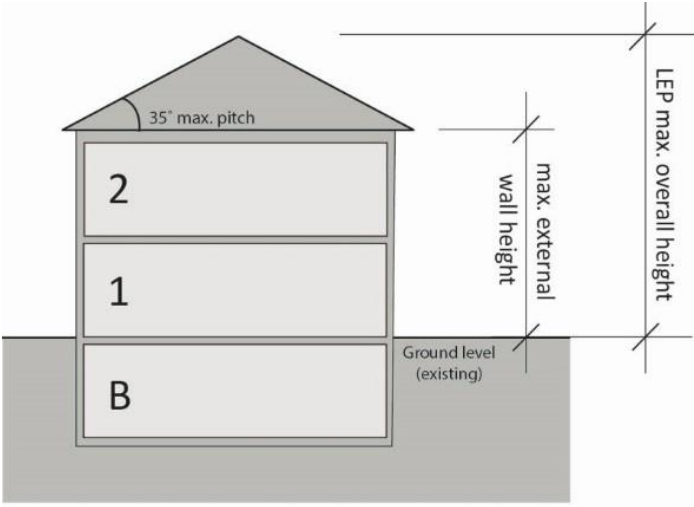


Figure 16 How to measure height for a pitched roof building

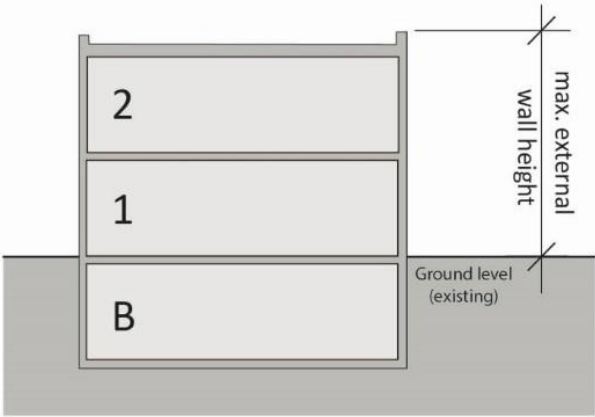
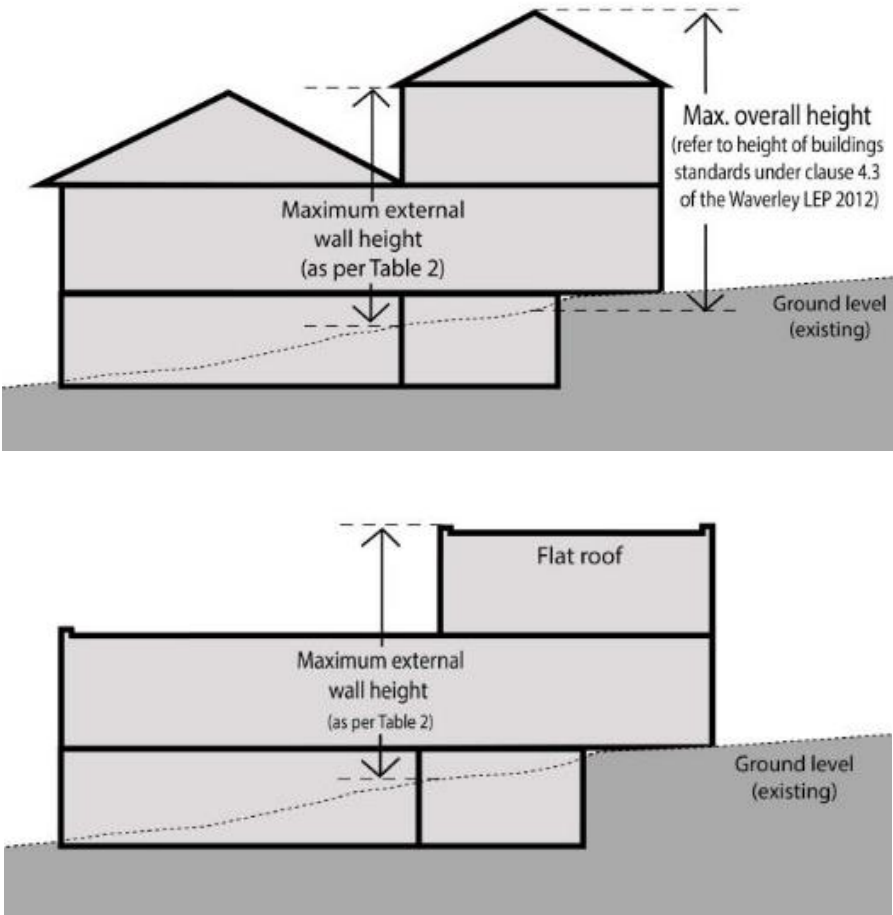


Figure 17 How to measure height for a flat roof building

~~Note: The maximum building height (LEP) is calculated from the basement floor for sites with an existing basement. The maximum external wall height only includes the portion of wall above ground.~~

Other Residential Development **C2**



## Other Residential Development C2

### 2.22 RETENTION OF AFFORDABLE RENTAL HOUSING

When a development site contains an existing residential flat building or an existing boarding house Chapter 2 Part 3 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) is relevant for consideration.

#### Objective

- (a) To ensure that applicable Development Applications can be accurately assessed under the Housing SEPP.

#### Controls

- (a) When a development site contains an existing residential flat building or an existing boarding house, the Statement of Environmental Effects report submitted with a DA is to include an assessment against Chapter 2 Part 3 of the Housing SEPP.
- (b) Where 5-years' worth (counted back from the date of lodgement) of rental data is provided by the applicant to confirm whether a dwelling is or is not a low-rental dwelling as defined by the Housing SEPP, the data should be provided in one of the following two ways:
  - a. Executed leases and rental increase or decrease letters; or
  - b. Information from the leasing agent accompanied by an executed statutory declaration.

Without rental data being provided in one of these two forms it will be assumed that the dwellings without such data are low-rental, as it cannot be reliably proven otherwise.

Where a dwelling is identified by the applicant as being owner-occupied for all or some of the 5-year period, a statutory declaration confirming such as well as a copy of a utility bill from every 6 months that the dwelling was owner-occupied should be provided.

Where Council are not satisfied with the rental data, further information may be requested.

- (c) Affordable housing provided under the Housing SEPP in relation to the in-fill FSR bonuses is not considered to offset the loss of existing low rental units as described in the Housing SEPP by the proposal.

**PART D**                    **COMMERCIAL DEVELOPMENT**

# Commercial and Retail Development D1

## D1 COMMERCIAL AND RETAIL DEVELOPMENT

This Part applies to commercial and retail premises throughout Waverley.

### 1.1 OTHER POLICIES, STRATEGIES AND STANDARDS

Applicants are to ensure that the proposed development is in compliance with the relevant Australian Standards, including:

- The *National Construction Code* (NCC)
- Australian Standard *AS/NZS 1158 3.1:202005 Pedestrian (P) Lighting*
- The *Food Act 2003*
- The *Food Standards Code*
- The *Noise Guide for Local Government*
- The *Protection of the Environment and Operations Act 1997*

## Commercial and Retail Development D1

### 1.3 HOURS OF OPERATION

#### Objectives

- (a) To ensure trading does not impact on the amenity of the area or disrupt nearby residential properties.
- (b) To outline the application of ~~review~~~~trial~~ periods ~~for~~~~of~~ extended trading hours.

#### Controls

- (a) Pre-works and clean-up of the premises (**operational hours**) can exceed the maximum approved **trading hours** up to a maximum of one hour before and one hour after trading hours, provided trading does not occur within this time.
- (b) Where an application is received for the refurbishment of an existing licensed premises without trading hours regulated by a condition of consent, a new condition of consent will be imposed in accordance with this Part to regulate trading hours of the premise.
- (c) Deliveries and the operation of loading docks shall be limited to the approved trading hours depending on the use and nearest residential properties.
- (d) The prescribed trading hours within Table 1 are subject to all other aspects of the development being satisfactory. Where residential uses are in close proximity, more restrictive trading hours may be applied.

ZONE	Trading Hours
All residential zones	<p>(a) General base trading hours:</p> <p>(i) 7.00am to 10.00pm, 7 days a week</p> <p><del>(b)</del> Extended trading hours <u>are subject to a review after on a 1 year trial basis and</u> will be considered up to 6.00am to 11.00pm, Fridays and Saturdays only.</p> <p><del>(b)</del>—</p> <p><del>(i)</del>—</p>
<u>All zones</u>	<p><del>(a)</del> <u>Special New Years Eve trading hours:</u></p> <p><del>(i)</del> <u>10.00pm New Years Eve – 1.00am New Years Day.</u></p>
CENTRE NAME - see Part E for maps	Trading Hours
Bondi Junction (MU1 Zone portions)	<p>(a) General base trading hours:</p> <p>(i) Monday to Saturday: <del>6</del>7.00am to 11.00pm; and</p> <p>(ii) Sunday: <del>6</del>7.00am to 10.00pm.</p> <p>(b) Extended trading hours <u>are subject to a review after on a 1 year and trial basis</u> will be considered up to:</p> <p>(i) Monday – Sunday: 6.00am to midnight.</p>
Bronte Road, Bondi Junction	
Bondi Beach	
Bondi Road	
Rose Bay North	
Charing Cross	

## Commercial and Retail Development D1

Curlewis Street	
Rose Bay South	
Oxford Street Mall <u>(also includes 4A Bronte Road, Bondi Junction)</u>	(a) General base trading hours: (i) Monday to Sunday: 6.00am to 3.00am.
Bondi Junction (E2 Zone portions <u>excluding 4A Bronte Road, Bondi Junction</u> )	(a) General base trading hours: (i) Monday to Saturday: <del>6.00</del> am to 11.00pm; and (ii) Sunday: <del>6.00</del> am to 10.00pm. (b) Extended trading hours <u>are subject to a review after on a 1 year trial basis</u> will be considered up to: (i) Sunday to Wednesday: 6.00am to midnight; and (ii) Thursday, Friday and Saturday: 6.00am to 1.00am.
Macpherson Street	(a) General base trading hours: (i) <del>6.00</del> am to 10.00pm, 7 days a week. (b) Extended trading hours <u>are subject to a review after on a 1 year trial basis</u> and will be considered up to: (i) 11:00pm on Thursdays, Fridays and Saturdays only; and (ii) <del>Monday – Sunday from 6.00am.</del>
Wairoa Avenue	
North Bondi	
Seven Ways	
Bronte Beach	
Belgrave Street	
Flood Street	
Murriverie Road	
OSH Road, at Murriverie Road	
Vaucluse	
Blake Street	
Fletcher Street	

**Table 1** Hours of operation

### 1.3.1 Extended Trading Hours

- (a) Council recognises that a number of uses may require longer trading hours than outlined in Table 1, particularly earlier opening times. In these instances, an application to extend or modify trading hours will undergo an additional merit assessment.

## Commercial and Retail Development D1

- (b) Extended trading hours will be considered on a temporary, reviewable basis, to enable Council to assess the ongoing management performance of the premises and the impact on the neighbourhood amenity.
- (c) Council's assessment of extended trading hours will consider the following:
  - (i) The location of the premises, including proximity to residential and other sensitive land uses;
  - (ii) The specific use of the premises, i.e. pub, nightclub, restaurant. Licensed premises are not eligible for extended trading hours on Sunday nights;
  - (iii) The existing hours of operation of surrounding business uses;
  - (iv) Size and patron capacity of the premises;
  - (v) Security and general management of the premises;
  - (vi) Number and nature of substantiated complaints regarding the operation of the premises;
  - (vii) Compliance with conditions of consent;
  - (viii) Evidence that the applicant has taken a pro-active position in terms of industry best practice;
  - (ix) Record of successful waste management on site and clean up and management of waste in adjacent public domain;
  - (x) Length of time the premises has traded under current operator;
  - (xi) Availability of transport for patrons including taxis, buses and car parking areas;
  - (xii) Plan of Management submitted detailing how operations and impacts will be managed (refer to the *Development Application Guide* on Council's website for requirements);
  - (xiii) Likely noise impacts from the proposal, particularly during the proposed extended hours (mechanical ventilation, amplified noise, patrons' egress, etc.) and how these will be mitigated; and
  - (xiv) Any other matters considered relevant to the environmental evaluation of the premise.
- (d) Extended trading hours may initially be granted for a 1-year fixed term.
- (e) Following the completion of a satisfactory fixed term, a reviewable term may be permitted as follows:
  - (i) First reviewable term – up to a maximum of 2 years.
  - (ii) Second reviewable term – up to a maximum of 3 years.
  - (iii) Third and subsequent terms – up to a maximum of 5 years.

### 1.3.2 Review of Extended Trading Hours

- (a) Applications for a reviewable term are to be lodged between 6 months and 3 months before the end date of the current term.
- (b) If an application is lodged within the time frame specified in (a) but is not determined by the end date of the current term, the premises can continue to operate as per the current term hours until the application is determined.
- (c) If an application is lodged less than 3 months prior to the end date of the current term, the premises shall revert to its approved based hours on that end date.
- (d) If Council determines no further extension period shall be granted the premises must revert to its approved base hours.
- (e) If the operator of the premises changes, the extended trading hours may be returned to a fixed term of 1 year.

## Commercial and Retail Development D1

- (f) Council's assessment of extended trading hours will consider the criteria set out in 1.3.1 (c)

## Annexures

### **PART E**                    **SITE SPECIFIC DEVELOPMENT**

*Part E Site Specific Development* is to be read in conjunction with *State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design of residential apartment development*, the associated *Apartment Design Guide* and all relevant provisions of this DCP. Where there is an inconsistency between Part E and another Part, Part E prevails to the extent of the inconsistency.

## Annexures

### 1.21 CHARACTER AREAS

Bondi Junction contains a number of areas that contain similar characteristics and development potential, and are known as Character Areas as shown in Figure 29.

These include:

- A – West Oxford Street
- B – Oxford Street Mall
- C – Ebley Street Transition Corridor
- D – Bronte Road Village Centre

The additional provisions provided in Part E1 apply to these Areas.

*Note: Character Area B - Oxford Street Mall also includes 4A Bronte Road, Bondi Junction for the purposes of Part D 1.3 Hours of Operation of this DCP.*

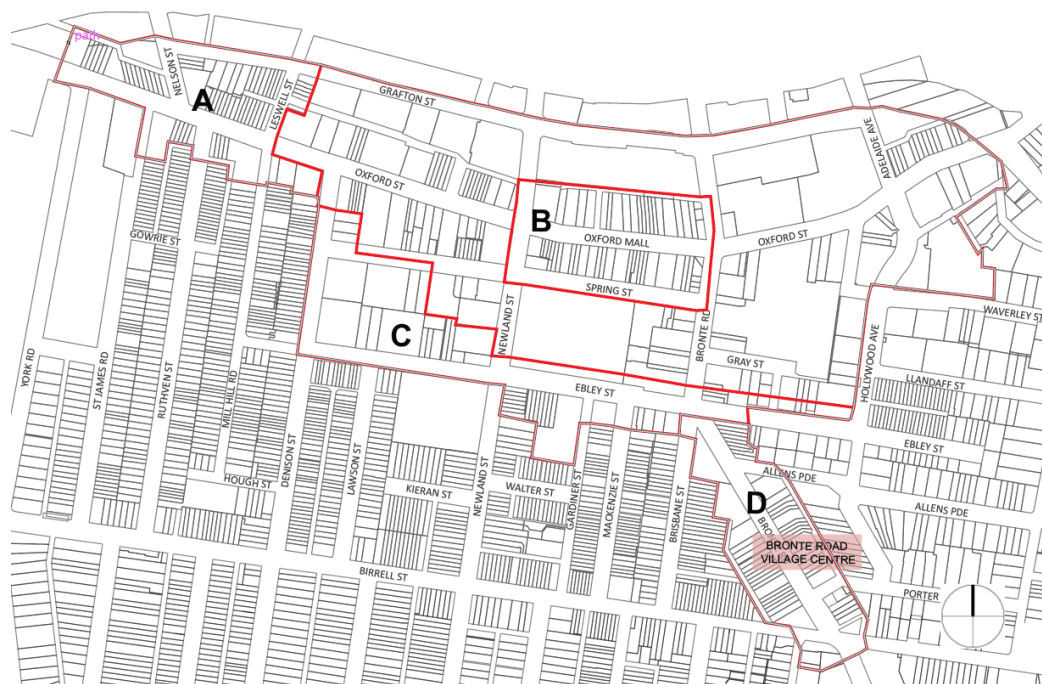


Figure 29 Neighbourhood Areas

#### Objectives

- (a) To ensure that development is consistent with the desired future character of the Bondi Junction centre.

#### Controls

- (a) Development within the Bondi Junction centre must be consistent with the desired future character objectives for that area.

Annexures

ANNEXURE E3-1 TYPICAL BUILT FORM FOR TWO STOREY CENTRES

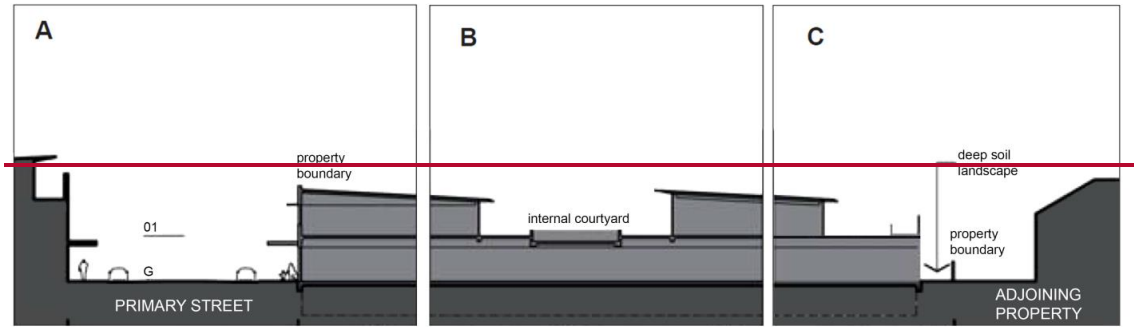
Annexure E3-1 applies to the following centres:

- 1. Murrivier Road Centre.
- 2. Belgrave Street Centre.
- 3. Macpherson Street Centre (properties east of 38-40 Macpherson Street, not including)

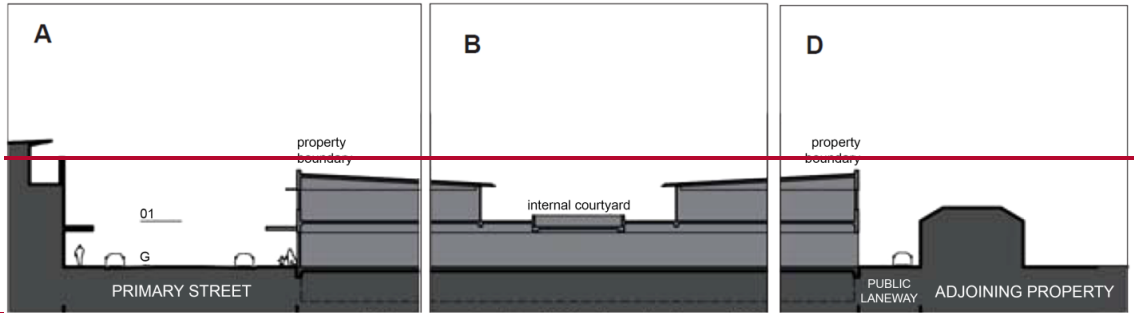
There are two typical built forms for two-storey Local Village Centres which are dependent on whether the property has access to a rear lane.

- a) Properties without rear laneway: Control Diagram A, B and C.
- b) Properties with rear laneway access: Control Diagrams A, B and D.

Two-storey section – without rear laneway

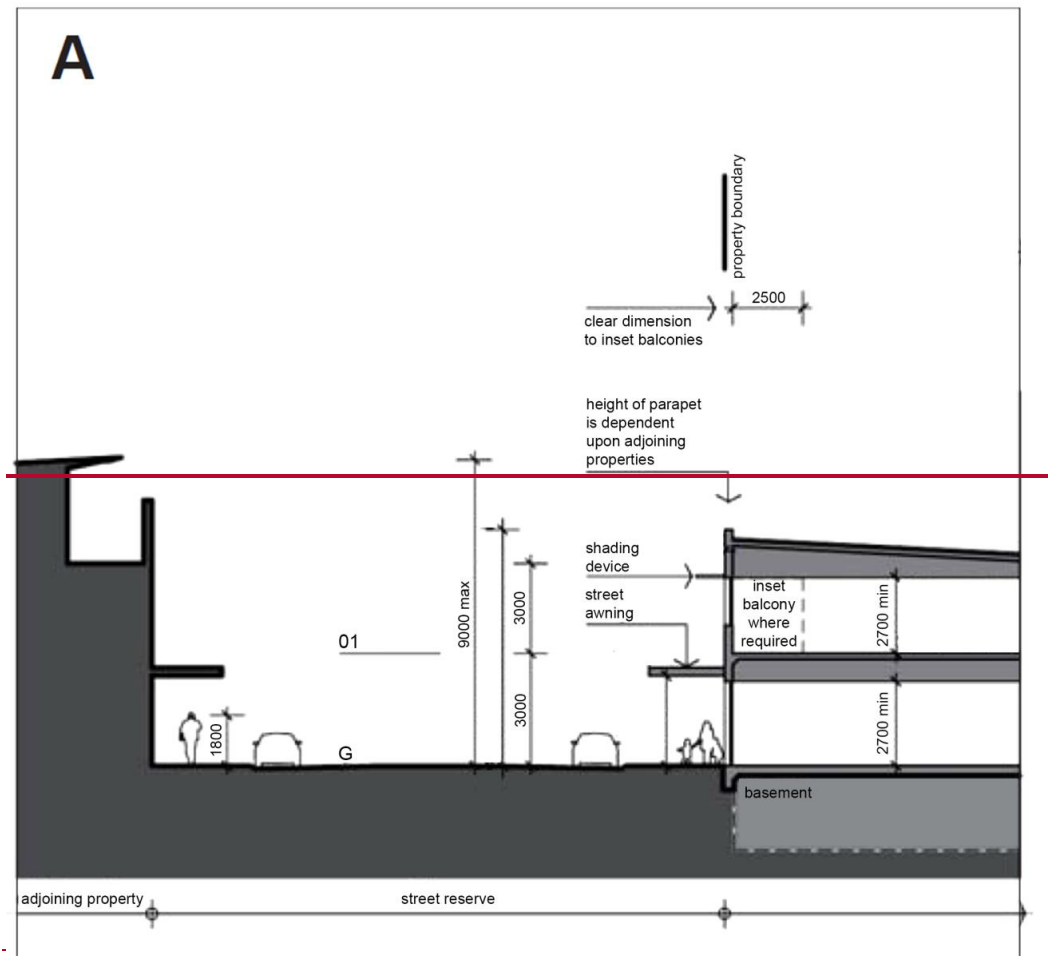


Two-storey section – with rear laneway



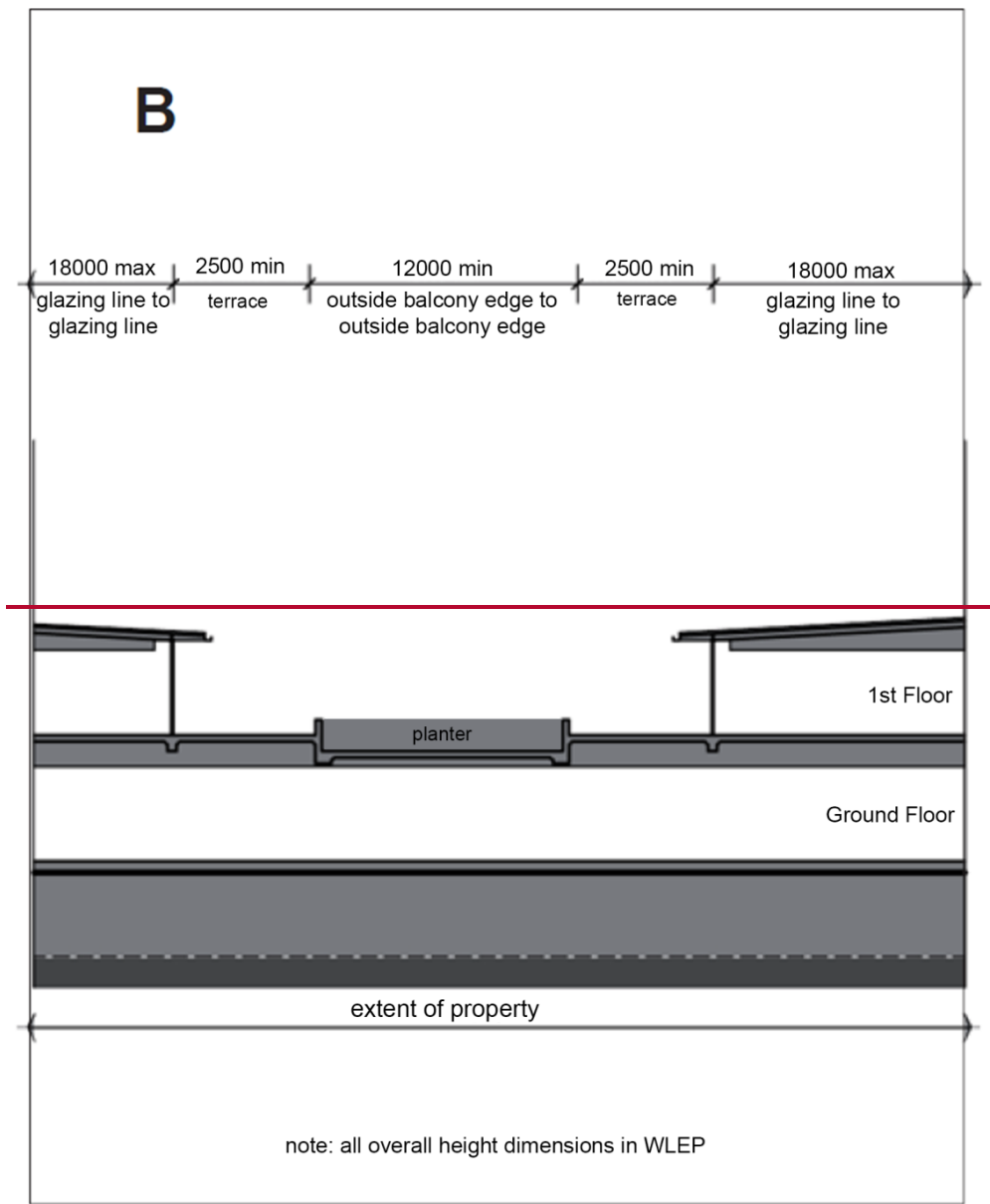
Annexures

Two (2) storey detailed street frontage and internal floor to ceiling heights



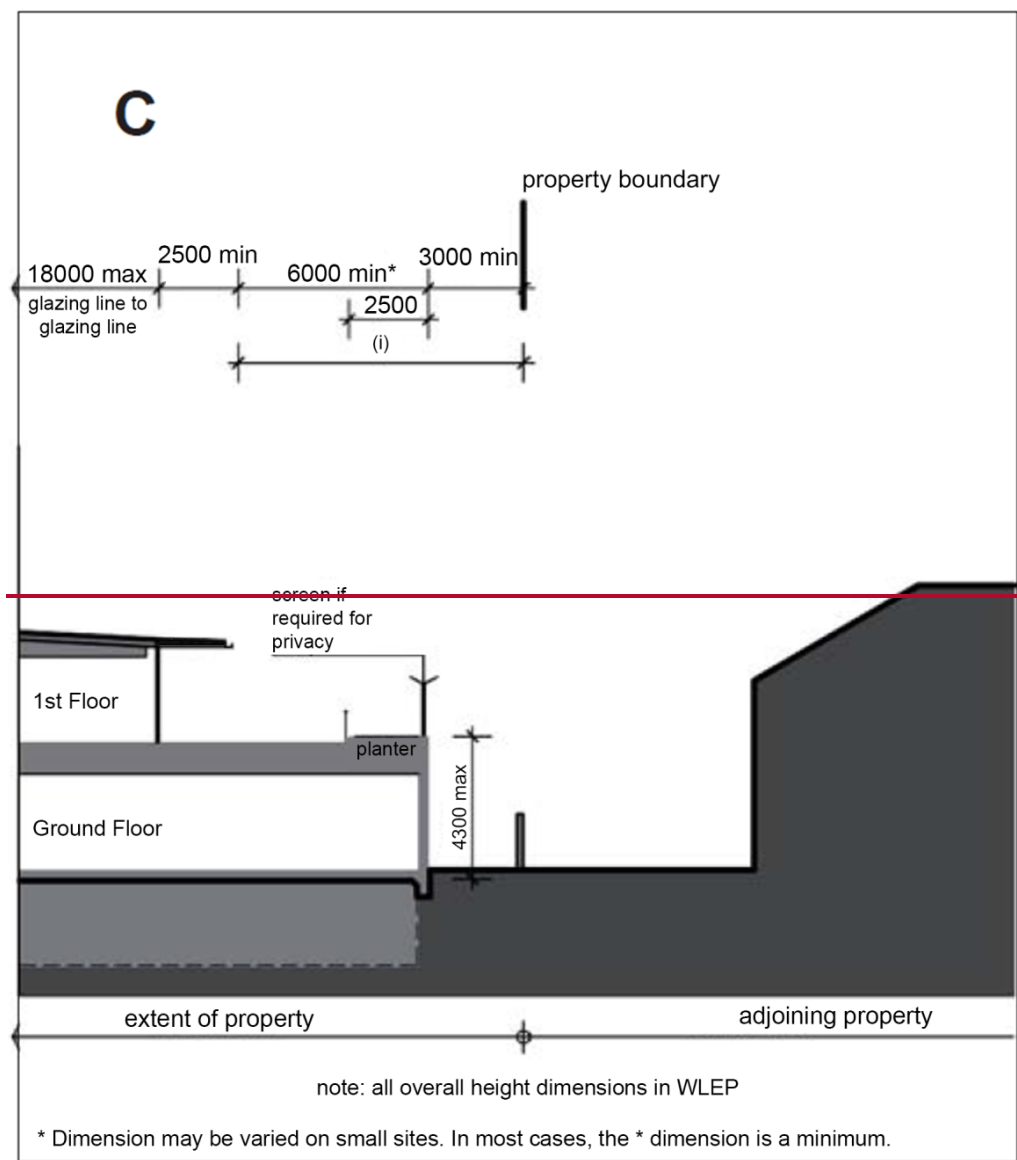
Annexures

~~Two (2) storey detailed internal courtyard~~



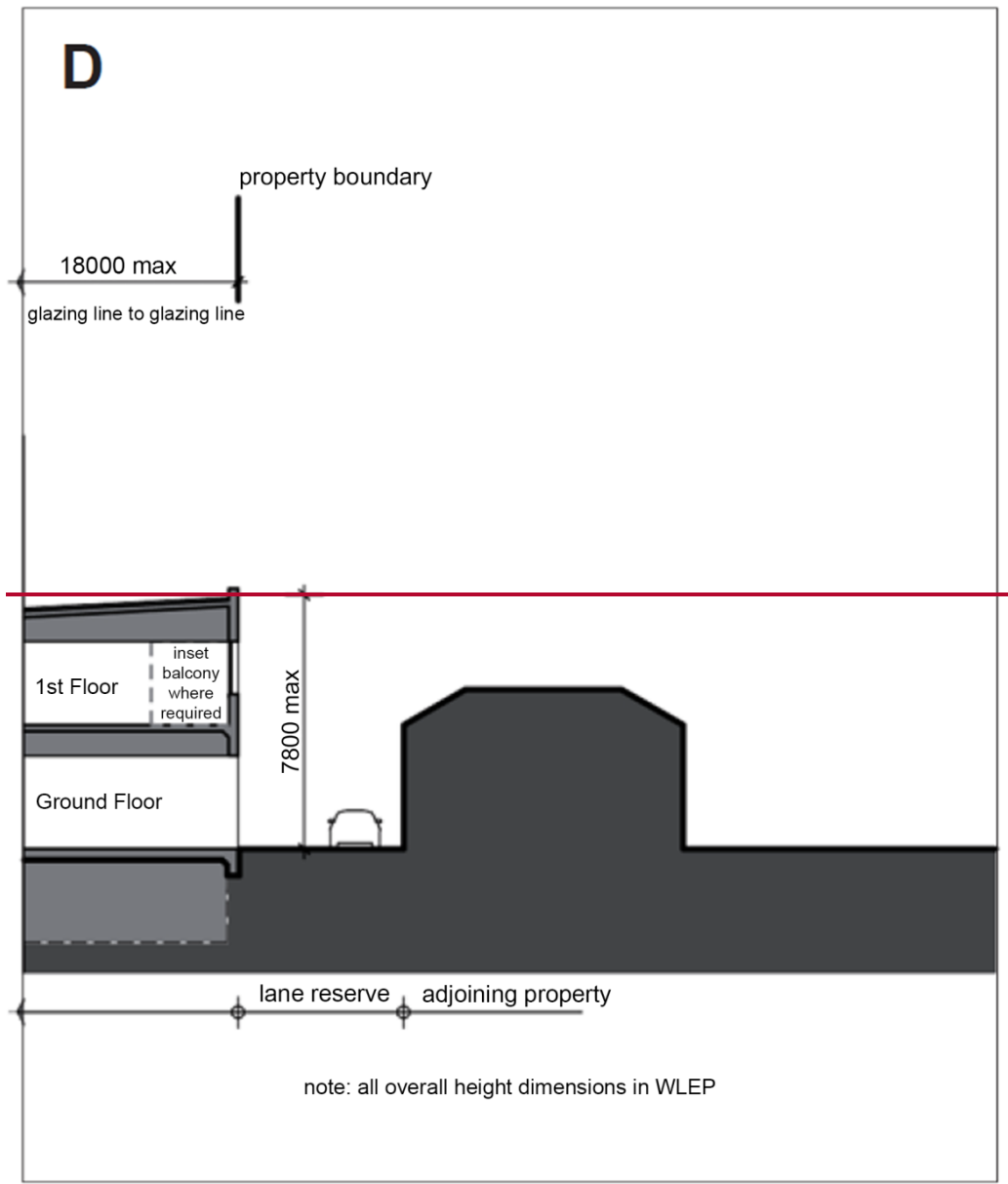
Annexures

Two (2) storey detailed rear setback without rear laneway



Annexures

Two (2) storey detailed section with rear laneway



Annexures

ANNEXURE E3-2 TYPICAL BUILT FORM FOR THREE STOREY CENTRES

Annexure E3-2 applies to the following Local Village Centres:

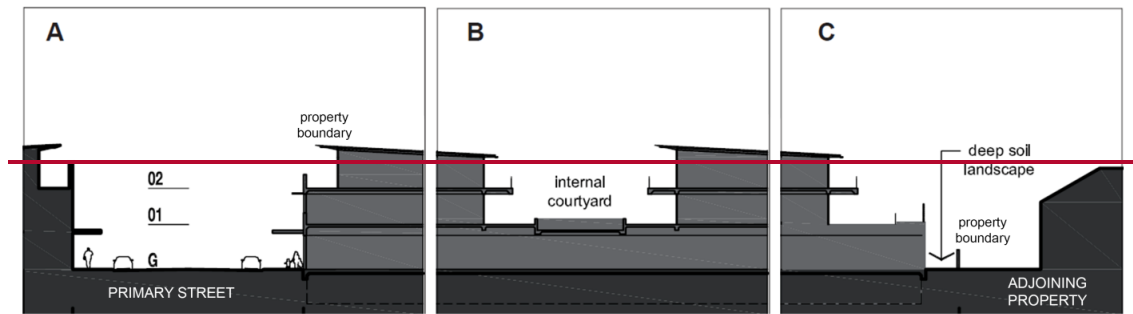
- 1. Bondi Road Centre (properties east of Boonara Avenue)
- 2. Charing Cross Centre
- 3. Rose Bay North Centre
- 4. Rose Bay South Centre
- 5. North Bondi Centre
- 6. Blake Street Centre
- 7. Bronte Beach Centre
- 8. Macpherson Street Centre (properties west of 38-40 Macpherson Street, inclusive)
- 9. Curlewis Street Centre

There are two typical built forms for three-storey Local Village Centres which are dependent on whether the property has access to a rear lane.

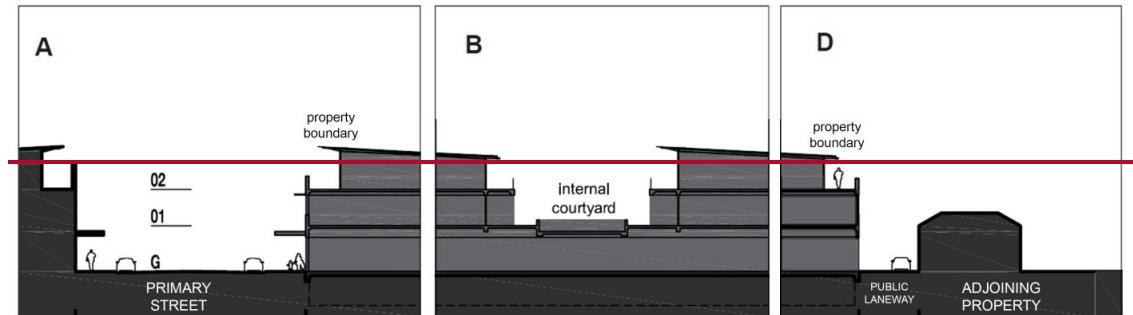
- (a) Properties without rear laneway: Control Diagram A, B and C.
- (b) Properties with rear laneway access: Control Diagrams A, B and D.

For applicable properties refer to the associated maps in Section 3.1 Specific Controls.

Three (3) storey section without rear laneway

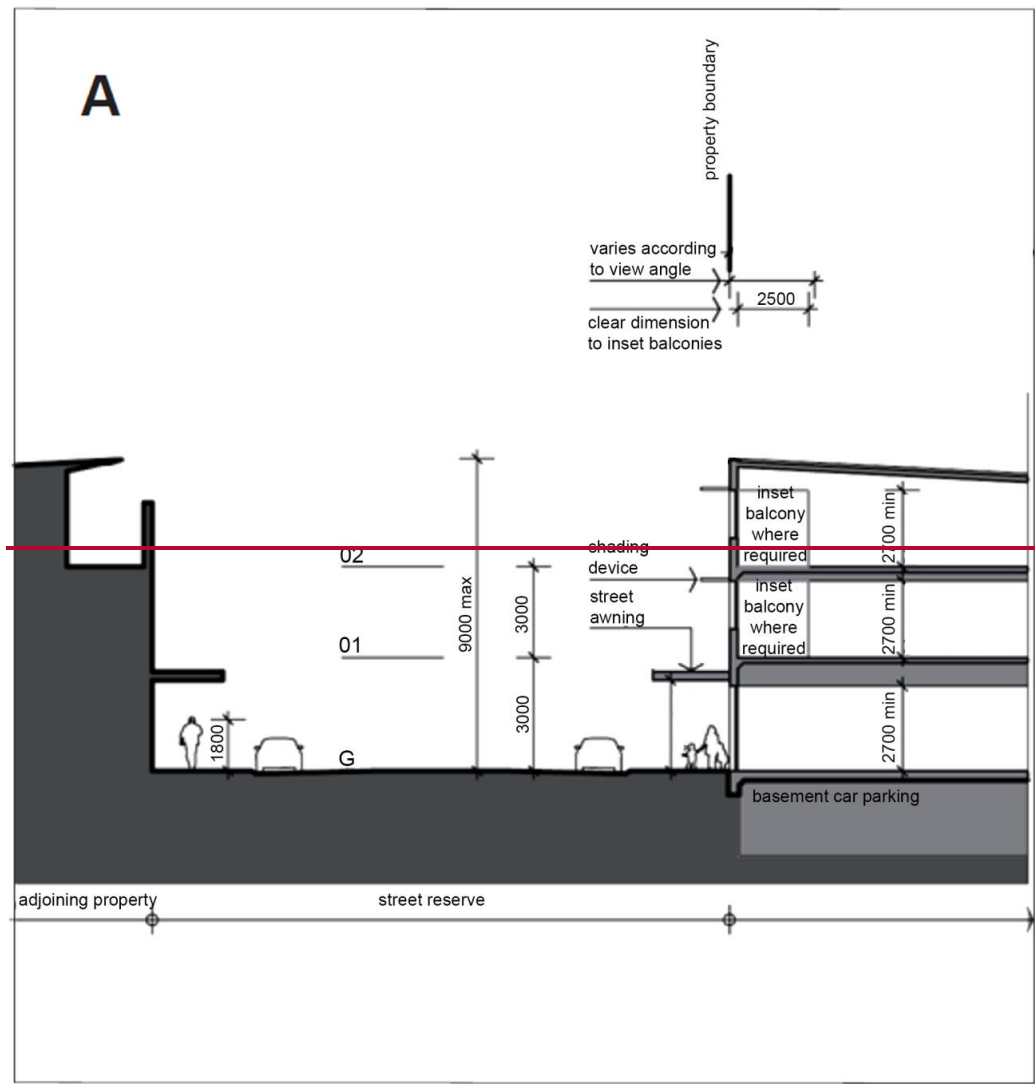


Three (3) storey section with rear laneway



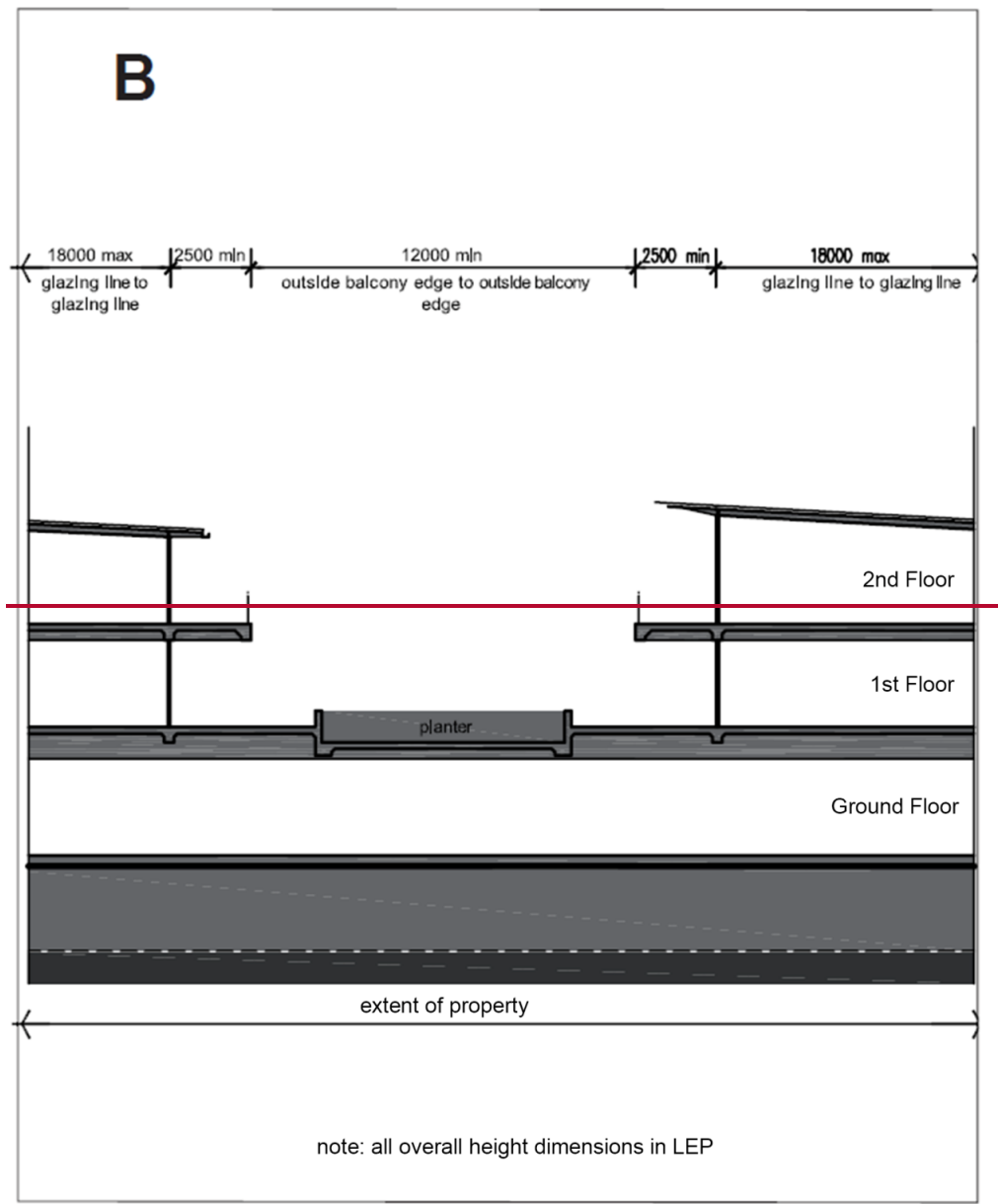
Annexures

Three (3) storey detailed street interface and internal dimensions



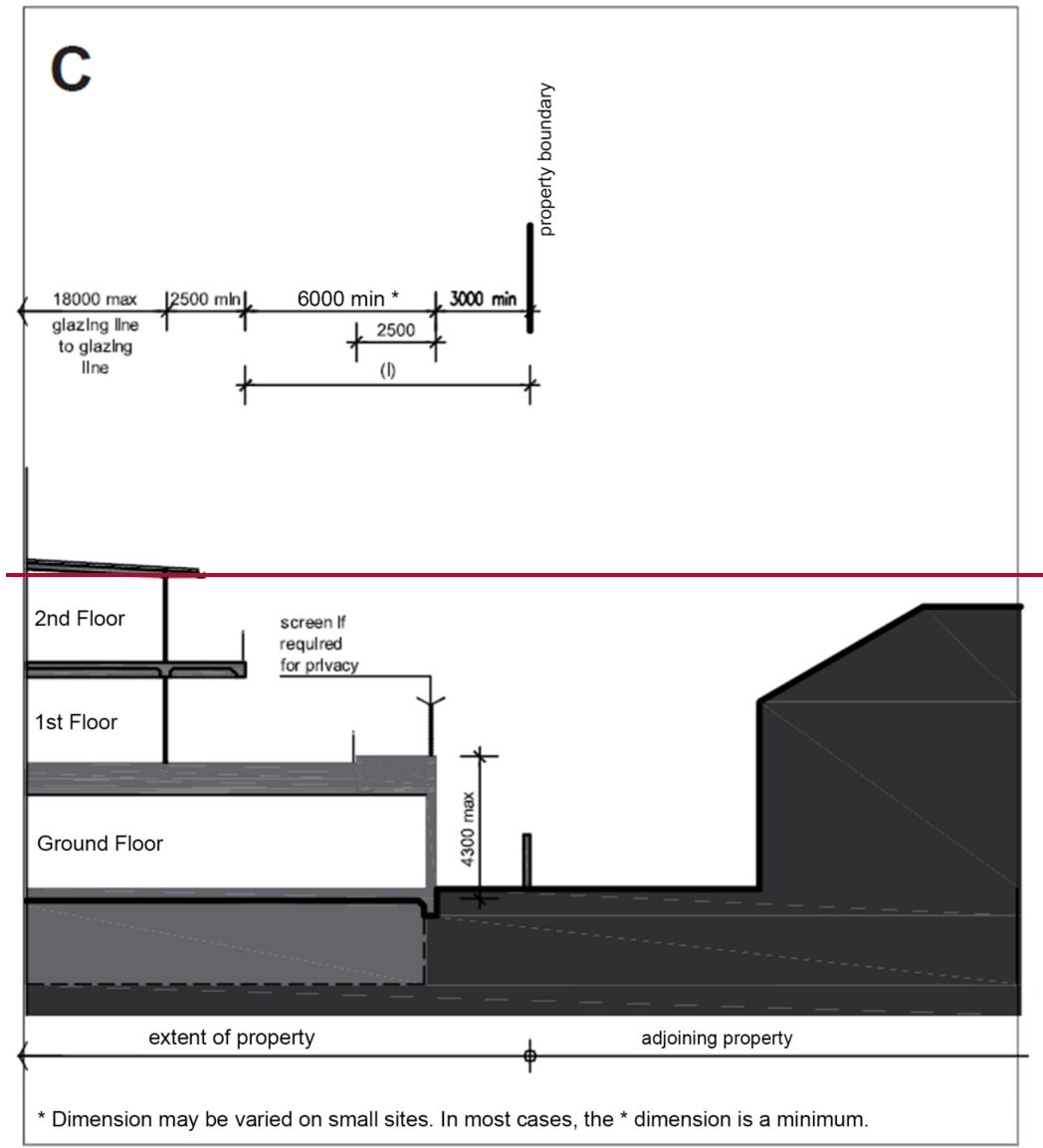
Annexures

Three (3) storey detailed internal courtyard



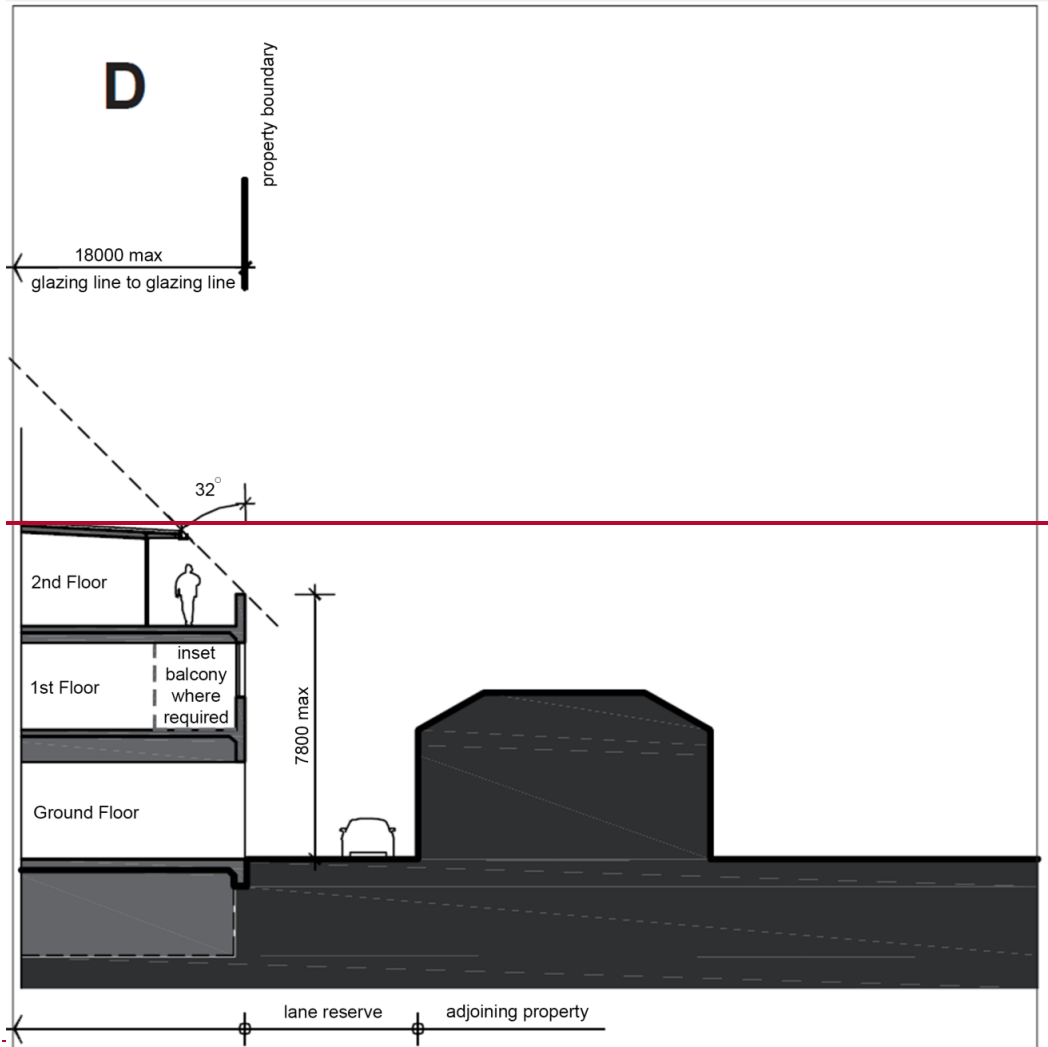
Annexures

Three (3) storey rear setback details without rear laneway



Annexures

Three (3) storey rear setback details with rear laneway



Annexures

ANNEXURE E3-3 TYPICAL BUILT FORM FOR FOUR STOREY CENTRES

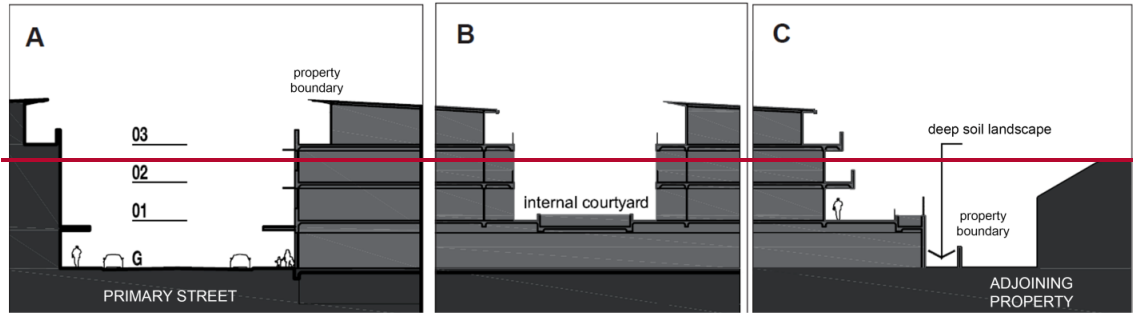
Annexure E3-3 applies to the following centres:

- 1. Bondi Beach Centre
- 2. Bondi Road Centre (properties west of Boonara Avenue)

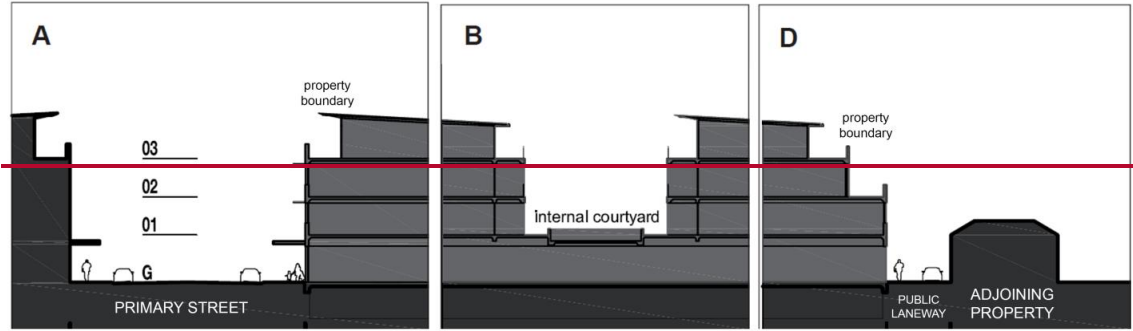
There are two typical built forms for four storey Local Village Centres which are dependent on whether a property has access to a rear lane:

- 1. Properties without rear laneway: Control Diagram A, B and C.
- 2. Properties with rear laneway access: Control Diagrams A, B and D.

Four (4) storey section without rear laneway

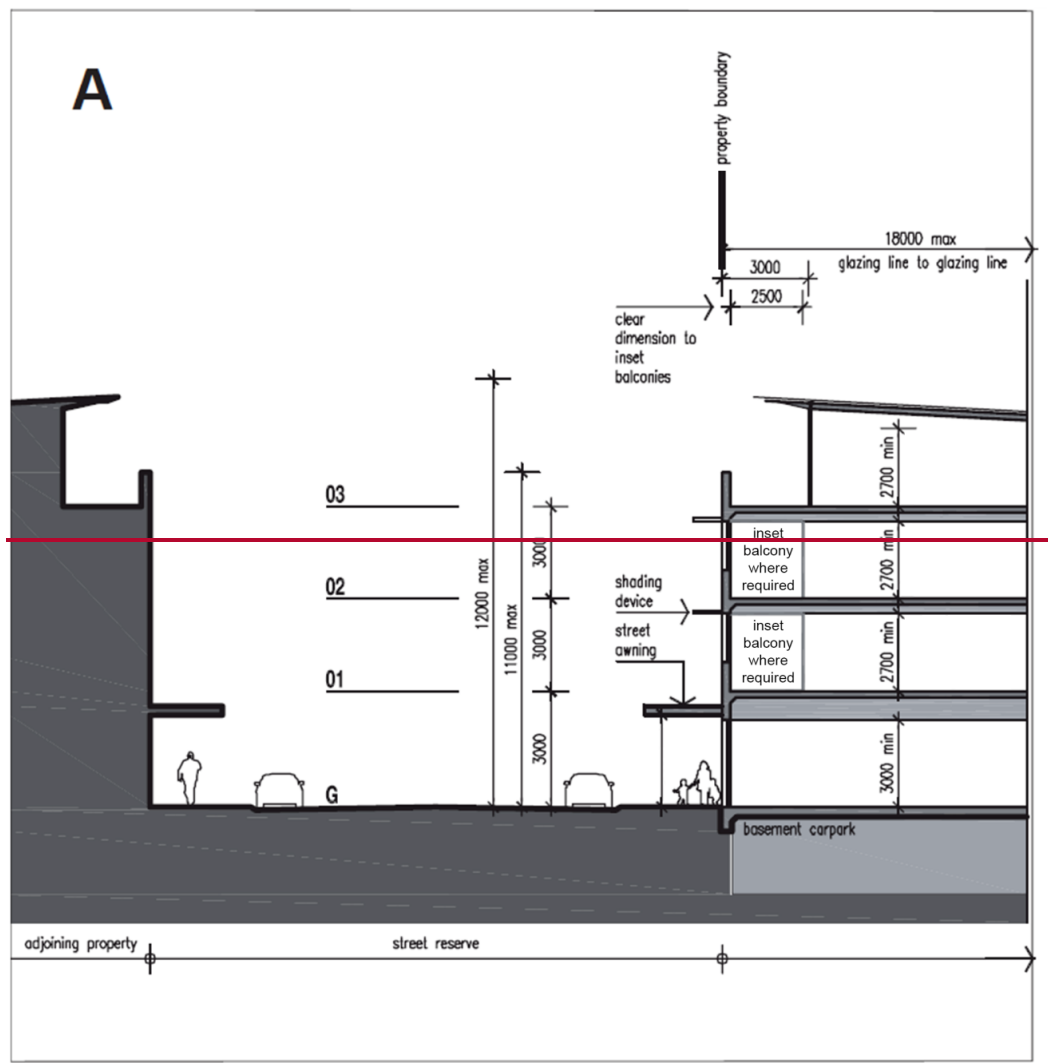


Four (4) storey section with rear laneway



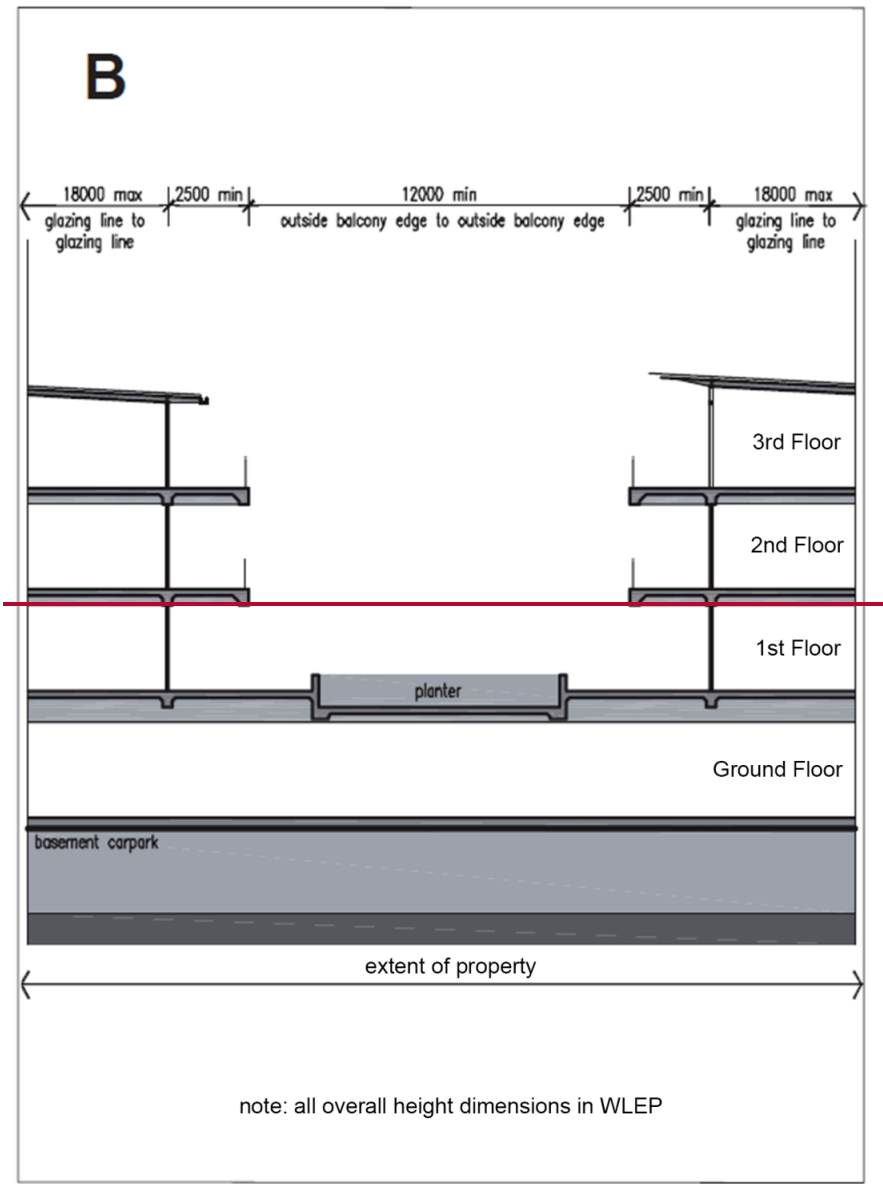
Annexures

Four (4) storey street interface details and internal dimensions



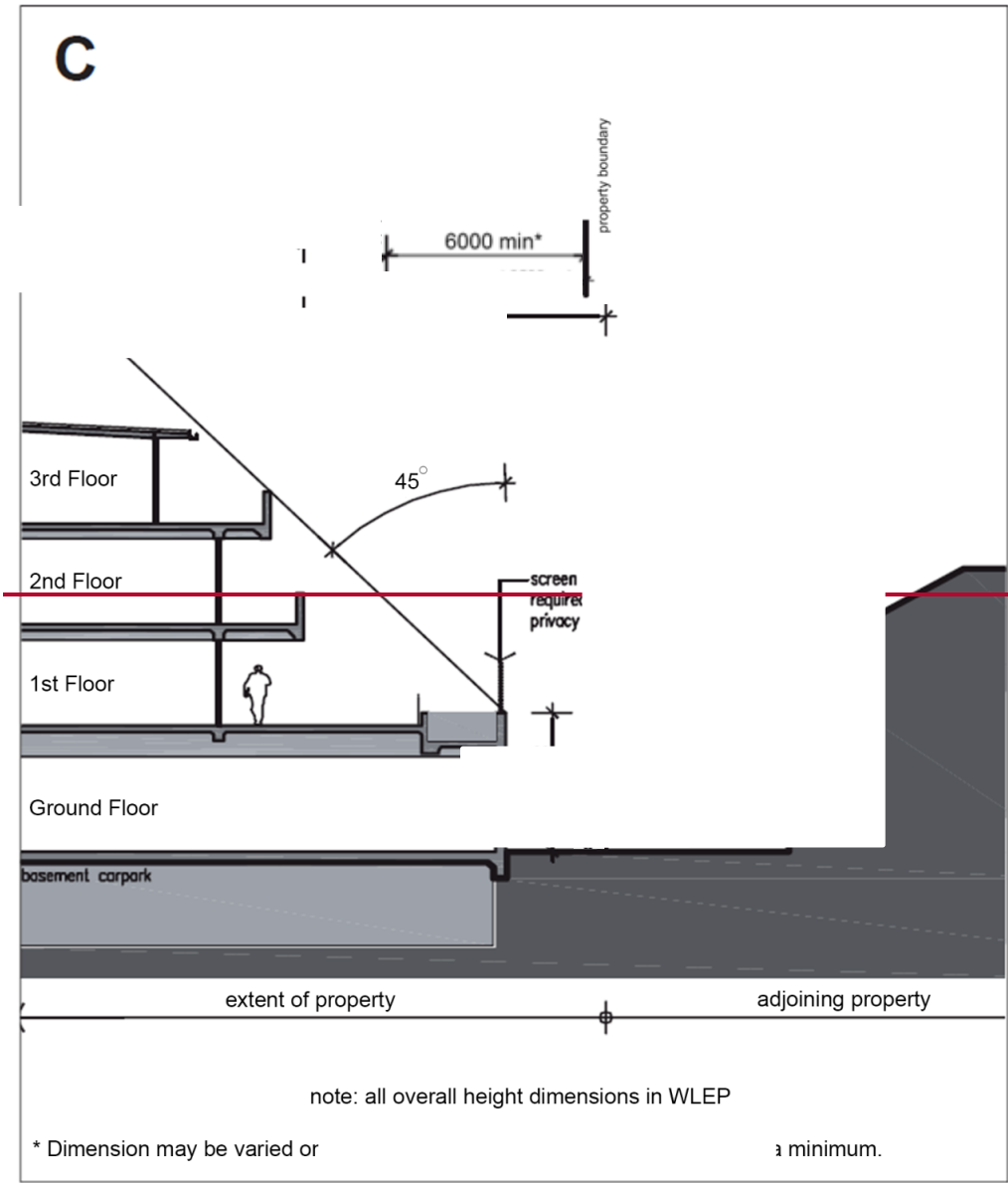
Annexures

Four (4) storey internal courtyard details



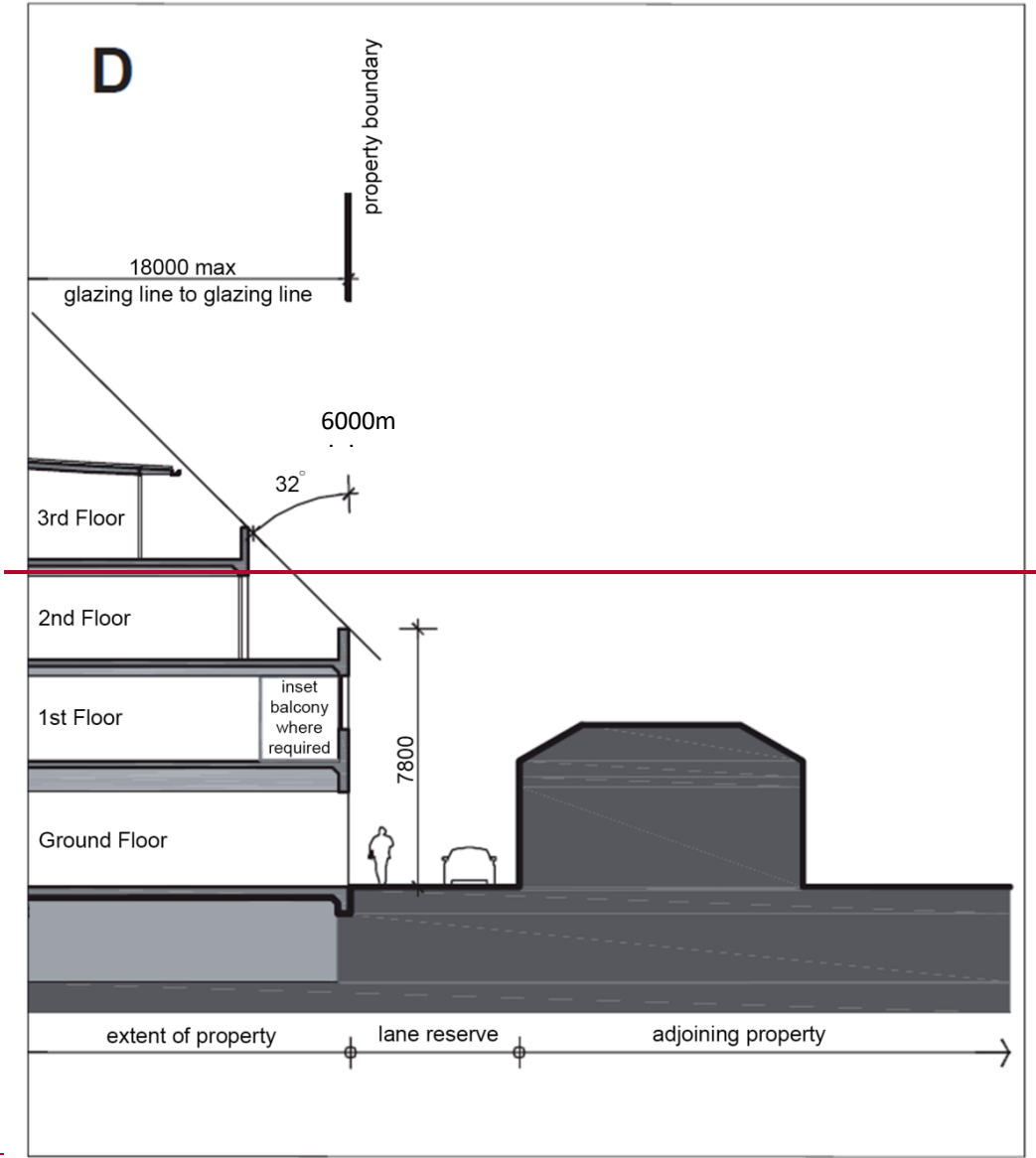
Annexures

Four (4) storey rear setback details without rear laneway.



Annexures

Four (4) storey rear setback details with rear laneway



PART F

DEVELOPMENT SPECIFIC

## Child Care Centres F3

## F3 CHILD CARE CENTRES

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

The *State Environmental Planning Policy (Transport and Infrastructure) 2021*, or the Transport and Infrastructure SEPP provides provisions for the exempt and complying development of education and child care facilities. The Transport and Infrastructure SEPP also provides provisions for the development of centre-based child care facilities and schools. To support the Education SEPP, the *Child Care Planning Guideline ~~2021~~2017* (CCPG) provides guidance to encourage design quality in the delivery of centre-based child care in NSW.

Development Applications for centre-based child care facilities are to comply with the provisions of the CCPG.

**Children and Young Persons (Care and Protection) Act 1998 and Education and Care Services Regulations 2011**

Child Care Services are managed under the *Children and Young Persons (Care and Protection) Act 1998* and the *Education and Care Services Regulations 2011*. The Regulation covers areas such as the staff who work in services and their level of qualification, the size of a service and the ratio of staff to children, physical requirements of building spaces and equipment, health and safety and administrative requirements. An application for a license cannot be made until development consent has been granted.

For more information go to: <http://www.dec.nsw.gov.au/>

**Licensing and Management**

Council has the responsibility for assessing child care centre applications and the NSW Department of Education is responsible for the regulation, licensing and monitoring of children's services in accordance with the state regulations under the *Children and Young Persons (Care & Protection) Act 1998* and *Education and Care Services Regulations 2011*.

An applicant must obtain a licence from the Department of Education to provide centre-based child care once a development application (DA) has been approved, or for a home-based child care centre. Before submitting a DA, the applicant should contact the Department of Education to address licensing issues. ~~Contact details are available at the following link:~~

<http://www.dec.nsw.gov.au/contact-us>

## DEFINITIONS

### E

**Effective Warning Time** - The time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people, and transport their possessions.

**Evacuation** - The transfer of people and or stock from areas where flooding is likely, either close to, or during a flood event. It is affected not only by warning time available, but also the suitability of the road network, available infrastructure, and the number of people that have to evacuate during floods.

**Existing ground level** – *Existing ground level has the same meaning as the LEP 'ground level (existing)'.*

Determining the ground level (existing) can vary where excavation has occurred on the site, where the site contains irregularities or where an existing building occupies the entire site. The maximum building height (per the LEP) is to be measured from the existing ground level (based on surveyed RLs), noting:

- (a) Where determination of ground level (existing) is made difficult by existing foundations or footings, it may be appropriate to use the extrapolation method either by obtaining levels from adjacent sites or within the site itself.
- (b) Where the particular circumstances of the case warrant the use of the extrapolation method, the levels to be used should be taken from the closest immediate proximity where existing ground can be found, whether that be within the site's boundaries or outside the boundaries.
- (c) Existing ground level shall bear some relationship to the overall topography and context of the site.
- (d) Where below ground excavation has occurred (e.g. basement), the lowest point of the existing development (i.e. the floor of the lowest basement) is to be taken.
- (e) The natural ground level of subfloor areas should be noted.
- (f) Where there is no subfloor area, the slab thickness will be considered and taken to be the assumed underside of that slab.

### N

**Natural Ground Level** - The natural surface level of the ground ~~existing ground level~~ on the site prior to variation by way of excavation, cutting or filling, or that level accepted or determined by Council.

**Neighbouring Land** - Any land, which in the opinion of the Authorised Council Officer, may be detrimentally affected by a development application (and may include properties in a neighbouring LGA).

**New Development** – Generally, where a new building or structure is being constructed on site, or where alterations and additions involve significant demolition and redevelopment.

**Non – Habitable Room** - Spaces not occupied frequently or for extended periods.

**North Point** - The orientation of a dwelling or part thereof. A reference to 'north' is a reference to true solar north and not magnetic or compass north.



# Solar Panels and Heritage

A Guideline to Approvals for Solar in Heritage  
Conservation Areas and Heritage Listed Properties.

July 2025

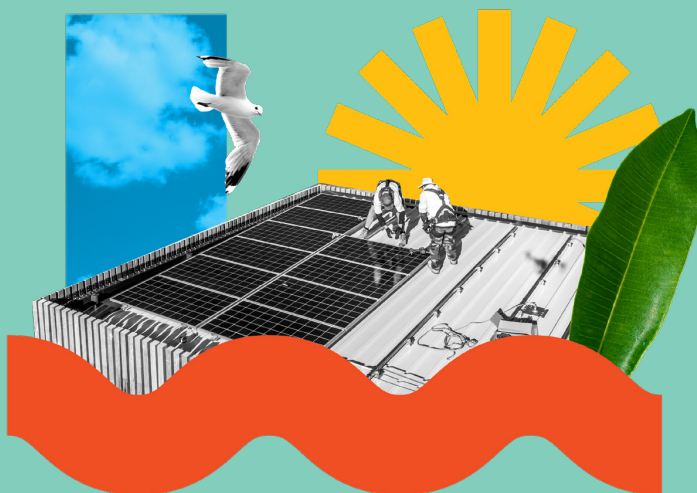


WAVERLEY  
COUNCIL

# 1. Introduction

This Guideline provides information on how to get the correct approval to install solar panels in a way that protects the character of Waverley's Heritage Conservation Areas. It aims to conserve Waverley's heritage values as we respond to the climate emergency and assist residents to install onsite renewable energy, to help reach our community greenhouse reduction targets.

The State Environmental Planning Policy (Transport and Infrastructure) 2021 (Division 4, 2.41) does not permit the installation of solar panels on the primary street-facing roof of a building as exempt development if the land is within a Heritage Conservation Area. The SEPP does, however, exempt solar on roofs that are not primary street-facing.



**This Guideline is to support all development types that are in Heritage Conservation Area or heritage listed properties, including single dwellings, apartment blocks, mixed use buildings and commercial buildings. You do not need development consent to install solar panels on street-facing roofs in Heritage Conservation Areas if you are granted a Heritage Exemption Certificate from Council, who will assess whether the solar panels meet the requirements of this Guideline.**

**Instead of a Development Application, a Heritage Exemption Certificate (HEC) is required to qualify for an exemption.**

Definition of solar panels

For the purpose of this Guideline:


- i) **“Solar panels”** means a photovoltaic electricity-generating system and associated equipment, including fixings, conduit and other equipment like inverters and batteries. Hot water tanks are not covered by this definition.
- ii) A **“primary street-facing roof”** refers to the roof of a building that faces the main street or road the property fronts onto. It’s the roof that’s most visible from the street and often forms part of the building’s primary facade.

Note: Buildings on a corner block may be determined to have two primary- streets, and will be assessed on a case-by-case basis.




Is your building in a Heritage Conservation Area (HCA)?

To check if your building is either a Heritage Item or in a Heritage Conservation Area, do an address search via the [Waverley Council GIS Discover](#):




1.

Select address tab and insert address at top left of screen



2.

On the top right-hand side of the screen, select the Map Legend icon (three-layer icon).



3.

Under the Theme, select **“Planning”**.  
Beneath this, deselect any irrelevant planning tabs.  
Select **“LEP 2012 Heritage”**  
Ensure that **“HER Conservation Area – General”**  
**“HER general item (point)”** and **“HER general item (area)”** are selected.

If the address search results show your property in solid brown (Heritage Item) or diagonal red stripes (Heritage Conservation Area), then your property is affected by heritage.

Continue reading the Guideline to find out how to install solar on street-facing roofs in a Heritage Conservation Area, without submitting a Development Application (DA).



## The pathway to consent

Development consent is not required under Clause 5.10(3) of Waverley Local Environmental Plan 2012, as long as:

- a) the applicant has notified the consent authority (Waverley Council) of the proposed development (located within a Heritage Conservation Area) and
- b) the consent authority has advised the applicant, in writing, before any works are carried out, that it is satisfied that the proposed development is of a minor nature and would not adversely affect the heritage significance of the Heritage Conservation Area.

The above can be achieved by submitting a Heritage Exemption Certificate, which are only used for locally listed heritage items and in Heritage Conservation Areas.

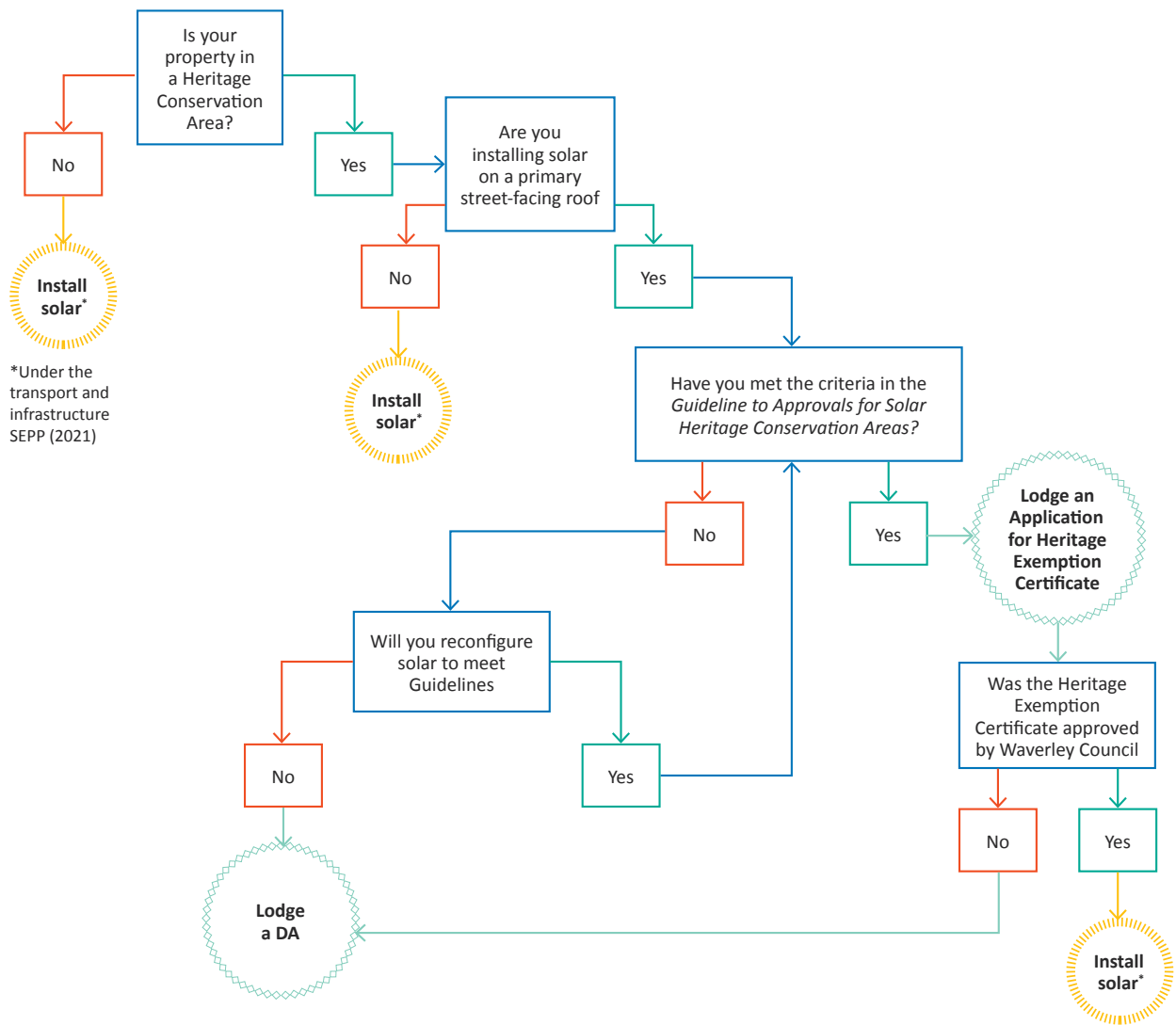
Solar panels that are not consistent with this Guideline will be rejected under a HEC, and you may be advised to submit a Development Application instead.

**Figure 1** (next page) outlines the different pathways for buildings in Heritage Conservation Areas or Heritage Items to seek approval to install solar.

### Are you a State-listed heritage item?

The HEC application process is not relevant for State-listed heritage items. You will need to contact the Heritage Office for approval for solar installation.

Figure 1: Pathway for installing solar in a Heritage Conservation Area



Protecting the character of Heritage Conservation Areas

The roofscapes in most Heritage Conservation Areas are very important to their character. The requirements of this Guideline ensure that solar panels will not substantially disrupt the form and character of roofs that are visible from the street.

As a general principle, installation on rear roofs is preferred and while installation on front roofs is permitted, applicants are encouraged to consider if alternatives are available at the rear. It should be noted that whilst south-facing solar panels produce less energy than north, east and west-facing solar panels, they are still a workable option in certain circumstances.

## Which buildings would not qualify for a Heritage Exemption Certificate?

Installation of solar panels and associated equipment within a Heritage Conservation Area may qualify for an exemption on any building roof using this Guideline **except:**

- when terrace houses are heritage listed as a group. Note: individually listed terrace houses might be permitted to install solar;
- buildings with slate or timber-shingled roofs;
- buildings with complex primary street-facing roofs (see Figure 2);
- buildings with very small primary street-facing roofs (see Figure 2) **unless** a rectangular grid array of at least 4 solar panels can fit on the roof plane;
- buildings with primary street-facing roofs with dormer windows
- buildings where external structural alterations are required;
- buildings where the removal of roof elements, such as chimneys, capping, or parapet walls are required; *or*
- buildings that do not follow the installation requirements of this Guideline.

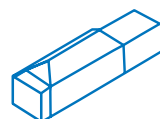
**Figure 2: Examples of simple and complex primary street facing roofs**



Simple primary street facing roofs - may be exempt

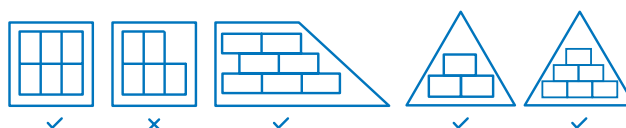


Complex primary street facing roofs - no exemption



Simple but very small primary street facing roof - may be exempt if a rectangular grid array of at least 4 solar panels can fit on the front roof plane

**Figure 3: Solar panel pattern guide**



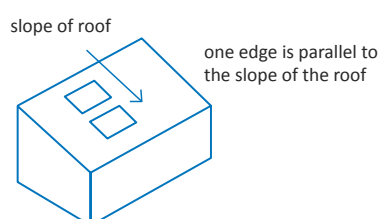
Note: There is a risk that future nearby development will result in overshadowing of solar panels. To minimise this risk, owners are encouraged to check the planning controls that apply to surrounding land when considering where to locate their solar panels.

## 2. Solar panel installation requirements

### For primary street-facing roofs and parts of side boundary-facing roofs that are visible from the primary street:

- **Alignment:** mount solar panels with one edge parallel to the slope of the roof face (i.e. the panels must not be crooked to the slope of the roof face) (see Figure 4);
- **Projection:** solar panels must not extend over the roof edge or be located within 300mm of the roof ridge(s);
- **Maximum height:** solar panels should be flush-mounted (at the same angle as the roof plane) and must not protrude more than 250mm above the roof plane;
- **Location:** solar panels are not to be located on primary street-facing verandas or dormer roofs;
- **Visibility:** where possible, conduit and other equipment like inverters should not be visible from the street. Solar racking/mounting rails should be trimmed to the extent of the panels. Choose racking/mounting rails and panel clips/fittings that have complementary or recessive colours.
- **Pattern:** solar panels are arranged in orderly rows with consistent offsets that are equidistant from the roof edges.

**Figure 4: Flush-mounted solar panel alignment**



### For all other roof planes (including primary street-facing roofs) that have a slope of less than 15 degrees:

- **Alignment:** mount solar panels with one edge perpendicular to the slope of the roof face (see Figure 5);
- **Projection:** solar panels must not extend over the roof edge or be located within 300mm of the roof ridge(s);
- **Maximum height:** solar panels and associated equipment can be tilt-mounted (Figure 5), but must not protrude more than 1m from the roof plane and not overshadow your neighbour's property; and
- **Position:** if solar panels protrude more than 0.5m from the roof plane, they must be located at least 1m from any property boundary.

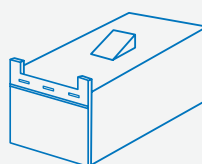
### On walls:

- **Location:** Associated equipment e.g. inverters and batteries must not be installed on a wall facing the primary street, but should be installed on the side wall of a front veranda. Solar equipment must not cover decorative building features like windows.

### Installation requirement notes:

- It is the applicant's responsibility to make sure that all building works are carried out in accordance with any applicable legislation or codes (for example the Building Code of Australia).
- Applicants are strongly encouraged to provide clear access paths around solar panels to allow for maintenance of the roof. Waverley Council recommends applicants provide at least 300mm clearance around the solar panels from boundaries and obstructions like chimneys and skylights.
- There is no limit on how much of the roof can be covered in solar panels except as noted in this Guideline.

**Figure 5: Tilt-mounted solar panel alignment**



### 3. How to complete the Application for Heritage Exemption Certificate form

A copy of the Heritage Exemption Certificate Application Form is available:

- on Council's website under Planning & Development > Application forms & Certificates > Heritage Exemption Certificate.
- Download [here](#)

#### Description of the proposed work

Example text: "Propose to install solar panels on the roof. Works are in accordance with the requirements of the Development Application exception for solar panels in Heritage Conservation Areas – Guideline."

#### What you'll need (supporting documentation)

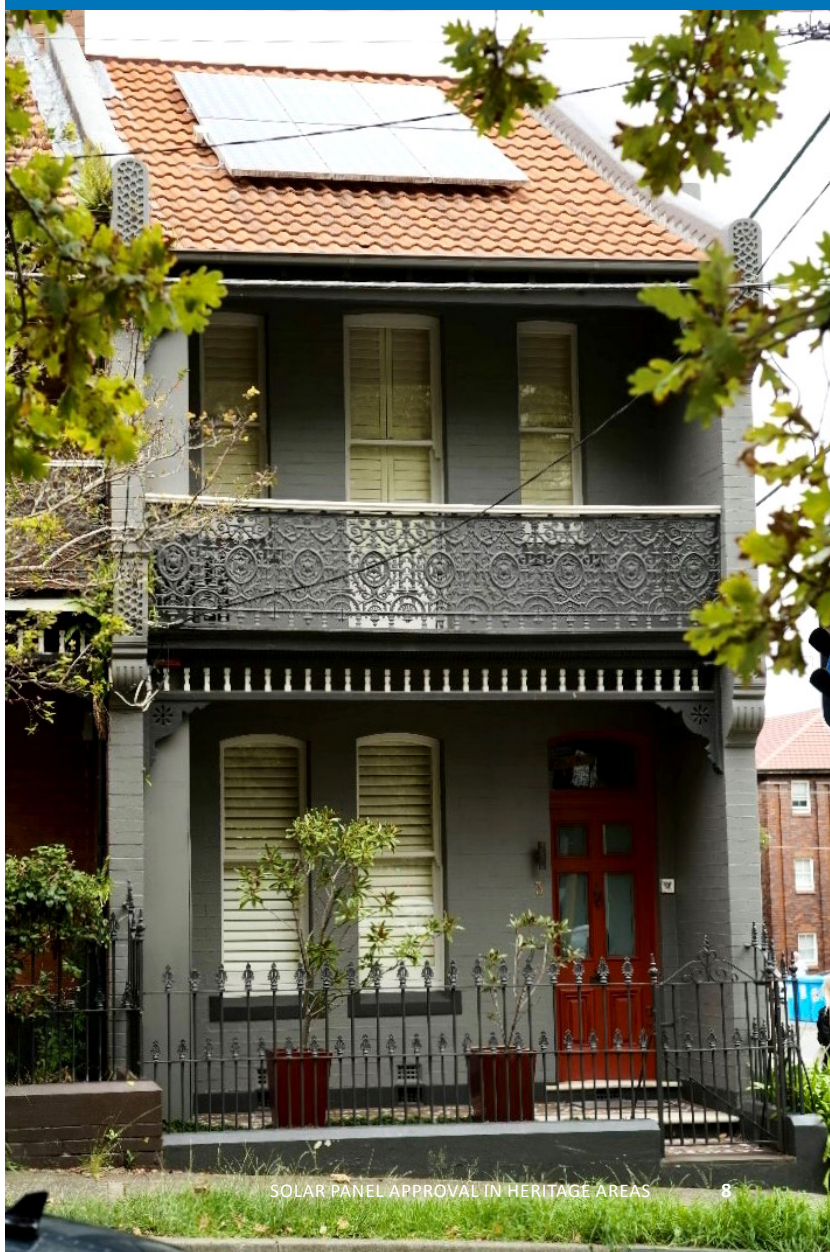
Provide a scale plan or aerial photograph showing the location and arrangement of the proposed solar panels, noting the angle and maximum height of the panels protruding above the roof plane and location of associated equipment like inverters, meters, battery etc.

Your supplier may be able to provide this for you.

### 4. Post HEC approval

Once a Heritage Exemption Certificate is approved by Council in writing, it will be valid for 12 months.

Contact your local solar installer for a quote and ensure that they understand that the solar panels must meet the installation requirements in this Guideline.



SOLAR PANEL APPROVAL IN HERITAGE AREAS



GET IN TOUCH

9083 8000

[info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

[waverley.nsw.gov.au](http://waverley.nsw.gov.au)

CUSTOMER SERVICE CENTRE

55 Spring St, Bondi Junction, NSW 2022

**REPORT**  
**PD/5.3/25.08**

**Subject:** Footpath Seating Policy and Guidelines and Waverley Development Control Plan 2022 - Adoption

**TRIM No:** A25/0635

**Manager:** George Bramis, Executive Manager, Urban Planning Policy and Strategy

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

---

**RECOMMENDATION:**

That Council:

1. Adopts the Footpath Seating Policy and Guidelines attached to the report (Attachment 1).
2. Adopts the associated amendments to the Waverley Development Control Plan 2022 attached to the report (Attachment 2).

**1. Executive Summary**

At its meeting on 29 April 2025, Council supported the draft Footpath Seating Policy and Guidelines (FSPG) for public exhibition.

The draft FSPG was publicly exhibited between 5 June and 4 July 2025. The Have Your Say page was visited 203 times during this time and 10 submissions were received.

The new Footpath Seating Policy and Guidelines is designed to be clearer, more accessible and better suited to the needs of our local business community.

**2. Introduction/Background**

At its meeting on 29 April 2025, Council supported the draft FSPG for public exhibition.

The draft FSPG reflects the provisions of Part D2 of the existing Waverley Development Control Plan 2022, with the following key amendments proposed:

- Removing the requirement for adherence to a seating plan, in favour of only prescribing the area available for seating.
- Removing requirement for strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.
- Reducing the minimum kerb setback from 1.5m to 1m where footpath seating is located adjacent to the roadway, increasing the space available for footpath seating whilst ensuring adequate access to parked cars.
- Adopting a 1.5 m setback from building corners, as opposed to the current '45-degree splayed setback', to simplify interpretation.
- Simplifying the hours of operation for footpath seating, including expanding the maximum hours in Local and Commercial Centres (E1 and E2) as well as Mixed Use (MU1) zones from 7 am-9 pm to 6 am-10.00 pm.

- Detailed guidance on the application process to assist business operators.
- Updated graphics and diagrams to reflect public domain improvements and interpretation.

The new Footpath Seating Policy and Guidelines is designed to be clearer, more accessible, and better suited to the needs of our local business community.

The draft FSPG is also consistent with reforms introduced by the NSW Government between 2020 and 2024, which made it easier for food and beverage premises to trade outdoors, removing the need to obtain DA approval in most circumstances.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Council 29 April 2025	CM/7.13/25.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>Publicly exhibits the draft Footpath Seating Policy and Guidelines and associated amendments to the Waverley Development Control Plan 2022 attached to the report for 42 days.</li> <li>Notes the following key amendments are proposed to the current Waverley Development Control Plan 2022: <ol style="list-style-type: none"> <li>Removing the requirement for adherence to a seating plan, in favour of only prescribing the area available for seating.</li> <li>Removing requirement for strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.</li> <li>Reducing the minimum kerb setback from 1.5 m to 1 m where footpath seating is located adjacent to the roadway, increasing the space available for footpath seating while ensuring adequate access to parked cars.</li> <li>Adopting a 1.5 m setback from building corners, as opposed to the current '45-degree splayed setback', to simplify interpretation.</li> <li>Simplifying the hours of operation for footpath seating, including expanding the maximum hours in Local and Commercial Centres (E1 and E2) as well as Mixed Use (MU1) zones from 7 am-9 pm to 6 am-10.00 pm.</li> <li>Detailed guidance on the application process to assist business operators.</li> <li>Updated graphics and diagrams to reflect public domain improvements and</li> </ol> </li> </ol>

		<p>interpretation.</p> <p>3. Requests the Mayor to inform the following stakeholders of the exhibition of the draft Footpath Seating Policy and Guidelines:</p> <ul style="list-style-type: none"> <li>(a) Waverley Business Forum.</li> <li>(b) Bondi and Districts Chamber of Commerce.</li> <li>(c) Member for Vaucluse, Kellie Sloane MP.</li> <li>(d) Member for Coogee, Marjorie O'Neill MP.</li> <li>(e) Member for Wentworth, Allegra Spender MP.</li> <li>(f) Minister for Small Business, the Hon Stephen Kamper MP.</li> <li>(g) Minister for Local Government, the Hon Ron Hoenig MP.</li> </ul> <p>4. Officers prepare a report to Council following the exhibition period.</p>
Council 26 November 2024	CM/8.1/24.11	<p>That Council:</p> <p>1. Immediately amends the footpath dining permit system to not require strict compliance with the National Construction Code for sanitary facilities for the purpose of calculating the number of outdoor dining seats/patrons.</p> <p>2. Officers prepare a report to Council no later than March 2025 outlining:</p> <ul style="list-style-type: none"> <li>(a) Housekeeping amendments to the Waverley Development Control Plan to create consistency with clause 1(a).</li> <li>(b) A new draft Outdoor Dining Policy and Guidelines.</li> </ul> <p>3. Writes to the following organisations informing them of Council's decision:</p> <ul style="list-style-type: none"> <li>(a) Bondi and Districts Chamber of Commerce.</li> <li>(b) Night Time Industries Association (NTIA).</li> <li>(c) Independent Bars Association.</li> <li>(d) Council's Precincts.</li> </ul>

Council 19 March 2024	CM/8.5/24.03	That Council: <ol style="list-style-type: none"> <li>1. Amends the footpath dining permit system to only prescribe the area available.</li> <li>2. Officers notify Councillors once the footpath dining permit system process has been amended.</li> </ol>
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#### 4. Discussion

The draft FSPG was publicly exhibited between 5 June and 4 July 2025, and included

- A Have Your Say page, including an FAQ and feedback survey.
- Advertising is multiple issues of the Waverley Weekly email-newsletter.
- Social media digital advertising.
- Email notification to Precincts, as well as Have Your Say and Waverley Business newsletter subscribers.

203 people visited the page during this time and 10 submissions were received.

Feedback received on the FSPG was generally mixed, with three submissions expressing support in favour of the policy and five submissions not in favour, raising concerns or complaints.

Submissions in support of the new policy expressed that it provides a clearer and more business-friendly framework compared to the existing Part D2 of the Waverley DCP.

Of those submissions not in favour, three were concerned with the proposed amendment to the kerb set back control from 1.5 to 1 metre. Issues raised included adequate circulation space for people accessing cars, especially with prams, dogs and wheelchairs, as well as patron crowding of the footpath waiting for tables. In response to these concerns, the policy states that business must comply with both the 1 metre setback control as well as the 2.5 metre minimum clear path of travel width. This control applies only to footpath seating located adjacent to the roadway.

Four submissions raised issues of policy compliance and business management of patrons seated on the footpath. In response, the new FSPG is designed to be clearer, and more accessible to businesses, as well as Council rangers, compliance officers and local police, to better manage the potential hazards posed by footpath seating. It is expected that the new policy will assist in alleviating issues of compliance and patron management.

#### Post-exhibition amendments

Minor post exhibition amendments have been made to the policy following community consultation, including amended guidance on the use of furniture and tableware associated with footpath seating, additions to the terms and conditions to better advise businesses, as well as review time frames following implementation. These changes are shown in red in Attachment 1.

#### DCP amendments

It is anticipated that the proposed DCP amendments (Attachment 2) will be combined with proposed changes to the Waverley Development Control Plan 2022 (Amendment No. 5) if adopted by Council (see the separate report on this agenda). Collectively together, the changes will form Amendment No. 5 of the Waverley DCP 2022.

The *Environmental Planning and Assessment Regulation 2021* sets out the requirements that following the adoption of a DCP, Council must publish notice on its website, specifying the date in which the previous DCP is repealed and the new DCP comes into effect, with at least 14 days' notice to be provided.

## **5. Financial Impact**

Council received \$1.2 million from footpath seating applications, permits, and lease agreements in the 2024-25 financial year. The proposed amendments are not expected to materially impact future lease revenue.

## **6. Risks/Issues**

There are no risks or issues considered to arise from the adoption and implementation of the Footpath Seating Policy and Guidelines.

## **7. Attachments**

1. Footpath Seating Policy and Guidelines [↓](#)
2. Associated amendments to Waverley DCP 2022 Part D [↓](#)



# Footpath Seating Policy and Guidelines

Post-Exhibition Tracked Changes Copy



<b>Department</b>	Urban Planning, Policy & Strategy
<b>Approved by</b>	Council
<b>Date approved</b>	5 August 2025
<b>File reference</b>	A25/0635
<b>Next revision date</b>	1 February 2027
<b>Relevant legislation</b>	Roads Act 1993, Local Government Act 1993
<b>Related policies/ procedures/guidelines</b>	N/A
<b>Related forms</b>	<a href="#">Footpath seating/dining application form</a>

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## 1. Introduction

**This Policy is for businesses in the Waverley local government area seeking to utilise the footpath outside their premises for footpath seating.**

**Businesses seeking to utilise the footpath outside their premises must have a valid approval issued by Council. Council issues approvals for the use of the footpath (under section 125 of the *Roads Act 1993*, and section 68 of the *Local Government Act 1993*) via an [application form for Footpath seating/dining](#).**

**This policy provides a user-friendly guide to the process, explaining the application and design requirements, as well as the terms and conditions for footpath seating.**

---

### 1.1 Who can apply for footpath seating?

To be eligible to apply for footpath seating, you must be operating a ‘food and drink premises’ adjacent to the footpath. This premises must have a current development consent or a complying development certificate to operate.

#### **Food and drink premises:**

*premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes a restaurant or café, take away food and drink premises, a pub, or a small bar.*

Waverley Local Environmental Plan 2012

### 1.2 Designated Areas for footpath seating

There are specific controls for the following designated footpath seating locations:

- Oxford Street Mall, Bondi Junction
- Waverley Street Mall, Bondi Junction
- Campbell Parade between Lamrock Avenue and Beach Road, Bondi Beach
- Roscoe Street Mall, Bondi Beach
- Bronte Road between Nelson Avenue and Pacific Street, Bronte.

If you are proposing footpath seating in the above locations, you will need to refer to section 5 on page 17.

### 1.3 Classified Roads

Under Section 125 of the *Roads Act 1993*, applications for footpath seating on classified roads (being state or regional roads) must be referred to Transport for NSW for approval.

Classified roads in Waverley include Bondi Road, Carrington Road, Council Street, Old South Head Road, Syd Einfeld Drive, Curlewis Street, Penkivil Street, Bennett Street, Birrell Street, Bronte Road, and Macpherson Street. Refer to [Transport for NSW's Road Network Classification Map](#) for details.

Applications are referred to Transport for NSW by Waverley Council after being lodged.

### 1.4 Change of operator

Under Section 125 of the *Roads Act 1993*, approvals for outdoor seating are held by the operator of the business, rather than the business or the property. This means that when there is a change of operator for a business with approval for outdoor seating, the approval is no longer valid. A new operator will need to get a new approval for outdoor seating.

### 1.5 Notification of applications

Public consultation on outdoor seating applications can help identify problems that could arise during operation.

Notification requirements apply to new applications, amendments to existing approvals and renewal applications, in line with Council's [Community Engagement Strategy](#).

### 1.6 Fees and Charges

Application fees and rental fees are payable in accordance with Council's Fees and Charges Policy. A summary of the fees payable can be found on the [application form for footpath seating/dining](#).

Once your application has been received, you will be contacted to pay the Application Fee. It is requested that the fee be paid within 48 hours of receiving the invoice. Council will not start the assessment process until the fees are paid.

---

## 2. Application requirements

**This section details the documents required to submit your application for footpath seating. This section should be read in conjunction with the application form for footpath seating.**

### **You will need:**

1. Development consent or Complying Development Certificate for operation
2. A Site plan and footpath seating area plan
3. Furniture details
4. Liquor Licence & Plan of Management (if applicable)

### 2.1 Development Consent or Complying Development Certificate

Your premises must have existing development consent or certificate to operate. This is also known as a Development Application (DA) or Complying Development Certificate (CDC) approval. Citing the approval number on the application form is sufficient.

### 2.2 Plans

Two sets of plans are required:

- A site plan
- A footpath seating area plan

#### 2.2.1 Site plan

A location plan showing the property in relation to the street and the nearest cross street. Site plans are not required to be drawn to an architectural standard and can be sourced from freely available digital maps like Google maps or Apple maps, SIX maps, or similar.

#### 2.2.2 Footpath seating area plan

A dimensioned plan drawn to scale (1:50 or 1:100) that shows:

- a) Width of the shop/building frontage of your premises and location of openings such as doors and windows
- b) Width of the footpath and size and location of features such as trees, public utilities, parking restrictions, bins, street furniture, crossings, traffic lights and drains/pits
- c) Location and distance of the kerb from your premises
- d) The proposed location and dimensions of the footpath seating area, including the total seating area in square metres. Ensure dimensions are shown from a point on the premises that can be

measured to ensure that the area marker plaques can be installed correctly on the footpath to indicate the boundary of the occupation area

- e) Consideration of the design requirements for footpath seating (in the next section).

See (appendix 7 on page 31) for an example of an acceptable footpath seating area plan.

## 2.3 Furniture Details

A photo, brochure, or manufacturer's details of the outdoor seating furniture proposed to be used, including any accessories such as umbrellas, barriers, or heaters. See (appendix 7 on page 32) for an example.

## 2.4 Liquor Licence & Plan of Management (if applicable)

If your premises serves alcohol, a copy of the liquor licence and Plan of Management (POM) is required.

## 2.4 Public Liability Insurance (after approval)

If/when approval is issued, the applicant must obtain public liability insurance for the approved footpath area for legal liability to the public in respect of personal injury and property damage.

The insurance must:

- Be for a minimum \$20 million (or a larger amount if directed by Council);
- Name "Waverley Council" as an interested party as owner in respect of the outdoor seating/structures displayed on the footpath;
- Include a "cross-liability" clause, and
- Secure the interest of the applicant and that of Council against any claim that may be made as a result of the use of the footpath.

A Certificate of Currency must be provided to Council prior to the use of the footpath. Thereafter the Certificate is to be provided to Council annually.

**Public Liability Insurance is only required after approval is issued.**

---

### 3. Design requirements

**This section covers the design requirements for footpath seating to be addressed in your outdoor seating area plan and application.**

When applications are assessed, consideration will be given to:

- Convenience and safety of pedestrian movement
- Safety of vehicular movement
- Impact on residential amenity
- Whether the application contributes to and improves local amenity and the public domain
- Impact on the natural environment including existing trees, significant views and items of heritage significance.

Footpath seating can make a significant contribution to the quality of public spaces by providing active street frontages. However, footpath seating might not be appropriate in all locations due to safety and amenity issues.

#### How to read this section:

The Design requirements are separated into 'Objectives' and 'Controls'.

Applicants are expected to meet the controls set out in the design requirements and demonstrate compliance in their application.

Where an applicant can't meet the controls set out in the policy, Council will consider variations to the controls on a case-by-case basis where a proposal can demonstrate that it still achieves (or improves upon) the objectives.

#### 3.1 Location

##### Objectives:

1. To ensure pedestrian footpath movements are maintained, as well as the safety of patrons and staff.
- ~~2. To ensure footpath seating is not the primary dining area but an extension of indoor seating for use in fine weather.~~
- 3.2. To ensure that footpath seating contributes to and improves the local amenity and the public domain.



**Controls:**

- a) The standard location for footpath seating is against the shop front. Where this location would interrupt a continuous path of travel for pedestrians, locate seating to maintain a continuous path of travel.
- b) If adjoining space is not used by the adjacent shop, shops immediately adjacent may take up that space with the owner's consent. Adjoining space should only be used as long as the adjacent business does not require the seating for their own purposes. Owner's consent to use the area in front of an adjoining tenancy can be revoked by that owner or Council with a minimum 4 weeks' notice.
- c) Where the footpath seating is adjacent to the kerb, a standard minimum setback of 1m from the kerb is required to allow access to parked cars and to ensure the safety of patrons.
- d) Footpath seating must be kept clear of street corners to allow adequate visibility and sight lines for traffic and pedestrian safety. A minimum 1.5m setback from the corner of the building is required.
- e) Where a footpath is extended at a street corner or where there is a road closure there may be opportunities for different seating locations other than the standard footpath seating location.
- f) Alternative footpath seating locations (including parklets) may be considered on their merits. Additional supporting information must be provided with the application including evidence illustrating how pedestrian and vehicular safety will be achieved.
- g) The minimum dimensions of 600mm x 600mm per seat and 600mm x 600mm per table is required to ensure comfortable seating.
- h) Adequate circulation space for patrons and staff within the footpath seating area must be provided.
- i) The minimum width of a clear, unobstructed pedestrian footpath is 2.5m. This distance is exclusive of street furniture, bus stops, ~~disabled~~ accessible parking spaces, parking meters, telephone boxes or the like.
- j) No furniture is to be located within 3m of a bus stop or taxi zone to allow for adequate pedestrian circulation.
- k) Where footpaths do not have adequate width to accommodate the required minimum unobstructed pedestrian footpath and footpath seating widths, shops are encouraged to provide shop fronts capable of opening to the street.
- l) All areas granted approval for outdoor seating must clearly mark the location of the space on the pavement with Council-approved markers.

Figure 1 - Design Requirements  
Example Clearances Required

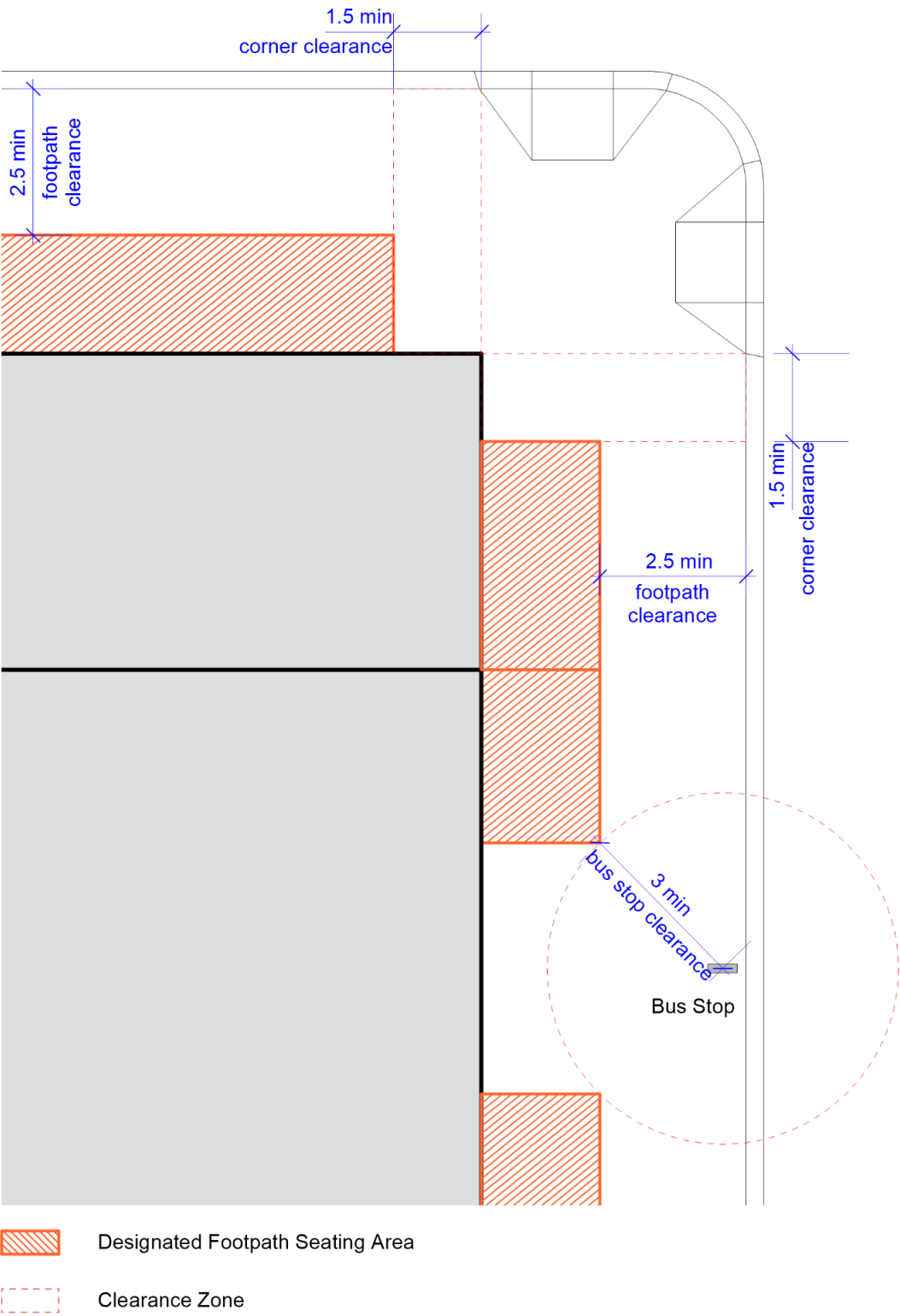
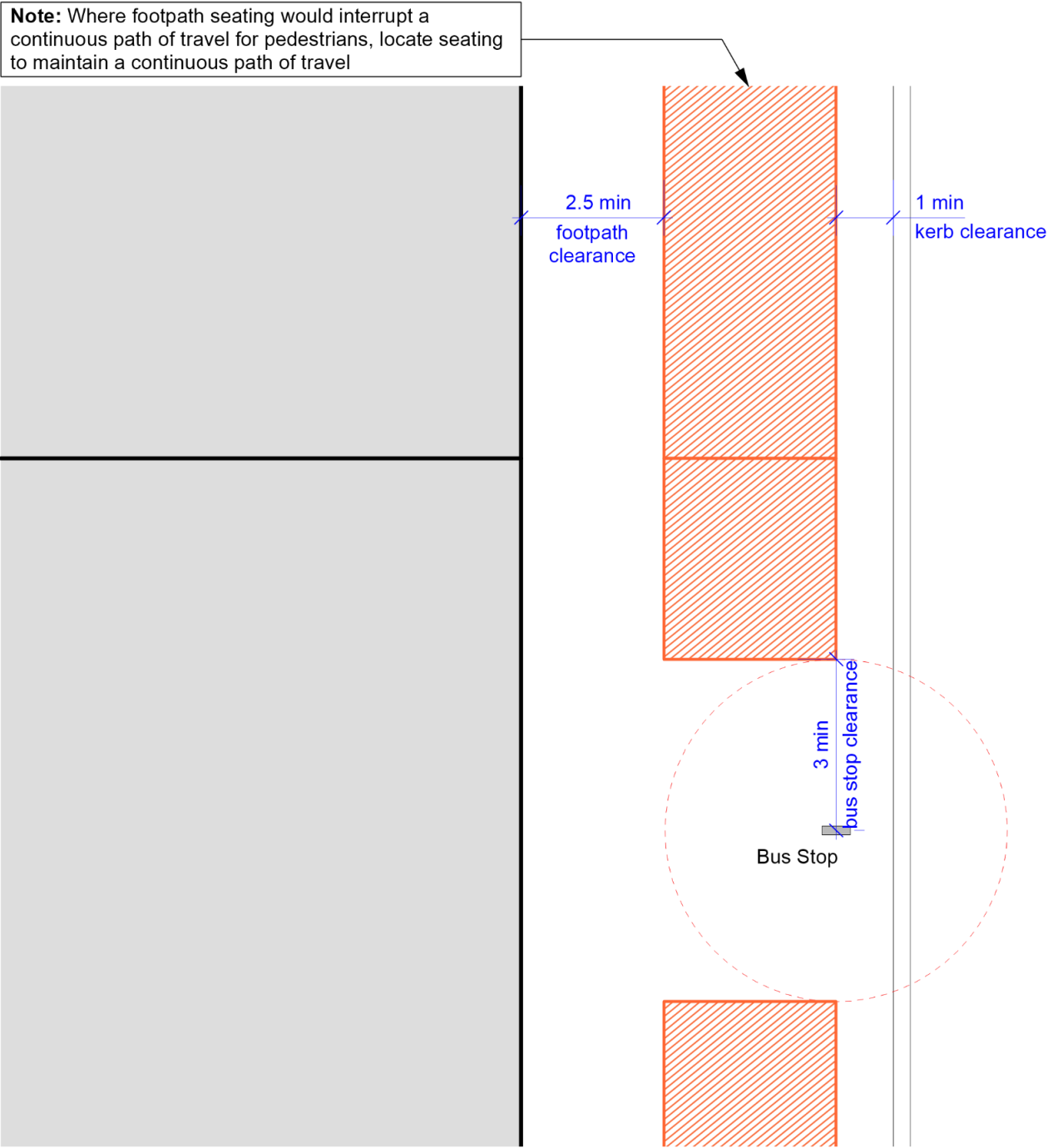




Figure 2 - Design Requirements  
Example Clearances Required



-  Designated Footpath Seating Area
-  Clearance Zone

**Note**  
All dimensions are in metres

### 3.2 Furniture and Accessories

#### Objective:

1. To ensure all furniture and accessories are high-quality and an appropriate design.

#### Controls:

- a) All elements of furniture (such as chairs, tables, barriers or umbrellas) must be safe, strong, durable, waterproof, weather-resistant, salt-resistant, purpose-built and designed for commercial outdoor use. This includes table accessories, menus, condiments, cutlery containers, and the like.
- b) All eElements of furniture (such as chairs, tables, barriers or umbrellas) must be uniform in style and design within each café or restaurant to maintain a cohesive pattern and legible groupings.
- ~~b)c)~~ Tableware (cutlery, plates, drinking glasses, and the like) is not permitted on tables in the outdoor seating area prior to the seating of patrons in order to maintain food safety.
- ~~c)d)~~ All furniture and tableware must be well maintained and clean at all times. Council reserves the right to require replacement of inappropriate and/ or hazardous furniture as a licence-permit requirement.
- ~~d)e)~~ All furniture, accessories and umbrellas must be stored away from footpath seating areas outside the approved hours of operation unless specific approval has been granted.
- ~~e)f)~~ Milk crates and the like are not allowed.
- g) Adequate mobile waste bins are to be provided to prevent litter. Bins are to be stored within the premises outside of operating hours.
- ~~f)h)~~ It is advised that all elements of furniture should be of a contrasting colour to their background to assist people with vision impairment.
- ~~g)~~ Provision is to be made for a waiter station when footpath seating is for more than 30 people.

#### 3.2.1 Umbrellas

#### Controls:

- a) Umbrellas are to be commercial grade and suitable for outdoor use (UV resistant, provide rain and hail protection, fire resistant, wind rated and easily maintained), of a square canopy shape with no top hat, have a diameter of between 1.8m and up to 4.0m, have a centre post, be collapsible and be at least 2.2m above ground when open.
- b) Umbrellas must be removed or closed in extreme windy conditions to avoid damage and ensure safety for patrons and pedestrians.

- c) Umbrella bases must not damage the paving and should be secured to the umbrella.
- d) Applicants must make sure Umbrellas are securely anchored to the satisfaction of Council. The cost of the umbrellas as well as securing and maintaining them will be borne by the applicant.
- e) The umbrella base may be embedded in the footpath paving with Council approval.
- f) Umbrellas may overhang a maximum of 300mm outside the approved footpath seating area.
- g) Umbrellas cannot be fitted with protection blinds unless specific approval has been granted.
- h) Umbrellas must be cleaned at least once every 12 months at the cost of the applicant.

### 3.2.2 Barriers and planters

#### Controls:

- a) Barriers are encouraged at either end of the outdoor seating to enable pedestrians to navigate a safe and continuous path of travel.
- b) The maximum permitted dimensions of a barrier are 900mm high and 1.2m wide.
- c) The maximum permitted dimensions of a planter are 750mm high, 1.2m wide and 900mm deep.
- d) Barriers and landscape planters are not permitted in front of the seating area facing the pedestrian way.

### 3.2.3 Heaters

#### Controls:

- a) Only tall, freestanding, portable radiant heaters are permitted.
- b) Heaters used in footpath seating areas must be commercial grade, well maintained and able to turn off automatically if overturned.
- c) Heaters must be removed from the footpath seating area and stored on private property when not in use unless approval is granted; and

### 3.2.4 Lighting

#### Controls:

- a) Any footpath seating which will be operating outside daylight hours must provide adequate lighting to Council's satisfaction, to ensure the safety and amenity of patrons, staff and the general public.

- b) Any additional lighting required must be temporary and must be stored away from footpath seating areas outside the approved hours of operation.
- c) Wiring or cabling that is above ground or that crosses the public domain is not permitted.
- d) Lighting should not cause light to spill into habitable living areas of adjacent residential buildings.
- e) Lighting is to be turned off once the footpath seating hours have ceased for the evening.

### 3.2.5 Advertising and Logos

#### **Controls:**

- a) Only the name and/or logo of the tenant is permitted on furniture. No third-party advertising is permitted.
- b) The name and/or logo are to be presented on a maximum one-third of an umbrella panel.
- c) Third-party advertising is not permitted on barriers.



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## 4. Terms and Conditions of Operation

To ensure that footpath seating contributes positively to the urban environment, appropriate management issues must be considered including noise, hours of operation, health and safety.

Incidents of non-compliance are noted on the operators file and will be taken into consideration by Council when requesting to vary or renew their footpath seating permit.

**The following terms and conditions apply to the operation of footpath seating:**

### 4.1 Noise, health & safety

- a) Seating areas must be clean and free of litter during operating hours and once furniture and accessories are removed from the public realm after hours.
- b) The proprietor is to ensure that the requirements of the *Food Standard Code* are fully met.
- c) No smoking is permitted in footpath seating areas.
- d) Footpath seating will not be approved if the proposal is of a scale that noise generated will have a significant adverse effect upon nearby residential properties.
- e) Amplified sound emanating from public footpaths or projected onto public footpaths is not permitted.
- f) The business operator is responsible for keeping public areas surrounding the approved seating area clear of prams and dogs associated with their customers. Where customers with prams are regular clientele, consider providing a 'pram' table with extra space, or collapsible chairs which can easily be removed to give more space for prams within the seating area. Applicants may also wish to consider pram and/or puppy parking.

### 4.2 Hours of operation

- a) Hours of operation must finish at least half an hour before the general operational hours of the establishment as determined by Council.
- b) In addition to the above, footpath seating (including renewal of existing footpath seating) is not to occur outside of the following hours:
  - In Low and Medium Density Residential Zones (R2 & R3):  
7:00am to 9:00pm - 7 days a week
  - In Local and Commercial Centres (E1 & E2) as well as Mixed Use (MU1) zones:  
6:00am to 10:00pm - 7 days a week
- c) Notwithstanding the hours outlined above, extended hours may be granted only on a trial and reviewable basis where the applicant can demonstrate:

- There is a need for longer hours to more closely align with the approved operating hours of the premises, and
  - The premises has not generally been subject to complaints relating to noise and overall operation, and
  - The additional period will not cause or result in adverse amenity impacts on the neighbourhood.
- d) Extended seating hours will not exceed 10pm in any case and any approval will be subject to a reviewable condition.

#### 4.3 Other conditions of approval

- a) Generally, approval for footpath seating will be granted for 5 years inclusive of a 6-month trial period and checks made for compliance regularly throughout the approval period. Council may elect to approve for a lesser period of time, where it is of the opinion that the use of the footpath may cause detrimental impact to the amenity of the area.
- b) A permit may be cancelled or amended if:
- The proprietor fails to comply with the permit conditions; and
  - There are changed conditions affecting the outdoor seating area in its particular location, such as increased risk to health and safety,-
  - Permit holders are issued two or more infringement notices for the same or similar breach of policy.
- c) If payment of rent for outdoor seating is not received by Council on the first day of each month an approval is in place, the approval is considered to have lapsed until payment is received. In the interim, an infringement notice may be issued for obstructing the footpath without approval.
- d) Tenants are required to keep their approved footpath seating area plan, as well as markers in clear view so Waverley Council Officers can easily check for compliance at any time. Appropriate locations are in the front window or, if the front facade of the tenancy is fully openable, close to the front of the tenancy.
- e) Tenants are required to pay a rental bond as determined in the agreement with Council.
- f) For unlicensed premises with no internal sanitary facilities, the maximum footpath seating area permitted is to accommodate less than 19 patrons.
- g) Where a permit is suspended, relocated, amended and/or cancelled, neither the permit holder nor any other persons shall be entitled to any payments, compensation or damages of any kind from Waverley Council.

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## 5. Designated footpath seating locations

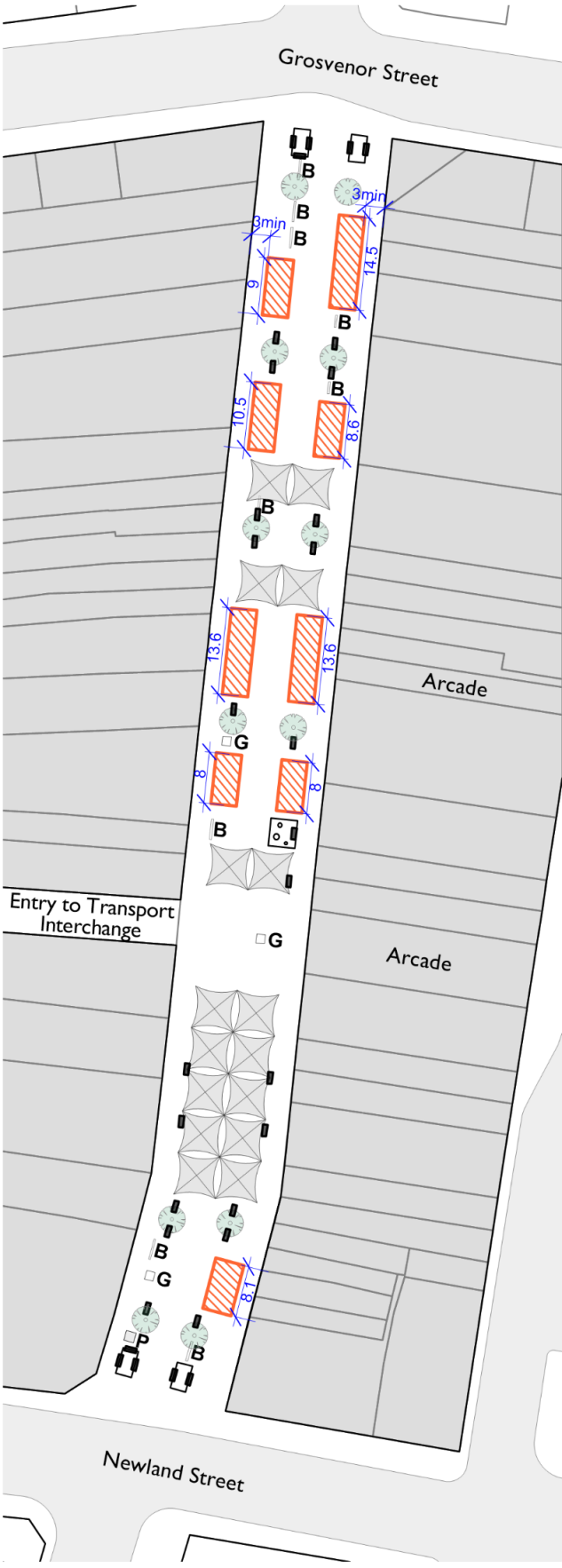
In addition to the controls in section 3 and 4 of this policy, there are specific controls for the following designated footpath seating locations.

### 5.1 Oxford Street Mall, Bondi Junction






- (a) Oxford Street Mall is to have a minimum clear unobstructed pedestrian footpath of 3m.
- (b) Footpath seating in Oxford Street Mall is required to be located away from the shop fronts.
- (c) The location of footpath seating is to be in accordance with Map 1.
- (d) Footpath seating must be a minimum of 1.2m away from site furniture such as bicycle racks, garbage bins, public seating, and public telephones.

~~(e) Council discourages the use of barriers and accessories in this area.~~



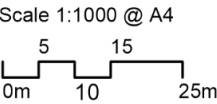


Map 1. Oxford Street Mall, Bondi Junction

-  Designated Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy Approx.
-  Shade Structure
-  Existing Planters
- B** Bike Racks
- G** Garbage Bins
- P** Public Telephone

**Note**  
All dimensions are in metres

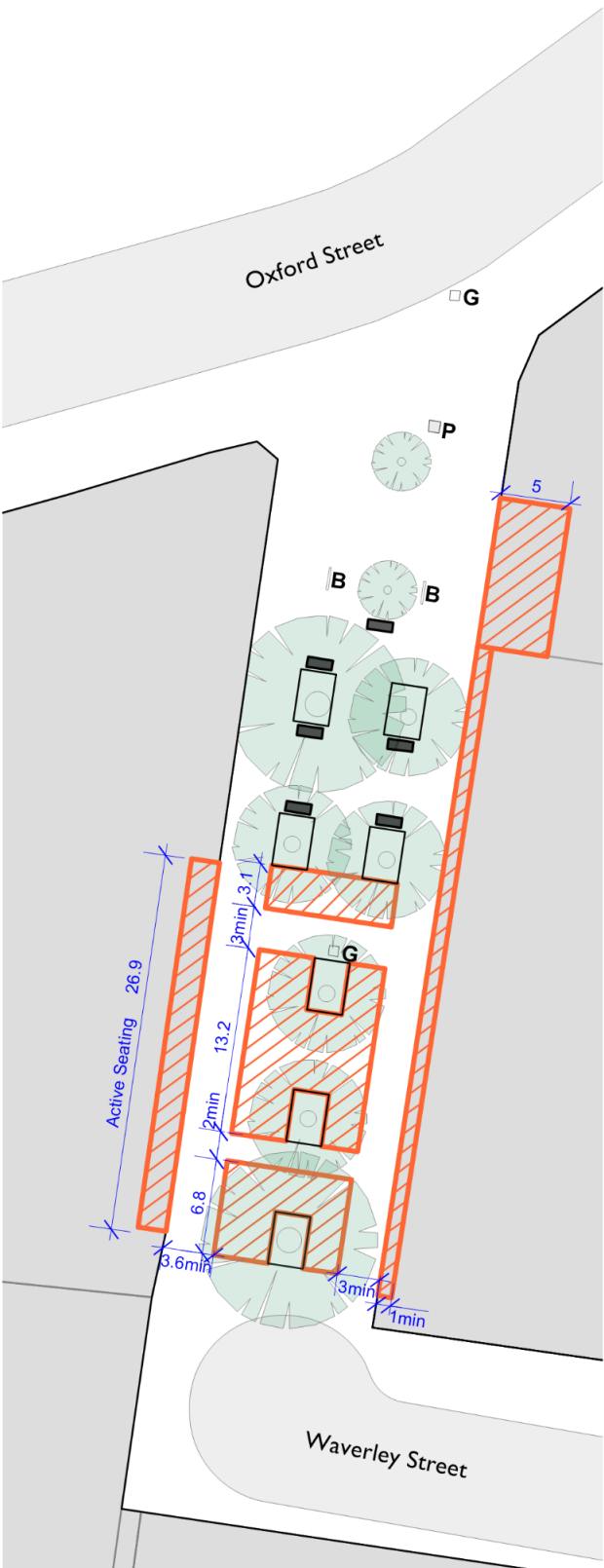
Footpath seating must be a minimum of 1.2 metres away from site furniture, bicycle racks, garbage bins, public seating and public telephones







## 5.2 Waverley Street Mall, Bondi Junction

- (a) Waverley Street Mall is to have a minimum unobstructed pedestrian footpath of 2m, between the café/restaurant footpath seating against the shop front and the designated seating areas or planters.
- (b) Footpath seating is permitted against the shop fronts within alcove areas only and also in the designated seating areas located in Map 2.

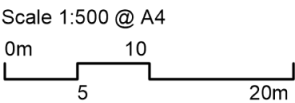
~~(c) Council discourages the use of barriers and accessories in this area.~~



Map 2. Waverley Street Mall, Bondi Junction

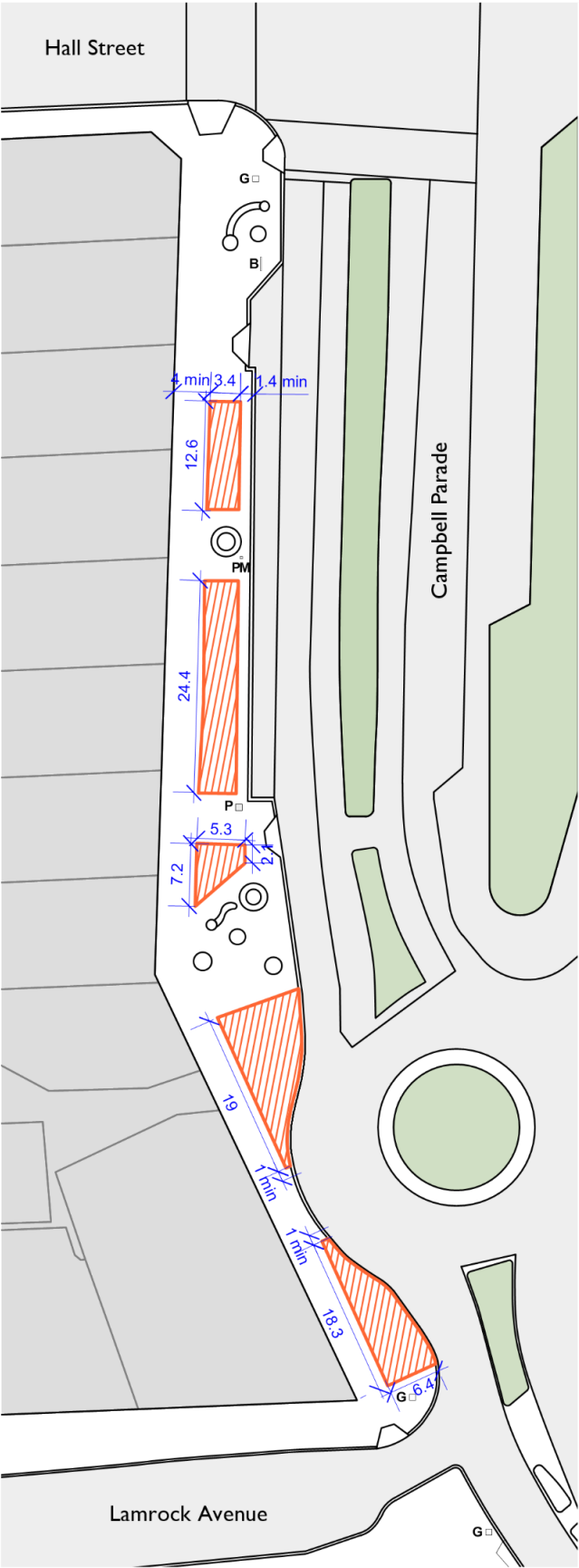
-  Designated Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy Approx.
-  Existing Planters
- B** Bike Racks
- G** Garbage Bins
- P** Public Telephone

**Note**  
All dimensions are in metres



### 5.3 Campbell Parade between Lamrock Avenue and Beach Road, Bondi Beach

- (a) Campbell Parade is to have a minimum 4m clear pedestrian footpath between Lamrock Avenue and Beach Road (and minimum 2m in all other areas) as indicated on the designated footpath seating maps in Maps 3, 4, 5 and 6.
- (b) Footpath seating must be a minimum 2m from existing public seating, and a minimum of 1.2m from parking metres, garbage bins and public telephones.
- (c) Protective blinds are only permitted to a maximum of three sides of an umbrella. The blinds must not contain metal rods and must be rolled up when not in use.
- (d) All umbrellas must be embedded in the footpath paving on Campbell Parade between Lamrock Avenue and Beach Street.



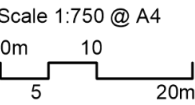
Map 3. Lamrock Avenue to Hall Street, Campbell Parade, Bondi Beach

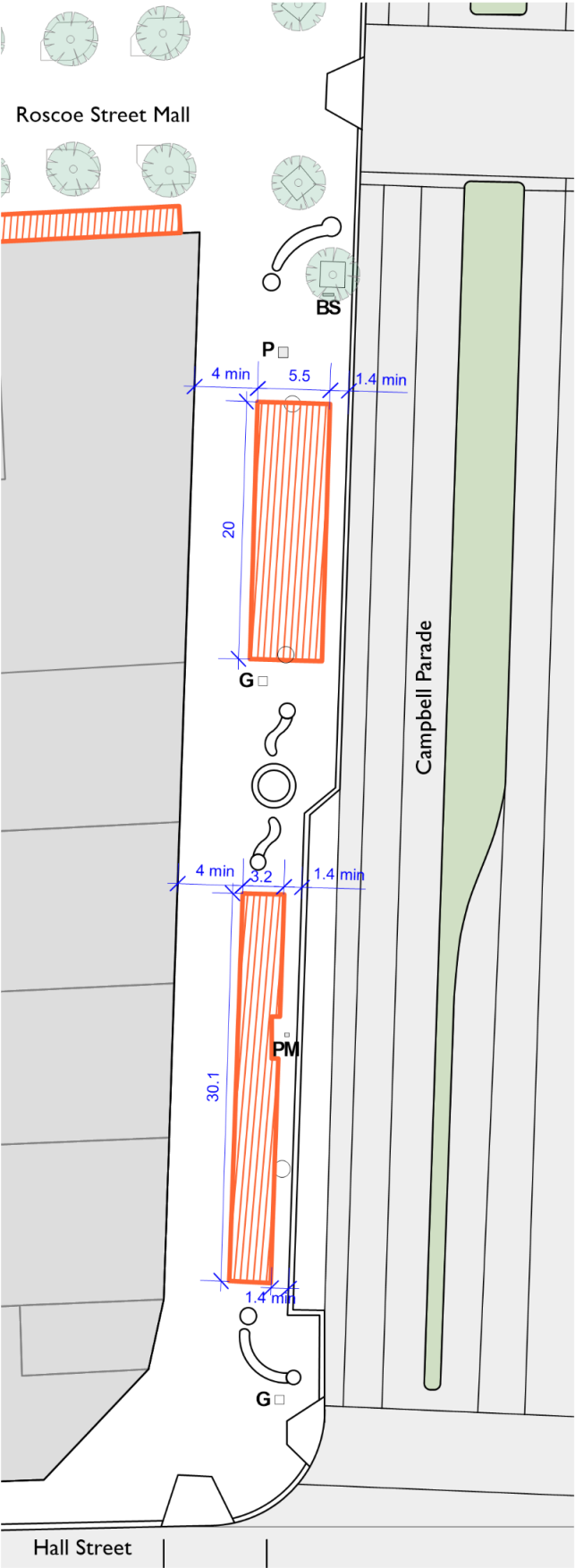
- Designated Footpath Seating Area
- Existing Public Seating
- G** Garbage Bins
- P** Public Telephone
- PM** Parking Meter
- B** Bike Racks

**Note**  
All dimensions are in metres

Footpath seating must be:

- minimum 2 metres from existing public seating
- minimum 1.2 metres from garbage bins, parking meters and public telephones



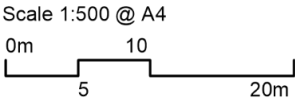


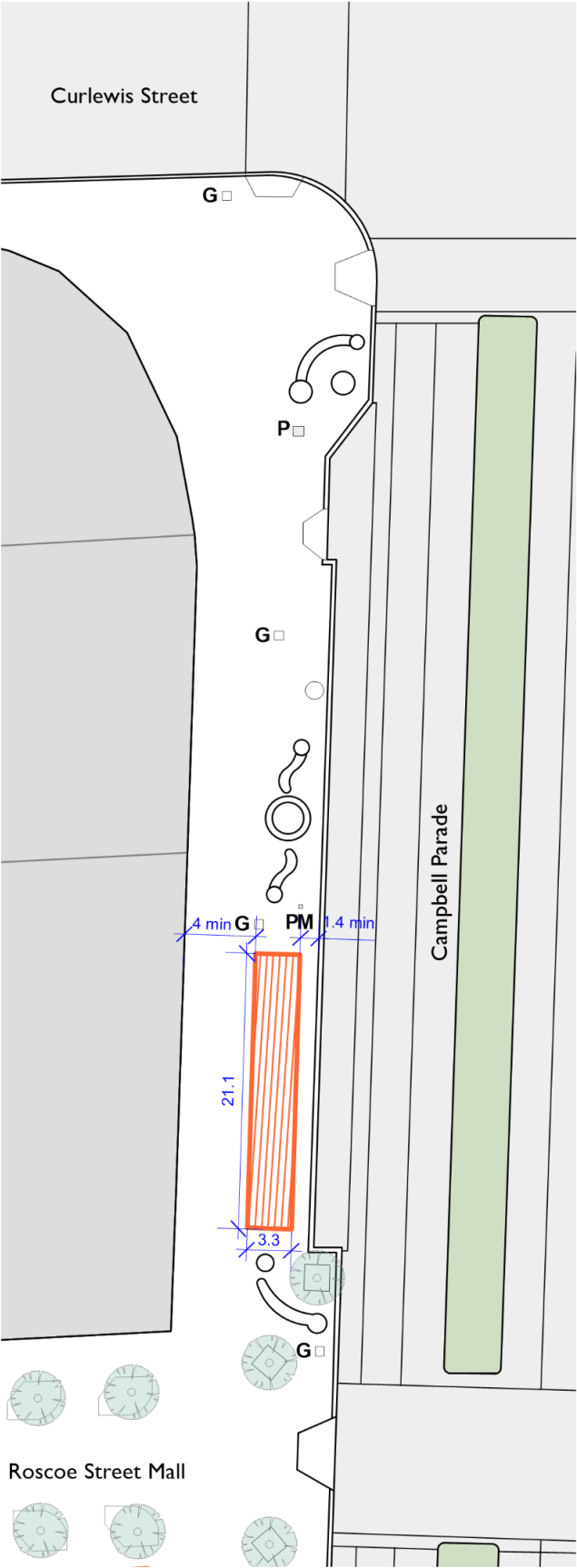
**Map 4. Hall Street to Roscoe Street, Campbell Parade, Bondi Beach**

-  Designated Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy Approx.
- G** Garbage Bins
- P** Public Telephone
- PM** Parking Meter
- BS** Bus Stop




**Note**  
All dimensions are in metres

Footpath seating must be:  
- minimum 2 metres from existing public seating  
- minimum 1.2 metres from garbage bins, parking meters and public telephones





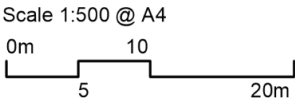
**Map 5. Roscoe Street to Curlewis Street, Campbell Parade, Bondi Beach**

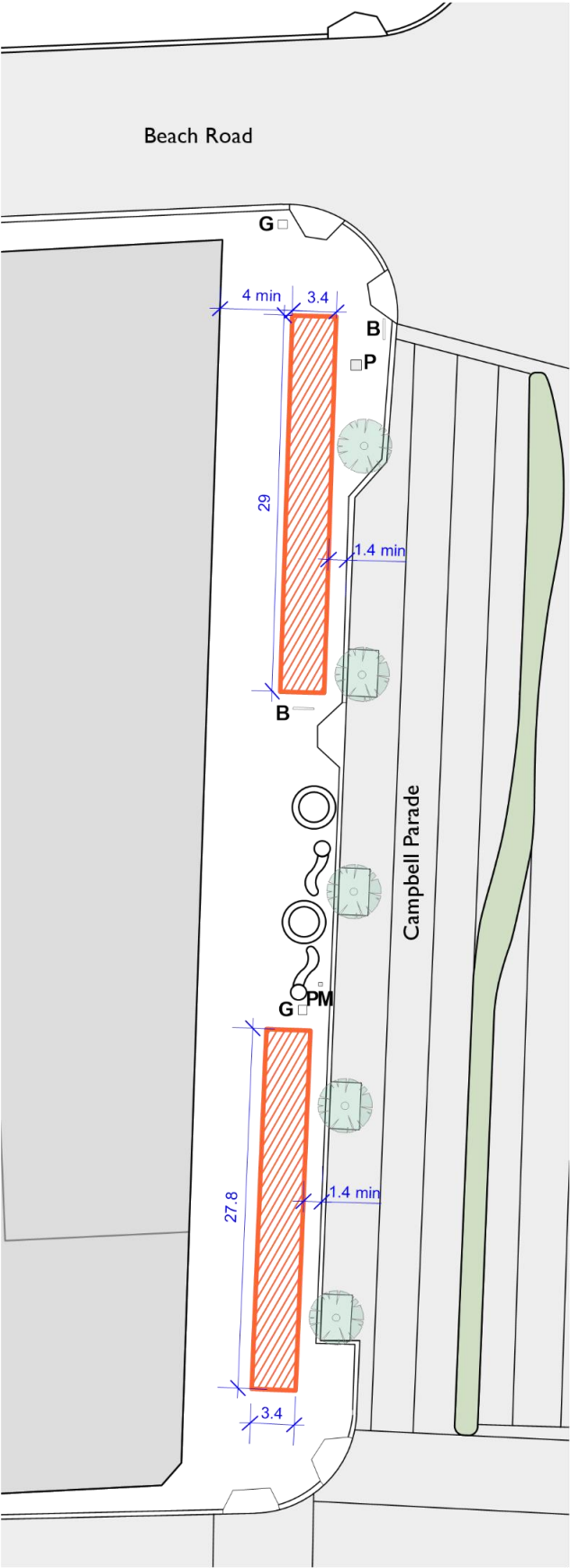
-  Designated Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy Approx.
- G** Garbage Bins
- P** Public Telephone
- PM** Parking Meter

**Note**  
All dimensions are in metres



Footpath seating must be:

- minimum 2 metres from existing public seating
- minimum 1.2 metres from garbage bins, parking meters and public telephones





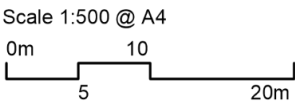
Map 6. Curlewis Street to Beach Road, Campbell Parade, Bondi Beach

-  Designated Footpath Seating Area
-  Existing Public Seating
- G** Garbage Bins
- P** Public Telephone
- PM** Parking Meter
- B** Bike Racks

**Note**  
All dimensions are in metres

Footpath seating must be:

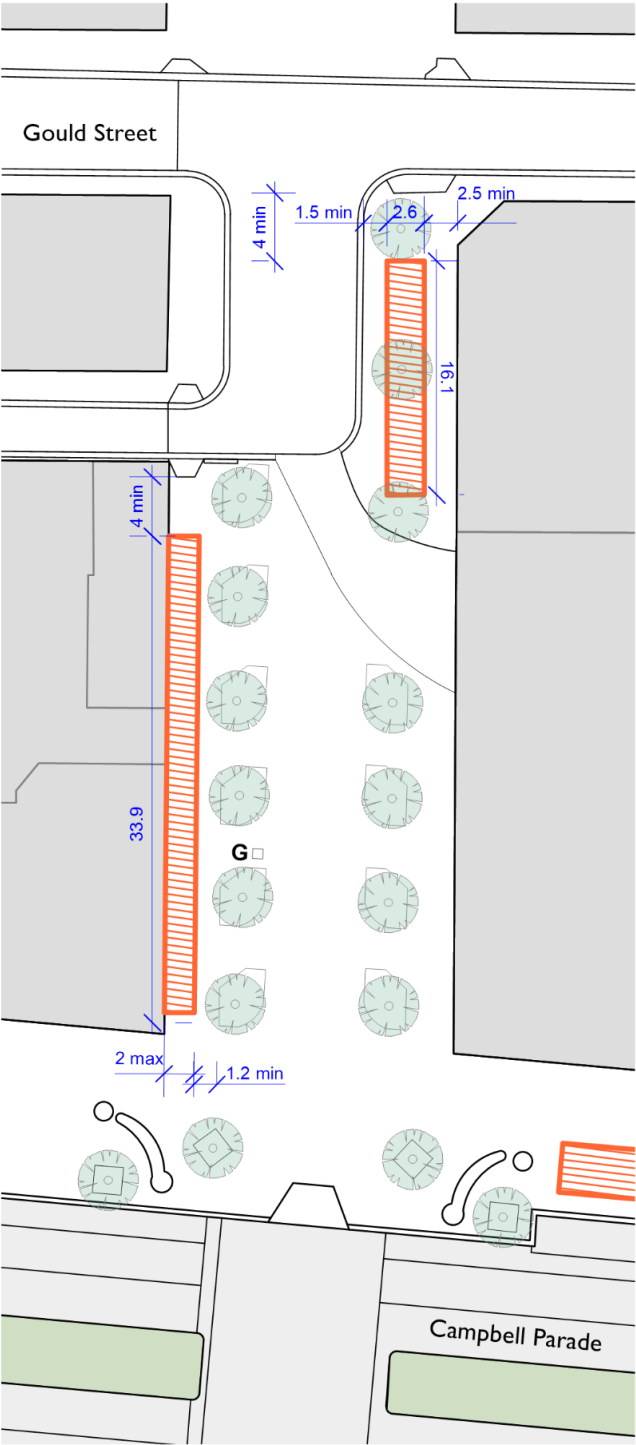
- minimum 2 metres from existing public seating
- minimum 1.2 metres from garbage bins, parking meters and public telephones






#### 5.4 Roscoe Street Mall, Bondi Beach

- (a) Roscoe Street Mall is to have a minimum clear pedestrian footpath of 1.2m from existing public seating at the Campbell Parade end and 2.5m at the Gould Street end as indicated on the designated footpath seating map.
- (b) Footpath seating must be a minimum of 4m from kerb ramps, minimum of 1.2m from garbage bins.





**Map 7. Roscoe Street Mall, Bondi Beach**

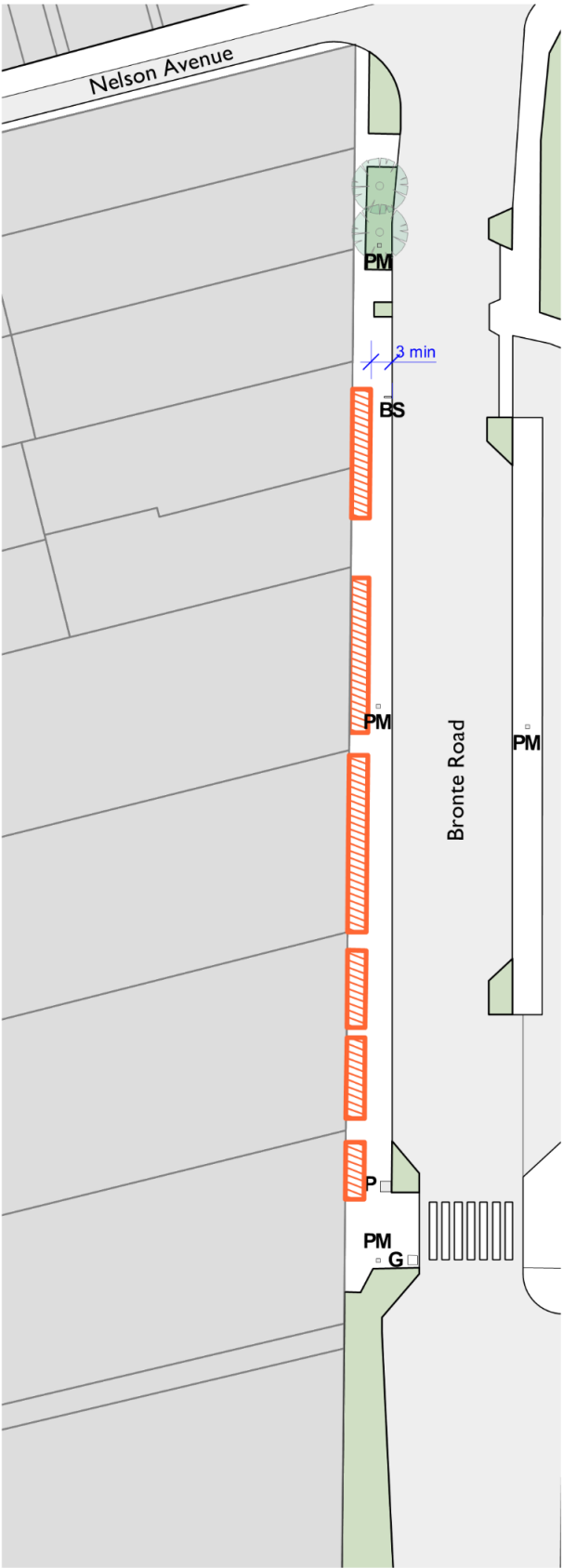
-  Designated Footpath Seating Area
-  Existing Public Seating
-  Tree Canopy Approx.
- G** Garbage Bins

**Note**  
All dimensions are in metres



- Footpath seating must be:
- minimum 2 metres from existing public seating
  - minimum 1.2 metres from garbage bins
  - minimum 4 metres from kerb ramps

### 5.5 Bronte Road, Bronte Beach

- (a) Bronte Road, Bronte Beach is to have minimum clear pedestrian footpath of 3m as indicated on the designated footpath seating map.
- (b) Footpath seating in Bronte Road, Bronte Beach must be located against the shop front.
- (c) Footpath seating must be a minimum of 750mm either side of residential doorways.

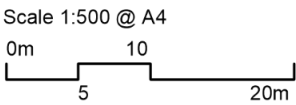


Map 8. Bronte Road, Bronte Beach

-  Designated Footpath Seating Area
-  Tree Canopy Approx.
- B** Bike Racks
- G** Garbage Bins
- P** Public Telephone
- BS** Bus Stop (set down only)
- PM** Parking Meter

**Note**  
All dimensions are in metres

Footpath seating must be a minimum of 750mm from residential doorways



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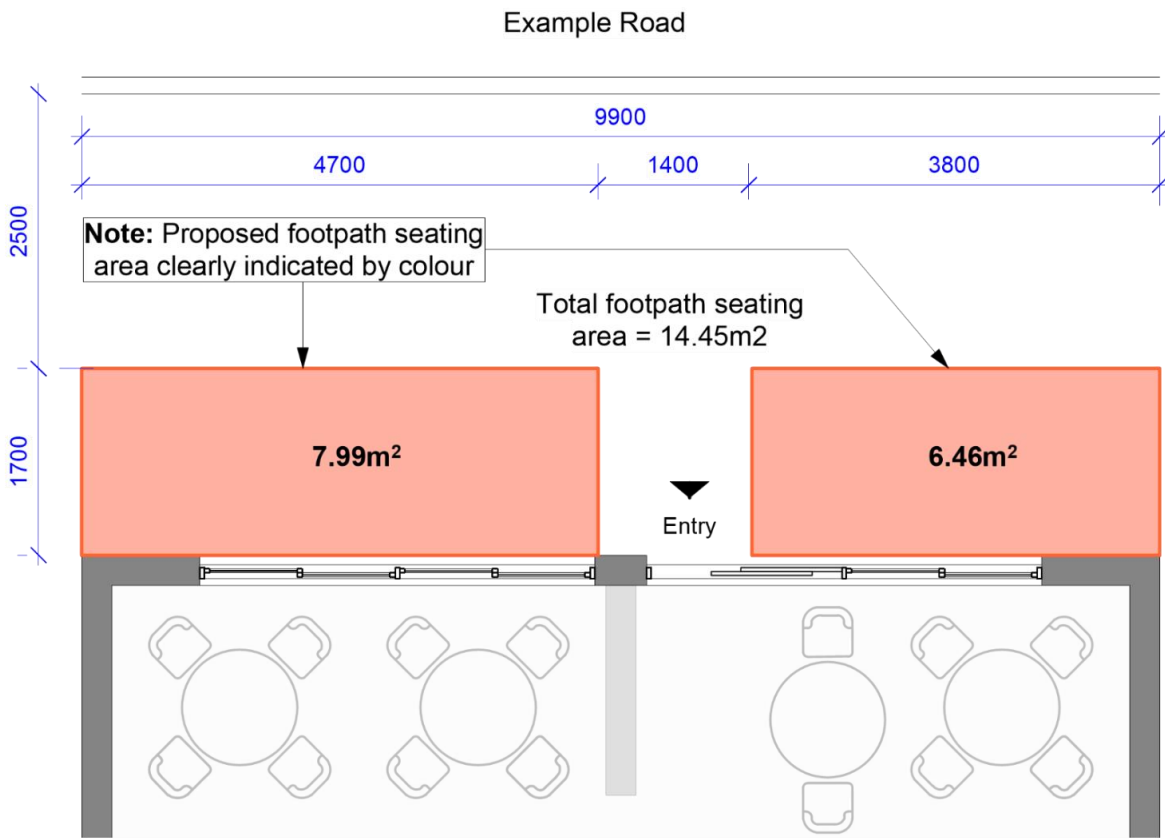
## 6. Definitions

Term	Definition
<i>Food and Drink Premises</i>	premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes a restaurant or café, take away food and drink premises, a pub, or a small bar.
<i>Footpath</i>	A paved area, generally adjacent to a road way, that is open to the public and designated for use by pedestrians.
<i>Footpath seating</i>	Tables, chairs, benches, and the like, located on the footpath, to be used for the consumption of food and/or drink by patrons of an approved food and drink premises. Also referred to as footway seating or footpath dining.
<i>Clear path of travel</i>	The area of the footpath maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel.

7. Appendix

7.1 Plan Examples

Figure 3 - Footpath Seating Area Plan  
Example Plan



7.2 Furniture details examples



PART D

COMMERCIAL DEVELOPMENT

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**Outdoor Dining D2****D2 OUTDOOR DINING**

For advice and guidance on seeking approval to utilise footpath areas outside a food or beverage premises for footpath seating, please refer to Council's *Footpath Seating Policy and Guideline 2025*.

## REPORT

### PD/5.4/25.08



**Subject:** Electric Vehicle Charging Stations - Monitoring and Usage

**TRIM No:** A17/0586

**Manager:** Sam McGuinness, Executive Manager, Environmental Sustainability

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

### RECOMMENDATION:

That Council notes the usage of electric vehicle charging stations and compliance with associated parking restrictions, as set out in the report.

#### 1. Executive Summary

This report provides an overview of the usage patterns and compliance levels of public electric vehicle charging stations within the Waverley local government area (LGA). It includes data on Council-operated charging infrastructure and outlines emerging issues raised by the community.

#### 2. Introduction/Background

Council adopted the Eastern Suburbs Electric Vehicle Charging Strategy in 2023. Implementation of this strategy has resulted in the installation of 92 public EV chargers within the Waverley LGA, including 40 that are owned and operated by Council. This report responds to Council's resolution requiring monitoring of utilisation and compliance at these sites.

#### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Finance, Operations and Community Services 4 February 2025	FC/5.1/25.02	<p>EXTRACT</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Installs electric vehicle (EV) charging signage and line marking at the locations set out in the attachment to the report, subject to the following amendments:</li> <li>...</li> <li>2. Officers develop a formal monitoring system of EV charging spaces that collects:               <ol style="list-style-type: none"> <li>(a) Data on the utilisation of EV charging parking spaces.</li> <li>(b) Data on compliance with parking</li> </ol> </li> </ol>

		<p>restrictions.</p> <p>(c) Other relevant data that will assist in the analysis of usage.</p> <p>3. Delegates authority to the Executive Manager, Infrastructure Services, to modify the signage should on-site circumstances warrant changes.</p> <p>4. Officers prepare a report to Council in July 2025 with an analysis of EV charging space usage and associated issues.</p>
Strategic Planning and Development Committee 7 November 2023	PD/5.4/23.11	<p>That Council:</p> <p>1. Adopts the Eastern Suburbs Electric Vehicle Infrastructure Strategy attached to the report.</p> <p>2. Notes that the strategy will also be reported to Randwick City Council and Woollahra Municipal Council for approval.</p>

#### 4. Discussion

As of May 2025, there are 1,571 registered electric or plug-in hybrid vehicles in the Waverley LGA, accounting for 3.9% of all registered vehicles. This is significantly higher than the national average of 1.34%.

#### Charging spaces

As of June 2025, the Waverley LGA currently hosts 92 public charging spaces, of which 54 (58%) are accompanied by dedicated EV parking. A breakdown of operator ownership is provided below.

*Table 1. summary of charging spaces and charging station operators*

Operator	Dedicated Charging Spaces (ports)	Non-Dedicated Charging Spaces (ports)	Total Charging Spaces/Ports
<b>COUNCIL</b>	25	15	40
<b>EVIE</b>	4	0	4
<b>EVX</b>	10	6	16
<b>Intellihub</b>	7	0	7
<b>PLUS ES</b>	8	17	25
<b>Grand Total</b>	<b>54</b>	<b>38</b>	<b>92</b>

Some of the line marking is still to be implemented as per the February Council resolution.

#### Charging sessions

While usage data is not yet available for recently installed stations by EVX and PLUS ES, data for Council-operated chargers shows an average of 702 charging sessions per month over the last six months. This equates to approximately:

- 2.5 sessions per dedicated space per day.
- 5 hours of average daily charging time per space.

A reduction in usage has been observed since January 2025, coinciding with a rapid increase in private sector charging supported by the NSW Government's Kerbside Charging Grants. However, with more than 100 new EVs being registered in Waverley each quarter, the downward trend is not expected to persist.

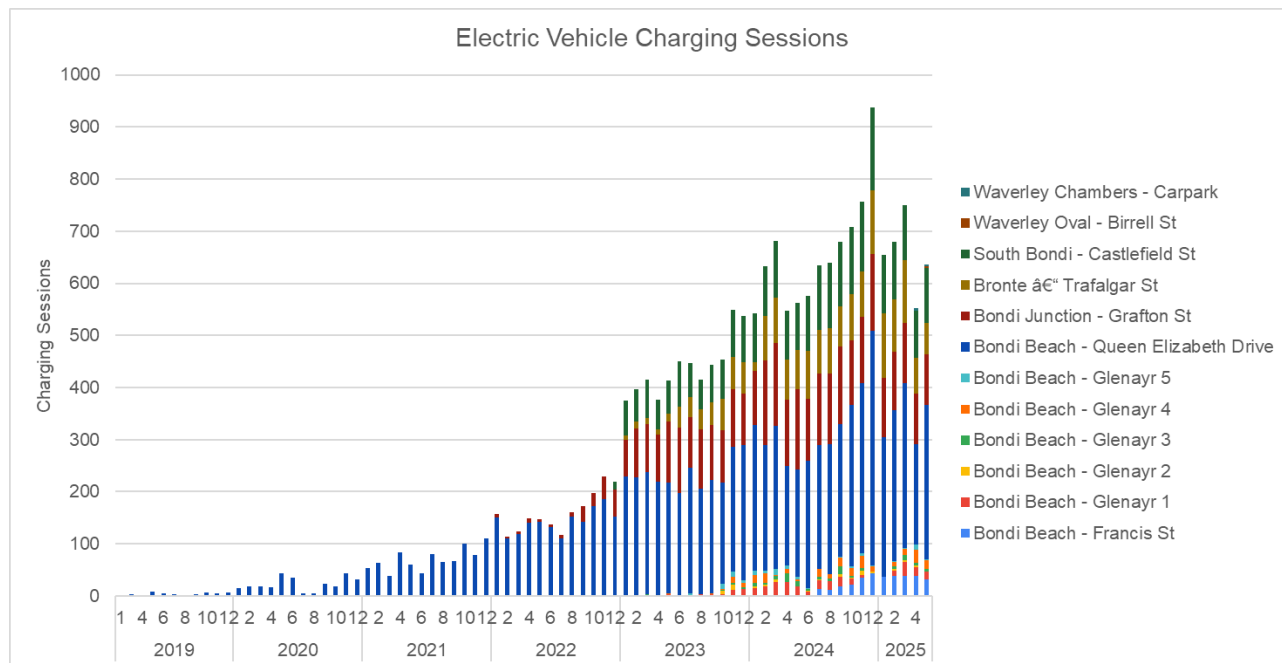


Figure 1. Electric vehicle charging sessions on Waverley public EV chargers.

### Parking Infringements

Since September 2023, 50 infringement notices have been issued for non-electric vehicles parking in EV-only bays. The breakdown by location is as follows:

- Warners Avenue – 19 infringements.
- Queen Elizabeth Road – 8 infringements.
- Ebley Street – 5 infringements.
- Murrivier Road – 4 infringements.
- Bronte Road – 3 infringements.
- Wiley Street – 3 infringements.
- Francis Street – 2 infringements.
- Glenayr Avenue – 2 infringements.
- Castlefield Street – 1 infringement.
- Grafton Street – 1 infringement.
- Macpherson Street – 1 infringement.
- Queen Elizabeth Drive – 1 infringement.

## 5. Financial Impact

There is no financial impact associated with this report.

**6. Risks/Issues**

During the consultation and roll out of the public EV network, community concerns were raised regarding:

- The appropriateness of designated EV parking.
- The conversion of general spaces into EV only bays.

Although adjustments were made in response to this feedback, ongoing concerns have emerged, particularly regarding requests for new or retrofitted dedicated EV bays. Officers are continuing to monitor usage trends. A clearer picture of utilisation levels is expected in the coming months, which will inform decisions of any future modifications.

**7. Attachments**

Nil.

**REPORT**  
**PD/5.5/25.08**

**Subject:** Waverley Business Forum - Community Membership

**TRIM No:** A24/0997

**Manager:** George Bramis, Executive Manager, Urban Planning Policy and Strategy

**Director:** Fletcher Rayner, Director, Planning, Sustainability and Compliance

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**RECOMMENDATION:**

That Council:

1. Treats the attachment to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Appoints the following community members to the Waverley Business Forum to September 2028:
  - (a) Sarah Hudson.
  - (b) Marina Makhlin.

**1. Executive Summary**

This report recommends the appointment of two community members to the two vacant positions on the Waverley Business Forum, following an expression of interest (EOI) process.

**2. Introduction/Background**

The Waverley Business Forum, as outlined in its terms of reference (TOR), aims to strengthen our local economy by fostering collaboration between businesses, Council, the Chamber of Commerce, industry groups and the wider community. The Forum will meet up to three times per year, creating a valuable platform for networking and knowledge-sharing.

The role of the Forum is to serve as a platform to bridge communication between the business community and Council. This includes:

- Engaging the business community.
- Building collaborative partnerships.
- Advising local government.
- Promoting economic development.
- Networking and knowledge sharing.
- Data gathering and reporting.

Membership comprises:

- The Mayor.
- All Councillors.
- Up to 10 community members who have direct experience in small business, economic development, innovation or tourism either personally, professionally or academically
- A representative from the Bondi Chamber of Commerce.
- A representative from Bondi Innovation.

As of June 2025, the Forum had eight community members appointed to Waverley Business Forum. This report seeks to fill the remaining two vacant positions.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee Meeting 1 April 2025	PD/5.1/25.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats the attachment to the report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.</li> <li>2. Appoints the following community members to the Waverley Business Forum to September 2028: <ul style="list-style-type: none"> <li>(c) Anthony Brooks.</li> <li>(d) Luke Caleo.</li> <li>(e) Jay Fink.</li> <li>(f) Miriam Guttman-Jones.</li> <li>(g) Victor Negrine.</li> <li>(h) Joshua Roach.</li> <li>(i) Fay Theiss.</li> <li>(j) Debbi Weiss.</li> </ul> </li> <li>3. Notes that Emmanuel Constantinou or nominee is the Bondi and Districts Chamber of Commerce's representative on the Forum.</li> <li>4. Notes that Ross Dawson or nominee is Bondi Innovation's representative on the Forum.</li> <li>5. Invites expressions of interest for additional community members to fill the remaining two vacancies on the Forum and to establish a pool of</li> </ol>

		suitable candidates to fill any future vacancies.
Council 10 December 2024	CM/7.6/24.12	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopts the terms of reference for the Waverley Business Forum attached to the report, subject to the Forum having two deputy chairs.</li> <li>2. Appoints Cr Nemesh as Chair and Crs Fabiano and Masselos as Deputy Chairs of the Waverley Business Forum until the next mayoral election on 15 September 2026.</li> <li>3. Invites expressions of interest for up to 10 community members with experience in small business, economic development, innovation or tourism to be appointed to the Forum.</li> </ol>

#### 4. Discussion

The EOI process sought to fill the remaining two vacancies on the Business Forum and to establish a pool of suitable candidates to fill any future vacancies.

Expressions of interest were run through Council's Have Your Say page and promoted through internal and external emails and distribution lists to local networks. The EOI period ran from 19 May to 8 June 2025 and resulted in two applications.

As outlined in the TOR, the following criteria were used to assess the applicants:

- Demonstrate a connection with Waverley Council through business or property ownership - residential or commercial.
- What is your experience in one or more of the following key areas: small business, economic development, innovation or tourism, either personally, professionally or academically.

The applications were evaluated by the Director, Planning, Sustainability and Compliance, the Mayor and the Councillor members of the Panel, who made recommendations via email. The evaluation of candidates is attached to this report.

#### 5. Financial Impact

Costs for the operation of the Waverley Business Forum will be undertaken within existing Council budgets. There is no remuneration for community members' involvement.

#### 6. Risks/Issues

The scope of this forum is very broad, covering multiple topics that will follow an agenda to be determined prior to each meeting.

#### 7. Attachments

1. EOI evaluation (confidential)

**CLOSED SESSION**  
**PD/7/25.08****Subject:** Moving into Closed Session**Author:** Emily Scott, General Manager**RECOMMENDATION:**

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

PD/7.1/25.08 CONFIDENTIAL REPORT - Rowe Street Project - Update

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and the Committee is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

**Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION**

### **PD/8/25.08**

**Subject:** Resuming in Open Session

**Author:** Emily Scott, General Manager



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#### **RECOMMENDATION:**

That Council resumes in open session.

#### **Introduction/Background**

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumes in open session the chair will announce the resolutions made by Council while the meeting was closed to members of the public and the media.