

5 November 2018

15623

George Bramis  
General Manager, Shaping Waverley  
55 Spring Street, Bondi Junction  
NSW 2022

Attention – Jaime Hogan, Senior Strategic Planner

Dear George,

**RE: RESPONSE TO COUNCIL MEETING  
WAR MEMORIAL HOSPITAL, 125 BIRRELL STREET, WAVERLEY**

This response and additional information has been prepared by Ethos Urban on behalf of Uniting in relation to a meeting held with Waverley Council (Council) on 12 October 2018 to discuss the active planning proposal for the War Memorial Hospital at 125 Birrell Street, Waverley (the site).

It also addresses the request for additional information raised by the Waverley Local Planning Panel (LPP) during the LPP meeting held on Monday 24 September 2018.

Specifically, the following clarification and additional information is provided:

- The preferred FSR for the site (1.5:1) with accompanying metrics prepared by Cox (**Attachment A**);
- The height of each proposed building under the indicative masterplan relative to ground level with accompanying height map prepared by Cox (**Attachment B**);
- Proposed land use zoning alternative for the site;
- Preferred suite of additional permitted uses and associated caps for the site; and
- An update in relation to the lot acquisition along Birrell Street with accompanying letter issued to land owners (**Attachment C**).

## 1.0 Background

A proponent led rezoning application (planning proposal) was prepared and lodged by Ethos Urban (formerly JBA) on behalf of Uniting for the site to facilitate its future staged redevelopment. The key milestones of the planning proposal are summarised in **Table 1**.

**Table 1 - Planning proposal milestones**

Date	Milestone
4 July 2017	Planning Proposal lodged with Council
17 August 2017	Council request for additional information
8 September 2017	Initial meeting with Council Planners
19 January 2018	Response to request for additional information submitted to Council
14 February 2018	Second meeting with Council Planners
25 May 2018	Second response (amended planning proposal) to request for additional information submitted to Council
24 September 2018	Local Planning Panel meeting
12 October 2018	Third meeting with Council Planners

## 2.0 Floor Space

Further floor space metrics have been prepared and provided by Cox (**Attachment A**). They assume an 85% efficiency rate for the envelopes under the indicative masterplan.

Provided the envelopes under the indicative masterplan were to be developed with the heights proposed by Uniting, they would generate an FSR of 1.47:1. An FSR of 1.58:1 is achieved if the soon to be acquired lots along Birrell Street were included within the site area. Importantly, the metrics also demonstrate that even under the preferred heights of Council, the envelopes if developed, would generate an FSR closer to 1.5:1 (1.34:1 and 1.46:1) as opposed to an FSR closer to 1.2:1.

It is reiterated that an FSR of 1.5:1 will contribute to community uses and community benefit. The existing SP2 zoning on the majority of the site secures this benefit and ensures it is provided. The SP2 zone is the preferred zoning option for Council and imposes on the site, albeit in line with the desired service offering of Uniting, a use which provides a recognised community benefit and restricts other uses which would facilitate a higher value use of the site.

It is not considered unreasonable therefore to seek an FSR of 1.5:1 across the site to ensure that the community uses proposed are feasible and can actually be realised to a point in which the site can significantly extend its role in providing social infrastructure to the Waverley community.

It is further reiterated that the community consultation undertaken prior to the lodgement of the planning proposal expressed no concern with the proposed FSR (1.5:1).

### 3.0 Height

A height plan is provided at **Attachment B**. The height plan demonstrates the actual heights of the Norfolk Pines to be:

- North Norfolk Pine: 126 AHD (32m); and
- South Norfolk Pine: 129 AHD (35m).

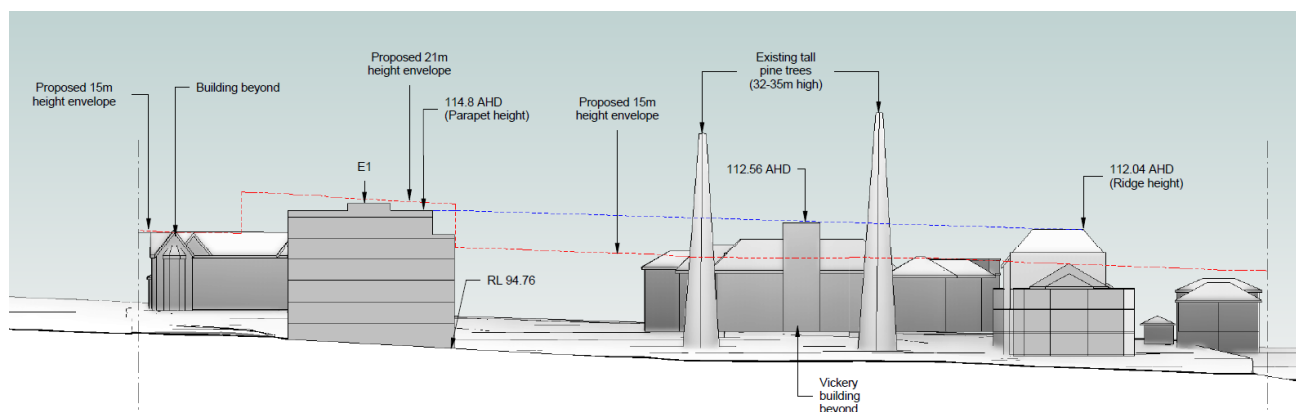
The above heights are derived from the Survey Plan prepared by Dunlop Thorpe and Co (dated 22 April 2016) and have been confirmed by Cox. The survey represents the best measurement of tree heights and is considered more accurate than the nominal heights in the Arborist Report lodged with the planning proposal.

The Norfolk Pines are in the order of 32-35m high, perched on the higher part of the site. They sit on ground levels between 94.55 and 94.78 AHD. Envelope C1 and D2 under the indicative masterplan sit on ground levels between 89.86 and 91.0 AHD. As this portion of the site has ground levels between 3 and 4 metres lower than the pines, any development within the 28m height zone like envelope C1 and D2 would represent as 24m relative to the Pines. This, combined with the physical distance (40m) between the Pines and the 28m height envelope, is considered appropriate as to ensure development up to 28m does not detract from the visual prominence of the Pines.

If development up to 28m within the central portion of the site is still considered to challenge the Pines, Council is requested to consider a maximum height of 24m within the central portion of the site. A 24m height limit is an existing height band within the *Waverley Local Environmental Plan 2012* and would still achieve an appropriate built form envisioned under the indicative masterplan. It will also assist in demonstrating a more sympathetic approach to the site's existing heritage as well as the surrounding built form, and reduce the ground coverage of the envelopes, creating more room for the retention of key sight lines and open space.

In addition, Council raised concern about Building E1 in the indicative masterplan, in relation to the existing courtyard and Ellerslie House. The proposed building E1 has an effective height of 21m. The difference in height between this building and the existing Vickery Building and War Memorial Hospital is at its maximum, 3.8m. The difference in height is mitigated by the raised ground level of the Vickery Building and the significant physical distance between Building E1 and the Hospital (61m).

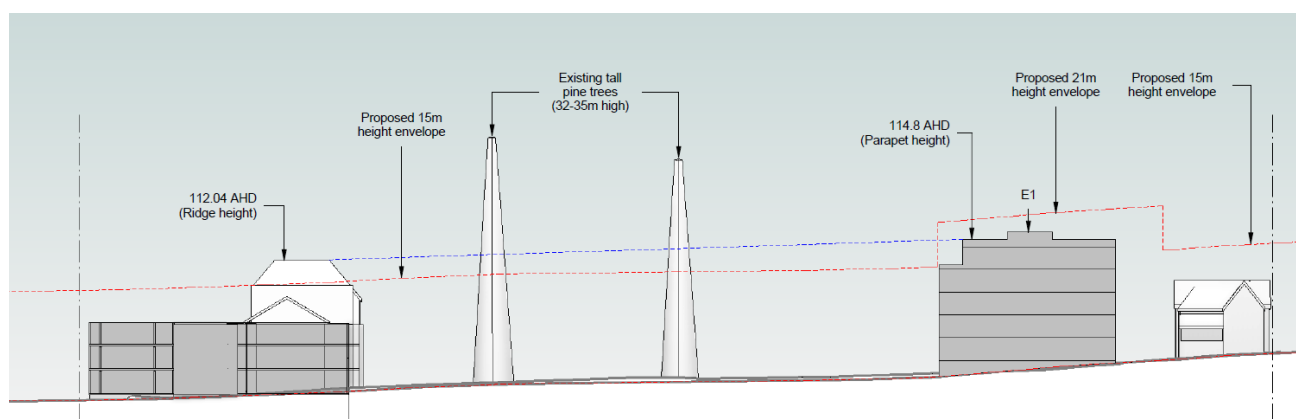
The perceived height and scale of the E1 envelope should also be considered. When standing within the courtyard, the ridge height, not only the parapet height of the Hospital is visible. This increases the perceived height of the Hospital from ground level, and supported by the setback given to the parapet of Building E1, gives the perception at eye level that the enclosing facades around the courtyard are generally consistent in scale and height (refer to **Figure 1**) without any individual elements which challenge the existing qualities of the Vickery Building and the Hospital. This is consistent with CMP Policy 11 applicable to the site which enables development to be larger as long as there is a consistency in scale.



**Figure 1 - Proposed envelope and existing courtyard – section looking east towards Carrington Road**

Source: Cox

Any variation in roof alignment which can be identified away from the courtyard and more broadly from within the site is desirable from a heritage perspective and contributes to the varied architectural features of the Vickery and Hospital building rooflines. From outside the site, the scale of the proposed Building E1 envelope and its distance between the courtyard assists in further perceiving a generally consistent scale of built form within the site (refer to **Figure 2**).



**Figure 2 - Proposed envelope – section looking west from Carrington Road**

Source: Cox

It is further noted that the height of the Building E1 envelope accommodates all building elements inclusive of parapets, plant and lift overruns. Its apparent bulk and scale would be considerably less than the envelope might suggest as any future building will need to incorporate articulation and modulation in the building design.

The ridge height of Ellerslie House is 109.17 AHD which approximates an effective height of 12m. Although proposed Building E1 exceeds 12m, it has a natural ground level 3.02m higher than the ground level of Building E1. This, combined with the separation distance between the two buildings is appropriate in reducing the perceived difference in scale.

Notwithstanding the setback distance detailed above, the existing commentary prepared by Hector Abrahams submitted to Council, and the CMP prepared for the site demonstrates (within Policy 11) that it is not discordant for larger buildings to exist on the site.

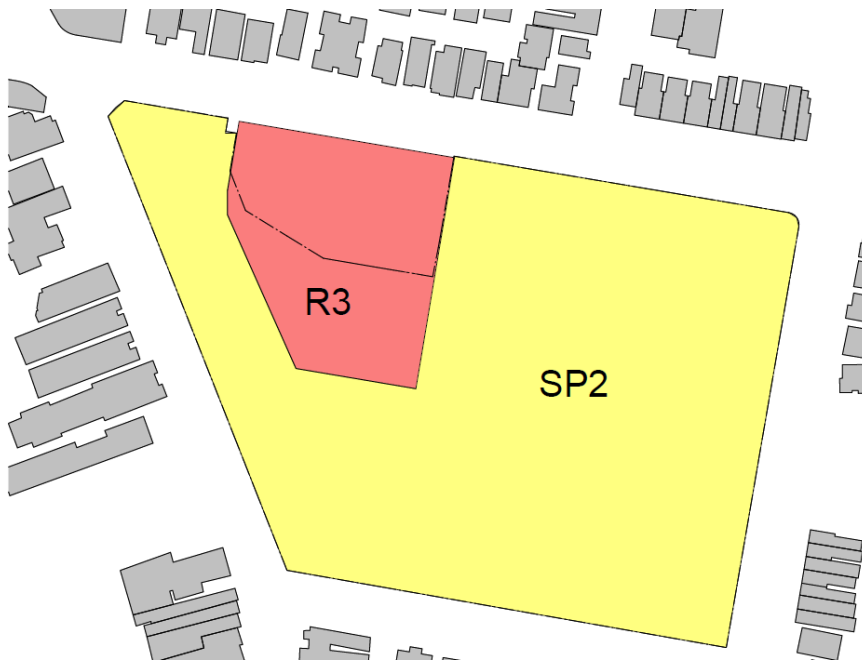
## 4.0 Zoning

Following discussions with the LPP during the LPP meeting and raised as a potential option, Uniting is seeking to revise the existing zoning on the site and consolidate the existing R3 zoned land within a single portion on the site.

Specifically, the zoning option proposed includes:

- Retention of the existing zoning across the site (part SP2 Infrastructure and part R3 Medium Density Residential);
- Redistribution of existing R3 zoned land across the site into a single and consolidated portion of developable land; and
- Introduction of a site-specific zone boundary provision.

The redistribution of the existing R3 zoned land (refer to **Figure 3**) does not propose to increase the quantum of R3 zoned land on the site. It solely, as detailed above, seeks to provide a more feasible and workable portion of R3 land compared to the narrow and irregular portions currently available.



**Figure 3 - Proposed zoning option with existing R3 zoned land redistributed across the site**

Source: Cox

The redistribution of the existing R3 zoned land across the site is reliant on the inclusion of the lots along Birrell Street. Uniting has acquired the majority of these lots. A letter has been issued to each of the land owners of the yet to be acquired lots (99, 101 and 117 Birrell Street) by Uniting (**Attachment C**) seeking their consent in writing for the inclusion of their lot within the planning proposal (refer to **Section 6.0**).

### Site-specific zone boundary

A site-specific zone boundary is also proposed to support the zoning option detailed above. The objective of the site-specific zone boundary provision is to:

- Mitigate any issues of permissibility which may arise from split zoning across the site; and
- Provide a degree of flexibility in the case a more appropriate and logical built form outcome can be achieved with minor encroachment into the surrounding SP2 zone.

The level of encroachment available under the site-specific provision would be restricted by a physical distance in metres. This will ensure development which is permissible in the R3 zone cannot take advantage of, and significantly extend into the SP2 zone.

Indicative drafting of such a provision is provided for explanatory purposes below:

***Development across zone boundaries***

*(1) This clause applies to so much of any land that is within the relevant distance of a zone boundary between two zones on land identified as the War Memorial Hospital bound by Birrell Street, Bronte Road, Church Street and Carrington Road. The relevant distance is 20m.*

*(2) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*

*(3) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*

*(a) the development is not inconsistent with the objectives for development in both zones, and*

*(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

***(4) This clause does not permit additional gross floor area for residential flat buildings greater than that permitted in the R3 zoned land under this plan.***

***(emphasis added)***

*(5) This clause does not prescribe a development standard that may be varied under this Plan.*

## 5.0 Additional Permitted Uses

Several uses are proposed across the site under Schedule 1. To ensure their intensity is controlled, several of the uses are proposed to be capped.

The caps will achieve a principle outcome of the masterplan which is to activate the precinct and invite the community in. They will also control the intensity of the additional permitted uses and ensure they remain subservient to the dominant uses proposed without adversely impacting existing patterns of retail, business and traffic.

### 5.1 Additional uses proposed under Schedule 1

Similar to the recommendation of Council, additional permitted uses are proposed in two categories. Those which are permissible across the site, and those which are permissible provided it can be demonstrated that they are ancillary to and associated with the health service facility.

The following additional permitted uses are proposed:

- Seniors housing (in the SP2 zone);
- Community facilities (in the SP2 zone);
- Centre-based child care facility (in the SP2 zone);
- Retail premises (capped at 450m<sup>2</sup>) (in the R3 and SP2 zone);
- Business premises (capped at 5,390m<sup>2</sup>) (in the R3 and SP2 zone); and
- Hotel or motel accommodation (capped at 127 beds) (in the R3 and SP2 zone).

In addition, the following additional permitted uses are proposed across the site, provided it can be demonstrated they are ancillary to and associated with the health services facility:

- Serviced apartments; and
- Function centre.

### **Seniors housing and community facilities**

The draft recommendations of Council support the provision of seniors housing and community facilities across the site under Schedule 1 of the WLEP 2012. These are supported by Uniting and the recommendation is proposed to be unchanged.

### **Centre-based child care facility**

Development for the purpose of centre-based child care facility is proposed as an additional permitted use in the SP2 zone.

Council previously recommended the provision of centre-based child care facilities provided only if it can be demonstrated to be ancillary to and associated with health service facilities. This is ambiguous and subjective and would not guarantee the provision of a centre-based child care facility on the site.

In future circumstances (i.e. DA phase), a centre-based child care facility may not be considered by the consent authority to be ancillary to the existing health service facility. To be considered ancillary, a centre-based child care facility would need to serve the dominant purpose (health service facility) and therefore, likely be required to accommodate the children of either persons receiving medical or other health improvement services, or the staff providing these services.

It is unlikely the quantum of children associated with these persons, especially as the majority will be seniors, would be high enough to feasibility provide a dedicated centre-based child care facility. Notwithstanding, centre-based child care facilities as ancillary is restrictive and does not give Uniting certainty that they can provide childcare services to the broader community, inline with their intended service offering as a community service provider.

### **Retail premises**

Retail premises are proposed across the site under Schedule 1 (in the R3 and SP2 zone) albeit restricted by a floorspace cap of 450sqm. The cap will provide Council a mechanism to ensure the intensity of retail premises is limited to a scale which remains subservient to the primary uses of the site; and reduces impacts to existing patterns of retail and traffic.

As detailed above, the provision of small-scale retail premises across the site contributes to the intended outcomes of the masterplan which is to, inter alia, activate the precinct and invite the community in without adversely impacting existing patterns of retail, business and traffic.

### Business premises

Business premises are proposed to be permissible in the R3 and SP2 zone but capped at 5,400m<sup>2</sup>. This is considered a suitable level of floor space in line with the overall floor space increase under the site's future redevelopment. The site currently provides approximately 2,940m<sup>2</sup> which comprises the floor space of the heritage buildings including Ellerslie House, the Vickery Building as well as the Banksia, Zante and Stables buildings.

### Hotel motel accommodation

Hotel motel accommodation proposed to be permissible in the R3 and SP2 zone but capped at 127 beds. The Hunter Lodge within the site currently accommodates 69 beds. It has been estimated an additional 58 beds would be suitable to accommodate Uniting's accommodation service in line with the increase of seniors housing and floor space under the site's future redevelopment.

## 6.0 Lot Acquisition

The lots along Birrell Street are proposed to be included within the planning proposal. Uniting is currently in the process of corresponding with the land owners of the yet to be acquired lots (99, 101 and 117 Birrell Street) and has received verbal by these land owners accepting their inclusion within the planning proposal.

A letter has been issued to each of the land owners by Uniting (**Attachment C**) seeking their consent in writing. These letters will be submitted to Council under separate cover once signed.

## 7.0 Heritage

Council has recommended further investigation in relation to the site's existing heritage, namely regarding existing discrepancies in heritage mapping across the site as well as amending the significance of the site's heritage from local to state. It is reiterated to Council that this recommendation and any future investigation in relation to the site's heritage not inhibit the progression of the planning proposal.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or by email at [AAntoniazzi@ethosurban.com](mailto:AAntoniazzi@ethosurban.com).

Yours sincerely,



**Arcangelo Antoniazzi**  
Urban Planner  
9409 4991  
[aantoniazzi@ethosurban.com](mailto:aantoniazzi@ethosurban.com)



**Gordon Kirkby**  
Director  
9956 6962  
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## FSR Metrics

Cox

Building Envelopes

at

85.00%

	SUBMITTED PROPOSAL		AMENDED SCHEME POST-LPP CONTROLS	
Buildings (Existing and New)	OPTION A -ex Birrell	OPTION B - incl Birrell	OPTION C -ex Birrell	OPTION D - incl Birrell
A-1	3938	3938	3938	3938
A-2	3439	3439	3439	3439
B - RAC	11018	11018	11018	11018
C-1	7914	7914	5843	5843
D-1	3931	3931	3604	3604
D-2	3576	3576	3576	3576
E-1	4757	4757	3174	3174
F1 Future site	0	8747	0	8747
Ellerslie (O'Reilly Building)	360	360	360	360
Banksia / Wych Hazel	513	513	513	513
Zante	594	594	594	594
Chapel	78	78	78	78
Vickery Building	1568	1568	1568	1568
Hospital	4568	4568	4568	4568
Total GFA sqm	46255	55001	42273	51019
Total Site Area sqm	31640	31640	31640	31640
Total Birrell St Site Area sqm	0	3340	0	3340
Total FSR	1.46	1.57	1.34	1.46

Project:

Uniting Waverley

Drawing Title:

FSR Metrics

Drawing Number:

10-03

Revision:

A

Date:

25/10/2018

Scale:

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Nominated Architects  
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Russell Lee no. 6367

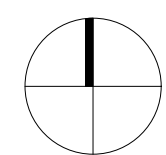
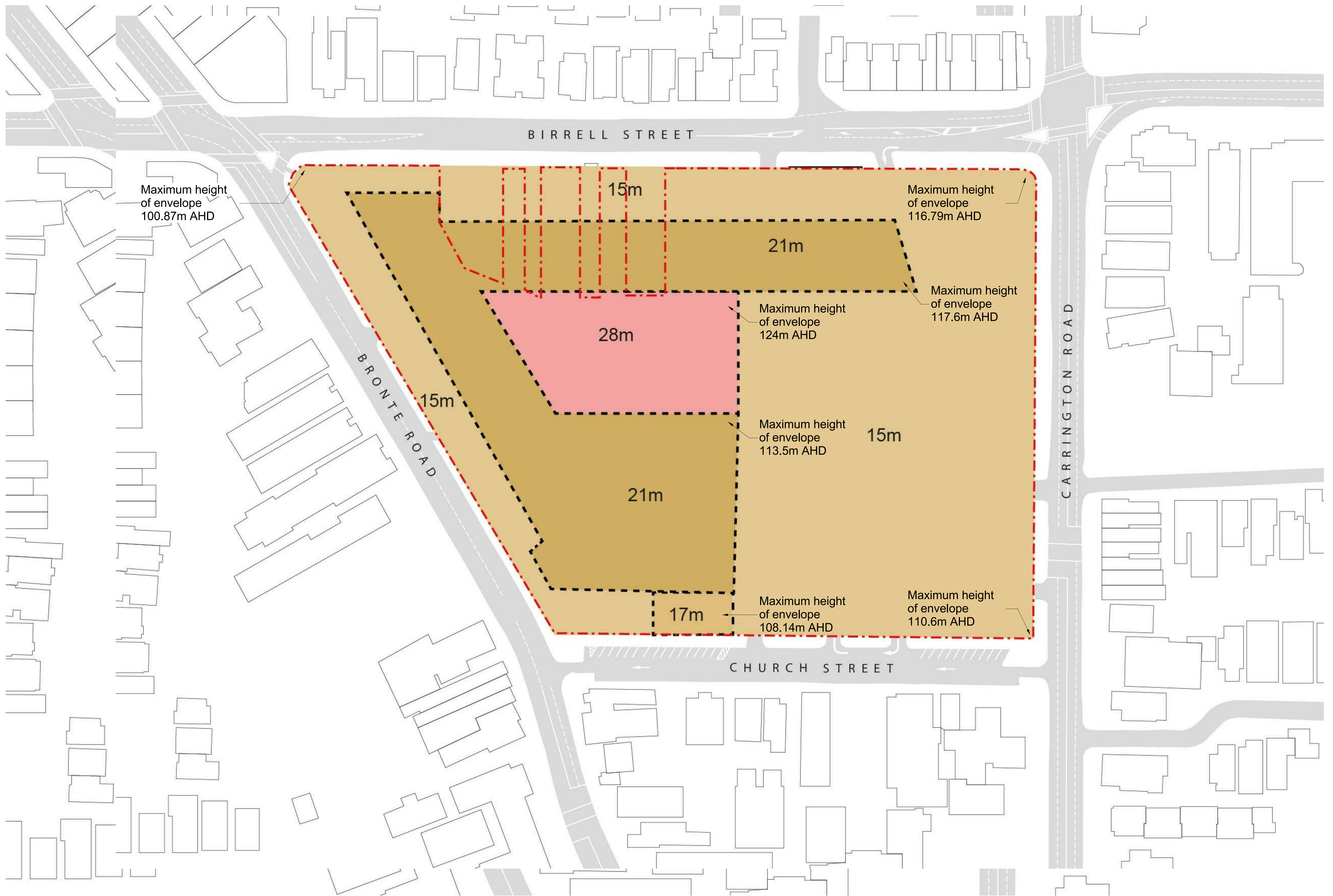


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## Indicative Masterplan Heights

Cox





Project:

**Uniting Waverley**

Drawing Title:

**Heights and Levels**

Drawing Number:

**10-00**

Revision:

**A**

Date:

**25/10/2018**

Scale:

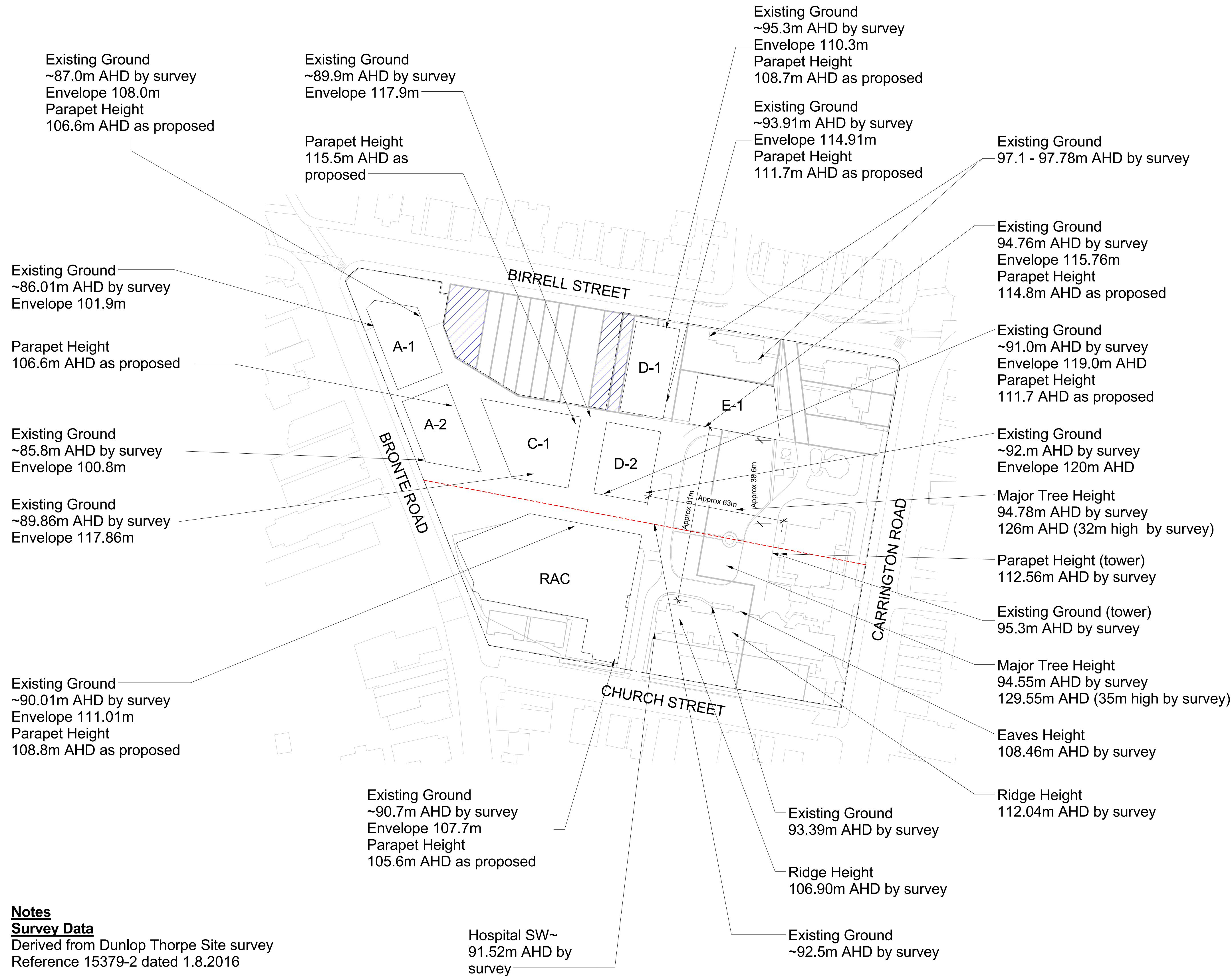
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**Nominated Architects**  
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Russell Lee no. 6367

**COX**

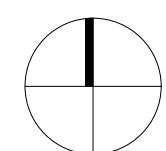




**Notes**  
**Survey Data**  
Derived from Dunlop Thorpe Site survey  
Reference 15379-2 dated 1.8.2016

**Building Heights** are approximate subject to future design development

**Envelope levels** are based on proposed heights above existing ground levels directly below



Waverley Heights Study - summary as provided by Cox dwg 10-00

Location	Existing ground AHD	Envelope AHD	Parapet Height AHD (unless specified otherwise)
New Buildings			
A1 Building NE corner	87	108	106.6
A1Building NW corner	86.9	101.9	
A2 Building SW Corner	85.8	100.8	106.6
C1 Building NE Corner	89.9	117.9	115.5
C1 Building SW Corner	89.86	117.86	
D1 Building NE Corner	95.3	110.3	108.7
D1 Building SE Corner	93.91	114.91	111.7
D2 Building SW Corner	91	119	111.7
D2 Building SE Corner	92	120	
E1 Building SW Corner	94.76	115.76	114.8
RAC Building SE Corner	90.7	107.7	105.6
RAC Building N Side	90.01	111.01	108.8
Heritage Items			
Ellerslie	97.1- 97.78	-	109.17 (ridge)
Heritage Garden	94 average (92.5 AHD spot level)	-	-
Major Tree NP N	94.78	-	126 (note 32m high)
Major Tree NP S	94.55	-	129.55 (note 35m high)
Vickery Tower	95.3	-	112.5
Hospital SE	93.39	-	112.04 (ridge), 108.46 (eaves)
Hospital SW	91.52	-	106.90 (ridge)

Project:

Uniting Waverley

Drawing Title:

Heights Study

Drawing Number:

10-02

Revision:

A

Date:

25/10/2018

Scale:

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Nominated Architects  
Joe Agius no. 6491  
Russell Lee no. 6367



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## **Lot Acquisition Letters**

Uniting

Waverley Council  
C/C The General Manager  
PO Box 9  
BONDI JUNCTION 1355

Dear General Manager,

**Re: Zoning changes to 99 Birrell Street, Waverley**

Our neighbours Uniting have contacted us as the owner of property of the above address in regards to the proposed plans for the Uniting site. We understand the following:

- Our property is currently being contemplated by Uniting and Waverley Council to be part of the current Planning Proposal as submitted to council in July 2017;
- Under the Waverley Local Environment Plan 2012 our property is currently on land:
  - zoned R3 Medium Density Residential. This is to remain unchanged;
  - zoned with a Floor Space Ratio of 0.6:1 and is currently being contemplated to be increased upward;
  - zoned with a maximum building height of 9.5 meters and is currently being contemplated to be increased upward.

We agree to the above and to our property being included in the Planning Proposal as submitted to council in July 2017.

Yours sincerely,

Owner of Property 99 Birrell Street, Waverley  
Dated



Waverley Council  
C/C The General Manager  
PO Box 9  
BONDI JUNCTION 1355

Dear General Manager,

**Re: Zoning changes to 101 Birrell Street, Waverley**

Our neighbours Uniting have contacted us as the owner of property of the above address in regards to the proposed plans for the Uniting site. We understand the following:

- Our property is currently being contemplated by Uniting and Waverley Council to be part of the current Planning Proposal as submitted to council in July 2017;
- Under the Waverley Local Environment Plan 2012 our property is currently on land:
  - zoned R3 Medium Density Residential. This is to remain unchanged;
  - zoned with a Floor Space Ratio of 0.6:1 and is currently being contemplated to be increased upward;
  - zoned with a maximum building height of 9.5 meters and is currently being contemplated to be increased upward.

We agree to the above and to our property being included in the Planning Proposal as submitted to council in July 2017.

Yours sincerely,

Owner of Property 101 Birrell Street, Waverley  
Dated

Waverley Council  
C/C The General Manager  
PO Box 9  
BONDI JUNCTION 1355

Dear General Manager,

**Re: Zoning changes to 117 Birrell Street, Waverley**

Our neighbours Uniting have contacted us as the owner of property of the above address in regards to the proposed plans for the Uniting site. We understand the following:

- Our property is currently being contemplated by Uniting and Waverley Council to be part of the current Planning Proposal as submitted to council in July 2017;
- Under the Waverley Local Environment Plan 2012 our property is currently on land:
  - zoned R3 Medium Density Residential. This is to remain unchanged;
  - zoned with a Floor Space Ratio of 0.6:1 and is currently being contemplated to be increased upward;
  - zoned with a maximum building height of 9.5 meters and is currently being contemplated to be increased upward.

We agree to the above and to our property being included in the Planning Proposal as submitted to council in July 2017.

Yours sincerely,

Owner of Property 117 Birrell Street, Waverley  
Dated