

24 October, 2025

Ms Emily Scott  
General Manager  
Waverley Council  
PO Box 9  
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Sent to: [strategictownplanning@waverley.nsw.gov.au](mailto:strategictownplanning@waverley.nsw.gov.au)

Dear Ms Scott

## Planning Proposal – General LEP Update

I write in response to the public exhibition of Waverley Council's proposed General LEP update.

Although most of the proposed changes are site-specific or inconsequential from a development perspective, Urban Taskforce Australia is concerned about proposed changes to the clauses regulating the height of buildings.

According to the Council, the change is intended to “*protect against adverse overshadowing, overlooking, and view loss*”, and that the change will allow it to manage height impacts better, and to preserve solar access.

### Streetscape

The policy talks about the need “*to ensure that new development takes its cues from the visual catchment, which is of greater relevance in the assessment process*” and to prevent applicants from using examples from other areas to justify their proposal.

The photo provided on the consultation page, which shows an outlook of Bondi Road looking down towards the beach, raises questions about how such a visual catchment would be determined.

Amongst other things, the image shows:

- a 4-storey Masonic Centre;
- late nineteenth and early twentieth century two storey shops;
- twentieth century three-storey shop/apartment buildings;
- a 3-storey walk-up 1920s apartment block;
- more recent 3-4 storey apartment blocks; and
- 7-8 storey apartment blocks dating from the 1960s.

These buildings are not at all alike.

It is difficult to envision how architectural styles covering a period of a century could be defined by Council as a “streetscape” that it might use to guide future development.

Council runs the risk of applying a manufactured standard to an area that was never subject to one in the first place.

There is no reason why, in an area like Waverley whose look and feel were created over decades of development, an applicant shouldn't be able to point to examples further afield to support their proposal.

The only justification would appear to be that it gives the Council more grounds on which to oppose a development.

### **Rooftop elements**

Council states that the proposed changes will give it the ability to consider other elements on a building (such as communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues, etc.) when assessing the "overall height" of the development.

In other words, by including extraneous, non-habitable features, it restricts the developable height available to a developer.

This means that applicants could be reluctant to allow such elements on top of their buildings as to do so would limit the FSR available to the site. It could have implications for telecommunications networks as mobile relays get taken down in favour of more developable space.

The proposed changes are fundamentally anti height – and unreasonably restrict new housing development.

### **Solar access**

The requirement for more solar access seeks to "preserve" amenity.

It expands the scope for solar access as an element of "environmental amenity", giving more control over what can be rejected.

Again, Urban Taskforce is concerned that this could give Council more ability to reject proposals by expanding what can be considered as an imposition on "solar access". The proposed change works against the broader push for increased housing supply.

### **Conclusion**

The draft LEP states that the intent of the changes is to ensure "*a high standard of design quality*" and to prevent "*overdevelopment*". This is a subjective, emotive term that can be misconstrued and used to prevent development of any sort. "Supporting housing supply with quality amenity" is a far more progressive way of expressing the goals of Council and the State Government.

Waverley Council has a target under the National Housing Accord of 2,400 dwellings by 2029.

In the first 14 months of the Accord period, it approved only 171 dwellings, just 30.5% of the 560 dwellings expected by August of this year.

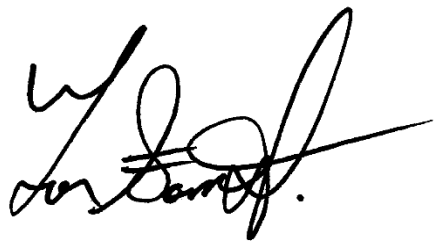
The Council is seriously behind where it needs to be, but policy changes such as this - far from "*facilitat[ing] a range of housing opportunities in the right places to support and retain a diverse community*" – could be misused to thwart housing, rather than helping it to achieve its targets.

It will further restrict what can be developed by including non-building features as part of the height of a building, emphasising solar access, and relying upon alignment with a hard-to-define concept of "streetscape".

Urban Taskforce encourages Council to reconsider the proposed changes to building height restrictions and to consider alternative ways to encourage sympathetic building design.

Should you wish to discuss any aspect of this submission further, please call our Policy, Planning, and Research Analyst, Paul Waterhouse, on 0411-875-366 or via email [paul@urbantaskforce.com.au](mailto:paul@urbantaskforce.com.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', with a large, sweeping flourish extending to the right.

**Tom Forrest**  
Chief Executive Officer