

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

WAVERLEY LOCAL ENVIRONMENTAL PLAN 1996



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NOTE: This is a composite version of Waverley LEP 1996

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

WAVERLEY LOCAL ENVIRONMENTAL PLAN 1996

I, the Minister for Urban Affairs and Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder.

Sydney, 1996
Minister for Urban Affairs and Planning

NOTE : TABLE OF AMENDMENTS

AMENDMENT NO	ADDRESS/DESCRIPTION	GAZETTE NO. & DATE
1	Charing Cross Post Office – rezoning	GG 36 – 11.4.97
2	Strata Subdivision	GG 73 – 4.7.97
3	197 Birrell Street – rezoning	GG 104 – 26.9.97
4	Diamond Bay Bowling Club – rezoning	GG 149 – 19.12.97
5	Dover Heights Bowling Club – rezoning	GG 79 - 15.5.98
6	Permit RFB Development in 2(b) Zones	GG 32 – 20.2.98
7	Bondi Road Post Office – rezoning	GG 130 – 28.11.97
8	Hall Street Post Office – rezoning	GG 130 – 28.11.97
9		
10	Dual Occupancy	GG 71 - 24.4.98
11	Charing Cross – rezoning	GG 163 – 20.11.98
12	Miscellaneous amendments	GG 89 – 25.5.01
13	Ocean Street – rezoning	GG 86 – 30.7.99
14	Onslow Street/Wills Ave – rezoning	GG 86 – 30.7.99
15	Exempt and Comply Development	GG 126 – 5.11.99
16	26 Imperial Ave – heritage listing	GG 81 – 30.6.00
17	91-93 Roscoe Street – permit shops	GG 71 – 16.6.00
18	Waverley Park & Tamarama Park – permit underground telecommunication facilities	GG 57- 12.5.00
19	Affordable Housing Amendments	GG 137 – 13.10.00
20	Residential Zoning Review	GG 246 – 6.12.02
21	Ecological sustainable development	GG 141 – 27.10.00
23	Moriah College	GG 190 – 14.12.01
26	Former Bondi Police Station – rezoning	GG 142 – 6.9.02
27	9 Henderson Street, Bondi – rezoning	GG 246 – 6.12.02
28	23 Chesterfield Parade, Bronte – rezoning	GG 255 – 13.12.02
29	Miscellaneous Amendments	GG 137 - 5.9.03
30	Bronte Bowling Club - rezoning	GG 21 - 4.2.05

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PART 1 - PRELIMINARY

The name of this Plan

1. This Plan is called *Waverley Local Environmental Plan 1996*.

General aims

2. The general aims of this Plan are:
 - (a) to replace all existing local environmental planning controls which apply to the land to which this Plan applies with a single local environmental plan;
 - (b) to provide a framework for more flexible planning controls;
 - (c) to improve the amenity, safety and environmental quality of the built and natural environment;
 - (d) to provide for the economic and efficient use of land;
 - (e) to ensure development proceeds in an ecologically sustainable and equitable manner;
 - (f) to provide the opportunity for all members of the public to participate in the planning decisions of the Council; and
 - (g) to provide an appropriate balance and distribution of land uses.

Specific aims

3. In assessing any development application the Council shall take into consideration the following specific aims of this Plan:
 - (1) The specific aims of this Plan in relation to **affordable housing** are:
 - (a) to encourage the retention of existing affordable housing, including boarding houses and rental housing provided by residential flat buildings;
 - (b) to encourage the development of new affordable housing in a variety of types and tenures for all income groups;
 - (c) to facilitate the expansion of the Council's role in the provision of affordable housing in the public and private sectors; and
 - (d) to promote the development of a broader and more appropriate range of affordable housing types in the private sector.
 - (2) The specific aims of this Plan in relation to **commercial development** are:
 - (a) to encourage a range of activities within commercial zones;
 - (b) to prevent the expansion of commercial zones at the expense of residential zones;
 - (c) to maintain and improve the pedestrian environment of commercial areas; and;
 - (d) to promote a mix of uses to satisfy the demands of commercial and residential development in commercial zones.

- (3) The specific aims of this Plan in relation to **community needs** are:
- (a) to ensure the social needs of existing and future residents are met through the provision of community facilities and services; and
 - (b) to ensure that Waverley continues to be an accessible community.
- (4) The specific aims of this Plan in relation to **environmental protection** are:
- (a) to enhance and preserve the natural environment through appropriate planning and the provision of special controls;
 - (b) to improve the health and amenity of the community by protecting the integrity of natural systems and reducing the detrimental impact on the global environment of development in the Council's area;
 - (c) to improve air quality in the Council's area by ensuring that the reduction of air pollution is considered in new development proposals;
 - (d) to minimise the use of non-renewable resources, including rainforest, old growth forest and non-renewable timber;
 - (e) to promote and encourage water conservation measures in the Council's area;
 - (f) to improve the standard of water quality in the Council's area by reducing urban stormwater pollution at Bondi Beach, Tamarama Beach, Bronte Beach and in Centennial Park;
 - (g) to ensure suitable areas for the storage of recyclable materials are provided;
 - (h) to prohibit nuclear activities and facilities in the Council's area to protect the health, safety and welfare of residents; and
 - (i) to improve the local environment by protecting existing trees and encouraging the planting of trees and shrubs native to the area.
- (5) The specific aims of this Plan in relation to the **greenhouse effect** are:
- (a) to encourage the recovery, reprocessing, recycling or safe disposal of ozone depleting substances;
 - (b) to reduce the emission of greenhouse gases by encouraging and adopting energy conservation measures that reduce demands for energy;
 - (c) to ensure the potential impacts of global warming are considered when development applications are assessed;
 - (d) to encourage the design of energy efficient buildings; and
 - (e) to encourage the use of energy efficient transport systems.
- (6) The specific aims of this Plan in relation to **heritage conservation** are:
- (a) to conserve the environmental heritage of the Council's area;
 - (b) to integrate heritage conservation into the planning and development control processes;

- (c) to identify heritage items, heritage conservation areas and archaeological sites;
 - (d) to ensure that development does not adversely affect the heritage significance of heritage items, heritage conservation areas and archaeological sites and their settings;
 - (e) to control the demolition of heritage items and buildings and works within heritage conservation areas; and
 - (f) to provide for the control of development associated with or in proximity to heritage items and heritage conservation areas.
- (7) The specific aims of this Plan in relation to **housing** are:
- (a) to provide for a range of residential densities;
 - (b) to encourage a range of housing types to meet the changing housing needs of the community;
 - (c) to encourage the development of new rental housing where appropriate;
 - (d) to ensure that new housing is compatible with surrounding development;
 - (e) to increase the population by maintaining and increasing the number and variety of dwellings to a level which is commensurate with the capacity of the natural environment and the present and likely future social and physical infrastructure of the Council's area; and
 - (f) to improve the amenity of residential areas.
- (8) The specific aims of this Plan in relation to **open space and recreation** are:
- (a) to protect, maintain and enhance existing open space;
 - (b) to maintain and improve the range and types of open space and recreational opportunities available to the community; and
 - (c) to preserve views from public places of the ocean, beaches, harbour, parks and other scenic landmarks.
- (9) The specific aims of this Plan in relation to **outdoor advertising** are:
- (a) to ensure that advertisers' messages and images complement and conform to both the building on which they are displayed and the character of the locality; and
 - (b) to ensure outdoor advertising does not adversely affect the locality in terms of appearance, size, illumination or overshadowing or in any other way; and
 - (c) to ensure outdoor advertising does not lead to visual clutter through the proliferation of signs.
- (10) The specific aims of this Plan in relation to **public safety** are:
- (a) to ensure community crime prevention strategies are considered when relevant development proposals are assessed; and
 - (b) to ensure consideration is given to road safety issues when development

proposals relating to traffic are assessed.

- (11) The specific aims of this Plan in relation to **traffic and transport** are:
- (a) to minimise the adverse impact of traffic on all land uses by ensuring adequate consideration is given to the impact of traffic when development applications are assessed;
 - (b) to encourage land use patterns which reduce the need to travel by motor vehicle and increase the use of public transport, bicycles and walking to reduce the adverse impact of travel on the environment;
 - (c) to maintain the existing road network to provide an efficient system for traffic movement while protecting residential amenity;
 - (d) to ensure all development involving traffic gives adequate consideration to the needs of cyclists and pedestrians;
 - (e) to minimise conflict between pedestrians and vehicles by ensuring adequate consideration is given to the location of vehicular entry and exit points;
 - (f) to minimise the impact of traffic and parking generated by commercial development on adjoining residential areas;
 - (g) to integrate traffic movement systems with other land uses; and
 - (h) to ensure that all new land uses have regard to the traffic and parking capacity of the road system.

Ecologically sustainable development

Amended by
LEP 1996
(Amendment 21)
GG 141 27/10/00

- 3A An objective of this plan is to promote development that is consistent with the four principles of ecologically sustainable development. In assessing any development application, the Council shall take into consideration the following principles:

- (a) **the precautionary principle** - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- (ii) an assessment of the risk-weighted consequences of various options,

- (b) **inter-generational equity** - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

- (c) **conservation of biological diversity and ecological integrity**- namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

- (d) **improved valuation, pricing and incentive mechanisms**- namely, that environmental factors should be included in the valuation of assets and services, such as:

- (i) polluter pays—that is, those who generate pollution and waste should bear

- (ii) the cost of containment, avoidance or abatement,
- (iii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
- (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Land to which this Plan applies

4. This Plan applies to all of the land within the Council's area, as shown on the Zoning map, but does not apply to the land to which the Waverley and Woollahra Joint Local Environmental Plan 1991 - Bondi Junction Commercial Centre applies, and that land shown as "deferred" on the Zoning map.

Relationship to other environmental planning instruments

5. This Plan:
 - (a) repeals Waverley Local Environmental Plan 1985 and such other local environmental plans as, immediately before the appointed day, applied to the land to which this Plan applies; and
 - (b) amends Sydney Regional Environmental Plan No. 14 - Eastern Beaches in the manner set out in Schedule 1.
 - (c) (REPEALED)

Amended by
LEP 1996
(Amendment 19)
GG 137 13/10/00

Interpretation

6. (1) In this Plan, terms defined in Schedule 2 have the meanings given to them in that Schedule.
- (2) In this Plan:
 - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose; and
 - (b) a reference to a map is a reference to a map deposited in the office of the Council.
- (3) The Zoning map is also amended:
 - (a) by omitting from it any notation indicating that Campbell Parade, Oxford Street and Bronte Road are classified as arterial roads, and
 - (b) by omitting from it any notation indicating that Lots 1 and 6, DP 4346, Lot 1, DP 857668, Lot 4, DP 243547, Lot 2, DP 512767 and Lot 56, DP 5169, Old South Head Road, Rose Bay, are subject to road realignment.

Amended by
LEP 1996
(Amendment 29)
GG 137 5/9/03

Adoption of Model Provisions

7. The Environmental Planning and Assessment Model Provisions 1980, except for the definitions of "advertisement", "arterial road", "boarding-house", "car repair station", "map", "recreation facility", "residential flat building" and "tourist facilities" in clause 4(1), and clauses 5(1), 7, 14-17 and 33, are adopted for the purposes of this Plan.

Consent authority

8. The Council is the consent authority for the purposes of this Plan.

PART 2 - GENERAL RESTRICTIONS ON DEVELOPMENT

Zones indicated on the Zoning map

9. The following zones apply as identified on the Zoning map:

Zone No. 2(a) Residential - Low Density

Zone No. 2(b) Residential - Medium Density

Zone No. 2(c1) Residential - Medium and High Density

Zone No. 2(c2) Residential - High Density

Zone No. 3(a) Business General

Zone No. 3(b) Business Mixed

Zone No. 3(c) Business Neighbourhood

Zone No. 5(a) Special Uses

Zone No. 6(a) Open Space

Zone No. 7(a) Special Purpose Reservation

Zone No. 7(b) Arterial Road Reservation

Zone No. 7(c) Local Road Reservation

Zone No. 7(d) Regional Open Space Reservation

Zone No. 7(e) Local Open Space Reservation

Zone objectives and development control table

10. (1) The following development control table states for each zone:
- (a) the objectives of the zone;
 - (b) the development which is allowed without development consent;
 - (c) the development which is allowed only with development consent; and
 - (d) the development which is prohibited.
- (2) The Council shall not grant consent to the carrying out of any development within a zone unless the Council is satisfied that the development meets one or more of the objectives of the zone.

DEVELOPMENT CONTROL TABLE

Zone No. 2(a) Residential - Low Density

1. Objectives of zone

The objectives of this zone are:

- (a) to allow for housing only in the form of dwelling-houses and boarding houses;
- (b) to maintain and improve the amenity and existing characteristics of localities predominantly characterised by dwelling-houses; and
- (c) to allow certain non-residential uses of low intensity which are compatible with the character and scale of low density housing.

2. Without development consent

Development for the purpose of:

Exempt development.

3. Only with development consent

Development for the purpose of:

advertisements; aged persons' care centres; bed and breakfast establishments; boarding houses; child care centres; dual occupancies; dwelling house; educational establishments; home based child care services; hostels; places of public worship; professional consulting rooms; roads; small shops; utility installations (other than gas holders or generating works).

4. Prohibited

Any development not specified in Item 2 or 3.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Amended by
LEP 1996
(Amendment 10)
GG 71 24.4.98
(Amendment 15)
GG 126 5.11.99
(Amendment 26)
GG 142 6.9.02

Zone No. 2(b) Residential - Medium Density

1. Objectives of zone

The objectives of this zone are:

- (a) to allow for a variety of housing forms, including dwelling-houses, residential flat buildings, townhouses and boarding houses;
- (b) to maintain and improve the amenity and existing characteristics of the locality; and
- (c) to allow certain non-residential uses of low intensity which are compatible with the character and scale of medium density attached housing.

2. Without development consent

Development for the purpose of:

Exempt development

3. Only with development consent

Development for the purpose of:

Amended by
LEP 1996
(Amendment 6)
GG 32 20.2.98

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Amended by
LEP 1996
(Amendment 6)
GG 32 20.2.98
(Amendment 10)
GG 71 24.4.98
(Amendment 15)
GG 126 5.11.99
(Amendment 26)
GG 142 6.9.02

advertisements; aged persons' care centres; bed and breakfast establishments; boarding houses; child care centres; dual occupancies; dwelling house; educational establishments; home based child care services; hostels; places of public worship; professional consulting rooms; public buildings; residential flat buildings; roads; small shops; townhouses; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 2(c1) Residential - Medium and High Density

1. **Objectives of zone**

The objectives of this zone are:

- (a) to allow for a variety of medium and high density housing forms, including boarding houses, dwelling-houses, residential flat buildings and townhouses;
- (b) to maintain and improve the amenity of the locality; and
- (c) to allow certain non-residential uses of low intensity which are compatible with the character and scale of the existing locality.

2. **Without development consent**

Development for the purpose of:

Exempt development.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

3. **Only with development consent**

Development for the purpose of:

advertisements; aged persons' care centres; bed and breakfast establishments; boarding houses; child care centres; dual occupancies; dwelling house; educational establishments; home based child care services; hospitals; hostels; places of public worship; professional consulting rooms; public buildings; public halls; residential flat buildings; roads; small shops; townhouses; utility installations (other than gas holders or generating works).

Amended by
LEP 1996
(Amendment 10)
GG 71 24.4.98
(Amendment 15)
GG 126 5.11.99
(Amendment 26)
GG 142 6.9.02

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 2(c2) Residential - High Density

1. **Objectives of zone**

The objectives of this zone are:

- (a) to allow for a variety of high density dwelling forms, including boarding houses, dwelling-houses, residential flat buildings and townhouses;
- (b) to maintain and improve the amenity of the locality; and
- (c) to allow certain non-residential uses of low intensity which are compatible with

the character and scale of the existing locality.

2. **Without development consent**

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Development for the purpose of:

Exempt development.

3. **Only with development consent**

Development for the purpose of:

Amended by
LEP 1996
(Amendment 10)
GG 71 24.4.98
(Amendment 15)
GG 126 5.11.99
(Amendment 26)
GG 142 6.9.02

advertisements; aged persons' care centres; bed and breakfast establishments; boarding houses; child care centres; dual occupancies; dwelling house; educational establishments; home based child care services; hospitals; hostels; parks and gardens; places of public worship; professional consulting rooms; public buildings; public halls; residential flat buildings; roads; small shops; townhouses; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 3(a) Business General

1. **Objectives of zone**

The objectives of this zone are:

- (a) to allow for retail, entertainment, tourist and commercial uses;
- (b) to allow for residential development mixed with other permissible uses so as to encourage urban consolidation and increase the vitality of localities within this zone; and
- (c) to control the physical and functional characteristics of business centres so as to minimise their impact on neighbouring residential areas.

2. **Without development consent**

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Development for the purpose of:

Exempt development.

3. **Only with development consent**

Any development not specified in Item 2 or 4.

4. **Prohibited**

Development for the purpose of:

Amended by
LEP 1996
(Amendment 10)
GG 71 24.4.98
(Amendment 29)
GG 137 5/9/03

amusement centres; amusement parks; boarding houses, dual occupancies, dwelling-houses, hostels, residential flat buildings or serviced apartments (other than in mixed developments); builders' yards; bulk stores; bus depots; car repair stations; caravan parks; carriers' establishments; gas holders; generating works; industries; institutions; junk yards; liquid fuel depots; mines; motor showrooms; produce merchants; quarries; rag collecting and dealing; stock and sale yards; tool sharpening and grinding

workshops; transport terminals; warehouses.

Zone No. 3(b) Business Mixed

1. Objectives of zone

The objectives of this zone are:

- (a) to allow for a range of retail and commercial uses;
- (b) to allow for residential development mixed with other permissible uses so as to encourage urban consolidation and increase the vitality of commercial centres; and
- (c) to control the physical and functional characteristics of business centres so as to minimise their impact on neighbouring residential areas.

2. Without development consent

Development for the purpose of:

Exempt development.

3. Only with development consent

Any development not specified in Item 2 or 4.

4. Prohibited

Development for the purpose of:

amusement centres; amusement parks; boarding houses, dual occupancies, dwelling-houses, hostels, residential flat buildings or serviced apartments (other than in mixed developments); builders' supplies establishments; builders' yards; bulk stores; bus depots; car repair stations; caravan parks; carriers' establishments; gas holders; generating works; industries; institutions; junk yards; liquid fuel depots; mines; motor showrooms; produce merchants; quarries; rag collecting and dealing; stock and sale yards; tool sharpening and grinding workshops; transport terminals; warehouses.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Amended by
LEP 1996
(Amendment 10)
GG 71 24.2.98
(Amendment 29)
GG 137 5/9/03

Zone No. 3(c) Business Neighbourhood

1. Objectives of zone

The objectives of this zone are:

- (a) to provide a range of shops and low intensity commercial uses that serve the daily needs of adjacent residential neighbourhoods; and
- (b) to encourage the mixing of residential development with those uses.

2. Without development consent

Development for the purpose of:

exempt development.

3. Only with development consent

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99
(Amendment 29)
GG 137 5/9/03

Development for the purpose of:

advertisements; aged persons' care centres; boot and shoe repairs; bread, cake and pastry manufacturing ancillary to bread, cake and pastry shops; child care centres; community centres; commercial uses required to serve the daily needs of the adjoining neighbourhood; dressmakers; dry cleaning plants ancillary to dry cleaning agencies; home based child care services; home industries; laundromats; lending libraries; locksmiths; maintenance and repair of electrical appliances and fittings; mixed developments; professional consulting rooms; public buildings; public halls; refreshment rooms; roads; service stations; shops (other than drive-in take-away food shops); utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 5(a) Special Uses

1. **Objectives of zone**

The objectives of this zone are:

- (a) to ensure the adequate provision of land for community services and infrastructure; and
- (b) to ensure that development of land in this zone does not adversely affect the amenity of adjoining land.

2. **Without development consent**

Exempt development.

3. **Only with development consent**

Development for the purpose of:

advertisements; the particular land use indicated by red lettering on the Zoning map, (including land uses ordinarily incidental or ancillary to the particular land use indicated on the Zoning map); child care centres; community centres; drainage; open space; roads; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Zone No. 6(a) Open Space

1. **Objectives of zone**

The objectives of the zone are:

- (a) to protect, maintain and enhance existing open space; and
- (b) to maintain and improve the range and types of recreational opportunities available to the community.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

2. **Without development consent**

Development for the purpose of:

bushfire hazard control;
Exempt development.

3. **Only with development consent**

Development for the purpose of:

advertisements; amenities buildings; beach and foreshore protection works; community centres; recreation areas; recreation facilities; refreshment rooms; sports clubs; utility installations.

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 7(a) Special Purpose Reservation

1. **Objectives of zone**

The objective of this zone is to reserve land for acquisition by certain public authorities for future use for public purposes.

2. **Without development consent**

Development for the purpose of:

bushfire hazard reduction (but not buildings associated with such land use).
Exempt development

3. **Only with development consent**

Development for the purpose of:

the particular land use indicated by scarlet lettering on the Zoning map, (including land uses ordinarily incidental or ancillary to the particular land use indicated on the Zoning map); advertisements; buildings associated with landscaping, gardening or bushfire hazard reduction; drainage; open space; recreation areas; roads; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 7(b) Arterial Road Reservation

1. **Objectives of zone**

The objective of this zone is to reserve land for acquisition by certain public authorities for future use for arterial roads.

2. **Without development consent**

Exempt development.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

3. **Only with development consent**

Development for the purpose of:

advertisements; arterial roads, including arterial road widening; drainage; utility installations (other than gas holders or generating works).

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 7(c) Local Road Reservation

1. **Objectives of zone**

The objective of this zone is to reserve land for acquisition by certain public authorities for future use for local roads.

2. **Without development consent**

Exempt development.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

3. **Only with development consent**

Development for the purpose of:

advertisements; drainage; local roads, including local road widening ; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

Zone No. 7(d) Regional Open Space Reservation

1. **Objectives of zone**

The objective of this zone is to reserve land for use for regional open space purposes.

2. **Without development consent**

Development for the purpose of:

bushfire hazard reduction (but not buildings associated with such land uses).
Exempt development.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

3. **Only with development consent**

Development for the purpose of:

advertisements; buildings associated with landscaping, gardening or bushfire hazard reduction; drainage; recreation areas; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any development not specified in Item 2 or 3.

Zone No. 7(e) Local Open Space Reservation

1. Objectives of zone

The objective of this zone is to reserve land for use for local open space purposes.

2. Without development consent

Development for the purpose of:

bushfire hazard reduction (but not buildings associated with such land uses).
Exempt development.

3. Only with development consent

Development for the purpose of:

advertisements; buildings associated with landscaping, gardening or bushfire hazard reduction; drainage; recreation areas; utility installations (other than gas holders or generating works).

4. Prohibited

Any development not specified in Item 2 or 3.

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

PART 3 - SPECIAL PROVISIONS

DIVISION 1 - Subdivision

Subdivision of land

11. (1) Development consent is required from the Council for a subdivision of land, including a strata subdivision.

Amended by
LEP 1996
(Amendment 29)
GG 137 5/9/03

(2) (REPEALED)

(3) (REPEALED)

(4) (REPEALED)

(5) (REPEALED)

Minimum allotment sizes

12. (1) A person must not subdivide land in Zone No. 2(a), 2(c1) or 2(c2) unless each allotment to be created is not less than 325 square metres, except for land shown edged heavy black on the Subdivision map where each allotment to be created must not be less than 500 square metres.
- (2) A person must not subdivide land in Zone No. 2(b) unless each allotment to be created is not less than 232 square metres.
- (3) This clause does not apply to a strata subdivision.

DIVISION 1A – Exempt and Complying Development

What is exempt and complying development

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

- 12A. (1) Development of minimal environmental impact listed in Table 1 to Waverley Council – Exempt and Complying Development Control Plan as adopted by Council on 28 September 1999 is exempt development, despite any other provision in this plan.
- (2) Development listed in Table 2 to Waverley Council – Exempt and Complying Development Control Plan as adopted by the Council on 28 September 1999 is complying development if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed , and
 - (b) it is not an existing use, a defined in Section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Waverley Council – Exempt and Complying Development Control Plan as adopted by the Council on 28 September 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions specified in Waverley Council – Exempt and Complying Development Control Plan as adopted by the Council, as in force when the certificate is issued.

DIVISION 2 - Bondi Beach Precinct

Building heights in Bondi Beach Precinct

13. (1) The Council must not grant consent for the erection or alteration of a building on land in the Bondi Beach Precinct if the building, when erected or altered, will have a height greater than 15 metres.
- (2) In deciding whether to grant consent for the erection or alteration of a building in the Bondi Beach Precinct, the Council must take into consideration the following matters:
- (a) whether the proposed building has high architectural merit;
 - (b) the height, scale, bulk and density of the proposed building;
 - (c) the external appearance of the proposed building and materials that will be used on the exterior of it;
 - (d) the relationship between the proposed building and the surrounding landscape and streetscape and between the proposed building and surrounding buildings;
 - (e) whether the proposed building or any part of it will be used for tourism or recreation;
 - (f) the relationship between the height, scale, bulk and density of the proposed building and any existing structure on the land;
 - (g) whether the proposed building complements surrounding buildings;
 - (h) the effect that the proposed building will have on public amenity, including pedestrian amenity;
 - (i) the likely effect that the proposed building will have on wind patterns and wind velocity in public areas;
 - (j) whether the proposed building will overshadow a public place, particularly beachfront areas during periods of high usage;
 - (k) the effect that the proposed building will have on views from public places;
 - (l) the effect that the proposed building will have on any nearby heritage item;
 - (m) whether the exterior of the proposed building will cause reflections which will significantly interfere with the use of roads, public places or other nearby buildings.
- (3) Nothing in this clause prevents the Council from granting consent for the erection of a building on land in the Bondi Beach Precinct having a height no greater than the height of any building situated on the land at the time the application for consent is made.

Designated street frontage in Bondi Beach Precinct

14. (1) This clause applies to land in the Bondi Beach Precinct having a frontage (a "designated street frontage") to a street shown by a broken band on the Bondi Beach Precinct map.
- (2) The Council must not grant consent for the erection or alteration of a building on land to which this clause applies unless it is satisfied that:
- (a) the building, when erected or altered, will have a facade along the whole of the designated street frontage; and
 - (b) no vehicular access will be provided to the building across the designated street frontage.

Erection of buildings in Bondi Beach Precinct - floor space ratio

15. The Council must not grant consent for the erection or alteration of a building on land in the Bondi Beach Precinct if the floor space ratio of the building, when erected or altered, will exceed 3:1.

Use of buildings in Bondi Beach Precinct

16. If, in relation to an application for consent to use a building erected or proposed to be erected on land in the Bondi Beach Precinct, the Council is of the opinion that any part of a floor above the first floor will be used for the purpose of commercial premises, it must refuse the application.

DIVISION 3 - Affordable Housing

NOTE: In addition to the Affordable Housing provisions contained in this Division, the provisions of State Environmental Planning Policy No.10 – Retention of Low-Cost Rental Accommodation (SEPP 10) as amended on 28 January 2000, are also applicable. Reference should be made to SEPP 10 to ascertain the requirements of that Plan.

Boarding houses

Amended by
LEP 1996
(Amendment 19)
GG 137 13/10/00

17. (REPEALED)

Affordable rental housing

Amended by
LEP 1996
(Amendment 19)
GG 137 13/10/00

18. (1) In this clause, **low-rental residential flat building** means a residential flat building containing a low rental dwelling.

For the purposes of this subclause, a reference to a **low-rental dwelling** is a reference to a dwelling that (at any time in the 24-month period prior to the lodgment of a development application to which this clause applies) was let at a rental not exceeding the median rental level for that time:

- (a) specified in the *Rent Report* or *Rent & Sales Report NSW* published by the Department of Urban Affairs and Planning or the Department of Housing, or
- (b) specified in a publication issued in place of those publications by or on behalf of the Government,

in relation to a dwelling of the same type, having the same number of bedrooms and located in the Waverley local government area.

- (2) A **low-rental residential flat building** includes a building:

- (a) that, at the time of lodgment of a development application to which this clause applies, is lawfully used as a low-rental residential flat building, irrespective of the purpose for which the building may have been erected, or
- (b) that was used as a low-rental residential flat building but has been changed unlawfully to another use, or
- (c) that is vacant but the last significant use of which was for a low-rental residential flat building.

- (3) Development consent is required from the Council for development affecting a low-rental residential flat building, when such development involves the following:

- (a) the demolition of the building; or
- (b) a new use of the building.

- (4) When assessing a development application required by subclause (3), the Council must consider:
- (a) whether there is likely to be a major reduction in the number of households or units of low-rental accommodation on the land to which the application relates,
 - (b) whether there is available sufficient comparable accommodation in the locality to satisfy the demand for such accommodation in that locality,
 - (c) whether the development, if carried out, is likely to cause adverse social and economic effects on the general community,
 - (d) whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation in the locality,
 - (e) whether the cumulative impact of the loss of low-rental residential accommodation in the Council's area will result in a significant reduction in the stock of that accommodation,
 - (f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements.

For the purposes of this subclause, **comparable accommodation** means accommodation that is comparable with other accommodation provided within the premises the subject of the development application in that:

- (a) it is similar in location because it is in the same or a neighbouring suburb, and
- (b) it has equivalent access to similar services and facilities, and social and support networks, and
- (c) it is at the same rental level, or is not more than 5% higher than that level, and
- (d) it is available for occupation at the date of lodgment of the development application, and
- (e) in the case of residential flat buildings, comprises dwellings with the same number of bedrooms, and
- (f) it has a like standard of accommodation, including state of repair, size of accommodation and general amenity.

Backpackers' accommodation

19. In determining a development application for development for the purpose of backpackers' accommodation, the Council must consider:
- (a) the impact the development will have on the amenity of the neighbourhood: and
 - (b) whether arrangements should be made to assist residents who may be displaced by the development; and

- (c) any adverse social and economic effects caused by the development on:
 - (i) the stock of affordable housing in Waverley; and
 - (ii) the needs of individuals and groups in the community.

Conditions of consent

Amended by
LEP 1996
(Amendment 19)
GG 137 13/10/00

- 20. Consent must not be granted for development if the consent is required by clause 18 or if the development is for the purpose of backpackers' accommodation unless the Council has considered whether conditions should be imposed on the consent aimed at achieving the aims of this Plan.

DIVISION 4 - Environmental Considerations

Consumption of non-renewable resources and global warming

21. Consent must not be granted for development:
- (a) which involves the production of gases which contribute to the greenhouse effect unless the Council has considered whether conditions should be imposed on the consent aimed at reducing the production of those gases when the development is carried out; or
 - (b) which, in the opinion of the Council, will be likely to be affected by future climate changes or global warming unless the Council has considered whether conditions should be imposed on the consent in response to those likely changes or that warming.

Water pollution

22. Consent must not be granted for a building or work unless the Council is satisfied:
- (a) that stormwater from the building or work will be disposed of through suitable detention areas designed to reduce rubbish in, and suspended solids and nutrients from, the water before its further disposal; and
 - (b) that adequate measures will be taken to minimise the amount of stormwater runoff from the site.

Air pollution

23. Consent must not be granted for development which will result in the emission of gases on a site within the area of Waverley unless the Council has considered the following;
- (a) the composition and quantity of all gas emissions likely to occur on the site (including emissions from any building, plant or equipment on the site);
 - (b) whether conditions should be imposed on the consent aimed at reducing, improving the quality of or controlling the gas emissions (such as conditions concerning the use of pollution control equipment);
 - (c) the expected cumulative impact such gas emissions are likely to have on overall air quality in the locality.

Ozone-depleting substances

24. Consent must not be granted for development involving the manufacture, sale or use of ozone-depleting substances within the area of Waverley unless the Council has taken into consideration the following:
- (a) the quantities and types of ozone-depleting substances involved;
 - (b) the potential for the use of alternatives to ozone-depleting substances which will be environmentally less harmful;
 - (c) whether a management plan has been prepared to phase out the manufacture, use or sale of ozone-depleting substances in line with the requirements of any legislation and for the introduction of alternatives to ozone-depleting substances which will be environmentally less harmful.

Energy efficiency and energy conservation

25. Consent must not be granted for development involving the use of energy resources within the area of Waverley unless the Council has considered the following:
- (a) whether the energy resources proposed to be used are non-renewable and, if so, whether the energy requirements of the proposed development could be met by the use of alternative renewable resources;
 - (b) the quantity of energy resources which will be used in carrying out the proposed development;
 - (c) the degree of efficiency with which energy resources will be used in carrying out the proposed development;
 - (d) any measures which will be taken to conserve energy resources when carrying out the proposed development;
 - (e) whether conditions should be imposed on the consent aimed at reducing energy requirements (such as conditions relating to building design, construction, form, insulation, solar orientation, landscaping, solar heating and the use of energy-efficient plant and equipment);
 - (f) the effect of the proposed development on any solar collection devices or any other form of energy collection or water conservation device in the immediate vicinity;
 - (g) details of any space heating, cooling and lighting systems proposed to be used in the proposed development;
 - (h) details of any landscaping intended for the site of the proposed development;
 - (i) details of any energy conserving measures intended to be employed in carrying out the proposed development in relation to traffic, transport and the movement of pedestrians and cyclists.

Waste management

26. Consent must not be granted for development which will result in the creation of waste within the area of Waverley unless the Council has considered the following:
- (a) details of the expected waste generated by the development and the proposed waste disposal methods, including any measures which might be taken to recycle materials or by-products;
 - (b) if the proposed development will produce waste water, measures for reducing the amount of waste water generated by the development.

DIVISION 5 - General Provisions

Floor space ratios

27. (1) This clause applies to buildings used for non-residential purposes or for mixed development, but does not apply to buildings in the Bondi Beach Precinct.
- (2) Except as provided by subclause (3), the floor space ratio of a building erected or to be erected on land within a zone specified in Column 1 of the Table to this clause must not exceed the ratio specified opposite that zone in Column 2 of that Table.
- (3) If residential accommodation is or will be provided in a mixed development:
- (a) at a level above a ground floor shop or commercial premises; or
 - (b) in a hotel or motel,

the floor space ratio of a building erected or to be erected on land within a zone specified in Column 1 of the Table to this clause may exceed the floor space ratio specified in Column 2 by the amount specified in Column 3 of that Table. The additional floor space allowed by Column 3 of the Table may be used only for the purpose of residential accommodation forming part of a mixed development.

TABLE

Column 1 Zone	Column 2 Maximum Floor Space Ratio	Column 3 Additional Floor Space Ratio
3(a)	1:1	1:1
3(b)	1:1	0.5:1
3(c)	0.5:1	0.5:1

Height in business zones

28. (1) The Council must not grant consent to the erection of a building in Zone No. 3(a) or 3(b) if the height of the building will be greater than 12 metres.
- (2) The Council must not grant consent to the erection of a building in Zone No. 3(c) if the height of the building will be greater than 9 metres.

Development on land, including footway restaurants on public roads, shown uncoloured on Zoning map

29. (1) A person must not carry out development on land, shown uncoloured on the Zoning map, except with the consent of the Council.
- (2) Consent to a development application required by subclause (1) may only be granted if the Council is of the opinion that the development:
- (a) is compatible with the nature of development permissible on

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LEP 1996
(Amendment 29)
GG 137 5/9/03

neighbouring land and those development standards applicable to development on neighbouring land; and

- (b) is consistent with the aims of this Plan and the objectives of the zoning applying to neighbouring land.
- (3) Despite subclause (1), development consent is not required for footway restaurants on public roads shown uncoloured on the Zoning map

Aesthetic appearance of development

30. If an application is made to the Council for consent to carry out any development:
- (a) within view of Port Jackson, Bondi Beach, Tamarama Beach, Bronte Beach or the South Pacific Ocean, adjacent to any arterial road (as shown on the Zoning map) or public reserve, or on land within Zone No. 6(a), the Council must make an assessment of the probable aesthetic appearance of any building or work that will result from the proposed development; or
 - (b) within the beachfront scenic protection area, the Council must make an assessment of the appearance and visual quality of any building or work that will result from the proposed development when viewed from the South Pacific Ocean and from Bondi Beach.

Foreshore building lines

31. (1) In this clause, "**foreshore building line**" means a broken line shown on the Zoning map and identified as such a line in relation to land on the foreshore.
- (2) Except as provided by subclause (3), a person must not erect any building or carry out a work between a foreshore building line and the South Pacific Ocean.
- (3) The Council may, after consideration of the probable aesthetic appearance of the proposed structure or work in relation to the foreshore, consent to the erection of a structure or the carrying out of a work below or at the surface of the ground between a foreshore building line and the South Pacific Ocean.

Development along zone boundaries

32. In granting consent to the carrying out of development on land adjoining land in another zone, the Council must have regard to the objectives of the adjoining zone and to the measures to reduce the adverse impact of the development on land within the adjoining zone.

Community use of school facilities and sites

33. (1) If land is used for an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other additional community purpose, whether or not the use of that site or those facilities for any such additional purpose is for commercial gain.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

Acquisition of reserved land

34. (1) This clause applies to land within Zone No. 7(a), 7(c), 7(d) or 7(e).

- (2) The owner of any land referred to in subclause (1) may, by notice in writing, require:
 - (a) in the case of land within Zone No. 7(a), 7(c) or 7(e) - the Council; or
 - (b) in the case of land within Zone 7(d) - the Corporation,
 to acquire the land.
- (3) On receipt of a notice referred to in subclause (2), the public authority concerned must acquire the land.
- (4) Land to which this clause applies may be developed for any purpose with the consent of the Council until that land is acquired by the Council or another public authority.
- (5) The Council must not grant consent as referred to in subclause (4) to the development of land to be acquired by a public authority other than itself, unless it obtains the concurrence of the public authority which is to acquire that land.
- (6) In considering whether to grant concurrence required by subclause (5), the public authority concerned must take into consideration:
 - (a) the effect of the proposed development on the costs of acquisition; and
 - (b) the imminence of acquisition; and
 - (c) the costs associated with the reinstatement of the land so that it can be used for the purpose for which it will be acquired.

Acquisition and development of land within the Arterial Road Reservation Zone

- 35. (1) The owner of any vacant land within Zone No. 7(b) may, by notice in writing, require:
 - (a) the RTA - in the case of land that is included in the 5-year works program of the RTA current at the time of the receipt of the notice; and
 - (b) the Corporation - in any other case,
 to acquire the land.
- (2) The owner of any land within Zone No. 7(b) that is not vacant, may, by notice in writing, require the RTA to acquire the land if:
 - (a) the land is included in the 5-year works program of the RTA current at the time of the receipt of the notice; or
 - (b) the RTA has decided not to give concurrence under subclause (4) to an application for consent to the carrying out of development on the land; or
 - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) On receipt of a notice under this clause, the RTA or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for a public road.

- (4) A person may, with the consent of the Council and:
 - (a) in the case of vacant land, with the concurrence of the RTA and the Corporation; or
 - (b) in the case of land that is not vacant, with the concurrence of the RTA.
 carry out a development on land within Zone No. 7(b):
 - (c) for a purpose for which development may be carried out on land in an adjoining zone; or
 - (d) for any purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the RTA and the Corporation must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads;
 - (b) the imminence of acquisition;
 - (c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.
- (6) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (7) In this clause:

"vacant land" means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig stys, barns or the like;

Certain development in Zones Nos. 6(a) and 7(a)

- 36. In considering whether to grant consent to the carrying out of development on land within Zone No. 6(a) or 7(a), the Council must take into consideration the need for the proposed development on the land, the impact of the proposed development on the existing or likely future use of the land and the need to retain the land for its existing or likely future use.

Nuclear activities

- 37. (1) Notwithstanding any other provision of this Plan, a person must not carry out any nuclear activities or develop land to which this Plan applies for the purpose of nuclear facilities.
- (2) Nothing in this Plan prevents the construction or operation of a nuclear facility for the storage or disposal of any radioactive waste material resulting from the use of nuclear material, or the transportation of nuclear material, for medical or medical research purposes or for any other purpose authorised under the

Development for certain additional purposes

38. (1) Nothing in this Plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3 for the purpose of a building work, place or land use specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this Plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

Preservation of trees

39. A tree preservation order made, and in force immediately before the appointed day, in relation to land to which this Plan applies, is taken to be a tree preservation order made by the Council under clause 8 of the Environment Planning and Assessment Model Provisions 1980 (as adopted by this Plan) and may be rescinded or varied in accordance with that clause.

Development in Zone No. 6(a)

40. The Council must not grant consent to development on land in Zone No. 6(a) unless it has taken into consideration the following:
- (a) the need for the proposed development on that land; and
 - (b) the impact of the proposed development on the existing or likely future use of the land; and
 - (c) that any proposed building needs to be secondary and complementary to the existing use of the land as open space; and
 - (d) that the development must not result in the alienation of open space.

Queens Park

41. Nothing in this Plan prevents the Centennial Park and Moore Park Trust or any person authorised by the Trust from carrying out development, without having to obtain development consent, on Trust lands within the meaning of the Centennial Park and Moore Park Trust Act 1983, for the purpose of exercising any of the Trust's functions under section 9(1) of that Act or if the development is otherwise authorised by or under that Act.

Temporary use of land

42. Despite the other provisions of this Plan, the Council may grant consent to development (other than designated development) on land within any zone for any temporary purpose for a maximum period of 28 days, whether consecutive or not, in any one year.

Excepted development

43. This Plan does not restrict or prohibit or enable the Council to restrict or prohibit:

- (a) the carrying out of development described in Schedule 4; or
- (b) the use of existing buildings of the Crown by the Crown.

Saving of certain development

44. Environmental planning instruments (including State environmental planning policies and regional environmental plans) as in force immediately before the commencement of this Plan continue to apply to a development application if:

- (a) the application was made but had not been finally determined before that commencement; and
- (b) the development that is the subject of the application is prohibited because of the amendments made by this Plan but could, with development consent, have been carried out in accordance with those instruments as so in force.

Classification or Reclassification of public land as operational land

Amended by
LEP 1996
(Amendment 5)
GG 79 15.5.98

44A. The public land described in Schedule 8 is classified or reclassified as operational land for the purposes of the Local Government Act, 1993.

Development of certain land - corner of Loombah and Military Roads, Dover Heights

Amended by
LEP 1996
(Amendment 5)
GG 79 15.5.98

- 44B. (1) This clause applies to Lot 1, DP 27725, Lots 3-5, DP 10090, Lots 21-23, DP 5491, Lot A, DP 406248 and a closed road (as notified in Gazette No 19 of 27 January 1950 at pages 266 and 267), being on the corner of Loombah and Military Roads, Dover Heights, as shown by distinctive colouring and lettering on the map marked "Waverley Local Environmental Plan 1996 (Amendment No.5)".
- (2) Despite the provisions of this Plan, a person must not carry out the development for the purpose of dual occupancy on the land to which this clause applies.
- (3) In this clause, *dual occupancy* means two dwellings (whether attached or detached) on the same allotment.

Amended by
LEP 1996
(Amendment 30)
GG 21 4.2.05

44C. Development of certain land-eastern portion of the land at Bronte Bowling Club, Wallace Street, Bronte

- (1) This clause applies to the eastern portion of the land situated at the Bronte Bowling Club, Wallace Street, Bronte, shown edged heavy black on the map marked "Waverley Local Environmental Plan 1996 (Amendment No 30)", deposited in the office of the Council.
- (2) The following development standards apply to the development of townhouses on land to which this clause applies:
- (a) the floor space ratio of the development is not to exceed 0.6:1,
 - (b) the maximum site coverage of the development is not to exceed 40% of the site area,
 - (c) the height of any external wall is not to exceed 7.5 metres,

- (d) the overall height of any building is not to exceed 9.5 metres to the ridge.

PART 4 - HERITAGE PROVISIONS

Protection of heritage items, heritage conservation areas and relics

45. (1) The following development may be carried out only with development consent:
- (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area; or
 - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior; or
 - (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance; or
 - (d) moving a relic or excavating land for the purpose of discovering or moving any such relic; or
 - (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.
- (3) When determining whether a development application is required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.
- (4) The Council may refuse to grant a consent required by this clause until it has considered a conservation plan so as to enable the Council to fully consider the impact of the proposal on the heritage significance of the item and its setting, or on the heritage conservation area.

Notice of certain heritage development applications

46. Sections 84, 85, 86, 87(1) and 90 of the Act (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item or a building, work, relic, tree or place within a heritage conservation area (and to the use of a building or land referred to in clause 50 for a purpose which, but for that clause, would be prohibited by this Plan) in the same way as those provisions apply to designated development.

Notice to the Heritage Council

47. Before granting development consent to the demolishing, defacing or damaging of a heritage item, the Council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

Development of known or potential archaeological sites

48. (1) The Council may grant consent to the carrying out of development on an

archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the National Parks and Wildlife Act 1974) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:

- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife; and
 - (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent; and
 - (c) it is satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.
- (2) The Council may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council; and
 - (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent; and
 - (c) it is satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

49. The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

Conservation incentives

50. (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this Plan, if it is satisfied that:
- (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area; and
 - (b) the conservation of the building depends on the granting of consent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the Council may, for the purpose of determining:

(a) the floor space ratio; and

(b) the number of parking spaces to be provided on the site,

exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land, but only if the Council is satisfied that the conservation of the building depends on it making the exclusion.

PART 5 - OUTDOOR ADVERTISING

51. Development for the purpose of advertisements

Amended by
LEP 1996
(Amendment 15)
GG 126 5.11.99

(1) **Advertisements allowed without consent:**

(REPEALED)

(2) **Advertisements allowed only with consent:**

Development for the purpose of an advertisement other than development that is exempt development or is prohibited by subclause (4) may be carried out only with development consent.

(3) Despite any other provision of this Plan, development may be carried out with consent on any land for the purpose of an advertisement that directs the travelling public to a specific tourist facility or place of scientific interest, if the Council is satisfied that:

- (a) the principal purpose of the advertisement is to direct the travelling public to that building or place; and
- (b) the dimensions and overall size of the advertisement are not larger than would reasonably be required to direct the travelling public.

(4) **Advertisements prohibited:**

Development for the purpose of an advertisement on land within ZoneNo.6(a), 7(d) or 7(e) (other than development that is exempt development or is permitted by subclause (3)) is prohibited.

**SCHEDULE 1 -AMENDMENT OF SYDNEY REGIONAL
ENVIRONMENTAL PLAN NO 14
- EASTERN BEACHES**

(Clause 5(b))

Sydney Regional Environmental Plan No. 14 - Eastern Beaches is amended:

- (a) by omitting from clause 4 the word "Waverley";
- (b) by omitting clause 6(b);
- (c) by omitting Schedule 2; and
- (d) by omitting from Schedule 3 the following matter:

Clark Street Reserve, Vaucluse.

Diamond Bay Reserve, Diamond Bay.

Craig Avenue Reserve, Dover Heights.

Eastern Avenue Reserve, Dover Heights.

Weonga Park, Dover Heights.

Rodney Reserve, Dover Heights.

Raleigh Reserve, Dover Heights.

Hugh Bamford Reserve, and the adjoining reserve area at North Bondi.

Williams Park, North Bondi.

Campbell Parade, Bondi.

Hunter Park, Bondi.

Wilga Reserve, Bondi.

Marks Park, Bondi.

Gaerlock Reserve, Bondi.

Tamarama Park, Tamarama.

Bronte Park, Bronte.

Calga Reserve, Bronte.

Waverley Cemetery, Bronte.

SCHEDULE 2 - INTERPRETATION

(Clause 6(1))

"advertisement" means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work;

"affordable housing" means housing which, by virtue of its location, style of accommodation, levels of car parking and dwelling size, would sell at a price or rent at a rate which is comparable to or less than the existing median sale price or median rent level in the Council's area;

"aged persons' care centre" means a building or place used for the care of aged persons, but which does not involve the provision of residential accommodation, and includes a senior citizens' centre as defined in the States Grants (Home Care) Act 1969 of the Commonwealth;

"air impurity" includes smoke, dust (including ash), cinders, solid particles or radioactive substances of any kind suspended in air, gases, fumes, mists and odours;

"air pollution" means the emission into the air of any air impurity;

"amusement centre" means a building or place (other than a club or hotel) containing:

- (a) one or more tables for the playing of pool, snooker, billiards or like games by members of the public; or
- (b) 3 or more electrically or mechanically operated amusement devices such as pinball machines, laser games, video games or the like, whether or not the building or place is also used for some other purpose; or
- (c) any number of electrically or mechanically operated amusement devices such as pinball machines, laser games, video games or the like, where the use of these amusement devices is the principal use of the building or place;

"appointed day" means the day on which this plan takes effect;

"archaeological site" means a heritage item identified in Schedule 5 as an archaeological site, and shown on the Heritage map;

"area" of an advertisement in the form of a sign means:

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign; or
- (b) for a sign with two signs occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side; or
- (c) for any other sign, one third of the total surface area of the sign.

"backpackers accommodation" means a building used for the purpose of providing accommodation for tourists, travellers or persons engaged in recreational pursuits and that:

- (a) may have shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) will generally provide shared accommodation in which there are two or more persons in a room, and
- (c) will generally provide temporary accommodation, but may provide permanent

accommodation.

"beachfront scenic protection area" means land shown on the Zoning map by black cross-hatching superimposed on a colour;

"bed and breakfast establishment" means a dwelling-house providing accommodation for commercial purposes where:

- (a) the owner is a permanent resident living in the dwelling-house; and
- (b) visitors' accommodation is provided on a short-term basis only, up to a maximum of 1 month; and
- (c) there are not more than 6 visitors at any one time;

"boarding-house" means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principle place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms with one or more lodgers,

and includes a hotel (not being premises to which a hotelier's licence under the *Liquor Act 1982* relates).

"Bondi Beach Precinct" means the land shown edged heavy black and marked "Bondi Beach Precinct" on the Bondi Beach Precinct map;

"business identification sign" means an advertisement which, in respect of any place or premises to which it is fixed, contains all or any of the following:

- (a) a reference to the identity or a description of the place or premises;
- (b) a reference to the identity or a description of any person residing or carrying on an occupation at the place or premises;
- (c) particulars of any occupation carried on at the place or premises;
- (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act;
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;
- (g) particulars of any activities held or to be held at the place or premises;
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.

"car repair station" means a building or place used for the purpose of carrying out repairs to motor vehicles;

Amended by
LEP 1996
(Amendment 19)
GG 137 13/10/00

"community centre" means a building or place owned, leased or sub-leased by the Council and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library;
- (b) public health and welfare services;
- (c) rest rooms;
- (d) meeting rooms;
- (e) indoor recreation;
- (f) child minding;
- (g) baby health centres;
- (h) public halls;
- (i) exhibition spaces;
- (j) public buildings;
- (k) places of public worship;
- (l) club rooms;
- (m) shops and commercial premises;
- (n) refreshment rooms;
- (o) housing for aged and disabled persons;
- (p) car parking;
- (q) any other similar building, place or land use;

"Council" means Waverley Council;

"demolish" a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item or building, work, relic, tree or place;

Amended by
LEP 1996
(Amendment 10)
GG 71 24.4.98

"dual occupancy": means two dwellings (whether attached or detached) on the same allotment;

"floor space ratio", in relation to a building, means the ratio of the gross floor area of the building to the area of the allotment of land on which the building is erected;

"greenhouse effect" means the warming of the earth due to the absorption of the earth's emitted infra red radiation by greenhouse gases;

"greenhouse gases" include carbon dioxide, methane, nitrous oxide, chlorofluorocarbons and tropospheric ozone;

Amended by
LEP 1996
(Amendment 12)
GG 89 25/05/01

"height" of a building in a business zone means the greatest distance in metres measured vertically from any point on the building to the natural ground level below that point;

"heritage conservation area" means land shown edged blue, green or yellow on the Heritage map;

"heritage item" means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described in Schedule 5 and shown on the Heritage map;

"heritage significance" means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance;

"home based child care service" means any service:

- (a) that is provided by a person for the purpose of educating, minding or caring for (but without providing residential care for) one or more children (disregarding any children who are related to the person providing the service); and
- (b) that is provided for fee, gain or reward; and

(c) that is provided at the premises where the person providing the service resides,

but does not include:

- (d) a family care giving service that is provided by a registered caregiver within the meaning of the Family Day Care Services Regulation 1989; or
- (e) a centre-based child care service that is provided at a centre within the meaning of the Centre-based Child Care Services Regulation 1989; or
- (f) a mobile child care service that is provided by a licensee within the meaning of the Mobile Child Care Services Regulation 1989; or
- (g) a babysitting, playgroup or child minding service that is organised on an informal basis by the parents of the children involved;

"hostel" means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis;

Amended by
LEP 1996
(Amendment 19)
GG 137 13.10.00

"mixed development" means a residential flat building, dual occupancy, dwelling-house, boarding house, hostel or serviced apartment within the same building as shops, commercial premises or any other non-residential use;

Amended by
LEP 1996
(Amendment 10)
GG 71 24.4.98
(Amendment 29)
GG 137 5/9/03

"natural ground level" is the ground surface level prior to any development, including any cutting, filling and grading, and, where the existing ground level differs from the natural ground level, the natural ground level shall be as determined by the Council after taking into account any information available to it concerning the location;

"nuclear activities" includes any procedure or operation involved in the exploration for or quarrying, mining, milling, conversion, enrichment, fabrication, reprocessing, storage or disposal of nuclear material;

"nuclear facility" includes a nuclear reactor, a nuclear power plant, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or an installation for the storage or disposal of nuclear material;

"nuclear material" means any radioactive substance associated with the nuclear fuel cycle, including fertile and fissile material, spent fuel and waste;

"ozone-depleting substance" means a controlled substance within the meaning of the Ozone Protection Act 1989 (for example, CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, Halon-1211, Halon-1301 and Halon-2402);

"pollution" means any one or more of the following:

- (a) air pollution;
- (b) pollution of waters within the meaning of the Clean Waters Act 1970;
- (c) the emission of offensive noise as defined in section 4(1) of the Noise Control Act 1975;
- (d) pollution of any other kind, being pollution affecting any part of the environment and however caused;

"potential archaeological site" means a site identified on the Heritage map by a yellow line, and includes a site known to the Council to have archaeological potential even if it is not so identified and shown;

"private hotel" means a building used for short-term temporary accommodation and which is not licensed under the Liquor Act 1982;

"public hall" means a building or place, whether owned or controlled by the Council or otherwise, which is used or intended to be used for general public purposes such as meetings, entertainments, exhibitions, social and community activities or the like, but does not include any building or place which is operated for profit or gain or elsewhere defined in this Schedule;

"real estate sign" means an advertisement in respect of a place or premises to which it is affixed which contains only a notice that the place or premises is or are for sale or letting, together with particulars of the sale or letting and:

- (a) in the case of an advertisement in respect of residential premises relating to letting, sale by private treaty or sale by auction:
 - (i) does not exceed 2.5 square metres in area;
 - (ii) has returns not exceeding 180 millimetres; and
- (b) in the case of an advertisement in respect of commercial and industrial premises, does not exceed 4.5 square metres in area; and
- (c) is not displayed for more than 14 days after letting or completion of the sale of the premises or place to which the sign relates;

"recreation area" means:

- (a) a children's playground;
- (b) an area used for sporting activities or sporting facilities;
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community; and
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for that purpose,

but does not include a racecourse or showground;

"recreation facility" means a building or place used for indoor recreation such as a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building or place of a like character used for recreation, whether or not operated for profit or gain, but does not include a place of assembly or an amusement centre;

"recyclable materials" means materials which can be recovered from the waste cycle and reused, and includes glass, aluminium, paper, cardboard, plastic containers and the like;

"relic" means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the area of Waverley, not being Aboriginal habitation, which is more than 50 years old; or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of Waverley; whether before or after its occupation

by persons of European extraction;

"residential flat building" means a building containing 3 or more dwellings;

"serviced apartment" means a building containing 2 or more dwellings intended to be used for short-term accommodation of travellers and tourists and where such dwellings are cleaned or otherwise serviced or maintained by the owner or manager of the apartments or the owner's or manager's agent;

"small shop" means a shop having a floor area not exceeding 60 square metres which is used or intended to be used for retailing general grocery merchandise, and which is commonly referred to as a corner shop;

"strata subdivision" means a subdivision under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986;

"temporary accommodation" means premises providing short-term accommodation on a weekly and monthly basis, being premises where a person may stay for no more than 2 months;

"temporary sign" means an advertisement of a temporary nature which:

- (a) announces any local event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event; and
- (b) does not include advertising of a commercial nature, except for the name of an event's sponsor,

and which is not displayed earlier than 28 days before the day on which the event is to take place and is removed within 14 days after the event. Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable structures and the like;

"the Corporation" means the corporation constituted by section 8 (1) of the Environmental Planning and Assessment Act 1979;

"the Bondi Beach Precinct map" means the map set out in Schedule 6 to this Plan.

"the Heritage map" means the map marked "Waverley Local Environmental Plan 1996 - Heritage map", as amended by the maps (or specified sheets of the maps), marked as follows:

- Waverley Local Environmental Plan 1996 (Amendment No.12) GG 89 25/5/01
- Waverley Local Environmental Plan 1996 (Amendment No.20) – Sheet 7 GG 246 6/12/02
- Waverley Local Environmental Plan 1996 (Amendment No.23) – Sheet 2 GG 190 14/12/01

"the Subdivision map" means the map set out in Schedule 7 to this Plan.

"the Zoning map" means the map marked "Waverley Local Environmental Plan 1996 - Zoning map", as amended by the maps, or the specified sheets of maps, marked as follows (and as also amended in the manner set out in clause 6(3)):

- Waverley Local Environmental Plan 1996 (Amendment No.1) GG 36 11/4/97
- Waverley Local Environmental Plan 1996 (Amendment No.3) GG 104 26/9/97
- Waverley Local Environmental Plan 1996 (Amendment No.4) GG 149 19/12/97
- Waverley Local Environmental Plan 1996 (Amendment No.5) GG 79 15/5/98
- Waverley Local Environmental Plan 1996 (Amendment No.7) GG 130 28/11/97
- Waverley Local Environmental Plan 1996 (Amendment No.8) GG 130 28/11/97
- Waverley Local Environmental Plan 1996 (Amendment No.11) GG 163 20/11/98
- Waverley Local Environmental Plan 1996 (Amendment No.13) GG 86 30/7/99

- Waverley Local Environmental Plan 1996 (Amendment No.14) GG 86 30/7/99
- Waverley Local Environmental Plan 1996 (Amend. No.20) Sheets 1-6 & 8 GG 246 6/12/02
- Waverley Local Environmental Plan 1996 (Amendment No.23) Sheet 1 GG 190 14/12/01
- Waverley Local Environmental Plan 1996 (Amendment No.26) GG 142 6/9/02
- Waverley Local Environmental Plan 1996 (Amendment No.27) GG 246 6/12/02
- Waverley Local Environmental Plan 1996 (Amendment No.28) GG 255 13/12/02
- Waverley Local Environmental Plan 1996 (Amendment No.29) GG 137 5/9/03
- Waverley Local Environmental Plan 1996 (Amendment No. 30) GG 21 4/2/05

"the RTA" means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

"tourist facility" means an establishment providing for holiday accommodation or recreation, and may include backpackers' accommodation, bed and breakfast accommodation, a boat shed, boat landing facilities, a camping ground, a caravan park, cultural facilities, a guest house, holiday cabins, a hotel, a house boat, a marina, a motel, a playground, a refreshment room, a serviced apartment, tourist information facilities, a tourist shop, water sport facilities, or a club used in conjunction with any such facilities;

"townhouse" means a residential flat building containing 3 or more dwellings in a group such as are commonly known as group houses, semi-detached houses, terrace houses, villa homes or the like;

"waste" means:

- effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap; or
- trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them) which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work; or
- garbage, being all refuse other than trade waste and effluent.

A substance is not precluded from being waste for the purposes of this Plan only because it is capable of being refined or recycled.

SCHEDULE 3 - DEVELOPMENT FOR CERTAIN ADDITIONAL PURPOSES

(Clause 38)

70-76 Carrington Road, Waverley

Land known as Nos. 70-76 Carrington Road, Waverley - commercial offices.

Bronte House - 470 Bronte Road, Bronte

Bronte House, erected on land known as 470 Bronte Road, Bronte - community centre, consulate, dwelling-house, educational establishment, place of public worship, professional chambers, reception centre or refreshment room.

Amended by
LEP 1996
(Amendment 13)
GG 86 30/7/99

46-48 Ocean Street, Bondi

Land known as Nos. 46-48 Ocean Street, Bondi – public car park (within the meaning of the *Local Government Act 1993*).

Amended by
LEP 1996
(Amendment 18)
GG 57 12/5/00

Waverley Park and Tamarama Park

Land known as Waverley Park and Tamarama Park– underground telecommunications facilities.

Amended by
LEP 1996
(Amendment 17)
GG 71 16/6/00

91-93 Roscoe Street, Bondi Beach

Land known as Nos. 91-93 Roscoe Street, Bondi Beach (comprising the ground floor only of the building situated on that land) - shops.

SCHEDULE 4 - EXCEPTED DEVELOPMENT

(Clause 43)

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of any of the following:
 - (a) any development required in connection with movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant;
 - (b) the erection within the limits of a railway station of buildings for any purpose, but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads; and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design of railway stations or bridges; and
 - (e) the formation or alteration of any means of access to a road; and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
2. The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
 - (a) development of any description at or below the surface of the ground;
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day or any plant or other structures or erections required in connection with the station or substation;
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brick;
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
 - (e) the erection of service reservoirs on land acquired or in process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council;
 - (f) any other development except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings; or

- (ii) the formation or alteration of any means of access to a road.
- 3. The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose; except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance; or
 - (b) the formation or alteration of any means of access to a road.
- 4. The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf, or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
 - (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance; or
 - (b) the formation or alteration of any means of access to a road.
- 5. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings, within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings and the construction or alteration of buildings so as to materially affect their design or external appearance; or
 - (b) the formation or alteration of any means of access to a road.
- 6. The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
 - (a) the erection of buildings and the construction or alteration of buildings so as to materially affect their design or external appearance; or
 - (b) the formation or alteration of any means of access to a road.
- 7. The carrying out by the owner or lessee of a mine (other than a mineral sand mine), on the mine, of any development required for the purposes of a mine, except:
 - (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance; or
 - (b) the formation or alteration of any means of access to a road.

8. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance, repair or operation of any road, except the widening or realignment of a road.
9. The carrying out, or causing to be carried out, by a Council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvements in pursuance of the provisions of the Water Act 1912, the Irrigation Act 1912, the Farm Water Supplies Act 1946 or the Rivers and Foreshores Improvement Act 1948, except:
 - (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance; or
 - (b) the formation or alteration of any means of access to a road.

SCHEDULE 5 - HERITAGE ITEMS**(Schedule 2)****A. BUILDINGS**

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ALFRED STREET	3
ALLENS PARADE	27,16
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ASHTON STREET	3, 16-18, 34
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BARRACLUFF AVENUE	1-3
BELGRAVE STREET	1
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BOONARA AVENUE	32
BOTANY STREET	1-3, 9-15, 32-34
BOURKE STREET	45
BRIGHTON BLVDE.	1-13, 144
BRISBANE STREET	39-41
BRONTE ROAD	2-4 (The Tea Gardens Hotel), Waverley Telephone Exchange, 166-170, 189-199, Robin Hood Hotel, 245-277, 327-331, 369, 234, 348, 402, 407 (Rocky Mount), 424, 470
BROWN STREET	30

Amended by
LEP 1996
(Amendment 12)
GG 89 25/05/01

BUSBY PARADE	15-17
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CAMPBELL STREET	2
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CARRINGTON ROAD	4, 12, 25 (Chapel, St Clare's Convent), 36, 50, 81-83 (Charing Cross Hotel), 105, 125-127, 129, 150
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CURLEWIS STREET	63-65, 67-71
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DARLING STREET	7, 9
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GLASGOW AVENUE	7

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GOLDIE AVENUE	6
GOULD STREET	37-43
HALL STREET	20 (Post Office), 31-33 (Commonwealth Bank)
HASTINGS PARADE	6, 8, 25
HENRIETTA STREET	42-64 (Froebal House)
HENRY STREET	12
HEWLETT STREET	Bronte Public School

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KENT STREET	21
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PENKIVIL STREET	14, 16, 81
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PROSPECT STREET	5-11
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YANKO AVENUE	9, 33
YENDA AVENUE	1, 2-12, 1-7,
YORK ROAD	7, 21, 41, 55, Former Tram Shed

B. ARCHAEOLOGICAL ITEMS AND SITES

- A1 Aboriginal Carvings, Marks Park just south of Mackenzies Point, Bondi
- A2 Aboriginal Rock Carvings (Murriverie), Williams Park/Bondi Golf Course, North Bondi
- A3 85-87 Birrell Street
- A4 Blenheim Street No 1
- A5 Isabella Street Nos 23-31
- A6 Blenheim Street Nos 9-11 & 13
- A7 Victoria Street No 11
- A8 High Street Nos 4-22 Glen Rock Terrace
- A9 Judges Lane Nos 3-4
- A10 Murriverie Quarry, Bondi Golf Course, North Bondi
- A11 Murriverie Road, North Bondi
- A12 Clyde Street Quarry, 130-136 Clyde Street, North Bondi
- A13 Quarry, 56 Military Road, North Bondi
- A14 Rock-cut Stairway, Military Rd leading to Bamford Reserve, North Bondi
- A17 Oxford Street Nos 47-49
- A18 Old South Head Road, SOOS Bakery, (cnr The Avenue)
- A19 Brighton Boulevarde No 144
- A20 Waverley Reservoir No 1, Waverley Park, Bondi Junction
- A21 Water Reservoir No 2, Waverley Park, Bondi Junction
- A22 Sewerage Stack - Water Reserve, North Bondi
- A24 Radio Telephone Tower, rear 50 Botany Street, Bondi Junction (landscape item L46)
- A25 Bell Type Letter Receiver, Bronte Rd (cnr Albion St), Waverley
- A27 CSIRO Astronomical Instrument Base - Rodney Reserve, Dover Heights
- A28 Natural Drain, Hunter Park, Bondi
- A29 Lookout, Marks Park/Mackenzies Point, Bondi
- A30 Site of Wonderland and Aquarium, Tamarama Gully, Tamarama
- A31 Gregory Memorial Fountain, Cricket Oval, Waverley Park, Bondi Junction
- A32 Notts Avenue, Bondi Baths
- A33 European Rock Carvings, Williams Reserve/Golf Course, North Bondi

C. LANDSCAPE ITEMS AND SITES

- L1 South Head Cemetery, Old South Head Rd, Vaucluse
- L2 Coastal Sandstone Escarpment, Clark Reserve (Vaucluse) to Rodney Reserve (Dover Heights)
- L3 Street Layout and Planting, Blair Street, Bondi Beach
- L4 Bondi Golf Course (Williams Park), Military Road, North Bondi
- L5 Ben Buckler (Ray O'Keefe Reserve), Ramsgate Ave, North Bondi
- L6 Bondi Beach and Park, Campbell Parade, Bondi Beach
- L7 Hunter & Marks Parks, Mackenzies Point (South Bondi Headland)
- L8 Tamarama Beach, Park and Marine Drive, Tamarama
- L9 Tamarama Park - Valley above Marine Drive, Tamarama
- L10 Gaerloch Reserve, Gaerloch Avenue, Tamarama
- L11 Bronte Beach and Park, Bronte
- L13 Bronte Road No 470 Gardens at Bronte House
- L14 Stone Retaining Walls and Street Planting, Bronte Road, Bronte
- L15 Sandstone Cutting - Former Tram Route, Calga Avenue, South Bronte
- L16 Hewlett Street (east end), Bronte
- L17 Bronte Road Nos 327-331
- L18 Street Trees, Chesterfield Parade, Bronte
- L19 South Bronte Headland Reserve, Bronte
- L20 Waverley Cemetery, St Thomas St, Bronte
- L21 Granite Horse Troughs, outside Waverley Cemetery, St Thomas St, Bronte
- L22 Street Trees, Wiley St, Waverley
- L23 Street Trees, Manning Street, Bondi Junction
- L24 Norfolk Island Pine tree in Nature Strip outside No 9 Inverness St, Bronte
- L25 Street Trees, Alt Street, Bondi Junction
- L26 Street Trees, Brisbane Street, Bondi Junction
- L27 Brisbane Street Nos 18-34
- L28 Queens Park, Darley Road, Bondi Junction
- L29 Remnant Bushland, south-west corner of former Eastern Suburbs Hospital, York Road, Bondi Junction
- L30 Waverley Park, Bondi Road, Bondi Junction
- L31 Birrell Street No 240 St Mary's Anglican Church and grounds
- L32 Fingleton Reserve, Waverley Crescent, Bondi Junction
- L33 Old South Head Road No 17, Garden, trees and fence
- L34 Street Trees, Rawson Street, Bondi Junction

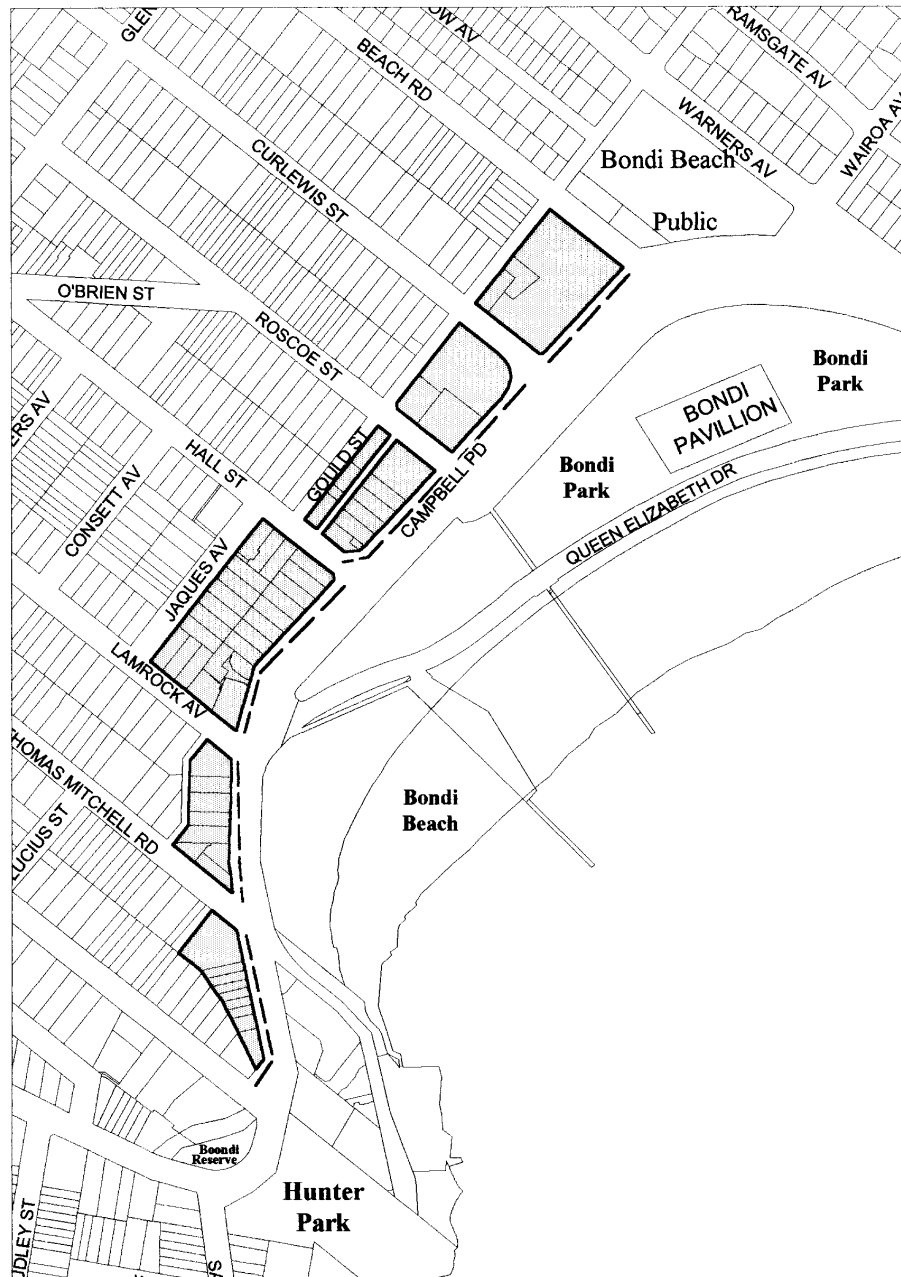
- L35 Stone Retaining Wall, Arnold Street, Bondi Junction
- L36 Street Trees and Road Design, Cuthbert St, Bondi Junction
- L37 Llandaff Street No 26 Mature tree and grounds
- L38 Street Trees, Bondi Rd (between Paul & Flood Sts), Bondi
- L39 Street Trees, Flood St, Bondi
- L40 Centennial Park (south-west corner), cnr York Rd and Darley Rd, Waverley
- L41 Salisbury Street, Waverley College grounds
- L42 Sandstone Retaining Wall, Split-Level Road Design and Street, Trees, Gardyne St, Bronte
- L43 Brick Retaining Wall, Split-Level Road Design and Street Trees, Macpherson St (east end)
- L44 Macpherson Park, Macpherson and Carlton Sts, Bronte
- L45 War Memorial Hospital Grounds
- L46 Communication Tower near Council and Botany Streets
- L47 Street Trees, Birrell St (between Bourke & Alt Sts), Bondi Junction
- L48 Simpson Park, corner Macpherson & Leichhardt Sts, Waverley
- L49 School Grounds, Clovelly Public School, Arden St & Chesterfield Ave, Clovelly
- L50 Varna Reserve, Leichhardt St, Waverley
- L51 Macpherson Street, St Catherines School grounds
- L52 Henrietta Street Nos 42-64 "The Jungle" and mature tree group
- L53 Garden and trees at Nos 1-3 Ashton Street
- L54 Evans Street No 19 Victorian garden
- L55 Fig Tree at 42-64 Henrietta St, Waverley College
- L56 Cross Street No 26 Palm Trees
- L57 Wellington Street No 30 Remnant Victorian Garden
- L58 Wellington Street School Grounds
- L59 Dickson Park, cnr Wellington & Edward Sts, Bondi
- L60 Thomas Hogan Reserve and Bird Sanctuary (formerly "Glen-Roona" Reserve) Francis St, Bondi
- L61 Entry pergola O'Brien Street No 1
- L62 Curved Street, Stone Retaining Wall, corner Francis & Simpson Sts, Bondi
- L63 Street Trees, Francis St, Bondi
- L64 Campbell Parade, Bondi Beach Public School and Grounds
- L65 York Road Nos 13-15 Fences and Trees to Merlyn and Rothsay
- L66 York Road No 45 Garden and fence
- L67 Clementson Park, Ebley Street, Bondi Junction

- L69 Old South Head Road No 225
- L70 Street Landscape, Warners Avenue, Bondi
- L71 Caffyn Park, bounded by Blake, Victory and Portland Sts, Dover Heights
- L72 Street Trees, Oceanview Ave (East of Military Rd), Dover Heights
- L73 Street Trees, Avoca St, Waverley
- L75 Fig trees, Newland St (between Birrell St and Queens Park Road)
- L76 Eastern Suburbs Banksia Scrub

Amended by
LEP 1996
(Amendment 23)
GG 190 14/12/01



NOTE: On 25 May 2001, Waverley LEP 1996 (Amendment 12) was gazetted. The amendment made a number of miscellaneous amendments to LEP 1996 including the designation of "Blenheim Gully" as a new landscape heritage conservation area on the Heritage Map. The Blenheim Gully conservation area includes land bounded by the western side of Bronte Road, the western side of Taylor Street, the northern side of Queens Park Road, the eastern side of Blenheim Street and the southern side of Taylor Street.

SCHEDULE 6 - BONDI BEACH PRECINCT MAP (CLAUSES 13 to 16)

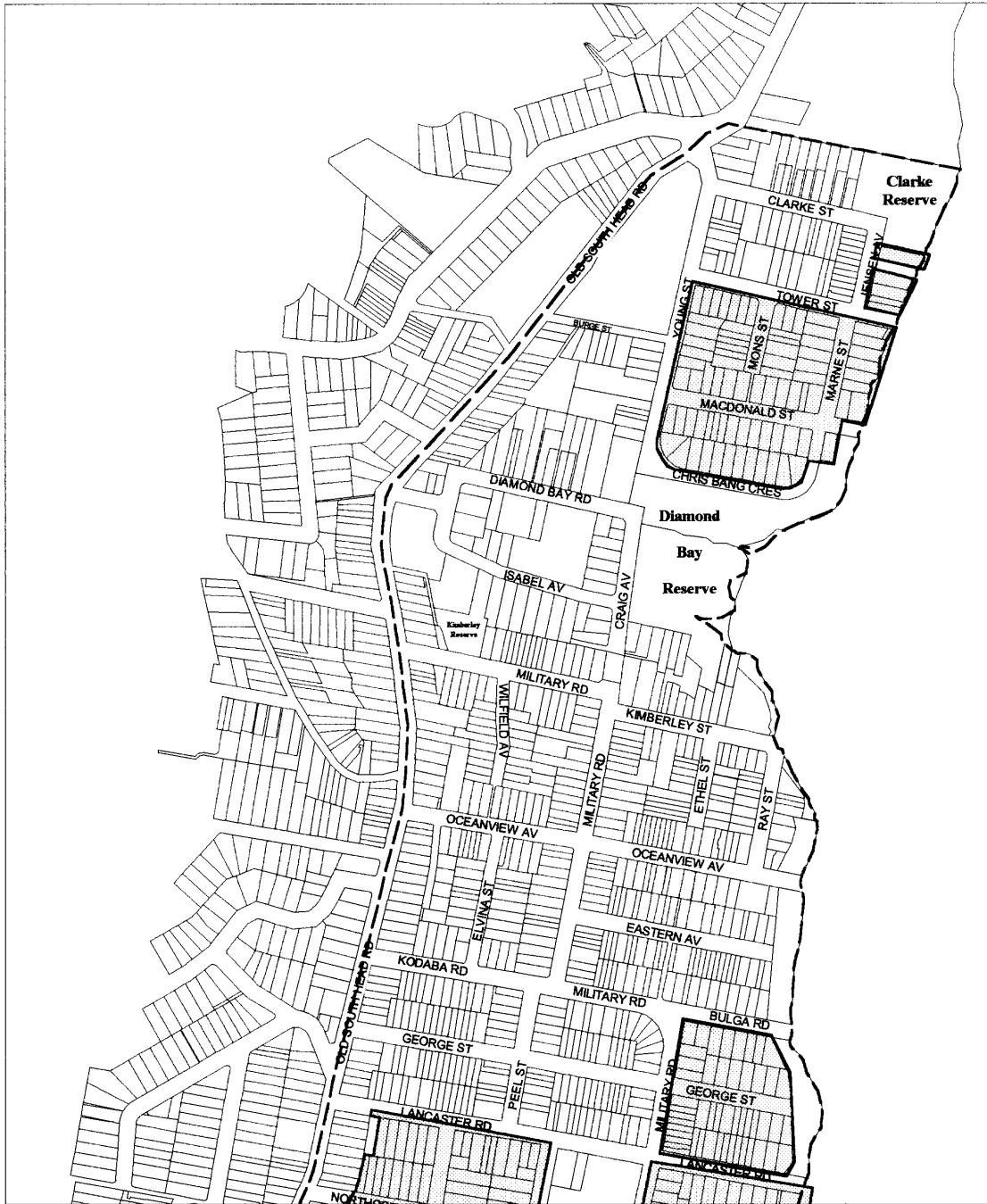


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SCHEDULE 7. SHEET 1 - SUBDIVISION MAP (CLAUSE 12)

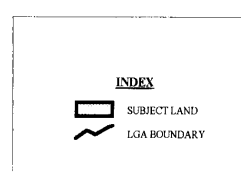
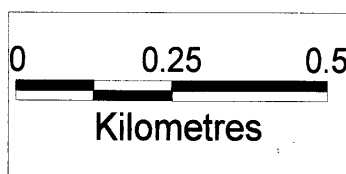
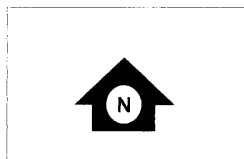
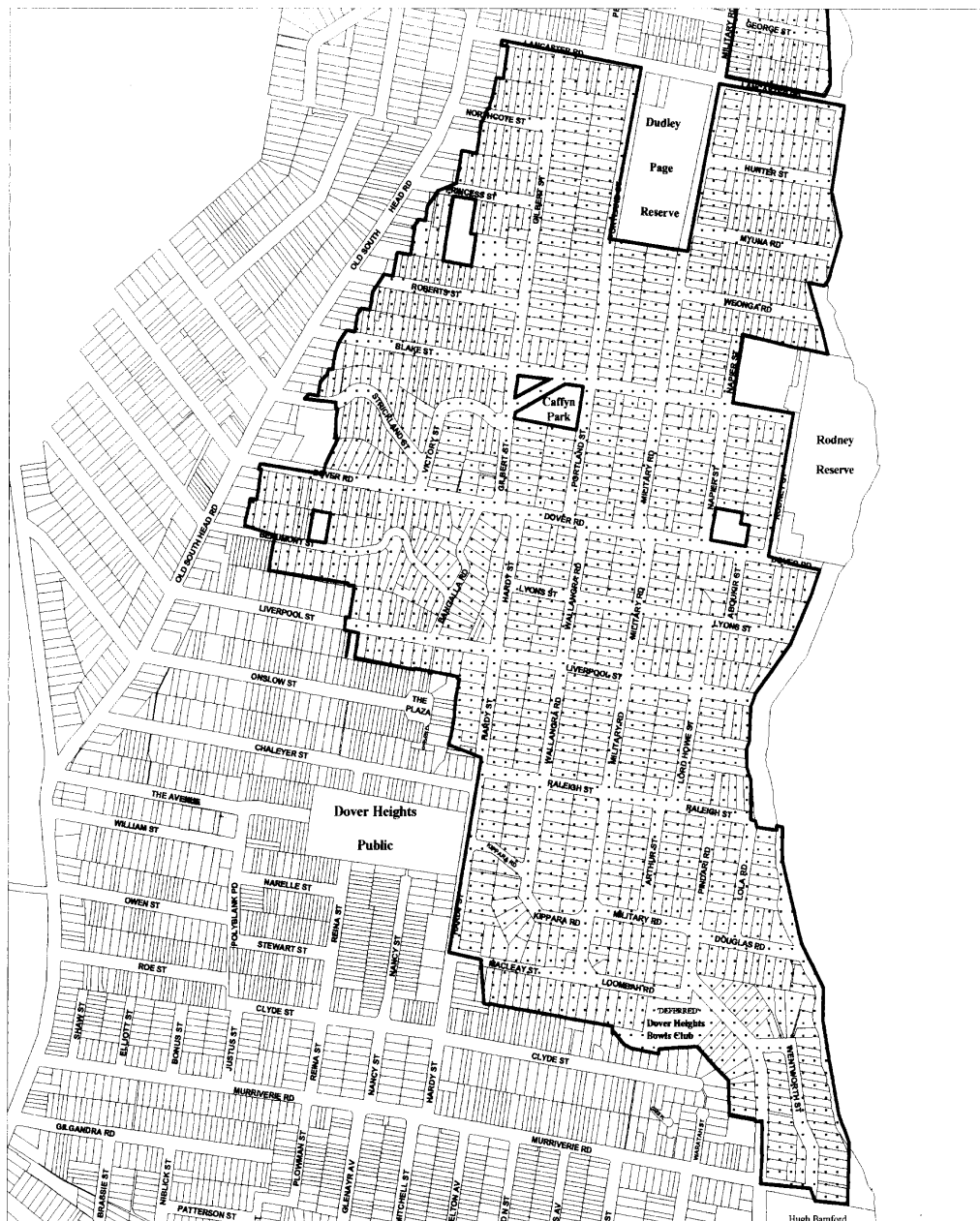


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SCHEDULE 7. SHEET 2 - SUBDIVISION MAP (CLAUSE 12)



**SCHEDULE 8 - CLASSIFICATION OR RECLASSIFICATION OF PUBLIC LAND AS
OPERATIONAL LAND**

(Clause 44A)

- | | |
|--|--|
| Amended by
LEP 1996
(Amendment 5)
GG 79 15.5.98 | 1. Lot 1, D.P. 27725, Lots 3-5, D.P. 10090, Lots 21-23, D.P. 5491, Lot A, D.P. 406248 and a closed road (as notified in Gazette No. 19 of 27 January 1950 at pages 266 and 267), being on the corner of Loombah and Military Roads, Dover Heights, as shown by distinctive colouring and lettering on the map marked "Waverley Local Environmental Plan 1996 (Amendment No. 5) - Zoning map". |
|--|--|