

## REPORT CM/7.11/21.08



**Subject:** Planning Proposal - Waverley War Memorial Hospital - Campus Site

**TRIM No:** PP-1/2017

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### RECOMMENDATION:

That Council:

1. Supports the planning proposal to amend the *Waverley Local Environmental Plan 2012* in respect of 125 Birrell Street, Waverley.
2. Forwards the submissions and exhibition report to the Department of Planning, Industry and Environment (DPIE), and requests that the following matters be taken into consideration in the post-Gateway assessment:
  - (a) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* for the subject site to prohibit the application of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability)* on the R3 Medium Residential portion of the land.
  - (b) The inclusion of a site-specific clause in the *Waverley Local Environmental Plan 2012* that seeks to ensure the provision of a minimum amount of floor space for the purposes of a residential aged care facility.
3. Requests the DPIE to exercise the delegations issued by the Minister under section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
4. Writes to property owners to provide an update on the Conditional Gateway Determination.

### 1. Executive Summary

On 8 July 2020, the Department of Environment, Industry and Environment (DPIE) provided a Conditional Gateway Determination for a planning proposal on the War Memorial Campus Site (PP-1/2017) at 125 Birrell Street, Waverley. The proposal seeks to amend the *Waverley Local Environmental Plan 2012* (WLEP) to:

- Create the following Additional Permitted Uses to apply to the SP2 zoned land: seniors housing, community facilities and centre-based childcare facility.
- Include the site on the Key Sites Map to refer to a site-specific incentive provision.
- Create a new Alternative Building Heights Map to show an alternate height of 15 m and 21 m.
- Create a new Alternative Floor Space Ratio Map to show an alternate floor space ratio of 1.2:1
- Create a new site-specific provision that:
  - Provides objectives for the redevelopment of the site.

- Applies clause 6.9 Design Excellence to the site.
- Sets out the requirements of a Site Specific DCP for the site.
- Provides for an incentive provision that sets out requirements for:
  - Deep soil provision.
  - High performance building standards.

In order to achieve the development standards of:

- Maximum building height of 15 m and 21 m.
- Maximum floor space ratio of 1.2:1

This planning proposal (the Campus Proposal) has been prepared as a result of a request to prepare a planning proposal (the Submission) that was made by the proponent (Ethos Urban on behalf of Uniting). The Proposal seeks to:

- Ensure the retention and ongoing functioning of the hospital.
- Maintain the unique heritage and environmental significance of the site.
- Increase public accessibility within the site.
- Allow the expansion of the existing aged care and seniors living uses, including affordable housing options.
- Provide for additional ancillary and associated uses to support the functioning of the primary uses on site.
- Ensure that the site achieves positive environmental outcomes.

The Campus Proposal has been placed on public exhibition as outlined in this report and is required to be forwarded to the DPIE for a post-Gateway determination. The time frame for the completion of the Campus Proposal, 12 months from the receipt of Gateway Determination, has subsided with the original date for completion in July 2021. Council initially sought a six-month extension on this time frame from DPIE in order to exhibit the Campus Proposal at the same time as a concurrent planning proposal relating to the sites at 99-119 Birrell Street (the Birrell Street Proposal, PP-2/2020), presuming a Gateway Determination would be received. Council was not provided with an extension and was advised by the DPIE to work towards exhibiting and reporting the matter to Council as soon as practicable.

Given the considerable feedback received during the public exhibition period that relates both to the subject Campus Proposal, the draft site-specific DCP, and the remaining planning proposal for the Birrell Street Proposal, a more holistic approach to the consideration of the feedback received for the Campus Proposal and Site-specific DCP would be preferable. Officers have, however, worked to report the matter in accordance with the time frames set by the DPIE. This report comprises of the public exhibition feedback specific to the Campus Proposal, and a subsequent report will be provided to Council that addresses the submissions received for the draft site-specific DCP and the Birrell Street Proposal.

## **2. Introduction/Background**

On 4 July 2017, the Campus Proposal was lodged with Council. The Campus Proposal sought to amend the WLEP to alter the maximum permissible building heights to 15 m, 21 m and 28 m and a maximum floor space ratio of 1.5:1, and to rezone the site from SP2 Health Related Uses to R3 Medium Density Residential to diversify and intensify the uses of the site.

The submitted Campus Proposal was not supported by Council and the proponent subsequently submitted two further amended proposals to Council over a period of 18 months, all three of which were not supported by Council, with the third submission reported to the Waverley Local Planning Panel (WLPP), which also did not support the proposal.

A Rezoning Review was lodged to review the determination by Council. Following the determination of the Sydney Eastern City District Panel to not support the Rezoning Review, Council prepared the current

modified Campus Proposal, the subject of this report, which seeks a significantly reduced maximum height of building of 15 m and 21 m and floor space ratio (FSR) of 1.2:1 for the site. The option was given to Council to act as the planning proposal Authority (PPA) for this proposal, which involves the preparation of the planning proposal documents for public exhibition, as well as the management and reporting of the public exhibition process, but not the final determination role (Plan Making Authority). Council accepted the role of PPA. The PPA for this planning proposal is required to report the results of the public exhibition to the DPIE. While Council is the PPA for this planning proposal, Council does not have the role of Plan Making Authority (PMA) and the post-Gateway assessment, determination of the proposal and making of the Local Environmental Plan will be undertaken by the DPIE.

Further detail regarding the timeline of the planning proposal is provided in Table 1.

*Table 1. Timeline of the planning proposal.*

4 July 2017	The proponent's request to prepare a planning proposal (PP-1/2017) was lodged with Council. The original proposal sought to amend the WLEP as follows: <ul style="list-style-type: none"> <li>• Change the zoning from SP2 Health Services Facility to R3 Medium Density Residential.</li> <li>• Add Additional Permitted Uses applying to the site to include business premises, food and drink premises, function centre, retail premises, and tourist and visitor accommodation.</li> <li>• Increase the maximum permissible height from 9.5 m and 12.5 m to 15 m, 21 m, and 28 m.</li> <li>• Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.</li> </ul>
17 August 2017	Council requested additional information from the proponent.
8 September 2017	Council officers met with the proponent to provide preliminary feedback on the proposal.
19 January 2018	Response to request for additional information submitted to Council.
14 February 2018	Council officers met with the proponents to provide feedback on the proposal. The feedback provided to the proponent was that proposed changes to zoning, heights and FSR were not supported.
25 May 2018	The proponent provided an amended proposal (second submission) to Council which sought to amend the WLEP as follows: <ul style="list-style-type: none"> <li>• The affected sites of the planning proposal increase to be applied to the entire site bound by Birrell Street, Bronte Road, Carrington Road and Church Street. A number of these additional lots are not owned by the proponent.</li> <li>• Retain the existing zoning of part SP2 Health Services Facility and part R3 Medium Density Residential.</li> <li>• Add Additional Permitted Uses applying to the site to include all uses that are currently permitted within the R3 Medium Density Residential Zones in the SP2 Health Services Facility zone.</li> <li>• Increase the maximum permissible height from 9.5 m and 12.5 m to 15 m, 17 m, 21 m, and 28 m.</li> <li>• Increase the maximum permissible FSR from 0.6:1 and 0.9:1 to 1.5:1.</li> </ul>
24 September 2018	The matter was reported to the WLPP where the panel noted that further clarifications and justifications were required relating to: <ul style="list-style-type: none"> <li>• The proposed FSR of 1.5:1.</li> <li>• The height of buildings proposed.</li> </ul>

	<ul style="list-style-type: none"> <li>Issues relating to properties on the Birrell St site not being owned by the proponent.</li> </ul> <p>The WLPP advised that further details relating to the above were to be provided to Council within 14 days of the meeting.</p>
12 October 2018	Third meeting with Council planners and proponent.
5 November 2018	<p>The proponent provided an amended proposal (third submission) to Council. The proposal sought to amend the WLEP as follows:</p> <ul style="list-style-type: none"> <li>Alter the zoning within the site to be a mix of SP2 Health Services Facility and R3 Medium Density Residential.</li> <li>Add a site-specific zone boundary of 20 m to enable a use in an adjacent zone to be permissible, to allow 'flexibility in the case a more appropriate and logical built form outcome can be achieved with minor encroachment into the surrounding SP2 zone.' That is, to effectively permit the R3 zone to extend 20 m into the SP2 zone.</li> <li>Add Additional Permitted Uses that are proposed to apply to the site as follows: <ul style="list-style-type: none"> <li>Seniors housing (in the SP2 zone).</li> <li>Community facilities (in the SP2 zone).</li> <li>Centre-based childcare facility (in the SP2 zone).</li> <li>Retail premises (capped at 450 sqm) (in the R3 and SP2 zone).</li> <li>Business premises (capped at 5,390 sqm) (in the R3 and SP2 zone).</li> <li>Hotel or motel accommodation (capped at 127 beds)(in the R3 and SP2 zone).</li> <li>Serviced apartments (provided the use is ancillary to the health services facility).</li> <li>Function centre (provided the use is ancillary to the health service facility).</li> </ul> </li> <li>Increase the maximum permissible height from 9.5 m and 12.5 m to 15 m, 17 m, 21 m, and 28 m.</li> <li>Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1 to 1.5:1.</li> </ul> <p>The submission was forwarded to the WLPP to consider at the next meeting.</p>
24 January 2019	<p>The third submission was reported to the WLPP. The final advice received from the WLPP was that site-specific merit was not demonstrated and that it did not support the planning proposal for the following reasons:</p> <ol style="list-style-type: none"> <li>The planning proposal represents a significant overdevelopment of the site.</li> <li>The level of development will have a serious and detrimental impact on the important heritage values of the site.</li> <li>The proposed increase in maximum height of buildings to nine storeys and maximum permissible floor space ratio to 1.5:1 would be out of scale with development in the surrounding streets and would have a negative impact on the streetscape.</li> <li>Waverley LGA, as one of the most densely populated areas in Australia should comfortably meet its housing targets under the relevant strategic plans and therefore, there is no justification for the proposed extension of the R3 Zone, which would permit residential flat buildings.</li> </ol>

	<p>5. The proposed extension of the R3 zone and flexible zone boundary would increase the area of the site where residential flat buildings are a permissible use which would compete with the extent and effectiveness of the SP2 zone to provide health and aged care facilities, for which there is a strategic demand within the LGA.</p> <p>The WLPP resolved that Council should not support the planning proposal to proceed to a Gateway Determination in the current form. The WLPP recommended that further amendments to the planning proposal in line with the recommendation of Council officers to reduce the overall height to 15 m and 21 m, and reduce the overall FSR to 1.2:1 and to be accompanied by a Site Specific Development Control Plan would be supported by the Panel.</p>
5 March 2019	<p>The planning proposal as outlined in this document was reported to the Strategic Planning and Development Committee on 5 March 2019. A letter was provided by Uniting Care to the Committee that outlined a number of issues that the proponent asserted were not addressed appropriately in the planning proposal as assessed by Council officers. The issues raised in the letter were considered to be a difference in position between Council officers and the proponent, and not a matter of the quality or completeness of the assessment.</p> <p>Council resolved to defer the matter for at least one month.</p>
22 March 2019	<p>In objection to Council's position to support a modified planning proposal, the proponent lodged a request for a Rezoning Review, seeking a review of Council's decision to not support the planning proposal for a Gateway Determination.</p>
7 May 2019	<p>The modified planning proposal was reported to the Strategic Planning and Development Committee on the 7 May 2019. The proposal was supported unanimously by Council to proceed to a Gateway Determination.</p>
8 May 2019	<p>The modified planning proposal was submitted to the DPIE for a Gateway Determination.</p>
18 October 2019	<p>The State Panel unanimously determined at the Rezoning Review that the original proposal should not be submitted for a Gateway Determination as the proposal did not demonstrate site-specific merit.</p>
5 December 2019	<p>The DPIE requested additional information from the proponent to support the modified planning proposal.</p>
20 April 2020	<p>Additional information was provided by the proponent relating to built form, urban design, heritage impact, conservation management, environmental site assessment and traffic impact assessment.</p>
8 July 2020	<p>A conditional Gateway Determination was received from DPIE which advised a time frame for the completion of the LEP as 12 months from the date of the Gateway Determination – 8 July 2021.</p>
15 February 2021	<p>Additional information was provided by the proponent, inclusive of an updated Masterplan vision for the site, which was in-line with the draft site-specific DCP which had been developed.</p>
2 March 2021	<p>The Site Specific DCP for the modified planning proposal (and Birrell Street planning proposal PP-2/2020) was put to Council's Strategic Planning and Development Committee (SPDC) March meeting. The Site Specific DCP was endorsed by Council to proceed to public exhibition.</p>
28 April 2021	<p>Amendments made to the planning proposal documentation to satisfy the conditions of the Gateway Determination were provided to the DPIE.</p>

12 May 2021	The DPIE advised that the Gateway conditions had been satisfied and that the planning proposal package could proceed to public exhibition, subject to minor editing in some areas.
20 May 2021	The planning proposal package, inclusive of the minor edits requested by the DPIE was placed on public exhibition for a period of 31 days.
18 June 2021	A two-week extension of public exhibition was provided.
4 July 2021	Public exhibition concluded.

### 3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 2 March 2021	PD/5.1/21.03	<p>That Council public exhibits the draft Site Specific Development Control Plan for the War Memorial Hospital attached to the report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the <i>Environmental Planning and Assessment Act 1979</i>, subject to:</p> <ol style="list-style-type: none"> <li>1. Any minor amendment required in the case of an amended Gateway Determination for the relevant planning proposals.</li> <li>2. Ensuring there is consistency between Figure 3 (site layout plan) and Figure 4 (open space site plan) in the draft DCP to ensure that there is appropriate setback between the Bronte Road/Birrell Street heritage-listed gateway and the five-storey building at the corner.</li> </ol>
Strategic Planning and Development Committee 7 May 2019	PD/5.3/19.05	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the submission of a planning proposal to amend the Waverley Local Environmental Plan 2012 lodged by Ethos Urban on behalf of Uniting, as amended on 5 November 2018.</li> <li>2. Notes the advice given by the Waverley Local Planning Panel on 24 January 2019.</li> <li>3. Forwards the Planning Proposal to the Department of Planning and Environment for a Gateway Determination to proceed to formal public exhibition, subject to the following amendments: <ol style="list-style-type: none"> <li>(a) That the Planning Proposal only apply to the lots as identified in the original Planning Proposal submitted July 2017.</li> <li>(b) No alteration to the Land Zoning Map.</li> <li>(c) No site-specific zone boundary flexibility clause.</li> </ol> </li> </ol>

		<p>(d) The following Additional Permitted Uses only to apply across the site as follows:</p> <ul style="list-style-type: none"> <li>(i) Seniors housing.</li> <li>(ii) Community facilities.</li> <li>(iii) Centre-based child care facility.</li> </ul> <p>(e) The following Additional Permitted Uses to apply in the R3 zone:</p> <ul style="list-style-type: none"> <li>(i) Health service facility and any development which is ordinarily incidental or ancillary to health service facility.</li> </ul> <p>(f) Increase the maximum permissible height from 9.5 m and 12.5 m, to 15 m and 21 m only.</p> <p>(g) Increase the maximum permissible floor space ratio (FSR) from 0.6:1 and 0.9:1, to 1.2:1.</p> <p>(h) New site-specific provisions to include:</p> <ul style="list-style-type: none"> <li>(i) Maximum site coverage to ensure open space provision.</li> <li>(ii) Minimum deep soil and landscaped area to ensure significant trees, biodiversity corridors and heritage landscaped areas are protected.</li> <li>(iii) Include the site on the Key Sites Map and apply clause 6.9 Design Excellence.</li> </ul> <p>4. Places the Planning Proposal on public exhibition in accordance with any conditions of the Gateway Determination, should that be approved by the Department of Planning and Environment.</p> <p>5. Accepts the role as the Plan-Making Authority from the Department of Planning and Environment, if offered, to exercise the delegations issued by the Minister under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the making of the amendment.</p>
Strategic Planning and Development Committee 5 March 2019	PD/5.4/19.03	That Council defers the matter for at least one month subject to Council officer consideration.

#### 4. Discussion

The modified Campus Proposal for the site known as the ‘War Memorial Hospital – Campus Site’ proposes to allow for an Alternative Building Height of 15 m and 21 m and an Alternative Floor Space Ratio of 1.2:1 across the whole site. Three additional permitted uses are also proposed across the SP2 Zone, including: seniors housing, community facilities and centre-based child care facilities.

*Table 2. Existing and proposed development standards applying to the site.*

	Existing	Proposed
<b>Zone</b>	SP2 Health Services Facility	SP2 Health Services Facility
	R3 Medium Density Residential	R3 Medium Density Residential
<b>FSR</b>	0.6:1 & 0.9:1	1.2:1*
<b>Height</b>	9.5 and 12.5 m	15 m and 21 m*

*\*Denotes only achieved if incentive provisions in the WLEP are met.*

The current planning proposal seeks to retain the existing zoning on the site and allow for building heights and a floor space ratio which is more appropriate for the site than what was previously proposed. The planning controls which form the basis for the modified planning proposal have previously been supported by the WLPP on 29 January 2019 and by Council to proceed to a Gateway Determination by the DPIE on 7 May 2019.

The process of determining the proposed controls in the subject Campus Proposal has taken place over a number of years with substantial time and input involved in the process by relevant Council officers as outlined in Table 1. The planning proposal has been deliberated on in a number of different forums, by both Councillors and independent planning experts, inclusive of two WLPP meetings and one Strategic Planning and Development Committee meeting.

The proposed building heights and floor space ratio represent a substantial reduction than what has been proposed by the proponent throughout the four years that the planning proposal process has occurred to date. The incentive height and FSR provisions outlined in this planning proposal aim to balance the need to maintain and grow vital social infrastructure whilst balancing the environmental values of the site including open space, significant tree canopy, and heritage values. The inclusion of the proposed site-specific provisions in the WLEP relating to design excellence, deep soil and high-performance buildings seek to ensure that any development which occurs on the site is of a high quality and the alternative building heights and floor space ratio can only be achieved in the instance that any proposed development satisfies site-specific provisions relating to deep soil provision and high-performance standards relating to thermal, energy and water performance.

The Proposal aims to address changing demographic trends including an aging population by increasing the capacity of the site to deliver health-related services, aged care, and seniors housing. The site is located in an optimal location to provide the types of services and accommodation proposed as it is centrally located, near public transport, retail and services. Council officers have progressed the Campus Proposal maintaining the position that the site is optimised for the provision of seniors accommodation and aged care facilities, rather than other residential uses as residential flat buildings or boarding houses, and this is reflected in the proposed retention of the SP2 Zoning across most of the site, and the minimal proposed additional permitted uses.

A draft site-specific DCP has also been developed to guide development onsite and ensure any development will incorporate design excellence, provide for adequate biodiversity and habitat outcomes, and provide good amenity for residents, through sustainable building quality and high-quality open spaces, whilst respecting the significant built and cultural heritage open spaces. The draft site-specific DCP was reported to the Strategic Planning and Development Committee in March 2021 and endorsed by Council to proceed to public exhibition. While the draft site-specific DCP was exhibited concurrently with the Campus



Proposal, it is intended for the site-specific DCP to be re-exhibited with the Birrell Street Proposal (PP-2/2020) for the purpose of completeness and reported to Council for adoption at a later date. Accordingly, matters relating to issues raised which relate to the draft site-specific DCP have not been addressed in substantial detail in this report.

## 5. Consultation

### Summary of submissions received

Exhibition of the Campus Proposal took place over six weeks between 20 May 2021 and 4 July 2021. The public exhibition period was initially to be open for a period of 31 days from 20 May 2021 to 20 June 2021; however, due to having received multiple requests for extensions, a two-week extension period was provided, resulting in total 45 days for submissions to be received, providing an additional 17 days beyond the 28-day minimum requirement set out in schedule 1 of the *Environmental Planning and Assessment Act 1979*. All documents exhibited relating to the Campus Proposal and site-specific DCP were exhibited on Council's Have Your Say Page, as well as on the NSW Government Planning Portal as per reference number PP-2020-447.

A number of late submissions were also received after the closing date. These submissions have been included in the report.

Notification of the public exhibition occurred through the following means:

- Notification to 403 unique addresses relating to owners and tenants of the properties surrounding the subject site.
- Notice in the *Wentworth Courier*.
- Social media posts on Council's Facebook page.
- Notification in Council's Waverley Weekly and Have Your Say e-newsletters.
- Notification to Council's Precinct Committees.

As part of the Gateway Determination, notification of the following agencies also occurred:

- Heritage NSW.
- Transport for NSW.
- Ausgrid.
- Sydney Water.
- NSW Health.

Attachment 1 outlines the submissions received and Attachment 2 provides the agency submissions. Submissions were received by four out of the five agencies notified. Despite notification provided to the South Eastern Sydney Local Health District and NSW Health Infrastructure and also being followed up by Council officers on a number of occasions, no submission was received by NSW Health. It should be noted most agencies sought extensions or submitted late submissions, many of these agencies have competing priorities and may not have enough resources to respond to these matters within the required time frame. While not receiving submissions from all of the agencies notified is not ideal, for the purposes of satisfying the Gateway condition the DPIE has advised only notification of these agencies has to occur and a response does not have to be received.

Of the submissions received by agencies, no significant issues were raised. Heritage NSW provided initial advice (as per Attachment 2), but following the receipt of this submission, feedback was provided to Heritage NSW that a discussion of the previous nomination in June 2020 by Council to include the locally listed heritage items on the site, on the State Heritage Register was not provided. Heritage NSW provided a subsequent revised submission (as per Attachment 2). Advice provided in the submission was that Heritage

NSW did not oppose the planning proposal and that the proposal in its current form represented an improved outcome for the heritage items present on the site than previous iterations of the proposal. Heritage NSW advised that further work should be undertaken at the detailed design stage to reflect and relate to the heritage items on site and that ultimate responsibility is bestowed upon Council to be satisfied any impacts have been sufficiently addressed prior to the finalisation of the Campus Proposal. The submission received by Transport for New South Wales provided a number of considerations relevant to the further review of site-specific DCP, alongside matters which should be considered during any future Development Application. No issues were raised in the submission which impact the amendments being sought to the WLEP as part of the planning proposal.

An internal submission was also received from Council's Environmental Sustainability team. Most of the matters raised relate to the site-specific DCP and will be considered by officers separately. One matter raised relates to the revision of a site-specific provision in the planning proposal. The submission proposed a reduction from a 5.5 star NABERS target for commercial buildings to a 5 star target. This is discussed further in Table 4 and the full submission is listed in Attachment 1.

A total of 51 submissions were received from members of the community. Of the total submissions received from members of the community, five were in support and 33 did not support the planning proposal. Three submissions related specifically to site-specific DCP matters. Support was unable to be explicitly determined in 10 submissions received. These 10 submissions formed a broader group of 22 submissions that related specifically to concerns about the future of the existing residents on the site. The 10 submissions in which support was undetermined largely contained concerns about the uncertainty of the current and future living arrangements on-site in the understanding that current residents had no guarantee of being accommodated after any future redevelopment. This matter is discussed further in Table 4.

The key issues raised in relation to the controls proposed in the planning proposal relate to objections to the proposed Alternative Building Heights and Alternative Floor Space Ratio. The issues raised reference the impact the proposed building heights and floor space ratio could have on the surrounding neighbourhood characteristics, potential overshadowing created and the creation of wind tunnel effects, as well as the relationship between new built form and heritage items on site. In addition, a number of the submissions also provided a discussion about the proposed additional permitted uses in the SP2 zone component of the site. These submissions raised concern in relation to the proposed number of Independent Living Units (ILUs) proposed, as well as the proposed inclusion of centre-based childcare services use, to facilitate childcare on-site.

A substantial number of submissions also raised concerns with elements within the draft site-specific DCP. The draft site-specific DCP is reflective of the proposed master plan which was prepared through a design competition undertaken by the proponent. The development of the masterplan considered a variety of different scenarios and potential layouts of buildings. The proposed master plan provides for a planning outcome for the site that balances the range of complex and competing issues on the site. While the issues raised relating to the site-specific DCP are listed in this section of the report in Attachment 1, feedback received will be further reviewed and considered by the officers and reported to Council after the re-exhibition of the draft DCP with the Birrell Street Proposal (PP-2/2020).

A number of submissions also perceived the Campus Proposal and/or draft site-specific DCP as being a development application. This misunderstanding of the planning process has been noted by the officers, who will seek to ensure that further discussion is provided regarding the nature of planning proposals in the exhibition of any future planning proposals exhibited on Council's Have Your Say Page.

All submissions received are listed and responded to in Attachment 1, noting that a number of respondents provided the same submissions as others, a reference against the number of individual submissions received for each submission is provided. All submissions have been copied verbatim, with only personal information removed where necessary.

Table 3. Summary of submissions.

Support	Number of submissions
Vision for the site	2
Design excellence applying to the site	1
Retention and conservation of heritage	2
Retention and improvement of services on-site	3
Provision of seniors housing on the site	3
<b>Did not support</b>	
<b>Related to planning proposal</b>	
Building heights	20
Floor space ratio	5
Potential overshadowing	10
Potential wind tunnel effects	9
Bulk and scale	7
Additional Permitted Uses	2
Concern over future living arrangements of current residents	22
Impact on heritage items	9
Traffic impacts	4
Out of character with the local area	6
Volume of Independent Living Units	6
Demand for aged care services/seniors housing in the LGA	2
Potential loss of houses on Birrell Street sites (subject to separate PP)	1
Redevelopment of any type	1
<b>Related to draft Site Specific DCP</b>	
Removal of mature trees	13
Parking	4
Impact on habitat corridor	15
Building layouts	17
Proposed building setbacks	3
Not enough greenspace proposed	2
<b>Matters relating to future potential development application process</b>	2

### Response to issues raised

A further discussion responding to the predominant issues raised is provided in Table 4. A number of submissions provided extensive and detailed feedback. Officers have responded to any issues raised as best as practicable given the time constraints in reporting the matter in order to meet the required time frames set by the DPIE.

More time is available for Council officers to separately consider any feedback received during the recent exhibition period that relate to matters in the site-specific DCP. In addition, the draft site-specific DCP is to be re-exhibited with the Birrell Street planning proposal (PP-2/2020).

Table 4. Responses to issues raised.

Issue	Response
Proposed maximum building heights	In determining whether the proposed heights are justifiable in the context of the Heritage Items on-site and the surrounding streetscapes and local character an assessment of the appropriateness of the proposed height was undertaken with regards to the Planning Principle - 'Compatibility in the urban environment'. The assessment deemed that with appropriate setbacks and

	<p>controls relating to the interface of any new buildings with existing building provided in the site-specific DCP, the proposed heights which could be achieved through the Alternative Building Heights are suitable. The proposed heights were also assessed against Planning Principle 'A Planning principle for public domain views'. The assessment noted the primary view to the War Memorial Hospital site being from Queens Park and Centennial Park, consistent of a skyline set by dwellings and tree canopy with the notable protrusion of the two significant Norfolk Island Pines on the site which will be retained. The assessment determined that the increase in maximum building heights on the site would not challenge views of the Norfolk Pines from Queens Park and Centennial Park, as well as Bronte Road or Birrell Street.</p> <p>It is also important to note that in addition, the proposed maximum building heights have been previously supported by both Elected Members and independent planning experts, inclusive of two Waverley Local Planning Panel Meetings, and one Council Strategic Planning and Development Committee, as discussed in the report.</p> <p>To provide a further illustration of the proposed maximum building heights discussed in the report, sections, elevations, and 3D perspective diagrams are provided in Attachment 3, the document of which serves as an appendix to the draft site-specific DCP and relates to the proposed masterplan for the site.</p>
<p>Proposed maximum floor space ratio</p>	<p>A number of submissions raised concern and objections regarding the proposed maximum floor space ratio available under the proposal as part of the incentive clause to achieve the Alternative Floor Space Ratio of 1.2:1.</p> <p>The proposed Alternative Floor Space Ratio which can only be achieved if any development on-site meets the criteria discussed in this report has been developed on the basis of supporting the delivery of an increase in development capacity on the site, balanced with the provision of open space, heritage and character concerns and represents the potential for less floor space and a reduction in the 1.5:1 Floor Space Ratio proposed in the previous iterations of the planning proposal which Council officers did not support.</p> <p>It should be noted that the building envelopes in the masterplan represent an FSR greater than 1.2:1 and represent an FSR of 1.5:1.</p> <p>The proposed maximum permissible FSR of 1.2:1 has been supported by Council officers, the WLPP and the elected Council, and represents a substantial increase in development potential on the site above the existing development controls. Council officers do not recommend any additional bonus FSR being made available to the proponent via other mechanisms such as the Seniors SEPP, which are provided to encourage the provision of seniors housing across NSW. Given that the Campus Proposal achieves the objectives of the Seniors SEPP by way of providing additional development potential for the purposes of seniors housing only, it is requested that a site-specific exclusion be granted for this site from any 'bonus' FSR able to be achieved under the Seniors SEPP. As the DPIE is the Plan Making Authority for the Campus Proposal, Council requests that the DPIE endorse this site-specific exclusion.</p> <p>In addition, Council will also request that the proponent provide a revised masterplan which reflects a 1.2:1 FSR. This revised masterplan would also form part of the planning proposal package to be put to public exhibition, should the</p>

	<p>Birrell Street planning proposal (PP-2/2020) receive a Gateway Determination from the DPIE.</p> <p>It should also be noted any bonuses available under the R3 Zones would be limited to the small south-west corner of the site, which contains in-part heritage items which will be retained. It is not foreseen that these bonuses could be spread across the site more broadly. Therefore the 1.2:1 Alternative Floor Space Ratio would remain as the maximum FSR across the site.</p>
Potential overshadowing	<p>Overshadowing diagrams were provided for the master plan.</p> <p>The bulk of the overshadowing is demonstrated to occur within the site itself, as the stepped building heights and the retention of the Church Street heritage cottages act to minimise overshadowing to surrounding properties.</p>
Potential wind tunnels created	<p>A number of submissions raised concerns about potential wind tunnelling which would result from any new, taller buildings being built toward the periphery of the site. The stepped building heights and requirement for building articulation and mature tree planting around the periphery of the site, as well as within the site, are measures that will reduce potential wind tunnels. The detail of this is to be addressed via the site-specific DCP.</p>
Bulk and scale	<p>A number of submissions raised concerns about the bulk and scale displayed in the masterplan exhibited as part of the Campus Proposal.</p> <p>An assessment of the impacts of the height and bulk was undertaken by officers with regards to the Planning Principle – ‘Assessment of height and bulk’. The assessment determined the proposal was appropriate in its context and considered to fit into the existing character of the area, through the four-storey frontage presented to Birrell Street and Bronte road, with additional height setback from the street.</p>
Additional permitted uses	<p>A number of submissions objected to the inclusion of the proposed Additional Permitted Uses. Seniors Housing and Community-based facilities already exist on site. These uses already occur within this zone and would be able to be provided under existing use rights, as such amending the permitted uses on-site is simply seeking to legitimise these uses and provide abundant clarity by amending the WLEP to reflect these uses.</p> <p>The inclusion of centre-based childcare has been proposed to better support staff and carers on site, as well as support the surrounding local community.</p> <p>In addition, as part of the engagement process the community raised concerns of the certainty of the provision of residential aged care as a use on the site. In response, it is recommended for the DPIE to include in the proposed site-specific provisions in the WLEP, an objective and a control which seeks to ensure a minimum amount of floorspace is provided for the purposes of a residential aged care facility.</p>
Concerns regarding future living arrangements	<p>As discussed in this report, the future living arrangements of residents on-site is a matter which should be addressed by the proponent. Officers have acknowledged residents who have raised this concern for their submission and advised them to direct these concerns to the proponent. Council officers will also direct the proponent to the submissions contained in this report, to reiterate the concerns of the residents.</p>

<p>Impact on heritage items</p>	<p>A number of submissions raised concern with the proposed building heights potentially overwhelming the heritage items located on the eastern portion of the site. When considering the proposed building heights and the natural slope of the site from east to west, the proposed maximum building heights are the same height as the parapet of the Vickery/Edina building tower. Setbacks are required for the tallest component of any building on site and there is a separation by a proposed through-site link and the landscaped area between the location of the proposed new buildings and the heritage items on the eastern part of the site.</p> <p>The relationship between any new buildings and the heritage items on-site is to be managed by the site-specific DCP. All feedback provided will be reviewed and considered in this context, prior to finalising and reporting the site-specific DCP to Council for adoption.</p> <p>It should also be noted that Heritage NSW did not oppose the planning proposal in the feedback provided in their submission.</p>
<p>Loss of mature trees</p>	<p>A large number (13) of submissions discussed matters relating to the layout of buildings and subsequently the removal of at least two significant Morton Bay Fig trees that would be facilitated as a result of the proposed site-specific DCP guiding the redevelopment on the site.</p> <p>Council officers have noted that the removal of the mature Morton Bay Fig trees that would be facilitated under the proposed controls in the site-specific DCP are of strong importance to many members of the community as was highlighted in the feedback provided.</p> <p>Throughout the planning proposal process, Council officers have worked to ensure sufficient landscaped area would be provided as part of any redevelopment of the site. The draft site-specific DCP specifies a minimum of 40% of the site to be provided as landscaped area, representing an equivalent amount to what currently exists on the site, with 30% of the site to be provided as deep soil. The deep soil area will help to facilitate mature trees and significant plantings that form part of the habitat corridor along the site. This minimum requirement for deep soil areas is also supported through the inclusion of a proposed provision in the WLEP.</p> <p>It should be noted that the removal of any trees on site relates primarily to the proposed layout of buildings specified in the site-specific DCP and is not directly caused through the proposed controls in the planning proposal. The total overall proposed landscaped area of 40% is also a site-specific DCP matter. All feedback relating to these matters will be reviewed and considered in this context, prior to finalising and reporting the site-specific DCP to Council for adoption.</p> <p>Should the retention of these trees be deemed to be a matter of increased significance, a new masterplan and site-specific DCP would need to be prepared, which would require alternate design compromises to be made, such as increased impacts on heritage or streetscape characteristics, and undesirable vehicle movement outcomes from resulting basement layouts. Every attempt has been made to balance the competing demands on the site, and on balance, the replacement of the trees with other mature-canopy trees elsewhere on the site was considered to be the most appropriate overall outcome.</p>

Traffic and parking	<p>A number of submissions raised concern regarding the potential impact that the redevelopment on-site could result in adverse traffic impacts in the surrounding areas.</p> <p>The site is well serviced within 800 m of the Bondi Junction Interchange with train services and 29 bus routes. There are also 10 bus stops within 400 m of the site, and it is well located within walking distance of Bondi Junction and Charring Cross. The modelling undertaken in the Traffic and Transport Impact Assessment provided by the proponent detailed that there is potential for traffic impacts that could result from the redevelopment on site, the most substantial of which would occur during the morning and afternoon peak. These impacts were based on modelling factoring in the maximum capacity of car parking on the site. Officers have considered a reduced maximum carparking rate across the site and entry and exit points have been carefully considered as part of the preparation of the site-specific DCP.</p> <p>A number of considerations relevant to the relocation of existing bus stops, vehicular access points, additional pedestrian crossings and end of trip facilities were provided in the submission received by Transport for New South Wales. These matters relate to both the site-specific DCP and any future Development Application.</p> <p>All feedback provided relating to traffic and parking will be reviewed and considered prior to finalising and reporting the site-specific DCP to Council for adoption.</p>
Overdevelopment of the site	<p>A number of submissions have outlined that they believe the planning proposal will result in an overdevelopment of the site. Many aspects relating to what could constitute overdevelopment (such as height, bulk, proposed uses, number of dwellings) as well as the potential impacts which could arise from any redevelopment on the site have been addressed within different components of this report.</p>
Habitat corridor	<p>A large number (15) of submissions made reference to the impact that any loss of vegetation on-site may have on the Habitat Corridor which runs through the site, as identified in the Waverley DCP.</p> <p>This matter relates to the site-specific DCP and all feedback provided will be reviewed and considered in this context, prior to finalising and reporting the site-specific DCP to Council for adoption.</p>
Layout of buildings across the site	<p>A large number of submissions discussed matters relating to the layout of buildings. A multitude of ideas and different layouts were suggested, and these have been noted by the officers. This matter relates to the site-specific DCP and all feedback provided will be reviewed and considered in this context, prior to finalising and reporting the site-specific DCP to Council for adoption.</p>
Loss of houses on Birrell Street lots	<p>One submission raised concern relating to the loss of the houses on the Birrell Street site (subject to the separate Birrell Street Proposal). While the demolition of these houses form part of the overall vision for the two sites, it should be noted that the Birrell St Proposal will be publicly exhibited and reported separately.</p>

Integration with local character	<p>A number of submissions listed concern that increased building heights on the site would not be compatible with the local character of the area. The impacts of the proposed controls in the planning proposal on the neighbourhood character and streetscapes was assessed against the Planning Principles 'Compatibility in the urban environment' discussed earlier in the report. The assessment determined that compatibility of the proposed building heights and floor space ratio with the surrounding urban character is dependent on building height, setbacks and landscaping. These considerations have been factored into the site-specific DCP, however Officers will note the concerns raised and consider these in the further review of the site-specific DCP.</p>
Proposed building setbacks	<p>A number of submissions provided discussion relating to the setbacks which have been proposed in the site-specific DCP. All feedback provided will be reviewed and considered in this context, prior to finalising and reporting the site-specific DCP to Council for adoption.</p>
Provision of public open space	<p>A number of submissions noted the importance of providing deep soil space across the site. A provision providing for a minimum deep soil area across the site has been included in the Campus Proposal, representing 30% of the entire site. This minimum deep soil area across the site aims to provide adequate soil for the habitat corridor on the site to be supported, as well as restoring an urban garden quality to the Estate.</p> <p>In addition, the proponent has stated its intent to make the site more permeable and to also provide access opportunities for the community to access the upper heritage garden area. This area is currently included in the site-specific DCP as an area marked for 'controlled public access'.</p> <p>A number of submissions also proposed the central garden be reinstated. This matter relates to the site-specific DCP and all feedback provided will be reviewed and considered in this context, prior to finalising and reporting the site-specific DCP to Council for adoption.</p>
Matters which would apply to a future development application	<p>One submission contained detail relating to matters that would be typically considered in more detail at development application stage. These included issues such as time of day and frequency of waste collection, noise and other impacts which may occur during construction and other operational matters which would be considered as part of a plan of management post-occupation.</p> <p>This feedback has been noted and the respondent should be encouraged to review any future development application which may be submitted on the site and provide feedback to the effect discussed in their submission.</p>
NABERS energy targets	<p>An internal submission proposed revising the NABERS Energy targets from 5.5 to 5 stars. The feedback reflects recent changes to section J of the National Construction Code (NCC) which have occurred since the original drafting of the propose site-specific provision. The changes to section J have resulted in a marked increase in the baseline performance of any building built in accordance with the NCC. The NABERS ratings provided in the planning proposal seek to require performance above the baseline NCC requirements. In light of these changes, the proposed NABERS 5.5 rating for Energy was deemed unreasonable, since a reduction of the NABERS rating for Energy is reflective of a relative benchmark and a 5 star target would facilitate an increase in the desired high performance building outcomes being sought of any new</p>



	<p>development on the site. While a change to the rating from 5.5 to 5 NABERS rating would provide consistency with the future Waverley LEP changes, it is considered that given the scale of the site, the 5.5 rating should remain so the project will be able to achieve a higher star rating.</p> <p>As such no change is proposed to the site-specific provision relating to NABERS targets. The 4.5 star NABERS Water target also remains unchanged in this clause.</p>
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## 6. Conclusion

As discussed in the report, there is substantial community interest in ensuring any redevelopment of the War Memorial Hospital site is undertaken in a way that respects the significant heritage of the site and the surrounding character of the local area. Feedback received during the public exhibition of the planning proposal for the site raised a number of issues related to both the proposed controls detailed in the subject planning proposal, and the accompanying site-specific DCP.

In response to the issues raised relating to the planning proposal, officers have reviewed the issues raised throughout the exhibition process and responded accordingly throughout this report, with a view that the proposed controls in the Campus Proposal should be supported to amend the *Waverley Local Environmental Plan 2012*, taking into account the issues raised in relation to the proposed provision of a minimum amount of floorspace for the purposes of a residential aged care facility and the exclusion of any potential available SEPP FSR bonuses on the site.

Considerable feedback was provided during the public exhibition period regarding the site-specific DCP. Whilst these matters have not been addressed and responded to in detail in this report, considerably more time is available for officers to consider the feedback provided and make any necessary changes required to the site-specific DCP prior to its finalisation.

## 7. Attachments

1. Public exhibition submissions (under separate cover)
2. Agency submissions (under separate cover)
3. Building heights - Sections, elevations and perspectives (under separate cover) .