

# PART A PRELIMINARY INFORMATION

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## A1 STATUTORY INFORMATION

This Development Control Plan is referred to as *Waverley Development Control Plan 2022* (WDCP). The WDCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

### 1.1 COMMENCEMENT

This DCP was adopted by Council on 6 December 2022 and came into force on 8 December 2022.

### 1.2 LAND TO WHICH THIS DCP APPLIES

This DCP applies to all land within the Waverley Council Local Government Area (LGA).

### 1.3 PURPOSE

This DCP provides strategies, objectives and development guidelines for the assessment of Development Applications (DA) and complements the provisions of the *Waverley Local Environmental Plan* (WLEP).

### 1.4 RELATIONSHIP WITH OTHER PLANS, STANDARDS AND CODES

This DCP should be read in conjunction with WLEP. Where there is an inconsistency between this Plan and the WLEP, the LEP prevails. This DCP is also to be read in conjunction with the following:

- *Environmental Planning & Assessment Act 1979*;
- *Environmental Planning & Assessment Regulation 2021*;
- *Local Government Act 1993*;
- *Roads Act 1993*;
- Any relevant State Environmental Planning Policy (SEPP);
- Any relevant Land and Environment Court Planning Principle;
- National Construction Code and Building Code of Australia;
- Any relevant Australian Standard (identified or not in this Plan);
- Any policy or guideline adopted by Council including:
  - Waverley Local Strategic Planning Statement (LSPS). \_
  - Creative Lighting Strategy Parts 1 and 2
  - Our Liveable Places Centres Strategy.
  - Local Housing Strategy.
  - Public Domain Technical Manual.
  - Development Contributions Plan.
  - Planning Agreement Policy.
  - Tree and Vegetation Vandalism Policy
  - Tree Management Policy.
  - Heritage Policy.
  - Public Art in the Private Domain.
  - Inter-War Factsheets.

- Water Management Technical Manual.

It is the responsibility of the applicant to identify all relevant legislative requirements. The NSW Legislation website should be regularly checked for the most up-to-date version of all legislation and can be accessed at: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### **1.5 COMPLIANCE**

Section 4.15 of the *EP&A Act* requires Council to take this DCP into consideration when determining applications. Compliance with the provisions of this DCP does not necessarily guarantee that consent to a DA will be granted. Each DA will be assessed having regard to the current LEP, DCP, adopted Council policies, State Environmental Planning Policies, and any other matters listed in Section 4.15 of the *EP&A Act*.

### **1.6 SAVINGS PROVISION**

If an application has been made before the commencement of WDCP, but not finally determined, the development application must be determined as if WDCP had not commenced.

All applications made after the commencement date of an amendment to the WDCP are subject to WDCP as amended at the date of lodgement.

Please refer to the Amendment History at the front of WDCP for relevant commencement dates.

A reference to an application in the paragraph above is a reference to:

- a development application;
- an application to modify a development consent;
- an application to review a determination of a development application; or
- an application to review an application to modify a development consent.

### **1.7 OFFENCES**

Sections 9.37 and 9.50 of the *EP&A Act* provides that where any matter or thing is by or under this Act or Regulation directed or forbidden to be done, a person offending against that direction or prohibition shall be guilty of an offence against this Act.

**1.8 STRUCTURE**

<b>PART A</b> Preliminary Information	Describes the purpose and structure of the DCP. Advertising and notification requirements are now addressed in the <i>Community Participation Plan</i> available on Council’s website.
<b>PART B</b> General Provisions	Provides controls that relate to all development and land including environmental protection, heritage, design excellence, advertising and signage, public art, the public domain, transport and parking, accessibility and safety.
<b>PART C</b> Residential Development	Provides controls for residential development including new and alterations and additions to single and dual occupancy development and multi dwelling housing, residential flat buildings and the residential component of shop top housing.
<b>PART D</b> Commercial Development	Provides controls for commercial development including restricted premises, and footpath seating for restaurants and cafes.
<b>PART E</b> Site Specific Development	Provides specific controls for development located within Bondi Junction, Bondi Beach and Waverley’s other commercial centres known as Local Village Centres.
<b>PART F</b> Development Specific	Provides controls on specific development types including shared accommodation, tourist and visitor accommodation, places of public worship and horticulture
Definitions & Abbreviations	Defines terms and abbreviations used in this DCP that are not defined by either the <i>EP&amp;A Act</i> or the <i>WLEP</i> .