



Planning,
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IRF21/423

Gateway determination report – PP-2021-3579

Charing Square - 203-231 Bronte Road and 94-98
Carrington Road, Waverley (60 dwellings)

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (Knight Frank Town Planning)
Urban Design Report (Roberts Day)
Architectural Drawings (H&E Architects)
Heritage Assessment Report (John Oultram Heritage and Design)
Economic Feasibility Assessment and Addendum (Leyshon Consulting)
Communication and Engagement Plan (KJA)
Preliminary Geotechnical Investigation (JK Geotechnics)
Phase 1 Contamination Statement and Cover Letter (Risk Tech)
Transport Impact Assessment (GTA Consultants)
Draft Public Art Strategy (Knight Frank Town Planning)
Structural Assessment Report (Ashby Doble)
Structural Site Inspection Report (Ashby Doble)
Public Benefit Offer Letter (Knight Frank Town Planning)

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Waverley
PPA	Waverley Council
NAME	Charing Square - 203-231 Bronte Road and 94-98 Carrington Road, Waverley (60 dwellings)
NUMBER	PP-2021-3579
LEP TO BE AMENDED	Waverley Local Environmental Plan (LEP) 2012
ADDRESS	203-209 Bronte Road, 211-213 Bronte Road, 223-227 Bronte Road, 229 Bronte Road, 231 Bronte Road, 94 Carrington Road and 98 Carrington Road, Waverley
DESCRIPTION	Lot 1 DP 655918, Lot 1 DP 59526, Lot A DP 105665, Lot A DP 332733, Lot B DP 332733, Lots B and C DP 105665, Lots 2 and 3 DP 102988, Lot 1 DP 170941, Lot 1 DP 90800 and Lot 1 DP 952482
RECEIVED	22/07/2020 (adequate 3/02/2021)
FILE NO.	IRF21/423
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- seek amendments to building height and floor space ratio (FSR) controls to facilitate a mixed-use development appropriate with its location
- enable a high-quality development to be achieved and increase and improve retail, commercial and residential uses on the site, underpinned by public benefit and improvements

The objectives of this planning proposal are clear and adequate.

The concept design scheme (**Figure 1**) that informs the proposed controls will be discussed in section 4 – site specific assessment of this report. The concept comprises up to 6,379 sqm of gross floor area (GFA), including more than 2,000 sqm of non-residential floor space (approximately 1,564 sqm of retail floor space and 644 sqm of commercial floor space), as well as 620 sqm of public open space.



Figure 1 Concept design scheme, bird's eye view looking south-west (source: Urban Design Report)

1.2 Explanation of provisions

The planning proposal seeks to amend the Waverley LEP 2012 per the changes below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Maximum height of building	9m	Part 10m, 11m, 13m and 13.5m
Floor space ratio	1:1	Part 2:1 and 2.25:1
Number of dwellings	Approx. 8 existing	60
Number of jobs	N/A	N/A
Additional local provision	N/A	Require the preparation of a site-specific Development Control Plan (DCP); and Allow minor exceedance of the maximum building height without the need for clause 4.6 variation.

It is noted the proposal does not seek to make any amendments to the planning controls that apply to the Robin Hood Hotel.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. However, further information is requested on the proposed additional local provision to allow the maximum building height to be exceeded, which is examined further below.

Additional local provision –maximum building height variance

The proposal seeks to include an additional local provision in Part 6 of the Waverley LEP 2012 to allow a minor maximum building height exceedance to account for the fall of the land. The proposal seeks to allow an exceedance of up to 10%.

The proposal states it seeks the provision as it provides flexibility in the final design and responds to the topographical challenges of the site. The Department acknowledges the topography and the need for flexibility, however the wording of the final clause will be subject to drafting by Parliamentary Counsel. For the purposes of exhibition any reference to a 10% height variation is to be removed and replaced with a more general provision describing that a variation in height may be considered due to site topography and where the development does not result in any unreasonable massing or amenity impacts

Further, the statement of intent should acknowledge that future development utilising the proposed building height variance would need to demonstrate that it would not result in any unreasonable impacts to the surrounding area. Gateway conditions have been recommended to this effect. Regardless, it is noted the final wording of the clause will be drafted by the Parliamentary Counsel's Office.

1.3 Site description and surrounding area

The subject site is located in the Charing Cross precinct at 203-231 Bronte Road and 94-98 Carrington Road, Waverley. The site comprises twelve allotments forming a triangular parcel of land approximately 3,473 sqm in combined area (**Figure 2**).

The site is bounded by Carrington Road to the west, and Bronte Road to the east, an arterial road and sub-arterial road respectively.

The site is zoned B4 Mixed Use and is mostly occupied by building footprints (described in **Table 4**) including a locally heritage listed hotel (Robin Hood Hotel, item number I453), drive through bottle shop, retail tenancies, garages and shop top housing (**Figures 4 and 5**).

The site forms part of the Charing Cross precinct, which is a village centre that extends from Birrell Street in the north to Macpherson Street in the south and is focused around Bronte Road. Bronte Road functions as a traditional main street for the precinct.

The site falls by more than 3m from Bronte Road to Carrington Road (east to west) and falls from north to south to varying degrees on both the Bronte Road and Carrington Road frontages.

Part of the site fronting Bronte Road is in the Charing Cross Heritage Conservation Area (HCA) (C7) under Schedule 5 of the Waverley LEP 2012 with local significance.

The local character is defined by two-storey mixed-use development, with a couple of three-storey developments. Building uses along Bronte Road comprise commercial/retail at ground floor with commercial or residential uses above. The street wall along Bronte Road is predominantly two storeys with zero setbacks and continuous awnings (**Figure 5**).

The properties include the following outlined in **Table 4**:

Table 4 Addresses and lot numbers of the site

Street Address	Legal Description	Current use
203-209 Bronte Road	Lot 1 DP 655918, Lot 1 DP 59526, Lot A DP 105665	Robin Hood Hotel Drive through bottle shop

Street Address	Legal Description	Current use
211-213 Bronte Road	Lots B and C DP 105665	Eastern Suburbs Legion Club (with rooftop telecommunications antennae)
223-227 Bronte Road	Lot A DP 332733	'Stamatiko Flats' (ground floor retail tenancies with dilapidated/unoccupied apartments above)
94 Carrington Road	Lot B DP 332733	Garages (dilapidated)
229 Bronte Road	Lot 2 and 3 DP 102988	Reece Plumbing – ground floor retail, apartments above
231 Bronte Road	Lot 1 DP 170941	Reece Plumbing showroom
98 Carrington Road	Lot 1 DP 90800 and Lot 1 DP 952482	Reece Plumbing warehouse and car parking

It should be noted that the sites to the south of the Robin Hood Hotel (part 203-209 Bronte Road, 223-227 Bronte Road and 94 Carrington Road) are often referred to in the planning proposal and attachments as the 'Whitten' land/site.

The surrounding area is characterised by a variety of built forms and uses, including mixed commercial and retail uses and medium density residential. The prevailing built form is 2 to 3-storey buildings with ground floor retail and residential above. Residential land to the west of Carrington Road is predominately 1 to 2 storeys and includes Victorian style terrace housing.

The site is approximately 1 km south of the Bondi Junction strategic centre, 75 m north-east of Queens Park playing fields and open space recreation areas, and 6 km south-east of the Sydney central business district (**Figure 3**).



Figure 2 Subject site (base source: Planning Proposal)



Figure 3 Site context (source: Nearmap)

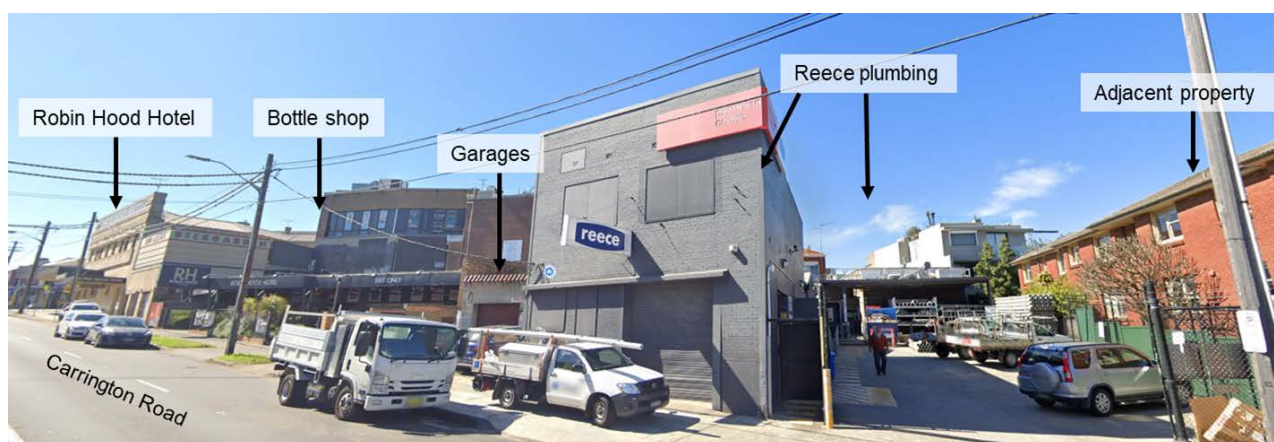


Figure 4 Carrington Road streetscape looking east at the site (source: Google Maps)



Figure 5 Bronte Road streetscape looking west (source: Google Maps)

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the Height of Buildings and Floor Space Ratio maps, which are suitable for community consultation.



Figure 6 Current height of buildings map



Figure 7 Proposed height of buildings map

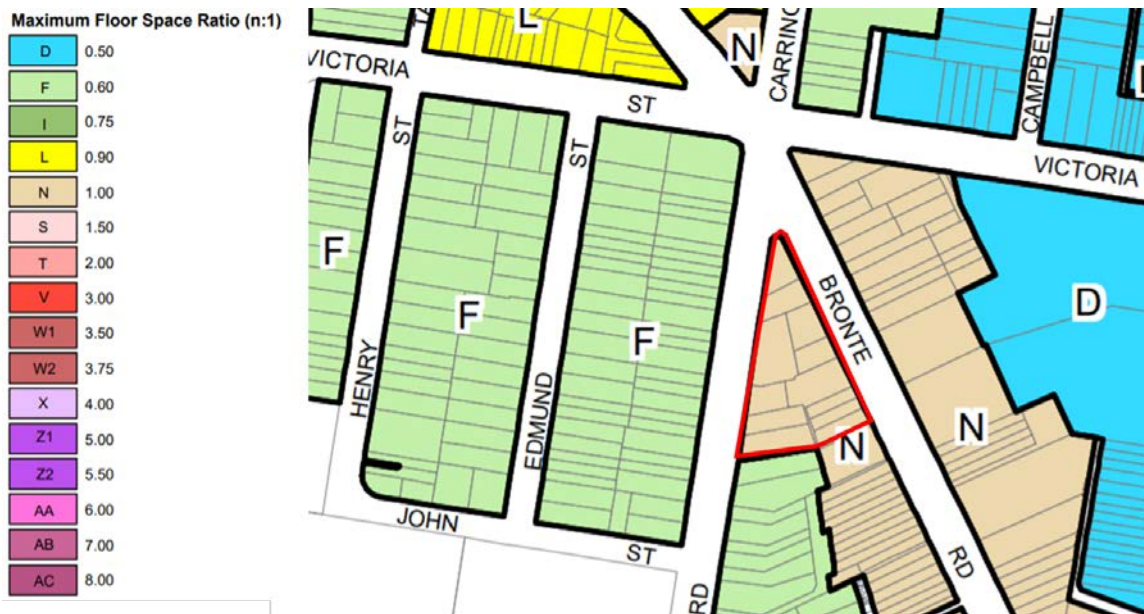


Figure 8 Current floor space ratio map



Figure 9 Proposed floor space ratio map



Figure 10 Current heritage map

2 Need for the planning proposal

The planning proposal states that it is not the result of a specific strategic study. It states that the proposal was a result of consideration of state policies and of Waverley's key strategic documents such as the Waverley Local Strategic Planning Statement (LSPS), 'Our Liveable Places Centres Strategy 2020-2036', and 'People, Movement, and Places Strategy 2017'. The proposal will support the village role of Charing Cross by providing additional and modernised commercial, retail and residential floor space, and public domain improvements.

The planning proposal is the appropriate and best means to include additional floor space and height on the site, and to facilitate the intended outcomes. The extent of the proposed increased heights and FSRs mean it would be inappropriate to consider it via a clause 4.6 variation to a development application. The proposal also seeks to implement an additional local provision. There are no other mechanisms other than a planning proposal to introduce these.

3 Strategic assessment

3.1 District Plan

The site is in the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority E1: Planning for a city supported by infrastructure	The proposal is consistent with this priority as it aligns land use and infrastructure planning in order to maximise the utility of the existing infrastructure assets in Charing Cross. In particular, the site has access to existing bus services and is in proximity to Bondi Junction strategic centre, which has a railway station with links to the Sydney CBD.
Planning Priority E3: Providing services and social infrastructure to meet people's changing needs	The proposal will enable residents to access a range of retail and commercial services locally. The proposal will facilitate development of ground floor retail, activated pedestrian links and publicly accessible open space. The proposal will enhance walkability in the community. The proposal has the potential to increase the liveliness of the centre and improve the public domain.
Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities	<p>The proposal seeks to increase the intensity of uses to support the revitalisation of the Charing Cross village. The proposal will facilitate improved public access from Carrington and Bronte Roads. The concept scheme supporting the proposal illustrates a potential through site link between Carrington and Bronte Roads, and a publicly accessible open space / courtyard within the site. The proposal demonstrates opportunities for public art within the pedestrian link and open space.</p> <p>A draft Public Art Strategy has been prepared by Knight Frank Town Planning (Attachment E) outlining the framework in which to progress the consideration of public art in the final development. This matter could be further addressed in the site-specific DCP.</p> <p>The proposal is considered to encourage a healthy and socially connected community through the provision of publicly accessible open space, pedestrian link and public art.</p>
Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport	The proposal will facilitate residential accommodation (up to 60 apartments based on the concept plan) within close walking distance to public transport, including bus services connecting Charing Cross to Bondi Junction and Randwick Junction strategic centres. The proposal is consistent with objectives relating to greater housing supply with access to employment, services and community infrastructure.
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>The planning proposal is considered consistent with this priority as it seeks to provide improved and expanded retail and commercial uses, bringing people together in the Charing Cross centre by creating business and social connections. The concept scheme demonstrates that the proposal could create a publicly accessible and activated courtyard and through site link which will contribute to the vitality of the centre.</p> <p>The eastern part of the site is within the Charing Cross Heritage Conservation Area. A local heritage item, the Robin Hood Hotel, occupies the northern portion of the site. The proposal will not alter the existing heritage listing affecting the site. The existing building height and FSR development standards applying to the Robin Hood Hotel will remain unchanged.</p>

	The concept scheme demonstrates retention of the street façade and awning of the inter-war building at 223-227 Bronte Road (not a listed heritage item), and upper level setbacks above the existing street wall height. These design measures would conserve the scale and character of the conservation area. Heritage consideration is further discussed at section 4.1 below.
Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres	While the site is not in a strategic centre, it is 1km south of the Bondi Junction strategic centre. The provision of additional non-residential floor space will encourage economic activation and offer retail and business services to the Charing Cross village.
Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid Connections	The proposal provides the opportunity to eliminate multiple existing driveways and vehicle crossings through consolidating into a single entrance, providing the opportunity for street-tree planting.
Planning Priority E18: Delivering high quality open space	The proposal is consistent with this priority as it will facilitate provision of more publicly accessible open space within the locality through a potential courtyard and pedestrian links.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The Waverley LSPS plans ahead for Waverley's economic, social and environmental needs to 2036. The planning proposal responds to some of the key issues identified in the LSPS including increasing open space, creating a diverse and thriving local economy, increasing urban tree canopy, preserving and managing the heritage value of buildings and increasing night-time dining options.</p> <p>The proposal is also consistent with the relevant Directions of the LSPS such as:</p> <ul style="list-style-type: none"> “facilitating a range of housing opportunities in the right places to support and retain a diverse community (Direction 6)” “connect people to inspiring and vibrant places, and provide easy access to shops, services, and public transport (Direction 8)” <p>The proposal responds to local action 9 “Activate Charing Cross with placemaking initiatives including improving the quality and safety of laneways and providing urban open space.” The proposal will achieve this as it facilitates provision of new public open space in proximity to retail and commercial uses.</p> <p>It is noted the planning proposal only provides a high-level summary of alignment with the LSPS. A gateway condition is recommended to address the specific relevant directions/actions in the LSPS.</p>

Community Strategic Plan (CSP) 2018-2029	<p>The Waverley CSP 2018-2029 identifies the community's main priorities and aspirations for the future. The CSP's vision is for Waverley to be <i>"a welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage."</i></p> <p>The proposal is consistent with this as it seeks to celebrate and enhance the vibrancy of Charing Cross village while retaining and enhancing the heritage values of the site. The proposal will provide the potential to improve the liveliness of the centre and enhance local employment and retail opportunities.</p> <p>It is noted the planning proposal document refers to the CSP as 'Waverley Community Strategic Plan 2013-2035'. A gateway condition is recommended to amend this reference.</p>
Waverley Local Housing Strategy 2020-2036	<p>In June 2020, Council's LHS was finalised and forwarded to the Department for endorsement, which is still pending. The LHS includes a proposed housing target of 3,400 dwellings by 2036 to meet implied demands. The proposal is consistent with this strategy as it seeks to provide capacity for up to 60 dwellings in an accessible area in close proximity to services, public open space and transport infrastructure.</p>
Our Liveable Places Centres Strategy 2020-2036	<p>Waverley Council's 'Our Liveable Places Centres Strategy' (formerly called the Draft Village Centres Strategy) considers the character of local and neighbourhood centres and provides a shared vision for the future of these centres to 2036.</p> <p>The Strategy identifies Charing Cross as a local centre that the community identified as 'run down' and in need of some aesthetic improvements. The Strategy proposes revitalisation, public domain improvements and activation of the village to meet the aspirations of the community. The proposal is consistent with this Strategy as it will facilitate a publicly accessible courtyard/square and laneways, and provide improved commercial, retail and residential offerings.</p>

3.3 Local planning panel (LPP) recommendation

On 10 July 2020, the Waverley LPP reviewed the planning proposal for 203-231 Bronte Road and 94-98 Carrington Road, Waverley (**Attachment F**). The Panel stated that:

- there are positive aspects in the current proposal, in particular the breaking up of the building massing and the provision of public open space and laneway connections;
- it supports the proposal subject to a special clause being added that permits an increase of height and FSR only on the basis of a site-specific DCP to achieve an appropriate built form and public domain outcome;
- the maximum FSR in the LEP is to be determined by further modelling of the envelope established by the proposed heights, setbacks, laneways and public spaces;
- it does not support the additional local provision which would enable a 10% increase in height across the site as it considers any variations to height due to topography and minor structures are best determined through the application of clause 4.6;
- it recommends upper level setbacks of 3m above the street wall height and retention of sufficient fabric of the building at 223-227 Bronte Road.

3.4 Background

Previous planning proposal

Part of the site was the subject of a previous planning proposal lodged in June 2018 by Knight Frank Town Planning on behalf of Rayda Investments Pty Ltd and Barbary Coast Investments Pty

Ltd (the Proponent). The planning proposal sought to amend the Waverley LEP 2012 at 203-209 Bronte Road, 223-227 Bronte Road and 94 Carrington Road, Waverley to:

- Increase the maximum building height from 9m to 24m; and
- Increase the maximum FSR from 1:1 to 2.85:1

The Proponent revised the proposal following discussions with Council officers and on 5 February 2019 was submitted with a reduced height and FSR, seeking to:

- Increase the maximum building height from 9m to 18m; and
- Increase the maximum FSR from 1:1 to 2.65:1

Rezoning review

On 22 March 2019, the Proponent lodged a rezoning review with the Department. Subsequently, on 16 April 2019, the Waverley LPP recommended the planning proposal not be forwarded to the Department for a Gateway determination (**Attachment G**). The LPP advised it did not support the planning proposal in its current form, largely due to the adverse impacts from the proposed height and FSR on the character and heritage significance of the locality. On 7 May 2019 the Waverley Strategic Planning and Development Committee resolved not to support the proposal.

On 15 November 2019, the Sydney Eastern City Planning Panel held it did not find the proposal to have strategic merit and stated the site was too small to demonstrate strategic merit (**Attachment H**). The Panel recommended the site be expanded to include the Eastern Suburbs Legion Club and other appropriate land to the south. The Panel also recommended a maximum building height of 13m or thereabouts.

Current planning proposal

A new planning proposal (the subject proposal) was lodged with Council on 24 April 2020. In response to the Panel's comments, the current planning proposal expands the boundary to include the Legion Club and Reece Plumbing sites to create a precinct-based approach. It also reduces the proposed building height and FSR.

The planning proposal states the revised proposal applies a precinct approach to the proposed future development standards, activation, open space and public benefits to broader Charing Cross.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Consistent	Direction 1.1 aims to encourage employment growth and protect industrial and employment lands. This direction applies to the planning proposal as it will affect land within an existing B4 Mixed Use zone. The proposal is considered to be consistent with this direction as it does not seek to change the B4 Mixed Use zoning, rather it seeks additional height and floor space to facilitate redevelopment and intensification of the site. In this way, the proposal will provide the potential for additional

		employment opportunities with an increase in the availability and quality of retail and commercial floor space.
2.3 Heritage Conservation	Consistent	<p>Direction 2.3 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>The site includes the locally listed Robin Hood Hotel (item 453), however no changes to development standard or heritage listing are proposed to this site. The sites fronting Bronte Road are in the Charing Cross HCA.</p> <p>The planning proposal is accompanied by a Heritage Assessment Report prepared by John Oultram Heritage & Design (Attachment I). The assessment sets out key heritage matters that have been considered as part of the broader concept plan. It is considered that the stepping down of heights and setbacks (to be addressed in a site-specific DCP) will contribute to maintaining the existing Bronte Road streetscape and respect heritage.</p> <p>A detailed discussion of the heritage aspect of the proposal is provided in Section 4.1 of this report.</p> <p>The proposal is considered to be consistent with this direction.</p>
2.6 Remediation of Contaminated Land	Inconsistent	<p>Direction 2.6 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The direction applies as there is intent to carry out intensified residential development on land, part of which there is no discussion/knowledge on whether the land is contaminated.</p> <p>A Phase 1 Environmental Site Assessment was conducted by Risktech (Attachment J1) and an updated cover letter was provided (Attachment J2).</p> <p>The Phase 1 report indicated that the site may have the potential for contaminants through the use of unknown fill material, and historic uses; however, it is not significant enough to impact the site's existing commercial use. It recommends that a Phase 2 investigation be undertaken prior to redevelopment, which could occur at the development application stage.</p> <p>The planning proposal document's discussion on contamination focuses specifically on the Hotel/pub (see tables 7 and 12 in the proposal). However, this is only one part and one use of the site, and commentary should be provided to address the entire site with a focus on the proposed intensified residential use.</p> <p>The Phase 1 report and updated letter do not adequately address clause 4(b) of the direction which requires confirmation that the site is suitable in its contaminated state (or will be made suitable after remediation) for all the purposes for which the land in the zone is permitted to be used. A gateway condition has</p>

		<p>been recommended to require confirmation from the consultant in relation to the entire site.</p> <p>In addition, the Phase 1 report and cover letter do not include investigation of the Reece Plumbing sites (229 and 231 Bronte Road, and 98 Carrington Road). As such there is no information around the historical uses on the Reece Plumbing portion of the site. It is considered that a supplementary preliminary contamination investigation report of the Reece Plumbing sites be obtained prior to finalisation</p> <p>Gateway conditions to reflect the above have been recommended accordingly.</p>
3.1 Residential Zones	Consistent	<p>Direction 3.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands.</p> <p>The proposal is considered consistent with this direction as it will increase the potential residential yield and provide a variety of apartment sizes. The proposal will make efficient use of existing infrastructure and services, as the site is located within an established urban area, near schools, shops and public transport.</p>
3.4 Integrated Land Use and Transport	Consistent	<p>Direction 3.4 requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The proposal is consistent with this direction as it will facilitate increased density through residential development in a location close to public transport, with major bus routes adjacent to the site. The site is located near to services, schools and local centres. The site's accessibility to public transport satisfies the objectives of the direction as it seeks to reduce dependence on cars.</p>
6.3 Site Specific Provisions	Partly inconsistent	<p>Direction 6.3 aims to discourage unnecessarily restrictive site-specific planning controls. This direction applies to the planning proposal as it seeks to implement additional specific provisions.</p> <p>The proposal is partly inconsistent with this direction as it seeks to amend the Waverley LEP 2012 by adding a site-specific clause to allow a minor building height exceedance to account for the fall of the land. The proposal also seeks to add a site-specific provision to require the preparation of a DCP.</p> <p>This inconsistency is considered to be minor and justified in this instance as the proposed height variation local provision will allow flexibility to account for the topography of the site. Further, the preparation of a site-specific DCP is an appropriate means to provide more detailed guidance to ensure better design outcomes for the future development. The DCP would promote, among other things, a street wall height and upper level setbacks that are sympathetic to the streetscape character.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP No 65 – Design Quality of Residential Apartment Buildings	SEPP 65 is relevant as the proposal includes a concept design for a mixed-use development of over 3 storeys and more than 4 dwellings. Whilst specific design details will be assessed as part of any future development application, it is relevant to consider the design principles of this SEPP and its relationship to the Apartment Design Guide (ADG)	<p>The proposal considers solar access and heritage impacts, includes shadow diagrams, assesses visual privacy and traffic and parking to conclude that the concept design can satisfy the requirements of the SEPP.</p> <p>A SEPP 65 Design Statement is included in the Urban Design Report by Roberts Day (Attachment K) which addresses the key design requirements of the ADG. An ADG Compliance Analysis is also provided by H&E Architects (Attachment L).</p> <p>These reports indicate the proposed controls can facilitate a future development that would comply with this SEPP and the ADG. The concept demonstrates that it achieves general compliance in relation to solar access, ventilation, overshadowing and building separation.</p>	Yes
SEPP No 55 – Remediation of Land	<p>The overarching objective of this SEPP is to provide a State-wide approach for the remediation of land to reduce the risk of harm to human health and the environment.</p> <p>Clause 6 of the SEPP has been repealed and now forms part of section 9.1 Ministerial Direction, 2.6 Remediation of Land.</p>	An assessment against the provisions of Direction 2.6 is provided in section 3.5 above.	N/A

4 Site-specific assessment

4.1 Environmental

Critical habits and threatened species

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject site. There are no likely environmental impacts that would arise as a result of the planning proposal.

Contamination

The site is zoned B4 Mixed Use and no changes to the zoning are proposed. However, the site is sought to be intensified for retail/commercial and more sensitive residential uses. As discussed above at section 3.5, a Phase 1 Environmental Site Assessment was conducted (**Attachment J1 and J2**), which indicated that the site may have the potential for contaminants through the use of unknown fill material, and historic uses, however not significant enough to impact the site's use.

As outlined in section 3.5 above, Gateway conditions have been recommended to update the planning proposal to provide commentary on the entire site, with a focus on the proposed intensified residential uses. It is recommended that a preliminary contamination investigation report be undertaken for the Reece Plumbing sites. It is also recommended that consultation be undertaken with the Environment Protection Authority.

Potential Built Form

A concept design referred to as 'Charing Square' has been provided with the planning proposal (**Attachment K**), which depicts a mixed-use development ranging between two and four storeys (**Figure 11**). The buildings comprise a mix of ground floor retail/commercial uses, with apartments above. The development is intended to yield approximately 60 residential apartments ranging from 1-3 bedrooms and provide 1,564 sqm of retail floor space and 655 sqm of commercial floor space as indicated in the planning proposal and Transport Impact Assessment by GTA Consultants (**Appendix M**).

The proposal centres around a publicly accessible courtyard with active retail frontages, and a new through site link between Carrington and Bronte Roads. A basement car park is proposed to be accessed off Carrington Road.

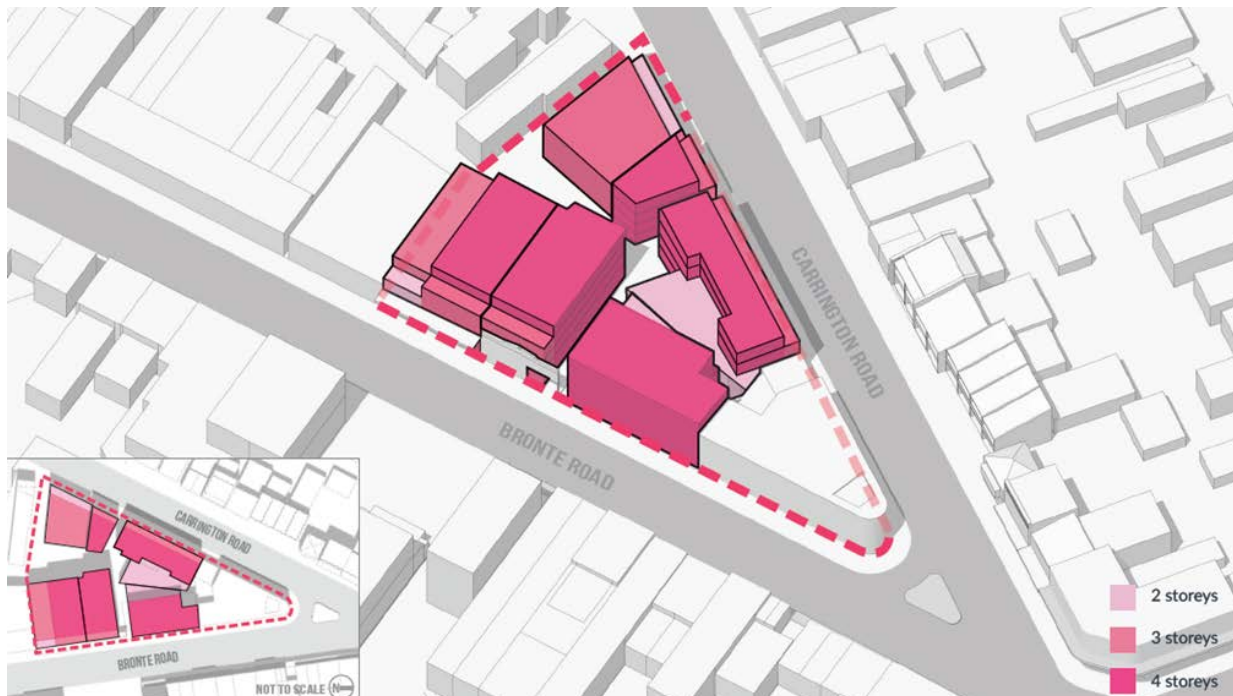


Figure 11 Proposed built form – looking south-west (source: Urban Design Report)

The concept scheme illustrates built form transitions from higher scale at the northern Bronte and Carrington Road frontages (maximum 4 storeys) to lower scale towards the southern boundaries (maximum 3 storeys) of the site (**Figures 12 and 13**).

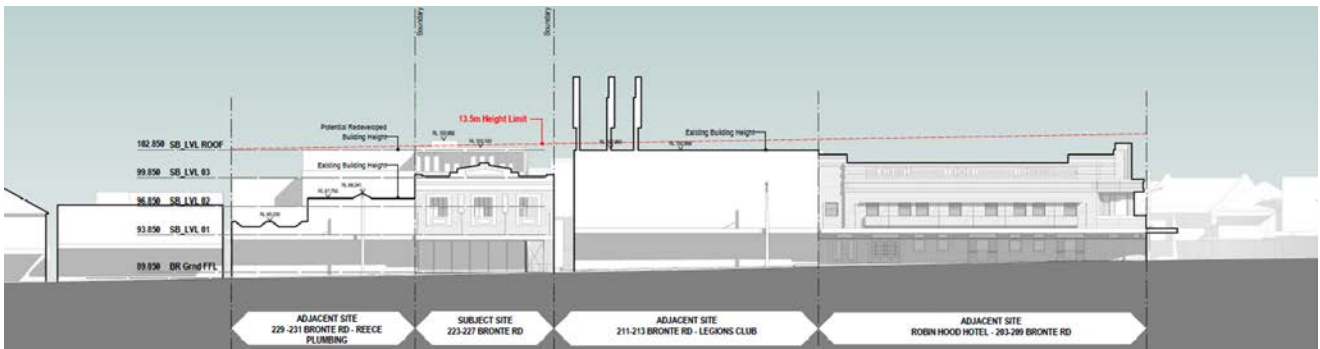


Figure 12 Concept design – elevation, Bronte Road (east) (source: H&E Architects)

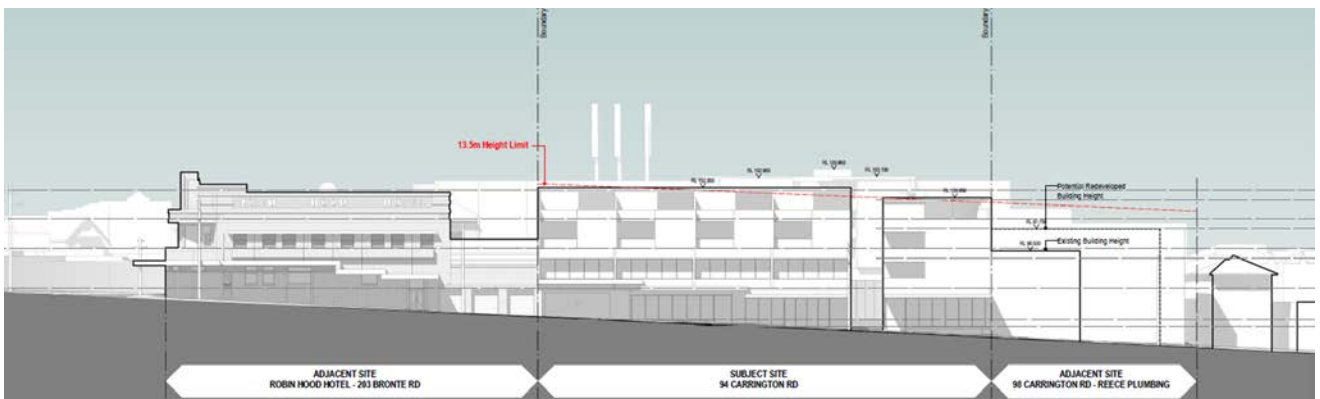


Figure 13 Concept design – elevation, Carrington Road (west) (source: H&E Architects)

The concept scheme also indicates upper levels setbacks (at third or fourth level) which would be required in a site-specific DCP. These setbacks are considered appropriate as they would ensure the street wall height of future developments will be consistent with the existing buildings in the Charing Cross precinct, while allowing additional storeys above.

As informed by the concept design, the proposed height of buildings control steps down from 13.5m to 10m (from north to south) to respond to the streetscape character and heritage items in the vicinity. The transition in the height controls will also enable daylight and a certain level of direct sunlight to the central courtyard in mid-winter.

Heritage

As previously mentioned, the site includes the locally listed Robin Hood Hotel (1453), a two-storey Inter War Art Deco style hotel. However, there are no amendments to development standards applicable to the Hotel or changes to heritage controls. The buildings on the site fronting Bronte Road are in the Charing Cross HCA (**Figure 16**).

Near to the site are various local heritage items:

- Item 455 – *Late nineteenth century commercial terraces* at 245-277 Bronte Road
- Item 456 – *Victorian style commercial terraces houses* at 254 Bronte Road
- Item 413 – *Victorian style terrace house* at 105 Carrington Road
- Item 414 – *Victorian workers' cottages* at 125-127 Carrington Road
- Item 415 – *Victorian/Georgian style timber cottages* at 129 Carrington Road



Figure 16 Heritage map with the site outlined in blue

A Heritage Assessment Report prepared by John Oultram Heritage & Design (**Attachment I**) accompanies the planning proposal. The report considers the heritage significance of the buildings on the site and nearby, and their relationship with the concept scheme. It considers the Robin Hood Hotel can accommodate development of a higher scale to the rear as it is a large robust building that faces north.

The report finds the frontage of the two-storey, Inter War commercial/residential building at 223-227 Bronte Road to be a contributory element to the Charing Cross HCA being from an early phase of development and a robust example of its type (**Figure 17**). The report concludes that *“the other buildings in the proposal are not at a level of significance that would preclude their demolition.”*

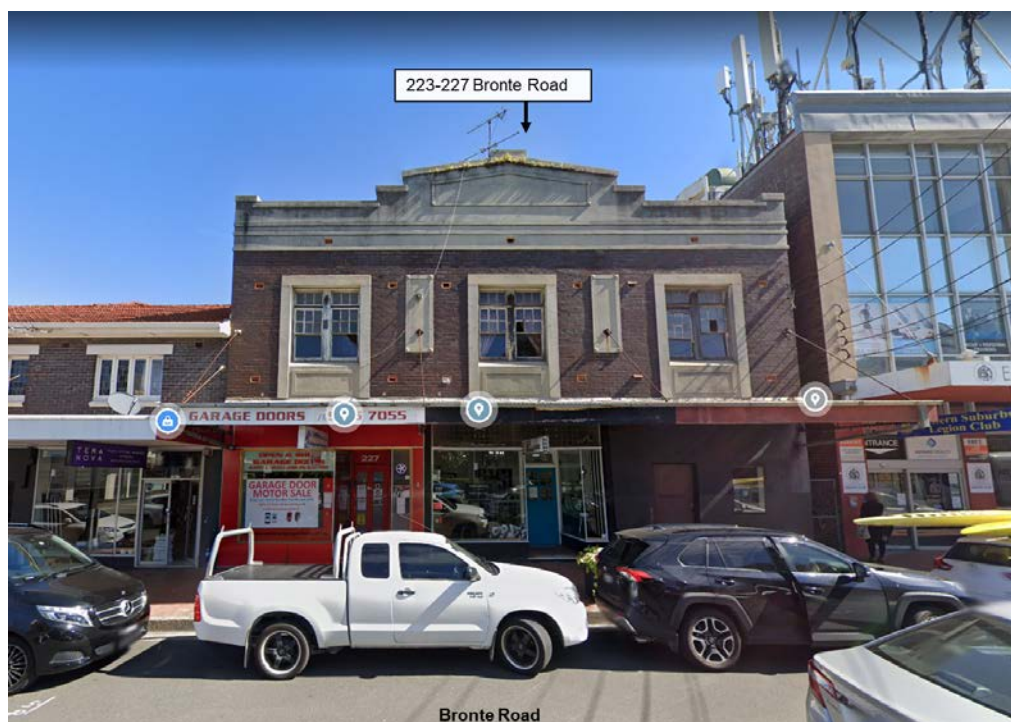


Figure 17 223-227 Bronte Road façade as viewed from Bronte Road (source: Google Maps)

The proposed height controls seek to provide a transition southward down Bronte Road. The concept scheme retains the façade of the 223-227 Bronte Road building to preserve its historic significance and maintain the presence of it in the streetscape.

It is considered that the proposed heights and upper level setbacks respect the built heritage of the Charing Cross area as they would maintain the prevailing scale and character of the street. The report considers overall that *“the site can accommodate this level of development in heritage terms without undue impacts on the general character of the area.”*

The preparation of a site specific DCP will ensure future development will be sympathetic to the Robin Hood Hotel and the HCA, in terms of street frontage heights, upper level setbacks, materiality and detailing. In addition, any development application lodged for the site will need to address impacts upon the HCA and nearby heritage items to ensure any development will not detract from the significance of the area. A condition of Gateway is included requiring consultation with Heritage NSW.

Open Space

The proposal intends to create quality open space through a publicly accessible courtyard and through site pedestrian laneway between Carrington and Bronte Roads (approximately 18% or 620 sqm of the total site area). The through site links are shown in the concept design at a minimum of 3m to allow for pedestrian access (**Figure 14**).



Figure 14 Building separation - ADG Compliance Analysis (source: H&E Architects)

The proposal will improve permeability and walkability around Charing Cross and provide open space accessible by the community. The above elements are supported in principle.

The Department received in house urban design advice on the proposal and concept scheme. The advice identified opportunities for improved legibility and useability of the through-site links and central courtyard, including:

- potential for improved configuration and alignment of the through-site links so that more direct sightlines can be established, notably for the primary link between Carrington Road and Bronte Road; and

- potential for improved movement and outdoor seating and activities in the through-site link via refinement to the dimensions and configuration.

To ensure safety and useability of the proposed laneways and courtyard, the following considerations are recommended to be included in the site-specific DCP:

- promoting movement, legibility and wayfinding;
- ensuring safety and security, activation and casual surveillance;
- amenity of the courtyard, including solar access; and
- consideration of how the development might be staged

Overshadowing

Based on the shadow diagrams in the Urban Design Report (**Attachment K**), the proposal will increase overshadowing to the roofs and courtyards of the residential properties further to the south. It will result in some increase in overshadowing to the footpaths of Carrington and Bronte Roads.

However, the scale of the proposed development is considered to be appropriate from an urban design perspective, and the proposed courtyard will facilitate retention of solar access. Additionally, the location of the site and east-west orientation of the allotments mean that overshadowing of the southern properties will be inevitable.

A Gateway condition is recommended to require more detailed shadow diagrams to describe the impact on the adjoining residential properties to the south, including the impact on the northern windows and private open space areas.

It is acknowledged that further assessment of overshadowing impacts will occur at the development application stage.

Solar Access and Ventilation

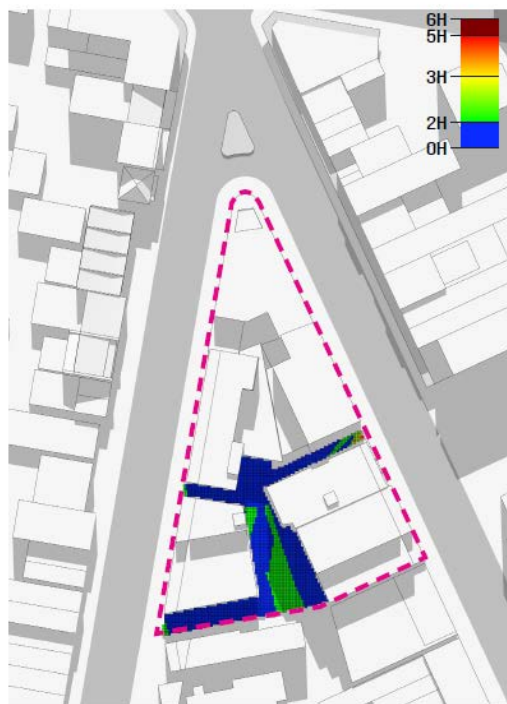
Solar access to the central courtyard:

The Design Criteria under Objective 3D-1 of the ADG provides that “*Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June*”.

Based on the modelling in the Urban Design Report (refer to **Figure 15** below), the southern portion of the proposed courtyard (primarily within the Reece property) is capable of achieving approximately 2 hours of sunlight in mid-winter.

It is recognised that the public courtyard may not reach the ADG requirement. However, given the orientation and configuration of the site, the need to provide functional floor plates for the future buildings, and the public benefit of having through-site links and publicly accessible open space, the concept scheme is considered to deliver a reasonable development outcome and it should not preclude the proposal from proceeding.

WINTER SOLSTICE (21 JUN)



> 15mins:	182.0m ²	27.58%
> 1hr:	140.6m ²	21.3%
> 2hrs:	125.2m ²	19.0%

Figure 15 Solar Access Diagram – 21 June (source: Urban Design Report)

Solar access to the proposed apartments:

The concept scheme indicates predominately east and west facing apartments. Apartments of this orientation would receive direct sunlight in the morning and afternoon period respectively in mid-winter. The ADG Compliance Analysis by H&E Architects (**Attachment L**) includes a diagram indicating that at least 70% of apartments in the buildings would receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter. However, it does not illustrate in sufficient clarity how solar access will be achieved. A Gateway condition has been recommended to require further information to illustrate solar access to future residential dwellings (for example, 'view from the sun' diagrams).

Ventilation to proposed apartments:

The Urban Design Report (**Attachment K**) states that the apartments have been designed to ensure appropriate internal depths not exceeding 11m to allow passive ventilation. The ADG Compliance Analysis by H&E Architects (**Attachment L**) suggests that at least 60% of apartments are naturally cross ventilated. However, it is noted that some of the apartments have single aspect and should not be counted as cross-ventilated. It is also recognised that the concept scheme represents only one indicative development outcome and ventilation aspects will be assessed in more detail at the development application stage.

Noise

The site is subject to potential noise impacts given its location adjacent to Carrington Road (arterial road) and Bronte Road (sub-arterial road) and the five-way intersection of Charing Cross. The indicative design also includes an internal courtyard with shops on the ground level and apartments above on either side which would require consideration of acoustic privacy. It is noted

that detailed assessment of noise impacts would be undertaken as part of any future development application.

Further, the site-specific DCP is to include considerations of environmental impacts such as visual and acoustic privacy, overshadowing and solar access. A Gateway condition has been recommended accordingly.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposal intends to improve the quality, choice and convenience of new and expanded retail and commercial uses within the Charing Cross village. The proposal will also facilitate improved pedestrian amenity through the provision of a publicly accessible courtyard and pedestrian through site links. The proposal seeks to provide 18% of the site as accessible ground level open space through the laneway and Charing Square courtyard.</p> <p>The proposal is also considered to provide social benefits by increasing housing availability and choice.</p>
Economic	<p>It is considered that the proposal would provide economic benefits by creating employment and economic activity during future construction phase of the development.</p> <p>The planning proposal would result in approximately 1,564 sqm of retail floor space and 655 sqm of commercial floor space which is considered to have positive economic impacts and support the Charing Cross local centre.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, and what infrastructure is proposed in support of the proposal.

Table 3 Infrastructure assessment

Infrastructure	Assessment
Traffic and Transport	<p>The site is located in an area well serviced by public transport as the site has access to 7 existing bus services along Bronte and Carrington Roads, including connections to Bondi Junction, Randwick Junction and Eastgardens. The proposal is accompanied by a Transport Impact Assessment by GTA Consultants (Appendix M). The assessment concludes the additional traffic generated by the proposal is not expected to compromise the function of the surrounding road network, with the overall level of service remaining the same as existing conditions.</p>

	<p>The assessment states that the proposal would result in a significant reduction in site traffic generation on Friday and Saturday evenings due to the removal of the drive-through bottle shop.</p> <p>The assessment considers the future development would be able to provide an appropriate number of on-site car parking spaces for the proposed land uses.</p> <p>Further assessment of traffic and parking impacts will occur at the development application stage.</p> <p>A condition of Gateway requires consultation with Transport for NSW.</p>
Infrastructure	<p>Any future development may require utility services to be upgraded and/or augmented to enable the additional future residential population to be accommodated. This is also acknowledged in the planning proposal.</p> <p>As the proposal would intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water, Ausgrid and Transport for NSW. These have been included as Gateway conditions.</p> <p>A letter of offer to enter into a Voluntary Planning Agreement (VPA) (Attachment N) accompanies the proposal with various public benefits. The key items proposed include:</p> <ul style="list-style-type: none"> • construction of and access to a through site link and public square between Bronte and Carrington Roads. • street tree planting along Carrington Road in line with Council's Public Domain Improvement Plan • additional on-street car parking to Carrington Road • retention and repair of façade at 223-227 Bronte Road • monetary contribution to install public art within the site <p>The VPA is a matter of negotiation between Council and the proponent.</p>

5 Consultation

5.1 Community

The planning proposal does not specify a community consultation period.

An exhibition period of 28 days is considered appropriate and forms a condition of the Gateway determination.

5.2 Agencies

The proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Ausgrid;
- Environment Protection Authority;
- Heritage NSW;
- Sydney Water; and
- Transport for NSW

6 Timeframe

A project timeline is included in the planning proposal which has a timeframe of April 2021 to complete the LEP. It is noted this was calculated on outdated key dates.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as the Local Plan-Making authority.

Given the scale and local nature of the proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it demonstrates strategic and site-specific merit in providing housing and retail / business uses in an area close to existing public transport, public open space and local services;
- the proposal is consistent with the Eastern City District Plan, Council's local strategic plans, and relevant SEPPs;
- the height and FSR have been reduced from the original proposals to address concerns raised by the Sydney Eastern City Planning Panel regarding excessive height and FSR;
- redevelopment associated with the proposal would provide for activated ground floor retail and a pedestrian through site link and courtyard to revitalise the Charing Cross area; and
- the concept scheme illustrates that the proposal would not result in unreasonable amenity impacts, and would be sympathetic in form and scale to the Charing Cross heritage conservation area and the heritage listed Robin Hood Hotel.

As discussed in the previous sections 3 and 4, the proposal must be updated to:

- remove any reference to a 10% height variation and replace with a more general provision describing that a variation in height may be considered due to site topography and where the development does not result in any unreasonable massing or amenity impacts ;
- provide a more detailed assessment against the relevant directions/actions in the Waverley LSPS;
- correct the reference to the Waverley Community Strategic Plan 2018-2029;
- provide updated commentary on contamination to confirm the site is or will be suitable for all permissible uses, and provide a preliminary site investigation for the Reece Plumbing site;
- provide more detailed shadow diagrams to describe the impact on the adjoining residential properties to the south;
- provide further information to illustrate solar access to future residential dwellings in the concept scheme; and
- update the project timeline to reflect the progress of the planning proposal.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is minor and justified; and
- Note that the consistency with section 9.1 Direction 2.6 Remediation of Contaminated Land is unresolved and will require additional information and justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal (including relevant attachments) is to be revised prior to public exhibition to address the matters set out below:
 - i. remove the reference to a 10% height variation and replace with a more general provision describing that a variation in height may be considered due to site topography and where the development does not result in any unreasonable massing or amenity impacts;
 - ii. provide a more detailed assessment against the relevant directions and actions in the Waverley Local Strategic Planning Statement;
 - iii. include correct reference to the Waverley Community Strategic Plan 2018-2029;
 - iv. provide shadow diagrams to describe the impact on the adjoining residential properties to the south, including the impact on the northern windows and private open space areas;
 - v. provide further information to illustrate solar access to the future residential dwellings within the concept scheme (for example, 'view from the sun' diagrams); and
 - vi. update the project timeline to reflect the timeframe allowed to complete the LEP.
2. The planning proposal is to contain a provision for a site-specific development control plan (DCP) to consider:
 - i. promoting movement, legibility and wayfinding through the site;
 - ii. ensuring safety and security, activation and casual surveillance;
 - iii. amenity of the courtyard, including solar access;
 - iv. a staging plan for future development; and
 - v. consideration of environmental impacts such as overshadowing, solar access and visual and acoustic privacy.
3. Prior to the finalisation of the planning proposal:
 - i. provide confirmation from an appropriately qualified consultant that the whole site is suitable in its contaminated state (or will be made suitable after remediation), for all the purposes for which the land in the zone is permitted to be used; and
 - ii. include a stage 1 preliminary site investigation of the Reece Plumbing site (229 and 231 Bronte Road, and 98 Carrington Road) in accordance with the requirements of section 9.1 Direction 2.6 Remediation of Contaminated Land.
3. Consultation is required with the following public authorities:
 - Ausgrid;
 - Environment Protection Authority;
 - Heritage NSW;
 - Sydney Water; and
 - Transport for NSW

4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be placed on exhibition no later than 3 months from the date of the Gateway determination.
6. The planning proposal must be reported to council (or Planning Panel) for a final recommendation no later than 7 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



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27 May 2021

Assessment officer

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